

Planning and Rights of Way Panel

Tuesday, 13th March, 2012
at 9.30 am

PLEASE NOTE TIME OF MEETING

Conference Rooms 3 and 4 - Civic
Centre

This meeting is open to the public

Members

Councillor Jones (Chair)
Councillor Claisse (Vice-Chair)
Councillor Mrs Blatchford
Councillor Cunio
Councillor L Harris
Councillor Osmond
Councillor Thomas

Contacts

Democratic Support Officer
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PUBLIC INFORMATION

Terms of Reference

The Panel deals with various planning and rights of way functions. It determines planning applications and is consulted on proposals for the draft development plan.

Public Representations

At the discretion of the Chair, members of the public may address the meeting about any report on the agenda for the meeting in which they have a relevant interest.

Members of the public in attendance at the meeting are advised of the process to be followed.

Southampton City Council's Seven Priorities

- More jobs for local people
- More local people who are well educated and skilled
- A better and safer place in which to live and invest
- Better protection for children and young people
- Support for the most vulnerable people and families
- Reducing health inequalities
- Reshaping the Council for the future

Smoking policy – The Council operates a no-smoking policy in all civic buildings

Mobile Telephones – Please turn off your mobile telephone whilst in the meeting.

Fire Procedure – In the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

Access – Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

Dates of Meetings: Municipal Year 2011/12

2011	2012
24 May 2011	17 January 2012
21 June	14 February
19 July	13 March
16 August	17 April
6 September	
27 September	
25 October	
22 November	
20 December	

CONDUCT OF MEETING

Terms of Reference

The terms of reference of the Planning and Rights of Way Panel are contained in Part 3 (Schedule 2) of the Council's Constitution

Business to be discussed

Only those items listed on the attached agenda may be considered at this meeting.

Rules of Procedure

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

Quorum

The minimum number of appointed Members required to be in attendance to hold the meeting is three.

Disclosure of Interests

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "personal" or "prejudicial" interests they may have in relation to matters for consideration on this Agenda.

Personal Interests

A Member must regard himself or herself as having a personal interest in any matter:

- (i) if the matter relates to an interest in the Member's register of interests; or
- (ii) if a decision upon a matter might reasonably be regarded as affecting to a greater extent than other Council Tax payers, ratepayers and inhabitants of the District, the wellbeing or financial position of himself or herself, a relative or a friend or:-
 - any employment or business carried on by such person;
 - any person who employs or has appointed such a person, any firm in which such a person is a partner, or any company of which such a person is a director;
 - any corporate body in which such a person has a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
 - any body listed in Article 14(a) to (e) in which such a person holds a position of general control or management.

A Member must disclose a personal interest.

/Continued...

Prejudicial Interests

Having identified a personal interest, a Member must consider whether a member of the public with knowledge of the relevant facts would reasonably think that the interest was so significant and particular that it could prejudice that Member's judgement of the public interest. If that is the case, the interest must be regarded as "prejudicial" and the Member must disclose the interest and withdraw from the meeting room during discussion on the item.

It should be noted that a prejudicial interest may apply to part or the whole of an item.

Where there are a series of inter-related financial or resource matters, with a limited resource available, under consideration a prejudicial interest in one matter relating to that resource may lead to a member being excluded from considering the other matters relating to that same limited resource.

There are some limited exceptions.

Note: Members are encouraged to seek advice from the Monitoring Officer or his staff in Democratic Services if they have any problems or concerns in relation to the above.

Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

Agendas and papers are available via the Council's Website

1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

To note any changes in membership of the Panel made in accordance with Council Procedure Rule 4.3.

2 DISCLOSURE OF PERSONAL AND PREJUDICIAL INTERESTS

In accordance with the Local Government Act 2000, and the Council's Code of Conduct adopted on 16th May 2007, Members to disclose any personal or prejudicial interests in any matter included on the agenda for this meeting.

NOTE: Members are reminded that, where applicable, they must complete the appropriate form recording details of any such interests and hand it to the Panel Administrator prior to the commencement of this meeting.

3 STATEMENT FROM THE CHAIR

4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)

To approve and sign as a correct record the Minutes of the meeting held on 14 February 2012 and to deal with any matters arising, attached.

CONSIDERATION OF PLANNING APPLICATIONS

ITEMS TO BE HEARD BETWEEN 9:30 AM TO 9:35 AM

5 39 ARCHERS ROAD /11/01336/FUL

Report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address, attached.

ITEMS TO BE HEARD BETWEEN 9:35 AM TO 10:30 AM

6 AREA HOUSING OFFICE, PARKVILLE ROAD /12/00033/FUL

Report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above

address, attached.

ITEMS TO BE HEARD BETWEEN 10:30 AM TO 11:00 AM

7 LAND TO THE REAR OF 6-7 CRANBURY TERRACE / 11/01945/FUL

Report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address, attached.

ITEMS TO BE HEARD BETWEEN 11:00 AM AND 11:30 AM

8 13 GROSVENOR ROAD / 11/02001/FUL

Report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address, attached.

ITEMS TO BE HEARD BETWEEN 11:30 AM TO 12:10 PM

9 LAND ADJACENT TO 97 BOTANY BAY ROAD / 12/00128/FUL

Report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address, attached.

ITEMS TO BE HEARD BETWEEN 12:10 PM AND 12:45 PM

10 14 SPRING CRESCENT / 11/01874/FUL

Report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address, attached.

ITEMS TO BE HEARD BETWEEN 1.45 PM AND 2.30 PM

11 CENTENARY QUAY, VICTORIA ROAD / 11/01923/REM

Report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address, attached.

ITEMS TO BE HEARD BETWEEN 2.30 PM AND 3.00 PM

12 THORNERS COURT, HENSTEAD ROAD / 11/01216/FUL

Report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address, attached.

Monday, 5 March 2012

HEAD OF LEGAL, HR AND DEMOCRATIC
SERVICES

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PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 14 FEBRUARY 2012

Present: Councillors Jones (Chair), Mrs Blatchford, Cunio, L Harris, Osmond, Thomas and B Harris

Apologies: Councillor Claisse

89. **APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)**

The Panel noted that Councillor B Harris was in attendance as a nominated substitute for Councillor Claisse in accordance with Procedure Rule 4.3.

90. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED that the Minutes of the Meeting held on 17th January 2012 be approved and signed as a correct record.

91. **39 ARCHERS ROAD / 11/01336/FUL**

The Panel considered the report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Redevelopment of the site. Demolition of the existing building and erection of a part 3-storey, part 4-storey and part 5-storey building to provide 20 flats (7 x 1-bedroom, 7 x 2-bedroom and 6 x 3-bedroom) with associated storage and parking. (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Puplampu (Agent), Ms Wilson and Mr Wilson (objecting) (Local Residents) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an adjustment to Condition 23 so that it should read:

23. APPROVAL CONDITION - Obscure Glazed Windows [performance condition]

Before the development first comes into occupation, the windows on the east-facing side elevation of the development hereby approved shall be obscurely glazed and non-opening up to a height of 1.7 metres from the internal floor level. The windows shall be thereafter retained in this manner.

REASON

In the interests of the privacy of the neighbouring residential occupiers. (i.e. delete word 'not' and insert word 'be').

RESOLVED that planning permission be refused for the following reasons:

RECORDED VOTE:

FOR: Councillors Cunio, B Harris, L Harris, Jones

AGAINST: Councillors Mrs Blatchford, Osmond, Thomas

1. Refusal reason – Inadequate level of car parking

Notwithstanding the council's adopted Supplementary Planning Document (SPD) on Parking Standards, which are expressed as maximum quantum of parking that can be proposed to serve new development, the council considers that the provision of 10 parking spaces would be inadequate to help meet the travel demands of occupiers of the new flats. In particular, it is considered that this would provide a poor level of amenity for occupiers of the new flats with poor surveillance of any vehicles that would need to be parked off-site. And it is considered that it would harm the amenity of adjoining residents by exacerbating on-street parking difficulties, owing to overspill parking being generated by the new flats, which cannot be accommodated on site. As such, the proposed development is considered to be contrary to the following Policies from the Development Plan for Southampton:-

City of Southampton Local Plan Review (March 2006) 'saved' policies SDP1 (i – particularly the guidance set out in paragraphs 5.2.12-5.2.13 of the Residential Design Guide SPD [September 2006]) and SDP10 (ii);

City of Southampton Local Development Framework Core Strategy Document (January 2010) policies CS13 (4)/(10)/(11).

2. Refusal reason - Poor quality of design

The proposed development is considered to exhibit the following aspects of poor quality design, which are considered harmful to the character and appearance of the surrounding area and amenities of adjoining residential occupiers:-

(i) The elevational treatment of the building appears to have been drawn from surrounding modern built form that is considered to be unattractive – particularly Overdell Court, opposite the site. The Residential Design Guide SPD, at paragraph 3.10.2, calls for new high quality 21st Century contemporary architecture for the city that makes appropriate reference to the local vernacular architecture.

(ii) Notwithstanding the closer proximity of the existing building on the site to No. 37 Archers Road, the council considers that the new building would produce harmful shading to existing habitable room windows in the side elevation of 37 Archers Road, as it faces the application site. This would be particularly so at ground floor level in the mid to late afternoon.

The proposals are therefore considered to be contrary to the following Policies from the Development Plan for Southampton:-

City of Southampton Local Plan Review (March 2006) 'saved' policies SDP1 (i – particularly the guidance set out in paragraphs 2.2.1, 2.2.12 and 3.10.2 of the Residential Design Guide SPD [September 2006]) and SDP7 (v), SDP9 (i)/(v) and H2 (iii);

City of Southampton Local Development Framework Core Strategy Document (January 2010) policies CS13 (1)/(2)/(11).

92. **ROSEBANK COTTAGE, STUDLAND ROAD, SO16 9BB / 11/01936/FUL**

The Panel considered the report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Re-development of the site. Demolition of the existing building and erection of two and three storey buildings to provide 9 x two-bedroom flats and 22 houses (5 x two-bedroom, 16 x three-bedroom and 1 x four-bedroom units) with associated access, parking and landscaping works. (Copy of the report circulated with the agenda and appended to the signed minutes).

RESOLVED unanimously to delegate to the Planning and Development Manager to grant planning permission subject to the criteria listed in the report and subject to the following amended and additional conditions:

Amended Condition

19. APPROVAL CONDITION - Code for Sustainable Homes [Performance Condition]

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Level 3, including at least 20% in Category Ene1, of the Code for Sustainable Homes in the form of post construction assessment and certificate as issued by a legitimate Code for Sustainable Homes certification body, 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).

Additional Conditions

24. APPROVAL CONDITION - Ecological Mitigation Statement [Pre-Commencement Condition]

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, as set out in the Phase 1 Ecological Assessment by PV Ecology submitted with the application which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place.

REASON

To safeguard protected species under the Wildlife and Countryside Act 1981 (as amended) in the interests of preserving and enhancing biodiversity.

25. APPROVAL CONDITION - Boundary Fence (Pre-Occupation Condition)

House numbers 13 to 22 (inclusive) hereby approved shall not be first occupied until the 2.5 metre high close boarded fence as shown on approved drawing number

110215/SL/PL1 Rev E has been installed. A close boarded fence of this height shall subsequently be retained thereafter.

REASON

To safeguard the security and privacy of the adjoining school premises.

26. APPROVAL CONDITION - Cycle storage details (Pre-occupation condition)

The houses hereby approved shall not be first occupied until covered and secure cycle storage facilities have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities shall be retained thereafter.

REASON

In the interests of encouraging sustainable transport choices in accordance with Core Strategy Policies CS18 and CS19.

93. 115-121 WILTON AVENUE / 11/01836/OUT

The Panel considered the report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Re-development of the site to provide a part three-storey, part four-storey and part five-storey building to provide a retail unit on the ground floor and 27 self contained student flats with associated refuse, cycle and car parking (Outline application seeking approval for access, appearance, layout and scale). (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Wiles (Agent), Mr Clark, Miss Baker, Mr Stacey, Mrs Barter (objecting) (Local Residents) and Mrs Gara (objecting) (Community Action Forum) were present and with the consent of the Chair, addressed the meeting.

RESOLVED that planning permission be refused for the following reasons:

RECORDED VOTE:

FOR: Councillors Mrs Blatchford, Cunio, B Harris, L Harris, Osmond

AGAINST: Councillors Jones, Thomas

1. Refusal reason - Impact on character of the area

The proposed development by reason of its bulk, scale, massing and design is out of keeping with the character of the surrounding area and would thereby have a harmful impact on the street scene and prove contrary to the provisions of policy CS13 (1, 2 and 11) of the Southampton Core Strategy Development Plan Document (January 2010) and policies SDP1(i), SDP7 (iv) and SDP9 (i) (iv) (v) and as supported by section 3 of the Residential Design Guide Supplementary Planning Document (September 2006)

2. Refusal reason - Impact on residential amenity

The proposed development by reason of its height and massing would have a harmful impact on the amenities of the occupiers of the neighbouring property at 113 Wilton Avenue and would appear over-bearing when viewed from the neighbouring property. The development would therefore prove contrary to the provisions of policy CS13 (1, 2 and 11) of the Southampton Core Strategy Development Plan Document (January 2010), policies SDP1 (i), SDP7 (iv) and SDP9 (i) (iv) (v) and as supported by the Residential Design Guide Supplementary Planning Document 2006 (section 2.2).

3. Refusal reason - Overdevelopment

The proposal would represent an overdevelopment of the site by reason of the site coverage by building and hard-surfacing exceeding 50% of the site area. The proposal would therefore have a harmful impact on the character of the area of prove contrary to the provisions of policy CS13 (1, 2 and 6) of the Core Strategy Development Plan Document (January 2010), policies SDP1 (i), SDP7 (ii) (iii) (iv) and SDP9 (i) of the City of Southampton Local Plan Review (adopted March 2006) and as supported by paragraphs 3.9.1 to 3.9.2 of the Residential Design Guide Supplementary Planning Document (September 2006).

4. Refusal reason - Failure to enter into S106 Agreement

In the absence of a completed S.106 Legal Agreement the proposals fail to mitigate against their direct impact and do not, therefore, satisfy the provisions of policy CS25 of the adopted Local Development Framework Core Strategy (January 2010) as supported by the Council's Supplementary Planning Guidance on Planning Obligations (August 2005, as amended) in the following ways:-

a) Site specific transport works for highway improvements in the vicinity of the site (including a TRO to secure parking restrictions on Bassett Green Road) which are directly necessary to make the scheme acceptable in highway terms - in accordance with policies CS18, CS19 & CS25 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended) - have not been secured.

b) Measures to support strategic transport improvements in the wider area in accordance with policies CS18 & CS25 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended) have not been secured.

c) A financial contribution towards the provision and maintenance of open space in accordance with 'saved' policy CLT5 of the adopted City of Southampton Local Plan Review (March 2006), policies CS21 and CS25 from the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) and applicable SPG is required to support the scheme and has not been secured;

d) In the absence of a mechanism for securing a student intake management plan, the development would fail to address how the changeover of students would be managed to avoid causing disruption of local residents and harming the safety and convenience of the users of the adjoining highways.

e) In the absence of a mechanism for restricting the ownership of parking permits by prospective residents, that the proposal would not generate excessive overspill car parking which would be to the detriment of the convenience of the users of the adjoining highways.

f) In the absence of a mechanism for securing a (pre and post construction) highway condition survey it is unlikely that the development will make appropriate repairs to the highway - caused during the construction phase - to the detriment of the visual appearance and usability of the local highway network.

94. **58 WEST END ROAD / 11/01987/FUL**

The Panel considered the report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Conversion and extension of the existing building, erection of a new two-storey building on the West End Road frontage and two bungalows at the rear backing onto Panwell Road, to provide a total of 10 residential units (2 x three bedroom bungalows, 7 x two bedroom flats and 1 x one bedroom flat) with associated parking, vehicular access from West End Road and landscaping. (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Goodwill (Agent), Mr Dawson, Mrs Reed and Miss Goodyear (supporting) and Mrs Hogan (objecting) (Local Residents) were present and with the consent of the Chair, addressed the meeting.

RESOLVED unanimously to delegate to the Planning and Development Manager to grant planning permission subject to the criteria listed in the report and subject to the following amended condition and additional clause in the S106 agreement:

Amended Condition

22. APPROVAL CONDITION - Boundary enclosures [Pre-commencement Condition]

Prior to the commencement of development the following means of enclosure shall be constructed:-

- (i) a continuous 2 metre high brick wall shall be built along the common northern boundary of the site with 60 West End Road; and,
- (ii) a continuous 1.8 metre high close-boarded timber fence shall be constructed along the eastern site boundary with Panwell Road.

Notwithstanding the landscaping plan hereby approved, prior to the occupation of the development hereby approved, details of the design and specifications of the site boundary treatment of the site's western and southern boundaries and all means of enclosure to be formed within the site shall be submitted to and approved in writing by the Local Planning Authority. These other agreed means of enclosure additional to (i) and (ii) above shall be subsequently erected prior to the occupation of any of the units provided under this permission. All means of enclosure shall thereafter be retained and maintained in good repair, particularly that to Panwell Road.

Reason:

In the interests of the visual amenities of the area and to protect the amenities and privacy of the occupiers of adjoining property and to ensure no through access is created to Panwell Road.

Additional Clause in S106

A construction management plan is required to be submitted by the developer to ensure as far as reasonably practicable that all contractors' and sub-contractors' vehicles connected with the construction of the development are accommodated within the site area.

95. **24-28 JOHN STREET / 11/01625/OUT**

The Panel considered the report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Erection of a 4-storey building to provide 19 self contained student residential units with a commercial unit (Class B1) on the ground floor and associated parking and refuse storage (outline application seeking approval for access, layout, scale and appearance). (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Wiles (Agent) and Ms Stockwell (supporting) (Local Resident) were present and with the consent of the Chair, addressed the meeting.

RESOLVED unanimously to delegate to the Planning and Development Manager to grant planning permission subject to the criteria listed in the report and subject to the following amended condition and additional clause to the S106 agreement:

Amended Condition

02. APPROVAL CONDITION - Additional Details Required Condition

Details of the following particulars of the proposed development in addition to the submission of Matters Reserved from the Outline Planning Permission hereby approved shall be submitted to and approved in writing by the Local Planning Authority (or on behalf of the Secretary of State for the Environment on appeal) prior to the commencement of development :

(A) In addition to Reserved Matters for the appearance and design of the building(s) a detailed plan specifying the external materials, including colour finish, to be used on the building.

[B] Details of the treatment to the boundaries of the site, and all screen walls or fences within the proposed development including privacy screen details to be provided at rooftop level;

[C] Details at no less than 1:10 scale of any rainwater goods, vents or flues to be provided on the front elevation including colour finish and materials.

[D] Details at no less than 1:10 scale, including sections where necessary, of the detailing of all windows and doors including the depth of recesses and dimensions of

frames and glazing bars including the horizontal panels to windows on the front elevation, the depth of the recesses to the vertical bands and the design and method of fixing of the balustrades to the Juliet balconies on the rear elevation.

[E] Details of the materials to be used for the external hardsurfacing areas within the site.

(F) Full details of any enclosures to be provided for the refuse storage area and identification of collection points;

[G] Details of any external lighting.

[H] Detailed plans specifying the areas to be used for contractors vehicle parking and plant; storage of building materials, and any excavated material, huts and all working areas required for the construction of the development hereby permitted;

Reason:

To ensure the proposed development is undertaken to a standard appropriate for the sensitive location adjacent to the Conservation Area

Additional Clause in S106

The developer is required to submit a management plan to ensure as far as reasonably practicable that neighbours can contact the persons appointed to manage the building, should neighbours have any concerns, such as noise emanating from the building or refuse becoming untidy. In particular, a telephone contact number shall be supplied to the occupier of 26 John Street and if this changes during the life of the development approved under 11/01625/OUT, any new contact number shall be advised to the occupier of 26 John Street.

96. **GRACECHURCH HOUSE, 25-35 CASTLE WAY / 11/01844/FUL**

The Panel considered the report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Alterations and extensions involving raising the height of the building and change of use from offices into an 84 room hotel. (Copy of the report circulated with the agenda and appended to the signed minutes).

RESOLVED unanimously to delegate to the Planning and Development Manager to grant planning permission subject to the criteria listed in the report and subject to the following additional condition:

Additional Condition

15. APPROVAL CONDITION - Construction Method Statement [Pre-commencement condition]

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement (CMS) for the development. The CMS shall include details of: (a) parking of vehicles of site personnel, operatives and visitors; (b) loading and unloading of plant and materials; (c) storage of plant and materials, including cement mixing and washings, used in constructing the development; (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the

course of construction and their reinstatement where necessary; (e) measures to be used for the suppression of dust and dirt throughout the course of construction; (f) details of construction vehicles wheel cleaning; and, (g) details of how noise emanating from the site during construction will be mitigated. The approved CMS shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

Reason:

In the interest of health and safety, protecting the amenity of local land uses, neighbouring residents, the character of the area and highway safety.

97. **ENFORCEMENT UPDATE IN RESPECT OF 3 BEDFORD PLACE, SOUTHAMPTON**

The Panel considered the report of the Planning and Development Manager in respect of serving a Planning Enforcement Notice at 3 Bedford Place. (Copy of report circulated with the agenda and attached to the signed minutes).

RESOLVED unanimously

- (i) that it was not possible to serve a planning enforcement notice and that case 11/00303/ENUDEV be formally closed;
- (ii) that no further planning enforcement action be taken in respect of the premises trading outside the hours specified in the description of development set out in decision notice 7851/1463/P18 dated 4 September 1973.

98. **STREET NAMING - OCEAN DOCK, PORT OF SOUTHAMPTON**

The Panel considered the report of the Head of Planning and Sustainability seeking approval for a street name for the new street built at the head of Ocean Dock within the Port of Southampton. (Copy of report circulated with the agenda and attached to the signed minutes).

RESOLVED unanimously that the name 'White Star Way' be approved for the street built at the head of Ocean Dock within the Port of Southampton.

99. **ZAZEN DEVELOPMENTS LTD - ROEBUCK HOUSE 24-28 BEDFORD PLACE**

The Panel considered the report of the Head of Planning and Sustainability in respect of varying the terms of the previous Decision Report dated 20th July 2010 to postpone payment of the affordable housing contribution for up to 3 years provided that the administrator made monthly payments to the Council of £3,000 from the rental income obtained from letting the flats. (Copy of the report circulated with the agenda and attached to the signed minutes).

RESOLVED unanimously that delegated authority be given to the Head of Legal, HR and Democratic Services to enter into a Deed of Variation of the Section 106 agreement crystallising the debt at £205,891, and postponing the payment of the affordable housing contribution for a period of up to 3 years. This was conditional upon a lump sum of £48,000 being paid on completion of the Deed of Variation to bring the Administrator in line with the previous payment arrangement of £3000 per month. Thereafter a monthly payment of £4386 per month to be made by the administrator until the debt was repaid, with provision that should a sale take place within the 3 year period then the entire outstanding affordable housing contribution be discharged.

Agenda Annex

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 13 March 2012 - Conference Rooms 3 and 4, 1st floor, Civic Centre

PLEASE NOTE: THE PANEL WILL BREAK FOR LUNCH at or around 1.00 PM

Main Agenda Item Number	Officer	Recommendation	Type	PSA	Application Number / Site Address
<u>BETWEEN 9.30 AM AND 09.35 AM</u>					
5	JT	DEL	Q07	15	11/01336/FUL / 39 Archers Road
<u>BETWEEN 09.35 AM AND 10.30 AM</u>					
6	SH	DEL	Q07	15	12/00033/FUL / Area Housing Office, Parkville Road
<u>BETWEEN 10.30 AM AND 11.00 AM</u>					
7	ARL	CAP	Q13	5	11/01945/FUL / r/o 6-7 Cranbury Terrace
<u>BETWEEN 11.00 AM AND 11.30 AM</u>					
8	SL	DEL	Q13	5	11/02001/FUL / 13 Grosvenor Road
<u>BETWEEN 11.30 AM AND 12.10 PM</u>					
9	BS	CAP	Q13	5	12/00128/FUL / Land adjacent to 97 Botany Bay Road
<u>BETWEEN 12.10 PM AND 12.45 PM</u>					
10	BS	CAP	Q13	5	11/01874/FUL / 14 Spring Crescent, SO17 2GA
<u>BETWEEN 1.45 PM AND 2.30 PM</u>					
11	SH	CAP	Q01	15	11/01923/REM / Centenary Quay, Victoria Road
<u>BETWEEN 2.30 PM AND 3.00 PM</u>					
12	RP	DEL	Q07	15	11/01216/FUL / Thorners Court, Henstead Road

Abbreviations:

PSA – Public Speaking Allowance; CAP - Approve with Conditions: DEL - Delegate to Officers: PER - Approve without Conditions: REF – Refusal: TEMP – Temporary Consent

AA – Andrew Amery, ARL – Anna Lee, BS- Bryony Stala, JT - Jenna Turner, MP- Mathew Pidgeon, SH- Stephen Harrison, SL - Steve Lawrence, RP – Richard Plume, VW – Vanessa White

Southampton City Council - Planning and Rights of Way Panel

Report of Executive Director of Environment

Local Government (Access to Information) Act 1985

Index of Documents referred to in the preparation of reports on Planning

Applications:

Background Papers

1. **Documents specifically related to the application**
 - (a) Application forms, plans, supporting documents, reports and covering letters
 - (b) Relevant planning history
 - (c) Response to consultation requests
 - (d) Representations made by interested parties

2. **Statutory Plans**
 - (a) Hampshire, Portsmouth, Southampton and New Forest National Park Minerals and Waste Core Strategy (Adopted 2007)
 - (b) City of Southampton Local Plan Review (Adopted March 2006) saved policies
 - (c) Local Transport Plan 2006 – 2011 (June 2006)
 - (d) City of Southampton Local Development Framework – Core Strategy (adopted January 2010)

3. **Statutory Plans in Preparation**
 - (a) City of Southampton Local Development Framework – City Centre Action Plan City Centre Action Plan Issues & Options Paper (2007)

4. **Policies and Briefs published and adopted by Southampton City Council**
 - (a) Old Town Development Strategy (2004)
 - (b) Public Art Strategy
 - (c) North South Spine Strategy (2004)
 - (d) Southampton City Centre Development Design Guide (2004)
 - (e) Streetscape Manual (2005)
 - (f) Residential Design Guide (2006)
 - (g) Provision of Community Infrastructure & Affordable Housing - Planning Obligation (2006)
 - (h) Greening the City - (Shoreburs; Lordsdale; Weston; Rollesbrook Valley; Bassett Wood and Lordswood Greenways) - 1985-1995.
 - (i) Women in the Planned Environment (1994)
 - (j) Advertisement Control Brief and Strategy (1991)
 - (k) Biodiversity Action Plan (2009)
 - (l) Economic Development Strategy (1996)
 - (m) Test Lane (1984)
 - (n) Itchen Valley Strategy (1993)
 - (o) Portswood Residents' Gardens Conservation Area Character Appraisal (1999)

- (p) Land between Alder Moor Road and Worston Road Development Brief Character Appraisal (1997)
- (q) The Bevois Corridor Urban Design Framework (1998)
- (r) Southampton City Centre Urban Design Strategy (2000)
- (s) St Mary's Place Development Brief (2001)
- (t) Ascupart Street Development Brief (2001)
- (u) Woolston Riverside Development Brief (2004)
- (v) West Quay Phase 3 Development Brief (2001)
- (w) Northern Above Bar Development Brief (2002)
- (x) Design Guidance for the Uplands Estate (Highfield) Conservation Area (1993)
- (y) Design Guidance for the Ethelbert Avenue (Bassett Green Estate) Conservation Area (1993)
- (z) Canute Road Conservation Area Character Appraisal (1996)
- (aa) The Avenue Conservation Area Character Appraisal (1997)
- (bb) St James Road Conservation Area Character Appraisal (1996)
- (cc) Banister Park Character Appraisal (1991)*
- (dd) Bassett Avenue Character Appraisal (1982)*
- (ee) Howard Road Character Appraisal (1991) *
- (ff) Lower Freemantle Character Appraisal (1981) *
- (gg) Mid Freemantle Character Appraisal (1982)*
- (hh) Westridge Road Character Appraisal (1989) *
- (ii) Westwood Park Character Appraisal (1981) *
- (jj) Cranbury Place Character Appraisal (1988) *
- (kk) Carlton Crescent Character Appraisal (1988) *
- (ll) Old Town Conservation Area Character Appraisal (1974) *
- (mm) Oxford Street Conservation Area Character Appraisal (1982) *
- (nn) Bassett Green Village Character Appraisal (1987)
- (oo) Old Woolston and St Annes Road Character Appraisal (1988)
- (pp) Northam Road Area Improvement Strategy (1987)*
- (qq) Houses in Multiple Occupation (1990)*
- (rr) Vyse Lane/ 58 French Street (1990)*
- (ss) Tauntons College Highfield Road Development Guidelines (1993)*
- (tt) Old Woolston Development Control Brief (1974)*
- (uu) City Centre Characterisation Appraisal (2009)

* NB – Policies in these documents superseded by the Residential Design Guide (September 2006, page 10), albeit character appraisal sections still to be had regard to.

5. Documents relating to Highways and Traffic

- (a) Hampshire C.C. - Movement and Access in Residential Areas
- (b) Hampshire C.C. - Safety Audit Handbook
- (c) Southampton C.C. - Cycling Plan (June 2000)
- (d) Southampton C.C. - Access for All (March 1995)
- (e) Institute of Highways and Transportation - Transport in the Urban Environment
- (f) I.H.T. - Traffic Impact Assessment Guidelines
- (g) Freight Transport Association - Design for deliveries
- (h) DETR Traffic Advisory Leaflets (various)

6. Planning related Government Circulars in most common use

- (a) Planning Obligations 05/05 (As adjusted by Community Infrastructure Levy Regulations 2010)
- (b) Planning controls for hazardous substances 04/00
- (c) The Use of conditions in planning permissions 11/95
- (d) Environmental Impact Assessment 2/99
- (e) Planning Controls over Demolition 10/95
- (f) Planning and Affordable Housing 6/98
- (g) Prevention of Dereliction through the Planning System 2/98
- (h) Air Quality and Land Use Planning 10/97
- (i) Town and Country Planning General Regulations 19/92

7. Government Policy Planning Advice

- (a) PPS1 Delivering Sustainable Development (February 2005)
- (b) Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 (December 2007)
- (c) Planning Policy Statement: Eco-towns - Supplement to Planning Policy Statement 1 (July 2009)
- (d) PPG2 Green Belts (January 1995 - Amended March 2001)
- (e) PPS3 Housing (November 2006)
- (f) PPS4 Planning Policy Statement 4: Planning for Sustainable Economic Growth (December 2009)
- (g) PPS5 Planning Policy Statement 5: Planning for the Historic Environment (March 2010)
- (h) PPS7 Planning Policy Statement 7: Sustainable Development in Rural Areas (August 2004)
- (i) PPG8 Telecommunications (August 2001)
- (j) PPS9 Biodiversity and Geological Conservation (August 2005)
- (k) PPS10 Planning for Sustainable Waste Management (July 2005)
- (l) PPS11 Regional Spatial Strategies (September 2004 – amended January 2009)
- (m) PPS12 Local Spatial Planning (June 2008)
- (n) PPG13 Transport (January 2011)
- (o) PPG14 Development on Unstable Land (April 1990)
- (p) PPG17 Planning for Open Space, Sport and Recreation (July 2002)
- (q) PPG18 Enforcing Planning Control (December 1991)
- (r) PPG19 Outdoor Advertising Control (March 1992)
- (s) PPG20 Coastal Planning (September 1992)
- (t) PPS22 Renewable Energy (August 2004)
- (u) PPS23 Planning and Pollution Control (November 2004)
- (v) PPG24 Planning and Noise (October 1994)
- (w) PPS 25 Development and Flood Risk (December 2006)

8. Government Policy Planning Advice in Preparation

- (a) PPS Development and Coastal Change – Consultation Paper (July 2009)
- (b) Initial review of the implementation of PPS 25 Development and Flood Risk (June 2009)

9. Other Published Documents

- (a) Planning for Daylight and Sunlight - DOE

- (b) Coast and Countryside Conservation Policy - HCC
- (c) The influence of trees on house foundations in clay soils - BREDK
- (d) Survey and Analysis - Landscape and Development HCC
- (e) Root Damage to Trees - siting of dwellings and special precautions – Practice Note 3 NHDC
- (f) Shopping Policies in South Hampshire - HCC
- (g) Buildings at Risk Register SCC (1998)
- (h) Southampton City Safety Audit (1998)
- (i) Urban Capacity Study 2005 – 2011 (March 2006)
- (j) Strategic Housing Land Availability Assessment (March 2009)

10. Other Statutes

- a) Crime and Disorder Act 1998
- b) Human Rights Act 1998

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Agenda Item 5

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 13 March 2012
Planning Application Report of the Planning and Development Manager

Application address: 39 Archers Road			
Proposed development: Redevelopment of the site. Demolition of the existing building and erection of a part 3-storey, part 4-storey and part 5-storey building to provide 20 flats (7 x 1-bedroom, 7 x 2-bedroom and 6 x 3-bedroom) with associated storage and parking.			
Application number	11/01336/FUL	Application type	FUL
Case officer	Jenna Turner	Public speaking time	15 minutes
Last date for determination:	13.12.11	Ward	Freemantle
Reason for Panel Referral:	Referred by the Planning & Development Manager to agree reasons for refusal.	Ward Councillors	Councillor Parnell Councillor Moulton Councillor Ball

Applicant: Oakdene Construction Ltd	Agent: Tony Oldfield Architects
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Recommendation in Full

That the draft reasons for refusal listed in this report would have been the Council's decisions had the applicant's not appealed non-determination.

Appendix attached			
1	Previous report to panel		

1.0 Background

1.1 This planning application was taken to the Planning and Rights of Way Panel on the 14th February 2012 with a recommendation to delegate for approval. The officer report to panel is included as **Appendix 1**. The decision was taken at the meeting to refuse the application and the draft reasons for doing so are listed as follows:

1. Refusal reason – Inadequate level of car parking

Notwithstanding the council's adopted Supplementary Planning Document (SPD) on Parking Standards, which are expressed as maximum quantum of parking that can be proposed to serve new development, the council considers that the provision of 10 parking spaces would be inadequate to help meet the travel demands of occupiers of the new flats. In particular, it is considered that this would provide a poor level of amenity for occupiers of the new flats with poor surveillance of any vehicles that would need to be parked off-site. And it is considered that it would harm the amenity of adjoining residents by exacerbating on-street parking difficulties, owing to overspill parking being generated by the new flats, which cannot be accommodated on site. As such, the proposed development is considered to be contrary to the following Policies from the Development Plan for Southampton:- City of Southampton Local Plan Review (March 2006) 'saved' policies SDP1 (i – particularly the guidance set out in paragraphs 5.2.12-5.2.13 of the Residential Design Guide SPD [September

2006]) and SDP10 (ii); City of Southampton Local Development Framework Core Strategy Document (January 2010) policies CS13 (4)/(10)/(11).

2. Refusal reason - Poor quality of design

The proposed development is considered to exhibit the following aspects of poor quality design, which are considered harmful to the character and appearance of the surrounding area and amenities of adjoining residential occupiers:-

(i) The elevational treatment of the building appears to have been drawn from surrounding modern built form that is considered to be unattractive – particularly Over Dell Court, opposite the site. The Residential Design Guide SPD, at paragraph 3.10.2, calls for new high quality 21st Century contemporary architecture for the city that makes appropriate reference to the local vernacular architecture.

(ii) Notwithstanding the closer proximity of the existing building on the site to No. 37 Archers Road, the council considers that the new building would produce harmful shading to existing habitable room windows in the side elevation of 37 Archers Road, as it faces the application site. This would be particularly so at ground floor level in the mid to late afternoon.

The proposals are therefore considered to be contrary to the following Policies from the Development Plan for Southampton:- City of Southampton Local Plan Review (March 2006) 'saved' policies SDP1 (i – particularly the guidance set out in paragraphs 2.2.1, 2.2.12 and 3.10.2 of the Residential Design Guide SPD [September 2006]) and SDP7 (v), SDP9 (i)/(v) and H2 (iii); City of Southampton Local Development Framework Core Strategy Document (January 2010) policies CS13 (1)/(2)/(11).

- 1.2 Since the previous panel meeting, and before the Council's Decision Notice could be issued, the applicant lodged an appeal with the Planning Inspectorate on the grounds of Non-Determination of the application within the statutory 13 week timeframe. As the officer recommendation was overturned, confirmation is needed that, had the appeal not been lodged, the detail in the reasons for refusal stated above reflected the concerns of the Planning and Rights of Way Panel.
- 1.3 In addition to the 2 reasons for refusal listed above, were the application approved, it would have triggered the need for a Section 106 agreement to mitigate the direct impacts on the development on local infrastructure as well as to secure affordable housing. As such, confirmation is also sought that the following deemed reason for refusal should be added:

Refusal reason - Failure to enter into a Section 106 Agreement

In the absence of a completed S.106 Legal Agreement the proposals fail to mitigate against their direct impact and do not, therefore, satisfy the provisions of policy CS25 of the adopted Local Development Framework Core Strategy (January 2010) as supported by the Council's Supplementary Planning Guidance on Planning Obligations (August 2005, as amended) in the following ways:-

a) As the scheme triggers the threshold for the provision of affordable housing it is expected to provide a contribution to affordable housing to assist the City in meeting its current identified housing needs as required by Policy CS15 from the adopted Local Development Framework Core Strategy Development Plan

Document (January 2010)

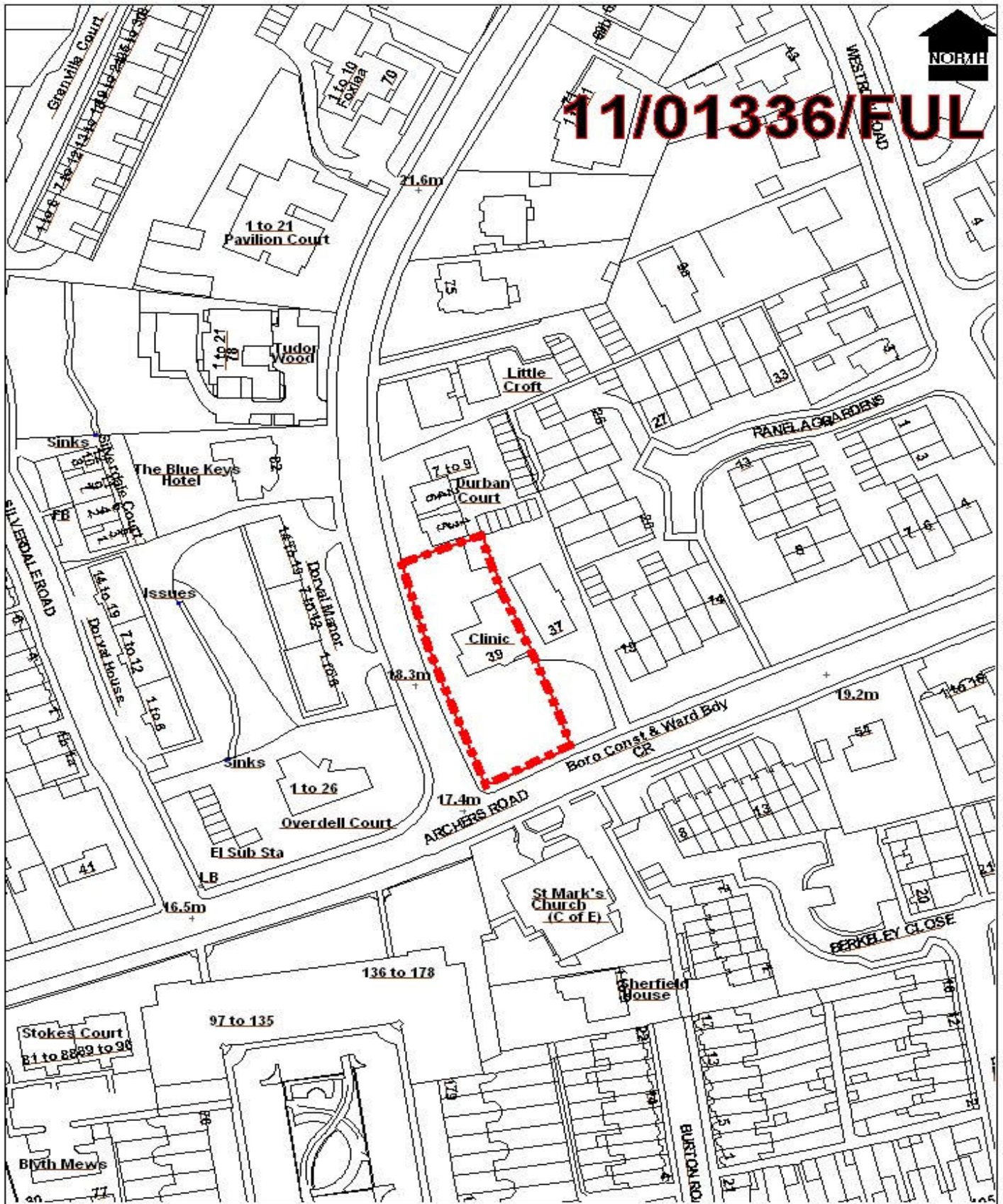
b) Site specific transport works for highway improvements in the vicinity of the site which are directly necessary to make the scheme acceptable in highway terms - in accordance with policies CS18, CS19 & CS25 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended) - have not been secured.

c) Measures to support strategic transport improvements in the wider area in accordance with policies CS18 & CS25 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended) have not been secured.

d) A financial contribution towards the provision and maintenance of open space in accordance with 'saved' policy CLT5 of the adopted City of Southampton Local Plan Review (March 2006), policies CS21 and CS25 from the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) and applicable SPG is required to support the scheme and has not been secured;

e) A financial contribution towards the provision of a new children's play area and equipment in accordance with policy CLT6 of the adopted City of Southampton Local Plan Review (March 2006), policies CS21 and CS25 from the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) and applicable SPG is required to support the scheme and has not been secured;

f) In the absence of a mechanism for securing a (pre and post construction) highway condition survey it is unlikely that the development will make appropriate repairs to the highway - caused during the construction phase - to the detriment of the visual appearance and usability of the local highway network.



11/01336/FUL

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Date 28 February 2012

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Agenda Item 6

**Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 13 March 2012
Planning Application Report of the Planning and Development Manager**

Application address: Area Housing Office, Parkville Road			
Proposed development: Redevelopment of the site. Demolition of the existing buildings and erection of a building ranging in height from 3-storeys to 15-storeys to provide student residential accommodation (53 cluster flats comprising a total of 348 rooms, 4 x 2-bedroom flats and 12 x 1-bedroom flats); a medical centre (Class D1 use), retail units (Class A1) and two units for community use or non-residential institution use (Class D1) or retail (A1) or food and drink use (A3) with associated landscaping, parking and site works, including the stopping up of existing highway.			
Amended scheme to planning permission reference 11/00204/FUL excluding any student car ownership restriction/eviction clause.			
Application number	12/00033/FUL	Application type	FUL
Case officer	Stephen Harrison	Public speaking time	15 minutes
Last date for determination:	06.04.2012	Ward	Swaythling
Reason for Panel Referral:	Major Development on Council Land	Ward Councillors	Cllr Vassiliou Cllr Osmond Cllr Turner

Applicant: Bouygues Development	Agent: N/A
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Recommendation Summary	Delegate to the Planning and Development Manager to approve subject to the completion of a S.106 Legal Agreement
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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. The proposed development has been resubmitted with 44 parking spaces and provision to rearrange the parking at Market buildings to provide a further 10 or so spaces. The previous planning permission LPA ref: 11/00204/FUL has significant weight and is a material consideration in this case. Furthermore, the applicant's previous traffic survey explains that there is sufficient capacity on roads nearer to the site than the Ethelbert Avenue Conservation Area to accommodate the anticipated overspill of vehicles belonging to student residents of the development. This conclusion is supported by the Council's Highways Officer as it is accepted that the expected student parking can be accommodated without detriment to local residents. The investigation of further Controlled Parking Zones and the use of a mandatory eviction clause (for students found to have brought a car to the roads within the ward of the application site, enforceable through the Contracts (Rights of Third Parties) Act by local residents) have been investigated and discussed with the developer and it has been demonstrated that neither are an acceptable or viable route for dealing with any overspill issue. There is, therefore, no need to make further provision for additional car parking spaces other than as described above.

The impact of the development, in terms of visual and neighbouring amenity, highway safety and parking is considered to be acceptable. In reaching this conclusion, as to the

acceptability of the development, particular account has also been taken of the third party response to the scheme; the quality of the proposed redevelopment proposals; current market conditions; the economic regeneration benefits that will accrue as a result of the redevelopment proposals; the need for student housing and the potential reduction in demand for converting the City's existing family housing stock into shared housing; and the overall viability of the scheme. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 planning permission should therefore be granted following the completion of the section 106 agreement to secure the planning obligations as set out in the report to panel dated the 13th March in accordance with the following policies:

City of Southampton Local Plan Review (March 2006) policies SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13,, SDP14, SDP15, SDP16, SDP17, SDP19, SDP22, NE7, HE1, CLT5, CLT7, H1, H2, H3, H7, H13, REI6 and TI2 and City of Southampton Core Strategy (January 2010) policies CS4, CS5, CS6, CS10, CS11, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS22, CS24 and CS25 as supported by the relevant national planning guidance and the Council's current supplementary planning guidance listed in the Panel report.

Appendices attached			
1.	27.09.11 Panel Minutes (11/00204/FUL)	2.	Development Plan Policies
3.	Relevant Planning History		

Recommendation in Full

1. Delegate to the Planning and Development Manager to grant conditional approval subject to the completion of a S.106 legal agreement to secure the following:
 - i) An occupation restriction to ensure that all residents are in full time higher education and that the provider is a member of the Southampton Accreditation Scheme for Student Housing (SASSH) in accordance with Local Plan Policy H13(v);
 - ii) The submission and implementation of a Student Drop Off/Collection Management Plan committing to an ongoing review of the site;
 - iii) The scheme shall make a commencement within 6 months and achieve a shell and core finish within 36 months from the date of the planning permission so as to reflect the current viability assumptions made. In the event that this is not achieved a fresh viability appraisal shall be submitted with any uplift in value (up to an agreed sum) payable to the City Council;
 - iv) A financial contribution and/or the implementation and maintenance of an agreed series of site specific transport and off-site landscaping works (including the proposed Stoneham Way/High Road service layby and Parkville Road Improvement Scheme with a minimum of 12 parking spaces) under S.278 of the Highways Act with implementation prior to first occupation in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS18 and CS25;
 - v) The funding of Traffic Regulation Orders (TRO) required to enable the development to be implemented;

- vi) A financial contribution and/or the implementation and maintenance of an agreed series of strategic transport projects for highway network improvements, including the potential for a new/revised UNlink bus route and bus stop serving the development with implementation prior to first occupation, in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
- vii) The submission and implementation of a public parking management plan for those spaces along Parkville Road dedicated for public use. Details to include additional explanatory signage to be erected in Parkville Road at the applicant's expense;
- viii) *Amended Clause:*
No student shall be entitled to park on the land or to obtain parking permits to the Council's Controlled Parking Zones. A letter to each student of the scheme explaining that students are discouraged from bringing a car to university shall be sent prior to each occupation. A restriction on car parking will be contained within the Contract for accommodation. The car parking restriction policy will be displayed at a prominent location within the scheme. The University will log any complaints from local residents which are believed to be linked to the parking of cars in the locality by students. The University will circulate these complaints to the residents of the scheme and will remind them of their responsibilities towards local residents.
- ix) A mechanism for replacing the existing community uses (both during and following the construction phase) in accordance with LDF Core Strategy Policy CS3;
- x) Financial contributions towards the relevant elements of public open space required by the development in line with Policy CLT5 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS21 and CS25;
- xi) The submission, approval and implementation of public art – possibly to include an art fence - that is consistent with the Council's Public Art 'Art People Places' Strategy;
- xii) Submission and implementation within a specified timescale of a Travel Plan, including the provision of UNlink bus passes to all residents;
- xiii) Provision of on-site CCTV coverage and monitoring in line with Policy SDP10 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS13 and CS25;
- xiv) Submission and implementation of a TV Reception Study committing to a pre and post construction assessment with off-site mitigation where necessary;
- xv) Submission and implementation of a Training & Employment Management Plan committing to adopting local labour and employment initiatives (during and post construction) in line with LDF Core Strategy policies CS24 and CS25;
- xvi) A Site Waste Management Plan;

- xvii) Submission and implementation of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer;
- xviii) Agreement of construction vehicle routing;
- xix) Developer shall be responsible for the cost of checking of drawings and construction;
- xx) Market Buildings Car Parking Improvement Scheme (MBCPIS) – Prior to implementation to have approved in writing by the Council a scheme of works for the MBCPIS - to include consultation with Market Building's residents and business owners, a minimum of 36 parking spaces, tree protection measures during construction, and enhancements to the area's appearance including the associated Herbert Collin's Memorial Garden. The MBCPIS shall be provided prior to the first occupation of the development in accordance with an agreed S.278 and TRO for any additional parking restrictions; and,
- xxi) Details of additional explanatory signage to be erected in Ethelbert Avenue at the applicant's expense.

In the event that the S.106 Legal Agreement is not completed within 2 months from the date of this Panel meeting delegated authority be given to the Planning and Development Manager to refuse the application for failing to secure the S.106 legal agreement mitigation measures listed above.

- 2) That the Planning and Development Manager be given delegated powers to vary relevant parts of the Section 106 agreement and to remove, vary or add conditions as necessary.

1.0 Background

- 1.1 The site is within the ownership of the City Council. The Council's Cabinet agreed on 25th October 2010 that the site is, in principle, suitable for disposal.
- 1.2 The Planning and Rights of Way Panel resolved to grant planning permission for the same quantum of development as proposed by this application (LPA ref: 11/00204/FUL), at its meeting on 21st June 2011, subject to the S.106 Legal Agreement including a clause that would ensure that the freeholder would evict any students found to be parking in Swaythling. A financial penalty clause was also agreed in the event that the freeholder failed to deal with any overspill parking by students. This offer was later removed by the applicants.
- 1.3 Planning permission was, however, granted in September 2011 following confirmation by the applicant that they would enter into a S.106 Legal Agreement to secure an approved list of clauses, including the threat of eviction for those residents that persisted in bringing their car to University. A copy of the September Panel meeting Minutes are attached at **Appendix 1**.
- 1.4 Following the grant of planning permission the applicants have since confirmed that they will not accept the following clause (as imposed by the September Panel):
 - viii) A Student Car Ownership Restriction Mechanism as part of any student contract of tenancy shall be agreed and imposed. No student shall be entitled to park on the land or to obtain parking permits to the Council's Controlled Parking Zones. Upon the offer of the place a clear written statement shall be given to the students detailing the implications for their tenancy in the event

that they are found to have a car. All student contracts to include the agreed wording to the effect that they shall not bring a car to Swaythling Ward whilst living at City Gateway and may be evicted if found to have done so. In the event that evidence is provided by residents or the City Council that a resident has access to a car they will be given a warning leading to possible eviction. This will be at the discretion of the University of Southampton and/or any designated operator and/or the landowner upon receipt of valid evidence. Reception area to have an up-to-date telephone number with information about when and where breaches can be reported. Without prejudice to the above paragraph, the mechanism will be agreed between the University/operator and Southampton City Council prior to first occupation of the building;

1.5 The consented scheme cannot, therefore, be implemented.

1.6 In order to pursue the development without the clause it is necessary for a fresh planning application to be submitted and determined. The key changes for consideration between the consented and proposed application are as follows:

- i) The student eviction clause is no longer offered, and would be replaced by a more general discouragement of students bringing a car to the site;
- ii) The submission of a revised Transport Assessment that concludes that there will not be an overspill of cars from the development into the surrounding streets;
- iii) The retention of 2 of the 44 on-site spaces for sole use by the University;
- iv) A reduction in the number of car parking spaces proposed at Market Buildings (opposite the site) from 37 to 36;
- v) The removal of the approved roof level amenity space for residents' use; and,
- vi) The applicants now have sufficient interest in the land to enable them to enter into the S.106 Legal Agreement process - having entered into a conditional contract with the Council to acquire the site.

1.7 **In all other respects this application is identical to that approved in September 2011.**

2.0 The Site and its Context

2.1 This application relates to the redevelopment of the existing Parkville Road car park (66 parking spaces, of which 54 are public), youth centre (308sq.m) and local housing office (243sq.m), which is currently vacant.

2.2 This level site is accessed directly from Parkville Road and is bounded to the east by Thomas Lewis Way and the railway line beyond, and to the west by Stoneham Way/High Road and its junction with Stoneham Lane. Both boundaries are defined by mature planting.

2.3 The character of the area is mixed in terms of land use and architectural styles. The terrace to the south of Parkville Road forms part of the Swaythling Local Centre, which is characterised by two storey development with retail space fronting the road. The red brick Market Buildings on the opposite side of Stoneham Way/High Road are of three storey construction. They also form part of the defined Local Centre. Swaythling Railway Station is located approximately 220 metres from this site, with existing pedestrian linkages.

2.4 The application is located within a defined area of "medium" accessibility, albeit with good access to the Swaythling Railway Station. The application site area measures 0.37 hectares.

3.0 Proposal

- 3.1 Full planning permission is sought for a mixed use development following the redevelopment of the site with a tall building.
- 3.2 It is intended to provide improved health care facilities over two floors of accommodation, which will enable the existing Stoneham Lane Surgery to relocate. The proposed building has also been flexibly designed to accommodate a future expansion of the medical centre into the first floor should this be required. Planning permission would be required for this future change.
- 3.3 The existing community space (formed by the youth centre) will not be re-provided on site. Instead, the Council has agreed to find alternative off-site provision for the youth club users as part of the land deal between the applicant and the Council as landowner. The Council's existing housing office use has also been consolidated off-site.
- 3.4 Small scale retail, including a new/replacement pharmacy, and four additional 'flexible' retail units (use class A1 retail/A3 restaurant/D1 institutional), a plant room and storage, and a site manager's office will occupy the remaining ground floor space.
- 3.5 As with permission 11/00204/FUL the development provides student accommodation for 368 bed spaces (comprising 53 shared 'pods' formed from 348 bedrooms, 4 no.2 bed flats and 12 no.1 bed flats). Given the proposed use no affordable housing is provided.

The Building

- 3.6 As with permission 11/00204/FUL the proposed building is a perimeter block development formed by two wings of between one (4.2 metres high) and seven (19.8m) storeys that are hinged together by a fifteen-storey (42.8m) landmark tower around an internal courtyard and parking area. The chosen design provides a southerly aspect to this courtyard and takes the same form and footprint as that previously consented. The wings incorporate a series of green roofs and walls as the building steps upwards. The building is modern in design with a facing brick, horizontal timber cladding, and through colour rendered finish. The main tower element and wings are formed by a high pressure laminate Trespa cladding.

External Space(s)

- 3.7 A total of 44 spaces are provided at surface level within the courtyard and off-site along Parkville Road. As with the consented scheme these parking spaces will be for public use with the exception of 8 spaces that will be dedicated to the health centre. A further 5 permits will be made available for the health centre. The application also proposes that 2 further spaces are retained for University use. As with the consented scheme no parking is provided to serve the 368 student bedspaces.
- 3.8 The scheme includes a service layby on Stoneham Way/High Road and there is also scope for a bus stop to be located on this frontage following a re-route to the Unilink bus service. A communal bin store is integral to the proposed building as is a cycle store for students with provision for 1 space per 2 students proposed. Additional spaces are provided for visitors to the scheme. All can be secured and retained with a planning condition.
- 3.9 The proposal seeks to retain all existing trees and landscaping along the site's Thomas Lewis Way frontage, although replacement planting is proposed along the Stoneham Way/High Road frontage. Although these trees are not formally protected by a TPO they are located on Council owned land and are, therefore, afforded protection from inappropriate works. In total 20 trees will be felled to accommodate this development, 14 of which have been identified as Grade B ("worthy of

retention”). The scheme proposes their replacement with 17 stand alone trees and 40 densely planted trees in a large courtyard planter (57 in total). A landscaping condition is attached to this recommendation.

- 3.10 The scheme includes a small semi-private courtyard but now omits some 320sq.m of shared and usable amenity space, previously located on a private roof terrace.

4.0 Relevant Planning Policy

- 4.1 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 2**.
- 4.2 The proposed mixed-use development is in principle considered to provide substantial positive regeneration benefits to the Swaythling Local Centre. At ground floor level appropriate retail and community services are provided that will positively extend and enhance the local centre (Local Plan Policy REI6 and Core Strategy Policy CS3 refer). The location of the site provides the opportunity for a tall landmark building that, by its nature, accompanies an intensive form of development.
- 4.3 The existing community uses are protected by adopted Core Strategy Policy CS3.
- 4.4 Policy CS10 is permissive of additional health care facilities in appropriate locations.
- 4.5 Local Plan Policy H13 seeks to ensure that the growth of the city’s Universities is co-ordinated with the provision of student accommodation.
- 4.6 Core Strategy Policy CS16 requires that schemes of 10 or more dwellings provides at least 30% of the units as “family homes” with at least 3 bedrooms and access to private amenity space. An exception is made for “specialist” housing schemes including purpose built student accommodation.
- 4.7 Major developments are expected to meet high sustainable construction standards in accordance with the City Council’s adopted and emerging policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13. In this instance, as the application was submitted before the January 2012 change, the applicants will again seek to achieve a ‘Very Good’ BREEAM standard, and will meet their micro-renewables obligations with an air source heat pump located within the plant room.

Planning Policy Guidance Note PPG13 - Transport (2011)

- 4.8 The Government is committed to reducing the need to travel by the private car as part of an integrated transport policy. Land use planning has a key role to play in delivering this strategy. PPG13 explains that by “influencing the location, scale, density, design and mix of land uses, planning can help to reduce the need to travel”. One element of this approach is the implementation of maximum car parking standards, as set out at Policy SDP5 and Appendix 1 of the adopted City of Southampton Local Plan Review (2006).
- 4.9 PPG13 states that Council’s should “not require developers to provide more (parking) spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications for road safety which cannot be resolved through the introduction or enforcement of on-street parking controls” (Paragraph 50 refers).

5.0 Relevant Planning History

- 5.1 The relevant planning history for this site is set out at **Appendix 3**.

6.0 Consultation Responses and Notification Representations

- 6.1 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 and previous objectors to the scheme, placing a press advertisement (2nd February 2012) and erecting a site notice (19th January 2012).

Third Party Comment

- 6.2 At the time of writing the report **18 representations** have been received from surrounding addresses (excluding multiple responses from the same address) and are strongly opposed to the removal of the parking restriction clause.
- 6.3 The petition from June 2011 has been resubmitted and includes 138 signatories (125 from Ethelbert Avenue) opposed to the development's likely overspill parking into neighbouring streets, including the conservation area.
- 6.4 **City of Southampton Society** – Supportive of the proposals for this site. No objection raised to the current proposals, but have previously requested that a clock is added to the top of the tower.
- 6.5 Relevant planning issues raised and addressed by the comments from the Highways DC Officer and in the Planning Considerations section of this report include:

i) Highways

- The student car ownership restriction was secured after much concern was expressed by local residents. It was then watered down and now has been omitted altogether. This must be an acknowledgement that students will bring their cars and the University are unable to stop them.
- Student overspill parking will take place and reduce the likelihood of existing residents from finding a convenient parking space on a road close to their house.
- The overspill parking will occur in Ethelbert Avenue and will harm the character and appearance of this attractive conservation area. By allowing development to harm the CA the Council is in breach of its duties.
- The offer by the developer to use a Traffic Regulation Order to prevent overspill parking in Ethelbert Avenue should be explored prior to any planning decision.
- The Parkville Road layout has not been fully designed and requires further safety audits. In the event that these audits identify problems with the layout the proposed layout could not be implemented. These audits are required before permission can be granted.
- The retained Parkville Road width (at 4 metres) is insufficient to accommodate a refuse vehicle and will not allow 2 cars to pass. This will result in vehicles waiting to enter Parkville Road. It requires amendments. A 5.5 metre wide carriageway accords with standards.
- The University seek to retain 2 of the 44 spaces for their own use. There is already insufficient parking to allow these spaces to sit idle.

Response

The Council's Highways Officer objects to this also and condition 24 will secure allocations in the event that planning permission is granted. At this stage it is our intention that only 8 spaces should be set aside for staff of the proposed health facility as the remaining spaces will be required to serve the development and the wider local centre.

- No visitor or disabled parking is proposed to serve the students occupants

- Sightlines for vehicles leaving the development into Parkville Road are poor. The result of these inadequacies is that the shared space will not be a safe environment for pedestrians and does not satisfy the recommended standards.
- The Transport Assessment makes no allowance for the existing parking demand, and the closure of the existing car park has already resulted in overspill parking into Parkville Road and to the shop frontages. No restrictions are in place to prevent such parking and this will result in inconvenience to residents and problems with access for the emergency services.
- The scheme has insufficient parking and the Transport Assessment makes no reference to the potential for overspill parking in the surrounding area. Instead, it suggests that no students will park off-site. At all existing University sites there are already comprehensive parking controls outside the halls and parking problems caused by students.
- The previous assumptions regarding overspill and spare capacity within the locality are flawed. There will be more vehicles than predicted looking for fewer actual spaces in neighbouring streets.
- There has been insufficient consideration given as to how the scheme will meet the parking demands at the start and end of term.
- The Market Buildings proposals are supported, although the number of additional spaces to be created is debatable.
- For consistency/transparency other developers of sites not in Council ownership will now expect 'car free' student schemes.

ii) Other

- The development is too tall for the site, is out of keeping with Swaythling and will result in overlooking to residents – Wrong design, scale, place and density.
- The proposed development does not accord with PPG24 which would identify the site as inappropriate for development due to noise exposure

Response

The Council's Environmental Health Officer has suggested conditions and agrees with the applicants that the site is currently NEC C where development can take place.

- The regeneration benefits have been over-stated and the only jobs created will be during the construction phase.
- The introduction of a Co-op will jeopardise existing business in the Local Centre – one of which currently includes a post office
- Existing takeaway businesses would be harmed should another takeaway be allowed.

Response

The application does not include a takeaway, but an A3 (restaurant) use is included as the applicant is looking to find a coffee shop provider to lease this space.

Consultation Responses

- 6.6 **Highways DC** – No objection raised. The erosion of controls on students bringing cars to this university accommodation leaves risk of parking associated with these students over spilling into neighbouring streets. Previous Transport Assessments have concluded that using data from other locations it can be assumed that up to 42 students may bring a car with them to their university accommodation here at the Swaythling Gateway site, based upon 368 students being resident at this location. The current Transport Assessment does not make this conclusion, and the response from the applicants on this issue does not clarify why they have changed their view, that overspill parking will no longer occur. As a result, I have continued to base my comment on 42 students bringing cars to site, and the impact and harm this may cause to the surrounding area.
- 6.7 The developer is including works to the Market Buildings car parking area to maximise use of this space, which tends to suggest that there is a recognition that overspill will occur, albeit the TA does not confirm this.
- 6.8 Residents of Ethelburt Avenue are concerned with student and knock on parking spilling into their road, which is a conservation area. Any parking restrictions would only be as good as the enforcement that they will get, and currently Southampton City Council Parking Patrols are stretched to cover their existing areas of public highway, and Ethelburt Avenue is a private street, which would be subject to different orders, should these be found to be appropriate. Residents closer to the site, such as those in Parkville Road, are clearly more likely to be affected by any student overspill parking. The proposed layout for Parkville Road will make it very obvious through appropriate signage and design that the private section is clearly only available for residents.
- 6.9 Parkville Road has been designed with a width of 4.1m, which allows for 2 cars to pass. This means that if a larger vehicle such as the refuse vehicle, is travelling along Parkville Road, it will be necessary for other vehicles to give way to it. This is considered to be appropriate in an area where traffic speeds are to be kept to a minimum to aid highway safety. At the point of the traffic signals, the road width is greater, allowing easier passing of vehicles to reduce the risk of vehicles turning into Parkville Road tailing back onto High Road due to inability to pass waiting vehicles at a red traffic signal. From the figures given in the previous transport statement, at peak times there is sufficient room for exiting vehicles waiting for a 2 minute red cycle without risk of blocking entry to the site, causing tailbacks onto High Road.
- 6.10 Whilst discussing traffic signal issues, it has been highlighted that sometimes during peak traffic, cars exiting Parkville Road cannot take the outside lane to travel in the direction of Burgess Road. SCC traffic signal engineers will monitor this aspect, and modify the traffic signal sequence should they consider that to be appropriate. It will be necessary for Safety Audits to be conducted on the Parkville Road layout before final agreement to the road layout to ensure that any foreseeable safety issues are addressed. Although the most recent plans show the student refuse store being close to the central courtyard, there is a requirement through the refuse management plan, and planning condition, to have the refuse collection from the lay-by on High Road, and not via the car parking area.
- 6.11 Parking permits will be issued to a total of 13 medical staff only, and only 8 spaces will be dedicated to that use during normal working hours, outside of this time, those spaces will be available for general use. This will be controlled through a car park management plan, to be agreed. 44 car parking spaces have been shown, due to previous evidence of Transport Assessments, and without robust evidence to the contrary, this number shall remain as the required provision.

- 6.12 The overall conclusion is that there will be overspill parking, which will affect neighbouring streets. The parking surveys conducted previously have indicated that there is spare on street parking capacity in roads closer to the site than Ethelbert Avenue. This on street availability is remote from the site, and this in itself will deter some students from bringing a car to University. Coupled with the convenience of the Uni Link bus service and the free pass given to all students within this accommodation, and the lack of parking at the University campus, and safe cycle storage both at this site and the University, students have good free alternative travel options, including walking. The options will therefore affect the decision of some students who may have thought of bringing a car to Southampton, despite the advice from the University not to do this.
- 6.13 Overspill parking is recognised, but its impact is not considered to be sufficient to overturn the recommendation of this planning application.
- 6.14 **SCC Traffic Engineer** – If there was community support for a controlled parking zone around the site, the costs of set up would be in the region of £30-40k.
- 6.15 **SCC Parking & Patrol** – The parking enforcement team has been reduced (from 47 to 32 across the City) in a bid to reduce our overhead costs. Any new schemes will require the recruitment of additional staff and, therefore, the scheme will have to fund these officers on an annual basis.
- 6.16 **SCC City Design** – following detailed discussions at both pre-application and application stage no objection raised. Previously advised that the form, height and massing is acceptable and promises to provide a dramatic gateway building on this key approach to the city. The wings are tall, given the context and local plan policy SDP 9 (5 storeys or greater), and the same applies as above. These wings, particularly on Stoneham Way, complement and relate more closely to the local context providing a human scale at street level. The pedestrian route through to the medical centre includes windows to allow some natural surveillance as well as being well lit. The route should also be clearly legible through to the medical centre entrance. In response to this scheme it is considered that the strip windows to the wings introduce a rhythm of windows and mullions that reflects the proportions of the Market buildings. They will improve their visual relationship whilst reducing the scale of the wing, as does the use of the timber cladding to the top floor and the black brick plinth ground floor detailing.
- 6.17 **SCC Tree Team** - The trees on this site are under Council ownership and are therefore considered to have the same protection as a Tree Preservation Order. They do, therefore constitute a material consideration in the planning process. The objection raised from previous consultations (ref. 08/00081/FUL) is still relevant although constrained by the outstanding permission. There are some 20 trees and hedgerow trees shown to be removed. It was previously recommended that this application is refused due to the loss of important visual amenity trees without suitable mitigation.
- 6.18 **SCC Housing** – No objection raised to nil affordable housing provision providing a restriction on the use of the units for students only is imposed. The provider should also be required to sign up to SASSH - Southampton Accreditation Scheme for Student Housing.
- 6.19 **SCC Landscaping** - No objection raised previously subject to the imposition of appropriate planning conditions. This is an acceptable solution, which is a mature and thoughtful response to both the new development and the existing context.
- 6.20 **SCC Sustainability** – No objection raised previously subject to the imposition of appropriate planning conditions. The BREEAM pre-assessment indicates that at least a 'Very Good' standard will be achieved, however there is a lack of additional information on the residential and retail assessments on how each of the credits is planned to be achieved. The design and access statement says 'A 10% improvement or better over Building Regs Part L2A shall be achieved.' The

applicants should be aware that the multi-residential element should be achieving at least 15% improvement.

- 6.21 **SCC Ecology** – No objection subject to the imposition of appropriate planning conditions. It is pleasing to see the introduction of a bio-diverse green roof, although it only accounts for a small proportion of the available roof space. This roof will provide some mitigation for the loss of foraging provided by the tree belt. The proposed development is unlikely to have a significant adverse impact on local biodiversity. Implementation of the enhancement measures listed in the Ecological Appraisal January 2011 should be secured through a planning condition. An informative should be placed on any permission advising of the legal duty to avoid disturbance to nesting birds.
- 6.22 **SCC Environmental Health (Pollution & Safety)** - No objection subject to the imposition of appropriate planning conditions relating to noise attenuation, hours of construction, piling method, demolition method and the management of operational deliveries. The proposal recognises that this site is in a noisy area, on the cusp of category C/D of PPG24. A high specification window with acoustically treated ventilation is proposed and should be sufficient to ensure the internal noise climate is suitable. It should be noted that mechanical ventilation may be required for the lower levels of the site to overcome any potential concerns for air quality issues from the traffic.
- 6.23 **SCC Environmental Health (Air Quality)** – No objection raised previously subject to the imposition of appropriate planning conditions. The Air Quality Report is acceptable.
- 6.24 **SCC Environmental Health (Contamination)** - No objection raised subject to the imposition of appropriate planning conditions. Annex 2 of PPS23 considers the proposed land use as being sensitive to the affects of land contamination. Therefore, to ensure compliance with Annex 2 of PPS23 and policies SDP1 and SDP22 of the City of Southampton Local Plan Review (adopted version, March 2006) this department would recommend that the site be assessed for land contamination risks or assume that land contamination exists and take a precautionary approach.
- 6.25 **SCC Archaeology** – No objection subject to the imposition of appropriate planning conditions. A desk-based assessment and programme of field evaluation was undertaken back in February 2009. Although prehistoric material (including Bronze Age pottery and burnt flint) was discovered on the site, the archaeological potential for the site can best be dealt with by carrying out a Watching Brief on the groundwork associated with the development.
- 6.26 **SCC Skills, Economy & Housing Renewal** – Request that an employment and skills plan is included within the S.106.
- 6.27 **BAA** - No objection subject to the imposition of appropriate planning conditions relating to bird hazard management, removal of permitted development rights for telecoms, lighting and cranes.
- 6.28 **Natural England** – No objection. The site is within 500m of the habitats that form part of the River Itchen Site of Special Scientific Interest (SSSI), which also forms part of the River Itchen Special Area of Conservation (SAC). It is the opinion of NE that this project, either alone or in combination, would be unlikely to have a significant effect.
- 6.29 **Southern Water** - No objection subject to the imposition of appropriate planning conditions. A public sewer crosses the site and will need to be diverted as part of the proposals.
- 6.30 **Hampshire Constabulary** – No objection raised previously following confirmation that the proposed lighting will be either column or building mounted to avoid

Secured By Design issues. Previously advised that the Design & Access Statement addresses the context of the site in compliance with PPS1.

- 6.31 **The Environment Agency** – No objection in principle, but requested that planning conditions are imposed to ensure that the development complies with the applicant's Flood Risk Assessment.

7.0 Planning Consideration Key Issues

- 7.1 The key issues for consideration in the determination of this planning application are:
- i. The principle of mixed-use & the replacement of community facilities;
 - ii. The principle of a tall building development in this location;
 - iii. The design approach & its impact on the established character;
 - iv. The level of on-site parking and servicing, and its impact on highway safety; and,
 - v. The impact on existing and proposed residential amenity;
 - vi. Impact on Local Trees;
 - vii. The requirement for a S.106 Agreement and the provision of affordable housing.

Principle of Redevelopment

- 7.2 The re-use of this previously developed land with a mixed-use proposal is consistent with the requirements of 'saved' Local Plan policies H2 and H13 as supported by policies CS3, CS5 and CS10 from the Council's adopted LDF Core Strategy (2010) and the national guidance identified above.
- 7.3 The Council's favourable determination of the previous applications (08/00081/FUL, 08/01489/FUL and, most recently, 11/00204/FUL) is also a material consideration that should be afforded significant weight in the determination of this application, especially as the latter scheme could still be implemented.

i) Community Uses

- 7.4 Policy CS3 seeks to prevent the loss of existing community uses unless the use can be relocated to a site providing equivalent community benefit or there is no community need for the building.
- 7.5 Rather than replace the community uses on site, the Council's Children's and Services Team have confirmed that they will maintain youth support provision in the Swathing area via an advertised programme of activities (taking place once a week) utilising existing venues such as Cantell School, Swaythling Neighbourhood Centre, Woodmill and the new MUGA on Daisy Dip (when it is completed).
- 7.6 The existing youth centre operates in tandem with the Inner City Boxing Club, which is a voluntary organisation. The boxing club have an informal arrangement with the Council to operate from the site on a temporary basis whilst redevelopment plans are fixed. As such, whilst the value of their work cannot be overstated, in planning terms they should be afforded only limited weight when assessed against Policy CS3 as they took the space in the knowledge of the Council's planned redevelopment proposals. That said, the applicants are working with the Boxing Club and report (with this application) that they have acquired a new venue, which will be made available to the Club prior to the commencement of the 'City Gateway' development.
- 7.7 The application accords with the aims of Policy CS3.

(ii) Retail (Use Class A1/A3)

- 7.8 As with the extant permission the application seeks a commercial ground floor use. The application proposes 3 retail units (use class A1) to include a pharmacy, a flexible retail unit (use class A1/A3 food and drink) and a Unit for D1 uses (Non-Residential). A combined floor area of 918sq.m is proposed. Policy CS3 states that “new development must be at a scale appropriate to the size and role of the centre” and identifies Swaythling as being served by a ‘Local Centre’ that meets ‘day to day’ needs for the immediate neighbourhood. The Policy is permissive of new development to protect the vitality and viability of these existing centres. The application site is located outside of the existing defined centre, but is an obvious link between the designation along High Road and the Market buildings.
- 7.9 The applicant’s updated ‘Retail Report’ (2011) explains the retail impact of the proposal and concludes that the existing centre is still struggling (since their assessment of earlier, similar, proposals). Vacancy rate has increased from 5% in 2007 to 14% in 2011. The proposed uses will regenerate the area as part of the mixed-use proposals and should compliment the existing centre. The application is considered to have addressed the requirements of Policy CS3 and the additional retail floorspace proposed is again deemed to be acceptable. The application has, nevertheless, been advertised as a departure from the development plan as it proposes more than 750sq.m of retail floorspace outside of a recognised centre.
- 7.10 In accordance with previous discussions the applicants propose the following hours for trading:
- 6:30am to 10:30pm Monday to Saturday
 - 7am to 10pm on Sundays and Public Holidays
 - The pharmacy shall not operate outside of the hours of 7am and 11pm 7 days a week
- 7.11 Site deliveries will be restricted to between 6am and 7pm (7 days a week including Sundays and public holidays) with deliveries between 6am and 7am restricted to one transit van delivery only. Any deliveries by articulated vehicles shall take place no earlier than 7am (Monday to Friday) and 8am on weekends and public holidays.
- 7.12 These suggested hours are considered to be acceptable.

iii) Medical Centre (Use Class D1)

- 7.13 The application proposes 756sq.m for a medical centre serving the catchment of the existing Stoneham Lane Surgery. Policy CS10 is permissive, in principle, of applications for primary care facilities in existing accessible centres and where there is a need as part of an expansion of an existing facility. This part of the application accords with these aims and is supported by officers.

(iv) Residential (Use Class C3)

- 7.14 The principle of additional housing on this previously developed site is supported and will assist in providing a genuine “mixed and balanced community” as required by PPS3 (2010), Core Strategy Policy CS16 and Part 6 of the approved Residential Design Guide (2006). A high-density residential scheme will facilitate the provision of improved community and health facilities and has already been accepted.
- 7.15 With the exception of the 16 self-contained flats the accommodation is provided in pods or “cluster flats”, where 5 or 6 students share a communal living space with one another. There are 53 of these flats. The principle of this type of accommodation is supported by saved Policy H13 and is well suited for the site and

the Swaythling Local centre. Furthermore, the provision of purpose built student accommodation reduces the pressure, in part, on the City's existing family housing stock to be converted to housing in multiple occupation. Policy H13 requires such housing to be restricted by a planning condition or an appropriate legal agreement. Where this is accepted the Council's normal affordable housing requirements do not apply.

Principle of a Tall Building

- 7.16 The application site is defined by mature planting and a low density context of between two and three storeys. The provision of a 15 storey building requires further justification and consideration before it can be accepted within this defined context. Adopted Local Plan Policy SDP9 defines a tall building as having 5 or more storeys of accommodation and states that the principle of tall(er) buildings is accepted on major routes into and out of the City, at junctions and at "gateway" locations. The application site meets these requirements and has already been assessed as acceptable, in principle, for a tall building proposal. The form of the current tower is identical to that previously considered to be acceptable. A tall building scheme on this site is acceptable. This conclusion is shared by the Council's City Design Manager and the Council's "Gateways and Approaches Initiative" document (2006), which remains an un-adopted strategic document at this time.

Design and Impact on Character

- 7.17 The proposed design approach should be assessed against the development plan unless other material considerations dictate otherwise.
- 7.18 In particular, PPS3 (2010) states that "good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted" (paragraph 13 refers).
- 7.19 Local Plan Policy SDP7 states that "development which would cause material harm to the character and/or appearance of an area will not be permitted". The supporting text explains that "context is about understanding the uses, visual characteristics and the patterns of local life of an area" (paragraph 2.49 refers). The Council's Residential Design Guide SPD explains that one of its key objectives is to positively enhance local character. In line with national urban design guidance the RDG recognises that the scale, massing and appearance of a dwelling or a group of dwellings should create a balanced composition in relation to each other and be in harmony with existing nearby development (paragraph 3.9.5 refers).
- 7.20 In terms of immediate context, it is clear that only a building of domestic scale would truly respect the existing Swaythling Local Centre. However, it does not follow that development of a greater scale and massing will automatically be viewed as alien or harmful to a given context. The site's redevelopment potential has already been accepted and it sits on land bounded by significant highway distributors (in terms of volume and width). The site has an urban feel and appearance and its gateway location is recognised in the Council's "Gateways and Approaches Initiative" document (2006). Marking a gateway with a landmark building is an established design technique. The Council has accepted a modern tall building proposal on this site already, and circumstances have not changed. The current proposal is formed using the same building footprint and envelope and the height and width are identical. The scheme is still compliant with Policy SDP19 in terms of airport safety and BAA have again raised no objection to the application's height or form.

- 7.21 The Council's City Design Manager has commented that the taller strip windows to the wings provide a rhythm of windows and mullions that reflects the proportions of the Market buildings and will improve their visual relationship whilst reducing the scale of the wing, as does the use of the timber cladding to the top floor and the black brick plinth ground floor detailing. No objection to the proposed scale, design or massing is made.
- 7.22 The proposed quantum of residential development enables the provision of a good "community" offer as part of a wider regeneration scheme. It is, therefore, considered that the proposed footprint and quantum of development (in terms of its built form) is acceptable, and would not result in any substantial harm to the visual amenities of the locality. The current application enables the applicant to make better use of this previously developed land and assists the Council in addressing its housing requirements.
- 7.23 The application is considered to have addressed the requirements of local and national design guidance identified above and supported by Local Plan policies SDP6, SDP7, SDP8 and SDP9 as supported by Core Strategy Policy CS13 and CABE's guidance relating to "Tall Buildings".
- 7.24 Finally, the impact of the development on the nearby Ethelbert Avenue Conservation Area has also been considered, as required by Local Plan Policy HE1. The impact of the physical form on the setting of this conservation area is considered to be negligible given the separation distances involved and the existing development between the two. The Council's Heritage Team Leader has previously raised concerns, however, to the impact that any overspill parking may have on the character of the conservation area itself, especially as Ethelbert Avenue is currently an un-adopted unmade road with no parking restrictions (unlike others in the vicinity of the site) and its adoption or use for parking to serve the development would affect its character. On balance, it is not considered that the nearby conservation area will be affected by parking overspill from these proposals for the reasons set out in the next section of this report. Improved signage is, however, to be secured through the S.106 process.

Highways and Parking – Key Issue for Consideration

- 7.25 Car parking is a key determinant in the choice of mode of travel, and the site is close to principal bus routes and Swaythling Train Station. The Local Plan aims to reduce reliance on the private car and encourage alternative modes of transportation such as public transport, walking and cycling.
- 7.26 The combined level of car parking (with the formalised use of Parkville Road also) to serve the proposed non-residential uses is 44 spaces. Those off-site spaces located on Parkville Road will be secured with the S.106 legal agreement prior to the first occupation of the development. The proposed level of parking to serve the non residential uses has not changed since the previous scheme and is again, therefore, deemed to be policy compliant.
- 7.27 A 'car free' scheme with nil parking is again proposed for the residential use. The applicants have submitted a revised Transport Assessment that concludes that no students will bring a car to the site and/or park in neighbouring streets. This is contrary to their previous position and is not accepted by officers.
- 7.28 It was previously the case that, despite objectors' claims that between 77 and 130 vehicles will overspill from the development, the applicants expected a worse case overspill of 42 cars owned by students from the development. This figure was arrived at following an evaluation of similar schemes and assumed no student car ownership eviction clause was in place. The assessment was subsequently supported by a legal opinion that concluded that with the threat of eviction only 'a

handful' of cars would be displaced into neighbouring streets. The applicant's survey work concluded that, accounting for the possible controlled parking that is proposed by the Council for the Flowers Estate, the highway network around the application site (including Stoneham Lane, Willis Road and Phillimore Road, which are located on streets closer to the development and, by definition, more convenient to the development than Ethelbert Avenue) on any given evening would, typically, have capacity for some 59 additional vehicles to accommodate any overspill. Members will recall that this spare capacity was to be supported by improvements to, and a more efficient layout of, the Market Building's frontage parking with the delivery of some 10 additional spaces (ie. up to 37). A consultation would follow the grant of permission with affected residents and business owners to ensure a satisfactory outcome is achieved.

- 7.29 In summary, therefore, in the Council's favourable determination of application 11/00204/FUL both officers and the Panel were content that there is spare capacity (ie. 59 public 'on-street' spaces excluding the additional 37 or so controlled spaces at Market Buildings) to deal with the likely worse case parking overspill from the development of some 42 vehicles. The eviction clause gave greater comfort that no harm would arise but, it could be argued, is unnecessary given the numbers involved. As such, officers are able to recommend that the removal of the eviction clause – as now proposed by the applicants - will result in a likely increase in off-site student parking but at a level (ie. some 42 vehicles) that can be accommodated safely and without harm, subject to the other controls and provisions that will be secured through the S.106 Legal Agreement.
- 7.30 Officers have explored the option of a review of car parking following the occupation of the development with the creation of additional Controlled Parking Zones (CPZs) on affected streets (including Ethelbert Avenue as offered by the developer) if required. Whilst a review could be undertaken, the enforcement of any further CPZs would require an ongoing cost to the development for enforcement of vehicles parking without a permit. This requirement is financially prohibitive and cannot be borne by the developer or the Council. As such, it is not a viable option and is unnecessary in any event given the above assessment.
- 7.31 Finally, with regard to Market Buildings, and the proposals to amend the existing parking arrangements, the applicant has met with some of the affected business owners and residents. It is clear that the needs of each individual business is different, but that some form of parking restriction is needed to prevent all day parking by students whilst allowing customers of the existing businesses to use the spaces for as long as necessary. As the S.106 clause (set out above) explains a full consultation will be undertaken prior to any changes to the Market Buildings existing parking taking place. Only following this exercise will a workable solution involving, for instance, some form of time restriction on parking between the hours of 8am and 6pm being implemented.

Impact on Existing Residential Amenity

- 7.32 It is accepted that the introduction of a 15 storey building will have an impact on the existing amenities enjoyed by residential neighbours. An assessment of the significance of any harm caused by this proposal in terms of proximity to neighbours, overlooking and overshadowing was previously undertaken and accepted. A similar assessment has been submitted and the same conclusion reached with regard to the tower.
- 7.33 The increase in the height of the wings will have little bearing on existing neighbours given the separation distances involved. The additional height is stepped away from the nearest neighbour in Parkville Road and the nearest part of this two/three storey wing is 11.7 metres away. The first floor of this part of the

- proposed building is again dedicated to medical use and has omitted any windows fronting 1 Parkville Road. Instead, a green wall is proposed to this part of the site.
- 7.34 The proposed roof terraces have been sensitively designed to limit any overlooking of nearby neighbours. Concerns had been raised by other residents in Parkville Road that the tower element will afford significant overlooking of their property. Although there are no established guidelines for suitable privacy distances for a building of the height proposed it should be noted that the tower is itself located some 49 metres from the boundary of 1 Parkville Road. There will be no significant overlooking afforded towards this property and its neighbours from the student accommodation located in the lower sections of this scheme as the building's eastern wing will obscure any views. At the higher storeys the outlook from these pods will relate more to the wider context and the skyline than the nearest neighbours. In any event the minimum separation distance of 49m is considered to reduce any harmful overlooking afforded.
- 7.35 Finally, the application has again been supported with shadow diagram information to demonstrate that the majority of any shadow cast will fall across the public highway (particularly in the early and late afternoon, when private amenity space is more likely to be used by residents).
- 7.36 Given the building's proposed siting it is not considered that the proposed development will lead to any adverse impact on the surrounding properties in terms of overshadowing, loss of outlook or a significant loss of privacy. As such the application is again considered to address the requirements of adopted Local Plan 'saved' policies SDP1(i), SDP7(v) and SDP9(v) as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006).

Living Environment

- 7.37 The site is located at a major highway junction and close to the railway line and is still located within Noise Exposure Category C (as defined by PPG24). The potential for noise nuisance to prospective residents is, therefore, significant. PPG24 states that, in such locations, planning permission should not normally be granted without planning conditions that can secure a commensurate level of protection against noise.
- 7.38 The applicants have submitted an Air Quality Assessment and Acoustic Assessment that suggest mitigation measures that can make this scheme acceptable for this location. These reports have been forwarded to Environmental Health for consideration and no objection has been raised. The provision of fixed shut glazing and mechanical ventilation is considered to be an appropriate solution in these circumstances. In addition, it is noted that 10 of the proposed bedrooms (less than 3% of the total) have compromised outlooks, particularly those in the tower that look out towards the wings. On a scheme of this nature this type of accommodation is mitigated by access to other (internal and external) communal spaces that provide for a satisfactory living environment. As such, the layout of the building is again judged acceptable. All room sizes are acceptable and noise transfer between units can be mitigated at the Building Regulations stage. The applicant's previous "Micro-climate Study" confirmed that the building has been designed to sensitively mitigate any changes in microclimate and the wind environment, especially around the base of the building. Pedestrian comfort is deemed to be acceptable. The building has safe and convenient access to integral bin and cycle storage. Lift access is provided to serve all floors.
- 7.39 In accordance with the Council's current external space standards a 69 flat scheme should be supported by some 1,380sq.m of amenity space that is "fit for its intended purpose". This level of provision cannot be achieved on a scheme of this nature and would make any such scheme undevelopable. A degree of flexibility is

therefore recommended (as was the case with the previous scheme). In this instance, the amenity space provision will no longer be met by the previously proposed roof terrace. Whilst some external space is provided in the semi-private ground floor courtyard the scheme does not comply with the external space standards of the Council's approved Residential Design Guide SPD (2006); namely paragraph 2.3.14 and section 4.4. That said, these units are not for private market accommodation and will serve a student need. As such, an exception to these requirements can be afforded, especially as the University of Southampton is the likely tenant and their students often have good access to social and sporting groups (and the University's formal sports pitches). An off-site financial contribution towards local open space is also proposed.

Impact on Local Trees

- 7.40 Adopted Local Plan policies SDP6(vii), SDP7(i), SDP12 (as supported by section 4.7 of the Council's approved Residential Design Guide and Core Strategy Policy CS13) seek to ensure that major planning applications are supported by tree survey work and details of tree protection.
- 7.41 In total 20 trees will be felled to accommodate this development, 14 of which have been identified as Grade B ("worthy of retention"). The scheme proposes their replacement. The majority of the trees earmarked for removal are located along the Stoneham Way elevation. The proposed building seeks to activate the ground floor to this street frontage with the introduction of additional retail space and pedestrian entrances. The building is also serviced from a proposed lay-by taken from Stoneham Way. In order to provide a building that successfully relates to the street, whilst ensuring that the development's servicing requirements are not met from Parkville Road, it is deemed necessary to remove the existing trees along this frontage. The internal courtyard will be landscaped and tree pits will be utilised to accommodate further planting within the heart of the development. The loss of these trees is again considered to be acceptable.

Section 106 Legal Agreement

- 7.42 In the event that the recommendation is accepted the applicants have agreed to enter into a S.106 Legal Agreement with the Council in order to secure contributions towards transport and open space improvements that mitigate against the development's direct impacts.
- 7.43 A development of this scale would normally trigger the need for 35% affordable housing in accordance with Core Strategy Policy CS15. However, as the proposal is for student accommodation no affordable housing requirement is required. The S.106 legal agreement would include a restriction that occupiers of the flats would be in full time higher education in accordance with Local Plan Review Policy H13(v).
- 7.44 The previous application was supported by an up-to-date viability appraisal of the proposal that concluded that a full S.106 contribution makes the delivery of the scheme non-viable on a commercial basis. A scheme's viability is a material consideration where it is directly linked to housing delivery and the wider regeneration benefits. The applicant's appraisal has been independently tested and it is recommended that the Council should again agree to relax its normal requirements (as was the case with the previous application 11/00204/FUL) whilst index linking the agreed sums back to the date that they were first agreed (as is standard practice to ensure the agreed sums can deliver the package of mitigation measures).

Summary

- 7.45 As the current application is, in physical terms, the same as previously consented the key issue for consideration is whether or not the removal of a student eviction clause (as previously found to be necessary and as set out above) from the S.106 Legal Agreement will result in additional overspill car parking to the detriment of either highway safety, the visual amenities of the nearby conservation area or the convenience of existing residents living and parking nearby the site.
- 7.46 In summary, it is considered that overspill parking from the development will occur, but that this may be reduced by the offer of a free UNlink bus pass to occupants, access to on-site cycle parking, and the inconvenience of having to park a car away from the development and out of sight. It is considered that any overspill parking that does occur can be accommodated within the existing public highway network without resulting in highway safety issues or a significant visual impact on the Ethelbert Avenue Conservation Area. The significant regeneration benefits and provision of specialist form of housing proposed should be afforded due weight in the Council's final decision as there are no highway safety concerns. As such, the application is acceptable and is recommended for approval subject to the terms as set out in this report.

8.0 CONCLUSION

- 8.1 The application is recommended for conditional approval following the completion of a S.106 legal agreement to secure the package of measures listed above.

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

1a, b, c, d, 2b, c, d, 4b, f, 6a, c, d, h, 7a, b, f, g, i, n, p, t, u, v, w, 9a, 10a & b

SH2 for 13/03/12 PROW Panel

SUGGESTED PLANNING CONDITIONS to include:

01.APPROVAL CONDITION - Implementation Commencement

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission was granted.

REASON:

In accordance with Section 91 of the Town & Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

02.APPROVAL CONDITION - Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

For the avoidance of doubt and in the interests of proper planning.

03.APPROVAL CONDITION - Details of External Materials - Samples

Notwithstanding the submission to date no work for the construction of the buildings hereby permitted (excluding the demolition and site preparation phase) shall commence unless and until details and samples of the materials and finishes to be used for the external walls, windows, window reveals, doors and roof of the building have been submitted to and approved in writing by the Local Planning Authority. These details should include a commitment to using an anti-graffiti finish (where feasible) to the ground floor level. 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 interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality.

04.APPROVAL CONDITION - Building Heights

There shall be no alterations to or deviations from the finished floor levels and finished building heights as detailed on the approved plans without the prior written agreement of the local planning authority. No building works or ancillary structures including television aerials, satellite antennas and telecommunication equipment shall exceed a maximum building height of 54.33 metres AOD. Obstacle lights shall be placed on the top of the building. These obstacle lights must be steady state red lights with a minimum intensity of 2000 candelas. Periods of illumination of obstacle lights, obstacle light locations and obstacle light photometric performance must all be in accordance with the requirements of 'CAP168 Licensing of Aerodromes' (available at www.caa.co.uk/srg/aerodrome). The obstacle light(s) must be sited so as not to infringe the Obstacle Limitation Surface at 54.330m AOD.

REASON:

To ensure that the impact of the development in relation to the natural features of the site and nearby buildings is demonstrated and to prevent any undue conflict with the flight paths of Southampton Airport – BAA's response dated 17th January 2012 refers.

05.APPROVAL CONDITION - Security Measures

No development shall commence (excluding the demolition and site preparation phase) until a Security Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the:

- i. CCTV coverage & concierge arrangements with 24 hour on-site management;
- ii. semi-private ground floor courtyard access and management arrangements;
- iii. surface car park area including all means of enclosure and lighting;
- iv. door types of the storage areas;
- v. outer communal doorsets and the pod access doorsets;
- vi. ground floor windows; and
- vii. audio/visual control through the communal access doors.

Development shall be completed and retained in accordance with the agreed details.

REASON:

In the interests of crime prevention and residential safety

06.APPROVAL CONDITION - Active frontages

Notwithstanding the provisions of Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007 the occupier(s) of the non residential uses hereby approved on the ground floor shall retain an 'active window display' along the length of the shop frontages hereby approved (without the installation of window vinyls or roller shutters) in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority prior to the occupation of each unit to which the information relates.

REASON:

In the interests of retaining a lively and attractive streetscene.

07.APPROVAL CONDITION – Communal Space Access

The first floor lounge area shown on the approved plans, and pedestrian access to it, shall be made available for all residents prior to the first occupation of the student pods and flats hereby permitted unless otherwise agreed in writing with the Local Planning Authority.

REASON:

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

08.APPROVAL CONDITION - Servicing

Notwithstanding the details submitted with the application prior to the occupation of each of the non-residential units hereby approved full details of how service vehicle deliveries – including the collection of refuse - to the site will be managed shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details unless otherwise agreed in writing by the local planning authority and the approved details conformed to thereafter.

REASON:

In the interests of the safety and convenience of all highway users.

09.APPROVAL CONDITION - Hours of Use – Non Residential Uses

The non residential uses hereby approved shall not operate outside of the hours hereby set out:

- 6:30am and 10:30pm (Monday to Saturday) and 7am and 10pm Sundays, Bank and/or Public Holidays as supported by a Security Management Plan (As required by the condition above)
- The pharmacy shall not operate outside of the hours of 7am and 11pm 7 days a week including Sundays, Bank and/or Public Holidays.

REASON:

In the interests of existing and proposed residential amenity

10.APPROVAL CONDITION - Hours of Delivery – Non Residential Uses

No deliveries shall be taken at or despatched from the site outside the hours hereby set out:

- 6am and 7pm (7 days a week including Sundays and recognised public holidays) with deliveries between 6am and 7am restricted to one transit van delivery only.
- Any deliveries by articulated vehicles shall be in accordance with the above hours with such deliveries to take place no earlier than 7am (Monday to Friday) and 8am on weekends and recognised public holidays as supported by a Deliveries Management

Plan that shall have been agreed in writing with the Local Planning Authority prior to the occupation of the commercial unit to which it relates.

REASON:

In the interests of existing and proposed residential amenity

11. APPROVAL CONDITION – Noise Attenuation

The approved development shall be implemented and completed only in accordance with the recommendations as set out in the applicant's Noise Assessment dated 28th January 2011 (as amended below). Any mechanical acoustic ventilation for noise issues from Thomas Lewis Way shall be ventilated from the roof. Notwithstanding these approved details, unless otherwise agreed in writing by the Local Planning Authority, windows and ventilation systems shall be provided to achieve the sound reduction levels of:

37dB(A) for living rooms overlooking Stoneham Way
42dB(A) for bedrooms overlooking Stoneham Way

37dB(A) for living rooms overlooking Thomas Lewis Way
43dB(A) for bedrooms overlooking Thomas Lewis Way

REASON:

To protect occupants of the student accommodation from traffic and railway noise and to ensure that the amenity of existing residents is not unduly compromised during the implementation phase.

12. APPROVAL CONDITION - Disabled Access

Lifts shall be provided in accordance with the approved plans and shall be made available for use prior to the first occupation of the student accommodation hereby approved. The approved lifts shall be effectively operated and maintained in accordance with manufacturer's instructions for as long as the approved use continues.

REASON:

In the interests of the amenities of future occupants and visitors and in accordance with the Council's policies and practice in respect of access for disabled persons.

13. APPROVAL CONDITION - Hours of Construction & Associated Deliveries

In connection with the implementation of this permission any demolition, conversion and construction works, including the delivery of materials to the site, shall not take place outside the hours of:

- 8am and 6pm Mondays to Fridays; and,
- 9am and 1pm on Saturdays.

Works shall not take place at all on Sundays or Public Holidays without the prior written approval of the Local Planning Authority. Any works outside the permitted hours shall be confined to the internal preparation of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

No deliveries of construction materials or equipment, or removal of demolition materials associated with this development shall take place between the following times:

- 8am to 9am and 4:30pm to 5:30pm Mondays to Fridays

REASON:

To protect local residents from unreasonable disturbances from works connected with implementing this permission, and to ensure that construction traffic does not conflict unduly with the City's peak hour traffic.

14. APPROVAL CONDITION - Demolition and Construction Method Statement

The demolition phase shall be carried out in accordance with the 'Demolition Works Method Statement' that was submitted and approved under LPA ref: 11/01788/DIS.

Before any building works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement (CMS) for the development. The CMS shall include details of: (a) parking of vehicles of site personnel, operatives and visitors; (b) loading and unloading of plant and materials; (c) storage of plant and materials, including cement mixing and washings, used in constructing the development; (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary; (e) measures to be used for the suppression of dust and dirt throughout the course of construction; (f) details of construction vehicles wheel cleaning; (g) details of how noise emanating from the site during construction will be mitigated; and, (h) details of the Site Manager's telephone number that residents can use in the event that they wish to raise concerns. The approved CMS shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

REASON:

In the interest of health and safety, protecting the amenity of local land uses, neighbouring residents, the character of the area and highway safety.

15. APPROVAL CONDITION - Demolition - Removal of Debris

The existing building and/or structure shall be demolished (in accordance with the plans hereby approved) and all resultant materials removed from the site and disposed of at an appropriate authorised tip within 2 months of the commencement of the demolition works relating to that structure and before the redevelopment hereby approved is commenced unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To secure a satisfactory and comprehensive form of development and to safeguard the visual amenity of the locality.

16. APPROVAL CONDITION - Piling Method

A method statement shall be submitted to and approved in writing by the Local Planning Authority before the development commences (excluding the demolition and site preparation phase) to demonstrate how any pile driving operation will take place as part of the development. Any pile driving operations as approved shall be carried out in accordance with that approved method statement. To limit vibration, a continuous flight auger method is the preferred method.

REASON:

To ensure that appropriate measures are incorporated into the construction activities to mitigate any noise problems generated by pile driving operations.

17.APPROVAL CONDITION - Landscaping

Notwithstanding the information submitted with the application no development shall take place (excluding the demolition and site preparation phase) until full details of both hard and soft landscaping, green roofs and walls, landscape buffers, all car parking and the ground floor courtyard area have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:

- i. a detailed response to the Council's landscape design comments dated 19th April 2010;
- ii. proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas, hard surfacing materials, structures and ancillary objects (refuse bins etc);
- iii. external lighting (to include type and luminance);
- iv. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- v. a specification for the approved green/brown/biodiverse wall(s) and roof(s) forming the Thomas Lewis Way wing;
- vi. the provision of a 2 for 1 replacement of those trees to be lost (where practicable). The replacement trees shall be of a heavy standard size (12 - 14cm girth) as a minimum and will be planted within the site or at a place agreed in writing with the Local Planning Authority;
- vi. details of any proposed boundary treatment, including the "art fencing" to the south of the approved semi-public communal courtyard at ground floor level and the retained strip along the building's Thomas Lewis Way frontage; and
- vii. A landscaping management plan, including long term objectives, management responsibilities and maintenance schedules for the landscaped areas.

The hard and soft landscaping works shall be carried out in accordance with the details approved. The works shall be carried out before any of the development is occupied or in accordance with a timescale which has been agreed in writing with the local planning authority prior to the commencement of development.

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 improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990.

18.APPROVAL CONDITION – Arboricultural Method Statement

The development shall be carried out in accordance with the 'Arboricultural Method Statement' as supported by the applicant's email dated 16th December 2011, that was submitted and approved under LPA ref: 11/01788/DIS.

REASON:

To ensure that provision for trees to be retained and adequately protected throughout the construction period has been made.

19.APPROVAL CONDITION - Sustainable Drainage System

Prior to development commencing (excluding the demolition and site preparation phase) details of the construction of the surface water drainage system shall be submitted to and approved in writing by the Planning Authority. The surface water drainage shall thereafter be undertaken only in accordance with the approved details. The submission shall include a feasibility study by independent consultants demonstrating the investigation and assessment of the potential for creation of a sustainable drainage system on site. If the study demonstrates the site has the capacity for the implementation of a sustainable drainage system, a specification shall be agreed in writing with the Local Planning Authority and fully operational prior to the first occupation of the development. It shall thereafter be retained and maintained for the benefit of the site and its users.

REASON:

To conserve valuable water resources and prevent against flood risk and to comply with policy SDP13 (vii) of the City of Southampton Local (2006) and the LDF Core Strategy Policy CS20 and in accordance with the applicant's FRA dated February 2011.

20.APPROVAL CONDITION - Sewers

The development shall be carried out in accordance with the sewer diversion information (namely, the Reuby & Stagg S.185 plan ref: 9851-350 P1 and 9851-351 P1) that was submitted and approved under LPA ref: 11/01788/DIS.

REASON:

As further capacity is required to accommodate the proposed intensification of development.

21.APPROVAL CONDITION - Flood Risk

Unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of development the development shall be implemented in accordance with the Flood Risk Assessment (FRA) and Drainage Strategy (Odyssey February 2011) prior to the first occupation of the development.

REASON:

To ensure that a site can be developed safely the FRA is proposing mitigation measures that ensure increased surface water flow does not create flooding to people / property nearby.

22.APPROVAL CONDITION – Sustainable measures

Written documentary evidence demonstrating that the development has achieved at minimum a rating of Very Good against the BREEAM standard shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted, unless an otherwise agreed timeframe is agreed in writing by the LPA. The evidence shall take the form of a post construction certificate as issued by a qualified BREEAM certification body.

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).

23.APPROVAL CONDITION - Energy (Pre-Commencement Condition)

An assessment of the development's total energy demand and a feasibility study for the inclusion of renewable energy technologies on the site, or other means of improving energy efficiency that will achieve a reduction in CO2 emissions of 15% for the residential and 12.5% for non-residential uses over part L of the Building Regulations must be

conducted. Plans for the incorporation of renewable energy technologies or other means of improving energy efficiency to the scale that is demonstrated to be feasible by the study, and that will reduce the CO2 emissions of the development of 15% for the residential and 12.5% for non-residential uses over part L of the Building Regulations must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent. 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).

24.APPROVAL CONDITION - Parking Provision

The 32 on-site car parking spaces (and 12 on Parkville Road to be provided under a separate mechanism) shown on the approved amended drawings listed below shall be provided and made ready for use prior to the first occupation of the development unless an alternative phased provision is agreed in writing with the Local Planning Authority. Notwithstanding the Odyssey Car Parking Management Plan (CPMP) the parking spaces shall be retained thereafter in accordance with a revised CPMP that shall have been agreed in writing with the Local Planning Authority prior to the first occupation of the development. Details shall include, for example, parking allocations between uses (including staff/permit allocations), means of security, pricing (if appropriate), enforcement and hours of use (where appropriate).

REASON:

In the interests of ensuring adequate provision is made for car parking on the site and the safety and convenience of all highway users and to ensure the distribution of spaces between units in order to meet the Council's adopted parking requirements.

25.APPROVAL CONDITION - Refuse & Recycling Bin Storage – In accordance

Bin storage shall be laid out with a level approach prior to the first occupation of the development hereby approved in accordance with the approved amended plans listed below. All storage shall be located and retained inside the building and presented to the Stoneham Way/High Road layby only on the day of collection. The facilities shall include accommodation for the separation of waste to enable recycling by residents. The approved refuse and recycling storage shall be retained whilst the building is used for residential purposes.

REASON:

In the interests of the visual appearance of the building and the area in general.

26.APPROVAL CONDITION - Litter Bins

Provision shall be made on-site for the installation and subsequent emptying of litter bins and such provision shall be approved in writing by the Local Planning Authority before the first occupation of the development hereby permitted. The agreed scheme shall be retained and managed during the lifetime of the development.

REASON:

To ensure that adequate facilities are provided for the collection and disposal of litter likely to be generated by this mixed-use development.

27.APPROVAL CONDITION - Cycle Storage

Notwithstanding the information already submitted no development shall be occupied until details of the secure, covered cycle storage for all uses included within the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be made available prior to the occupation of the development in accordance with the approved details. The cycle storage shall be retained whilst the building is occupied for the approved use.

REASON:

In the interest of the amenity of residents and to reduce reliance on the private motor car.

28.APPROVAL CONDITION - Contamination – Desk Top Study

The development shall be carried out in accordance with the contaminated land information namely, the Contaminated Land and Geotechnical Desk Study Report No. 14061/ge/r01 (March 2007), the Environcheck Report (20-feb-2007) and the Contaminated Land Ground Investigation Assessment (January 2008) that was submitted and approved under LPA ref: 11/01788/DIS.

Documented evidence of the above procedures shall be submitted to the Local Planning Authority for their written approval at each stage. Any remediation scheme required and approved shall be fully implemented and adhered to. Any amendments to the remediation scheme relevant to the risk associated with the contamination shall be submitted to the Local Planning Authority for prior approval in writing. On completion of the remediation works and, prior to occupation of the properties on the development, the developer and/or his approved agent shall submit written confirmation that works have been completed in full and in accordance with the approved scheme.

The presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of the Local Planning Authority and an investigation and management scheme implemented prior to occupation in accordance with details to be agreed.

REASON:

To identify unacceptable risks to human health and the environment and ensure investigation, assessment and remediation of the site is to an appropriate standard in accordance with the guidance given in Model Procedures for the Management of Land Contamination - Contaminated Land Report 11 - Environment Agency - 2001.

29.APPROVAL CONDITION - Contamination - Export of Soil

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

REASON:

To ensure that no ground contamination risks to human health and the environment are introduced onto the application site.

30.APPROVAL CONDITION - Ecology

The ecology enhancements, as set out within the applicant's Ecological Assessment (dated February 2011), and updated by the emails from Dan Simpson from Aspect Ecology dated 9th and 17th February, shall be implemented in full prior to the first occupation of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interests of biodiversity and the wider ecology of the area.

31. APPROVAL CONDITION - Bird Hazard Management Plan (BHMP) - BAA

Development shall not commence (excluding the demolition and site preparation phase) until a Bird Hazard Management Plan (BHMP) has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of the management of any flat or shallow pitched roof that may be attractive to nesting, roosting and loafing birds and include details for preventing birds from perching in the window reveals. The BHMP shall comply with BAA's Advice Note 8. The BHMP shall be implemented as approved upon completion of the roof and shall remain in force for the life of the development. No subsequent alterations to the BHMP are to take place unless first submitted to and approved in writing by the Local Planning Authority.

REASON:

It is necessary to manage the roofs in order to minimise its attractiveness to birds which could otherwise endanger the safe movement of aircraft and the operation of Southampton Airport – BAA comments dated 8th March 2011 refer.

32. APPROVAL CONDITION – Archaeological investigation

The submitted Wessex Archaeology Written Scheme of Investigation for the required Archaeological Watching Brief (October 2011) that was submitted and approved under LPA ref: 11/01788/DIS is acceptable to the Local Planning Authority. The development shall be completed in accordance with its findings and the archive deposited and accepted by Southampton Museums Service.

REASON:

To ensure that the archaeological investigation is initiated at an appropriate point in development procedure.

33. APPROVAL CONDITION – Archaeological work programme

The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

REASON:

To ensure that the archaeological investigation is completed.

Note(s) To Applicant

Note to Applicant - 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. If the Decision Notice includes a contaminated land condition you should contact the Council's Environmental Health Department, and allow sufficient time in the process to resolve any issues prior to the

commencement of development. It is important that you note that if development commences without the conditions having been formally discharged by the Council in writing, any development taking place will be unauthorised in planning terms and this may invalidate 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 Management Service.

Note to Applicant - 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.

Note to Applicant - Southern Water – Water Supply - Informative

A formal application for connection to the public water supply is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39a Southgate Street, Winchester, SO23 9EH (tel. 01962 858688).

Note to Applicant - Southern Water – Sewers - Informative

The applicant should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Atkins Ltd, Anglo St James House, 39a Southgate Street, Winchester, SO23 9EH (tel. 01962 858688).

Note to Applicant - Oversailing Public Highway

The applicant is reminded to contact the Highways Authority in the event that a license is required to oversail the public highway

Note to Applicant - Cranes

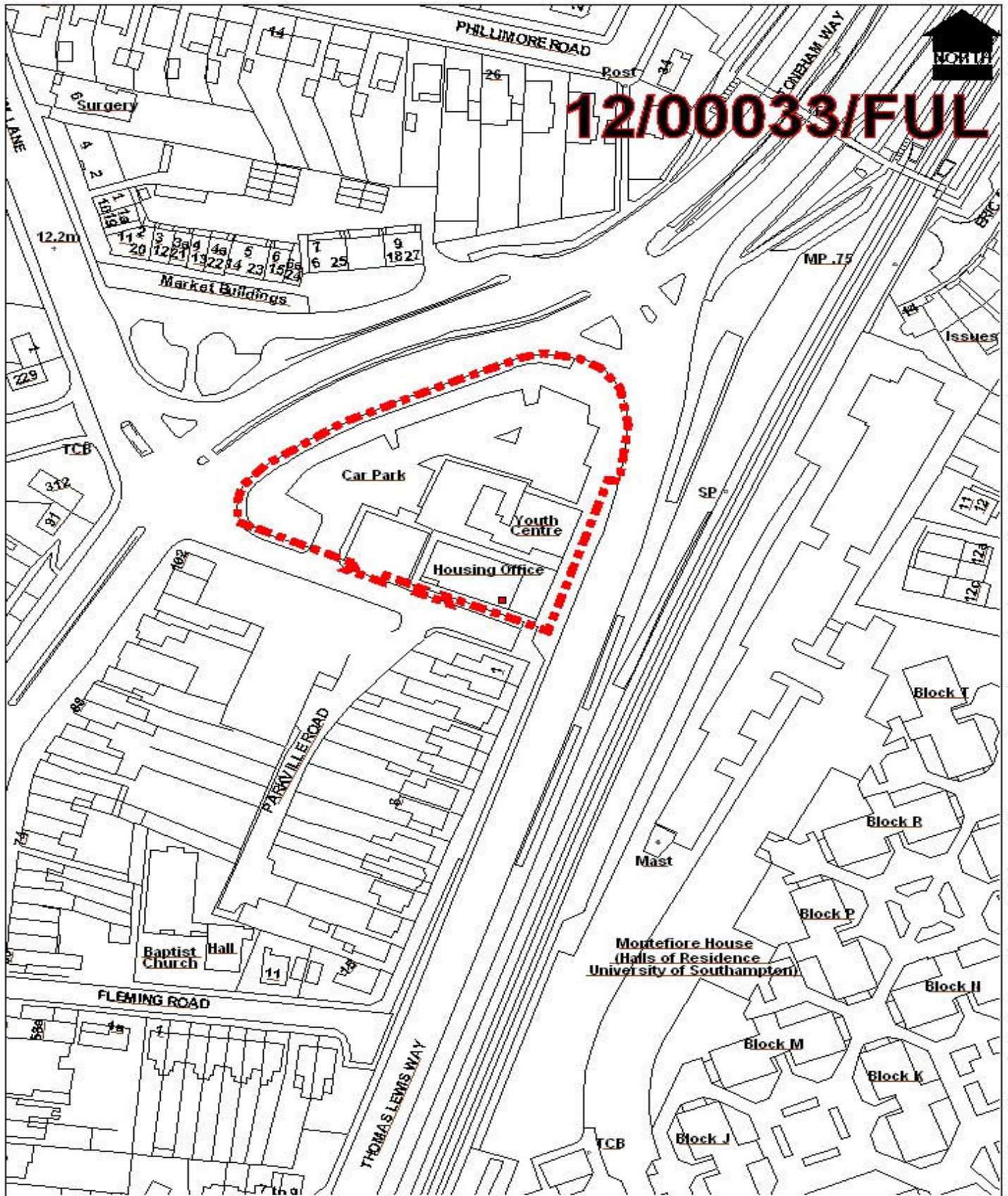
Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at www.caa.co.uk/srg/aerodrome). The contact for crane issues at Southampton Airport is Iain Mc Dermott-Paine, Airside Compliance Manager telephone 02380 627173.

Note to Applicant – Nesting Birds

The applicant is reminded of their legal duty not to disturb any birds found nesting on site.



12/00033/FUL



Scale : 1:1250

Date :28 February 2012

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PLANNING AND RIGHTS OF WAY PANEL

MINUTES OF THE MEETING HELD ON 27 SEPTEMBER 2011

Present: Councillors Jones (Chair), Claisse (Vice-Chair), Mrs Blatchford, Cunio, Fuller, L Harris and Thomas

Apologies: Councillors Osmond

54. AREA HOUSING OFFICE, YOUTH CENTRE AND CAR PARK SITE, PARKVILLE ROAD, SWAYTHLING 11/00204/FUL

Redevelopment of the site. Demolition of the existing buildings and erection of a building ranging in height from 3-storeys to 15-storeys to provide student residential accommodation (53 cluster flats comprising a total of 348 rooms, 4 x 2-bedroom flats and 12 x 1-bedroom flats); a medical centre (Class D1 use), retail units (Class A1) and two units for community use or non-residential institution use (Class D1) or retail (A1) or food and drink use (A3) with associated landscaping, parking and site works, including the stopping up of existing highway.

Mr Kiddle (Applicant), Ms Ornsby (Legal representative), Mr Piccinino, Dr Waddington, Mr Crowther, Mr Symes, Mr Hopgood, Mr Dixon, Mr Purkiss, Mr Hamilton, Ms Lloyd (Local residents) and Councillors Turner and Vassiliou (Ward Councillors) were present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO THE RECEIPT OF AN UNDERTAKING FROM THE HEAD OF PROPERTY AND PROCUREMENT TO IMPOSE A CONDITION IN THE LAND SALE AGREEMENT THAT THE APPLICANT ENTER INTO A SECTION 106 LEGAL AGREEMENT PRIOR TO COMPLETION OF THE LAND TRANSFER WAS CARRIED

RECORDED VOTE:

FOR: Councillors Jones, Mrs Blatchford, Claisse, Fuller and L Harris

AGAINST: Councillors Cunio and Thomas

RESOLVED

- (i) that authority be delegated to the Planning and Development Manager to grant conditional planning approval subject to:-
 - a) the conditions in the report;
 - b) confirmation in writing by the applicant prior to the grant of planning permission that the attached Heads of Terms are acceptable to the applicant;

- c) the receipt of an undertaking from the Head of Property and Procurement Services that the contract for the sale of Council owned land, the subject of this application will be conditional upon Bouygues Development and any other person with an interest in the land entering into a S.106 legal agreement with the Council, prior to the land transfer taking place, to provide the following planning obligations:
- i) An occupation restriction to ensure that all residents are in full time higher education and that the provider is a member of the Southampton Accreditation Scheme for Student Housing (SASSH) in accordance with Local Plan Policy H13(v);
 - ii) The submission and implementation of a Student Drop Off/Collection Management Plan committing to an ongoing review of the site;
 - iii) The scheme shall make a commencement within 6 months and achieve a shell and core finish within 36 months from the date of the planning permission so as to reflect the current viability assumptions made. In the event that this is not achieved a fresh viability appraisal shall be submitted with any uplift in value (up to an agreed sum) payable to the City Council;
 - iv) A financial contribution and/or the implementation and maintenance of an agreed series of site specific transport and off-site landscaping works (including the proposed Stoneham Way service layby and Parkville Road Improvement Scheme with a minimum of 12 parking spaces) under S.278 of the Highways Act with implementation prior to first occupation in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS18 and CS25;
 - v) The funding of Traffic Regulation Orders (TRO) required to enable the development to be implemented;
 - vi) A financial contribution and/or the implementation and maintenance of an agreed series of strategic transport projects for highway network improvements, including the potential for a new/revised UNlink bus route and bus stop serving the development with implementation prior to first occupation, in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
 - vii) The submission and implementation of a public parking management plan for those spaces along Parkville Road dedicated for public use. Details to include additional explanatory signage to be erected in Parkville Road at the applicant's expense;

- viii) A Student Car Ownership Restriction Mechanism as part of any student contract of tenancy shall be agreed and imposed. No student shall be entitled to park on the land or to obtain parking permits to the Council's Controlled Parking Zones. Upon the offer of the place a clear written statement shall be given to the students detailing the implications for their tenancy in the event that they are found to have a car. All student contracts to include the agreed wording to the effect that they shall not bring a car to Swaythling Ward whilst living at City Gateway and may be evicted if found to have done so. In the event that evidence is provided by residents or the City Council that a resident has access to a car they will be given a warning leading to possible eviction. This will be at the discretion of the University of Southampton and/or any designated operator and/or the landowner upon receipt of valid evidence. Reception area to have an up-to-date telephone number with information about when and where breaches can be reported. Without prejudice to the above paragraph, the mechanism will be agreed between the University/operator and Southampton City Council prior to first occupation of the building;
- ix) A mechanism for replacing the existing community uses (both during and following the construction phase) in accordance with LDF Core Strategy Policy CS3;
- x) Financial contributions towards the relevant elements of public open space required by the development in line with Policy CLT5 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS21 and CS25;
- xi) The submission, approval and implementation of public art – possibly to include an art fence - that is consistent with the Council's Public Art 'Art People Places' Strategy;
- xii) Submission and implementation within a specified timescale of a Travel Plan, including the provision of UNlink bus passes to all residents;
- xiii) Provision of on-site CCTV coverage and monitoring in line with Policy SDP10 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS13 and CS25;
- xiv) Submission and implementation of a TV Reception Study committing to a pre and post construction assessment with off-site mitigation where necessary;
- xv) Submission and implementation of a Training & Employment Management Plan committing to adopting local labour and

employment initiatives (during and post construction) in line with LDF Core Strategy policies CS24 and CS25;

- xvi) A Site Waste Management Plan;
- xvii) Submission and implementation of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer;
- xviii) Agreement of construction vehicle routing;
- xix) Developer shall be responsible for the cost of checking of drawings and construction;
- xx) Market Buildings Car Parking Improvement Scheme (MBCPIS) – Prior to implementation to have approved in writing by the Council a scheme of works for the MBCPIS - to include consultation with Market Building's residents and business owners, a minimum of 37 parking spaces, tree protection measures during construction, and enhancements to the area's appearance including the associated Herbert Collin's Memorial Garden. The MBCPIS shall be provided prior to the first occupation of the development in accordance with an agreed S.278 and TRO for any additional parking restrictions; and,
- xxi) Details of additional explanatory signage to be erected in Ethelbert Avenue at the applicant's expense.

In the event that such an undertaking is not forthcoming within 3 months from the date of this decision that delegated authority be given to the Planning and Development Manager to refuse the application for failing to secure an appropriate mechanism for dealing with the S.106 legal agreement mitigation measures listed above.

REASONS FOR DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The proposed development has been revised to increase the level of on-site (including Parkville Road) car parking to 44 spaces and by making provision to rearrange the parking at Market buildings to provide a further 10 or so spaces. Furthermore, the applicant's traffic survey explains that there is sufficient capacity on roads nearer to the site than the Ethelbert Avenue Conservation Area to accommodate the anticipated overspill of vehicles belonging to student residents of the development. This conclusion is supported by the Council's Highways Officer as it is accepted that any student parking in breach of student tenancy agreements can be accommodated without detriment to local residents. The investigation of further Controlled Parking Zones and the use of a mandatory eviction clause for students found to have brought a car to the roads within the ward of the application site, enforceable through the Contracts (Rights of Third Parties) Act by local residents, have been investigated and discussed with the developer and it has been demonstrated that

neither are an acceptable route for dealing with any overspill issue. There is, therefore, no need to make further provision for additional car parking spaces other than as described above.

Following the proposed change to the student-car ownership restriction in a section 106 agreement to allow eviction to be at the discretion of the developer/university, and the confirmation that the existing highway network can accommodate any overspill parking caused by students bringing cars to the site in breach of the requirement in their lease not to do so, the impact of the development, in terms of visual and neighbouring amenity, highway safety and parking is considered to be acceptable. In reaching this conclusion, as to the acceptability of the development, particular account has also been taken of the third party response to the scheme; the quality of the proposed redevelopment proposals; current market conditions; the economic regeneration benefits that will accrue as a result of the redevelopment proposals; the need for student housing and the potential reduction in demand for converting the City's existing family housing stock into shared housing; and the overall viability of the scheme.

Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 planning permission should therefore be granted (subject to confirmation from the Head of Property and Procurement Services that the development agreement for the site will contractually require the Developer to enter into a section 106 agreement to secure the planning obligations as set out in the report to panel dated the 27th September 2011 prior to the completion of the land transfer) and in accordance with the following policies:

City of Southampton Local Plan Review (March 2006) policies SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13,, SDP14, SDP15, SDP16, SDP17, SDP19, SDP22, NE7, HE1, CLT5, CLT7, H1, H2, H3, H7, H13, REI6 and TI2 and City of Southampton Core Strategy (January 2010) policies CS4, CS5, CS6, CS10, CS11, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS22, CS24and CS25 as supported by the relevant national planning guidance and the Council's current supplementary planning guidance listed in the Panel report.

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12/00033/FUL

Planning Policy Context

Core Strategy - (January 2010)

CS4	Housing Delivery
CS6	Housing Density
CS6	Economic Growth
CS10	A Healthy City
CS11	An Educated City
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS24	Access to Jobs
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006) – Saved Policies

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
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting
SDP19	Aerodrome and Technical Site Safeguarding and Airport Public Safety Zone
SDP22	Contaminated Land
NE7	Rail Corridor
HE1	New Development in Conservation Areas
CLT5	Open Space in New Residential Developments
CLT7	Provision of New Public Open Space
H1	Housing Supply
H2	Previously Developed Land
H3	Special Housing Need
H7	The Residential Environment
H13	New Student Accommodation
REI6	Local Centres
TI2	Vehicular Access

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - August 2005 and amended November 2006)
Draft "Gateways and Approaches Initiative" (2006)
Parking (2011)

Other Relevant Guidance

PPS1 Delivering Sustainable Development (2005)
PPS: Planning and Climate Change - Supplement to Planning Policy Statement 1 (2007)
PPS3 Housing (2011)
PPS4 Planning Policy Statement 4: Planning for Sustainable Economic Growth (2009)
PPS5 Planning Policy Statement 5: Planning for the Historic Environment (March 2010)
PPG8 Telecommunications (2008)
PPS9 Biodiversity and Geological Conservation (August 2005)
PPG13 Transport (2011)
PPS22 Renewable Energy (August 2004)
PPG24 Planning and Noise (October 1994)

12/00033/FUL

Relevant Site History

92/11403/R3OL Conditionally approved 26/11/92

Erection of local housing office

07/01702/SCR Confirmed this is not a development requiring EIA 13/11/07

Request for a Screening Opinion under Regulation 5(1) (for SCR) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 prior to a formal planning application for the redevelopment of the site with a mixed used development

08/00081/FUL Resolved to Grant 29.04.08 before being withdrawn

The erection of new buildings (part two-storey, part three-storey, part four-storey, part five-storey and part fourteen-storeys) to provide a mixed use development comprising a health centre, community use, retail use and 119 flats with associated parking, landscaping and access facilities - Description amended following reduction in height of tower element by 3 storeys.

08/01489/FUL Conditional Approval 09.01.09

Redevelopment of the site. Demolition of the existing buildings and erection of new buildings (part two-storey, part three-storey, part four-storey and part fourteen storeys) to provide a mixed use development comprising a Medical Centre, community use, retail use and 81 flats (40 x two-bedroom, 41 one-bedroom) with associated parking, landscaping and access facilities (amended application to ref. 08/00081/FUL to include additional land).

09/00529/FUL Withdrawn

Implementation of planning permission 08/01489/FUL for a mixed use development comprising a tall building not in accordance with condition 11 relating to hours of deliveries. Variation proposes the removal of the approved A1 retail units from any restrictions affecting deliveries, subject to further receipt of a detailed management plan - Description amended following validation.

09/00537/FUL Withdrawn

Implementation of planning permission 08/01489/FUL for a mixed use development comprising a tall building not in accordance with condition 12 relating to A1 retail/non residential use hours. Variation proposes an extension to the opening hours of the A1 retail units from 07:00 (7am) - 22:00 (10pm) daily (as approved) to 06:00 (6am) - 23:00 (11pm) daily (as proposed) - Description amended following validation.

09/01006/FUL Withdrawn

Implementation of planning permission 08/01489/FUL for a mixed use development comprising a tall building not in accordance with Condition 11 relating to hours of deliveries and Condition 12 relating to A1 retail non residential use hours. Variation proposes the removal of the approved A1 retail unit on the corner of Stoneham Way and Parkville Road from the approved delivery hours. Amended restriction for deliveries to be undertaken between 06:00 (6am) and 19:00 (7pm) daily with additional restrictions to the type of vehicle that may be used as detailed in a

Deliveries Management Plan Variation proposes an extension to the opening hours of the A1 retail unit on the corner of Stoneham Way and Parkville Road from 07:00 (7am) 22:00 (10pm) daily (as approved) to 06:30 (6:30am) 22:30 (10:30pm) (Mondays-Saturdays) and 07:00 (7am) 22:00 (10pm) (Sundays and recognised public holidays) (as proposed) as supported by a Security Management Plan (Resubmission)

11/00204/FUL Conditionally Approved 30.09.2011

Redevelopment of the site. Demolition of the existing buildings and erection of a building ranging in height from 3-storeys to 15-storeys to provide student residential accommodation (53 cluster flats comprising a total of 348 rooms, 4 x 2-bedroom flats and 12 x 1-bedroom flats); a medical centre (Class D1 use), retail units (Class A1) and two units for community use or non-residential institution use (Class D1) or retail (A1) or food and drink use (A3) with associated landscaping, parking and site works, including the stopping up of existing highway.

11/01656/NMA No objection 08.11.2011

Application for a non-material amendment to planning permission 11/00204/FUL with revision to layout of ground and first floor level and associated repositioning of windows and relocation of external door to the doctor's surgery.

100-102 High Road – includes the Bower's Garage

08/00435/LDCE Conditionally approved 04/06/08

Application for Lawful Development Certificate for continued use of a self contained first floor flat

08/00094/FUL Conditionally approved 10/04/08

Change of use of ground floor from Use Class A1 (Retail) to Use Class A2 (Financial and Professional Services) with residential retained above, demolition of rear extension and alterations to rear including re-positioned bin store (amendment to previous planning permission ref. 07/00312/FUL)

07/00312/FUL Conditionally approved 18/10/07

Redevelopment of the site. Demolition of the existing buildings, erection of a two-storey building for retail use fronting High Road and a three/two-storey block of 13 flats at the rear (8 one-bedroom, 4 two-bedroom, 1 three-bedroom flats) with associated parking

06/01600/FUL Refused 19/01/07

Redevelopment of the site by the erection of a two-storey building for retail use fronting High Road and a three/two-storey block of 13 flats at the rear (6 one-bedroom, 5 two-bedroom, 2 three-bedroom flats) with associated parking following demolition of the existing buildings

84/01096/FUL Conditionally approved 03/04/84

Use of ground floor for sale of cars and accessories

Agenda Item 7

**Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 13 March 2012
Planning Application Report of the Planning and Development Manager**

Application address: Land to the rear of 6-7 Cranbury Terrace			
Proposed development: Erection of part 3-storey, part 4-storey terrace of 4x 4-bed houses (Class C3 and C4) with vehicular access from Rockstone Lane, car parking, associated refuse and cycle stores, alterations to site levels, landscaping and reconstruction of front boundary wall			
Application number	11/01945/FUL	Application type	FUL
Case officer	Anna Lee	Public speaking time	5 minutes
Last date for determination:	14.02.2012	Ward	Bevois
Reason for Panel Referral:	Planning & Development Manager referral due to its wider interest	Ward Councillors	Cllr Burke Cllr Rayment Cllr Barnes-Andrews

Applicant: Trendloop Limited	Agent: Consultant Planning Services
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Recommendation Summary	Conditionally approve
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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. Other material considerations including the impact of the character of the conservation area, the privacy and amenity of nearby residents, the level of car parking and the impact on protected trees 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.

Policies - SDP1, SDP4, SDP5, SDP7, SDP9, HE1, HE6, H1, H2 and H7 of the City of Southampton Local Plan Review (March 2006) and CS4, CS5, CS13, CS14, CS16, CS19 and CS20 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies	2	Appeal decision dated 16 July 2009

Recommendation in Full

Conditionally approve

1. The site and its context

- 1.1 The site comprises land that was historically part of the rear gardens of the Grade II listed buildings at 6 and 7 Cranbury Terrace but has for many years been physically separated from them by a 2m high fence and wall. The site lies within a standard area of accessibility in terms public transport links but is recognised to be within close proximity to the City Centre on foot.
- 1.2 The site is not visible from Cranbury Terrace, but instead forms part of the Rockstone Lane street scene. Whilst the site is located within the Cranbury Terrace Conservation Area, the properties in Rockstone Lane and the Lane itself are not part of that Conservation Area.
- 1.3 However, Rockstone Lane is an attractive street with a distinct sense of place. From Bevois Valley the street is seen to comprise a long terrace of cottaged proportioned, two storey houses on its northern side with similarly proportioned houses in a shorter length of terrace ending with a red brick gable ended, commercial premises on the southern side.
- 1.4 Being a cul-de-sac in close proximity to the city centre, parking restrictions are in place by means of a resident's parking scheme on the southern side of the street and double yellow lines along the length of the northern side.
- 1.5 The walled and treed frontage along the western section of the Lane, which includes the appeal site, has deteriorated in recent times with the development of flats towards the Avenue end resulting in the removal or lowering and re-building of sections of the wall, above which areas of surface car parking can be seen.

2.0 Proposal

- 2.1 The proposals seek to provide four 4-bedroom houses with off-road parking to the site frontage utilising an existing vehicular access point in Rockstone Lane. The proposed use of these dwellings is a dual use either C3 (dwelling houses) or C4 (Houses in multiple occupation). The proposals also seek to repair the front boundary wall to Rockstone Lane which has been partially demolished and is in a deteriorating condition.
- 2.2 The height and design of the terrace is similar to the scheme 10/01214/FUL for *the 'erection of a terrace of 3 x four bedroom four-storey dwellings with vehicular access from Rockstone Lane, car parking, landscaping and repairs and extension to front boundary wall* approved by the Planning and Rights of Way Panel on 21.12.2010
- 2.3 The changes proposed between the approved scheme and this scheme (other than the conversion from three units to four) are changes to:-
- the façade;
 - the car parking layout; and,
 - the proposed use as C4 (HMO) as well as C3 (dwelling).
- The building footprint, mass, bulk and height remains identical to the approved scheme.
- 2.4 The façade has been altered to appear like two semi-detached Georgian villas in order to provide the internal layout required to convert the property into four units. The detailing is similar with defined cills and lintels to the windows but blind windows have been added to complete the symmetry provided. The door detail is the same with pillars with flat roof stone canopies for the four front doors.
- 2.5 The car parking layout is similar in terms of parking space location and the use of the existing entrance but an additional space is proposed to provide one for one parking for the units.

- 2.6 Each dwelling would benefit from rear south facing gardens of 14m length. The privacy distance between the rear windows in the houses and rear windows on the buildings at 6 and 7 Cranbury Terrace are between 25m and 28m which is identical to those approved under application 10/01214/FUL. Internal cycle stores are provided for each dwelling with refuse stores, designed to sit behind the repaired front boundary wall, within the car parking area are provided.
- 2.7 The applicant intends to reinstate brick boundary walls to all boundaries, using where possible salvaged materials from the site, and to the height of the original walls, which includes a reduction in height towards Rockstone Lane as the boundary follows the contours of the site.
- 2.8 Due to the change in levels across the site, and in particular from the Rockstone Lane frontage from where the ground rises markedly up towards Cranbury Terrace, the existing ground levels within the site frontage would have to be lowered.

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 the City Council’s adopted and emerging policies. 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.

4.0 Relevant Planning History

- 4.1 The site has a lengthy planning history, the most relevant dates back to a planning application submitted in 1999 to construct a three storey house (plus basement) on the site at the rear of 6 Cranbury Terrace. This scheme (99/01417/Ful) was refused by the Local Planning Authority but subsequently allowed on appeal in 2001.
- 4.2 Subsequently, in 2003, a revised scheme of similar design and massing, but seeking three flats was approved by the Planning Panel 28 October 2003 (03/00422/Ful). In order to keep this consent alive, work commenced on constructing a section of the foundations. The digging and concreting a section of the foundations was undertaken in October 2008. Having received a commencement notice for these works the permission at the rear of 6 Cranbury Terrace remains live and able to be implemented at any time in the future.
- 4.3 Prior to the developer’s decision to keep the consent for three flats alive, two further applications were submitted, and for the first time this included the combination of the land at the rear of both 6 and 7 Cranbury Terrace. 07/01184/FUL sought to provide 9 flats in a building of similar scale and massing to that now being proposed. This was withdrawn in September 2007 following concerns raised by officers, but was subsequently resubmitted in a revised form following negotiations with officers. However, the revised scheme 08/00093/FUL

was then refused using officer's delegated powers on 20 March 2008.

4.4 In 2008 two separate applications were submitted for detached four storey buildings, each comprising three 2-bedroom flats on the individual plots at the rear of 6 and 7 Cranbury Terrace. Both applications were referred to the 25 November 2008 Planning Panel. The application for the site at the rear of No 6 (08/01367/FUL) was recommended for approval, given that with some minor adjustments it was, in practical terms, identical to that approved in 2003 and which had already been commenced.

4.5 However, the very similar scheme at the rear of 7 Cranbury Terrace (08/01366/FUL) was refused by Panel. At this time no consent existed on the site at the rear of No7 and Panel members considered the development of both sites would have an unacceptable impact on the character of the Conservation Area. However, the developer appealed this decision and the appeal was subsequently allowed on 16 July 2009. The appeal decision is attached to the report as **Appendix 2**.

4.6 The most recent scheme 10/01214/FUL was approved at Planning and Rights of Way Panel on 21.12.2010 for the same form, height, bulk and footprint of development as proposed but for three units in a single block design with a three/four storey Georgian appearance.

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 also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement on 12.01.2012 and erecting a site notice on 12.01.2012. At the time of writing the report **13** letters of representations and a petition with 72 signatures have been received from surrounding residents. The comments are set out below:

5.2 **The design and size would dominate the landscape and be out of character with the 19th century cottages of Rockstone Lane resulting in loss of light and privacy to those living opposite and to the rear at Cranbury Terrace.**

5.3 Response

The site is at a raised level to Rockstone Lane and will have some impact on the street scene. The distance between the front elevations of 41-43 Rockstone Lane is 26m. However, the height of the proposed dwelling is no different to that approved under the previous scheme. The privacy distance approved in the adopted Residential Guide relates to back to back relationships as the privacy of front elevation onto front elevation is not as key as people can view into front elevation from standing on the public highway. In addition, the Planning Inspectorate has accepted the separation distances on this site during the appealed application. The distance between the existing properties on Cranbury Terrace and the proposed units is between 26m and 28m which broadly complies with the back to back privacy distances. The dense vegetation on site will minimise the impact further.

5.4 **The building is out of keeping with area and over-dominant due to its three/four storey height and does not fit its context.**

5.5 Response

The building is not judged to be out of keeping with adjoining buildings and the scale of the building will not be over dominant as the form, scale and height of development is identical to the previous scheme approved. This opinion is supported by the Planning Inspectorate in the decision notice set out in

Appendix 2.

5.6 **Limited parking on site will result in loss of on-street parking**

5.7 **Response**

The four parking spaces on site are the only spaces being provided for the development. A maximum of three spaces per unit could be provided but one each is acceptable in this location.

5.8 **Concerned about construction traffic and noise from the development.**

5.9 **Response**

Conditions are suggested to control the working hours and a construction management plan which requires the developer submit details of contractors parking, delivery times and locations of storage compounds.

5.10 **The amenities of the area would be harmed by the loss of trees on the site**

5.11 **Response**

Although some of the trees on site are covered by a Tree Preservation Order and by the conservation area status, all are afforded protection. However, the arboricultural view is that those trees that are proposed to be removed on both sites are not worthy of preservation although they do provide amenity value. Given the Inspector's decision that the replacement trees would not harm the character of the area a detailed landscaping condition is to be secured.

5.12 **Concern over anti-social behaviour**

5.13 **Response**

The proximity of the proposal to a hostel type facility in the vicinity has no bearing on this application as the uses of the units proposed bear no relation to a hostel use.

5.14 **Overdevelopment / intensification of use**

5.15 **Response**

The layout and form of development has been approved and only one additional unit is proposed. See section 6 for an assessment of the intensification of the site.

5.16 **Concerned about amount of rubbish produced by occupiers**

Response

5.17 Refuse storage in the form of two wheelie bins per unit will be housed in the proposed refuse store to the front of the properties. This number of bins is sufficient for each of unit regardless of which use is implemented.

5.18 **SCC Highways** – No objection subject to a condition requesting construction management details to prevent obstructions blocking the highway and a wheel cleaning condition.

5.19 **SCC Trees** – No objection subject to conditions relating to protection measures and an arboricultural method statement being required prior to commencement. Some of the trees on this site are protected by The Southampton (Cranbury Terrace Rockstone Lane) TPO 1964, and the whole site falls within Cranbury Place Conservation Area, designated 8th September 1977. This makes them a material consideration in the planning process.

The site has a significant group of trees which provide a visual amenity to the area. However, individually there are few which are worthy of long term protection and retention. The previous application and appeal decision have been considered which states the Council has accepted that none of the trees which would be removed, merit preservation and in the Inspectors view the proposed

replacement of existing trees with new planting would not harm the character of the street scene. Therefore it would be difficult to support any reason for refusal for this application.

- 5.20 **SCC Sustainability Team** - No objection. Suggests conditions to secure sustainability measures.
- 5.21 **SCC Ecology** - No objection subject to a condition requiring Hawthorn as part of the boundary hedging. As this will provide functional benefits, in the form of foraging habitat for common birds, as well as good visual amenity. Additionally Hawthorn is very easy to manage and will cope better with changing climatic conditions.
- 5.22 **Southern Water** - No objection. Suggests conditions to secure details of surface water and foul water disposal.
- 5.23 **City of Southampton** - No objection as long as the boundary is sympathetically reinstated, sufficient parking is provided and a planting condition is imposed.

6.0 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. Impact of additional unit and proposed use;
- iii. Impact on the character of the area;
- iv. Impact on occupiers of nearby residential properties;
- v. Car parking and highway safety
- vi. Impact on the character and appearance of the Conservation Area and the setting of listed buildings.

The application needs to be assessed in light of the above key issues and the planning history of the site.

6.2 Principle of Development

The principle of re-developing the site has already been clearly established given that the site has extant consents, both originally allowed on appeal and the three dwellings approved in 2010. The previous scheme in 2010 was assessed against PPS3 in terms of the guidance relating to 'garden grabbing' and was not refused on this basis. The site has been separated from the properties in 6 and 7 Cranbury Terrace for some time and is therefore the site is defined as private gardens so the proposal complies with this element of PPS3.

This proposal for four units should solely be assessed against the changes between this scheme and the approved scheme 10/01214/FUL for three units.

6.3 Impact on additional unit and proposed use

The proposal results in an additional unit and the assessment of the scheme should concentrate on the impact on this additional unit. The site is large enough to house four dwellings and this is demonstrated by the proposal providing sufficient residential amenity space for future occupiers, , cycle and refuse storage and car parking.

6.3.1 The proposed scheme provides an additional four bedrooms which could increase the occupation by eight people at a maximum if the units were used as HMO's.

However, it is likely that the number of occupants would only increase by a maximum of four especially if the units were used for a C3 use (dwelling house). This increase in occupants would not detrimentally alter the character of the area and nor would it have an impact on the residential amenities of the neighbouring properties. The facilities provided in terms of refuse and amenity space and the size of the plot allows for this number of occupiers without causing harm.

6.4 Impact on the character of the area

The proposal seeks to alter the façade from three single doorways and windows at ground floor to provide double doors in the centre of the semi-detached units with windows either side of the doors. At ground floor and first floor blind windows have been added to the centre of the properties to continue the symmetry and to allow the internal configuration required to provide four units. The changes proposed are sympathetic and still provide a building of a unique nature which respects the character of the area.

- 6.4.1 The internal layout of the units is similar to those approved as at lower ground floor provides a study, cycle storage and w/c and at ground floor; a lounge and kitchen are provided. The other two floors provide two bedrooms on each floor with either bathroom or ensuite. The garden areas for the units to the rear are still large are not detrimentally eroded by the separation into four. The changes to provide the extra unit do not result in an overdevelopment of the site and nor does it provide a development in design terms which is out of character with the area.

6.5 Impact on occupiers of nearby residential properties

There will be a visual impact on neighbours with the development of dwellings of this scale. However, the outlook and privacy distances between units to the front and rear are achieved and appeal decisions for similarly scaled buildings have identified that the proposals do not have an 'overbearing' or 'harmful' impact.

6.6 Car parking and highway safety

The site provides on-site parking and on-site turning which complies with standards. There are no objections raised to the proposals by the Council's highway officers.

6.7 Impact on the character and appearance of the Conservation Area and the setting of listed buildings.

The proposals have a similar height, scale and massing to the form of development already permitted on the site but the front façade has been altered in order to provide an additional unit. The changes in levels mean that buildings of this height and scale will have an impact on the character of the Conservation Area and this has formed the basis of previous reasons for refusal which the Council has failed to substantiate on two previous appeals.

7.0 Summary

- 7.1 The site currently benefits from planning consent for three dwellings in a single block identical in bulk, form and footprint. The layout and design are similar to the

approved scheme and whilst there will be an impact on the Conservation Area this has not been adjudged to be harmful when assessing previous scheme. Car parking, amenity space, cycle and refuse storage are all provided in accordance with policy. The intensification of the site to provide an additional unit and to allow dual use of C3/C4 would result in a development which would not have a detrimental impact on the character of the area or the neighbouring properties as sufficient residential amenities have been provided to cater for these occupiers.

8.0 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**

1a, 1b, 1c, 1d, 2b, 2c, 2d, 4jj, 5c, 5d, 6c, 6i, 7a, 7b, 7e, 7g, 7k, 7k, 7m, 9a, 9e, 10a, 10b

ARL for 13/03/2012 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 - Samples details of building materials to be used [Pre-Commencement Condition]

Notwithstanding the information shown on the approved drawings and application form no development works shall be carried out unless and until a detailed schedule and/or samples of the following;

Bricks for the dwelling and front boundary wall;

Rainwater goods,

Vents and ducts;

Windows and doors

The hard landscaping including the steps to the front of the building; and

Design of the railings to the front of the buildings.

Shall be submitted to and be approved in writing by the Local Planning Authority

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. APPROVAL CONDITION - C3/C4 Dual Use

The "dual C3 (dwellinghouses) and/or C4 (Houses in multiple occupation) use" hereby permitted for the development shall, under Class E, Part 3, Schedule 2 of the Town and County Planning (General Permitted Development) Order 1995, be for a limited period of

10 years only from the date of this Decision Notice. The units shall remain as the prevailing use at that time as hereby agreed in writing by the Local Planning Authority.

Reason:

In order to provide greater flexibility to the development and to clarify the lawful use hereby permitted and the specific criteria relating to this use.

04. APPROVAL CONDITION - Landscaping, lighting & means of enclosure detailed plan [Pre-Commencement Condition]

Notwithstanding the submitted details before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted, which includes:

- i. the proposed finished ground levels or contours and the materials to be used for the car parking layouts; other pedestrian access and circulations areas including steps
- ii. planting plans; written specifications for new tree planting (a two-for one basis unless site circumstances dictate otherwise) and the schedules of other soft landscaping including species, plant sizes and proposed numbers/planting densities where appropriate. In particular, the use of Hawthorn as a species as part of the boundary hedging shall be specified;
- iii. details of any external lighting
- iv. details of all boundary treatment, including the heights of all walls and the materials to be used for the new and repaired walls, and
- v. a landscape management scheme.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Reason:

To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990. Use of Hawthorn as a hedge planting species will provide functional benefits, in the form of foraging habitat for common birds, as well as good visual amenity. Hawthorn is very easy to manage and will cope better with changing climatic conditions.

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

The external amenity space serving each of the dwellings hereby approved, and pedestrian access to it, shall be made laid out and made available prior to the first occupation of any of the dwellings hereby permitted and shall be retained with access to it at all times for the use of the occupiers of the houses.

Reason:

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

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

Before any dwelling is first occupied, full elevational details of facilities shown to be provided for the storage and removal of refuse from the premises 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 / commercial purposes and no bins associated with the dwellings shall be stored or placed outside the approved facility except on collection day.

Reason:

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

07. APPROVAL CONDITION - Cycle parking [Pre-Occupation Condition]

Prior to the first occupation of the dwellings, the cycle storage facilities shown on the approved plans shall be provided and made available for use and thereafter retained and maintained for that purpose.

Reason:

To accord with sustainable transport policy aimed at providing a choice of travel mode available for the staff of the premises by enabling adequate provision of a facility which is likely to reduce the amount of vehicular traffic on existing roads.

08. APPROVAL CONDITION - Wheel Cleaning Facilities [Pre-Use Condition]

During the period of the preparation of the site, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on the site and no lorry shall leave the site until its wheels are sufficiently clean to prevent mud being carried onto the highway.

Reason:

In the interests of highway safety.

09. APPROVAL CONDITION - Material Storage (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, 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.

10. APPROVAL CONDITION - Construction Environment Management Plan (Pre-Commencement Condition)

Prior to the commencement of any development a written construction environment management plan shall be submitted to and approved by the LPA. The plan shall contain

method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary. All specified measures shall be available and implemented during any processes for which those measures are required.

Reason:

To protect the amenities of the occupiers of existing nearby properties.

11. 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.

12. APPROVAL CONDITION - Code for Sustainable Homes [Pre-Commencement Condition]

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum Level 3 of the Code for Sustainable Homes in the form of a design stage assessment, including at least 20% in category Ene1, 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).

13. APPROVAL CONDITION - Code for Sustainable Homes [performance condition]

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Level 3 of the Code for Sustainable Homes in the form of post construction assessment and certificate as issued by a legitimate Code for Sustainable Homes certification body, including at least 20% in category Ene1, 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).

14. APPROVAL CONDITION - Archaeological work programme [Performance Condition]

The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

Reason:

To ensure that the archaeological investigation is completed.

15. APPROVAL CONDITION - Archaeological investigation [Pre-Commencement Condition]

No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

Reason:

To ensure that the archaeological investigation is initiated at an appropriate point in development procedure.

16. APPROVAL CONDITION - Residential - Permitted Development Restriction [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

Class A (enlargement of a dwelling house), including a garage or extensions,
Class B (roof alteration),
Class C (other alteration to the roof),
Class D (porch),
Class E (curtilage structures), including a garage, shed, greenhouse, etc.,
Class F (hard surface area)

Reason:

In order that the Local Planning Authority may exercise further control in this locality given the small private garden and amenity areas provided as part of this development in the interests of the comprehensive development and visual amenities of the area.

17. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority.

Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority.

Any changes to the agreed remediation actions will require the express written consent of the Local Planning Authority.

Reason:

To ensure any land contamination not previously identified is assessed and remediated so as not to present any significant risks to human health or, the wider environment.

18. APPROVAL CONDITION - Arboricultural Method Statement [Pre-Commencement Condition]

No operation in connection with the development hereby permitted shall commence on site until a site specific Arboricultural Method Statement in respect of the protection of the trees during all aspects of work on site is submitted and agreed in writing by the Local Planning

Authority. It will be written with contractors in mind and will be adhered to throughout the duration of the demolition and development works on site. The Method Statement will include the following:

1. A specification for the location and erection of protective fencing around all vegetation to be retained
2. Specification for the installation of any additional root protection measures
3. Specification for the removal of any built structures, including hard surfacing, within protective fencing areas.
4. Specification for the construction of hard surfaces where they impinge on tree roots
5. The location of site compounds, storage areas, car parking, site offices, site access, heavy/large vehicles (including cranes and piling rigs)
6. An arboricultural management strategy, to include details of any necessary tree surgery works, the timing and phasing of all arboricultural works and protection measures.
7. Specification for soft landscaping practices within tree protection zones or the canopy of the tree, whichever is greatest.

Reason

To ensure that provision for trees to be retained and adequately protected throughout the construction period has been made.

19. APPROVAL CONDITION - Arboricultural Protection Measures [Pre-Commencement Condition]

No works or development shall take place on site until a scheme of supervision for the arboricultural protection measures has been approved in writing by the LPA. This scheme will be appropriate to the scale and duration of the works and may include details of:

- Induction and personnel awareness of arboricultural matters
- Identification of individual responsibilities and key personnel
- Statement of delegated powers
- Timing and methods of site visiting and record keeping, including updates
- Procedures for dealing with variations and incidents.

Reason:

To provide continued protection of trees, in accordance with Local Plan Policy SDP12 and British Standard BS5837:2005, throughout the development of the land and to ensure that all conditions relating to trees are being adhered to. Also to ensure that any variations or incidents are dealt with quickly and with minimal effect to the trees on site.

20. 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.

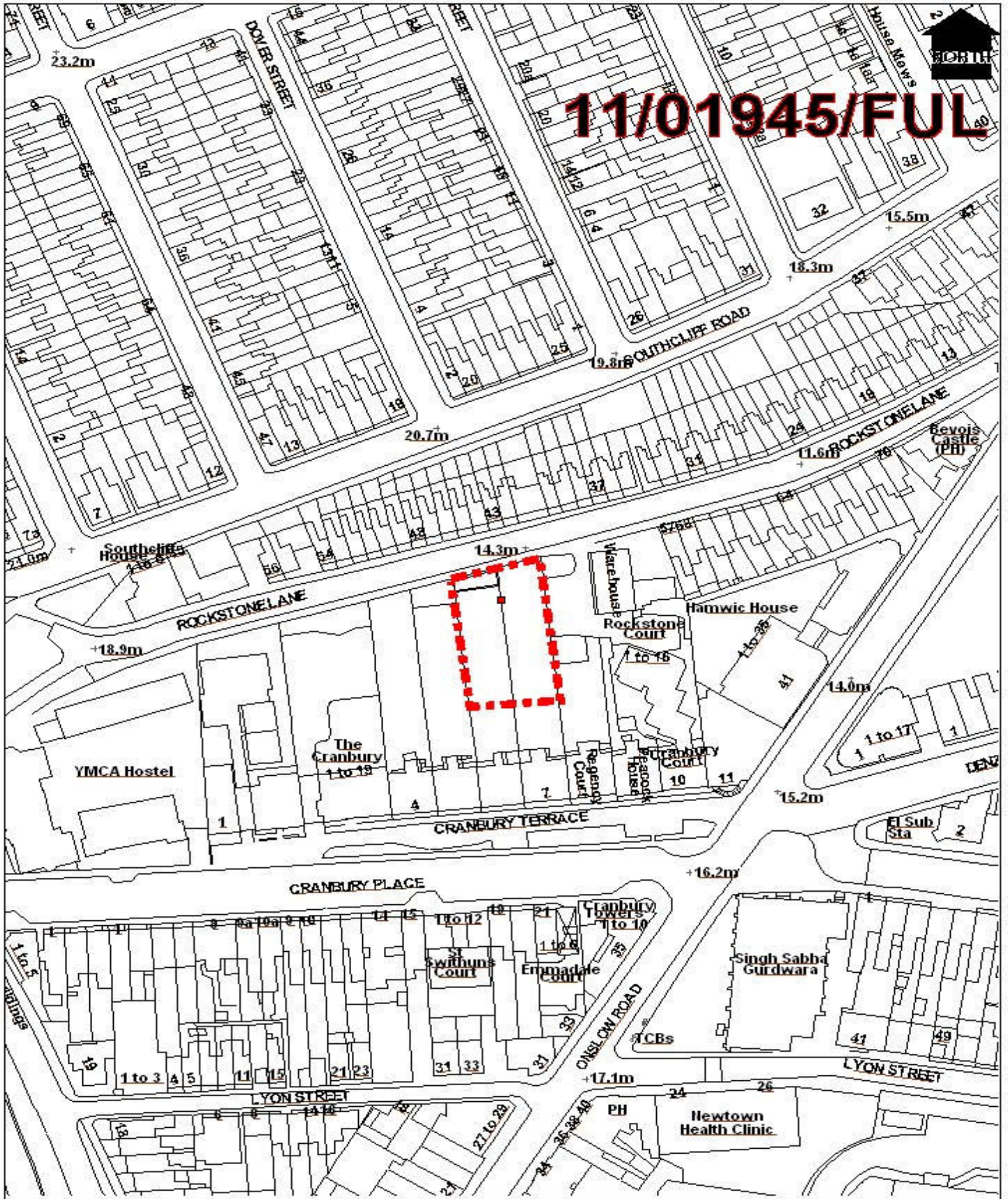
21. APPROVAL CONDITION - Surface / foul water drainage [Pre-commencement Condition]

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.



Scale : 1:1250

Date : 28 February 2012

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Application 11/01945/FUL

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS6	Housing Density
CS6	Economic Growth
CS13	Fundamentals of Design
CS14	Historic Environment
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
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
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
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting
SDP18	Hazardous Substances
SDP19	Aerodrome and Technical Site Safeguarding and Airport Public Safety
Zone	
SDP22	Contaminated Land
HE3	Listed Buildings
HE6	Archaeological Remains
H4	Houses in Multiple Occupation
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - August 2005 and amended November 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)

PPS3 Housing (November 2006)

PPS5 Planning Policy Statement 5: Planning for the Historic Environment (March 2010)



Appeal Decision

Agenda Item 7

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
16 July 2009

Site visit made on 23 June 2009

**by Christopher Thomas BSc(Hons) Dip
TP MRTPI**

**an Inspector appointed by the Secretary of State
for Communities and Local Government**

Appeal Ref: APP/D1780/A/09/2101524

Land rear of 7 Cranbury Terrace, Bevois Valley, Southampton, SO14 0LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Trendloop Limited against the decision of Southampton City Council.
- The application (Ref.08/01366/FUL), dated 10 September 2008, was refused by notice dated 2 December 2008.
- The development proposed is erection of 3 no. two bed flats, with pedestrian access from Rockstone Lane.

Decision

1. I allow the appeal, and grant planning permission for erection of 3 no. two bed flats, with pedestrian access from Rockstone Lane at land rear of 7 Cranbury Terrace, Bevois Valley, Southampton, SO14 0LH in accordance with the terms of the application, Ref. 08/01366/FUL, dated 10 September 2008 and the plans and drawings submitted with it subject to the conditions set out in the Annex to this decision.

Main issue

2. I consider the main issue in this appeal is whether the proposal would enhance or preserve the character or appearance of the Cranbury Place Conservation Area and its effect on the setting of adjacent listed buildings.

Reasons

3. Whilst the appeal site lies at the rear of No.7 Cranbury Terrace it bounds onto the south side of Rockstone Lane which forms part of the northern boundary of the Cranbury Place Conservation Area. Nos 4-11 Cranbury Terrace are Grade 2 listed buildings. The Southampton (Cranbury Terrace-Rockstone Lane) Tree Preservation Order, 1964 covers trees within the appeal site.
4. The land within the appeal site is generally at a higher level than Rockstone Lane. For the length of the north side of Rockstone Lane, but only on the south side of the road from beyond a warehouse building towards the junction with Onslow Road, the street is characterised by terraces of modest sized properties erected in the Victorian era. On the east side of the appeal site is an access and turning area which serves the rear of adjacent properties. The appeal site, together with the land to the rear of Nos.4, 5 and 6 Cranbury Terrace acts as a visual backdrop to the rear of the frontage properties whilst the combined area primarily forms part of the street scene of Rockstone Lane.
5. The development plan for the area includes saved policies SDP1 (Quality of Development), SDP7 (Context), SDP9 (Scale, Massing and Appearance), HE1 (New Development in Conservation Areas) and HE3 (Listed Buildings) of the City

of Southampton Local Plan Review (March 2006) [LP]. The Council's *Residential Design Guide – making better places for living* [SPD] was adopted in September 2006 as a supplementary planning document, but I do not know the extent to which it was the subject of public consultation and therefore I have given it only limited weight.

6. The Cranbury Place Conservation Area Brief (1986) [the Brief] contains an appraisal of the Conservation Area which states that its inherent character lies in its simple but dignified Georgian styled terraces. The Council aims to maintain and enhance the residential character and use of the Conservation Area. The document also sets out a brief for identified sites with redevelopment potential. One of these sites, B3, which includes the appeal land, is said to be suitable for additional residential accommodation. It indicates, however, that individual access from Rockstone Lane would not be permitted and consideration would only be given to comprehensive proposals involving common access and rationalisation of property boundaries. Despite the age of this supplementary guidance and the changes that have taken place in the conservation area since it was formulated the Council regards it as having continuing relevance and I therefore accord it a substantial degree of weight.
7. Appeal decision APP/D1780/A/1062834 allowed the erection of a new house at the rear of No.6 Cranbury Terrace. Subsequent permissions have been granted for this adjacent site by the Council, the most recent being for a similar building and use to the appeal proposal under reference 08/01367/FUL. The Council takes the view, however, that the cumulative impact of allowing the current appeal proposal, in addition to development on the adjacent site, would result in an overdevelopment of this part of the Rockstone Lane frontage. In its opinion, this would be detrimental to the Conservation Area and the setting of the listed buildings on Cranbury Terrace.
8. Whilst the elevation of the appeal site above Rockstone Lane would emphasise the proposed building's height, nevertheless I consider that its position set well back into the site would help to reduce the visual impact of this effect. Furthermore, the design of the proposed dwelling as evidenced in its height, scale and bulk reflects the character and appearance of the houses in Cranbury Terrace and similar properties throughout the conservation area. In this respect, therefore, I consider the proposal seeks to preserve and enhance the Georgian character and appearance of the Conservation Area. It also seems to me that in view of its location behind Cranbury Terrace the proposal would not harm the most important aspect of the setting of these listed buildings which is their relationship to Cranbury Place. Accordingly, the proposal complies with LP policies HE1 and HE3.
9. The Council is concerned about the relationship of the proposal to the street scene of Rockstone Lane in terms of the cumulative impact with the development which has been permitted on the adjacent site. In the light of the fact that the principle of residential development on the adjacent site has been established and that a building of similar design and in the same visual relationship to Rockstone Lane has been granted permission I consider that there would be no materially greater harm in terms of views into the Conservation Area as a result of allowing this appeal proposal. Indeed, it is my opinion that in combination with the development of the adjacent site the

proposal would result in something akin to the form of comprehensive development envisaged in the Brief for site B3.

10. Although the difference in building form and appearance from the properties in Rockstone Lane would be evident in the street scene, in this case I consider the material consideration of the extant permission for the adjacent site outweighs the more general guidance in the SPD relating to design matters. For this reason I apply to this appeal site the view expressed by my inspector colleague in relation to the earlier appeal on the adjacent site that development of a house here would "strengthen the residential character of the area, enliven the street scene and provide a sensitive transition between the pattern and scale of development in the Conservation Area and the smaller scale development along Rockstone Lane."
11. In the light of this conclusion I consider that the proposal would satisfy the requirements of LP policies SDP1, SDP7 and SDP9 to respect and improve the quality of the city's built environment, not to cause material harm to the character and appearance of the area by respecting the existing layout of buildings within the streetscape and by displaying a high quality of building design.
12. In my judgement whilst the existing trees on the site have some amenity value, nevertheless, through the approval and implementation of a comprehensive landscaping scheme for the site their replacement would achieve a satisfactory outcome which in the long term would enhance the appearance of the area.
13. I have concluded on the main issue, therefore, that the proposal would preserve and enhance the character and appearance of the Conservation Area and would not harm the setting of the listed buildings. It would be consistent with LP policies SDP1, SDP7, SDP9, HE1 and HE3 and with the relevant parts of the Brief.
14. Residents of properties in Rockstone Lane have raised concerns relating to the effect on residential amenity, but I note that satisfactory separation distances would be achieved. Because the site is in a highly accessible area the lack of on-site parking space would be acceptable. The type of residential accommodation to be provided is not a matter the Council has raised objection to. Satisfactory access for emergency vehicles and personnel would be achievable. None of these other matters, therefore, has persuaded me otherwise than in accordance with the conclusion I have reached that this appeal should be allowed.
15. I have considered the list of suggested conditions put forward by the Council. I am in agreement with the Council that a period of 3 years for commencement of development is appropriate in this case in order to reduce uncertainty.
16. I agree with the appellant that details of materials have been indicated on the submitted drawings. Accordingly I have replaced the Council's suggested condition with one that requires samples to be submitted to and approved by the Council, in the interests of the appearance of the area.

17. I am satisfied that conditions relating to landscaping and boundary treatment are necessary in the interests of the appearance of the area. The provision of the amenity area and refuse storage facilities prior to occupation are required in the interests of the living conditions of future occupiers. A condition requiring the submission and approval of bicycle storage details is necessary in the interests of appearance of the site. I have amended the suggested condition to delete reference to the storage of ancillary equipment which it seems to me is inappropriate.
18. Conditions relating to access and storage for construction purposes and hours of working during the construction operations are necessary in order to prevent harm to the living conditions of residents in Rockstone Lane. I agree with the appellant that the suggested condition regarding wheel cleansing is impractical and potentially unenforceable.
19. I also agree with the appellant that the suggested condition regarding the incorporation of sustainable design measures would be unnecessary given the control over such matters exercised under the Building Regulations.
20. Conditions securing the carrying out of an archaeological investigation and the implementation of arboricultural protection measures during the course of construction are necessary to ensure both matters are adequately addressed.
21. I agree with the appellant that a condition restricting bonfires on site would be unenforceable and that the matter can be dealt with in any event under other legislation. The suggested conditions regarding the carrying out of a land contamination assessment and the use of uncontaminated material on site have been rendered unnecessary by the appellant's study which has been accepted by the Council as demonstrating that the development of the site does not present any risk to human health.
22. I have taken into account all other matters raised in the representations but for the reasons I have given above this appeal has been successful.

Christopher Thomas

Inspector

Annex

- 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
- 2) No building works shall be commenced until samples of all bricks, tiles and other materials to be used in the external elevations have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3) Before the commencement of any site works a detailed landscaping scheme and implementation timetable, which clearly indicates the numbers, planting densities, types, planting size and species of trees and shrubs to be planted, and treatment of hard surfaced areas, shall be submitted to and approved in writing by the local planning authority. The

landscaping scheme shall specify all trees to be retained and to be lost and shall provide an accurate tree survey with full justification for the retention of trees or their loss. Any trees to be lost shall be replaced on a favourable basis (a two-for-one basis unless circumstances dictate otherwise) to ensure a suitable environment is provided on the site. Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the local planning authority gives its written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting. The approved scheme shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

- 4) Before occupation of the development hereby approved, details of the design and specifications of the boundary treatment of the site shall be submitted to and approved in writing by the local planning authority. The agreed boundary enclosure details shall be subsequently erected prior to the occupation of any of the units provided under this permission and such boundary treatment shall thereafter be retained and maintained to the boundaries of the site.
- 5) The external amenity area serving the development hereby approved, and the pedestrian access to it, shall be made available as a communal area prior to the first occupation of the development hereby permitted and shall be retained with access to it at all times for the use of the flat units.
- 6) 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 accessible with a level approach 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 refuse and recycling storage facilities shall be carried out in accordance with the approved details prior to first occupation of the development and shall be retained whilst the building is used for residential purposes.
- 7) Prior to the first occupation of the development details and plans of a covered, enclosed and secure bicycle parking compound (including elevational and material details) shall be submitted to and approved in writing by the local planning authority. The bicycle compound, which shall provide for a minimum of 3 bicycles, shall be carried out in accordance with the approved details prior to first occupation of the development and shall not be used other than for the purposes for which it is provided.
- 8) Prior to works commencing on the site details of the means of access for construction and demolition of the structures on the site shall be submitted to and agreed with the local planning authority. Such details

shall indicate any areas of equipment and material storage during the work period and any measures to limit the possible nuisance effects on surrounding and neighbouring residential properties.

- 9) 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 0800 hours to 1800 hours (8.00 am to 6.00 pm)
Saturdays 0900 hours to 1300 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.
- 10) The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the local planning authority before the development commences.
- 11) No works or development shall take place on site until a scheme of supervision for the arboricultural protection measures has been submitted to and approved in writing by the local planning authority. This scheme will be appropriate to the scale and duration of the works and may include details of:
Induction and personnel awareness of arboricultural matters;
Identification of individual responsibilities and key personnel;
Statement of delegated powers;
Timing and methods of site visiting and record keeping, including updates;
Procedures for dealing with variations and incidents.

Agenda Item 8

**Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 13 March 2012
Planning Application Report of the Planning and Development Manager**

Application address: 13 Grosvenor Road, SO17 1RU			
Proposed development: Conversion of existing dwelling to 2 x 5 person dwellings in multiple occupation (Class C4) with associated bin and cycle storage			
Application number	11/02001/FUL	Application type	FUL
Case officer	Steve Lawrence	Public speaking time	5 minutes
Last date for determination:	21.03.2012	Ward	Portswood
Reason for Panel Referral:	Referred by the Planning & Development Manager due to wider interest	Ward Councillors	Cllr Claisse Cllr Vinson Cllr Capozzoli

Applicant: Mr H Singh	Agent: Concept Design & Planning
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Recommendation Summary	Delegate to the Planning and Development Manager to grant conditional planning permission subject to the criteria listed in this report.
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Appendix attached			
1	Development Plan Policies	2	Summary of planning history
3	Letter from previous owner of 13 Grosvenor Road dated 14.2.1973.	4	Copy of decision notice 02/00482/FUL
5	Copy of Enforcement Notice dated 28 November 2011		

Reason for granting planning permission

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set out on the attached sheet. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on the 13.03.12 do not have sufficient weight to justify a refusal of the application. The proposal would make reasonable use of a very large property to help meet the housing needs of the city and would not have a harmful impact on the amenities of the neighbouring properties. Whereas Core Strategy Policy CS16 resists the loss of family housing, evidence from the housing waiting list suggests there is no demand for a property of this size from a single family. Also, it is possible that the applicant may revert back to Class C3 use for either unit, where the rearmost dwelling enjoys direct access to private amenity space. The Council's emerging Supplementary Planning Document on Houses in Multiple Occupation is not due to come into force until 23 March 2012. Whilst it has formed a material planning consideration in the determination of this application, the sheer size of the property and the probability of it contributing to the city's housing need by being used by a single family has resulted in the local planning authority concluding its use as two Class C4 dwellings, each only occupied by five persons, is a reasonable use of the building, whose intensity of use would not harm the amenities of occupiers of adjoining properties. As such, the departure from CS16 is not considered to be so adverse to the planning of the area to justify the withholding of planning permission. 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, Planning Permission should therefore be granted taking account of the following planning policies:

'Saved' Policies - SDP1, SDP4, SDP5, SDP7, SDP9 and H4 of the City of Southampton Local Plan Review (March 2006) as supported by the adopted Local Development Framework Core Strategy (January 2010) policies CS5, CS13, CS19, and CS20 and the Council's current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS1 (Delivering Sustainable Development) and PPS3 (Housing 2011) are also relevant to the determination of this planning application.

Recommendation in Full

1. Delegate to the Planning and Development Manager to grant conditional approval subject to the completion of a S.106 legal agreement to secure the following:
 - i) An occupation restriction to ensure that no more than 5 people occupy each of the two dwellings proposed under application 11/02001/FUL; and,
 - ii) The submission and implementation of a waste management plan, to ensure that refuse bins are brought to the front of the site on collection days and then returned to their respective storage positions once the refuse has been collected.

In the event that the S.106 Legal Agreement is not completed by 23 March 2012, delegated authority be given to the Planning and Development Manager to refuse the application for failing to secure the S.106 legal agreement mitigation measures listed above.

- 2) That the Planning and Development Manager be given delegated powers to vary relevant parts of the Section 106 agreement and to remove, vary or add conditions as necessary.

1. The site and its context

- 1.1 Substantial (321 sq.m floorspace arranged on three floors – top floor in roofspace) detached property on west side of street between the junctions of Welbeck Avenue to the north and Grosvenor Gardens to the south. The applicant's agent wishes to point out that this is 3.9 times bigger than a typical 83 sq.m, 3 bed roomed house. There is very large garden to the rear (195 sq.m). This is accessible via doors from the single storey rear projection and via a side way abutting No.11 Grosvenor Road. There are two single storey structures in the back garden. One is brick faced, whose flat roof is not yet fully clad. The other is a timber summerhouse which partly dog-legs behind No.11 Grosvenor Road's back garden. There is a 7m deep (from back edge of pavement to front door steps) x 10m (measured at pavement, where no front boundary wall has been retained) wide hard surfaced forecourt sloping down from the front door to the street. This is capable of accommodating 3 cars, or 4 cars if a single access route for pedestrians is left to reach the front door and side accessway abutting No.11.
- 1.2 Either side of the site are single family, detached houses. A great part of the street is comprised of detached character properties, in use as single family houses, but elsewhere in the street there are semi-detached properties and some purpose built flats, such as Richmond Gardens, Grosvenor Court, Dawtrey Court,

Richmond Hall and Grosvenor Lodge, all south of the application site. The latter are the closest to the application site being some 110m away. The immediate area is residential in character with good plot to building footprint ratios and mature, treed gardens. There are no TPO trees on, or overhanging, the site. Some properties in the street have been converted to flats. It appears that the majority of properties in the street are occupied as family homes.

2. Proposal

- 2.1 The applicant proposes to create 2 No. Class C4 dwellings and is prepared to sign a planning legal agreement to ensure that each is only ever occupied by up to five people. Each dwelling would contain 5 bedrooms. Certain internal walls will need to be removed to create the rooms shown on the approved plan.
- 2.2 An internal doorway on the ground floor would be blocked up to create the two dwellings. The rear dwelling would occupy the rear part of the ground floor, be accessed via the side passageway and have direct access to the large (195 sq.m) garden space, via a new door opening to be formed. The front dwelling would occupy the front part of the ground floor and all of the first and second floors. That dwelling would gain access to its rear garden space by exiting the front door and traversing the side passageway.
- 2.3 The two existing outbuildings would be utilised to provide lit, secure cycle storage for an overall total of 10 bicycles. The existing single storey glass conservatory at the rear of the property is shown to be removed.
- 2.4 Refuse storage would be provided in two locations, confirmed by the receipt of amended plans. The rear unit would store its bins by the access point in the side passageway. The front unit would store its bins within an enclosure to be formed on the front forecourt, but close to the front building line. The applicant is prepared to undertake within the planning legal agreement to commit to a waste management plan, such that refuse is brought to a collection point on the highway on collection days and bin then returned to their storage points after collection.
- 2.5 A revision to the front forecourt layout demonstrates pedestrian access through the three car parking spaces, which would be marked out.

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 Southampton City Council made a city-wide Article 4 Direction on the 14th March 2011 and, following public consultation, confirmed this on 24th October 2011. The Direction will come into force on 23 March 2012 resulting in permitted development rights for a change of use from a Class C3 (dwelling house) to a class C4 (HMO) will be removed from this date. This means that planning permission will be required for this type of development from this date. Planning applications relating to C4 (HMO) uses must be considered in relation to adopted planning policy and assessed in terms of the key planning considerations set out in section 6 of this report.
- 3.3 Only major developments are expected to meet high sustainable construction standards in accordance with the City Council’s adopted and emerging policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.4 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.

4.0 Relevant Planning History

- 4.1 A summary of the site's relevant history is listed in **Appendix 2**. It is the opinion of planning officers that the authorised use of the site is as a single dwelling under permission 02/00482/FUL. This allowed for No. 11 to be a single house and for No.13 to be a single house. It is contended that this permission was implemented, not least because No. 11 Grosvenor Road is now in use as a single family house and electoral roll entries for just before and every year since the permission was granted. Where rest home use subsisted, this is easily apparent from the roll entries, with the applicant for the 02/00482/FUL permission also resident until 2004, whereafter a couple of the same surname occupied the property and paid council tax for single residential property. Later a large (and it is believed to be extended) family were in occupation between 2004 and 2009.
- 4.2 Conversion of the roofspace to provide owners accommodation took place under a permission granted in 1976, when the property appears to have been in use as a guest house (although no planning permission for that use was ever established/obtained. **Appendix 3** indicates how the property was being used at that time, when the loft conversion was first applied for). A rest home for the elderly in both 11 and 13 Grosvenor Road, was subsequently granted planning permission and in 1985 a single storey extension was approved that provided owners accommodation, which was not permitted to be used to house any further elderly residents in care at the rest home use, which then allowed for up to 16 elderly residents to be cared for in 11-13 Grosvenor Road.
- 4.3 On 24.1.2011, a Planning Enforcement Officer called at the site to investigate a brick built outbuilding being constructed. The property at that time was asserted to be a single house enjoying permitted development rights for the outbuilding. The property itself was gutted inside and not being occupied. The owner was told that planning permission for use for anything other than a single house or within Class C4 purposes would require planning permission before that use commenced.
- 4.4 During the summer of 2011, the Planning Enforcement Team had occasion to use its Rights of Entry powers to gain access to the property following complaints. The Council took action and sought an injunction from the High Court to prevent the unauthorised use from taking place. The High Court granted an interim injunction. On a further visit, before the matter was to be re-heard by the High Court, the property was only being occupied by 5 people.
- 4.5 The (new) judge refused to extend the injunction on the basis that he did not consider that the harm caused by the students going in to occupation was great enough to outweigh the harm and detriment that they would suffer in losing their accommodation especially bearing in mind that they had acted in good faith with the landlord.
- 4.6 The owner has sought to regularise this situation by the submission of this planning application. An alternative option is put forward in a parallel application 11/01026/FUL, which is being reported separately.
- 4.7 Under application 11/01025/FUL, retrospective planning permission was sought for '*Change of use to sui generis 15 bedroom student let from C3 use*'. This application was considered at the 6 September 2011 meeting of the Planning and Rights of Way Panel. The application was refused for the reason set out in

Appendix 2.

- 4.8 Under application 11/01026/FUL, retrospective planning permission was sought for 'Conversion of existing dwelling to 2 sui generis houses in multiple occupation (1 x 7 bedroom dwelling and 1 x 8 bedroom dwelling) with associated bin and cycle storage (alternative proposal to application 11/01025/FUL)'. This application was considered at the 6 September 2011 meeting of the Planning and Rights of Way Panel. The application was refused for the reason set out in **Appendix 2.**
- 4.9 After procedural clarification from The Planning Inspectorate, the council served a Planning Enforcement Notice relating to unauthorised conversion to 2 No. sui generis houses in multiple occupation on 28 November 2011. A copy of that Notice and its requirements is reproduced as **Appendix 5.**
- 4.10 An Appeal has been lodged against the Enforcement Notice on 3 grounds. That deemed planning permission should be granted; that the requirements of the Notice are excessive; and, that the period for compliance is unreasonable, given that the student tenants, are studying for imminent exams. The Planning Inspectorate has yet to confirm how this Appeal is to be heard.
- 4.11 Under reference 11/01716/PREAP1, the owner, having appointed a new agent, sought the Planning Service's opinion on the acceptability of a variety of conversion permutations including:-
(a) 2 HMO flats;
(b) 5 flats; and,
(c) 3 flats;
- as a prelude to deciding the format of the current application. Officer advice has prompted the submission of this application.

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 also undertaken which included notifying adjoining and nearby landowners and erecting a site notice (11.7.2011). At the time of writing the report **17 objections** from mostly local addresses/Portswood Ward Councillor Vinson (himself a resident of Grosvenor Road)/The Highfield Residents' Association have been received from surrounding residents. Those **objections** are summarised below:-
- 5.1.1 The intensity of occupation is grossly excessive, overdeloped and out of character with a street which is still predominantly comprised of mostly well cared for family houses, whose average occupancy No.'s 1-26 is calculated at 4 persons per property. The life-styles of the students would be incompatible with those in family occupation and certainly very different to occupation by elderly persons being cared for in a rest home. Reference is made to the intensity of occupation when a rest home existed in 11 &13, (that use and its impact not being in existence for the last [it is asserted] ten years) limited by condition to prevent overintensive use and protect the character of the area. This approach has consistently been applied through the property's planning history. If permitted, this will be enough for the occupants of No.15 to assert they will move house. The Council sought an injunction to prevent occupation by 15 persons, indicating that it did not find that acceptable.

Response – Occupation by 10 persons is not considered an over-intensive use of the site, given the size of the property.

- 5.1.2 Increased noise disturbance from that level of occupation, which amounts to a mini-hall of residence and attendant comings and goings – especially to occupiers

of No. 11 and No.15, the former having bedroom windows above the position where access to the rear tenancy agreement is proposed/exists. Use of that lit area by tenants smoking at unsocial hours has prompted several occupants of No. 11 to seek other accommodation away from the application site. With no on-site management, the property and garden would be likely to become a focus for uncontrolled social events. Such disturbance would be more troublesome at night/unsocial hours and is cited as already occurring from an existing HMO in the street (8 Grosvenor Road), which wakes small children. One neighbour is a doctor and works night shifts, so undisturbed sleep is of clear importance.

Response – It is not considered that unacceptable noise disturbance would occur, to the detriment of neighbours’ amenities and peaceful enjoyment of their properties. Separate legislation exists to control unsocial noise issues.

- 5.1.3 Inadequate car parking to support that level of occupation. Occupation by students so far appears to have generated 4 cars being parked at the front of the site. Residents would also have visitors and parking would overspill into the street, exacerbating existing capacity problems, where the street is currently being considered for a residents’ parking scheme and adversely affecting highway safety in a street, where many walk their children to Portswood Primary School. Whilst provision of cycle parking as a sustainable alternative is admirable, the Council has no means of controlling actual car ownership and use. Criticism is also made on the location of the cycle parking.

Response – The Highways DM Team have not raised any objections to the quantum of car parking. An evening survey of on-street parking at 18.30 hours on 23.2.2012 revealed on-street spaces were generally available, whereas visits conducted during the daytime and discussions with a resident show that demands for on-street parking occur during the day from those attending the University and those visiting the Portswood Shopping Centre. Overall, no harm to highway safety arising from the site being occupied by 10 persons is concluded. The location of the cycle parking is considered to be acceptable.

- 5.1.4 The quantum of bins to be placed on the forecourt would be unsightly and liable to be left in that position after being emptied and not returned to any storage location. A complaint has been made to the council about refuse issues since its occupation by 15 students.

Response – The applicant has proposed two refuse storage areas, the front one been screened. The waste management plan secured through the legal agreement, would ensure bins would not just be left at the back edge of the highway, but returned to their storage locations.

- 5.1.5 ‘Thin end of the wedge’/precedent - One writer who has lived in Shaftesbury Road for many years (backing onto the application site) and has seen the decline in the character of that street, with families moving away, which in turn has taken children out of Portswood School. Another writer talks of those retired people in the street who may be down-sizing with private landlords being able to bid more for such properties coming onto the market, such that more family homes could be lost and the family, well-integrated character of the street eroded yet further.

Response – Only two dwellings are proposed in place of one. This is not

considered to have a detrimental impact on the character of the area and integrity of an existing settled, family-based community. The owner would not need permission to move to Class C3 use (single family occupation).

- 5.1.6 Loss of a family house – the agent’s assertion that the property has not and is not capable of occupation by a single family is not accepted. The next door neighbour in Shaftesbury Road confirms occupation at one time by a couple and their child.

Response – The proposals would result in the loss of a property whose authorised use is as a single house. Whilst this would be contrary to Policy CS16 of the adopted Core strategy, the C4 dwellings proposed could revert to family occupation and the use proposed is considered a reasonable use of such a large property. As such an exception to CS16 is warranted.

- 5.1.7 Light disturbance is asserted to neighbours – especially those adjoining at No.11 and No15.

Response – Whilst lights may be left on later into the evening compared to family occupation, this is not considered so significant to be used in the reasoning to refuse such a proposal. It is understood that the light by the side entrance door has recently been lowered.

- 5.1.8 Overlooking is asserted to neighbours from additional windows, adversely affecting their privacy, especially from the now glazed rear fire escape door to the roof level accommodation and fears that the flat roof to the rear addition would be used as a sun terrace, causing clear overlooking.

Response – Windows inserted to the side of No.13, where two new bedrooms have been created internally, only look at the blank flank wall of No.11. They do not harm that property’s privacy. The glazed door to the rooftop fire escape serves a corridor and would ordinarily only be used in the event of a fire. It is not considered to constitute a level of overlooking so severe to be used in any reasoning to reject the proposed use. The flat roofed area is not controlled by any planning condition, with regard to the site’s planning history. However, access to it is limited and so the potential for overlooking from that area is not considered great. A condition is proposed to prevent the flat roof been used as a recreational terrace.

- 5.1.9 An allegation that an outbuilding was erected without planning permission when the property was used as a rest home.

Response – This cannot be confirmed or denied. The timber structure is over 4 years old (thereby immune from planning enforcement action) and the more recent brick built structure was constructed at a time when the owner was asserting permitted development rights from use of No.13 as a dwellinghouse.

- 5.1.10 Current use is unauthorised, which gives neighbours no confidence in the owner managing or maintaining the site. The owner has only applied for planning permission when forced to do so, with no respect for regulatory procedures. Reference is also made to the lack of care shown to neighbours by heaps of building waste having been left on the forecourt for months during the recent lengthy refurbishment. Concern is expressed for the ‘hapless students’ who have

been duped by the property owner, resulting in the recent interim injunction being obtained at the High Court. The validity and purpose of the planning system is being circumvented.

Response – PPG18 advises that people quickly lose faith in the planning system if it is not seen to be followed and upheld. The owner has been advised in January of this year that planning permission would be required for alternative residential use to a single house and has chosen not to apply. The council has served a planning enforcement notice, which is currently the subject of an undetermined Appeal by the owner.

5.1.11 Devaluation of nearby properties.

Response – This is not a material planning consideration. Issues of amenity and highways safety are and are considered elsewhere in this report.

5.1.14 Concerns for health and safety of the students. The kitchen is right by the sole means of access/escape to the rear tenancy agreement, querying whether the property enjoys a Licence as a Registered HMO and general concerns as to the quality of workmanship undertaken. Internal amenities to serve the occupiers are considered insufficient.

Response – These are separate considerations under HMO Licencing under the Housing Act, addressed elsewhere in this report.

5.1.15 Insufficient garden space.

Response – The large rear garden is considered more than sufficient to provide for the 10 residents proposed.

5.2 **SCC Highways** – No objections. Parking within this area of Portswood is unrestricted, and therefore on street parking is available for use by all. There may be overspill parking as a result of this use, but there is no evidence that increased kerbside pressure would lead to a highway safety issue. The only recorded injury accidents were at nearby junctions where double yellow lines are already in place and are likely to involve turning traffic. Conditions are recommended, should Panel be minded to grant planning permission, as set out at the end of the report.

5.3 **SCC Private Housing** – No requirement for affordable housing. Comments of the previous application in 2011 were that the applicant has applied for an HMO licence and the Council is minded to grant a licence with conditions for the use of the property by 15 people/households.

5.3.1 The Team has visited the property with one of the officers from Hampshire Fire and Rescue, and would offer opinion as follows:

1. The property currently has sufficient kitchen and bathroom amenities for use by 15 people either in separate units or as the whole house. There are pipeworks to bedrooms for the provision of wash hand basins that had not been installed but will be required as a condition of the HMO licence.
2. The use of the property as a 15 bedroom HMO is likely to lead to more problems for neighbours than the use of the property as 2 separate flats.

Therefore we would support the application for 2 separate flats over the application for a 15 bedroom HMO.

3. The interconnecting door is not required and could lead to more problems if left in situ, for example being propped open or blocked. The rear flat has escape routes either through their main door to the property (which is via the kitchen) or via the side exit. This leads to an ultimate place of safety at the rear of the garden or access can be obtained to the front of the house round the building. This is also the view of the fire officer in attendance that this escape is satisfactory, once garden clearance has taken place and external lighting is provided. We have requested the removal or emptying of the conservatory at the ground floor right rear to allow a secondary means of escape from that bedroom.
4. The owner has submitted an application to licence the HMO. We will be requiring an additional partition wall in the front entrance of the main house (labelled as lounge on the plans) to create a 30 minute protected route from the upper levels to the front door.
5. The owner has applied to Southern Electric to split the electricity supply for the units. They will also be required to split the fire alarm system that is currently covering both units if given permission to create 2 units of accommodation and 60 minute fire separation would be required.

The improvements to the fire precautions can be required under Housing Act 2004 powers.

- 5.4 **SCC Sustainability Team** – With an additional dwelling are being created, there are requirements under policy CS20. A condition to secure Sustainable Measures is recommended.
- 5.5 **SCC Environmental Health (Pollution & Safety)** – No objections. One, as yet unsubstantiated noise complaint made 31.1.2012 regarding students shouting and swearing at the property is still being investigated.

6.0 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
 - 6.2 The acceptability of this intensity of occupation of the building
 - 6.2.1 Disturbance to neighbouring occupiers from comings and goings to and from the site by 10 persons is not considered to be an overintensive use of this building, given its size (the applicant points out that the internal floor area is 3.9 times greater than an average three bedroomed house) and the commitment to sign an undertaking to keep it to that level of occupation.
 - 6.2.2 Whereas planning primarily concerns itself with the use of land, rather than who uses it, it is legitimate to consider whether the pattern and character of proposed residential occupation compared to that of the authorised or previous residential occupation of the site. The likely associated amenity or highway safety impacts typically flowing from these different forms of residential occupation also need to be considered.
 - 6.2.3 In terms of the authorised use under Class C3 of the UCO, a family unit

occupying the property – even a large extended family – would be a fairly settled form of occupation, under parental control, with reasonably predictable comings and goings from the property, usually at sociable hours. One pair of bins would serve a family and depending on who was of an age to hold a driving licence and income levels, the level of car ownership could be fairly low and more likely to be accommodated on the property forecourt

6.2.4 In terms of Class C4 use under the UCO (here occupation to be restricted to up to 5 unrelated persons), the pattern of use of the site could be very similar to occupation by a large family, albeit persons would be likely to live more independently and come and go at varying times, perhaps at less social hours compared to members of a family unit. Depending upon income and ability to hold a driving licence, the potential for the level of car ownership to be greater than a family unit is likely, albeit the quantum of refuse storage not necessarily more than for a family.

6.2.5 In terms of use as a rest home for the elderly, the character and pattern of use would again be different to Class C3 and Class C4 use. Residents would be likely to lead more sedate lifestyles and unlikely to come and go from the property at unsocial hours. Even coupled with owner's family accommodation, the pattern of activity would be rather low. It should be remembered that when in this use, the property was combined with No.11 Grosvenor Road, where overall occupation was limited to 16 elderly residents. Residents could be likely to receive visitors or visits from health care professionals or occasionally an undertaker. However, no amenity or highway safety issues appear to have resulted from that use of the property, which appears to have ceased, some time in 2002.

6.2.6 Occupation of the site by 10 persons, living independently of one another, is different in land use planning terms than the forms of occupation identified above. Comings and goings could be at later hours than under family occupation but most impact would be limited to the side passageway to No.11 where regular use by 5 persons is not considered so detrimental to sustain a refusal of this application.

6.3 The potential to adversely impact highway safety

6.3.1 No objections have been received from the Highways DM Team. The level of car parking and its layout is considered satisfactory. It is considered that overspill street car parking might be likely, but the availability of on-street parking on the evening of 23.2.2012, suggests this could be assimilated without harm to highway safety. The council has balloted residents on a residents' only parking scheme. Whilst indicative of the existing pressures on currently unrestricted on-street parking in the area, these pressures occur more during the daytime, owing to the street's relative proximity to the University and Portswood Shopping Centre.

6.4 Precedent and harm to the character of the area

6.4.1 No other property in the street is this large – a legacy of it having been extended whilst in care home use. It is right that the local planning authority to seek to make reasonable use of properties like this to meet the demand for housing in the city. Enquiries with the Housing Team show that of those on the housing waiting list, none is a family looking for a 10-15 bed roomed property. The sub-division of this property is therefore considered acceptable at the density proposed and it is not considered that an additional dwelling at this site would harm the character of the street.

6.5 The adequacy of the facilities being provided to serve 10 residents

6.5.1 Occupation by 15 persons was considered acceptable by colleagues in the Private Housing Team, who processed an application for a Licence. Room sizes are generous and the property is in a good state of repair. The size of the garden is considered more than adequate to meet the private recreational needs of 10 residents.

6.6 The standard of outlook and natural light to habitable room spaces

6.6.1 Concern was initially expressed about outlook and daylighting received by two bedrooms formed internally, whose sole outlook is the blank flank wall of No.11, some 1.8-2.0m away. Internal adjustments will ensure they do benefit from reasonable light and ventilation. Occupiers would have the use of communal spaces, which enjoy good outlook. All other habitable rooms are considered acceptable and the Private Housing Team have not raised any objections to the previous applications 11/01025/FUL and 11/01026/FUL.

6.7 Sustainability issues

6.7.1 CS20 is applicable and a condition is recommended to secure/demonstrate that adequate sustainable measures have been incorporated into the recent refurbishment last year.

7.0 Summary

7.1 The authorised use of the property is within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended)(UCO). This allows occupation by a single family all related to one another and in 2007-2008 the building was occupied by 10 people. Alternatively, under amendments to the UCO, it is currently permitted to change to Class C4, whereby the property may be occupied by up to 6 unrelated people without planning permission being necessary. 15 students are occupying at this time, as a tenancy of 7 and a tenancy of 8.

7.2 The applicant now proposes that 10 people occupy the property and would carry out alterations to create 10 separate bedrooms (5 in each C4 dwelling proposed). The property is in a very good internal decorative state, just having been renovated. All rooms would have good outlook and natural light. Adequate car and cycle parking facilities would be provided. Refuse arrangements are satisfactory and the quantum of amenity space is more than generous.

8.0 Conclusion

Regard has been had to the emerging SPD on HMO's, but as that will not come into force until 23 March 2012, can only be afforded a certain amount of weight in this decision. If permission is given, the % of single family houses within a 40m radius of the front door to 13 Grosvenor Road would drop to 77.78%. Even then, it forms just one material consideration set against finding a beneficial and reasonable use of this very large property to help meet the city's housing need. The intensity of occupation put forward is not considered harmful to residential amenity, highway safety, nor would it have an adverse impact on the character and form of occupation prevailing in Grosvenor Road.

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), 5. (e), 6. (c), 7. (a), (b), (e), (p), (v), 9 (a), 10 (a), 10 (b).

for 13/03/2012 PROW Panel

CONDITIONS for 11/02001/FUL

01. APPROVAL CONDITION - Full Permission Timing Condition - Change of use
The use 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 - Refuse and recycling facilities [Performance condition]

Before the use as two Class C4 dwellings, each only occupied by 5 persons, is commenced, facilities for the storage, removal and recycling of refuse from the premises, which provides clear demarked pedestrian access to the site, shall be provided in accordance with the drawings prefixed C11/111. and numbered 405 Rev C and 407 Rev A. . Such facilities shall provide for a level approach and be permanently maintained and retained for that purpose at all times thereafter.

Reason:

In the interests of amenity.

03. Approval condition - Refuse storage and collection [Performance condition]

Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the property (other than in the enclosure shown on the drawings prefixed C11/111. and numbered 405 Rev C and 407 Rev A.

Reason:

In the interests of amenity.

04. Approval condition - Cycle storage [Performance condition]

Before the use as two Class C4 dwellings, each only occupied by 5 persons, is commenced, the cycle parking facilities shown on drawing C11/111.405 Rev C shall genuinely be made available to occupiers of the dwellings by giving each resident a key to access their respective store - (each store to be fitted with internal light activated by motion and each to provide a minimum of 5 cyce parking spaces) - and clearing out those stores, which are currently being used to store furniture and other items. Once provided, those secure cycle parking facilities shall be permanently retained for that purpose that all times thereafter.

Reason:

To promote more sustainable forms of travel, in accordance with 'saved' Policy SDP5 of the City of Southampton Local Plan Review (March 2006) and Policy CS19 of the Local Development Framework Core Strategy (January 2010).

05. Approval condition - Car Parking [Performance condition]

Before the use as two Class C4 dwellings, each only occupied by 5 persons, is commenced, a minimum of 3 car parking spaces shall be marked out on the site forecourt in accordance with drawing C11/111.405 Rev C. The utilities trench recently dug into the site forecourt shall also be properly resurfaced to match the original materials of the forecourt. The car parking shall thereafter be retained on site for those purposes at all times thereafter.

Reason:

To help meet the travel demands of occupiers of the two dwellings, whilst also defining/maintaining clear pedestrian/cyclist access to the property.

06. Approval condition - Amenity spaces [Performance condition]

Before the use as two Class C4 dwellings, each only occupied by 5 persons, is commenced, a revised site layout drawing shall be submitted to and agreed by the local planning authority in writing. The revision shall detail how the rear garden is to be subdivided to form two separate amenity spaces, one for each of the dwellings hereby approved. This shall also detail that a related cycle store shall be accessed from each respective amenity space and that common access to both spaces shall exist to gain access to the public highway. Once agreed, those amenity spaces shall be provided before the use as two Class C4 dwellings, each only occupied by 5 persons, is commenced. Once provided, those separate amenity spaces and access to them shall be maintained at all times thereafter.

Reason:

To provide adequate private recreational space for each dwelling and to provide for the possibility that a Class C3 dwelling may result under permitted development in the rear-most dwelling hereby approved.

07. Approval condition - Works of self-containment [Performance condition]

Before the use as two Class C4 dwellings, each only occupied by 5 persons, is commenced, the internal door, since marked by an asterisk on the attached plan shall be blocked up and retained in that condition at all times thereafter.

Reason:

To ensure that two dwellings are genuinely created and that alternative unauthorised occupation as a sui generis house in multiple occupation, shared by 10 persons, with potential to have different land use impacts, does not result without further control by the local planning authority.

08. PERFORMANCE CONDITION - Fire escape/No roof terrace

The existing rear fire escape from roof level shall only be used in times of emergency and in particular, the flat roof to the single storey rear projection of the building shall at no time be used as a roof terrace for recreational purposes.

Reason:

To protect the privacy of occupiers of adjoining properties, whilst still allowing for emergency egress from the building.

09. PERFORMANCE CONDITION – Internal works

Before the use as two Class C4 dwellings, each only occupied by 5 persons, is commenced, those internal works necessary to remove currently existing dividing walls to amalgamate certain rooms to ensure that only 5 bedrooms are created in each dwelling shall be carried out.

Reason:

To enable the local planning authority to control the level of occupation in the building, in the interests of safeguarding the character of the area.

10. PRE-COMMENCEMENT CONDITION - Sustainability measures

Before the use as two Class C4 dwellings, each only occupied by 5 persons, is commenced, details shall be submitted to the local planning authority for its written approval. This shall ensure that a 20% saving on top of Building Regulations Approval is achieved. The following sustainable measures shall be investigated:

Cavity wall insulation - Any dwelling that has empty cavity walls, subject to a check for suitability from an accredited installer and approval by local authority building control

Loft insulation (270 mm) - Any dwelling with an accessible loft and less than 100mm depth existing insulation

Floor insulation - Dwellings with un-insulated suspended timber floors only, where easily accessible from underneath (e.g. basements)

Replacement condensing boiler - Any dwelling with a 'wet' central heating system with a non-condensing gas or oil boiler more than 15 years old

Heating controls upgrade - Any dwelling with central heating that lacks a programmable timer, room thermostat or thermostatic radiator valves

Hot water insulation package - Any dwelling that has an un-insulated hot water tank or a tank has an existing insulating jacket that is in poor repair as judged by a building surveyor

Draught-stripping - Any dwelling that has excessive air leakage as judged by a building surveyor

Energy-efficient lighting - Any dwelling that has less than four energy-saving lamps fitted in commonly used areas

If these are insufficient to achieve the 20% saving, renewable and low carbon technologies should also be investigated. Once approved in writing, those measures shall be implemented before the use as two Class C4 dwellings, each only occupied by 5 persons, is commenced and be verified by the owner with the local planning authority in writing. Once implemented, those measures shall be retained and maintained for the life of the development.

Reason:

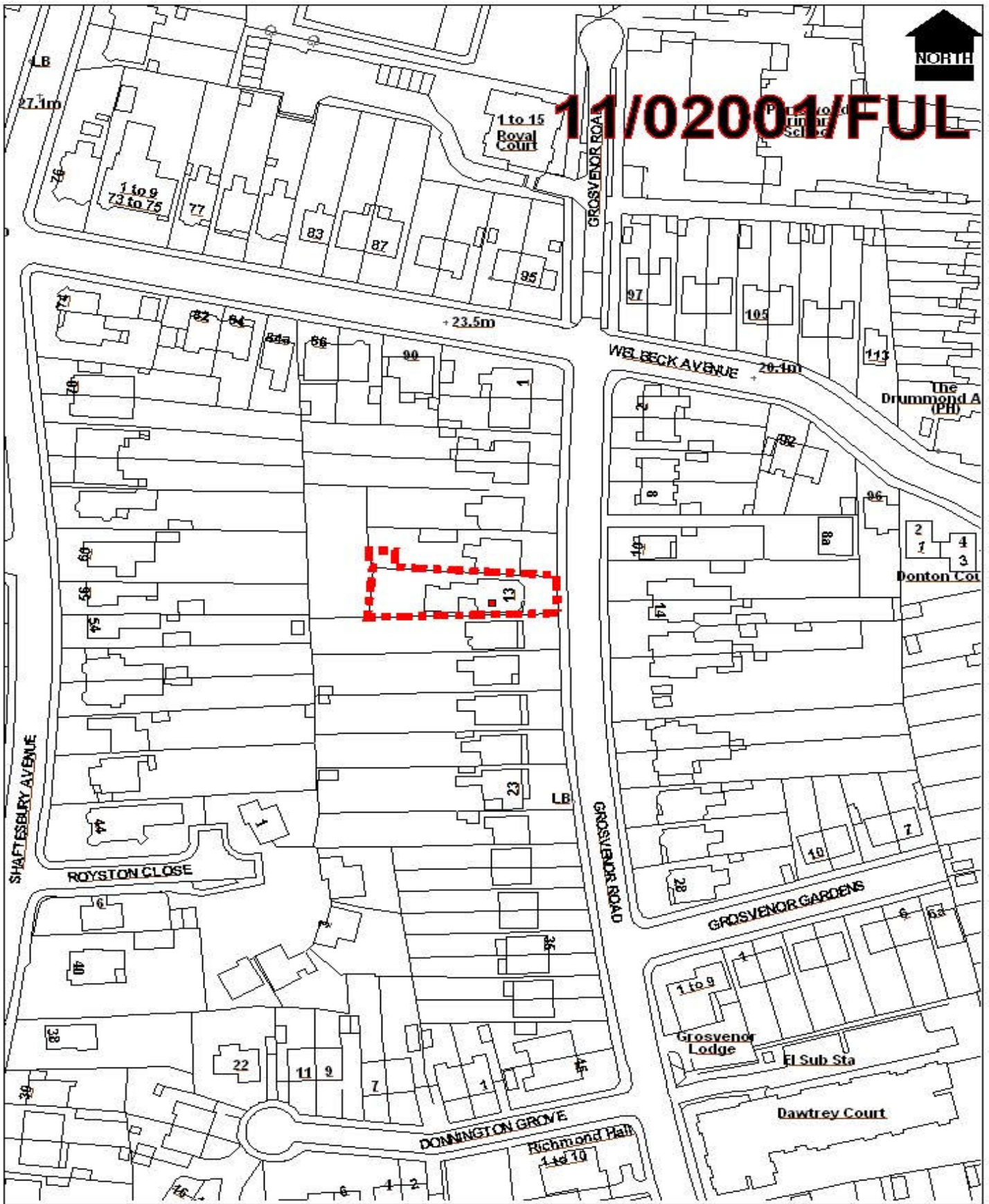
To achieve a sustainable form of development.

11. 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.



Scale : 1:1250

Date :28 February 2012

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POLICY CONTEXT

Core Strategy - (January 2010)

CS6	Housing Density
CS16	Housing Mix and Type
CS19	Car & Cycle Parking

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP16	Noise
H4	Houses in Multiple Occupation
H6	Housing Retention
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

- PPS1 Delivering Sustainable Development (February 2005)
- PPS3 Housing (November 2006)
- PPG13 Transport (April 2001)
- PPG18 Enforcing Planning Control (December 1991)
- PPG24 Planning and Noise (October 1994)

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Relevant Planning History

1365/P4 (REF - 28.01.1969) – Outline application for erection of bungalow on the rear garden of 13 Grosvenor Road refused for the following reason:-

“The proposals constitute a form of backland development without proper road frontage and would be detrimental to the privacy and amenities of the surrounding properties”.

1368/6 (CAP – 25.3.1969) – Extension to existing house at 13 Grosvenor Road. Condition 1 stated:-

“The proposed extension being used solely in connection with the use of the property as a dwelling house and not for any business or guest house use”.

1512/M2 – (CAP – 9.9.1976) – Rooms in roof and dormer windows at 13 Grosvenor Road.
Condition 2 stated:-

“The three additional bedrooms provided as a result of the loft conversion, the subject of this application, shall only be used by members of the resident family only and not as part of or ancillary to the use of the property as a guest house”.

N.B. under a similar but previously refused application in 1973, the applicant had stated that in **Appendix 3** and then in the subsequent application form dated 7.1.1975 stated that the property had been then used as a guest house for 9 years.

1601/M19 – (CAP – 16.6.1981) – Use of premises as a rest home at No. 13 Grosvenor Road.

M27/1639 - (CAP – 20.12.83) – Use of 11 Grosvenor Road as rest home and erection of a single storey link between 11 and 13 Grosvenor Road.
(Implemented).

M03/1661 – (CAP - 14.05.1985) – Erection of a single storey rear extension to provide 1 x 1 bed self-contained flat at 13 Grosvenor Road. The application form clearly stated that it related to Grosvenor Rest Home 11-13 Grosvenor Road and following conditions of interest were imposed:-

“(3) The premises shall be used as a rest home for the elderly only and for no other purpose including a nursing home or any other purpose within class XIV of the Schedule to the Town and Country Planning (Use Classes) Order 1972.

Reason: To prevent overintensive use of the premises in the interests of road safety and in order to safeguard the amenities of nearby residential properties”.

“(4) No more than 16 elderly persons shall be accommodated on the premises at any one time.

Reason: To prevent overintensive use of the premises”.

“(5) The extension hereby approved shall only be used as the owners accommodation and not for the accommodation of elderly persons.

Reason: To prevent overintensive use of the premises in the interests of road safety and in order to safeguard the amenities of nearby residential properties”.

02/00482/FUL (CAP - 17.05.2002) - 11-13 Grosvenor Road - Change of use to form two dwellings (Implemented – see **Appendix 4**).

11/01025/FUL (REF - ***) - Change of use from Class C3 to a Sui Generis 15 bedroom student house (alternative proposal to planning application reference 11/01026/FUL).

Reason for refusal:-

Reason for Refusal - Harm to the character of the area

The local planning authority considers that the intensification of residential occupation of the property from either family occupation within class C3, or from a C4 occupation by up to 6 unrelated persons, to occupation as Sui Generis House in Multiple Occupation by 15 persons would cause serious harm, contrary to policies of the Development Plan for Southampton (SDP7 (v), H4 and SDP16) Local Plan Review (March 2006) and CS16 (3) Core Strategy (January 2010). The proposed use is also considered contrary to relevant advice set out in Planning Policy Statement 3 (Housing) and the consultation draft of the Draft National Planning Policy Framework. The harm from this over intensive use of the property would manifest itself in the following ways:-

- (i) Disturbance to neighbouring occupiers from comings and goings to and from the site by 15 separate students at various times of the day and night and their use of the garden at the property, potentially more likely to be at unsocial hours (being that the tenants are to be students with more active lifestyles), which would not be compatible with the surrounding family housing;*
- (ii) Adversely affect the character and nature of occupation of this immediate part of the street, by causing the loss of a single family house, in a street predominantly comprised of family houses and making it more difficult for the local planning authority to resist similar proposals in this street in the future;*

- (iii) *Be likely to cause overspill parking difficulties in the street, prejudicial to highway safety with people having to park tight to others' driveways and access points, detrimentally interfering with driver visibility when emerging into the street, whilst also not demonstrating adequate secure cycle storage as an alternative to the private car;*
- (iv) *Not demonstrating adequate refuse storage facilities, where the visual impact of the quantum of such storage would be likely to be visually intrusive in the street scene, given that the open forecourt of the property is the only realistic place to store refuse; and,*
- (v) *Not demonstrating convenient access through the building by occupiers of the separate tenancy agreement for 8 persons in the front of the property, sought through 'saved' Policy H4 of the City of Southampton Local Plan Review (March 2006) as supported by Section 4.4 of the Residential Design Guide (September 2006).*

11/01026/FUL (REF – 13.9.2011) - Conversion of existing dwelling to 2 sui generis houses in multiple occupation (1 x 7 bedroom dwelling and 1 x 8 bedroom dwelling) with associated bin and cycle storage (alternative proposal to application 11/01025/FUL)

Reason for refusal:-

Reason for Refusal - Harm to the character of the area

The local planning authority considers that the intensification of residential occupation of the property from either family occupation within class C3, or from a C4 occupation by up to 6 unrelated persons, to occupation as Sui Generis House in Multiple Occupation by 15 persons would cause serious harm, contrary to policies of the Development Plan for Southampton (SDP7 (v), H4 and SDP16) Local Plan Review (March 2006) and CS16 (3) Core Strategy (January 2010). The proposed use is also considered contrary to relevant advice set out in Planning Policy Statement 3 (Housing) and the consultation draft of the Draft National Planning Policy Framework. The harm from this over intensive use of the property would manifest itself in the following ways:-

- (i) *Disturbance to neighbouring occupiers from comings and goings to and from the site by 15 separate students at various times of the day and night and their use of the garden at the property, potentially more likely to be at unsocial hours (being that the tenants are to be students with more active lifestyles), which would not be compatible with the surrounding family housing;*
- (ii) *Adversely affect the character and nature of occupation of this immediate part of the street, by causing the loss of a single family house, in a street predominantly comprised of family houses and making it more difficult for the local planning authority to resist similar proposals in this street in the future;*
- (iii) *Be likely to cause overspill parking difficulties in the street, prejudicial to highway safety with people having to park tight to others' driveways and access points, detrimentally interfering with driver visibility when*

- emerging into the street, whilst also not demonstrating adequate secure cycle storage as an alternative to the private car;*
- (iv) Not demonstrating adequate refuse storage facilities, where the visual impact of the quantum of such storage would be likely to be visually intrusive in the street scene, given that the open forecourt of the property is the only realistic place to store refuse; and,*
 - (v) Not demonstrating convenient access through the building by occupiers of the separate tenancy agreement for 8 persons in the front of the property, sought through 'saved' Policy H4 of the City of Southampton Local Plan Review (March 2006) as supported by Section 4.4 of the Residential Design Guide (September 2006).*

11/00196/ENCOU - Enforcement case reference. Resultant Enforcement Notice reproduced as **Appendix 5**.

MEH/AMJ/01/1

*M. Jackson
13, Goswood Rd.
Highfield
Southampton.*

13, Goswood Road,
Highfield,
Southampton.
14.2.73.

City Planning Office
Core Centre.



Correspondence



Alterations and additions - 13, Goswood Rd.
Code No: 10331/1452/49.

Dear Sir,

Mrs. Rickman has passed your letter to me so that I can reply to your queries.

I have five children (four in their teens) making us a large family of seven.

My wife and I are teachers and have been approached by the University to provide accommodation for students and foreign students who visit in the summer and at Easter. The Recreation Centre (which is at the end of the street) has also asked if we could provide temporary accommodation for teachers taking up posts in Southampton. If the alterations were carried out I feel we could provide more adequate and suitable accommodation and amenities for these people.

The forecourt is already concreted for parking, and there is space for seven cars (we have only one).

The house next door to us and the two houses opposite already provide this sort of accommodation as do several other houses at the end of Goswood Road. The two houses opposite have recently had rooms built into their roofs for this purpose.

Should you require further information I would be happy to supply it.

Yours faithfully,

John Roberts

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02/00482/FUL/10955



3094, Soton CC



DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

Town and Country Planning (General Development Procedure) Order 1995

Mr & Mrs B D Tate
c/o M D Tate
360 Butts Road
Southampton
SO19 1BW

Decision



In pursuance of its powers under the above Act and Regulations, Southampton City Council, as the District Planning Authority, hereby gives notice that the application described below has been granted:

CONDITIONALLY APPROVED

Proposal: Change of use to form two dwellings
Site Address: 11-13 Grosvenor Road Southampton SO17 1RU
Application No: 02/00482/FUL

In accordance with the plans and application submitted with the above FULL Application, subject to the following condition(s):

01.
The development hereby permitted shall begin not later than five years from the date on which this planning permission was granted.

REASON
To comply with S.91 of the Town and Country Planning Act 1990.

02.
The development to which this consent relates 02/00482/FUL;. The building shall not be brought into use/occupied in full or in part until secure/covered space for 2 cycles to be parked and stored have been submitted to and approved in writing by the Local Planning Authority.

REASON
To encourage cycling as an alternative form of transport.

Alan Sayle
Development Control Manager
47 MAY 2002
CMD

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**TOWN AND COUNTRY PLANNING
ACT 1990 (as amended by the
Planning and Compensation Act
1991)**

ENFORCEMENT NOTICE

**LAND AT 13 GROSVENOR ROAD
SOUTHAMPTON SO17 1RU**

Enforcement Notice for 13 Grosvenor Rd. EP05/05/0331



The Planning Inspectorate

CST Room 3/05
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line 0117-372 6372
Switchboard 0117-372 8000
Fax No 0117-372 8782

www.planning-inspectorate.gov.uk

THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- on-line at the Planning Casework Service area of the Planning Portal (www.planningportal.gov.uk/pcs); or
- by getting enforcement appeal forms by phoning us on 0117 372 6372 or by emailing us enquiries@plns.gsl.gov.uk

You MUST make sure that we receive your appeal before the effective date on the enforcement notice.

In exceptional circumstances you may give notice of appeal by fax or letter. You should include:-

- the name of the local planning authority;
- the site address;
- your address; and
- the effective date of the enforcement notice.

We MUST receive this before the effective date on the enforcement notice. This should **immediately** be followed by your completed appeal forms.

LEGAL AND DEMOCRATIC SERVICES
RICHARD IVORY, Sol
Acting Head of Legal & Democratic Services
Southampton City Council
Southbrook Rise
4-8 Millbrook Road East
Southampton SO15 1YG



FAREHAM BOROUGH
COUNCIL
www.fareham.gov.uk



Southampton and Fareham Legal Services Partnership

Direct dial: 023 8083 3553
Please ask for: Aicha Laroussi
Email: aicha.laroussi@southampton.gov.uk
Our ref: AL/ EP05/05/0331
Your ref:

IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY

Harjap Singh Lakhpuri
7 Russell Place
Highfield
Southampton
SO17 1NU

28 November 2011

Dear Sir

Town & Country Planning Act 1990 - Section 172
Enforcement Notice: Land at 13 Grosvenor Road, Southampton, SO17 1RU

The Council issued an Enforcement Notice relating to the above land on 17 October 2011 and a copy served on you.

Due to a potential defect in the notice, the council has decided to withdraw that notice and issue a new one which is in the same terms but contains the date upon which the notice will come into effect (which was the potential defect in the earlier notice) if it is not appealed.

You will find enclosed a letter withdrawing the Enforcement Notice dated 17 October 2011 and a new Enforcement Notice dated 28 November 2011.

Please do not hesitate to contact me if you require further information or clarification.

Yours faithfully

**For acting Head of Legal
& Democratic Services**

Enc

LEGAL AND DEMOCRATIC SERVICES
RICHARD IVORY, Sol
Acting Head of Legal & Democratic Services
Southampton City Council
Southbrook Rise
4-8 Millbrook Road East
Southampton SO15 1YG



FAREHAM BOROUGH
COUNCIL
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Southampton and Fareham Legal Services Partnership

Direct dial: 023 8083 3553
Please ask for: Aicha Laroussi
Email: aicha.laroussi@southampton.gov.uk
Our ref: AL/ EP05/05/0331
Your ref:

IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY

Harjap Singh Lakhpuri
7 Russell Place
Highfield
Southampton
SO17 1NU

28 November 2011

Dear Sir

**Town & Country Planning Act 1990 - Section 172
Enforcement Notice: Land at 13 Grosvenor Road, Southampton, SO17 1RU**

The Council has issued an Enforcement Notice relating to the above land and I now serve on you a copy of that Notice in view of your interest in the land. Copies of the Notice have been served on those persons listed on the attached sheet.

There is a right of appeal to the Secretary of State (at The Planning Inspectorate) against the enforcement notice. Unless an appeal is made, as described below, the notice will take effect on 30 December 2011 and you must then ensure that the required steps, for which you may be held responsible, are taken within the period specified in the notice.

Please see the enclosed information sheet from The Planning Inspectorate which tells you how to make an appeal.

If you decide that you want to appeal against the enforcement notice you must ensure that you send your appeal soon enough so that normally it will be delivered by post/electronic transmission to the Secretary of State (at The Planning Inspectorate) before 30 December 2011.

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:-

- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) that those matters have not occurred;

I:\WP\Envprop\00 Planning\Enforcement\Southampton\Enforcement Notices\grosvenor road 13\DOCUMENTS\11.11.28 ltr.Notice.to_al.doc
Fax 023 80 233079, Minicom 023 80 832798, E-Mail: legal@southampton.gov.uk



IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY

**TOWN AND COUNTRY PLANNING ACT 1990
(as Amended by the Planning and Compensation Act 1991)**

ENFORCEMENT NOTICE

ISSUED BY: SOUTHAMPTON CITY COUNCIL

- 1 THIS NOTICE** is issued by the Council, because it appears to them that there has been a breach of planning control, within paragraph (a) of section 171A(1) of the above Act, at the land described below. They consider that it is expedient to issue this Notice, having regard to the provisions of the development plan and other material planning considerations.
- 2 THE LAND TO WHICH THE NOTICE RELATES**
Land at **13 GROSVENOR ROAD, SOUTHAMPTON, SO17 1RU**, shown edged red on the attached plan ("the Land").
- 3 THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**
Without planning permission, the change of use of the Land from a single dwelling house to two separate dwellinghouses each occupied as a house in multiple occupation by 7 persons and 8 persons respectively.
- 4 REASONS FOR ISSUING THIS NOTICE**
It appears to the Council that the above breach of planning control has occurred within the last ten years.

The local planning authority considers that the intensification of residential occupation of the property from either family occupation within class C3, (or from a C4 occupation by up to 6 unrelated persons), to occupation as two Sui Generis Houses in Multiple Occupation by 7 persons and 8 persons respectively would cause serious harm, contrary

to policies of the Development Plan for Southampton (SDP7 (v), H4 and SDP16) Local Plan Review (March 2006). The proposed use is also considered contrary to relevant advice set out in Planning Policy Statement 3 (Housing), particularly paragraphs 9, 13 and 49, where the amenity of neighbours is likely to be adversely affected. Also contrary to advice in the consultation draft of the Draft National Planning Policy Framework- paragraphs 19 (final bullet point) and 116 (first and fourth bullet points). The harm from this over intensive use of the property would manifest itself in the following ways:-

- (i) Disturbance to neighbouring occupiers from comings and goings to and from the Land by 15 separate students at various times of the day and night and their use of the garden at the property, potentially more likely to be at unsocial hours (being that the tenants are to be students with more active lifestyles), which would not be compatible with the surrounding family housing;
- (ii) Adversely affect the character and nature of occupation of this immediate part of the street, by causing the loss of a single family house, in a street predominantly comprised of family houses and making it more difficult for the local planning authority to resist similar proposals in this street in the future;
- (iii) Be likely to cause overspill parking difficulties in the street, prejudicial to highway safety with people having to park tight to others' driveways and access points, detrimentally interfering with driver visibility when emerging into the street, whilst also not demonstrating adequate secure cycle storage as an alternative to the private car;
- (iv) Not demonstrating adequate refuse storage facilities, where the visual impact of the quantum of such storage would be likely to be visually intrusive in the street scene, given that the open forecourt of the property is the only realistic place to store refuse; and,
- (v) Not demonstrating convenient access through the building by occupiers of the separate dwelling occupied by 8 persons in the front of the property, sought through 'saved' Policy H4 of the City of Southampton Local Plan Review (March 2006) as supported by Section 4.4 of the Residential Design Guide (September 2006).

The Council do not consider that planning permission should be given, because planning conditions could not overcome these objections.



5 WHAT YOU ARE REQUIRED TO DO

(i) Cease to use the Land as two separate dwelling houses in multiple occupation

and

(ii) Return the use of the Land to its authorised planning use as a single dwelling house (C3 Use).

6 THE TIME FOR COMPLIANCE

Two months after this Notice takes effect.

7 WHEN THIS NOTICE TAKES EFFECT

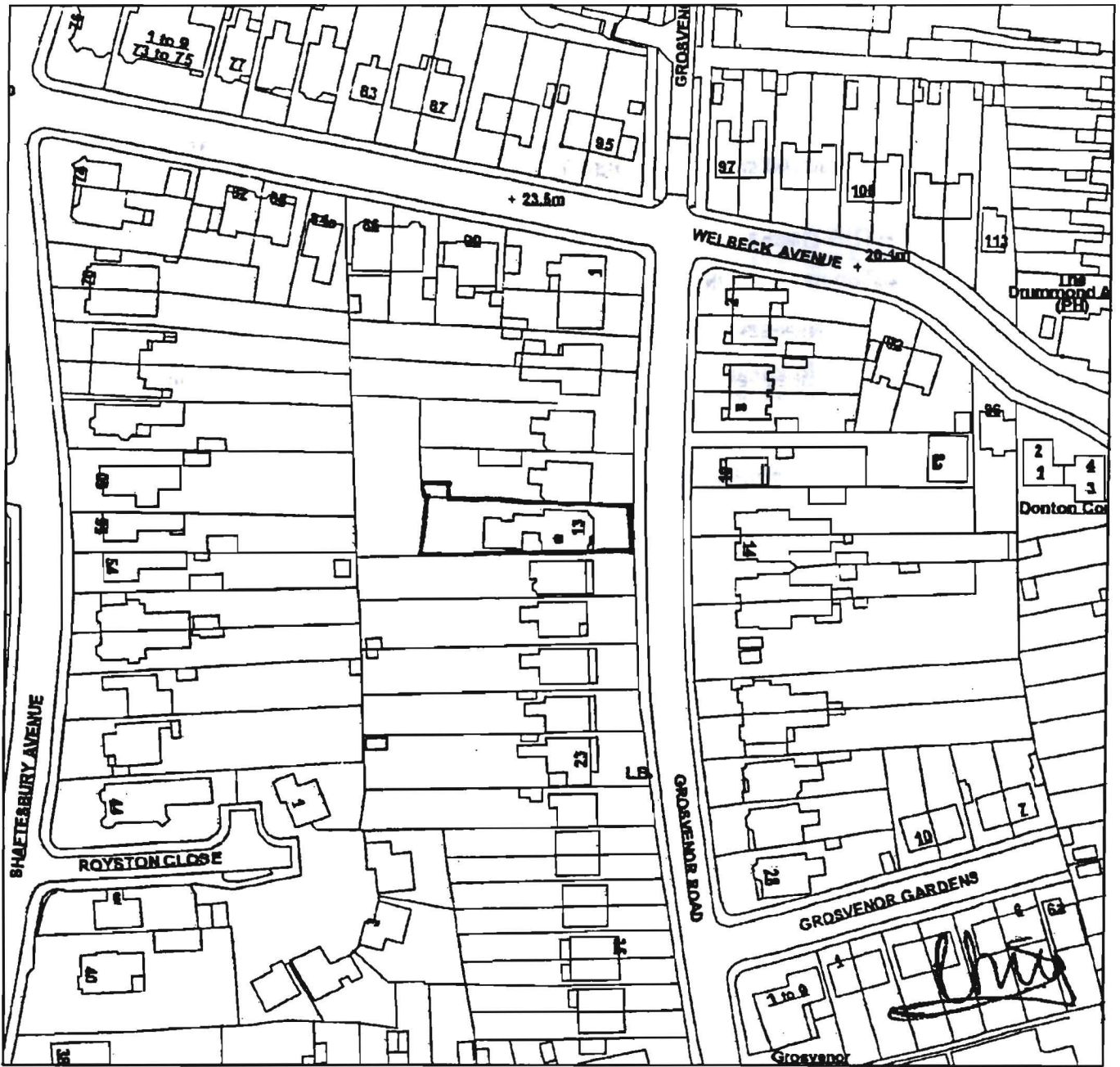
This Notice takes effect on 30th December 2011 unless an Appeal is made against it beforehand.

Dated 28^h November 2011

Signed



Acting Head of Legal
& Democratic Services
Southampton City Council
Southbrook Rise
4-8 Millbrook Road East
Southampton
SO15 1YG



Enforcement Notice: Land at 13 Grosvenor Road, Southampton, SO17 1RU

Enforcement Notice served on the following:

Harjap Singh Lakhpuri, 7 Russell Place, Highfield, Southampton, SO17 1NU
Owner and Occupier, 13 Grosvenor Road, Southampton, SO17 1RU
Jerry Gillen, BY EMAIL
Charlotte Davies, 13 Grosvenor Road, Southampton, SO17 1RU
Ailish Langan, 13 Grosvenor Road, Southampton, SO17 1RU
Kimberley Morgan, 13 Grosvenor Road, Southampton, SO17 1RU
Nicola Nottidge, 13 Grosvenor Road, Southampton, SO17 1RU
Jessica Gusthart, 13 Grosvenor Road, Southampton, SO17 1RU
Emma Willer, 13 Grosvenor Road, Southampton, SO17 1RU
Callie Frendo-Cumbo, 13 Grosvenor Road, Southampton, SO17 1RU
Oriole Wagstaff, 13 Grosvenor Road, Southampton, SO17 1RU
Thomas Broadhead, 13 Grosvenor Road, Southampton, SO17 1RU
Gemma Pattison, 13 Grosvenor Road, Southampton, SO17 1RU
Alec Pearson, 13 Grosvenor Road, Southampton, SO17 1RU
Erik Williams, 13 Grosvenor Road, Southampton, SO17 1RU
Ellen Blundell, 13 Grosvenor Road, Southampton, SO17 1RU
George Lester, 13 Grosvenor Road, Southampton, SO17 1RU
Sophie Van-Eetveld, 13 Grosvenor Road, Southampton, SO17 1RU

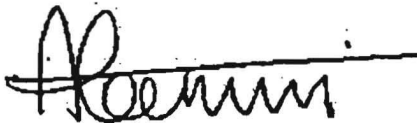
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) that copies of the enforcement notice were not served as required by section 172;
- (f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of £670. You should pay half of the fee £335 to Southampton City Council (made payable to Southampton City Council) and the other half of the fee to the Planning Inspectorate (made payable to the Department for Communities and Local Government). Joint appellants need only pay one set of fees.

If you decide to appeal, when you submit it, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

Yours faithfully



**For acting Head of Legal
& Democratic Services**

Enc

Agenda Item 9

**Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 13 March 2012
Planning Application Report of the Planning and Development Manager**

Application address: Land adjacent to 97 Botany Bay Road			
Proposed development: Erection of a two storey, detached, two bedroom dwelling house plus basement level with associated car parking/cycle store.			
Application number	12/00128/FUL	Application type	FUL
Case officer	Bryony Stala	Public speaking time	5 minutes
Last date for determination:	02.03.2012	Ward	Sholing
Reason for Panel Referral:	Referred by the Planning & Development Manager due to wider interest	Ward Councillors	Councillor Blatchford Councillor Fitzgerald Councillor Kolker

Applicant: Mr Charles Cooper	Agent: N/A
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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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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set out on the attached sheet. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on the 13.03.12 do not have sufficient weight to justify a refusal of the application. The proposal would be in keeping with the site and surrounding properties and would not have a harmful impact on the amenities of the neighbouring properties. 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, Planning Permission should therefore be granted taking account of the following planning policies:

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, and H7 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS5, CS13, CS16, CS19, and CS20 and the Council’s current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS1 (Delivering Sustainable Development) and PPS3 (Housing 2011) are also relevant to the determination of this planning application.

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History

Recommendation in Full

Conditionally Approve

1.0 The site and its context

1.1 The application site is located on the south eastern side of Botany Bay Road.

97 Botany Bay Road is the last in the row of dwellings on the south eastern side. On the opposite side of the road dwellings continue towards its junction with Portsmouth Road. A brook runs along land beyond the rear plot boundary.

- 1.2 Botany Bay Road varies in terms of character, scale, appearance of buildings and property type, however, the dominant form of property is family dwelling housing.
- 1.3 Property type is mixed in terms of age, character and scale within the immediate area. A number of properties abutting the Greenway have taken advantage of the site slope to extend downwards.
- 1.4 The south-eastern and south-western boundaries of the site are abutted by the Shorburs Greenway, which is allocated on the Proposals Map of the Local Plan Review as protected open space and a site of importance for nature conservation (SINC). That part immediately abutting the site has a more open grassed character, merging into trees on the street frontage and by the brook. The south-eastern side of the street, with its outlook over the wooded Greenway and the highway leading to the site from Portsmouth Road has a rural character.
- 1.5 The application site is abutted by the other semi-detached house to the north-east. Detached and semi-detached housing is located on the north-west side of the street opposite the site, set back from the carriageway (no pavement exists in this part/side of the street) occupying a more elevated position.
- 1.6 A prominent Oak tree exists just outside the site in the SINC in the Council's care.

2.0 Proposal

- 2.1 The application seeks full planning consent for a two/three storey two bedrooed detached dwelling house. At street level the property would appear as a two storey dwelling, of similar height and proportion to neighbouring 97 Botany Bay Road. To the rear, the height of the building steps down with the change in land levels to utilise the basement level for a third storey of living accommodation.
- 2.2 One car parking space would be provided to the front of the dwelling and one car parking space retained to the front of 97 Botany Bay Road. An integral store is provided for cycles, whilst refuse bins would be located to the side of the proposed dwelling.
- 2.3 The application is a resubmission of application 11/01699/FUL which sought permission for a detached two bedroom property. The proposal seeks to address the previous reasons for refusal under application 11/01699/FUL. The key differences between the schemes are listed as follows:
 - The building has been reduced in depth by 3m at the upper level.
 - The height of the rear build line steps down with the change in land levels.
 - Balconies have been removed from the rear.
 - A 'lay-by' parking bay has been provided to the front of 97 Botany Bay Road, as well as a parking space provided to the front of the proposed dwelling.
 - An integral cycle store has been provided.
 - The rear lean-to conservatory has been removed at 97 Botany Bay Road and a window put in the rear wall serving the dinning room to improve light and outlook to this room.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these

proposals are set out at **Appendix 1**.

- 3.2 The majority of the site is not allocated for a specific use within the Development Plan. A thin margin of the site is shown to be located with the adjoining SINC. The applicant has through an 'adverse possession' claim to the Land Registry, included that margin within the site's cartilage. A report by the Local Government Ombudsman has absolved the council from any maladministration in this regard. 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 On June 9th 2010 private residential gardens were excluded from the definition of Previously Developed Land (PDL) in the Government's Planning Policy Statement on Housing (PPS3). Also, the requirement to achieve a minimum density of at least 30 dwellings per hectare was removed.
- 3.4 That said, the revised PPS3 maintains that the planning system should provide "*a flexible, responsive supply of land that is managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate*" (Paragraph 10 refers). The national annual target that "*at least 60 per cent of new housing should be provided on previously developed land*" remains, suggesting that residential development can still take place on other land subject to the local circumstances of each site involved.
- 3.5 It is the view of the Council's Planning Policy Team that the recent changes to PPS3, along with the removal of the national indicative minimum density standards, are not intended to stop all development on private residential gardens. Instead it allows Councils greater powers to resist such development where there is a demonstrable harm to the character and appearance of an area.
- 3.6 The revised PPS3 maintains that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted (Paragraph 13 refers).
- 3.7 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.

4.0 Relevant Planning History

- 4.1 A schedule of the relevant planning history for the site is included in **Appendix 2**. The Council has previously refused two proposals for flatted development on the site as well as a proposal for a single dwelling house.

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 also undertaken which included notifying adjoining and nearby landowners and erecting a site notice (02.02.12). At the time of writing the report 9 representations have been received from surrounding residents. The following is a summary of the points raised:

- Botany Bay Road is currently at saturation point with parking, particularly at school pick up and drop off time. Any increase in parking will result in highway safety issues.
- Due to the limited width of the road, cars parked on the road outside 97 Botany Bay Road restrict access for other road users.
- Loss of amenity to 97 Botany Bay Road by reason of loss of light, outlook and privacy to ground floor side windows.
- The removal of access to the rear of 97 Botany Bay Road obstructs access to the rear for bins, cycles and lawn mowers. Access to the rear of 97 Botany Bay Road is restricted and the narrow stepped access to the new dwelling negates the access to the proposed cycle storage shed.
- The proposed development will overlook properties 95 and 97 Botany Bay Road and compromise the ability of the residents to enjoy the rearward facing aspect of their garden.
- Boundary treatments should be in-keeping with the existing street and ensure not to obscure sight lines for the egress of vehicles from the site.
- The cycle store and refuse store are visually intrusive.
- The development proposes internal accommodation that is cramped and does not provide sufficient room for a reasonable standard of living.
- The proposal will impact on the privacy and residential amenity of neighbours.
- The proposed 3 level dwelling is oversized for the site.
- There is concern that if approved the development will be converted into flats or student accommodation. Should the development be approved it is requested that the dwelling is restricted from being converted into multiple units.
- The proposal will have an adverse impact on the adjacent Oak tree.
- The proposal will have adverse environmental impacts on the adjacent woodland and SINC.
- Concern regarding impact on the drains.
- The proposed 3 level dwelling is oversized for the site.
- Concern regarding the development works, how the dwelling would be built and the impact this would have on the adjacent greenway.
- Concern regarding impact on the stability of the existing dwellings at 95 and 97 Botany Bay Road.

The concerns and issues raised are addressed in section 6 of this report.

5.2 **Consultee Responses**

5.3 **SCC Highways** - No objection.

5.4 **SCC Ecology** – No objection.

5.5 **SCC Trees** – No objection

5.6 **SCC Sustainability** – No objection.

5.7 **Environment Agency** - No objection.

5.8 **Southern Water** – No objection.

6.0 Planning Consideration Key Issues

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

- Principle of development
- Character and Design
- Residential Amenity
- Ecology & Trees
- Parking & Highways
- Sustainability

The application needs to be assessed in light of the above key issues and the planning history of the site.

6.2 Principle of Development

6.2.1 On the 9th March 2010 a lawful development certificate (LDC) was granted for the use of the land subject of this planning application for residential purposes (private garden) in association with the dwelling at 97 Botany Bay Road.

The site is allocated under policy CLT3 of the adopted local plan as designated open space. However, the issuing of the LDC in 2010 supersedes this designation. Therefore the proposed development does not constitute a departure from the local plan. The LDC clearly identifies the use as garden land.

6.2.2 The proposal would involve the development of garden land which has been recently removed from the definition of previously developed land by the recent update to PPS3: Housing. PPS3 indicates that the priority for development is previously developed land. However, that is not to say that development on garden land is harmful per se, but rather it needs to be balanced against the impact of the development on the character of the area and other planning policies which require the efficient use of land to provide housing.

6.2.3 Plot size and width within Botany Bay Road varies whilst the build lines remain, for the majority, uniform to the front and rear of the site with garden being provided to the rear of dwellings and generally parking or a small front garden to the frontage.

6.2.4 The addition of a dwelling house which continues the established pattern of development to end the existing row of houses on the south east side of Botany Bay Road and reflect the existing scale and build lines of neighbouring dwellings is not judged to be harmful to the context and character of Botany Bay Road.

6.2.5 The application site marks the end of development adjacent to the protected Greenway. Yet, providing it is designed correctly, it is judged that an additional dwelling would integrate within the existing street scene without adversely affecting the adjacent land.

6.2.6 It is understood that Millers Pond area has just been made a Local Nature Reserve and the intention is to extend this to encompass all of the Sholing Valleys which will include the land next to the application site. Whilst careful consideration must be given to the impact the proposed development may have on the adjacent SINC, this designation does not apply directly to the land sought for development.

6.3 Character and Design

6.3.1 The previous reason for refusal focused on the impact of the proposed development from the rear of the site and when viewed from the south east of

Botany Bay Road. At the time of assessing the impact of the previous application it was considered that its design, scale and proportions to the frontage were in keeping with that of neighbouring dwellings and would not adversely harm the character of Botany Bay Road. There has been no change to the design of the front elevation.

- 6.3.2 In order to address the previous reason for refusal the rear section of the dwelling house has been reduced in depth at the upper level (third floor level). The rear building line now steps down with the change in land levels to the rear of the site creating a staggered height that better reflects the existing proportions of 95 and 97 Botany Bay Road.
- 6.3.3 The introduction of a staggered rear build line significantly reduces the bulk of the building and the overall mass of the development. This limits the impact of the build when viewed from the south east of Botany Bay Road.
- 6.3.4 The impact when viewed from the adjacent greenway is significantly reduced by the reduction in the scale and mass of the building. The appearance of its bulk will be further reduced by the introduction of boundary treatments and landscaping.
- 6.3.5 It is considered that the revised depth, height and design of the proposed dwelling Successfully addresses issues raised in the previous reason for refusal (11/01699/FUL) creating a building of an appropriate size, and one that is more akin to the scale and proportion of neighbouring dwellings.
- 6.3.6 In order to control additional works being carried out on the site, a condition is suggested to remove the permitted development rights from the property, to ensure that no extensions could be carried out to the property without first requiring planning permission.

6.4 Residential Amenity

- 6.4.1 It is judged that the revised proposal overcomes issues of overlooking to neighbouring gardens. The reduced depth of build at the upper (third floor) level coupled with the removal of balconies prevents direct overlooking to neighbouring gardens, thus retaining an appropriate level of amenity for 95 and 97 Botany Bay Road.
- 6.4.2 Residential standards are met to at least a minimum for the proposed dwelling and retained for 97 Botany Bay Road.
- 6.4.3 At present the windows serving the dining room for 97 Botany Bay are on the south east elevation of the property which directly faces the application site. The proposed dwelling will result in the loss of light and outlook to this window. In order to address this issue, the existing lean-to conservatory at the rear of 97 Botany Bay Road will be removed and a window will be located within the ground floor rear wall. This will result in the dining room being served by two windows and will be afforded appropriate light and outlook to maintain an appropriate residential standard for occupiers of that property.
- 6.4.4 With regard to the ability of the proposed development to connect to the existing drainage system, Southern Water has raised no objection to the proposed development. Such matters will be dealt with in greater detail under the Building Regulations. The Building Regulations will take into account the potential impact of the development on the stability of neighbouring dwellings.
- 6.4.5 The applicant has advised that a 'over-hand' build is intended for the proposed dwelling. This means that all construction works will take place solely on the site and there will be no need for access from the greenway or construction vehicles on the greenway to enable the build. A condition requiring a construction method and management plan to be submitted and agreed with the local planning authority prior to the commencement of development is recommended ensuring

the protection of the greenway.

6.5 Ecology and Trees

- 6.5.1 The application site consists of a hard surface and has no biodiversity value. The adjacent land forms part of the Shoreburs Greenway Site of Importance for Nature Conservation (SINC) and is therefore of high biodiversity value. The application site is separated from this land by a fence which will prevent direct physical impacts.
- 6.5.2 The potential impacts of the proposal on Ecology and the adjoining SINC have been agreed by Southampton City Council Ecologist. In order to deliver the development it is the applicant's intention to build 'over-hand'. This will negate the need for construction vehicles to access the site via the SINC.
- 6.5.3 The landscaping scheme submitted in support of the planning application contains a range of plants that will be of benefit to local biodiversity. The wetland planting adjacent to the stream is no longer achievable however, implementation of the rest of this scheme will be secured by way of a planning condition.
- 6.5.4 However, one area of potential concern is the potential for light spill from the building to impact on bat foraging within the greenway. This risk can be managed through careful design and the use of hoods to minimise light spill. A planning condition requiring the submission of a lighting plan is recommended to ensure appropriate lighting is provided within the development.
- 6.5.5 There is a large Oak tree on Southampton City Council land adjacent to this site, which affords the protection of a TPO'd tree due to it being on council owned land. The proposal has been designed to minimise the habitable rooms that will be shaded by the tree and as such it is judged that the proposal should not have significant detrimental affect on the Oak Tree.

6.6 Parking and Highways

- 6.6.1 The Adopted Parking Standard SPD advocates a maximum of 2 spaces for 2 bed dwellings in a low accessibility area. During the application stage amended plans were sought to accommodate a parking bay to the front of the existing dwelling 97 Botany Bay Road. As the depth of the frontage was not sufficient to accommodate a space, this has been achieved through the introduction of a 'lay by' parking bay to the front of the property. The layout of the bay meets with highway safety standards and ensures the provision of 1 parking space per dwelling on site in accordance with adopted maximum parking standards.
- 6.6.2 Local residents have raised significant concern regarding on street parking, access to private driveways and highway safety issues in and around Botany Bay Road. There are no parking restrictions in place for Botany Bay Road, and as such it is not possible to prevent future occupiers or visitors to the property from parking on the highway. In planning terms, the proposal meets parking and highway safety standards. The need for any additional highway safety measures is a matter for SCC Highways department.
- 6.6.3 The site can accommodate sufficient cycle and refuse storage for a single dwelling house in accordance with section 9 of the Residential Design Guide.
- 6.6.4 Concern has been raised with regards to the resultant appearance of a cycle and refuse store to be located on the front of the site. Amended plans received during the application process have re-worked the internal layout of the property to provide an integral cycle store accessed via the front of the property. This provides a level access to the cycle store. In addition, the width of the building has been reduced to provide more room within the side access for the storage of

refuse bins. This removes the need for purpose built stores on the property's frontage.

6.7 Sustainability

6.7.1 The developer is committed to achieving code for sustainable homes level 3 for the proposed dwellings and a minimum 20% reduction in CO₂ emissions over building regulations 2010 over the life of the dwelling.

6.7.2 Given the size of the dwelling proposed and by reason of the application being a resubmission from a 2011 application it was considered reasonable for code level 3 rather than code level 4 to be achieved on site. The 20% reduction in CO₂ emissions on top of meeting code level 3 further improves the sustainability credentials of the dwelling to a level that is similar to it meeting code level 4.

7.0 Summary

7.1 The proposed development successfully addresses the previous reasons for refusal, bringing forward a development that would make a positive contribution to the city's housing stock by introducing a dwelling that is responsive to the scale of neighbouring dwellings and respects the character of the immediate area.

7.2 Residential amenity standards (for both the existing neighbouring and proposed dwellings) are met to at least the minimum requirement.

7.3 Subject to the imposition of the suggested conditions attached to this report, the proposal would be acceptable. The application is therefore recommended for approval.

8.0 Conclusion

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 (a), (c), (f), (i), 7 (a), (b), (e), (k), (m), (t)

BS for 13/03/12 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 - Details of building materials to be used [Pre-Commencement Condition]

Notwithstanding the information shown on the approved drawings and application form no development works shall be carried out unless and until a written schedule of external materials and finishes has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, doors 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.

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. APPROVAL CONDITION - Code for Sustainable Homes Residential Development [Pre-Occupation Condition]

Written documentary evidence demonstrating that the development will achieve at minimum Level 3, including at least 20% in category Ene1 of the Code for Sustainable Homes, shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted, unless an otherwise agreed timeframe is agreed in writing by the LPA. The evidence shall take the form of a post construction assessment and certificate as issued by a legitimate Code For Sustainable Homes certification body.

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. APPROVAL CONDITION - Construction method statement (Pre-commencement Condition)

The development hereby approved shall not commence until a method statement, management plans and appropriate drawings of the means of construction of the development has been submitted to and approved in writing by the Local Planning Authority. The method statement shall in particular specify the intended method of build (detailing the 'hand over' construction method required to achieve the build on site) positioning of any scaffolding, the areas to be used for contractors vehicle parking and plant storage of building materials and any excavated material, temporary buildings and all working areas required for the construction of the development hereby permitted. The building works shall proceed in accordance with the approved method statement unless otherwise agreed in writing by the Local Planning Authority.

REASON

To protect the amenities of neighbours and the wider environment and to ensure adequate access and servicing (including a refuse cart) can be maintained to the existing housing in Botany Bay Road and Bay Road.

05. APPROVAL CONDITION - Tree Retention and Safeguarding [Pre-Commencement Condition]

All trees to be retained pursuant to any other condition of this decision notice shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations. No operation in connection with the development hereby permitted shall commence on site until the tree protection as agreed by the Local Planning Authority has been erected. Details of the specification and position of all protective fencing shall be indicated on a site plan and agreed with the Local Planning Authority in writing before any site works commence. The fencing shall be maintained in the agreed position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority following which it shall be removed from the site.

Reason:

To ensure that trees to be retained will be adequately protected from damage throughout the construction period.

06. APPROVAL CONDITION – Lighting plan (Pre-commencement Condition)

Prior to the commencement of development a lighting plan, providing details of all internal and external light for the completed project, particular to the side and rear of the site, shall be submitted to the local planning authority and agreed in writing. The scheme shall specify that lighting is of flat glass, full cut-off design with horizontal mountings and shall be so designed and sited as to not cause undue glare and light spillage above the horizontal onto neighbouring land/the night sky. Once approved, those details relating to the finished development shall be fully implemented before any of the dwellings are first occupied in accordance with the approved details and maintained in good working order at all times thereafter.

Reason

To minimise the light intrusion to the adjoining Shorburs Greenway, where bats forage.

07. APPROVAL CONDITION - no storage under tree canopy [Performance Condition]

No storage of goods including building materials, machinery and soil, shall take place underneath the crown spread of the trees to be retained on the site. There will be no change in soil levels or routing of services through tree protection zones or within canopy spreads, whichever is greater. There will be no fires on site. There will be no discharge of chemical substances including petrol, diesel and cement mixings within the tree protection zones or within canopy spreads, whichever is greater.

Reason:

To preserve the said trees in the interests of the visual amenities and character of the locality.

08. APPROVAL CONDITION - Overhanging tree loss [Performance Condition]

For the duration of works on the site no trees on or overhanging the site shall be pruned/cut, felled or uprooted otherwise than shall be agreed in writing by the Local Planning Authority. Any tree removed or significantly damaged, other than shall be agreed, shall be replaced before a specified date by the site owners /site developers with two trees of a size, species, type, and at a location to be determined by the Local Planning Authority.

Reason:

To secure a satisfactory setting for the proposed development and to ensure the retention,

or if necessary replacement, of trees which make an important contribution to the character of the area.

09. APPROVAL CONDITION - Use of uncontaminated soils and fill [Performance Condition]

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

Reason:

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

10. APPROVAL CONDITION- Unsuspected Contamination (Performance Condition)

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority. Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority. Any changes to the agreed remediation actions will require the express written consent of the Local Planning Authority.

REASON:

To ensure any land contamination not previously identified is assessed and remediated so as not to present any significant risks to human health or, the wider environment.

11. APPROVAL CONDITION - Landscaping detailed plan (Pre-occupation condition)

The detailed landscaping scheme shown on drawing EDGD1 dated January 6th 2012 prepared by Elizabeth Dean shall be carried out prior to occupation of the dwelling or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

REASON:

To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990.

12. APPROVAL CONDITION - Construction access (Performance Condition)

Unless otherwise specifically agreed through further written Licence by the City Council's Property Services, no construction access to the site shall be taken over the adjoining Shorburs Greenway.

Reason:

To protect a Site of Importance for Nature Conservation under Policy NE3 of the City of Southampton Local Plan Review (March 2006).

13. APPROVAL CONDITION – Parking provision (Performance Condition)

The car parking spaces as shown on approved drawing *** (to be updated at Panel meeting) shall be laid out and made available prior to the first occupation of the dwelling hereby approved and thereafter retained for that purpose at all times.

Reason

To ensure an appropriate level of off road parking is available for 97 and 97a Botany Bay Road in accordance with saved policy SDP5 of the local plan review and the adopted Parking Standards SPD.

14. APPROVAL CONDITION – Refuse, cycle and amenity provision (Performance Condition)

The refuse storage arrangement, cycle storage and amenity area as approved must be made available prior to the first occupation of the dwelling hereby approved and thereafter retained at all times.

Reason

In the interests of residential amenity

15. APPROVAL CONDITION – Boundary Treatment (Performance Condition)

At no time shall a boundary treatment (i.e. wall or fence) be erected to the front of 97 Botany Bay Road or 97a (the dwelling approved under this consent) unless otherwise agreed in writing by the local planning authority.

Reason

To ensure appropriate sight lines are retained in the interest of pedestrian and vehicular safety.

16. APPROVAL CONDITION - Residential - Permitted Development Restriction [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

Class A (enlargement of a dwelling house), including a garage or extensions,

Class B (roof alteration),

Class D (porch),

Class E (curtilage structures), including a garage, shed, greenhouse, etc.,

Reason:

In order that the Local Planning Authority may exercise further control in this locality given the small private garden and amenity areas provided as part of this development in the interests of the comprehensive development and visual amenities of the area.

17. APPROVAL CONDITION - No other windows or doors other than approved [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings including roof windows or dormer windows other than those expressly authorised by this permission shall be inserted in the development hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the adjoining residential properties.

18. APPROVAL CONDITION - Bonfires [Performance Condition]

No bonfires are to be allowed on site during the period of demolition, clearance and construction.

Reason:

To protect the amenities of the occupiers of existing nearby properties.

19. 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 occupiers of nearby dwellings during the construction period and in the interests of highway safety in the vicinity.

20. APPROVAL CONDITION - Wheel Cleaning (Performance Condition)

During the period of the preparation of the site, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on the site and no lorry shall leave the site until its wheels have been cleaned sufficiently to prevent mud being carried onto the highway.

Reason

In the interests of highway safety.

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. If the Decision Notice includes a contaminated land condition you should contact the Council's Environmental Health Department, and allow sufficient time in the process to resolve any issues prior to the commencement of development. It is important that you note that if development commences without the conditions having been formally discharged by the Council in writing, any development taking place will be unauthorised in planning terms and this may invalidate 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 Management Service.

2. Southern Water:

(i) Detailed design for the proposed basement should take into account the possibility of surcharging within the public sewerage system in order to protect the development from flooding.

(ii) A formal application for connection to the public sewerage system is required in order to service this development, please contact Atkins Ltd, Anglo St. James House, 39A Southgate Street, Winchester, SO23 9EH (Tel 01962 858688) or www.southernwater.co.uk

POLICY CONTEXT

Core Strategy - (January 2010)

CS5	Housing Density
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
NE4	Protected Species
H2	Previously Developed Land
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Parking Standards (September 2011)

Other Relevant Guidance

PPS1 Delivering Sustainable Development (February 2005)
PPS3 Housing (June 2011)
PPS9 Biodiversity and Geological Conservation (August 2005)
PPS22 Renewable Energy (August 2004)

Relevant Planning History

11/01966/FUL - Part 2-storey, part 3-storey side and rear extensions and conversion to create 4 flats (3x 1-bed and 1x 3-bed) with associated remodelling of site levels and cycle/refuse storage (resubmission of planning application reference 09/01391/FUL). Refuse. 02.02.2012

Refusal Reason – Disproportionate development

Notwithstanding the amendments to application 09/01391/FUL, the proposed development by reason of its scale, bulk, massing and full three storey height to the rear elevation represents a disproportionately large development which would:

- (i) appear overbearing and over dominant when viewed from neighbouring dwellings and their curtilage.
- (ii) create a visually dominant hard edge at the end of the developed section of Botany Bay Road when viewed from the south.
- (iii) be visually dominant from the public route to the south east of Botany Bay Road during the winter period.
- (iv) have an adverse impact on pedestrian safety on the adjacent highway due to a likely increase in cars parked on the road as a result of the increase in residential occupation of the site and a decrease in available off road parking spaces.

Taken together, these factors are considered to be symptomatic of an unduly dominant development, which is out of character with the existing scale and pattern of development along Botany Bay Road. As such, the development would prove contrary to the provisions of policy CS13 (1) (2) (11) of the adopted Local Development Framework Core Strategy (January 2010) as supported by “saved” policies SDP1, SDP7 and SDP9 (i) of the adopted City of Southampton Local Plan Review (March 2006) and the guidance as set out in the Council’s approved Residential Design Guide SPD (September 2006) (namely, sections 2.1, 3.1, 3.2, 3.7, 3.8 and 3.9).

11/01699/FUL - Erection of a two-storey, detached, two-bedroom dwelling house plus basement level with associated car parking/cycle store. Refuse. 13. 12. 2011.

Refusal Reason – disproportionate development

The excessive depth of the proposed dwelling, its resultant footprint and its full three storey height to the rear elevation represents a disproportionately large development which would:

- (i) appear overbearing and over dominant when viewed from neighbouring dwellings and their curtilages.
- (ii) create a visually dominant hard edge at the end of the developed section of Botany Bay Road when viewed from the south.
- (iii) be visually dominant from the public route to the south east of Botany Bay Road during the winter period.

Furthermore, the depth of protection increases the opportunity for overlooking of neighbouring gardens (which rely on the rear section of garden to form the most usable area of amenity) resulting in a loss of existing residential amenity to properties 95 and 97 Botany Bay Road.

Taken together, these factors are considered to be symptomatic of an unduly dominant development, which is out of character with the existing scale and pattern of development along Botany Bay Road. As such, the development would prove contrary to the provisions of policy CS13 (1) (2) of the adopted Local Development Framework Core Strategy (January 2010) as supported by "saved" policies SDP1, SDP7 and SDP9 (i) of the adopted City of Southampton Local Plan Review (March 2006) and the guidance as set out in the Council's approved Residential Design Guide SPD (September 2006) (namely, sections 2.1, 3.1, 3.2, 3.7, 3.8 and 3.9).

10/00316/ELDC - Lawful development certificate for residential purposes (private garden) in association with the dwelling at 97 Botany Bay Road. GRANT. 04.10.2010.

09/01391/FUL - Part two storey/part three storey side/rear additions (including accommodation in enlarged roof) and conversion to create five flats (1 x 3 bed maisonette, 2 x 2 bedroom and 2 x 1 bedroom flats) with associated remodelling of site levels to rear to create car/cycle parking with amenity space areas. Refused 16.02.2010. Appeal Dismissed 09.12.2010.

1. Harmful to the character of the area

The proposed development exhibits the following poor features, which would be harmful to the character of this semi-rural area:-

(i) Encroachment onto and harsh abutment to the Shoreburs Greenway Site of Importance for Nature Conservation (as shown on the Proposals Map of the City of Southampton Local Plan Review [March 2006]), where no Certificate of Lawfulness exists to use the south-western margin of the site as private garden land/curtilage of a dwelling house and no information has been submitted in relation to external lighting which could impact on bats foraging in the area.

(ii) Whereas the roof ridge line and front building line appear sub-ordinate to the original property at 97 Botany Bay Road, the proposals represent an excessive and overbearing enlargement and overdevelopment of that property, both in respect to the host dwelling and the semi-detached pair of 95 and 97 Botany Bay Road taken together. This would include views either from the street, from the garden on 95 Botany Bay Road and the adjoining public open space, by reason of the proposed extension's scale, bulk and massing and the 75% site coverage from built form footprint and parking apron.

These harmful environmental impacts justify that Policy H8 of the City of Southampton Local Plan Review (March 2006), nor Policy CS5 of the Core Strategy (January 2010) are not dogmatically adhered to. The proposed development is therefore considered to be contrary to the following Policies of the Development Plan for the City of Southampton and relevant paragraphs of its supporting supplementary planning guidance:-

The South East Plan: Regional Spatial Strategy for the South East of England (May 2009)

SP3 (iii), CC1 (ii), CC6, CC8, NRM5 (iv) and BE1 (v).

City of Southampton Local Plan Review (March 2006)

SDP1 (i)/(ii), SDP7 (i)/(ii)/(iv)/(v), SDP9 (i)/(v), NE3, CLT3, H2 (i)/(ii)/(iii)/(vii) and H7 (i)/(iii).

City of Southampton Core Strategy (January 2010)

CS5, CS13 (Points 1, 7 and 13), CS21 and CS22.

Residential Design Guide (September 2006)

Paragraphs 2.2.18, 2.3.1-2.3.2, 3.3.2, 3.2.4-3.2.5, 3.9.1-3.9.2, 3.9.5, 4.1.1-4.1.2 and 5.2.16.

Nature Conservation Strategy (1992)

Policies 4 and 8.

Paragraphs 2.2.18, 2.3.1-2.3.2, 3.3.2, 3.2.4-3.2.5, 3.9.1-3.9.2, 3.9.5, 4.1.1-4.1.2 and 5.2.16.

Nature Conservation Strategy (1992)

Policies 4 and 8.

2. Poor living conditions

Whereas the applicant has attempted to meet the Council's Family Housing Supplementary Planning Document, by re-providing a three bedroom unit on the site as part of the proposals, this has resulted in the third bedroom to that unit not having direct access to natural light and ventilation. This is considered to represent poor living conditions, not compatible with modern day requirements and good design. Mechanical ventilation to this room would also add to the development's carbon footprint. As such the proposed development is considered to be contrary to the following Policies of the Development Plan for the City of Southampton and relevant paragraphs of its supporting supplementary planning guidance:-

City of Southampton Local Plan Review (March 2006)

SDP1 (i) and H7 (i)/(iii).

City of Southampton Core Strategy (January 2010)

CS13 (Points 2 and 11).

Residential Design Guide (September 2006)

Paragraph 2.2.1.

3. Poorly located cycle store

Notwithstanding the design constraints of the site caused by its topography, the proposed cycle store is considered to be too remote from the dwellings to enable convenient use,

which would make it less likely that this form of travel would be used over the private motor vehicle. As such the proposed development is considered to be contrary to the following Policies of the Development Plan for the City of Southampton and relevant paragraphs of its supporting supplementary planning guidance:-

The South East Plan: Regional Spatial Strategy for the South East of England (May 2009)

T1 (ii).

City of Southampton Local Plan Review (March 2006)

SDP1 (i), SDP4 and SDP10 (ii) .

Residential Design Guide (September 2006)

Paragraphs 5.3.3-5.3.4.

4. Potential harm to highway safety

Notwithstanding achieving a level of car parking exceeding the council's standards, it is considered that a scheme proposing a total of 9 bedrooms could generate a demand for car parking that - along with visitors to those residing at the property - could be likely to cause overspill car parking in the street. Notwithstanding the application site being located in a zone of medium accessibility, regard has also been had to the poor level of street lighting to reach buses in the public transport corridor of Portsmouth Road, in terms of the realistic prospect of residents still depending upon the private car to meet their travel demands. Any resulting additional on-street parking would be at a narrow point of the carriageway, which could add to congestion, especially when a nearby school in Bay Road is in operation. This would be likely to increase congestion on the local highway network and inconvenience to other highway users and be likely to add to highway hazards to pedestrians, given only one side of the street has a footway. As such the proposed development is considered to be contrary to the following Policies of the Development Plan for the City of Southampton:-

City of Southampton Local Plan Review (March 2006)

SDP1 (i) and SDP3.

5. Failure to secure S.106 agreement

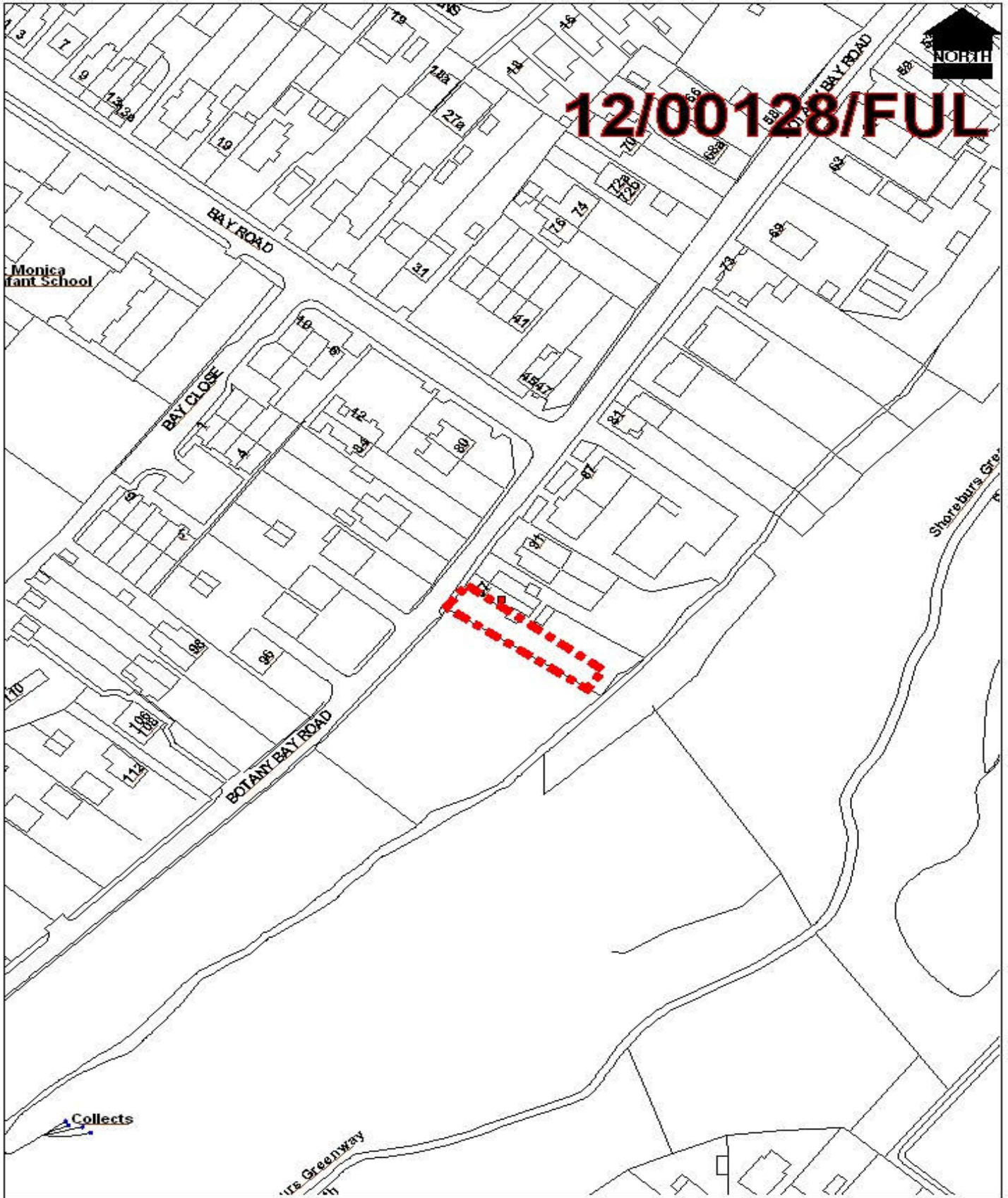
In the absence of a completed S.106 Legal Agreement the proposals fail to mitigate against their direct impact and do not, therefore, satisfy the provisions of the following Policies of the Development Plan for the City of Southampton:- Policy CC7 of The South East Plan: Regional Spatial Strategy for the South East of England (May 2009) and Policy CS25 of the City of Southampton Core Strategy (January 2010) as supported by the principles set out in DCLG Circular 05/2005 and the Council's Supplementary Planning Guidance on Planning Obligations (August 2005, as amended and undergoing review) in the following ways:-

(A) A waste management plan, to ensure that refuse containers are brought to the property's front forecourt on collection day and removed back to their enclosure within the site once emptied;

(B) A financial contribution towards the reinstatement and enhancement of the biodiversity immediately adjoining the application site's south-western boundary, in accordance with Policies CS22, CS23 & CS25 of the City of Southampton Core Strategy (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended) ; and,

(C) In the absence of a Highway Condition survey the application fails to demonstrate how the development will mitigate against its impacts during the construction phase.

09/01017/PREAPP - Extensions and alterations to existing dwelling to provide 9 flats.



Scale : 1:1250

Date :28 February 2012

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Agenda Item 10

**Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 13 March 2012
Planning Application Report of the Planning and Development Manager**

Application address: 14 Spring Crescent, SO17 2GA			
Proposed development: Demolition of existing garage and conservatory to facilitate erection of two-storey side extensions and part two-storey, part-single storey rear extension in connection with use as 2x 5-bedroom houses (Class C3) or Homes in Multiple Occupation (Class C4).			
Application number	11/01874/FUL	Application type	FUL
Case officer	Bryony Stala	Public speaking time	5 minutes
Last date for determination:	18.01.2012 (re-consultation expiry date 06.03.2012)	Ward	Portswood
Reason for Panel Referral:	Referred by the Planning & Development Manager due to wider interest	Ward Councillors	Councillor Vinson Councillor Claisse Councillor Capozzoli

Applicant: Dr J Jenkinson	Agent: Simpson Hilder Associates
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Recommendation Summary	Conditionally Approve
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set out on the attached sheet. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on the 13.03.12 and including the impact of the proposal on a locally listed building do not have sufficient weight to justify a refusal of the application. The proposal would be in keeping with the site and surrounding properties and would not have a harmful impact on the amenities of the neighbouring properties. 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, Planning Permission should therefore be granted taking account of the following planning policies:

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, H7 and HE4 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS5, CS13, CS14, CS16, CS19, and CS20 and the Council’s current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS1 (Delivering Sustainable Development) and PPS3 (Housing 2011) are also relevant to the determination of this planning application.

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History

Recommendation in Full

Conditionally Approve

1.0 The site and its context

- 1.1 The application site is comprises a large two storey detached villa dwelling house located on the southern side of Spring Crescent.
- 1.2 The property is locally listed. It is described as ‘a mid 19th century villa, mainly intact worth considering for statutory listing. In use as a house.’
- 1.3 The property is set back from the road frontage by 15m. The front garden is currently used as an informal parking area and the rear 504sqm of garden space used as private amenity for residents of the property.
- 1.4 The property has been extended by way of a single storey conservatory with single storey extensions and outbuildings. Trees to the rear of this site are protected by The Southampton (Spring Crescent) Tree Preservation Order 2008. This makes them a material consideration in the planning process.
- 1.5 It is the opinion of the local planning authority that the authorised use of the site is as a single dwelling. However, it is known that the property is currently occupied as a C4 dwelling. It is therefore occupied by up to 6 unrelated individuals.

2.0 Proposal

- 2.1 The application seeks consent for the extension and conversion of the existing dwelling into 2 x 5 bedroom dwelling houses.
- 2.2 To facilitate the conversion, the property will be extended by way of a two storey rear and two storey side extension with some alterations to the existing appearance of the building.
- 2.3 The existing single storey side extension and linked outbuilding structure to the east of the property is to be removed and replaced with a two storey side extension. The existing flat roofed wing to the west of the property will have a hipped roof built over to match that of the proposed two storey side extension.
- 2.4 The existing garden is to be split down the middle to provide a private amenity space for each dwelling. The existing driveway arrangement and front garden area will be left unaltered with 2 car parking spaces provided for each property.
- 2.5 The two large Beech trees and the row of Fir trees running the width of the property towards the rear of the site are to be retained. As is the hedge to the front of the property.
- 2.6 The applicant has applied for consent for C3/C4 dwellings. This approach has been taken to offer the developer a degree of flexibility in letting or marketing the properties following the implementation of the forthcoming Housing in Multiple Occupation HMO Article 4 direction (coming into force 23.3.2012). Further details of this policy are set out in the following report.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The site is not allocated for a specific use within the 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 the conversion of 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 Southampton City Council made a city-wide Article 4 Direction on the 14th march 2011 and, following public consultation, confirmed this on 24th October 2011. The Direction will come into force on 23 March 2012 resulting in permitted development rights for a change of use from a Class C3 (dwelling house) to a class C4 (HMO) will be removed from this date. This means that planning permission will be required for this type of development from this date. Until its implementation, planning applications relating to C4 (HMO) uses must be considered in relation to adopted planning policy and assessed in terms of the key planning considerations set out in section 6 of this report.
- 3.4 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.

4.0 Relevant Planning History

- 4.1 A schedule of the relevant planning history for the site is included in **Appendix 2**.

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 also undertaken which included notifying adjoining and nearby landowners and erecting a site notice (02.02.12). At the time of writing the report **4** representations have been received from surrounding residents and **2** from local ward councillors. The consultation period has not expired for the reconsultation but if any more comments are received raising new issues, they will be updated at Panel. The following is a summary of the points raised:
- The proposal does not meet the required 12.5m separation between opposing windows to properties. The proposal allows for just 6.5m. This will leave little space between the properties creating an overshadowing of number 16 and issues of loss of light to 2 homes.
 - The development constitutes clear over development of a plot intended to be a family residence.
 - The property will double in size with all of the noise and parking implications this creates.
 - The scale of the proposal is out of character with the properties on the street and disregards the original character of the property and the neighbourhood.
 - There is concern that the proposal is being rushed through in order to circumvent the proposed article 4 due in March 2012 which should be considered when determining this application.
 - In the last 30 years, the road has changed from a quiet residential road with 39 family homes to a road of 13 family dwellings and 26 houses of multiple occupancy.
 - The concentration of HMO's has caused problems to neighbours relating to parking, noise levels at night, litter and general disturbance to a previously quiet neighbourhood. In particular, the overdevelopment of number 18 has already caused problems at a block of flats with reduction in natural light

and a similar development at number 14 would only serve to further exacerbate the existing recognised problems.

The concerns and issues raised are addressed in section 6 of this report.

5.2 **Consultee Responses**

5.3 **SCC Highways** - No objection subject to the imposition of recommended conditions.

5.4 **SCC Heritage** – No objection subject to the imposition of recommended conditions.

5.5 **SCC Trees** – No objection subject to the imposition of recommended conditions.

6.0 **Planning Consideration Key Issues**

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

- Principle of development
- Character and Design
- Residential Amenity
- Parking & Highways

The application needs to be assessed in light of the above key issues and the planning history of the site.

6.2 **Principle of Development**

6.2.1 The council has recently published a draft supplementary planning document (SPD) on House's in Multiple Occupancy (HMO's). This is currently in the final stages of approval and has not been formally adopted. Whilst its provisions should be considered, it will not formally take effect until 23rd March 2012 and so can only be afforded some limited weight at this stage.

6.2.2 When considering the appropriateness of creating an additional unit on site, the main consideration should be whether the intensification of use is harmful to the residential amenity of neighbouring dwellings and the character of the existing street. Neighbours have raised concern that if both dwellings were to be occupied as a C4 use, the intensification of the existing use would have an adverse impact on the quality of the residential environment within Spring Crescent.

6.2.3 In the existing property, if all reception rooms were to be used as a bedroom, the property currently has the capacity for occupancy of up to 8 people living as a family (albeit Class C4 use only sanctions occupation by up to 6 unrelated persons). The proposal to extend and convert the existing building into two x 5 bedroom dwellings, if occupied as C4 dwellings would result in a total occupancy of at least 10 people, depending on how many people occupied each bedroom, to a maximum of 12 people overall for both C4 dwellings. If the dwellings were to be occupied as C3 dwellings there would be no limit to the number of people that could live within each dwelling.

6.2.4 The site is of a sufficient size to accommodate an additional four to six residents. The existing refuse storage arrangements are being formalised, which should improve the existing issue of bins and waste being left on the public highway.

6.2.5 The increased level of accommodation for the site and the level of activity associated with an increased occupancy of 4 to 6 people is not considered to significantly alter the amenity enjoyed by neighbouring occupants. The additional impact generated is considered to be negligible in relation to the current use.

6.2.6 The local planning authority considers there to be no adverse harm in approving either a C3 and/or C4 use on the site. This will enable the property to ‘flip’ between either use class. However, under Class E, Part 3, Schedule 2 of the Town and County Planning (General Permitted Development) Order 1995, this can only be for a limited period of 10 years only from the date of consent. After ten years, the dwellings houses shall remain as per the use the prevailing use at that time.

6.3 Character and Design

6.3.1 For the majority, the original appearance of the property’s frontage is being retained. The side extension has been designed to reflect the existing character and proportions of the dwelling by mimicking the existing pitch of the roof and window type and proportions.

6.3.2 While of a greater width than the existing side extension, the proposed side extension creates a balanced appearance to the property. A 2.74m gap is retained between the east elevation of 14 Spring Crescent and the boundary with 16 Spring Crescent. This allows for access to the main entrance for the left hand side property as well as access to the rear of the site.

6.3.3 To the rear, the extension is positioned within the centre of the building. It projects at two storey level for a distance of 4.59m from the original rear wall of the dwelling when it drops down to single storey level for a further depth of 4.32m. This gives an overall depth of 8.91m. A garden depth of 22m is retained.

6.3.4 It is recognised that the proposed is a significant extension to the existing property. Yet, the overall footprint of built form occupies less than 50% of the site area and the footprint to plot ratio is broadly similar to that of neighbouring dwellings. Particularly those that have been extended. Furthermore, the overall bulk and mass of the extension is set away from the boundary with neighbouring dwellings, with the single storey element being largely kept from view by boundary treatments between dwellings.

6.3.5 The design is considered to be sympathetic to the original character of the property and is not judged to be harmful to the spatial characteristics of the immediate area or the existing character of the street scene.

6.3.6 The introduction of a hipped roof on the existing flat roof two storey side of the property is considered an improvement to the overall appearance of the building.

6.3.7 Amended plans received during the course of the application sought to address comments made by the Heritage Conservation Team by reducing the scale of the extension and ensuring that the original proportions and key features of the original building were retained. The revised plans are considered to adequately address the previous concerns and the objection from the Heritage Conservation team was retracted. However, a recording condition is recommended.

6.4 Residential Amenity

6.4.1 There has been concern raised from neighbours regarding the impact of the proposed development on neighbouring flats within 16 Spring Crescent, particularly in terms of the relationship between windows within the west elevation of 16 Spring Crescent and the proposed side extension to the eastern elevation of 14 Spring Crescent.

6.4.2 There is currently an 8m gap between the two build lines. The resultant reduced gap from the proposed development is 6.54m. It is recognised that neither the existing nor the proposed gap between dwellings meets the prescribed 12.5m separation distance detailed in section 2.27 of the Residential Design Guide. The

reduction in the separation distance by 1.5m, coupled with the set back from the boundary and the western position of the application site in relation to 16 Spring Crescent would prevent any significant loss of light to windows within its western elevation. Furthermore, there are no windows proposed at first floor level within the side extension and as such existing privacy will not be compromised.

6.4.3 Outlook is concentrated to the front and rear of the site. All residential amenity standards are met to at least a minimum and private and usable amenity space is provided for both dwellings.

6.5 Parking and Highways

6.5.1 Local residents have raised significant concern regarding current situation with on street parking. The application proposes 2 car parking spaces per dwelling. The maximum provision for 4+ bed houses (as set out in the recently adopted Parking Standards SPD) is 3 spaces per dwelling. The site is located within a short walking distance of local amenities which meet day to day needs, and within a short walking distance of bus stops which provide direct access into the city centre. As such, the provision of 2 parking spaces per dwelling is accepted.

6.5.2 It must be noted that the parking standards set out above apply specifically to C3 dwelling houses. They do not apply to class C4 homes of Multiple Occupancy. Parking standards for new and conversion HMOs will be set out in the HMOs SPD.

6.5.3 There has been no objection from the Highways Development Management with regards to the amount of parking provided on site. In planning terms, the proposal meets currently adopted parking and highway safety standards at the time of writing this report. The need for any additional highway safety measures is a matter for SCC Highways department.

6.5.4 The site can accommodate sufficient cycle and refuse storage for a single dwelling house in accordance with section 9 of the Residential Design Guide.

6.5.5 External access is retained to the rear of each dwelling to enable cycles to be wheeled externally to the proposed stores within each garden. Refuse storage is proposed to the front of the site; however, they are set well within the front garden of the property and as such will not be readily visible from the street.

6.7 Sustainability

6.7.1 The developer is committed to achieving a minimum 20% reduction in CO₂ emissions over building regulations 2010 over the life of the dwelling. Appropriate conditions are recommended to ensure this measure is achieved.

7.0 Summary

7.1 The extension and conversion works satisfy the requirements of the Residential Design Guide and adopted planning policy and is not judged to cause harm to neighbouring amenity. In addition, the site is considered large enough to deal with the increased level of occupancy and the design is sympathetic to the character of the property; and for these reasons the scheme can be supported.

8.0 Conclusion

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 (a), (c), (f), (i), 7 (a), (b), (e), (k), (m), (t)

BS for 13/03/12 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 - Amendment to Vehicular Access (Pre-commencement Condition)

Prior to the commencement of development an amended plan widening the vehicular access to 4.5m shall be submitted to the local planning authority and agreed in writing. In addition to the increase in the width of the access, the plan must identify that 2m x 2m sightlines can be achieved on site. Once agreed the development must be built in accordance with the approved plans and thereafter retained at all times.

Reason

To allow the passing of 2 vehicles and to ensure appropriate pedestrian sightlines are provided on site in the interests of highway safety.

03. APPROVAL CONDITION - Details of building materials to be used [Pre-Commencement Condition]

Notwithstanding the information shown on the approved drawings and application form no development works shall be carried out unless and until a written schedule of external materials and finishes has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, doors 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.

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.

04. APPROVAL CONDITION - Landscaping, lighting & means of enclosure detailed plan [Pre-Commencement Condition]

Notwithstanding the submitted details before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted, which includes:

- i. proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise);
- iv. details of any proposed boundary treatment, including retaining walls; and
- v. a landscape management scheme.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Reason:

To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990

05. APPROVAL CONDITION - Material Storage (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, 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.

06. APPROVAL CONDITION - no storage under tree canopy [Performance Condition]

No storage of goods including building materials, machinery and soil, shall take place underneath the crown spread of the trees to be retained on the site. There will be no change in soil levels or routing of services through tree protection zones or within canopy spreads, whichever is greater. There will be no fires on site. There will be no discharge of chemical substances including petrol, diesel and cement mixings within the tree protection zones or within canopy spreads, whichever is greater.

Reason:

To preserve the said trees in the interests of the visual amenities and character of the

locality.

07. APPROVAL CONDITION - Tree Retention and Safeguarding [Pre-Commencement Condition]

All trees to be retained pursuant to any other condition of this decision notice shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations. No operation in connection with the development hereby permitted shall commence on site until the tree protection shown on plan 5357 101 Rev C has been erected. The fencing shall be maintained in the agreed position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority following which it shall be removed from the site.

Reason:

To ensure that trees to be retained will be adequately protected from damage throughout the construction period.

08. APPROVAL CONDITION - Overhanging tree loss [Performance Condition]

For the duration of works on the site no trees on or overhanging the site shall be pruned/cut, felled or uprooted otherwise than shall be agreed in writing by the Local Planning Authority. Any tree removed or significantly damaged, other than shall be agreed, shall be replaced before a specified date by the site owners /site developers with two trees of a size, species, type, and at a location to be determined by the Local Planning Authority.

Reason:

To secure a satisfactory setting for the proposed development and to ensure the retention, or if necessary replacement, of trees which make an important contribution to the character of the area.

09. APPROVAL CONDITION - Energy (Pre-Commencement Condition)

Written documentary evidence demonstrating that the development will at minimum achieve a reduction in 20% CO2 emissions [as required in core strategy policy CS20] over part L of the Building Regulations shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted. Technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

REASON:

To reduce the impact of the development on climate change and finite energy resources and to comply with adopted policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

10. APPROVAL CONDITION - Archaeological structure-recording [Pre-Commencement Condition]

No development shall take place within the site until the implementation of a programme of recording has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

Reason:

To ensure that the recording of a significant structure is initiated at an appropriate point in development procedure.

11. 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.

12. APPROVAL CONDITION - Residential - Permitted Development Restriction [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

Class A (enlargement of a dwelling house), including a garage or extensions,

Class B (roof alteration),

Class C (other alteration to the roof),

Class D (porch),

Class E (curtilage structures), including a garage, shed, greenhouse, etc.,

Class F (hard surface area)

Reason:

In order that the Local Planning Authority may exercise further control in this locality given the buildings locally listed status and the extent of development approved under consent 11/01874/FUL in the interests of the visual amenities of the area.

13. APPROVAL CONDITION - C3/C4 Dual Use (Performance Condition)

The "dual C3 (dwellinghouses) and/or C4 (Houses in multiple occupation) use" hereby permitted for the development shall, under Class E, Part 3, Schedule 2 of the Town and County Planning (General Permitted Development) Order 1995, be for a limited period of 10 years only from the date of this Decision Notice. The units shall remain as the prevailing use at that time as hereby agreed in writing by the Local Planning Authority.

Reason:

In order to provide greater flexibility to the development and to clarify the lawful use hereby permitted and the specific criteria relating to this use

14. APPROVAL CONDITION - No other windows or doors other than approved [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings including roof windows or dormer windows other than those expressly authorised by this permission shall be inserted in the development hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the adjoining residential properties.

15. 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.

16. APPROVAL CONDITION - Wheel Cleaning Facilities [Pre-Use Condition]

During the period of the preparation of the site, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on the site and no lorry shall leave the site until its wheels are sufficiently clean to prevent mud being carried onto the highway.

Reason:

In the interests of highway safety.

Note 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. If the Decision Notice includes a contaminated land condition you should contact the Council's Environmental Health Department, and allow sufficient time in the process to resolve any issues prior to the commencement of development. It is important that you note that if development commences without the conditions having been formally discharged by the Council in writing, any development taking place will be unauthorised in planning terms and this may invalidate 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 Management Service.

POLICY CONTEXT

Core Strategy - (January 2010)

CS5	Housing Density
CS13	Fundamentals of Design
CS14	Historic Environment
CS16	Housing Mix and Type
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
HE4	Historic Environment (Locally Listed Buildings)
H2	Previously developed land
H4	Houses in multiple occupation
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Parking Standards (September 2011)
Emerging SPD on Houses in Multiple Occupation

Other Relevant Guidance

PPS1 Delivering Sustainable Development (February 2005)
PPS3 Housing (June 2011)
PPS22 Renewable Energy (August 2004)

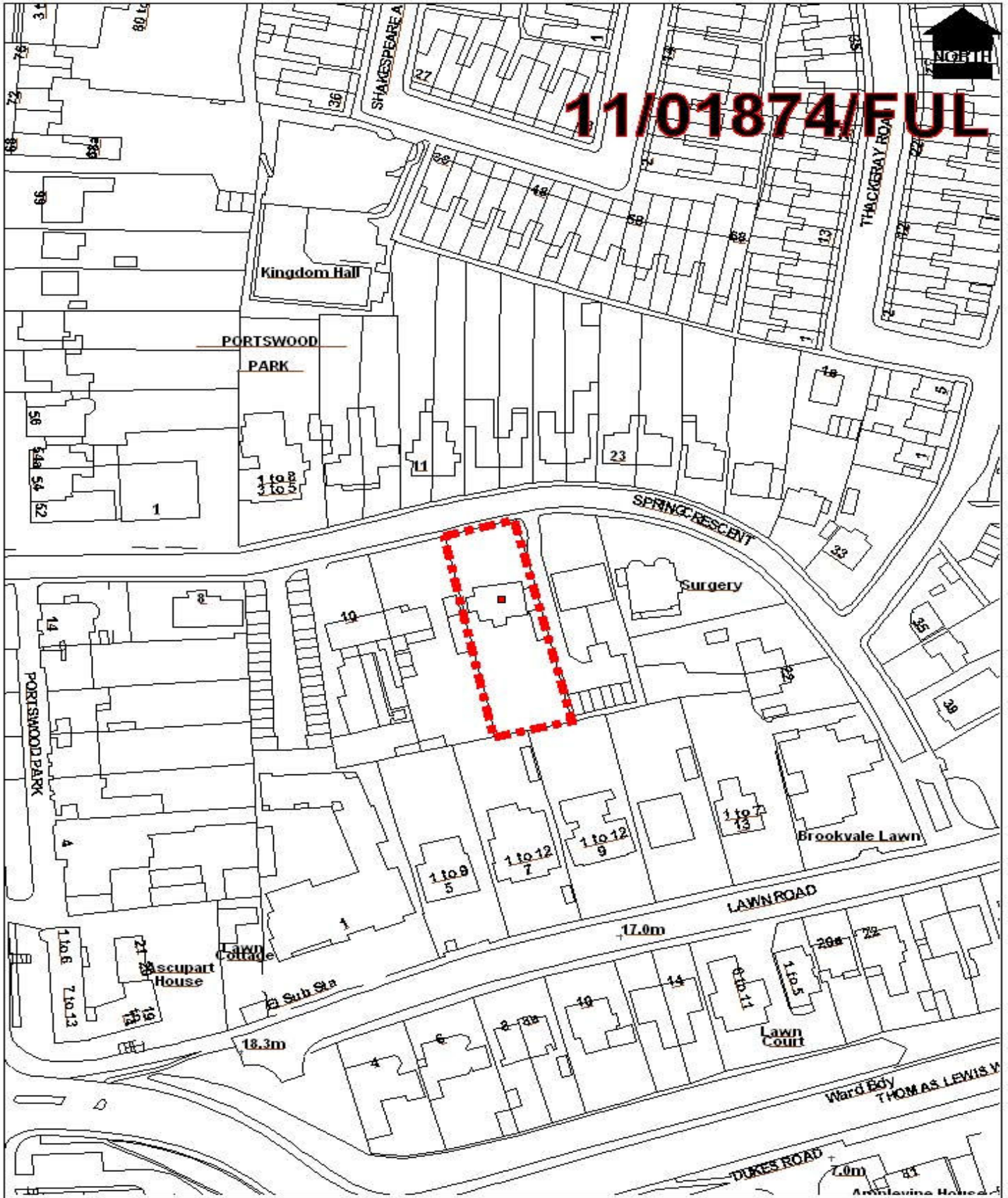
Relevant Planning History

10/01062/PREAP1 - Two-storey extensions and alterations to enable conversion to three terraced houses. Closed.

1349/5 - Rebuild garage and erect new car port – CAP. 30.04.968.

There is no other planning decisions relating to the application site. However, the following application is relevant in the consideration of this application.

11/01995/FUL - Land Adj 18 and 20 Spring Crescent - Erection of 2-storey detached house for use as a dwelling (Class C3) or House in Multiple Occupation (Class C4) with associated refuse/cycle stores and parking served from existing access. (Pending).



Scale : 1:1250

Date :28 February 2012

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Agenda Item 11

**Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 13 March 2012
Planning Application Report of the Planning and Development Manager**

Application address: Centenary Quay, Victoria Road			
Proposed development: Reserved matters approval sought for Phase 2 of the Centenary Quay development granted outline permission in December 2009 (reference 08/00389/OUT - Environmental Impact Assessment Development) to provide 168 residential units (49 x one-bedroom, 103 x two-bedroom, and 16 x three-bedroom units), a library and day nursery in buildings ranging in height from three-storeys to six-storeys with associated parking and other works			
Application number	11/01923/REM	Application type	REM
Case officer	Stephen Harrison	Public speaking time	15 minutes
Last date for determination:	26.03.2012 IN TIME	Ward	Woolston
Reason for Panel Referral:	Major development subject to objection	Ward Councillors	Cllr Cunio Cllr Payne Cllr R Williams

Applicant: Crest Nicholson Operations Ltd	Agent: Savills - Fao Gavin Hall
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Recommendation Summary	Conditionally Approve
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Reason for granting Permission

The development proposed for Phase 2 of the 'Centenary Quay' development is acceptable taking into account the policies and proposals of the Development Plan as set out in the Planning & Rights of Way Panel Report (and repeated below) dated 13th March 2012. The Council has also taken into account:

- the findings of the previous Environmental Statement (as updated) and other background documents submitted with the application, in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011;
- An appropriate assessment in accordance with the Conservation (Natural Habitats etc) Regulations 1994;
- The Woolston Riverside Planning Brief and Illustrative Master plan 2004; and,
- The outline planning permission for this site (05/00816/OUT and 08/00389/OUT refers)

The development of Phase 2 will mark a significant change in the relationship of the site to Woolston and offers far reaching regeneration benefits. These benefits, in terms of physical and community renewal, tangible job creation, new homes (including 103 affordable homes), community facilities and the creation of a distinctive place have previously been weighed against the concerns raised by residents about traffic, parking, dense high-rise urban development in close proximity to existing dwellings, and its subsequent integration into Woolston.

The proposed development makes efficient use of this previously developed site and would result in the regeneration of urban land, improving security in the area through an

increase in occupation and passive surveillance, whilst (in time) opening up the riverside environment to the public. The assessments of the impact of the development have been wide ranging and carried out to a comprehensive level of detail. The statutory regulations covering environmental impact assessment and the protection of important natural habitats have been satisfied. Other material considerations do not have sufficient weight to justify refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. Planning permission should therefore be granted for Phase 2.

Policies of the City of Southampton Local Plan.

SDP1, SDP4-17; SDP22; NE4-5; HE6; CLT1; CLT5; CLT6; CLT7; CLT11; L4; H1-3; H7; REI5; REI7; REI15; and MSA18 as supported by policies CS3-7; CS10; CS12-16 and CS18-25 from the adopted LDF Core Strategy (2010) and the Council's current list of up to date supplementary planning documents.

Appendix attached			
1	08/00389/OUT Decision Notice	2	Planning Panel Minutes
3	Development Plan Policies	4	Relevant Planning History

Recommendation in Full

Conditionally Approve

Background

Outline planning permission was granted for the Centenary Quay (CQ) development on 31st December 2009. The approved development comprises:

'Redevelopment of the site to provide a mixed use development comprising: 1,620 dwellings (including 405 affordable homes); retail (Class A1 - 5,525 square metres, including a food store); restaurants and cafes (Class A3 - 1,543 square metres); offices (Class B1 - 4,527 square metres); yacht manufacture (Class B2 - 21,237 square metres); Business, industrial, storage and distribution uses (Class B1/B2/B8 - 2,617 square metres); 100 bedroom hotel (Class C1- 4,633 square metres); 28 live/work units (2,408 square metres); community uses (Class D1- 2,230 square metres); two energy centres (1,080 square metres); with associated parking (including the laying out of temporary car parking); new public spaces; river edge and quays; new means of access and associated highway/ environmental improvements. (Environmental Impact Assessment Development- 'Hybrid' planning application: outline in part, full details of phase 1 and river edge submitted).'

Phase 1 of this development is nearing completion and is partially occupied. This current application relates to Phase 2. A copy of the 08/00389/OUT planning permission, which governs this application for reserved matters, is attached to this report at **Appendix 1**. A copy of the minutes from the August 2008 Panel meeting at attached at **Appendix 2**.

1.0 The site and its context

The 0.83 hectare application site forms part of the former Vosper Thornycroft shipbuilding site and is bounded by Victoria Road to the east, the new spine road known as John Thornycroft Road to the west, 160 residential units forming Phase 1 of the Centenary Quay development to the south, and the cleared site of the proposed marine employment quarter to the north. The site is located on the south western edge of the defined Woolston district shopping centre.

1.1 The surrounding area is characterised by the district centre, the neighbouring

Cooperative foodstore, the river and an extensive residential area, mainly in the form of two-storey terraced housing and some semi-detached and detached houses of varying architectural styles. The site is open to public view from across the River Itchen from Ocean Village and from the Itchen Bridge. The site is currently secured with hoardings to the adjacent roads. There is a change in level across this part of the site of some 2.5 metres.

2.0 Proposal

This Reserved Matters application seeks to secure permission for the details of Centenary Quay Phase 2 (as approved at outline stage under LPA ref: 08/00389/OUT). As part of the outline permission the Council has approved a maximum quantum of development for the site as a whole, but has not stipulated how its delivery should be phased.

- 2.1 At the outline stage Phase 2 was indicatively shown as providing a 4,320sq.m (gross) foodstore, 100 bedroom hotel, 120 affordable residential apartments above and 28 live work units in Block K1L with details of 'Access', 'Layout' and 'Scale' provided and approved. 'Appearance' and 'Landscaping' being reserved for a subsequent application.
- 2.2 The applicants now seek to amend the quantum and type of development that was shown for Phase 2 at the outline stage. The approved masterplan allows for such a variation providing the overall quantum approved is not breached.
- 2.3 For this application Phase 2 now comprises 168 residential units (49 x one-bedroom, 103 x two-bedroom, and 16 x three-bedroom units) of which 103 will be 'affordable', a library on behalf of the Council (760sq.m) and a private day nursery (740sq.m) in buildings ranging in height from three-storeys to six-storeys. Full details of the 'Appearance' and 'Landscaping' are provided for consideration. A contemporary design solution, similar to that employed for Phase 1, is proposed with the use of facing brick, coloured through-renders and hardiplank. As with the outline consent parking is located beneath a decked amenity space and wrapped by apartments to reduce its impact. A total of 189 vehicle spaces are proposed, which is compliant with the requirements of outline permission (condition 56 refers) and also includes 21 spaces for those residents of Phase 1 that are currently using an agreed temporary car park alongside Victoria Road.
- 2.4 As such, the key changes to note are:
- The day nursery and library that previously formed part of the indicative Phase 3 have been brought forward for delivery in Phase 2.
 - Following discussions with their preferred foodstore operator it is proposed to move this use into Phase 3. A planning application is expected in March 2012 for this phase.
 - The number of residential units proposed has increased to take advantage of central government subsidy to facilitate the delivery of 103 of the 168 flats as 'affordable' homes. The applicant is still bound by the outline total of 1,620 residential units (25% affordable) for the complete development.
 - The proposed hotel is no longer part of Phase 2 due to difficulties experienced in finding an appropriate tenant at this time.
 - The key area of difference between the approved and proposed building envelope affects the Victoria public house, which sees a foodstore service yard replaced by built form to accommodate the day nursery.
 - The proposed building form, height and footprint remains largely as consented at the outline stage. However, as there are parts of the Phase 2 building envelope that differ from that approved the applicants have, for procedural reasons, also sought amendments to the agreed 'Access', 'Layout' and

'Scale'. This is necessary to accommodate the changes necessary to facilitate the swap of the foodstore with the day nursery and library.

3.0 Relevant Planning Policy

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 3**.

3.1 Major developments are expected to meet high sustainable construction standards in accordance with the City Council's adopted and emerging policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13.

3.2 That said, as this application is for the approved Phase 2 reserved matters it is governed more by the outline planning consent than the Development Plan itself. The impact of changing land uses (as proposed) requires further consideration and is discussed below.

4.0 Relevant Planning History

The site's relevant planning history is detailed at **Appendix 4**.

5.0 Consultation Responses and Notification Representations

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 (29.12.2011) and erecting a site notice (22.12.2011). At the time of writing the report **2 representations** have been received from surrounding residents (including an objection from the Woolston Community Association)

5.1 Planning related issues raised include:

- 5.2
- The proposed library facilities would be better located at Inkerman Road/Johns Road. The proposed library has poor pedestrian linkages and needs further work.

Response

The Council agreed to relocate the Woolston library to this site when it approved the outline planning application for Centenary Quay. The speed limit along John Thornycroft Road will be set at 20mph and the Council's Highways Officers are exploring the best locations for improved pedestrian crossings in the vicinity of the library.

- 5.3
- The proposed library has no parking for staff or customers and is poorly served by public transport

Response

The level of parking proposed is consistent with the outline permission and the Council's adopted maximum standards. The site is located on the edge of a defined District Centre that is well served by existing public car parking (excluding the Cooperative car park). Short stay spaces are proposed in close proximity to both the library and day nursery.

- 5.4
- The Council acted unlawfully in allowing the outline planning permission and, as such, this reserved matters application is also unlawful.

Response

The Council maintains that it appropriately dealt with the outline planning application in accordance with the regulations and procedures that were

applicable at that time. This Council's Solicitor has also dealt with this accusation through the Council's formal complaints procedure. It is our opinion that the Council is free to determine this, and any subsequent, application for associated reserved matters.

5.5 **Consultee Comments**

SCC Highways – No objection. Parking for residents has been provided within SCC policy, providing 0.84 of a space per 1 bed property and 1 space per 2/3 bed unit. The development benefits from good accessibility, and this will only get better with improved facilities as the development progresses. There are a number of on street short stay parking spaces to be provided adjacent to the day nursery and library. There are nearby existing on street parking spaces which can also be used if the new spaces are in use.

5.6 Cars using the underground car park will access via a ramp from John Thornycroft Road. This access will be controlled with gates, which will be set back into the site to prevent cars blocking the public highway whilst waiting for the gates to open. Adjacent to this access point there will be a lay by for the refuse vehicle to wait in whilst bins are collected from the nearby bin assembly point. This lay by will be controlled by traffic regulation order to ensure its use is for loading/unloading only, and not for casual parking. Whilst a vehicle is stationary in this lay by it will have an impact upon the forward visibility sight line for drivers exiting the residents underground parking, but the restricted direction is to the far side of the carriageway, and not the nearside which would prove more problematic.

5.7 The roads in the near vicinity have been subjected to a 20mph speed limit which helps the safety of pedestrians and cyclists, and the section of Victoria Road to the north of the site has been traffic calmed making this pedestrian and cycle friendly. Dropped crossings and tactile paving has been designed into the new road works. Buses have already been routed through the site with bus stops, and the bus hub at the base of the Itchen Bridge is only a short walk away. Victoria Road forms part of the National Cycle Route 2, helping cyclists to link into the local network for both leisure and work related journeys.

5.8 The impact of the development on the highway network has already been considered at the outline stage, and a phased range of works have been agreed via the Section 106 agreement and are triggered as the development progresses. This site was originally designated to accommodate a supermarket, and this has now been moved into phase 3 which will result in the need to change the handling of the traffic locally, although overall, the impact remains unchanged.

5.9 **SCC City Design** – The scheme design and landscape proposals are generally of high quality and will significantly enhance the quality of the experience to those living close to and visiting the district centre, by bringing in newly configured public and community uses, the library and day nursery, and will increase footfall through this and the increase in number of residents living in the new development. The quality of architecture is very good and provides a firm basis, building on the existing quality of Phase 1, to develop a strong identity that will shape the future phases and public spaces, attracting more people to the district centre and will encourage pedestrians to move through the high street and earlier phases towards future phases on the waterfront. The developer, their planning consultants and their architects have worked with City Design taking on board design advice on a number of areas. As a result of these the scale and appearance of the proposals has been improved considerably; this includes developing a simple restricted palette of materials, colours and details, strengthening the architectural identity of the library block as a visual end stop to

the Victoria Road high street and strengthening the identity of the residential entrances/vertical circulation through the use of different materials to the rest of the development. Advice was also given on how phase 2 relates to the future phase 3; including place making, the shape of the oval public space, views, elevational treatment, design of canopies and active frontages.

- 5.10 A key issue from an urban design perspective is whether the relocation of the uses proposed in the outline application for Phase 2 to Phase 3 and vice versa is detrimental to the masterplan concept. It was originally proposed in the outline consent that Phase 2 would provide for a foodstore of 4,320sqm GEA (Gross External Floorspace Area), 148 flats (including 120 affordable and 28 live-work units) and a 100-bed hotel. The current proposal includes relocating the library and the nursery from Phase 3 to 2 and relocating the food market from Phase 2 to Phase 3 and no longer includes the hotel which will be subject to a later phase. The provision of residential units remains very similar to the outline scheme with an increase of 20 no. to 168 no. and in design terms the issues for both schemes are very similar.
- 5.11 The relocation of the library and day nursery closer to the high street will have obvious advantages being closer to areas of increased footfall, but will also contribute to improving footfall on the high street, and so be mutually beneficial.
- 5.12 The relocation of the food store to Phase 3 will need detailed consideration when the planning application is submitted but the principle of this in design terms needs to be considered as it fundamentally changes the use mix, the provision of private amenity space between and the access to the underground car park provided in Phase 3. This latter design issue is a considerable improvement as vehicles will now be directed into the car park before they meet the public space (the access route previously crossed the public space created between the Upper Square and the Lower Square by the waterfront), so conflict with pedestrians is reduced (and resolves a major concern held at outline stage). With regard to the use mix there is concern that the location of the food store might draw footfall away from the high street, however it will create the opportunity for a greater critical mass along with other smaller retail uses proposed around the Upper Square and this needs to be considered in balance with other benefits mentioned. The architects have demonstrated in their early studies into this phase that it is possible to deal with design issues arising from the changes to blocks J2/3 and blocks J5/6 and the private amenity space between them, subject to detailed design development.
- 5.13 The height of the proposed Phase 2 development is broadly in line with the parameters set out in the outline consented scheme. However there is a slight overall increase in height to the lower storeys at the southern end of the Victoria Road frontage, but there is now a continuous frontage up to the pub, which creates an improved sense of enclosure.
- 5.14 The overall approach taken for the architectural appearance of Phase 2 is consistent with the ethos and design principles developed in the Design Code submitted as part of the outline consented scheme, which exudes quality and a strong sense of place whilst relating to the architectural approach taken in Phase 1. A simple palette of materials has been chosen, using brick predominantly with relief provided with some full height rendering and access stairs clad in Hardiplank weather boarding and metal cladding to reduce the visual impact of the upper most storey - a detail consistent with Phase 1. Fenestration and balconies are arranged vertically in a formal manner, with a consistent approach throughout.
- 5.15 A number of options were explored by the architect for the primary elevation to the library that has a fitting location at the end of the existing high street. The

architects have heeded advice given to develop a design that will give the library due prominence in this important location, with visual emphasis given to the library through a visually dominant deep lintel and column design framing a full height glazing 'shop front' and the entrance to the library, with a formal elevation to the residential apartments that visually recedes above it. The brick facade returns into Victoria Road giving the library block some visual depth, prominence and solidity appropriate for a 'public building' and the continuity of the lintel/column detail successfully leads the eye both towards the frontage of the nursery and towards the waterfront along John Thorneycroft Road.

- 5.16 *Note: The detailed comments raised have been addressed through the submission of amended plans.*
- 5.17 **SCC Housing** – Offer 'in principle' support for the application, and with reference to the terms of the 'hybrid' S.106 Agreement covering all Phases of the redevelopment and the proposed affordable housing provision of 103 units from a total number of 168 residential units in Phase 2 is acceptable on the indicative basis of 55 'general needs' rented units, 18 'intermediate' rented units, and 30 units for 'Low Cost Home Ownership'.
- 5.18 **SCC Sustainability Team** – AES Southern's Code for Sustainable Homes pre-assessment report states that Phase 2 is on target to achieve 5 Ene 1 credits (47% improvement on 2010 Building Regulations Target Emission Rates). The Core Strategy requires a sequential approach to CO2 reduction through an energy efficiency first approach. It is therefore highly recommended that at least 3 Ene credits are achieved which is the equivalent of Code Level 4 for energy (25% improvement on 2010 Building Regulations Target Emission Rates) to ensure overall CO2 reductions in accordance with the adopted Core Strategy. The report states that Code for Sustainable Homes Credit Sur2 (Surface Water Run Off Category) will be reassessed once drainage information has been received. It is highly recommended that this credit is sought in order to reduce flood risk. In addition credit Wat 2 (External Water Use) is not sort and it is recommended that rainwater harvesting is utilised where feasible.
- 5.19 **SCC Library Services** – The proposed changes to the library are acceptable
- 5.20 **SCC Prevention & Inclusion Services** - can confirm the day nursery layout is a workable option. They are more than happy for it to come forward to phase 2 due to capacity needed within the City for 2,3,4 year olds. They have worked hard and in good faith to provide a temporary facility in time for the residents moving into the development. They did not know Crest would change the phasing of the project and advance the provision of the nursery. The city was clearly going to become short of places due to the development and they could not instantly provide places at the completion of 169th property (as per S.106). The temporary day nursery has been brought forward early as part of the capital Programme in 2010. They do need the permanent nursery as the birth rate has increased and the government has created a new statutory requirement for disadvantaged 2 years to access 15 hours early years entitlement. Woolston will be one of the areas where there will be children that qualify for this. In addition they will also be asking the scouts to agree to retain the temporary venue for childcare /EY places, as the city will need around 2000 places. If we don't retain the temporary nursery and Crest don't deliver the new 80 places, it we could have an even greater capital pressure as we need to find more capital to create the new 2000 places to meet this new statutory requirement.
- 5.21 **SCC Archaeology** - The previous evaluation work on the site suggests that the Phase 2 area has limited archaeological potential and that the main area of interest lies further to the south. Consequently no objections to the proposals.
- 5.22 **SCC Training & Employment** – No objection subject to securing a full

- employment and skills obligation (secured through the S.106)
- 5.23 **SCC Playspace** – No objection subject to off-site contributions towards children’s playspace (secured through the S.106)
- 5.24 **SCC Ecologist** - The extensive area of biodiverse and sedum roofs and the green wall/trellis included in the scheme are excellent pieces of green infrastructure. These are major biodiversity enhancements in what was an area of negligible biodiversity interest and clearly show what is achievable. They should act as exemplars within the city. The design and species list used in Phase 1 should be attached to this consent.
- 5.25 **BAA** – No objections subject to planning conditions being reinstated regarding a bird hazard management plan and cranes.
- 5.26 **Natural England** – No objection to Phase 2 of the development
- 5.27 **Southern Water** – No objection
- 5.28 **Environment Agency** - response is in line with our no objection response to the outline application (08/00389/OUT). Following the recent prosecution of Southern Water Services, for contravention of the conditions of their consent to discharge from the Woolston Waste Water Treatment Works, and a subsequent meeting between the Environment Agency, Southern Water and Southampton City Council, we wish to raise concerns regarding environmental capacity at Woolston Waste Water Treatment Works. The works is currently operating at environmental capacity and we believe the additional housing numbers proposed will further exasperate the situation until an upgrade/extension can be undertaken. However, given the outline permission outstanding for this site we are not in a position to object. It is our understanding that other land within the applicant’s ownership could be of benefit to the redevelopment of Woolston Waste Water Treatment Works. We would therefore strongly encourage a partnership approach between Southampton City Council, Southern Water and Crest to ensure the scheme is delivered without further deterioration in water quality. We appreciate Phase 3 of this development is to be received in February and our response to this application will be of the same nature. The EA wish for their previous recommended condition(s) and comments to be carried forward to this application.
- 5.29 **Hampshire Chamber of Commerce** – Support the application

6.0 **Planning Consideration Key Issues**

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

- i) Principle of Development (and amending uses within each phase)
- ii) Design
- iii) Impact on Residential Amenity
- iv) Highways
- v) Other matters

6.1 **Principle of Development**

Outline planning permission 08/00389/OUT establishes the principle of redevelopment for the entire site for the quantum of development listed, and was found to be in accordance with the Local Plan allocation Policy MSA18. An indicative phasing plan was also consented, which included a foodstore within Phase 2 and a library and day nursery within Phase 3. The proposed change to these uses will maintain footfall within Victoria Road and maintains the agreed scale of development previously approved. Both of which will assist in the vitality and viability of Victoria Road. In short, the approved uses are maintained and,

whilst the order in which they are delivered will change, the application complies with the outline permission. This is acceptable under the terms of the 08/00389/FUL permission.

6.2 Design

The proposed design for Phase 2 broadly follows the consented layout, with slight amendments following the replacement of the foodstore and its servicing requirements. It makes use of the change in level across this part of the site by forming a car park beneath the level of Victoria Road which is then accessed from the John Thornycroft Road street level. The maximum building height proposed is consistent with that agreed at the outline stage.

6.3 A contemporary design solution with a modern palette of building materials is proposed, which is consistent with the agreed Design Code for the site and the agreed details for Phase 1. The design is accompanied by the applicant's Public Art Strategy, which explains how public art will be used to reference the site's recent links with Vosper's and boatbuilding.

6.4 Block A7 fronts Victoria Road and comprises a permanent day nursery and library at ground floor with apartments above. The building itself steps up in scale and height from the neighbouring Victoria public house to 6 storeys above the library. Blocks A1a and A1b front John Thornycroft Road and provide 5 storeys or residential accommodation. The scheme then turns the corner and follows John Thornycroft Road southwards at 4 storeys where it then meets the completed development of Phase 1.

6.5 A perimeter block form of development is proposed, in line with the outline permission, and this creates a private communal roof terrace above the proposed car park for the enjoyment of all residents of Phase 2. Following the receipt of amended plans the applicants have redesigned the day nursery's 215sq.m of external space so that it makes the most of its southerly aspect whilst improving the privacy afforded to this space from the apartments above. It is no longer located immediately adjacent to the Victoria pub's beer garden, as originally submitted.

6.6 Officers are satisfied that replacing the foodstore with the day nursery and library will not prejudice the site's ability to re-provide the foodstore in a later phase. Any subsequent proposals for a foodstore will require planning permission and a fresh consideration of the planning merits. At the time of writing a planning application for Phase 3, incorporating a foodstore, is expected in mid-March 2012.

6.7 In terms of the scheme's sustainable credentials Members will note that Centenary Quay is served by a site-wide community heating system and will achieve Code for Sustainable Homes Level 4 for its energy use. The scheme will, therefore, meet the requirements imposed at the outline stage by condition 79. Flat roofs that are not set aside for garden space will be provided as a biodiverse 'green' roof.

6.8 The detailed design for Phase 2 is of a high standard consistent with the agreed Design Code compliant with the aims and aspirations of the current development plan's design policies.

6.9 Impact on Residential Amenity

Phase 2 is largely bounded by the wider development site or the neighbouring Cooperative car park. As such, its impact on existing residential amenity is negligible. That said, care has been taken to ensure that the amenity of the upper floors of the Victoria pub are retained. Amended plans have been submitted to demonstrate that those flats within the scheme that do not achieve a 21 metre separation distance – particularly between the closest parts at the rear of proposed blocks A7 and A1a – can be mitigated with balconies omitted. The scheme is considered to achieve a high quality living environment, with all

residents have access to either a private balcony and/or the communal roof terrace (66% of the units have private amenity space), without harming existing residential amenity, and no objections to these detailed proposals have been received from the site's nearest neighbours.

6.10 Highways

Pedestrian access to the library and day nursery will be from Victoria Road and 12 new drop off parking spaces outside of these uses will accommodate the necessary short-term parking requirements for these uses. Otherwise, no dedicated parking is proposed for these uses. Staff that chose to drive to work will park in existing district centre car parks. Additional parking to serve the community uses and the wider development will be secured as part of the Phase 3 development.

6.11 The residential development will be served by on-site parking in line with the limits set by the outline permission (condition 56 refers). This equates to 0.84 spaces per 1 bed unit and 1 space per 2/3 bed units. Additional parking for 28 vehicles is also proposed to accommodate an existing overspill from Phase 1 that is currently provided in an approved temporary car park.

6.12 Secure cycle parking for the day nursery and library is provided integral to these units, with residential spaces provided on a 1:1 basis conveniently to each residential core or within the basement car park.

6.13 Servicing of Phase 2 will be undertaken from a layby located along John Thornycroft Road, and the applicants propose a private refuse collection for the residential uses that can be secured with the outline planning condition 66.

6.14 S.106 contributions for Phase 2

As part of the agreed S.106 for the development the developer will, on commencement of Phase 2, make financial contributions towards off-site play/open space, CCTV, junction improvements at Portsmouth Rd/Victoria Road, Obelisk Road traffic calming and works to Woodley Road.

7.0 Summary

This reserved matters application follows the grant of outline planning permission for the development known locally as 'Centenary Quay'. The current application for Phase 2 is consistent with the masterplan and design code for the development, despite amending the phasing of delivery to the foodstore, library and day nursery, and will facilitate the continued delivery of this exciting project. Phase 2 as proposed can be controlled with those conditions imposed at the outline application subject to a couple of suggested amendments as set out below.

8.0 Conclusion

The application for Phase 2's reserved matters is recommended for conditional planning approval.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1a-d, 2b-d, 4b, f, g, k, l, u, 5c, 6a, c, d, f, h & l, 7a, b, e, f, g, j, n, p, t, u, v, w, 9a, j & 10 a-b

SH2 for 13/03/2012 PROW Panel

PLANNING CONDITIONS to include:

As with all reserved matters applications the development itself is largely controlled by those planning conditions imposed at the outline planning permission stage. A full copy of the permission is attached to this report at **Appendix 1** but, in addition, the following conditions are recommended as a consequence of the development proposed for the second phase of the project:

1. APPROVAL CONDITION – Obscured Glazing

Those windows marked on the amended plans as being ‘obscured’ on the approved amended plans for Phase 2 shall be fitted as such and fixed shut prior to the first occupation of the affected apartment. These windows shall be retained as agreed thereafter.

REASON:

In the interests of protecting the privacy of prospective residents of the development.

2. APPROVAL CONDITION – Day Nursery Canopy

Details of the proposed canopy to the day nursery shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the day nursery. The agreed canopy solution shall be retained as agreed thereafter unless otherwise agreed in writing with the Local Planning Authority.

REASON:

In the interests of protecting the privacy of prospective users of the day nursery.

3. APPROVAL CONDITION – Coloured Glazing

Details of the proposed coloured glazing to the day nursery and library shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation the respective use. The agreed glazing solution shall be retained as agreed thereafter unless otherwise agreed in writing with the Local Planning Authority.

REASON:

In the interests of securing a high quality design solution for these public spaces in accordance with LDF Core Strategy Policy CS13.

4. APPROVAL CONDITION – Service Layby

Prior to the first occupation of the development details of those measures for securing the delivery and ongoing availability of the approved service layby fronting John Thornycroft Road shall have been submitted to and agreed in writing by the Local Planning Authority. The layby shall be constructed as agreed and managed in accordance with the agreed details.

REASON:

In the interests of securing an appropriate mechanism for the servicing layby which is required to satisfy the needs of the development whilst maintaining highways safety.

5. APPROVAL CONDITION - Construction & Delivery Hours

All works relating to the construction of the development hereby granted, including the works to regrade the levels of the site and ground preparation prior to building operations shall only take place between the hours of:

Monday to Friday 08.00 hours to 18.00 hours
Saturdays 09.00 hours to 13.00 hours
and at no time on Sundays and public holidays.

Any works outside the permitted hours shall be confined to those agreed by the local highway authority as necessary to facilitate the development and/or the internal preparation of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

Unless otherwise agreed by the local highway authority as necessary to facilitate the development all deliveries to, and distribution from, the site relating to the construction of the development hereby granted, including those necessary for the materials for the construction of the approved development, shall only take place between the hours of:

A - for road traffic delivery/dispatch movements
Monday to Friday 08.00 hours to 18.00 hours
Saturdays 09.00 hours to 13.00 hours
and at no time on Sundays and public holidays.

B - for river traffic delivery/dispatch movements (subject to specific tide times)
Monday to Friday 08.00 hours to 18.00 hours
Saturdays 08.00 hours to 16.00 hours
Sundays 08.00 hours to 13.00 hours
and at no time on public holidays, unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To protect the amenities of adjoining properties during the construction period.

6. APPROVAL CONDITION – Landscape Maintenance

The hard and soft landscaping works serving Phase 2 shall be carried out in accordance with the details approved as part of details to be submitted under LPA ref: 08/00389/FUL condition 14. The approved scheme shall be carried out prior to occupation of the second phase, or during the first planting season following the full completion of building works (whichever is sooner), or in accordance with a timescale which has been agreed in writing with the local planning authority prior to the commencement of development.

If within a period of five years from the date of completion of the hard and soft landscape works within Phase 2, 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 improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990.

7. APPROVAL CONDITION - Approved Plans

The development hereby permitted shall be carried out in accordance with the approved amended plans listed in the schedule attached below, including the balcony details shown on plan ref: 14504.TP-P2-417-311M and those recommendations as set out in the supporting documents submitted with the application, namely the Mott Macdonald Renewable Energy response (dated 17/11/11) and the Biodiversity Ecological Considerations, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

For the avoidance of doubt and in the interests of proper planning.

Application 11/01923/REM

Copy of Planning Permission 08/00389/OUT



DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

Town and Country Planning (General Development Procedure) Order 1995

Savills- Richard Serra
Ground Floor, City Point
29 King Street
Leeds
LS1 2HL

In pursuance of its powers under the above Act and Regulations, Southampton City Council, as the Local Planning Authority, hereby gives notice that the application described below has been determined. The decision is:

FULL APPLICATION - CONDITIONAL APPROVAL

Proposal: **Redevelopment of the site to provide a mixed use development comprising: 1,620 dwellings (including 405 affordable homes); retail (Class A1 - 5,525 square metres, including a food store); restaurants and cafes (Class A3 - 1,543 square metres); offices (Class B1 - 4,527 square metres); yacht manufacture (Class B2 - 21,237 square metres); Business, industrial, storage and distribution uses (Class B1/B2/B8 - 2,617 square metres); 100 bedroom hotel (Class C1- 4,633 square metres); 28 live/work units (2,408 square metres); community uses (Class D1- 2,230 square metres); two energy centres (1,080 square metres); with associated parking (including the laying out of temporary car parking); new public spaces; river edge and quays; new means of access and associated highway/environmental improvements. (Environmental Impact Assessment Development- 'Hybrid' planning application: outline in part, full details of phase 1 and river edge submitted).**

Description amended following submission following the removal of 33 residential units from the scheme and the introduction of a temporary car park.

Site Address: **Former Vosper Thornycroft Site And River Frontage
Victoria Road Woolston Southampton**

Application No: 08/00389/OUT

Subject to the following conditions.

01. APPROVAL CONDITION - Reserved Matters

Outline Planning Permission for the principle of the development proposed and the following matters sought for consideration, namely Access and Layout is approved subject to the other conditions attached to this permission and to the following:

- (i) Written approval of the details of the following reserved matters shall be obtained from the Local Planning Authority prior to the implementation of the phase that such matters relate to:
 - Appearance (excluding the River Edge and Phase 1 of the development, where full details are approved by this Hybrid Planning Permission);
 - Landscaping (excluding the River Edge and Phase 1 of the development, where full details are approved by this Hybrid Planning Permission); and,
 - Scale (excluding the River Edge, Phase 1 and Phase 2 of the development, where full details are approved by this Hybrid Planning Permission).
- (ii) The first application for the approval of the outstanding reserved matters shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission.
- (iii) With the exception of the River Edge and Phase 1 (referred to in Condition 2 below) the development hereby permitted shall be begun either before the expiration of three years from the date of this Outline permission, or before the expiration of two years from the date of approval of the last application of the reserved matters to be approved whichever is the later.

REASON:

To enable the Local Planning Authority to control the development in detail and to comply with Section 91 and Section 92 of the Town and Country Planning Act 1990 (as amended).

02. APPROVAL CONDITION – Phase 1 and River Edge Implementation

The part of the Development where full details are approved by this planning application, namely Phase 1 and the River Edge as hatched on Plan ref: 001-03 (Ground Levels As Proposed) shall begin not later than three years from the date of this planning permission.

REASON:

To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

03. APPROVAL CONDITION – Approved Plans

The development hereby approved shall be implemented solely in accordance with the approved parameter plans and Environmental Statement as supported by the "Table of Proposed Mitigation Measures" that formed part of the "Statement of Clarification and Additional Information", and the documents, drawings and plans received by the Local Planning Authority on the 6th March 2008 as amended by the following plans received by the Local Planning Authority on the 23rd July and 31st July 2008 (as amended by plans received 28th October 2009: 001 05 Rev B (Building Heights), 001 06 Rev B (Proposed Land Uses), 200 Rev PE (Phase 1 Masterplan), 202 Rev PD (Phase 1 Masterplan), 203 Rev PE (Phase 1 Masterplan), 204 Rev PF (Masterplan - Roof Plan), 206 Rev PE (Temporary Car Park), 210 Rev PK (Spine Road Apartment Block – Floor Plans), 218 Rev PD (House Type D - Affordable), 219 Rev PB (House Type I), 221 Rev PJ (House Type B), 222 Rev PJ

(House Type C), 223 Rev PK (House Type D), 224 Rev PJ (House Type E), 225 Rev PI (House Type H), 226 Rev PJ (House Type J), 227 Rev PK (House Type B – Affordable), 228 Rev PJ (House Type C – Affordable), 229 Rev PH (House Type H – Corner Unit), 230 Rev PF (Victoria Road Streetscene), 232 Rev PG (Weston Grove Road Elevations), 233 Rev PG (Connecting Spine Elevations (Block C3)), 234 Rev PG (Central Block Elevations (Blocks C2)), 235 Rev PH (Weston Grove Road Elevations (Block A6)), 236 Rev PG (Block A5 Elevations), 237 Rev PG (Central Court Elevations (Block B3)), 240 Rev PD (Site Sections), 251 Rev PE (Central Court Elevation (End Terrace)), 200 10 Rev D (Landscape Hardworks – Phase 1 Landscape (1/2)), 200 11 Rev D (Landscape Hardworks – Phase 1 Landscape (2/2)) and 200 13 Rev D (Landscape Boundaries – Phase 1 Landscape)

And the following “illustrative only” plans with further detail to follow for Phase 2: 2215 0510 Rev P4 (Context Plan), 2215 0515 Rev P5 (Location Plan), 2215 0520 Rev P8 (Lower Ground Floor Plan), 2215 0521 Rev P8 (Ground Floor Plan), 2215 0522 Rev P7 (First Floor Plan), 2215 0523 Rev P6 (Second Floor Plan), 2215 0524 Rev P6 (Third Floor Plan), 2215 0525 Rev P6 (Fourth Floor Plan), 2215 0526 Rev P7 (Fifth Floor Plan), 2215 0527 Rev P7 (Roof Plan), 2215 0528 Rev P4 (Access & Service Area Studies), 2215 0530 Rev P1 (Block S Floor Plan), 2215 0540 Rev P6 (Elevations), 2215 0541 Rev P8 (Lower Ground Floor Plan) and 2215 0542 Rev P4 (Façade Studies)

Subject to the provisions and details required pursuant to a condition of this permission unless otherwise agreed in writing with the Local Planning Authority.

REASON

To define the consent and for the avoidance of doubt.

04. APPROVAL CONDITION - Phasing

The proposed development shall follow an implementation phasing programme as agreed in writing by the Local Planning Authority in line with the submitted indicative phasing programme (Plan ref: 050-10 – Phasing Strategy) as part of this application, unless otherwise varied and agreed in writing by the Local Planning Authority prior to the submission of a Reserved Matters application for an alternative phasing programme. The submission of subsequent Reserved Matters applications that vary from indicative plan 050-10 shall include details of how the remainder of the development site will be left until subsequent phases are implemented.

REASON:

To ensure that development takes place in an ordered and agreed methodology particularly in relation to odour control, and the early release of community facilities to be provided as part of the overall proposals. This condition allows the development to proceed in a flexible manner whilst the permission itself ensures the Local Planning Authority retain control over the overall delivery of the mixed use development.

05. APPROVAL CONDITION - Construction & Delivery Hours

All works relating to the construction of the development hereby granted, including the works to regrade the levels of the site, the construction of the new River Edge, and ground preparation prior to building operations shall only take place between the hours of:

Monday to Friday

08.00 hours to 18.00 hours

Saturdays

09.00 hours to 13.00 hours

and at no time on Sundays and public holidays.

Any works outside the permitted hours shall be confined to the internal preparation of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

All deliveries to and distribution from the site relating to the construction of the development hereby granted and any associated demolition works, including the removal or importation of ground materials to re-grade the levels of the site and ground preparation, the materials for the construction of the approved River Edge, the removal of demolition materials, and the provision of constructional materials shall only take place between the hours of:

A - for road traffic delivery/dispatch movements

Monday to Friday

08.00 hours to 18.00 hours

Saturdays

09.00 hours to 13.00 hours

and at no time on Sundays and public holidays.

B - for river traffic delivery/dispatch movements (subject to specific tide times during the year)

Monday to Friday

08.00 hours to 18.00 hours

Saturdays

08.00 hours to 16.00 hours

Sundays

08.00 hours to 13.00 hours

and at no time on public holidays, unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To protect the amenities of adjoining properties during the construction period.

06. APPROVAL CONDITION – Piling Method

Prior to the implementation of each phase as approved by Condition 4 above, including the detailed first phase and river edge works hereby approved, the applicant shall submit in writing to the Local Planning Authority the proposed method of piling to be used in the construction of development within that phase. No development within the relevant phase shall commence until the submitted details have been agreed in writing by the Local Planning Authority. Development shall be implemented and proceed only in accordance with the agreed details.

A “Foundation Works Risk Assessment Report” shall be submitted to the Local Planning Authority for their written approval prior to the commencement of any impact or percussion piling or foundation design using penetrative methods. This report shall include consideration of noise and vibration impact and mitigation. The piling shall then be carried out in accordance with the approved methods in the report.

REASON:

To satisfy the requirements of the Council’s Environmental Health Department, Natural England and the Environment Agency, and to ensure that an appropriate form of piling is undertaken for each phase in the interests of protecting residential amenity and the habitat of the Lee on the Solent to Itchen Estuary Site of Special Scientific Interest (SSSI), the Solent and Southampton Water Ramsar Site, the Solent and Southampton Water Special Protection Area (SPA) and the River Itchen Special Area of Conservation (SAC), whilst ensuring that any piling methods used do not cause unreasonable pollution, harm or nuisance.

07. APPROVAL CONDITION – DCMS

Prior to the commencement of each phase of development, as approved by Condition 4 above, details shall be submitted to and approved in writing by the Local Planning Authority making provision for a "Demolition and Construction Method Statement" (DCMS) for the development of that phase. The DCMS shall include those mitigation measures as set out in the submitted Environmental Statement (March 2008) as amended (July 2008) and details of:

- a) Parking of vehicles of site personnel, operatives and visitors;
- b) Any site compound details and contractor's cabins/office;
- c) Loading and unloading of plant and materials;
- d) Storage of plant and materials, including cement mixing and washings, used in constructing the development;
- e) Treatment of all relevant pedestrian routes and highways within the site throughout the course of construction and their reinstatement where necessary;
- f) A scheme for the erection and maintenance of security hoardings including decorative displays and facilities for public viewing;
- g) A scheme for recycling waste resulting from the construction programme;
- h) Measures to be used for the suppression of dust and dirt throughout the course of construction;
- i) Measures for the cleaning of wheels and the under chassis of lorries leaving the site;
- j) Details of how noise and vibration emanating from the site during construction will be mitigated;
- k) A "hotline" telephone number and email address shall be provided for the use of residents in the case of problems being experienced from demolition and construction works on the site. The phone line will be provided, managed and problems dealt with by a person or persons to be nominated by the developer and shall operate throughout the entire development period;
- l) The methods of supervision to ensure that workers have knowledge of the method statement;

The approved DCMS shall also include proposals to monitor these measures (as set out above) at the site boundary to ensure that a statutory nuisance does not arise beyond the site boundary, and shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

REASON:

In the interest of safety, protecting the amenity of local land uses, neighbouring residents, the character of the area and highway safety and to accord with the Environmental Statement.

08. APPROVAL CONDITION – Construction Materials By Water

Prior to the commencement of each phase of development, as approved by Condition 4 above, details shall be submitted to and approved in writing by the Local Planning Authority of any delivery of construction materials and waste, where appropriate, by water for that relevant phase. The details shall include a method statement, details of materials and a total number of trips. The development of each phase shall be carried out in accordance with the agreed details.

REASON:

In the interests of maximising the site's waterside location and reducing the need for heavy goods vehicles to use Woolston's highway network during the construction phase.

09. APPROVAL CONDITION - CEMP

Notwithstanding the information already submitted the applicant shall submit a Construction Environmental Management Plan to the Local Planning Authority for approval in writing prior to the commencement of development. The CEMP shall set out procedures to ensure that there are no adverse effects on the integrity of the Lee on the Solent to Itchen Estuary Site of Special Scientific Interest (SSSI), the Solent and Southampton Water Ramsar Site, the Solent and Southampton Water Special Protection Area (SPA) and the River Itchen Special Area of Conservation (SAC). The plan should include details of mitigation including measures to avoid disturbance to waterfowl and migratory salmon, including timetabling works to avoid sensitive periods for such species. The plan shall include monitoring procedures and shall be reviewed and agreed annually with the Local Planning Authority and Natural England, and more frequently if required, by these parties. Works shall be implemented in accordance with the agreed details and maintained thereafter.

REASON:

To ensure that the natural conservation interests of the site and surrounds are adequately safeguarded.

10. APPROVAL CONDITION - Samples of Materials

No development shall be carried out within any individual development phase unless and until a schedule of materials and final finishes (including full details of the manufacturers, types and colours of the external materials to be used, including all new glazing and stained weatherboarding) to be used for external walls, fenestration and the roof of the proposed buildings, including samples of the materials required for that phase, has been submitted to and approved in writing by the Local Planning Authority relating to that phase of development. Development shall be implemented in accordance with the agreed details unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of the relevant phase.

REASON:

To enable the Local Planning Authority to control the development in detail in the interests of visual amenities of the locality and by endeavouring to achieve buildings of visual quality.

11. APPROVAL CONDITION – Maximum Building Heights

The maximum building heights for individual blocks shall not exceed the heights shown approved plan ref: 001-05 Rev B, which was received by the Local Planning Authority on 23rd July 2008. At no time shall any building or structure exceed a height of 112 metres above ordnance datum (AOD) on the site.

REASON:

To define the permission and in recognition that development exceeding the specified height could endanger aircraft movements and the safe operation of Southampton Airport.

12. APPROVAL CONDITION – Car Park Ventilation

Prior to the commencement of each phase of development reliant upon basement car parking, as approved by Condition 4 above, details of the proposed means of ventilation to that basement shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details.

REASON:

As this outline application does not specify the design of the car park ventilation louvers required to serve a significant basement car park and in the interests of visual amenity.

13. APPROVAL CONDITION – Landscaping Phase 1

Notwithstanding the revised landscaping plan and Phase 1 Public Realm (Landscape Design Statement) already provided no development shall take place on Phase 1, as shown on plan ref: 050-10 (Phasing Strategy) until full details of both hard and soft landscaping have been submitted to and approved in writing by the local planning authority and the BAA. The submitted details shall include:

- i. proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc);
- ii. planting plans; written specifications (including subsoil, topsoil, cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate; and test results from soil analysis (both of existing and imported) with a summary of conclusions and recommendations provided at the appropriate time when the material is delivered to site;
- iii. details of any proposed boundary treatment; and
- iv. a landscape management scheme.

The hard and soft landscaping works serving Phase 1 shall be carried out in accordance with the details approved. The approved scheme shall be carried out prior to occupation of the first phase, or during the first planting season following the full completion of building works (whichever is sooner), or in accordance with a timescale which has been agreed in writing with the local planning authority prior to the commencement of development.

If within a period of five years from the date of completion of the hard and soft landscape works within Phase 1, 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 improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990.

14. APPROVAL CONDITION – Landscaping Phase 2 & 3

Notwithstanding the information already provided within Phase 1 landscaping details no development shall take place on Phases 2 and 3 as shown on plan ref: 050-10 (Phasing Strategy) until a revised detailed landscaping scheme for the areas to the front of Blocks A, A1, A2, A3, A7, K3 and K5 has been approved in writing by the Local Planning Authority. The landscaping of Phase 2 and 3 shall proceed in accordance with the agreed details as supported by the Reserved Matters submission.

REASON:

As the frontage to blocks A, A1, A2, A3, A7, K3 and K5 should relate to the design of these buildings and not the spine road as shown on plan ref: 050-10 (Phasing Strategy).

15. APPROVAL CONDITION – River Edge Details

The River Edge works for which permission is hereby approved shall be implemented and completed in accordance with plan ref: CS/004622/GEN/001 Rev J (River Edge Terraces) on a phased basis in accordance with the phasing strategy that shall be agreed as part of Condition 4 above..

REASON:

To ensure a successful habitat is created adjacent to the Lee on the Solent to Itchen Estuary Site of Special Scientific Interest (SSSI), the Solent and Southampton Water Ramsar Site, the Solent and Southampton Water Special Protection Area (SPA) and the River Itchen Special Area of Conservation (SAC).

16. APPROVAL CONDITION – Public Realm Management

Prior to the first occupation of each phase of development, as approved by Condition 4 above, a management plan for the landscaping and areas of non-adoptable public realm within that relevant phase shall be submitted to and approved in writing by the Local Planning Authority. The development of each phase shall be implemented and maintained in accordance with the approved details.

REASON:

To ensure appropriate areas of open space, and private amenity space are provided and managed.

17. APPROVAL CONDITION – Detailed Hard Landscape Construction

Prior to the commencement of each phase of development, as approved by Condition 4 above, including the first phase hereby approved a detailed hard landscape layout and construction details generic to that phase shall be submitted to and approved in writing by the Local Planning Authority. Whilst full working drawings for the entire phase are not expected the details shall include construction and specification details to be applied across the whole phase, including those relating to the detailed design of the tree pits in paved areas. The development of each phase shall be implemented and maintained in accordance with the approved details.

REASON:

To ensure that the quality of the hard and soft landscaping is achieved in order to improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990.

18. APPROVAL CONDITION – Lighting Scheme

Notwithstanding the information already submitted for consideration, prior to the commencement of each phase of development, as approved by Condition 4 above, including the first phase hereby approved a detailed lighting plan and strategy shall be submitted to and approved in writing by the Local Planning Authority. The details shall include light scatter diagrams with relevant contours. The scheme must demonstrate compliance with table 1 “Obtrusive Light Limitations for Exterior Lighting Installations”, by the Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light 2005. The development of each phase shall be implemented and maintained in accordance with the approved details.

REASON:

In the interests of ensuring a good balance is achieved between providing a well lit environment without prejudicing the amenities of residents living within the scheme or the special qualities of the Lee on the Solent to Itchen Estuary Site of Special Scientific Interest (SSSI), the Solent and Southampton Water Ramsar Site, the Solent and Southampton Water Special Protection Area (SPA) and the River Itchen Special Area of Conservation (SAC).

19. APPROVAL CONDITION – Inter-tidal Habitat Protection

Prior to the commencement of each phase of development relating to the riverside walkway and River Edge works, as approved by Condition 4 above, details of measures to control and/or mitigate disturbance including human disturbance of the protected intertidal habitats and areas within and in the vicinity of that phase, shall be submitted to and approved in writing by the Local Planning Authority.

Notwithstanding the Design Code these measures shall include effective means of preventing access to the tidal and proposed inter-tidal areas on the river frontage. The measures shall also:

- a) Incorporate a waist high barrier (or an alternative equally acceptable solution to be agreed in writing with the Local Planning Authority prior to its installation) to screen pedestrian and dog activity on the riverside walkway to avoid affecting the interest features of the designated sites;
- b) Notwithstanding the information submitted with Condition 18 above, demonstrate (through measures to be specified) that any lighting proposed along the river frontage and open areas that are visible from the River Itchen and open areas that are visible from the River Itchen whether on buildings or otherwise shall have minimal impact on protected species and interest features of the designated site.

The development of each phase shall be implemented and monitored in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

REASON:

In the interests of safety, amenity and the special qualities of the Lee on the Solent to Itchen Estuary Site of Special Scientific Interest (SSSI), the Solent and Southampton Water Ramsar Site, the Solent and Southampton Water Special Protection Area (SPA) and the River Itchen Special Area of Conservation (SAC).

20. APPROVAL CONDITION - Biodiversity Mitigation & Enhancement Plan

Prior to the commencement of each phase of development, as approved by Condition 4 above, including the first phase hereby approved an ecological assessment and “Biodiversity Mitigation and Enhancement Plan” relating to that phase shall be submitted to and approved in writing by the Local Planning Authority. The ecological assessment shall demonstrate that the external materials and the design of buildings and other structures will not adversely affect waterfowl by nature of glare or likelihood of bird strikes. The “Biodiversity Mitigation and Enhancement Plan” shall include demonstration of appropriate consideration and implementation of green and brown roof techniques (such as netting the tower roofs) in consultation with British Airports Authority, provision of structures for swift, peregrine and kingfisher nesting as well as bat roost opportunities, bird roosting ledges and shingle beaches within sea wall design, bird rafts within embayments and habitat creation as part of landscaping. Provision for appropriate monitoring and management of

measures, including mechanisms for long term management shall be included. Development of each phase shall be carried out in accordance with the agreed details.

REASON:

To safeguard the ecology & biodiversity of the area and in the interests of nature conservation.

21. APPROVAL CONDITION - Restricted Access to Intertidal Areas

Unless for the purposes of maintenance or organised educational visits there shall be no public access to the inter-tidal areas, particularly from the walkway and embayments unless otherwise agreed in writing with the Local Planning Authority.

REASON:

In the interests of protecting and safeguarding the ecology and biodiversity of the waterside area

22. APPROVAL CONDITION – Riverside Terrace Construction

Notwithstanding the submitted Environmental Statement the material used to make the revetments required to stabilise the riverside terraces should be formed from rock only and not site-won material unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of development.

REASON:

As the use of inert materials such as recycled concrete on the foreshore would not be an acceptable medium for these works.

23. APPROVAL CONDITION - Bird Hazard Management Plan (BHMP)

Development shall not commence until a Bird Hazard Management Plan (BHMP), in accordance with the response received by the BAA to this application dated 22nd May 2008, has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of the management of any flat or shallow pitched roof that may be attractive to nesting, roosting and loafing birds. The BHMP shall comply with BAA's Advice Note 8. The BHMP shall be implemented as approved upon completion of the roof and shall remain in force for the life of the development. No subsequent alterations to the BHMP are to take place unless first submitted to and approved in writing by the Local Planning Authority.

REASON:

It is necessary to manage the roofs in order to minimise its attractiveness to birds which could otherwise endanger the safe movement of aircraft and the operation of Southampton Airport.

24. APPROVAL CONDITION – A1 Retail Floorspace Restriction

Notwithstanding the approved foodstore, the remaining A1 retail floorspace to be provided within the site shall be limited in terms of individual retail unit floor space size so that no individual comparison retail unit shall exceed 100sqm in net floor area unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To ensure the retail focus of Woolston District Centre is not diluted by retail use within the site.

25. APPROVAL CONDITION – A1 Retail Use Restriction

Notwithstanding the approved foodstore, the remaining A1 retail floorspace to be provided within the site shall be limited for the sale of goods directly associated with yachting, sailing or boating, or a sandwich bar, unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To ensure the retail focus of Woolston District Centre is not diluted by retail use within the site.

26. APPROVAL CONDITION – A1/A3 Floorspace Location

Both the foodstore and other ancillary A1 (retail) and A3 (restaurant) floorspace hereby approved shall only be located within those Blocks identified in the approved plans and documents unless otherwise agreed in writing with the Local Planning Authority.

REASON:

In the interests of residential amenity and to ensure the retail focus of Woolston District Centre is not diluted by retail use within the site.

27. APPROVAL CONDITION – A1/A3 Floorspace

The "dual A1 (retail) and/or A3 (restaurant) use" hereby permitted for the development as located in accordance with Condition 26 above shall, under Class E, Part 3, Schedule 2 of the Town and County Planning (General Permitted Development) Order 1995, be for a limited period of 10 years only from the date of this Decision Notice. The units shall remain as the prevailing use at that time as hereby agreed in writing by the Local Planning Authority.

Reason:

In order to provide greater flexibility to the development and to clarify the lawful use hereby permitted and the specific criteria relating to this use

28. APPROVAL CONDITION – A1 (Retail) Hours of Use Restriction

The A1 retail uses, including the foodstore, hereby permitted shall not operate outside the hours of 07.00 to 24.00 (midnight) unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In order to control the use in the interests of amenity

29. APPROVAL CONDITION – A3 (Restaurant) Hours of Use Restriction

The A3 restaurant uses hereby permitted shall not operate outside the following hours:

Monday to Thursday	11.00 to 23.30 (11.00am to 11.30pm)
Friday and Saturday	11.00 to 00.30 (11.00am to 00.30am)
Sundays and public holidays	12.00 to 23.00 (12.00pm to 11.00pm)

unless otherwise agreed in writing by the Local Planning Authority.

Any A3 cafe uses hereby permitted shall not operate outside the following hours:

Monday to Saturday	07:00 to 19:00 (07:00am to 07:00pm)
Sundays and public holidays	08.00 to 19.00 (08.00am to 07:00pm)

unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In order to control the use in the interests of amenity

30. APPROVAL CONDITION – A3 (Restaurant) Bar Area Restriction

The A3 restaurant uses hereby permitted shall provide an “ancillary” dedicated bar area only that does not exceed more than 30% of the gross internal floorspace provided unless otherwise agreed in writing by the Local Planning Authority on submission of a planning application for a mixed A3/A4 use.

REASON:

To define the permission and in order to control the use in the interests of amenity

31. APPROVAL CONDITION – External Seating & Umbrellas Restriction

No external seating or umbrellas shall be erected in relation to a non-residential use without the prior written approval of the Local Planning Authority. Any external seating or umbrellas shall only be provided in accordance with the agreed specification and locations unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interests of visual amenity and to protect the residential amenities of prospective residents of the scheme.

32. APPROVAL CONDITION - Delivery Hours (Non Residential)

With the exception of the foodstore hereby approved deliveries and servicing of non residential uses shall only take place between the following hours:

Monday to Friday 08.00 to 18:00 (08.00am to 06:00pm)

Saturday 09.00 to 13:00 (09.00am to 01:00pm)

Sundays and public holidays Not permitted

unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interest of the amenity of adjacent and surrounding residential properties.

33. APPROVAL CONDITION – External Ventilation & Extraction Details

Details of suitable ventilation, extraction and filtration equipment for the non-residential uses, if required, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the unit to which the details relate. The equipment shall be installed and maintained in accordance with the agreed information and made ready for use prior to the first use of the unit to which the details relate.

REASON:

To ensure that adequate provision is made for the ventilation of the commercial use which does not impinge on the residential amenity of neighbouring residents or the external design of the building hereby approved and to accord with the Environmental Statement.

34. APPROVAL CONDITION - Changing Facilities

Details of changing, washing and shower facilities for the benefit of staff, customers and patrons (as required) to be provided within the non residential uses shall be submitted to and approved in writing by the Local Planning Authority before the first occupation of the relevant non-residential element for each phase of the development. The development of each phase shall be implemented in accordance with the approved details.

REASON:

To encourage cycling as an available alternative sustainable transport and in the interests of hygiene safety.

35. APPROVAL CONDITION – Active Frontages

Notwithstanding the provisions of Class 12 of Schedule 3 of the Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007, or any Order amending, revoking or re-enacting these Regulations, the occupiers of the A1 (retail units), A3 (restaurants) and D1 (community uses) hereby approved shall retain some form of 'active window display' on the ground floor along the length of the shop frontages hereby approved (without the installation of window vinyls) in accordance with details that shall have been submitted and agreed as part of any Reserved Matters application pursuant to this planning permission unless otherwise agreed in writing with the Local Planning Authority.

Reason:

In the interests of retaining a lively and attractive streetscene whilst ensuring adequate natural surveillance is offered to the public realm.

36. APPROVAL CONDITION – Refuse Management

Self closing rubbish bins shall be provided for the disposal of putrescible waste as part of each phase of the development in accordance with details that shall have been submitted and agreed as part of any Reserved Matters application pursuant to this planning permission. The approved details shall include a management strategy for the emptying of the bins on a regular basis to prevent the build up of waste materials across the development and shall be implemented in accordance with the agreed details prior to the occupation of the relevant phase.

REASON:

To avoid endangering the safe operation of aircraft through the attraction of birds and in the interests of hygiene

37. APPROVAL CONDITION – Recycling Facility

On-site recycling facilities for public use shall be made available as part of any phase (except for the detailed Phase 1 hereby approved) including the approved foodstore and/or D1 community uses in accordance with details that shall have been submitted and agreed as part of any Reserved Matters application pursuant to this planning permission for that relevant phase. The approved details shall include a management strategy for the collection of recycled goods and shall be implemented in accordance with the agreed details prior to the occupation of the relevant phase.

REASON:

In the interests of hygiene and the promotion of recycling as part of a wider sustainability agenda.

38. APPROVAL CONDITION – Signage Strategy

Prior to the commencement of each phase of development, as approved by Condition 4 above, excluding the first phase hereby approved details of a "Signage Strategy" for any non residential uses within that phase shall be submitted to and approved in writing by the Local Planning Authority for use in the determination of any subsequent applications for Advertisement Consent. The Strategy shall include details of a universal fascia size, means of projection, the use of materials and the form of illumination. The development shall proceed in accordance with the agreed details unless otherwise agreed in writing with the Local Planning Authority.

REASON:

In the interests of visual amenity by securing some uniformity in the signage of the development whilst not preventing a successful corporate branding.

39. APPROVAL CONDITION – A1 (Foodstore) Floorspace Restriction

The A1 (foodstore) hereby approved shall be limited to a maximum retailing floorspace of 3,024sq.m (net) and a gross floorarea of no more than 4,320sq.m unless otherwise agreed in writing with the Local Planning Authority as part of any Reserved Matters application pursuant to this planning permission for that relevant phase.

REASON:

To ensure the retail focus of Woolston District Centre is not diluted by retail use within the site, and as a case has been made within the submitted Environmental Statement for the agreed levels of food based retail.

40. APPROVAL CONDITION – A1 (Foodstore) Concessions & Comparison

The A1 (foodstore) retailing floorspace hereby approved shall not provide more than 450sq.m of comparison goods, and the store itself shall exclude any concessions' units such as post office, pharmacy, dry cleaners, travel agents, film processing or hairdressers unless otherwise agreed in writing with the Local Planning Authority as part of any Reserved Matters application pursuant to this planning permission for that relevant phase.

REASON:

To ensure the retail focus of Woolston District Centre is not diluted by retail use within the site, and as a case has been made within the submitted Environmental Statement for the agreed levels of non-food based retail.

41. APPROVAL CONDITION - A1 (Foodstore) Subdivision

The A1 (foodstore) hereby approved shall not be subdivided into individual trading units without the prior written approval of the Local Planning Authority.

REASON:

To ensure the retail focus of Woolston District Centre is not diluted by retail use within the site

42. APPROVAL CONDITION – A1 (Foodstore) Trolley Management

Trolleys bays shall be provided as part of the development phase comprising the A1 (foodstore) in accordance with details that shall have been submitted and agreed as part of any Reserved Matters application pursuant to this planning permission. The approved details shall include a management strategy to ensure that shopping trolleys remain within the site. The A1 (foodstore) shall be implemented and operated in accordance with the agreed details unless otherwise agreed in writing with the Local Planning Authority.

REASON:

To ensure that the foodstore is properly planned in the interests of visual amenity and highway safety

43. APPROVAL CONDITION - Delivery Hours (Foodstore)

Deliveries and servicing of the foodstore hereby approved shall only take place between the following hours

Monday to Friday	07:00 to 18:30 (07.00am to 06:30pm)
Saturday	08.00 to 13:00 (08.00am to 01:00pm)
Sundays and public holidays	09.00 to 13:00 (09.00am to 01:00pm)

unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interest of the amenity of adjacent and surrounding residential properties.

44. APPROVAL CONDITION – D1 (Day Nursery) Design

A roof canopy above part of the proposed external space, obscured balconies and separate entrance points to the residential uses hereby approved shall be provided as part of the development phase comprising the D1 (day nursery) in accordance with details that shall have been submitted and agreed as part of any Reserved Matters application pursuant to this planning permission. The relevant block shall be implemented and retained in accordance with the agreed details prior to its first occupation unless otherwise agreed in writing with the Local Planning Authority.

REASON:

As the submitted detail is indicative at this stage and in the interests of protecting the privacy of children at the day nursery in accordance with the advice given by the Council's Early Years Development & Childcare Manager.

45. APPROVAL CONDITION – D1 (Library) Design

The D1 (library) hereby approved shall be provided on a single level only, in accordance with details that shall have been submitted and agreed as part of any Reserved Matters application pursuant to this planning permission. The relevant block shall be implemented in accordance with the agreed details unless otherwise agreed in writing with the Local Planning Authority.

REASON:

As the submitted detail is indicative at this stage and to ensure that the library building can be properly staffed and fully accessible in accordance with the advice given by the Council's Library Services Manager.

46. APPROVAL CONDITION – D1 (Library) Design & Public Toilets

The D1 (library) hereby approved shall be provided with space for a disabled toilet of no less than 10sq.m for the benefit of public use in accordance with details that shall have been submitted and agreed as part of any Reserved Matters application pursuant to this planning permission. The relevant block shall be implemented and retained in accordance with the agreed details prior to its first occupation unless otherwise agreed in writing with the Local Planning Authority.

REASON:

As the submitted detail is indicative at this stage and to ensure that the library building can be properly staffed and fully accessible in accordance with the advice given by the Council's Library Services Manager.

47. APPROVAL CONDITION – Healthcare Floorspace

In the event that the healthcare provision hereby approved is not taken by the Primary Care Trust (PCT) the 730sq.m of floorspace proposed shall benefit from "dual use" for the purposes of D1 (community uses) and/or A1 (retail) and/or A3 (restaurant) use, under Class E, Part 3, Schedule 2 of the Town and County Planning (General Permitted Development) Order 1995, for a limited period of 10 years only from the date of this Decision Notice. The units shall remain as the prevailing use at that time as hereby agreed in writing by the Local Planning Authority.

Reason:

In order to provide greater flexibility to the development and to clarify the lawful use hereby permitted and the specific criteria relating to this use, whilst ensuring that the community uses are provided.

48. APPROVAL CONDITION – MEQ Operation Restriction - Internal

Unless the Local Planning Authority otherwise agree in writing the marine employment area premises, identified on the phasing plan approved as part of Condition 4 above (including the buildings, land and jetties/pontoons with the exception of the publicly accessible jetty), to which this permission relates shall not be open for business outside the hours specified below:

Monday to Friday	07.00 to 20.00 (07:00am to 08:00pm)
Saturday	07.00 to 20.00 (07:00am to 08:00pm)
Sundays and public holidays	08.00 to 13.00 (08:00am to 01:00pm)

Business in relation to this condition includes any activity involving access or egress from the site by land, the loading or unloading of vessels from the river, the working on vessels either on land or on the water by hand or by the use of machinery (handheld or not), and any other activity or operation on the site.

REASON:

To safeguard the amenities of nearby residents and those living on routes leading to or from the site.

49. APPROVAL CONDITION – MEQ Operation Restriction - External

Unless the Local Planning Authority otherwise agree in writing the external boatyard of the marine employment area premises, identified on the phasing plan approved as part of Condition 4 above (including jetties/pontoons with the exception of the publicly accessible jetty), to which this permission relates shall not be utilised for business purposes outside the hours specified below:

Monday to Friday	08.00 to 18.00 (08:00am to 06:00pm)
Saturday	08.00 to 13.00 (08:00am to 01:00pm)
Sundays and public holidays	Not Permitted

Business in relation to this condition includes any activity involving access or egress from the site by land, the loading or unloading of vessels from the river, the working on vessels either on land or on the water by hand or by the use of machinery (handheld or not), and any other activity or operation on the site.

REASON:

To safeguard the amenities of nearby residents and those living on routes leading to or from the site.

50. APPROVAL CONDITION – Operational Environmental Protection

Prior to the commencement of each building and/or phase (as applicable) forming the approved marine employment quarter, as identified on the phasing plan approved as part of Condition 4 above, the applicant shall submit for approval a written Environmental Protection Management Plan. This Plan shall include details of how the operational development will prevent or minimise the impacts from noise, vibration, dust and odour for all operations, as well as provide details of how these measures will be monitored at the site boundary to ensure that emissions are minimised beyond the site. The development of each building and/or phase (as applicable) forming the approved marine employment quarter shall proceed and operate only in accordance with the agreed details.

REASON:

In the interests of existing residential amenity and to prevent pollution and in accordance with the Environmental Statement.

51. APPROVAL CONDITION - Pontoon Jetties

Details of all and any pontoons jetties or pier structures associated with this proposal shall be submitted to and approved in writing by the Local Planning Authority prior to any works relating to them being enacted. Such pontoons, jetties, and or pier structures shall project no further into the River Itchen than is needed in order to comply with the requirement that no berthing (either permanent or temporary) shall be permitted to the west of the outer berthing limit without the berth operator or berth user requesting and receiving the prior written permission of the Local Planning Authority (after consultation with the Harbour Master).

The outer berthing limit is taken as the line formed by the following co-ordinated points:

- Point 1 shall be taken as East (OSGB) 443341 North (OSGB) 110840
- Point 2 shall be taken as East (OSGB) 443380 North (OSGB) 110912
- Point 3 shall be taken as East (OSGB) 443395 North (OSGB) 110965
- Point 4 shall be taken as East (OSGB) 443409 North (OSGB) 111011
- Point 5 shall be taken as East (OSGB) 443417 North (OSGB) 111040
- Point 6 shall be taken as East (OSGB) 443441 North (OSGB) 111122

REASON:

In the interests of safe navigation of the River Itchen

52. APPROVAL CONDITION - Moorings

Within that part of the red line application site that is shown to cover part of the water area of the River Itchen no moorings for any vessels shall be laid or provided other than those hereby approved or that may subsequently be approved in writing by the Local Planning Authority upon the submission of a planning application.

REASON:

In the interests of nature conservation, river navigation and the protection of the character of the waterside area.

53. APPROVAL CONDITION - Car Park Management Plan

Prior to the commencement of each phase of development, as approved by Condition 4 above, details shall be submitted to and approved in writing by the Local Planning Authority making provision for a "Car Park Management Plan" for that relevant phase. The details shall include the number of spaces per use, access controls, details of their layout (which shall, in the case of the basement car parks, incorporate the subdivision of the car park into defined areas), lighting, pricing (where appropriate), means of security and details of CCTV provision. The development of each phase shall be implemented in accordance with the approved details and the agreed level of parking shall be made available prior to the first occupation of the phase to which it relates.

REASON:

In the interests of the safety and security of users and to ensure that the development is sufficiently served by on-site car parking in line with the Council's current standards.

54. APPROVAL CONDITION – Multi-storey Car Park

Notwithstanding the submitted information a full assessment and justification of the need for those car parking spaces included within the multi-storey car park hereby approved shall have been submitted and agreed as part of any Reserved Matters application pursuant to this planning permission for that phase. The multi-storey car park shall be implemented (and operated thereafter) in accordance with the agreed details prior to the first occupation of any of the D1 (community) uses unless otherwise agreed in writing with the Local Planning Authority.

REASON:

As the case for the multistorey car park may change and to ensure that the scheme provides a suitable level of parking to serve its needs in accordance with the Council's current standards.

55. APPROVAL CONDITION – Temporary Car Parks

Prior to the commencement of each phase of development, as approved by Condition 4 above, details of any temporary car parking required for that phase shall have been agreed as part of any Reserved Matters application pursuant to this planning permission for that phase. The details shall include the number of spaces per use, access controls, details of the layout (including provision for disabled users), pricing (where appropriate), lighting, landscaping, means of enclosure, means of security and details of CCTV provision, and a phased programme for the removal of the temporary spaces from the development. The temporary car parking shall be implemented (and operated thereafter) in accordance with the agreed details prior to the first occupation of the phase to which it relates unless otherwise agreed in writing with the Local Planning Authority.

REASON:

To ensure that the scheme provides a suitable level of parking to serve its needs in accordance with the Council's current standards, and that the removal of the temporary spaces is removed to ensure that an over supply does not occur.

56. APPROVAL CONDITION – Residential Parking

The residential parking shall be provided on a phase by phase basis across the development at a ratio of 0.84 parking spaces per 1 bed dwelling, and 1 parking space shall be provided for each 2, 3 and 4 bed dwelling hereby approved. No more than 1 parking space shall be allocated to each dwelling unless otherwise agreed in writing with the Local Planning Authority. Phase 1 shall be delivered in accordance with the 0.84 parking ratio and any shortfall shown on the approved plans for Phase 1 shall be delivered prior to the 1st occupation of Phase 2 of the development unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To ensure that the scheme provides a suitable level of parking for each phase to serve its needs and as a case has been made in this instance for a departure from the Council's current maximum parking standards.

57. APPROVAL CONDITION – Drop Off Parking (D1 Community Uses)

Provision shall be made within the development for "drop off" parking spaces, with short stay/restricted waiting times, to serve the D1 community uses hereby approved. The details of this car parking shall have been agreed as part of any Reserved Matters application pursuant to this planning permission for any phase including a D1 use. The "drop off" parking spaces shall be implemented (and operated thereafter) in accordance with the agreed details prior to the first occupation of the phase to which they relate unless otherwise agreed in writing with the Local Planning Authority.

REASON:

To ensure that the scheme provides a suitable level of parking for each phase to serve its needs and in the interests of highway safety.

58. APPROVAL CONDITION – Victoria Road Improvement Works

The Victoria Road Improvement Works hereby approved shall be carried out in accordance with plan ref: 050-10 (Phasing Strategy), as may be subsequently amended as part of Condition 4 above. A minimum of 57 parking spaces shall be retained along Victoria Road throughout the construction phase and on completion of the approved works for the benefit of existing residents only unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To ensure that the scheme provides a suitable level of parking for each phase to serve its needs and in the interests of highway safety.

59. APPROVAL CONDITION – Phase 1 Spine Road

The spine road and its junction with Victoria Road and Weston Grove Road as shown on the detailed first phase of this development is hereby approved and shall be implemented and made ready for its intended use prior to the first occupation of the detailed Phase 1 unless otherwise agreed in writing with the Local Planning Authority.

REASON:

To ensure that the development, and users of it, is served by an appropriate access in the interests of highway safety.

60. APPROVAL CONDITION – Traffic Management Plan

Provision shall be made within the development for a “Traffic Management Plan” to serve those areas on plan ref: 050-06 Rev A (as may be subsequently amended) that are not to be offered for highway adoption. The Plan shall include, for instance, details for preventing parking outside of the scheme’s designated parking spaces (including within the “Upper” and “Centenary” squares) and the management of any servicing and/or drop off bays. The details of this traffic management plan shall have been agreed as part of any Reserved Matters application pursuant to this planning permission for any relevant phase, and shall be implemented (and operated thereafter) in accordance with the agreed details prior to the first occupation of the phase to which it relates unless otherwise agreed in writing with the Local Planning Authority.

REASON:

In the interests of visual amenity to ensure that the scheme provides a suitable level of management, especially in areas of shared surface, to ensure that vehicles are parked in specified areas in the interests of highway safety.

61. APPROVAL CONDITION – River Edge Vehicular Access

The River Edge walkway shall not incorporate vehicle access or parking except in accordance with the approved details of servicing and access for the emergency services unless otherwise agreed in writing with the Local Planning Authority.

REASON:

In the interests of pedestrian and cyclist safety

62. APPROVAL CONDITION – Taxi/Disabled Parking Provision

As part of the car parking layout to be approved to serve the A1 (foodstore) and D1 (community) uses, and in relation to the parking management plan to be approved in accordance with Condition 53 above, there shall be provision made within the site for the following:

- a) At least 2 disabled parking spaces in close proximity of the library building; and,
- b) A Hackney carriage taxi parking rank in the location of the foodstore, library and other community buildings as detailed on the approved phasing plan, which may otherwise be amended in accordance with Condition 4 above.

REASON

To ensure adequate facilities are available to disabled users of the community facilities.

63. APPROVAL CONDITION – Highway Safety Audit

Any works to the highway required following an independent stage 1 safety audit instructed by the Council shall be agreed and implemented prior to the occupation of each phase of the development.

REASON:

In the interests of highway safety.

64. APPROVAL CONDITION – Staff, Resident & Visitor Cycle Storage

Notwithstanding the detailed first phase hereby approved, before each phase of the development hereby approved is first occupied the developer shall submit to the Local Planning Authority for its approval in writing details of elevation and materials to be used in the covered, lockable and secure enclosures to be built integral to the buildings in that phase, or in close proximity to the buildings they are to serve to provide short and long stay resident, staff and/or visitor bicycle parking (as applicable) to meet the minimum standards employed by the Council. No more than 50% of the residential units within any particular phase shall be occupied in that relevant phase until the agreed facilities for enclosed and secure bicycle parking have been provided and made available. The agreed bicycle storage provision shall be made available prior to the first occupation of any non-residential use. Once provided those facilities shall be retained at all times thereafter for the purposes of parking bicycles.

REASON:

In order to promote cycling as a sustainable form of transport.

65. APPROVAL CONDITION – Cycle Storage – Phase 1

The cycle storage hereby approved as part of the plans identified by Condition 3 above to serve the first residential phase (as shown on plan ref: 050-10 (Phasing Strategy)) shall be made available prior to the first occupation of each dwelling.

REASON:

In order to promote cycling as a sustainable form of transport.

66. APPROVAL CONDITION – Refuse & Waste Management Plan

The refuse storage hereby approved as part of the plans identified by Condition 3 above to serve the first residential phase (as shown on plan ref: 050-10 (Phasing Strategy)) shall be made available prior to the first occupation of each dwelling within that phase. Prior to the commencement of each subsequent phase of development, as approved by Condition 4 above (excluding the detailed first phase hereby

approved) details shall be submitted to and approved in writing by the Local Planning Authority making provision for a "Refuse and Waste Management Plan" together with the provision of suitable bins for that relevant phase. The details shall include the location of refuse stores, the means and frequency for collection and the provision for on-site recycling of residential and commercial waste. The development of each phase shall be implemented in accordance with the approved details and the agreed refuse storage shall be made available prior to the first occupation of the phase to which it relates.

REASON:

In the interests of the residential and visual amenity and to ensure that the development is correctly catered for in line with the Council's current waste management standards.

67. APPROVAL CONDITION – Odour Control & Phasing

Residential units in the areas currently designated as phases 6 and 7 on plan ref: 050-10 (Phasing Strategy), as may be subsequently amended, shall not be occupied until either:

- a) the construction phase of works to transfer waste water flows presently treated at the Woolston Waste Treatment Works to another treatment facility have commenced; or,
- b) it is demonstrated through total odour monitoring and dispersion modelling that a maximum value of 1.5ou/m³ as a 98th percentile value of hourly values exists at the southern most points of these units to be released for occupation as part of that phase of development.

REASON:

To allow the release of development land in phases which address the odour control standard as agreed.

68. APPROVAL CONDITION – Contaminated Land Assessment

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority prior to works commencing), a scheme to deal with contamination shall be submitted to and approved by the Local Planning Authority.

That scheme shall include all of the following stages unless specifically excluded, in writing, by the Local Planning Authority:

- a. An assessment of the risks to all receptors presented by those contaminants identified on the site.
- b. Based on the findings of (1) a method statement detailing all the remediation actions required and how they will be undertaken.
- c. A risk communication strategy that will ensure adjacent residents and future occupants of the site are kept informed of the actions undertaken in respect of the management of the land contamination.

REASON:

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

69. APPROVAL CONDITION - Unsuspected Contamination

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified no further development shall be carried out unless otherwise agreed in

writing by the Local Planning Authority. Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority. Any changes to the agreed remediation actions will require the express written consent of the Local Planning Authority.

REASON:

To ensure any land contamination not previously identified is assessed and remediated so as not to present any significant risks to human health or, the wider environment.

70. APPROVAL CONDITION - Validation of Land Remediation

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

REASON:

To ensure all land contamination risks associated with the site are remediated to an appropriate standard.

71. APPROVAL CONDITION – Surface Water Drainage

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

REASON:

To protect controlled waters

72. APPROVAL CONDITION - Use of Uncontaminated Soils and Fill

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

REASON:

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

73. APPROVAL CONDITION - Groundwater Monitoring

No development approved by this planning permission shall be commenced until a scheme for the monitoring of groundwater has been submitted and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

REASON:

To protect controlled waters

74. APPROVAL CONDITION – Microclimate & Daylight Reassessment

Notwithstanding the information already submitted with the Environmental Statement and the detailed first phase hereby approved, no development of any subsequent phase, as approved by Condition 4 above, shall take place until a further assessment of microclimate, daylight, sunlight and overshadowing have been agreed as part of any Reserved Matters application pursuant to this planning permission for that phase. The development shall proceed in accordance with an agreed scheme of mitigation in relation to each detailed design phase unless otherwise agreed in writing with the Local Planning Authority.

REASON:

As the submitted Environmental Statement identifies the need for further assessment work at the detailed design stage and to ensure that the residential amenity of existing and prospective residents is acceptable.

75. APPROVAL CONDITION – Flood Risk Assessment

The development shall be implemented so as to fully comply with the mitigation strategy detailed within the applicant's Flood Risk Assessment (FRA) (produced by Capita Symonds (dated March 2008)) before any of the development hereby approved can be occupied.

REASON:

To ensure that the site can be developed safely in accordance with the mitigation strategy set out in the FRA.

76. APPROVAL CONDITION - Surface Water Drainage

Prior to the commencement of each phase of development, as approved by Condition 4 above, details of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The details shall incorporate appropriate drainage control using foul sewers for very high risk areas, Oil separators for high risk areas and trapped gulleys for lower risk areas. Consideration should also be given to the use of sustainable urban drainage systems (SUDS) where appropriate, including a feasibility study demonstrating an assessment of the potential for the creation of an integrated sustainable drainage system for each phase of the development, which shall be carried out and verified in writing by the Local Planning Authority prior to first occupation of each phase of the development hereby granted consent. A sustainable drainage system to the approved specification shall be installed and rendered fully operational prior to the first occupation of each phase of the development hereby granted consent and retained and maintained thereafter. Details of drainage options are contained in our Pollution Prevention Guidelines. The development of each phase shall be implemented in accordance with the approved details.

REASON:

To (i) ensure that drainage from this development is controlled in a manner to protect the receiving waters from pollution, (ii) to ensure that consideration is given to conserving valuable water resources, in compliance with policy SDP13 (vii) of the City of Southampton Local Plan (2006), (iii) to protect the quality of surface run-off and prevent pollution of water resources and comply with SDP21 (ii) of the City of Southampton Local Plan (2006) and, (iv) to prevent an increase in surface run-off and reduce flood risk in compliance with SDP21 (i) of the City of Southampton Local Plan (2006) and to accord with the Environmental Statement.

77. APPROVAL CONDITION - Foul Drainage

Construction of each phase of the development shall not commence until details of the proposed means of foul sewerage have been submitted to and approved in

writing with the Local Planning Authority. Foul drainage from the development shall connect to the public mains foul sewer unless otherwise agreed in writing with the Local Planning Authority.

REASON:

The mains foul water sewer is in close proximity to the site and there is a presumption for connection to this system following further consultation with Southern Water.

78. APPROVAL CONDITION – Water Conservation

Unless otherwise agreed in the Local Planning Authority prior to the commencement of each phase of the development, details of water efficiency, conserving measures and appliances to be designed into the building fabric shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of each phase of building development, and such approved water conserving appliances shall be installed prior to occupation of each building. Such details shall include the specification of facilities such as low or dual flush toilets, spray taps to hand basins and shower units which utilise a maximum of 9 litres of water a minute.

REASON:

In the interest of water conservation.

79. APPROVAL CONDITION - Energy & Water Conservation

With the exception of Phase 1 hereby approved that is to be constructed to a minimum “Excellent” Ecohomes level the remaining development shall be carried out to achieve a minimum Code for Sustainable Homes Level 3 (or the equivalent, in relation to the residential buildings) and a “Very Good” BREEAM rating (or the equivalent, in relation to the non residential buildings) and verified in writing by the applicant prior to the first occupation of each phase of the development hereby approved unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of each phase.

REASON:

In the interests of maximising the site's contribution towards energy and water conservation as agreed by the applicants in their Planning submission and Environmental Statement

80. APPROVAL CONDITION - Renewable & Decentralised Energy

An assessment of the development's total energy demand and a feasibility study for the inclusion of renewable and/or low-carbon energy technologies on the site, that will achieve a total reduction in CO2 emissions of at least 10% shall be produced. Plans for the incorporation of renewable and/or low-carbon energy technologies to the scale that is demonstrated to be feasible by the study must be submitted to and approved in writing by the Local Planning Authority prior to the commencement of each phase of the development hereby granted consent. Proposals 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 and maintained thereafter.

REASON:

To ensure the development minimises its overall demand for resources and complies with policy SDP13 (vi) of the City of Southampton Local Plan (2006).

81. APPROVAL CONDITION – Lifetime Homes Standard

All residential units hereby approved shall be completed to Lifetime Homes Standards in accordance with the applicant's "Statement of Clarification and Additional Information" document (July 2008) unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of each phase of development.

REASON:

To ensure that the development meets agreed requirements by offering a full range of accommodation for all residents of the scheme in accordance with the Council's current disability standards.

82. APPROVAL CONDITION – Archaeology Investigation

No groundworks or any phase of the development shall take place within the site until the implementation of a programme of archaeological works has been secured for that phase in accordance with the written scheme of investigation which has been submitted to and approved by the Local Planning Authority prior to those works commencing.

REASON:

To ensure that the archaeology of the site is properly investigated in accordance with the Environmental Statement.

83. APPROVAL CONDITION – Archaeological work programme

The developer will secure the completion of a programme of archaeological work within an agreed timescale in accordance with the written scheme of investigation which has been agreed by the Local Planning Authority in relation to Condition 83 above.

REASON:

To ensure that the archaeological investigation is completed in accordance with the Environmental Statement.

84. APPROVAL CONDITION - Acoustic Mitigation (Residential)

Prior to development works commencing on the affected phases an "Acoustic Survey and Noise Attenuation Strategy" shall be submitted to and approved in writing by the Local Planning Authority in relation to those phases that are not wholly residential. The details shall assess the impact of environmental noise on the prospective residents of the new dwellings and provide details of mitigation measures to attenuate external noise levels to the affected dwellings. The development shall be implemented in accordance with the approved details and findings prior to the occupation of the residential units included within that phase.

REASON:

To protect the amenities of residents of nearby dwellings.

85. APPROVAL CONDITION – Acoustic Mitigation (Non Residential)

Prior to development works commencing on each non residential building (including the Energy Centres) an "Acoustic Survey and Noise Attenuation Strategy" shall be submitted to and approved in writing by the Local Planning Authority. The details shall assess the building's structural acoustic integrity and ability to contain noise, detailing any necessary attenuation measures so that noise and vibration do not affect surrounding residential or commercial units. The development shall be implemented in accordance with the approved details and findings prior to the occupation of the non residential units to which the information relates.

REASON:

To protect the amenities of residents of nearby dwellings.

86. APPROVAL CONDITION – Acoustic Mitigation (Spine Road)

Prior to development works commencing on the affected phases an “Acoustic Survey” shall be submitted to and approved in writing by the Local Planning Authority in relation to those residential dwellings facing Victoria Road, the spine road, to the west of the spine road and the three towers. The details shall assess the impact of environmental noise on the prospective residents of the new dwellings and provide details of mitigation measures to attenuate external noise levels to the affected dwellings. The development shall be implemented in accordance with the approved details and findings prior to the occupation of the residential units included within that phase.

REASON:

To protect the amenities of residents and to accord with the Environmental Statement

87. APPROVAL CONDITION – PD Restriction (Residential)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, (Classes as listed below) shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

- Class A (enlargement of a dwelling house);
- Class B (roof alteration);
- Class C (other alteration to the roof);
- Class D (porch);
- Class E (curtilage structures), including a garage, shed and greenhouse;
- Class F (hard surface area);
- Class G (heating fuel store); and
- Class H (satellite antenna or dish).

REASON:

In order that the Local Planning Authority may exercise further control in this locality given the small private garden and amenity areas provided as part of this development in the interests of the comprehensive development and visual amenities of the area in line with Local Plan Policy SDP1

88. APPROVAL CONDITION – Use of Garages – Domestic Ancillary Use

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 the garage hereby approved shall be made available and used at all times for the parking of domestic vehicles related to the residential use of the dwelling house and associated ancillary storage relating and incidental to the enjoyment of the occupation of the dwelling house. At no time shall the garage be used for the parking of commercial vehicles or used for any trade, business, manufacturing or industrial purposes whatsoever and shall not be incorporated into the house as part of the domestic living accommodation.

REASON:

To ensure that sufficient off-street car parking is available in the interests of highway safety and to protect residential amenity.

89. APPROVAL CONDITION – Telecommunications PD Restriction

Notwithstanding the provisions of Schedule 2 Part 25 the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending, revoking or re-enacting that Order, no telecommunication equipment shall be erected or carried out to any building hereby permitted without the prior written approval of the Local Planning Authority.

REASON:

In the interests of visual amenity.

90. APPROVAL CONDITION – Library Retention

The premises identified for a library in Blocks K2 and K4 shall be used for a library and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without the prior written approval of the Local Planning Authority.

REASON:

To allow the Local Planning Authority to retain control over the intended use in the interests of local amenity and the wider community offer.

91. APPROVAL CONDITION – Day Nursery Retention

The premises identified for a day nursery in Block J3 shall be used for a day nursery and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without the prior written approval of the Local Planning Authority.

REASON:

To allow the Local Planning Authority to retain control over the intended use in the interests of local amenity and the wider community offer for Woolston.

92. APPROVAL CONDITION – Marine Employment Retention

The premises identified for marine employment activities in Blocks L, P1, P2, P3, N1 and N2 shall be used for such activities and for no other purpose (including any other purpose in Class B1, B2 and/or B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without the prior written approval of the Local Planning Authority.

REASON:

To allow the Local Planning Authority to retain control over the intended use in the interests of local amenity and the wider employment offer for Woolston.

93. APPROVAL CONDITION – Restricted Change to A2 Use

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending, revoking or re-enacting that Order, the A3 (restaurant) uses hereby approved shall not convert to an A2 (financial and professional services) use without the prior written approval of the Local Planning Authority.

REASON:

To ensure the retail focus of Woolston District Centre is not diluted by retail use within the site.

94. APPROVAL CONDITION – Mezzanine Levels

Other than those hereby approved there shall be no further mezzanine levels added to create additional floorspace without the prior written approval of the Local Planning Authority.

REASON:

As the Local Planning Authority have assessed a specific floorspace and to enable the LPA to retain control over the development as a whole.

95. APPROVAL CONDITION – Courtyard Gates

Prior to the first occupation of Blocks B1, C1, D1 and/or E1 as hereby approved details shall be submitted for the means of enclosure into the proposed courtyards. The details shall include the design, materials and management. The agreed details shall be implemented prior to the first occupation of the blocks to which they relate and shall be retained and managed as agreed during the lifetime of the development.

REASON:

In the interests of reducing crime and disorder and to prevent non-residents loitering within the proposed courtyard areas in accordance with the comments received from Hampshire Constabulary.

Reason for Granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out in the Planning & Rights of Way Panel Report (and repeated below). The Council has also taken into account:

- the findings of the Environmental Statement and other background documents submitted with the application, in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999;
- An appropriate assessment in accordance with the Conservation (Natural Habitats etc) Regulations 1994;
- The Woolston Riverside Planning Brief and Illustrative Master plan 2004; and,
- The extant planning permission for this site (05/00816/OUT refers)

The development will mark a significant change in the relationship of the site to Woolston and offers far reaching regeneration benefits. These benefits, in terms of physical and community renewal, tangible job creation, new homes (including an increase in traditional family housing when compared with the extant SEEDA planning permission), community facilities and the creation of a distinctive place with improved access to the river have been weighed against the concerns raised by residents about traffic, parking, dense high-rise urban development in close proximity to existing dwellings, and its subsequent integration into Woolston.

It has also been taken into account that although a single and major employer has been lost from the site, the development brings an opportunity to remove the contamination, pollution, and disturbance generated by the former shipyard.

The proposed development makes efficient use of this previously developed site and would result in the regeneration of urban land, improving security in the area through an increase in occupation and passive surveillance, whilst opening up the riverside environment to the public. The assessments of the impact of the development have been wide ranging and carried out to a comprehensive level of detail. The statutory regulations covering environmental impact assessment and the protection of important natural habitats have been satisfied. Other material considerations do not

have sufficient weight to justify refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. Planning permission should therefore be granted

Policies of the City of Southampton Local Plan.

SDP1-SDP17; SDP20-22; NE1-5; HE6; CLT1; CLT2; CLT5; CLT6; CLT6; CLT7; CLT11; L4; H1-3; H7-12; REI1; REI5; REI7; REI15; HC3; T1; MSA18 and IMP1.

Note to Applicant

S.106 Agreement Informative

An Agreement under S106 of the town & Country Planning Act 1990 has been completed in respect of the development hereby approved.

Lighting Informative

The development is close to the aerodrome and the approach to the runway. The applicant's attention is drawn to the need to carefully design lighting proposals. This is further explained in Advice Note 2 'Lighting near Aerodromes' available at www.caa.co.uk/srg/aerodrome

Cranes Informative

Given the nature of the proposed development it is possible that a crane may be required during its construction. The applicant's attention is therefore drawn to the requirement within British Standard Code of Practice for the safe use of cranes, and for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4 'Cranes and other construction issues' available at www.caa.co.uk/srg/aerodrome

Water Resources Act Informative

Under the terms of the Water Resources Act 1991 the prior written agreement is required for discharging dewatering water from any excavation or development to any controlled waters. The applicant is advised to contact the Hants and IOW Area office Environment Management (Itchen Team) to discuss this matter further. Controlled waters include rivers, streams, underground waters, reservoirs, estuaries and coastal waters.

Water Resources Act Informative

Under the terms of the Water Resources Act 1991 the prior written agreement is required for discharging dewatering water from any excavation or development to any controlled waters. The applicant is advised to contact the Hants and IOW Area office Environment Management (Itchen Team) to discuss this matter further. Controlled waters include rivers, streams, underground waters, reservoirs, estuaries and coastal waters.

Approved Plans – Variation - Informative

The applicant is advised that all works to which this permission relates must be carried out strictly in accordance with the plans, drawings and other relevant supporting material submitted as part of this application and hereby approved. The local planning authority must be immediately advised of any proposed variation from the approved documents and the prior approval in writing of the Council must be obtained before any such works are carried out on the site. Failure to comply with this advice may render those responsible liable to enforcement proceedings which may involve alterations and/or demolition of any unauthorised building or structures and may also lead to prosecution.

Pre-commencement/occupation Planning Conditions - Informative

Your attention is drawn to the pre-commencement conditions above which require the terms of the conditions to be satisfied before development commences. If development commences in contravention of that these conditions, the development taking place will be made unauthorised in planning terms. This may result in the Council taking enforcement action against the unauthorised development. If you are in any doubt please contact the Council.

Further Advice Informative

The applicant is reminded that further advice regarding the redevelopment of this site has been given by Natural England (in their response dated 9th June 2008) and the Environment Agency (in their response dated 30th May 2008).

Signage & Other Material Alterations Informative

The applicant is reminded that the provision of signage to support the non-residential uses hereby approved may require the express consent of the Local Planning Authority.

Planning permission should also be obtained before the installation of any external vents, air conditioning units, roller shutters and external ATM cash machines. Further advice is available from Southampton City Council.

David Rothery
Development Control Manager

Date: 31st December 2009

If you have any further enquiries please contact:
Stephen Harrison

PLANNING AND RIGHTS OF WAY PANEL

MINUTES OF THE MEETING HELD ON 18 AUGUST 2008

Present:

Councillors Dean (Chair), Holmes (Vice-Chair), Mrs Blatchford, Cunio, Fitzhenry and Walker

Apologies:

Councillor Davis

15. 08/00389/OUT – FORMER VOSPER THORNEYCROFT SHIPYARD, VICTORIA ROAD, WOOLSTON

The Panel considered the report of the Development Control Manager seeking determination of Planning application 08/00389/OUT (Former Vosper Thorneycroft Shipyard, Victoria Road, Woolston) for the redevelopment of the site to provide a mixed development (Copy of report circulated with the agenda and attached to the signed minutes).

Mr Cusdin (SEEDA), Mr Patel (Architect), Ms Debbie Aplin (Developer), Ms Christine Soloman-Olsen (Southampton and Fareham Chamber of Commerce), Mr A Middleton (Woolston Community Association), Ms Jane Foster (Woolston Community Association), Mr Donnaruhma (Woolston Community Association), Mr Ratcliffe (Local Resident), Mr Johnson (Local Resident) Mr Caves (Local Resident), Mr Whitingsteel (Local Resident), Mr Cook (Local Resident), Mr Batholomew (Local Resident), Mrs Lyons (Local Resident) Mrs Spark (Southampton Resident), Councillor Smith and Councillor Payne were present and, with the consent of the Chair, addressed the meeting.

AN AMENDMENT TO THE OFFICER RECOMMENDATION was proposed by Councillor Walker and seconded by Councillor Holmes “that the applicant’s submit further justification and feasibility for additional residential car parking in line with amendment to Condition 56 (below) concerning car parking levels”

RECORDED VOTE:

FOR: Councillors Cunio, Dean, Fitzhenry, Holmes and Walker

AGAINST Councillor Mrs Blatchford

UPON BEING PUT TO THE VOTE THE OFFICER’S RECOMMENDATION AS AMENDED ABOVE TO DELEGATE AUTHORITY TO THE DEVELOPMENT CONTROL MANAGER TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 LEGAL AGREEMENT WAS CARRIED.

RECORDED VOTE:

FOR: Councillors Mrs Blatchford, Dean, Holmes and Walker

AGAINST: Councillors Cunio and Fitzhenry

RESOLVED:

- (i) that authority be delegated to the Development Control Manager to grant conditional planning approval subject to:-

- (a) Approval of the Appropriate Assessment under the provisions of the Conservation (Natural Habitats, etc) Regulations (1994) following consideration by Natural England;
- (b) no objections being raised by the Government Office for the South East (GOSE) following the referral of this application in accordance with Circular 15/93 Town and Country Planning (Shopping Development) Direction (1999); and,
- (c) no objections being raised by the Government Office for the South East (GOSE) following the referral of this application as a departure to the current Local Plan's maximum parking standards in accordance with Circular 07/99 Town and Country Planning (Development Plans & Consultation) (Departures) Directions (1999);
- (d) the conditions in the report and the amended and additional conditions below;
- (e) that the applicant's submit further justification and feasibility for additional residential car parking in line with the amendment to Condition 56 (below) concerning car parking levels;
- (f) the applicant entering into a Section 106 Legal Agreement to secure the following:-
 - 1 a scheme for the safeguarding of highways in the vicinity of the site and leading to and from the site from unacceptable construction and delivery transportation damage (including a highway condition survey and reinstatement strategy on a phase by phase basis);
 - 2 details of how any unexploded ordnance will be resolved, including any off-site works;
 - 3 a Green Travel Plan for both residential and commercial land uses to be secured prior to the implementation of development with ongoing review. The Green Travel Plan to include a "Car Club";
 - 4 testing on a phase by phase basis for the possible screening or disruption in signal of emergency service communications together with the implementation of suitable mitigation measures;
 - 5 the provision of a minimum 25% affordable housing units in accordance with Policy H9 of the City of Southampton Local Plan Review (March 2006) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
 - 6 targeted recruitment and training in relation to employment of local people related to the development (both during and after construction phases);
 - 7 the specification, tenure and implementation of the D1 community uses to include a new library, additional healthcare provision and a day nursery. The Council to be involved with the design of the space and the selection of the day nursery operator;
 - 8 A financial contribution towards a temporary 25 place day nursery to be used off-site until the on-site facility is available

- 9 A pier or jetty of an agreed specification to facilitate public access to marine displays, the berthing of historic vessels and to enable provision of a waterbus/water-taxi service;
- 10 a CCTV network linked to the city wide system to be implemented as part of the phased development;
- 11 Obligations relating to resource conservation measures and the implementation of a Combined Heat and Power (CHP) facility for the development to comply with Local Plan Policy SDP13;
- 12 The applicants submitting a revised "Design Code" prior to the commencement of development and the subsequent compliance with the Design Code, as may be subsequently amended, as part of the implementation of the Reserved Matters;
- 13 The submission, approval and implementation of public art that is consistent with the Council's Public Art 'Art People Places' Strategy and that involves a lead artist to develop this comprehensively for all phases of the development
- 14 A financial contribution and/or on-site provision with ongoing maintenance towards public open space required by the development in line with policies CLT5 and IMP1 of the City of Southampton Local Plan Review (March 2006) and the adopted SPG relating to Planning Obligations (August 2005 as amended
- 15 Either a financial contribution towards site specific transport contributions for highway and pedestrian facility improvements in the vicinity of the site or provision to implement an agreed series of works under S.278 of the Highways Act in line with policies SDP3, SDP4 and IMP1 of the City of Southampton Local Plan Review (March 2006) and the adopted SPG relating to Planning Obligations (August 2005 as amended). Scheme to include:
 - Improvements of the Portsmouth Road junction with Victoria Road;
 - The implementation of the Woodley Road one way system;
 - Traffic calming of Johns Road and Obelisk Road;
 - Additional Peartree Avenue traffic calming measures;
 - A "Puffin Crossing" at the Itchen Bridge;
 - Improvements to the Manor Farm Road/Portsmouth Road Roundabout;
 - The implementation of a Woolston District Centre Traffic Calming and Public Realm Improvement Scheme
- 16 Strategic transport contributions for highway network improvements in the wider area including a public transport contribution;
- 17 A post completion TV Reception Study on a phase by phase basis with mitigation works undertaken at the applicant's expense in accordance with the Environmental Statement;

- 18 An automatic air quality monitoring station at an agreed location to be operative during the whole construction period and for two-years following the final completion of the development;
 - 19 An off-site contribution towards improved facilities at the St. Mark's Institute for the benefit of the youth of Woolston;
 - 20 An automatic air quality monitoring station at an agreed location to be operative during the whole construction period and for two-years following the final completion of the development;
 - 21 The setting up and establishment of a management company for the long term maintenance of the River Edge including litter management;
 - 22 Retention of public access across and through the site and the creation of a series of "permitted routes" along delineated footpaths and adjacent to the riverside walkway. All "permitted routes" routes to be privately maintained;
 - 23 Contributions towards enhanced nature conservation at Shoreburs Greenway, Peartree Green and Weston Shore to reduce impact of development on loss of nesting/foraging habitats;
 - 24 Funding for any necessary Traffic Regulation Orders
 - 25 Construction Traffic Management Plan including off-site routes and times for deliveries;
 - 26 The implementation and ongoing provision of Controlled Parking Zones as required;
 - 27 Carry out a feasibility study regarding the retention in situ, or the retention on the site, or the relocation off site of the riverside crane and the wrought iron gates and supports to the site from Victoria Road.
- (ii) that the Solicitor to the Council be authorised to complete an agreement or agreements under Section 278 of the Highways Act (1980) in respect of works to the highway network; and
- (iii) that the Development Control Manager be authorised to refuse permission if the Section 106 Agreement is not completed within a reasonable time period following the date of this Panel meeting (not exceeding 6 months) on the grounds of failure to secure the provisions of the Section 106 Agreement.

AMENDED CONDITIONS

29. APPROVAL CONDITION – A3 Hours of Use Restriction

Any A3 restaurant uses hereby permitted shall not operate outside the following hours:

Monday to Thursday	11.00 to 23.30 (11.00am to 11.30pm)
Friday and Saturday	11.00 to 00.30 (11.00am to 00.30am)
Sundays and public holidays	12.00 to 23.00 (12.00pm to 11.00pm)

unless otherwise agreed in writing by the Local Planning Authority.

Any A3 cafe uses hereby permitted shall not operate outside the following hours:

Monday to Saturday	07:00 to 19:00 (07.00am to 07:00pm)
Sundays and public holidays	08.00 to 19.00 (08.00am to 07:00pm)

unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In order to control the use in the interests of amenity

40. APPROVAL CONDITION – Foodstore Concessions & Comparison

The A1 (foodstore) retailing floorspace hereby approved shall not provide more than 450sq.m of comparison goods, and the store itself shall exclude any concessions' units such as post office, pharmacy, dry cleaners, travel agents, film processing or hairdressers unless otherwise agreed in writing with the Local Planning Authority as part of any Reserved Matters application pursuant to this planning permission for that relevant phase.

REASON:

To ensure the retail focus of Woolston District Centre is not diluted by retail use within the site, and as a case has been made within the submitted Environmental Statement for the agreed levels of non-food based retail.

56. APPROVAL CONDITION – Residential Parking

The residential parking shall be provided on a phase by phase basis across the development at a ratio of 0.84 parking spaces per 1 bed dwelling, and 1 parking space shall be provided for each 2, 3 and 4 bed dwelling hereby approved. No more than 1 parking space shall be allocated to each dwelling unless otherwise agreed in writing with the Local Planning Authority.

REASON:

To ensure that the scheme provides a suitable level of parking for each phase to serve its needs and as a case has been made in this instance for a departure from the Council's current maximum parking standards.

92. APPROVAL CONDITION – Marine Employment Retention

The premises identified for marine employment activities in Blocks L, P1, P2, P3, N1 and N2 shall be used for such activities and for no other purpose (including any other purpose in Class B1, B2 and/or B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without the prior written approval of the Local Planning Authority.

REASON:

To allow the Local Planning Authority to retain control over the intended use in the interests of local amenity and the wider employment offer for Woolston.

ADDITIONAL CONDITIONS

95. APPROVAL CONDITION – Courtyard Gates

Prior to the commencement of Blocks B1, C1, D1 and/or E1 as hereby approved details shall be submitted for the means of enclosure into the proposed courtyards. The details shall include the design, materials and management. The agreed details shall be implemented prior to the first occupation of the blocks to which they relate and shall be retained and managed as agreed during the lifetime of the development.

REASON:

In the interests of reducing crime and disorder and to prevent non-residents loitering within the proposed courtyard areas in accordance with the comments received from Hampshire Constabulary.

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out in the Planning and Rights of Way Panel Report (and repeated below). The Council has also taken into account:

- the findings of the Environmental Statement and other background documents submitted with the application, in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999;
- An appropriate assessment in accordance with the Conservation (Natural Habitats etc) Regulations 1994;
- The Woolston Riverside Planning Brief and Illustrative Master plan 2004; and
- The extant planning permission for this site (05/00816/OUT refers)

The development will mark a significant change in the relationship of the site to Woolston and offers far reaching regeneration benefits. These benefits, in terms of physical and community renewal, tangible job creation, new homes (including an increase in traditional family housing when compared with the extant SEEDA planning permission), community facilities and the creation of a distinctive place with improved access to the river have been weighed against the concerns raised by residents about traffic, parking, dense high-rise urban development in close proximity to existing dwellings, and its subsequent integration into Woolston.

It has also be taken into account that although a single and major employer has been lost from the site, the development brings an opportunity to remove the contamination, pollution, and disturbance generated by the former shipyard.

The proposed development makes efficient use of this previously developed site and would result in the regeneration of urban land, improving security in the area through an increase in occupation and passive surveillance, whilst opening up the riverside environment to the public. The assessments of the impact of the development have been wide ranging and carried out to a comprehensive level of detail. The statutory regulations covering environmental impact assessment and the protection of important natural habitats have been satisfied. Other material

considerations do not have sufficient weight to justify refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. Planning permission should therefore be granted

Policies of the City of Southampton Local Plan.

SDP1-SDP17; SDP20-22; NE1-5; HE6; CLT1; CLT2; CLT5; CLT6; CLT6; CLT7; CLT11; L4; H1-3; H7-12; REI1; REI5; REI7; REI15; HC3; T1; MSA18 and IMP1

16. 16.1 08/00629/FUL Part of former Vosper Thorneycroft Shipyard, Victoria Road, Woolston

Redevelopment of the site to provide industrial buildings (Class B2) with ancillary office accommodation, storage, access and parking to serve a super yachts manufacturer (total floor space of 20,240 square metres) and associated works including new marine structures (Environmental Impact Assessment Development). (135 Parking Spaces)

Mr G Hall (Agent), Mr Caves (Local Resident), and Councillor Payne (Ward Councillor) were present and, with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO DELEGATE AUTHORITY TO THE DEVELOPMENT CONTROL MANAGER TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 LEGAL AGREEMENT WAS CARRIED UNANIMOUSLY.

RESOLVED:

- (i) that authority be delegated to the Development Control Manager to grant conditional planning approval subject to:-
 - (a) the conditions in the report and the amended and additional conditions below;
 - (b) the applicant entering into a Section 106 Legal Agreement to secure the following:
 - 1 a highway condition survey;
 - 2 a Green Travel Plan;
 - 3 targeted recruitment and training;
 - 4 the submission, approval and implementation of public art;
 - 5 site specific transport contributions;
 - 6 strategic transport contributions for highway network improvements;
 - 7 a post completion TV Reception Study;
 - 8 funding for any necessary Traffic Regulation Orders; and,
 - 9 construction Traffic Management Plan
- (ii) that the Solicitor to the Council be authorised to complete an agreement or agreements under Section 278 of the Highways Act (1980) in respect of works to the highway network; and

- (iii) that the Development Control Manager be authorised to refuse permission if the Section 106 Agreement is not completed within a reasonable time period following the date of this Panel meeting (not exceeding 6 months) on the grounds of failure to secure the provisions of the Section 106 Agreement.

AMENDED CONDITION

40. APPROVAL CONDITION – Archaeological work programme

The developer will secure the completion of a programme of archaeological work within an agreed timescale in accordance with the written scheme of investigation which has been agreed by the Local Planning Authority in relation to Condition 39 above.

REASON:

To ensure that the archaeological investigation is completed.

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out in the Planning & Rights of Way Panel Report (and repeated below). The Council has also taken into account:

- the findings of the Environmental Statement and other background documents submitted with the application, in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999;
- The Woolston Riverside Planning Brief and Illustrative Master plan 2004; and
- The extant planning permission for this site (05/00816/OUT refers)

The development will mark a significant change in the relationship of the site to Woolston and offers far reaching regeneration benefits. These benefits, in terms of physical and community renewal, tangible job creation and the creation of a distinctive place have been weighed against the traffic generation, its subsequent integration into Woolston and the objection to the scheme by the Environment Agency.

The proposed development makes efficient use of this previously developed site and would result in the regeneration of urban land, improving security in the area through an increase in occupation and passive surveillance. The assessments of the impact of the development have been wide ranging and carried out to a comprehensive level of detail. The statutory regulations covering environmental impact assessment and the protection of important natural habitats have been satisfied. Other material considerations do not have sufficient weight to justify refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. Planning permission should therefore be granted

Policies of the City of Southampton Local Plan.

SDP1-SDP17; SDP20-22; NE1-5; HE6; CLT1; CLT2; CLT5; CLT6; CLT6; CLT7; CLT11; L4; HC3; T1; MSA18 and IMP1.

Application 11/01923/REM

Relevant Development Plan Policy

The application needs to be assessed in the light of the following local planning policies:

The site is allocated within the City of Southampton Local Plan Review - Adopted Version March 2006. Policy MSA18 relates to the mixed use development potential for the former shipyard. The plan also contains general policies applicable to this development

City of Southampton Local Plan Review - Adopted Version March 2006

Major Sites and Areas

MSA 18 Woolston Riverside, Victoria Road
MSA 15 Woolston Library

Sustainable Development Principles

SDP1 Quality of Development
SDP4 Development Access
SDP5 Parking
SDP6 Urban Design Principles
SDP7 Context
SDP8 Urban Form and Public Space
SDP9 Scale, Massing and Appearance
SDP10 Safety and Security
SDP11 Accessibility and Movement
SDP12 Landscape and Biodiversity
SDP13 Resource Conservation
SDP14 Renewable Energy
SDP15 Air Quality
SDP16 Noise
SDP17 Lighting
SDP22 Contaminated Land
NE4 Protected Species
NE5 Inter-tidal Mudflat Habitats
HE6 Archaeological Remains
L4 Nursery Provision
CLT1 Location of Development
CLT5 Open Space in New Residential Developments
CLT6 Provision of Children's Play Areas
CLT7 Provision of New Public Open Space
CLT11 Waterside Development
H1 Housing Supply
H2 Previously Developed Land
H3 Special Housing Need
H7 The Residential Environment
REI5 District Centres
REI7 Food and Drink Uses
REI15 Office Development Areas

Core Strategy - (January 2010)

CS3	Promoting Successful Places
CS4	Housing Delivery
CS6	Housing Density
CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS10	A Healthy City
CS12	Accessible and Attractive Waterfront
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk
CS24	Access to Jobs
CS25	The Delivery of Infrastructure and Developer Contributions

Supplementary Planning Guidance

Residential Design Guide (2006)
 Planning Obligations (August 2005 and amended November 2006)
 Woolston Riverside Planning Brief and Illustrative Master-plan (2004)
 Car Parking SPD (2011)

Other Relevant Guidance

Central Government Guidance and Advice

PPS1	Delivering Sustainable Development (2005)
PPS3	Housing (2011)
PPS4	Planning for Sustainable Economic Development (2009)
PPS5	Planning for the Historic Environment (2010)
PPS9	Biodiversity & Geological Conservation (2005)
PPG13	Transport (2011)
PPS22	Renewable Energy (2004)
PPS23	Planning and Pollution Control (2004)
PPG24	Planning and Noise (September 1994)
PPS25	Development and Flood Risk (2010)

In summary:

Planning Policy Statement PPS3 - Housing (2011)

The need to make the best use of previously developed sites, whilst respecting a site's existing context, is still clearly relevant in the determination of this planning application. The PPS also re-emphasises the need for the planning system to create sustainable, inclusive, mixed communities with an improved choice of accommodation. National guidance is still supportive of mixed-use development in appropriate locations.

Planning Policy Guidance PPG13 - Transport (2011)

The Government is committed to reducing the need to travel by the private car as part of an integrated transport policy. Land use planning has a key role to play in delivering this strategy. PPG13 explains that by *“influencing the location, scale, density, design and mix of land uses, planning can help to reduce the need to travel”*. One element of this approach is the implementation of maximum car parking standards, as set out at Policy SDP5 and Appendix 1 of the adopted City of Southampton Local Plan Review (2006) as supported by the recently approved ‘Car Parking SPD (2011).

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Application 11/01923/REM Relevant Planning History

05/00816/OUT – Approved 10.03.2008

Redevelopment of the 12.63 ha site for a mix of uses comprising: 1510 residential units, including 378 units for affordable housing (Class C3); marine employment comprising offices and industrial uses of 39,246 sq.m. (Class B1/B2); retail use of 1,617 sq.m. (Class A1); financial and professional services offices of 100 sq.m. (Class A2); food and drink use of 1,895 sq.m. (Class A3) drinking establishments of 450 sq.m. (Class A4); Leisure/health and fitness use of 1,770 sq.m. (Class D2); community/health centre and library (Class D1); 1,637 vehicle parking spaces; new means of access; servicing and highway works including new road layout, junction improvements, estate roads and landscaping; public open space including a river walk; odour treatment works; combined heat and power (CHP) facilities; creation of new pontoons/quays (Outline application seeking approval for siting of buildings, means of access and consideration of maximum height of buildings), and the re-profiling of the river wall with associated flood defences and site remediation works (Full Application) - description amended to reflect 25% affordable housing.

08/00389/OUT – Approved 31.12.2009

Redevelopment of the site to provide a mixed use development comprising: 1,620 dwellings (including 405 affordable homes); retail (Class A1 - 5,525 square metres, including a food store); restaurants and cafes (Class A3 - 1,543 square metres); offices (Class B1 - 4,527 square metres); yacht manufacture (Class B2 - 21,237 square metres); Business, industrial, storage and distribution uses (Class B1/B2/B8 - 2,617 square metres); 100 bedroom hotel (Class C1- 4,633 square metres); 28 live/work units (2,408 square metres); community uses (Class D1- 2,230 square metres); two energy centres (1,080 square metres); with associated parking (including the laying out of temporary car parking); new public spaces; river edge and quays; new means of access and associated highway/ environmental improvements. (Environmental Impact Assessment Development- 'Hybrid' planning application: outline in part, full details of phase 1 and river edge submitted). *Description amended following submission following the removal of 33 residential units from the scheme and the introduction of a temporary car park.*

08/00629/FUL – Awaiting S.106 Completion before Permission can be issued

Redevelopment of the site to provide industrial buildings (Class B2) with ancillary office accommodation, storage, access and parking to serve a super yachts manufacturer (total floor space of 16,326 square metres) and associated works including new marine structures (Environmental Impact Assessment Development) - Description amended following revised submission for less floor space.

None of the previous planning history relating to the operation of the former shipyard are relevant to the current proposal.

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Agenda Item 12

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 13 March 2012
Planning Application Report of the Planning and Development Manager

Application address: Thorners Court, Henstead Road			
Proposed development: Redevelopment of the site. Demolition of part of Thorners Court and erection of a three-storey building to provide 34 sheltered housing flats for the elderly (24 x one-bedroom and 10 x two-bedroom) with communal facilities, access, car parking and landscaping.			
Application number	11/01216/FUL	Application type	FUL
Case officer	Richard Plume	Public speaking time	15 minutes
Last date for determination:	28.10.2011	Ward	Bargate
Reason for Panel Referral:	Major application subject to objection	Ward Councillors	Cllr Bogle Cllr Noon Cllr Willacy

Applicant: Churchill Retirement Living	Agent: Planning Issues Ltd
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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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Reason for granting 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, including design, the scale and form of the proposal, the traffic and parking considerations and the impact on the setting of the adjoining listed building and these have been found to be acceptable 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 be granted.

Policies - SDP1, SDP 4, SDP 5, SDP 6, SDP7, SDP 8, SDP9, SDP 10, SDP 11, SDP 13, CLT 5, H1, H2 and H7 of the City of Southampton Local Plan Review (March 2006) and Policies CS4, CS5, CS13, CS14, CS15, CS16, CS19, CS20 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies	2	Planning History

Recommendation in Full

Conditionally approve

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 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. A financial contribution towards strategic transport projects for improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D.
- iii. Financial contributions towards the open space improvements required by the development in line with Policies CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended).
- iv. Provision of affordable housing in accordance with Core Strategy Policy CS15.
- v. Submission and implementation of a Training and Employment Management Plan committing to adopting local labour and employment initiatives in line with Core Strategy Policies CS24 and CS25.
- vi. 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.

In the event that the legal agreement is not completed by the end of May 2012 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.

2. That the Planning and Development Manager be given delegated powers to vary relevant parts of the Section 106 agreement and to vary or add conditions as necessary.

1. The site and its context

- 1.1 The application site has an area of 0.2 hectares and comprises land on the northern corner of Henstead Road and Devonshire Road. The site is occupied by a two-storey yellow brick, flat-roofed building comprising 24 one-bedroom sheltered flats, which are currently vacant. The footprint of the existing building forms a 'U' – shape following the street frontages and returning east along a vehicle access to the north. The site is part of a wider complex of sheltered flats, all with vehicular access from Devonshire Road. The other flats forming part of Thorners Court are immediately to the east of the application site and are predominantly four storeys with the fourth storey set-back from the street frontage. There are mature trees on the site which are protected by a Tree Preservation Order.
- 1.2 The surrounding area is characterised by a mixture of architectural styles, building heights varying from two storeys up to four storeys and land uses including a mix of residential, place of worship and commercial uses to the east in Bedford Place. The application site adjoins, but is not within, the Carlton Crescent Conservation Area, the boundary of which is the northern site boundary with the properties in Canton Street being within the conservation area. The Central Baptist Church which is opposite the site to the west on the corner of Kenilworth Road and Devonshire Road is a Grade II listed building.

2. Proposal

- 2.1 A three storey block of 34 sheltered housing flats (24 x one bedroom and 10 x 2

bedroom) is proposed following demolition of the existing flats. The building will turn the corner from Henstead Road into Devonshire Road and have a varied footprint, roofline and materials treatment to break up the massing of the building, with projecting bay windows and balconies also giving detail to the elevation. The external materials proposed are two types of brickwork and a slate roof. The building is arranged so that all flats will be single aspect, positioned either side of a central corridor, so that flats either look into the inner courtyard of landscaped garden/parking, or else look onto the street. The building includes communal facilities of residents lounge, guest suite (for visitors to come and stay over), managers office, laundry and electric buggy store which would be at the rear of the building.

2.2 The existing vehicular access to the site from Devonshire Road will be retained and a total of 14 car parking spaces provided to the rear of the building and alongside the access road. A single-storey storage building to accommodate electric buggies is proposed in the rear car parking area. All the existing trees on the site will be retained. The two existing trees on the Devonshire Road frontage will need to be pruned but these trees are not subject of the TPO. The density of the development would be approximately 150 dwellings per hectare.

2.3 The application has been amended since it was originally submitted. The changes relate to the design of the building and the car parking layout.

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 the City Council’s adopted and emerging policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.

4. Relevant Planning History

4.1 Planning permission was granted in 1971 for the erection of the current building and other parts of Thorners Court to provide 73 flats.

4.2 In 2008, planning permission was refused for redevelopment of the site to provide 34 sheltered housing flats in a three-storey building. The full reasons for refusal of that application are included in Appendix 2 to this report.

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 (25.08.2011) and erecting a site notice (18.08.2011). At the time of writing the report **3** representations have been received from surrounding residents. The comments raised can be summarised as follows:

- This is not an appropriate environment for older people because of the nature of the surroundings where people suffer night time noise and anti-social behaviour leading to sleep deprivation.
- The front boundary treatment should be designed to limit the potential for

congregating by late night revellers.

- There is a need for improved traffic management arrangements in the area, this is a busy junction and the amount of traffic is not conducive to a safe pedestrian environment.

Response: These issues are addressed later in this report.

- 5.2 Neighbours have been reconsulted on the amended scheme and any further responses will be reported to the meeting.
- 5.3 **SCC Highways** - No objections, the vehicular access is as existing and the car parking provision is appropriate for a sheltered housing scheme in this location.
- 5.4 **SCC Housing** – As the scheme comprises a net increase of 10 dwellings (34 proposed -24 existing), the affordable housing requirement is 20% (CS15- sites of 5-14 units = 20%). The affordable housing requirement is therefore 2 dwellings. Policy CS 15 of the adopted Core Strategy sets a hierarchy for the provision of affordable housing as:
1. On-site as part of the development and dispersed amongst the private element of the scheme.
 2. On an alternative site, where provision would result in more enhanced affordable units, through effective use of available resources, or meeting a more identified housing need such as better social mix and wider choice
 3. Commuted financial payment to be utilised in providing affordable housing on an alternative site

In this case the decision is to accept an off-site financial contribution

- 5.5 **SCC Sustainability Team** – Pleased to see that the BREEAM pre-assessment estimator indicates that the development is designed to achieve Very Good. The statement states that the Air Source Heat Pumps will achieve 25% CO2 savings. The ASHPs are located away from the buildings (presumably to prevent any noise nuisance to the residents), however this may cause some energy losses and should be considered in the calculations.
- 5.6 **SCC Architect's Panel** – (Comments on the application as originally submitted): The design represents a missed opportunity for what is an important site and does not respond to the context identified in the Design and Access Statement. The proposal lacks character in terms of detail with no rhythm to the elevations and it fails to respond to the street corner.
- 5.7 **SCC Trees Team** – Trees on this site are protected by The Southampton (Thorners Court) TPO 2008. The proposed development does not affect any of these protected trees and providing the tree protections details in the Barrell Tree Consultancy Method Statement ref:8078-AIA-PB dated 28 June 2011 form part of any conditions I would raise no objections to this application.
- 5.8 **SCC Environmental Health (Contaminated Land):** Annex 2 of PPS23 considers the proposed land use as being sensitive to the affects of land contamination. Therefore, to ensure compliance with Annex 2 of PPS23 and Policies SDP1 and SDP22 of the City of Southampton Local Plan Review (adopted version, March 2006) this department would recommend that the site be assessed for land

contamination risks or assume that land contamination exists and take a precautionary approach. To facilitate this, if planning permission is granted, conditions should be attached.

- 5.9 **SCC Ecology** – The building has a low probability of supporting bat roosts. The grounds consist of intensively managed amenity grassland plus a few shrubs and trees. These features are of low biodiversity value and the proposed redevelopment is unlikely to have any adverse impacts, consequently there is no objection to the application. The new flats include a communal garden which provides scope for increasing the biodiversity value of the site. I would therefore like to see the landscape plan incorporate species of value to biodiversity. These species can be either locally native or ornamental.
- 5.10 **SCC Planning Policy** – The principle of re-developing this brownfield site is supported by Policy H2 of the Local Plan Review and Policy CS 5 of the Core Strategy which notes that the majority of development should be on previously developed land. Family Housing - the requirements of Policy CS16 does not apply to this development as it is a specialist housing scheme entirely comprised of accommodation for senior citizens.
- 5.11 **Hampshire Constabulary** – The Design and Access statement states that the development would be constructed in accordance with Secured by Design guidance. For the reasons outlined below this development is unlikely to gain accreditation. The buggy store is too remote from the main property and it's location leaves it vulnerable to break-ins. Such storage should be located either within the building or at the very least within the main courtyard area where surveillance will be far greater. The location of this site is within a heavily populated student area and has a high burglary risk. The door entry system is not acceptable by SBD. Door entry systems for a development of this size should operate using a fully integrated audio visual system and not rely solely on a TV link. However, I do accept that given the nature of the accommodation a TV link would be of benefit so would recommend that this is installed as well as the fully integrated system. Whilst in part I agree with the statement in the Design and Access statement that a warden will provide additional security, this resource is limited to the hours of 9-5pm and therefore cannot be relied upon to effectively police the site at all times as a live-in warden could achieve. (Note: these comments were on the application as originally submitted - the buggy store has since been relocated and other matters can be covered by conditions).
- 5.12 **Southern Water** – Initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. However, there is currently inadequate capacity in the local network to provide surface water disposal to service the proposed development. The proposed development would increase flows to the public sewerage system and any existing properties and land may be subject to a greater risk of flooding as a result. The applicant should investigate alternative means for surface water disposal. Southern Water have no objections subject to the imposition of a condition and informative.
- 5.13 **City of Southampton Society** - No objections to the proposal

6. **Planning Consideration Key Issues**

- 6.1 The key issues for consideration in the determination of this planning application are:
- The principle of this development and the form and mix of dwellings proposed.
 - Design issues relating to the scale and form of the building, the amount of development proposed and the impact on the character of the area.
 - Transport and parking issues
 - Environmental matters including trees and sustainability considerations

6.2 Principle of Development

This site, and the remainder of Thorners Court which adjoins, has been used as sheltered housing for many years. There are no policy reasons to oppose a further sheltered housing development on this site. The local residents view on the appropriateness of the site for housing for elderly people given the high numbers of students living in the area and proximity to the night time hub of Bedford Place is recognised. However, as a private scheme this is considered to be a matter for the developer to consider rather than the Council.

- 6.3 A limited mix of flat types are proposed but Core Strategy Policy CS16, which seeks family sized homes on appropriate sites, does not apply to specialist housing schemes of this nature. There is, therefore, no policy objection to the mix of accommodation proposed. The Council's Housing Team do not seek on-site affordable housing units as there is considered to be an over-supply of such accommodation. Off-site provision or contributions in-lieu would normally be sought. In this case agreement has been reached for a financial contribution towards affordable housing to be provided off-site.

6.4 Design Issues

As originally submitted the design of the building was considered to be inappropriate as it lacked integrity with an assortment of different design features which did not relate well to the context. The amended design has been simplified and strengthened with projecting bay window features and set backs which help to break up long elevations to both Henstead Road and Devonshire Road. The adjoining houses in Devonshire Road are two-storey semi-detached properties. The proposed Devonshire Road frontage, although 3-storeys is set further back from the street than these adjoining houses and there is a 10 metre separation distance. In these circumstances, the scale, design and massing of the proposed building is considered to be satisfactory. The quality of the design will, to a large extent, depend on the external materials, details of which can be secured through a condition.

- 6.5 The existing building is set well back from the road frontages, 5 metre set back from Henstead Road and 10 metres in Devonshire Road. The proposed building would be brought forward to both road frontages most noticeably on the Devonshire Road frontage where the set back would be between 3 metres and 7 metres. The result would be a building which satisfactorily addresses both road frontages whilst providing a front garden treatment and a degree of defensible space which is considered necessary given the location and the nature of the residential accommodation. Henstead Road is a wide road and the vista at the end of the road is terminated by the listed Central Baptist Church. The siting and massing of the proposed building is such that the listed church would remain the dominant feature in the streetscene and consequently its setting would not be adversely affected.

- 6.6 In terms of the amenities of neighbours, the removal of the northern arm of the

existing building will improve the outlook for the neighbours adjoining to the north in Canton Street and there is sufficient separation between this building and the remaining block at Thorners Court for the amenities of these residents not to be adversely affected.

- 6.7 The level of amenity space falls well below the Council's standard for sheltered housing. The areas proposed amount to approximately 300 square metres compared to the standard of 30sq.m. per flat which would require a 1000 sq.m provision. However, the site is simply not large enough to accommodate this amount of amenity space as well as providing some off-street parking. Furthermore, for sheltered housing schemes it is generally accepted that facilities such as a communal lounge mitigate for a reduced garden provision and in this case several flats have private balcony areas.

6.8 Transport and Parking

The existing vehicular access onto Devonshire Road serves the whole of Thorners Court and this will be retained which is acceptable. The revised car parking standards allow for a maximum of 1 space per dwelling for sheltered housing schemes. It is generally accepted that the level of car parking demand for sheltered housing developments is considerably less than for a standard block of flats. This is an area of high public transport accessibility and it is likely that residents choosing this location will be attracted by the close proximity to the facilities of the City Centre. Local residents comments on vehicle speeds etc at this junction are understood but there are no highway safety concerns with this development.

6.9 Sustainability and Tree Issues

The applicant has stated that the development will achieve the BREEAM 'Very Good' standard and will incorporate Air Source Heat Pumps to achieve a reduction in carbon emissions. These measures are welcomed and can be secured through conditions. The protected trees on this site are a Cherry and Swedish Whitebeam along the northern site boundary and a group of Birch Trees between the buildings on the Henstead Road frontage. These trees will be retained as will two existing trees on the Devonshire Road frontage which are not part of the TPO.

7. Summary

- 7.1 This is an expansion of sheltered housing on a site which has been used for this specialist form of residential development for many years. The scale and form of the building is considered acceptable for this previously developed site in a sustainable location adjoining the City Centre. As amended, the proposed layout and design is considered to be acceptable and the amenities of neighbours would not be significantly affected. Overall, it is considered that the previous reasons for refusal of permission have been satisfactorily addressed.

8. Conclusion

It is recommended that planning permission be granted subject to a Section 106 agreement and conditions listed in this report.

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), 6(c), 7(a), 7(e), 7(n), 9(a), 9(j), 10(a) and 10(b).

RP2 for 13/03/2012 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 - Samples details of building materials to be used [Pre-Commencement Condition]

No work for the construction of the buildings hereby permitted shall commence unless and until details and samples of the materials and finishes to be used for the external walls, windows, doors and roof of the building have been submitted to and approved in writing by the Local Planning Authority. 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 interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality.

03. APPROVAL CONDITION - Landscaping, lighting & means of enclosure detailed plan [Pre-Commencement Condition]

Notwithstanding the submitted details before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted, which includes:

- i. proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise);
- iv. details of any proposed boundary treatment, including retaining walls; and
- v. a landscape management scheme.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Reason:

To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990

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

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

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

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

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

Reason:

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

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

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

Reason:

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

06. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority.

Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority.

Any changes to the agreed remediation actions will require the express written consent of the Local Planning Authority.

Reason:

To ensure any land contamination not previously identified is assessed and remediated so as not to present any significant risks to human health or, the wider environment.

07. 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.

08. APPROVAL CONDITION - Wheel Cleaning Facilities [Pre-Use Condition]

During the period of the preparation of the site, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on the site and no lorry shall leave the site until its wheels are sufficiently clean to prevent mud being carried onto the highway.

Reason:

In the interests of highway safety.

09. APPROVAL CONDITION - Construction Method Statement (Pre-Commencement Condition)

The development hereby approved, including demolition of the existing building, shall not commence until a method statement and appropriate drawings of the means of

construction of the development has been submitted to and approved in writing by the Local Planning Authority. The method statement shall specify vehicular access arrangements, the areas to be used for contractor's vehicle parking and plant, storage of building materials and any excavated material, temporary buildings and all working areas required for the construction of the development hereby permitted. The building works shall proceed in accordance with the approved method statement unless otherwise agreed in writing by the Local Planning Authority.

REASON

To protect the amenities of neighbours and the wider environment

10. APPROVAL CONDITION - Layout of Car Parking/Serviceing (Pre-Occupation Condition)

The whole of the car parking, cycle storage and serviceing facilities shown on the approved plans shall be laid out and made available before the use of the building to which these facilities relate commences and thereafter retained solely for the use of the occupants and visitors to the site and for no other purpose.

REASON

To ensure adequate on-site parking and serviceing facilities and to avoid congestion in the adjoining highway.

11. APPROVAL CONDITION - Tree Retention and Safeguarding [Pre-Commencement Condition]

All trees to be retained pursuant to any other condition of this decision notice shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations. No operation in connection with the development hereby permitted shall commence on site until the tree protection as agreed by the Local Planning Authority has been erected. Details of the specification and position of all protective fencing shall be indicated on a site plan and agreed with the Local Planning Authority in writing before any site works commence. The fencing shall be maintained in the agreed position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority following which it shall be removed from the site.

Reason:

To ensure that trees to be retained will be adequately protected from damage throughout the construction period.

12. APPROVAL CONDITION - no storage under tree canopy [Performance Condition]

No storage of goods including building materials, machinery and soil, shall take place underneath the crown spread of the trees to be retained on the site. There will be no change in soil levels or routing of services through tree protection zones or within canopy spreads, whichever is greater. There will be no fires on site. There will be no discharge of chemical substances including petrol, diesel and cement mixings within the tree protection zones or within canopy spreads, whichever is greater.

Reason:

To preserve the said trees in the interests of the visual amenities and character of the locality.

13. APPROVAL CONDITION - Details of visitor cycle parking (Pre-Occupation Condition)

The development hereby approved shall not be first occupied until visitor cycle facilities have been provided in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

REASON

To ensure satisfactory provision of cycle facilities for visitors to the site.

14. APPROVAL CONDITION - Safety and Security measures (Pre-development condition)

No development shall commence until a scheme of safety and security measures, including CCTV equipment, has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall subsequently be implemented in accordance with the scheme before the development is first occupied unless otherwise approved in writing by the Local Planning Authority.

REASON

In the interests of safety and security and crime prevention.

15. APPROVAL CONDITION - BREEAM Standards (commercial development) [Pre-Occupation Condition]

Written documentary evidence demonstrating that the development has achieved at minimum a rating of Very Good against the BREEAM standard shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted, unless an otherwise agreed timeframe is agreed in writing by the LPA. The evidence shall take the form of a post construction certificate as issued by a qualified BREEAM certification body.

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).

16. APPROVAL CONDITION - Energy (Pre-Commencement Condition)

Written documentary evidence demonstrating that the development will at minimum achieve a reduction in CO2 emissions of 20% [as required in core strategy policy CS20] over part L of the Building Regulations shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted. Technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

REASON:

To reduce the impact of the development on climate change and finite energy resources and to comply with adopted policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

17. APPROVAL CONDITION - Refuse facilities (Pre-Occupation Condition)

The refuse storage facilities, which shall include recycling facilities, as shown on the approved drawings shall be provided before the use to which the facility relates has been provided. The storage areas shall be retained thereafter.

REASON

To ensure suitable refuse and recycling facilities are provided and in the interests of visual

amenity.

18. APPROVAL CONDITION - Foul and Surface Water Drainage (Pre-Commencement Condition)

No development shall commence until details of the proposed means of foul and surface water sewerage disposal has been submitted to, and approved by, the Local Planning Authority in consultation with Southern Water. The development shall be carried out in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason

In order that the Local Planning Authority may be satisfied that the development would not increase the risk of flooding in the area.

19. APPROVAL CONDITION - No Pile Driving for Foundations [Performance Condition]

No percussion or impact driven piling activities shall take place for pre-works, foundations, or as any part of the development.

Reason:

In the interests of securing the stability of the site and adjacent land in order to protect the amenities of occupiers of nearby properties.

20. APPROVAL CONDITION - No other windows or doors other than approved [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings including roof windows or dormer windows other than those expressly authorised by this permission shall be inserted in the eastern elevation above ground floor level of Units 12 and 25 hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To protect the privacy of occupiers of the adjoining premises.

21. APPROVAL CONDITION – Age restriction (Performance Condition)

Occupation of the development shall be limited to persons of over 60 years old or where there are two or more persons resident, then at least one person shall be over 60 and the remaining occupants shall be at least 55 years old.

REASON:

The Council has had regard to the special circumstances of this residential development in terms of car parking arrangements, amenity space and housing mix as set out in adopted policy CS16 of the Local Development Framework Core Strategy Development Plan Document (January 2010) and is prepared to grant permission on a restricted basis only.

22. 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.

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
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
SDP17	Lighting
HE1	New Development in Conservation Areas
HE3	Listed Buildings
CLT5	Open Space in New Residential Developments
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

Supplementary Planning Guidance

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

Other Relevant Guidance

PPS1 Delivering Sustainable Development (February 2005)
Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 (December 2007)
PPS3 Housing (2011)
PPG13 Transport (2011)

Relevant Planning History

Proposal: **Redevelopment of the site. Demolition of part of Thorners Court and erection of a 3 - storey building to provide 34 sheltered housing flats for the elderly with communal facilities, access, parking and landscaping.**

Site Address: **Thorners Court Henstead Road Southampton SO15 2GU**

Application No: **08/00544/FUL**

For the following reason(s):

01.Overdevelopment

The proposal, at a density of 150 dwellings per hectare, represents an overdevelopment of the site in that it has a relative but significant paucity of private and usable open space, which also erodes the quantum of such space available to part of Thorners Court to be retained, that was originally planned for provision under consent reference 5588/1418/93. The proposals are thereby contrary to Policies SDP1 (i - particularly the guidance of paragraph 2.3.14 and Section 4.4 of the Residential Design Guide [September 2006]) and H7 (i)/(ii)/(iii) of the City of Southampton Local Plan Review (March 2006).

02.Massing, layout and elevational treatment

Notwithstanding the single mass of the existing building and its bland appearance which fails to make a positive contribution to the character and appearance of the area, the new development and its layout does not make use of the opportunities available for improving the character and quality of an area. In particular, the following design flaws are cited:-

(i) The frontage to Devonshire Road does not take the opportunity to come forward toward the building line of 1-35 Devonshire Avenue, thus improving the quantum of private and usable amenity space at the rear of the building;

(ii) The 6 car parking spaces arranged off a spur from the existing vehicular access provides unnecessary separation between the new flats and the proposed landscaped garden, when these two elements could easily be swapped around;

(iii) The proposals appear to have little appreciation of the immediate locality and instead follow standard flat layouts rather than tailor the building footprint to reflect the proportions of projecting elements on nearby buildings: in particular, the gabled projections bear no relationship to the bayed projections of nearby dwellings and whilst the central spine corridor to the floor layouts is recognised as an operational necessity, the option of creating greater indentations to the building advocated during pre-application advice to help break up the mass of the roof form have not been followed;

(iv) The treatment of the corner to Devonshire Road and Henstead Road, whilst subordinate to the setting of the Grade II Listed church opposite, is too weak, with the gabled forms either side of it too small in relation to the larger gabled projections in each respective street elevation further adding to a lack of presence on this corner, when more

interesting elevational solutions had been proposed at the pre-application stage (as indicated at page 15 of the submitted Design and Access Statement);

(v) Replacement tree planting should provide a better landscaped setting for the development by the use of larger more prominent trees, rather than the smaller ornamental species chosen which have a more limited life expectancy; and,

(vi) Does not provide for convenient access for the buggies to Henstead Road and local shops and amenities beyond in Bedford Place.

As such, the proposals are considered to be contrary to Policies SDP1 (i)/(ii) - particularly the advice given in paragraphs 3.2.2-3.2.5, 3.3.1, 3.6.2, 3.6.10, 3.7.7-3.7.10, 3.9.1-3.9.6, 3.10.4-3.10.7 and 3.10.12-3.10.17 of the Residential Design Guide [September 2006]), SDP7 (ii)/(iii)/(iv), SDP9 (i)/(iv)/(v), SDP11 (ii), SDP12 and H7 (i)/(ii)/(iii)/(iv) of the City of Southampton Local Plan Review (March 2006).

03. Crime prevention

The buggy store is not covered or secure and no details have been submitted of external lighting. These shortfalls would be thereby likely to attract criminal opportunist activity, contrary to Policies SDP1 (i) - and the guidance of Part 10 to the Residential Design Guide [September 2006]) and SDP10 (ii)/(iv) of the City of Southampton Local Plan Review (March 2006).

04. Sustainable development

Notwithstanding the information provided at page 25 of the Design and Access Statement, the proposed development does not detail how the dwellings to be created would achieve at least Code for Sustainable Homes Level 3. As such, the proposals are considered to be contrary to Policy SDP13 (and the guidance of Part 7 of the Residential Design Guide [September 2006]) of the City of Southampton Local Plan Review (March 2006) and Policy SH14 (iv) of the Draft South East Plan (2006).

05. Fails to secure planning agreement

In the absence of a completed S.106 legal agreement to mitigate against the scheme's direct impacts the proposal fails to satisfy the provisions of Policy IMP1 of the City of Southampton Local Plan Review (March 2006) and the Council's Supplementary Planning Guidance on Planning Obligations (August 2005 - as amended) in the following areas:

a) measures to support sustainable modes of transport such as necessary improvements to public transport facilities and footways within the vicinity of the site;

b) measures to support strategic transport initiatives;

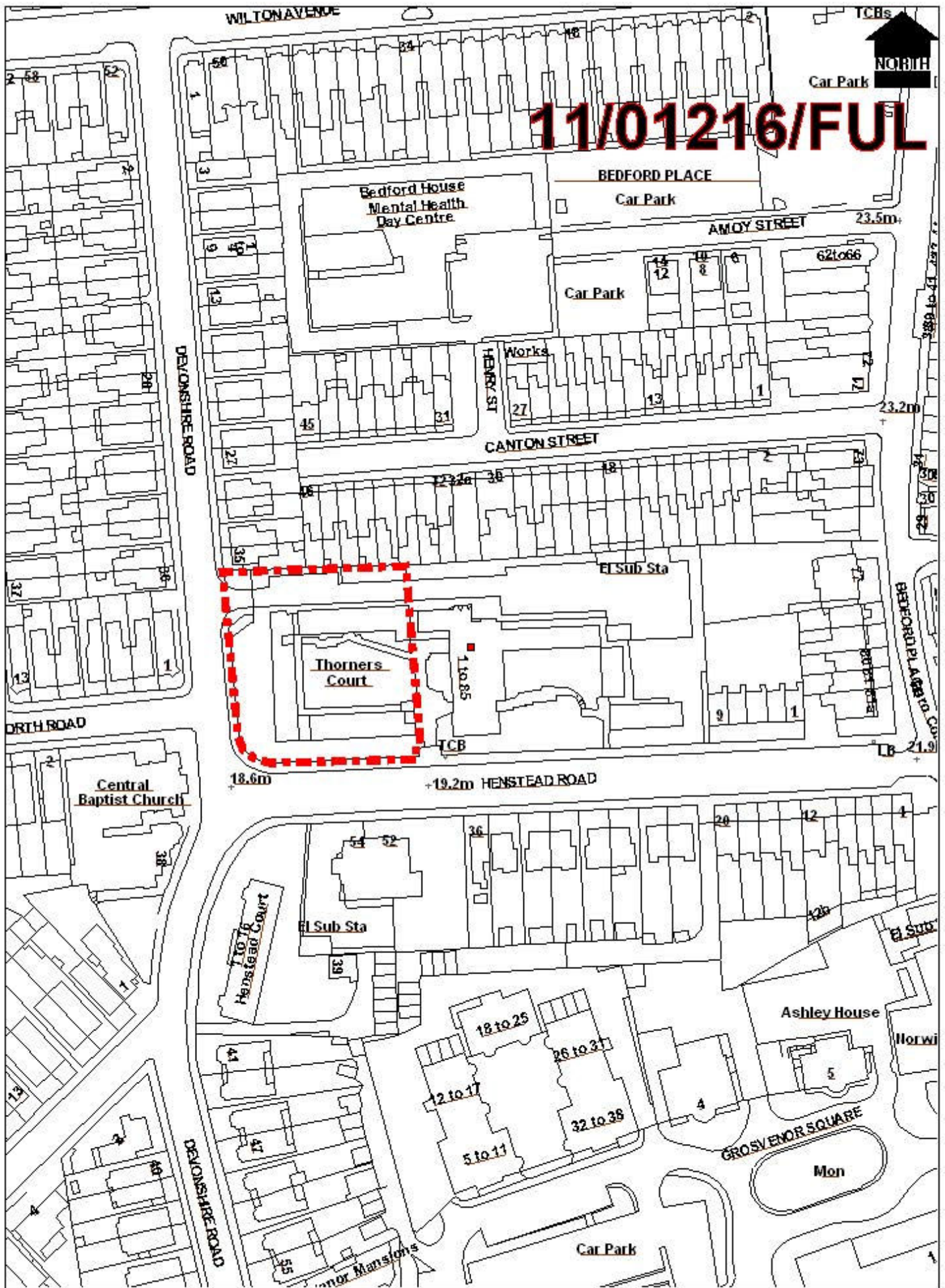
c) provision of affordable housing in accordance with policy H9 of the City of Southampton Local Plan Review (March 2006);

d) the provision of public open space to serve the needs of the development as required by Policy CLT5 of the City of Southampton Local Plan Review (March 2006);

e) a financial contribution towards sustainable travel vouchers;

f) restricting occupation of the flats to persons aged 60 years or over; and,

g) a highways condition survey/undertaking to make good any possible damage to the public highway in the course of construction.



11/01216/FUL

Scale : 1:1250

Date :28 February 2012

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