

# Planning and Rights of Way Panel

Tuesday, 21st August, 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 Mrs Blatchford (Chair)  
Councillor Claisse  
Councillor Cunio  
Councillor L Harris  
Councillor Lloyd  
Councillor Shields  
Councillor Smith

### **Contacts**

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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 2012/13**

<b>2012</b>	<b>2013</b>
<b>29 May 2012</b>	<b>15 January 2013</b>
<b>26 June</b>	<b>19 February</b>
<b>24 July</b>	<b>26 March</b>
<b>21 August</b>	<b>23 April</b>
<b>18 September</b>	
<b>16 October</b>	
<b>20 November</b>	
<b>11 December</b>	

## 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 3.

## **DISCLOSURE OF INTEREST**

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

### **DISCLOSABLE PERSONAL INTERESTS**

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

(i) Any employment, office, trade, profession or vocation carried on for profit or gain.

(ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

(iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

(iv) Any beneficial interest in land which is within the area of Southampton.

(v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

(vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.

(vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or

b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

## **Other Interests**

A Member must regard himself or herself as having a, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

## **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 PECUNIARY INTERESTS**

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary 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 Democratic Support Officer.

### **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 24 July 2012 and to deal with any matters arising, attached.

## **CONSIDERATION OF PLANNING APPLICATIONS**

### **ITEMS TO BE HEARD BETWEEN 9:30 AM TO 10:10 AM**

#### **5 9 POINTOUT CLOSE SO16 7LS 12/00705/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 10:10 AM TO 10:50 AM**

#### **6 LAND AT JUNCTION OF BROWNHILL WAY AND LOWER BROWNHILL ROAD 12/00596/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 10:50 AM TO 11:30 AM**

**7 SOUTHAMPTON MUNICIPAL GOLF COURSE, GOLF COURSE ROAD SO16 7LE  
12/00595/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 11:30 AM AND 12:15 PM**

**8 CARLTON HOUSE, CARLTON PLACE 12/00520/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 12:15 PM TO 12:45 PM**

**9 1-3 COATES ROAD SO19 0HN 12/00756/OUT**

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 12:45 PM AND 1:00 PM**

**10 LAND AT INKERMAN ROAD/JOHNS ROAD, WOOLSTON 12/00039/R30L**

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 1:30 PM TO 2:00 PM**

**11 LAND TO THE REAR 6 AND 7 CRANBURY TERRACE SO14 0LH12/00440/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 2:00 PM TO 2:30 PM**

**12 3 BASSETT GREEN DRIVE SO16 3QN 12/01000/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 2:30 PM TO 2:50 PM**

**13 84 ALFRISTON GARDENS SO19 8FU 12/00729/FUL**

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

**ITEMS TO BE HEARD BETWEEN 2:50 PM TO 3:10 PM**

**14 UNIT 4 VICEROY HOUSE, MOUNTBATTEN BUSINESS CENTRE, MILLBROOK ROAD EAST SO15 1HY 12/00519/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 3:10 PM TO 3:30 PM**

**15 MEDE HOUSE, SALISBURY STREET 12/00753/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 3:30 PM TO 3:50 PM**

**16 FLAT 3, 76 ANGLESEA ROAD 12/00945/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 3:50 PM TO 4:10 PM**

**17 HOLY FAMILY RC PRIMARY SCHOOL, MANSEL ROAD WEST 12/00861/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 4:10 PM TO 4:30 PM**

**18 UNITS C AND D ANTELOPE PARK, BURSLEDON ROAD SO19 8NE 12/00402/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 4:30 PM TO 5:00 PM**

**19 GROUND FLOOR FLAT, 49 HEATHERDENE ROAD SO17 1PA 12/00914/FUL**

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

Monday, 13 August 2012

HEAD OF LEGAL, HR AND DEMOCRATIC  
SERVICES



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SOUTHAMPTON CITY COUNCIL  
PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 24 JULY 2012

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Present: Councillors Mrs Blatchford (Chair), Claisse, L Harris, Lloyd, Smith and Barnes-Andrews (Items 29 to 32)

Apologies: Councillors Cunio and Shields

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

The Panel noted that apologies had been received from Councillor Cunio and that Councillor Barnes-Andrews was in attendance as a nominated substitute for Councillor Shields in accordance with Council Procedure Rule 4.3.

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

**RESOLVED** that the Minutes of the Meeting held on 26 June 2012 be approved and signed as a correct record, subject to an amendment to minute number 22, Banister School to reflect that Councillor Moulton spoke in support of the planning application.

31. **SOUTHAMPTON BIOMASS PLANT, WEST BAY ROAD /12/00749/PREAP1**

The Panel considered the report of the Planning and Development Manager recommending a formal response be submitted on the revised proposals for a biomass fuelled electricity generating station at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes)

Mr Brighton (Developer), Ms Grove (objecting) (local resident), Mr Galton, Ms Gil-Arranz and Dr King-Ly (objecting) (No Southampton Biomass), Councillor Moulton and Councillor Vinson (objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer recommended a revised recommendation (ii) to the Panel seeking agreement that the City Council reserves its position on the issue until it has reviewed the findings of the Health Impact Report. The presenting officer also reported that 4.25 should refer to "off-site" landscaping.

**RESOLVED** unanimously that:

- (i) The recommendations and findings of the report are noted and a HOLDING OBJECTION based on the submitted details and a lack of information is reported formally to Helius by 3<sup>rd</sup> August 2012 in response to their formal pre-application consultation with the City Council under Section 42 of the Planning Act 2008. A summary of the recommendations is attached at Appendix 3. The following recommendations were amended and the City Design Manager's response (Appendix 5) was amended, detailed as follows;

- (ii) it is recommended to Helius that any formal application to the National Infrastructure Directorate (NID) should be supported by a Health Impact Report (HIR) as required by Policy CS10 of the Council's adopted Core Strategy (2010). The City Council reserves its position on this issue until it has reviewed the findings of the HIR.
- (iii) Delegation be given to the Planning and Development Manager to comment following consultation with the Chair of the Panel on the adequacy of the consultation exercise when notified by NID. This requires a 14 day turnaround from receipt; and
- (iv) Despite the objections raised by the Council delegation is given to the Planning and Development Manager to work with the applicants to prepare a draft Development Consent Order ('planning conditions') and draft Development Consent Obligation ('S.106 legal agreement) for submission to the NID in due course. The obligation is to include as a minimum:
  - (a) Employment & Skills Training;
  - (b) Off-site landscaping
  - (c) Strategic and Site Specific Transport Contributions;
  - (d) Off-site heat user study;
  - (e) TV reception study (pre and post construction);
  - (f) Highway Condition Survey (pre & post construction); and
  - (g) Off-site air quality monitoring

#### Amended recommendations

##### Recommendation – Biomass Plant on Operational Port

No objection to the principle of a biomass development on operational port land providing at least 62.5% of the biomass material is delivered to the site by sea. Whilst no objection is raised to the principle of development an OBJECTION is raised to the proposed scale of operation as it exceeds both the Category 5 (50,000T) and Category 6 (90-600,000T) plant size specified in the submission Minerals and Waste Local Plan and supporting documentation. In addition, further justification is required with regard to the proposed size of the operation and the choice of locations within the Port where other less sensitive locations may be possible. Furthermore, it is considered that the promoter cannot claim to be totally committed to being a sustainable business if they are to use non-renewable sources to heat their on-site office space (as indicated at paragraph 3.12.20 of the technical submission) and do not commit to BREEAM or another measure for sustainable building. This should be revisited. It is also unclear how the other 'ancillary' operations will be powered.

##### Recommendation – Landscape & Visual Effect

The relocation of the Primary Development Area further away from the nearest residential neighbours with the clear improvements to the Foundry Lane viewpoint are noted. The proposed options are, however, not acceptable on the grounds of being of inappropriate scale, massing, height, poor architectural and landscape quality. It is the opinion of the City Council that they will have a negative visual impact on local amenity and the skyline of the city for the reasons given by the Council's City Design Manager in the response dated 3<sup>rd</sup> July 2012. An assessment of the plant at night, to show the proposed lighting, is also missing from the current submission. An objection will be submitted in the event that a formal application for these current proposals is lodged. It

is the Council's opinion that the need for the development does not outweigh the harm that would be caused by its implementation as currently proposed.

The response from the City Design Manager's response dated 3<sup>rd</sup> July 2012 will read as follows (Appendix 5):

"The three architectural solutions are presented as a 'dressing up exercise' and do not yet demonstrate architecture that is sensitive to place. This should not be necessary because the form and function of the engineering proposal should be driving the architectural solution. The site is in a gateway location situated alongside the busiest approach into the city and so the buildings/structures will become a landmark and should be symbolic of the Council's aspirations and approach to high quality design and its sustainability credentials. As with the Thames Barrier the interplay between the architect and the engineer should result in a memorable architectural form. There are examples where high quality architecture has produced visually interesting solutions such as the Marchwood Incinerator (designed by leading infrastructure architect Jean Robert Mazaud) which demonstrates how a simple approach to the structural form and colour treatment can successfully minimise the visual impact of a large structure. An imaginative approach to the design of chimney stacks has been taken near Heathrow, just off the M4, at the Lakeside Energy from Waste Incinerator; here three chimneys have been wrapped in an open stainless steel spiral structure that distracts from the utilitarian form of the chimneys. The choice of materials and colour is also important. A more neutral palette of colours that reduces the apparent size of the tall structures when set against a predominantly grey sky would be appropriate. This might be accented by colours characteristic of the port or maritime location and a feature lighting scheme could be used to dramatically light up the development at night, celebrating a memorable architectural form."

32. **LAND ADJOINING JOHN THORNYCROFT ROAD (PART OF FORMER VOSPER THORNYCROFT SITE), VICTORIA ROAD 12/00749/PREAP1**

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. (Copy of the report circulated with the agenda and appended to the signed minutes).

Full permission sought for Phase 3 of the Centenary Quay development with a mixed residential and employment use comprising 329 residential units (102 x one bedroom, 178 x two bedroom and 49 x three bedroom units), a food store (Class A1 - 5,500 square metres), commercial space (Classes A1/A2/A3/A4 or B1 - 1,685 sq. m) and a management suite (84 sq. m) in buildings ranging in height from four-storeys to twelve-storeys with associated basement car parking and cycle parking, landscaped public and private open spaces, servicing and other works including junction improvements and temporary access to the rivers edge. (Environmental Impact Assessment Development).

Ms Alpin (Applicant) and (Mr Hall) (Applicant) were present and with the consent of the Chair, addressed the meeting.

The presenting officer updated the Panel on the S106 agreement (xxii) that the public toilet from Phase 2 of the library no longer proposed to be deleted and that paragraph

6.10.1 should be amended with this change. The presenting officer also reported that the last sentence for the reason for granting permission should refer to Phase 3.

**RESOLVED** unanimously that authority be delegated to the planning and Development Manager to **grant** planning permission submitted to criteria listed in the report and subject to the following the amended S106 condition and amended planning conditions:

S106 agreement

(xvi) The setting up and establishment of a management company for a long term maintenance of the River Itchen edge:

#### Amended Conditions

##### 26 APPROVAL CONDITION – Refuse Management

Self closing rubbish bins shall be provided for the disposal of putrescible waste in accordance with details of a refuse and litter management plan for both public and private areas of the development that shall have been submitted and agreed prior to the first occupation of the development. 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 development.

##### REASON:

To avoid endangering the safe operation of aircraft through the attraction of birds and in the interests of hygiene

##### 50 APPROVAL CONDITION - BREEAM Standards (commercial development)

Written documentary evidence demonstrating that the development has achieved at minimum an overall rating of Very Good against the BREEAM standard, with Excellent level on the minimum standards (as indicator on the pre-assessment estimators dated 28/03/12) 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).

### 33. **6 DENBIGH GARDENS SO16 7PH 12/00684/FUL**

The Panel considered the 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. (Copy of the report circulated with the agenda and appended to the signed minutes).

Change of use from residential (Class C3) to a house in multiple occupation (HMO, Class C4).

Dr Wells and Mrs Wawman (objecting) (Local residents) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that three additional conditions be added:

- (i) Retention of existing front boundary treatment including replacement of hedge should it be removed;
- (ii) Removal of permitted development for Class A, B and E of Part 1 Schedule 2;
- (iii) Details of refuse storage.

**RESOLVED** that planning permission be **refused** for the following reasons.

RECORDED VOTE

FOR: Councillors Claisse, L Harris and Smith

AGAINST: Councillors Mrs Blatchford and Lloyd

Reason for Refusal – Unacceptable Intensification of Use

The intensification of the use of the property and activity associated with it would be out of character with the local area and detrimental to the amenities of nearby residents. The proposal would also result in the loss of a family dwelling for which there is a proven demand. The proposals are therefore contrary to saved policy H4 of the Southampton Local Plan Review 1996 and Policy CS16 of the Core Strategy 2010.

34. **5 BELLEVUE ROAD SO15 2YE /12/00471/FUL**

The Panel considered the 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. (Copy of the report circulated with the agenda and appended to the signed minutes).

Redevelopment of the site, demolition of the existing building and construction of a 4-storey hostel for homeless persons comprising 65 bedsits with associated works.

Ms Stanley (supporting) (Housing Department for Southampton City Council) and Mr Waterfield (Applicant) was present and with the consent of the Chair, addressed the meeting.

**RESOLVED** unanimously to **grant** planning permission subject to the conditions in the report.

35. **LAND BETWEEN WEST PARK ROAD AND COMMERCIAL ROAD 12/00675/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. (Copy of the report circulated with the agenda and appended to the signed minutes)

Redevelopment of the site. Erection of three new buildings ranging in height from 9 storeys to 16 storeys to provide student accommodation (197 cluster flats - 1,104 study bedrooms) above ground floor commercial uses (1,152 square metres floorspace) with associated parking and other facilities and vehicular access from West Park Road (Environmental Impact Assessment Development) - Description amended following validation.

Ms Sutton (Agent), Mr Monaghan (University of Southampton), Mrs Barter (objecting) (Local resident) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that paragraph 6.8.3 no longer proposed to have a new Unilink Service but instead to rely in increasing the frequency and route of an existing service (probably the U2). It was also reported that (xix) of the S106 legal agreement should refer to air quality improvements.

**RESOLVED** unanimously that authority be delegated to the planning and Development Manager to **grant** planning permission submitted to criteria listed in the report and subject to the following amendment to the S106 condition:

S106 Agreement

(xix) A contribution towards Air Quality Improvements within the Commercial Road Air Quality Management Area (AQMA).

36. **THORNHILL HOUSING OFFICE, TATWIN CRESCENT, SO19 6JT 12/00584/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. (Copy of the report circulated with the agenda and appended to the signed minutes).

Erection of 9 two-storey (4 x 3 bedroom, 5 x 2 bedroom) with associated access and parking.

The presenting officer reported that the description of the development should refer to 4 x 3 bedroom and 5 x 2 bedroom.

**RESOLVED** unanimously that authority be delegated to the planning and Development Manager to **grant** planning permission submitted to criteria listed in the report.

37. **36 ABBOTTS WAY SO17 1NS 12/00766/FUL**

The Panel considered the 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. (Copy of the report circulated with the agenda and appended to the signed minutes)

Erection of single storey side/rear extensions (Resubmission)

Mr Allen (Agent), Dr Buckle and Mr O'Conner (objecting) (Local residents), Councillor Norris and Councillor Vinson (Ward Councillors) were present and with the consent of the Chair, addressed the meeting.

**RESOLVED** to **grant** planning permission subject to the conditions in the report.

RECORDED VOTE

FOR: Councillor Mrs Blatchford and Councillor Lloyd  
AGAINST: Councillor Claisse and L Harris  
ABSTAINED: Councillor Smith

**NOTE:** This item was carried with the use of the Chair's second and casting vote.

38. **115-125 WILTON AVENUE 12/00682/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. (Copy of the report circulated with the agenda and appended to the signed minutes)

Redevelopment of the site. Erection of a part three-storey, part four-storey building to provide 30 self-contained student flats with associated refuse, parking and cycle stores (Outline application seeking approval for access, appearance, layout and scale).

Mr Wiles (Agent), Mrs Barter and Mrs Baker (objecting) (Local residents) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that planning condition 12 could be deleted and that Condition 15 should be amended as set out below:

Amended condition

15. APPROVAL CONDITION – Management of Student Accommodation and Car Parking [pre-commencement condition]

Prior to the first occupation of the residential part of the development hereby approved, a detailed Management Plan to deal with the day-to-day running of the residential units shall be submitted to and agreed in writing by the Local Planning Authority prior to the first occupation of the residential part of the development hereby approved. The Management Plan shall include details of how the car parking is to be controlled to ensure use by students only on changeover days. The agreed details shall apply during the lifetime of the development.

Reason:

In the interests of reducing issues of noise and anti-social behaviour and to promote sustainable forms of travel

**RESOLVED** unanimously that authority be delegated to the planning and Development Manager to **grant** planning permission submitted to criteria listed in the report and the amended condition detailed above.

39. **MENTAL HEALTH DAY CENTRE, BEDFORD HOUSE, AMOY STREET 12/00381/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. (Copy of the report circulated with the agenda and appended to the signed minutes)

Re-development of the site, demolition of the existing building and provision of 10 x 2 and 2.5 storey houses (8 x 3-beds, and 2 x 2-beds) with associated car parking and storage (outline application seeking approval for access, layout and scale)

Mr Lubbock, Mr Pothecary, Mr Lovelock, Mr Fleetwood, Ms Stephens (objecting) (Local residents) and Councillor Bogle (supporting) (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported the following additions to the S106 Agreement:

- (vii) Submission and implementation within a specified timescale of a Council approved Landscape Management Plan;
- (viii) A financial contribution towards public realm improvements within the City centre, as part of the North/South Spine Strategy, in accordance with Policies CS13 and CS25 of the Local Development Framework Core Strategy Development Plan Document – Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended)

**RESOLVED** unanimously to defer the decision on the planning application in order for further negotiations to take place in relation to the access arrangements.



# Agenda Annex

## INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 21 August 2012 - Conference Rooms 3 and 4, 1st Floor, Civic Centre

PLEASE NOTE: THE PANEL WILL BREAK FOR LUNCH AT OR AROUND 1.00pm

Main Agenda Item Number	Officer	Recommendation	Type	PSA	Application Number / Site Address
<b><u>BETWEEN 9.30 AM AND 10.10 AM</u></b>					
5	MP	CAP	Q20	5	12/00705/FUL/ 9 Pointout Close SO16 7LS
<b><u>BETWEEN 10.10 AM AND 10.50 AM</u></b>					
6	JT	DEL	Q07	15	12/00596/FUL/ Land At junction of Brownhill Way and Lower Brownhill Road
<b><u>BETWEEN 10.50 AM AND 11.30 AM</u></b>					
7	BS (JT)	CAP	Q06	15	12/00595/FUL/ Southampton Municipal Golf Course Golf Course Road SO16 7LE
<b><u>BETWEEN 11.30 AM AND 12.15 PM</u></b>					
8	SL	DEL	Q07	15	12/00520/FUL/ Carlton House Carlton Place
<b><u>BETWEEN 12.15 PM AND 12.45 PM</u></b>					
9	BS (SL)	CAP	Q13	5	12/00756/OUT/ 1-3 Coates Road SO19 0HN
<b><u>BETWEEN 12.45 PM AND 1.00 PM</u></b>					
10	AL (SL)	DEL	Q07	15	12/00039/R3OL/ Land At Inkerman Road/ Johns Road Woolston
<b><u>BETWEEN 1.30 PM AND 2.00 PM</u></b>					
11	AL (SL)	CAP	Q20	5	12/00440/FUL/ Land to The rear 6 and 7 , Cranbury Terrace SO14 0LH
<b><u>BETWEEN 2.00 PM AND 2.30 PM</u></b>					
12	MP	CAP	Q21	5	12/01000/FUL/ 3 Bassett Green Drive SO16 3QN

<b><u>BETWEEN 2.30 PM AND 2.50 PM</u></b>					
13	MP	REF	Q20	5	12/00729/FUL/ 84 Alfriston Gardens SO19 8FU
<b><u>BETWEEN 2.50 PM AND 3.10 PM</u></b>					
14	MP	CAP	Q20	5	12/00519/FUL/ Unit 4 Viceroy House Mountbatten Business Centre, Millbrook Road East SO15 1HY
<b><u>BETWEEN 3.10 PM AND 3.30 PM</u></b>					
15	MP	DEL	Q13	5	12/00753/FUL/ Mede House Salisbury Street
<b><u>BETWEEN 3.30 PM AND 3.50 PM</u></b>					
16	BS (JT)	CAP	Q20	5	12/00945/FUL/ Flat 3 76 Anglesea Road
<b><u>BETWEEN 3.50 PM AND 4.10 PM</u></b>					
17	BS (JT)	CAP	Q13	5	12/00861/FUL/ Holy Family RC Primary School Mansel Road West
<b><u>BETWEEN 4.10 PM AND 4.30 PM</u></b>					
18	RP	DEL	Q20	5	12/00402/FUL/ Units C and D Antelope Park Bursledon Road, SO19 8NE
<b><u>BETWEEN 4.30 PM AND 5.00 PM</u></b>					
19	MP	REF	Q13	5	12/00914/FUL/ Ground Floor Flat, 49 Heatherdeane Road SO17 1PA

**Abbreviations:**

PSA – Public Speaking Allowance; CAP - Approve with Conditions: DEL - Delegate to Officers: REF – Refusal:

ARL – Anna Lee, BS- Bryony Stala, MP- Mathew Pidgeon, RP – Richard Plume SL – Steve Lawrence JT – Jenna Turner

**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 (2012)
- (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)
- (vv) Parking standards (2011)
- (ww) Houses in Multiple Occupation SPD (2012)

\* 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) National Planning Policy Framework (27.3.2012)

8. 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)

9. Other Statutes

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

Revised: 10.7.2012

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# Agenda Item 5

**Southampton City Planning & Sustainability  
Planning and Rights of Way Panel meeting 21 August 2012  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 9 Pointout Close SO16 7LS			
<b>Proposed development:</b> Change Of Use From Dwelling House (C3) To House Of Multiple Occupation (C4)			
<b>Application number</b>	12/00705/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Mathew Pidgeon	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	06.08.2012	<b>Ward</b>	Bassett
<b>Reason for Panel Referral:</b>	Member request and 5 letters of objection	<b>Ward Councillors</b>	Cllr L Harris Cllr B Harris Cllr Hannides

<b>Applicant:</b> Mr Charles Glanville	<b>Agent:</b>
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<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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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 introduction of an HMO in this part of Pointout Close will not have a detrimental impact on the overall character and amenity of the area surrounding the application site. The proposal maintains a sustainable mix and balance of households in the local community, whilst meeting the need for important housing in the city. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - SDP1, SDP7, SDP9, H4 of the City of Southampton Local Plan Review (March 2006) and CS4, CS16 of the Local Development Framework Core Strategy Development Plan Document (January 2010) as supported by section 6.5 of the Houses in Multiple Occupation Supplementary Planning Document (March 2012) and the relevant sections of the Residential Design Guide Supplementary Planning Document (September 2006).

<b>Appendix attached</b>	
1	Development Plan Policies
2	Plan to show 40m assessment area

## Recommendation in Full

### Conditionally approve

#### 1. The site and its context

1.1 The application is located in Pointout Close, accessed by car from Pointout Road

but with separate pedestrian access to Burgess Road. The Close is part of the predominantly residential area located north of Burgess Road and south-east of Winchester Road. It is a modern cul-de-sac comprised of 22 three-storey town houses in semi-detached pairs and short sections of terrace. The properties were originally designed with integral garages, some of which have been converted into living accommodation.

- 1.2 The application site comprises a three storey dwelling located centrally within a short terrace of three dwellings. The current use is a family dwelling house (C3 use). The property has 3 bedrooms, 2 bathrooms, an integral garage, a lounge at first floor level and a kitchen/dining room which links to a conservatory at ground floor level.
- 1.3 The area of the rear private garden is approximately 55 square metres.

## **2. Proposal**

- 2.1 It is proposed to convert the existing C3 single family dwelling into a C4 small House in Multiple Occupation (HMO) dwelling with the provision for off street parking.
- 2.2 The physical alterations to the building, including conversion of the garage to habitable accommodation, have already taken place in preparation for the start of the 2012/13 academic year. The change of use to C4 HMO has not been undertaken.

## **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 National Planning Policy Framework came into force on 27 March 2012. Having regard to paragraph 214 of the National Planning Policy Framework the policies and saved policies set out in Appendix 1 which have been adopted since 2004 retain their full material weight for decision making purposes.
- 3.3 Following the Article 4 direction coming into affect on March 23rd 2012, the conversion of a family house into a small HMO for up to 6 people requires planning permission. The planning application will be assessed against policy H4 and CS16 in terms of balancing the need for multiple occupancy housing against the impact on the amenity and character of the local area.
- 3.4 The Houses in Multiple Occupation SPD was adopted in March 2012, which provides supplementary planning guidance for policy H4 and policy CS16 in terms assessing the impact of HMOs on the character and amenity and mix and balance of households of the local area. The SPD sets a maximum threshold of 10% for the total number of HMOs in the ward of Bassett which is measured from the application site within a 40m radius or the 10 nearest residential properties (section 6.5 refers).



#### **4.0 Relevant Planning History**

- 4.1 871053/W - 25 x 3 bed houses with integral garage in block of 3&4 terraces, 1 detached house and garage – Conditionally Approved.

Condition 11: Before any dwelling unit hereby approved is occupied, both the on-site car parking and a proper vehicle access relating to it shall be provided to the satisfaction of the Local Planning Authority. The car parking shall thereafter be retained and not used for any trade, business or industrial use.

##### Reason

To ensure provision of vehicle access and car parking, to avoid congestion in the adjoining area and to protect the amenities of the area.

- 4.2 Planning records show that planning permission has been granted for the conversion of two integral garages in the close to be converted to habitable accommodation.
- 4.3 At the time of allowing the conversion the Council's policy identified maximum parking standards and as such the retention of one of street parking space per property was not opposed in policy terms.
- 4.4 The Council's current policies with regard to parking retain maximum standards.

#### **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 (enter date) and erecting a site notice (25/06/2012). At the time of writing the report 31 representations have been received, two of which have been from local Ward Councillors, one from Old Bassett Residents Association and the remaining 28 are from local residents.
- 5.2 The comments are summarised below.

##### 5.3 Comment

Pointout Close is characterised by family homes which should be protected under Core Strategy policy CS16.

##### Response

In principle, policy CS16 seeks to prevent the net loss of family homes. In this instance, the conversion of the family home to a HMO does not involve any subdivision of the property and, therefore, the property can be reused as a family home without the need for planning permission or physical alteration. Based on the definition of a family home in policy CS16 the proposal does not result in the loss of a family home.

##### 5.4 Comment

The Council should ensure that there is provision of good sized family homes for professional people (University lecturers, business managers, etc) and to maintain a sustainable mixed and balanced community.

Response

The 10% threshold limit for the Bassett ward set out in the HMO SPD takes into account the need to maintain a sustainable mix and balance of households in the community by ensuring that there is not an overconcentration of HMOs within the area surrounding the application site. This would be the only HMO within the assessment area and therefore satisfies the more restricted 10% threshold agreed for Bassett.

5.5 Comment

The 10% limit for HMOs in Bassett is likely to have already been reached.

Response

The guidance in the HMO SPD requires the assessment of the existing and proposed concentration of HMOs for each application at local level restricted to a radius of 40m surrounding the application site when measured from the centre point of the front door of the property comprising the application site. The threshold limit will ensure that there is a mixed and balanced community is maintained.

5.6 Comment

The use of the 40m radius for the assessment area is flawed. A community is not limited to 40m around the application site.

Response

40m is what the Council agreed and recently adopted as the assessment area for this type of application.

5.7 Comment

There are 9 existing HMO's in Burgess Road/there are other HMO's just outside the assessment area.

Response

The properties in question fall outside of the assessment area as defined by the HMO SPD. The assessment as per the HMO SPD specifically states that there should be a clearly defined assessment area for the Local Planning Authority to survey, as such properties outside of that area should not be taken into account.

5.8 Comment

There are 6 or 7 HMO's in Pointout Road.

Response

The survey results are discussed below in section 6.0.

5.9 Comment

Precedent would be set.

Response

There would be no precedent set. Each proposal would need to accord with the HMO SDP and relevant policies in order to gain the support of the Local Planning Authority. Each application is judged on its own merits. Further applications in the immediate area which were shown to exceed to 10% threshold due to the presence of a HMO at No9 would be recommended for refusal.

5.10 Comment  
Overdevelopment of site. Changes to shower/bath rooms.

Response

There are no external physical alterations which increase the footprint or site coverage of the building and therefore it cannot be considered to represent overdevelopment. The conversion of the garage proposed is not objected to by the Highways Team and the additional bedrooms formed by converting the garage and the first floor lounge (taking the occupancy to 5) is not judged to be an unacceptable use of the internal space available. A family within the Pointout Close may also choose to use their property in the same fashion and, subject to planning permission being granted for the loss of the integral garage, is likely to be considered acceptable to the Local Planning Authority. Internal alterations, to rooms not controlled by previous planning conditions, do not require planning permission.

5.11 Comment  
Not in keeping with surroundings.

Response

The design of the frontage, through the removal of the garage door, is not considered harmful to the character of the dwelling or the surrounding area/streetscape. Planning permission has been granted for similar changes within the Close.

5.12 Comment  
Removal of the garage is contrary to condition 11 of 871053/W.

Response

The Council currently have maximum parking standards and the Highways Officer has raised no objection. At the time of the original consent, it was common practise for Council's to impose minimum standards for car parking. The move towards encouraging alternative modes of transport and less reliance on the car in areas where alternatives and other services are available is enshrined by both local and national policies.

5.13 Comment  
The property does not have a sufficient number of off-street parking spaces leading to increased pressure on on-street parking, increased traffic congestion, danger to pedestrians, inconvenience to less mobile members of the community, difficulty for access by emergency vehicles and refuse collectors.

Response

The Highway Officer has raised no objection to the proposal on grounds of parking levels or highway safety.

5.14 Comment  
Maximum parking standards require 3 parking spaces on site.

Response

The Council has maximum parking standards which mean that an application is contrary to policy only if parking spaces, in excess of the maximum, are proposed.

As such schemes which propose less than the maximum number of parking spaces allowed on the site should not normally be resisted for parking reasons.

5.15 Comment

Street width should be 5.5m for the on street parking to be acceptable.

Response

There are no restrictions regarding parking of private vehicles on the public highway provided that there are raised kerbs and no specific controls (for example double yellow lines, parking permit zones etc).

5.16 Comment

Increased on road parking pressures leads to increased paving of soft landscaped frontages which places stress on drainage systems.

Response

Planning permission is required to hard surface (using non permeable materials) on frontages when the surface area proposed to be covered exceeds 5 square meters. In such instances planning permission is unlikely to be granted. Solutions designed to deal with surface water within plots are now required.

5.17 Comment

There are existing drainage problems in Pointout Close. The applicant would need additional connections to the public sewer system.

Response

The drainage should not be affected by the proposal, there is not expected to be significant additional pressure place on the drainage system as a result of the scheme. There is not proposed to be an additional connection to the public sewer system.

5.18 Comment

There are not enough bins provided. The bins are unable to be stored to the rear and they will look unsightly stored at the front of the property.

Response

The standards set out in the Residential Design Guide (paragraph 9.2.2 refers) states that 2x240 litre wheeled bins (one with green lid, one with blue lid) are required for households with less than 6 residents. It is therefore considered that the same number of bins provided for a family would be sufficient for the needs of a small HMO. It is considered that the storage of the bins in their current location will not be any more harmful to the visual amenities of the local area.

5.19 Comment

Position of refuse bins will obstruct emergency vehicles and if placed on side access will obstruct a right of way. Bins could obstruct right of way to the rear which is protected by title deeds of the property.

Response

The concerns can be addressed by the use of planning conditions.

5.20 Comment

Cycle parking to the rear will cause nuisance and there is the potential to be a

security threat.

Response

The most likely storage location for cycles is within the rear of residential gardens. A family living at the property are likely to store cycles in the same location. It is not considered inappropriate to store cycles at the rear and disturbance is unlikely to be caused to neighbours from the occupants coming and going with cycles provided that occupants behave reasonably and are considerate to neighbours. This is no different to the occupants of a dwellinghouse.

5.21 Comment

Use of the conservatory for living accommodation will increase the noise disturbance. Conservatory is not considered 'communal space'. Students will cause more noise and disturbance than a family.

Response

It would be unreasonable to oppose a development on these grounds. The conservatory can be considered adequate as communal space, it is also noted that from a planning perspective there is no definition of what constitutes 'communal space'. The behaviour of individuals within a dwelling house, whether it is a family or students, cannot be controlled by the planning system. It cannot be stated with certainty that a house occupied by students will cause more noise and disturbance than a house occupied by a family. The link between student accommodation and noise is anecdotal and alone should not be used as a reason for refusal. The Council has statutory powers under Environmental Health legislation to monitor and enforce against local nuisance including noise disturbance.

5.22 Comment

Consideration should be had for a fall in revenue of Council tax due to student exemptions for HMOs and their increasing demand on SCC services.

Response

Council tax rules are set by national legislation and therefore out of the control of the planning system, however the presence of a highly regarded University within Southampton has significant economic and commercial benefits for the city.

5.23 Comment

The application is retrospective: internal alterations and conversion of the garage to habitable accommodation.

Response

The applicant is entitled to submit a retrospective application. If the application is refused the garage will need to be reinstated and the dwelling will not be permitted to be occupied as an HMO. If necessary an enforcement case will be opened.

5.24 Comment

Neighbours have been misled by the consultation letters. Different deadline dates have been referred to for letters of representation to be received.

Response

The Local Planning Authority has undertaken the consultation with local residents

in accordance with the statutory procedures. Letters to residents clearly set out the deadline date and all letters of representation received prior to the production of the report (02/08/2012) have been taken into account. Should any further letters of representation be received, the Panel will be informed on the day of the Panel meeting.

5.25 Comment

Contrary to Local Plan Policies SDP1 2.8, SDP7 (i) and (iv), H4 b and c and H7, Core Strategy Policy CS16 5.2.11, 12 and 14; and NPPF paragraphs 06, 07, 09, 50 and 69.

Response

The proposal is not judged to be contrary to the policies listed and the issues are addressed in section 6.

5.26 Comment

Paragraph 50 of the NPPF states that local authorities should identify the size, tenure and range of housing that is required in particular locations, reflecting local demand.

Response

Policy CS4 and CS16 identifies the strategic sites for the supply and need of housing in the city over the next 15 years based on the Strategic Housing Land Availability Assessment (SHLAA) and Strategic Housing Market Assessment (SHMA). The HMO SPD has identified in terms of housing demand that there is a need for additional HMOs in the city (section 5.2 refers). Although the Council are unable to precisely identify the demand, HMOs provide accommodation for a wide range of groups including young professionals, students, migrants, and young people on low incomes, often on a transient basis. As such they fulfil a very important role in meeting housing need in the city. The application retains the property for future use as a family home in accordance with policy CS16. The 10% threshold set for the Bassett ward in the HMO SPD is to ensure that the sustainability, mix and balance of the community are maintained.

5.27 Comment

Relationship between HMO Licensing and Planning

Response

The considerations taken into account by the Planning Team and the HMO Licensing Team are separate. There are no minimum room sizes for planning to consider.

5.28 Comment

Due to the rental prices advertised the property will only attract affluent tenants who are also more likely to own cars.

Response

The assumption that the occupants will be more affluent and more likely to own cars cannot be substantiated and therefore little weight should be attributed to this point. The parking standards address the parking issues.

5.29 Comment

The appeal decision at 5 Crofton Close is considered be a material consideration

which supports refusal of the application as the Inspector considered it important to retain the integral garage.

Response

5 Croften Close was mainly opposed by the Inspector due to the impact that the conversion would have on the character of the Close. In addition the two schemes differ as the Croften Close garage is a double garage and therefore could accommodate a modern vehicle. Each application should be judged on its own individual merits and given that the circumstances differ (scale of garages proposed to be altered) the Croften Close appeal decision does not support refusal of the current scheme.

5.30 Comment

Inaccurate information provided on the application forms seeking to purposefully mislead the Council, retrospective nature of the scheme, there are not 5 cycle parking spaces provided at present.

Response

The points raised are not considered to be material to the determination of the planning application. Conditions can be imposed to secure an appropriate level of cycle storage.

5.31 Comment

Dwellings inside the assessment area have been extended.

Response

This has no relevance to the determination of this application.

5.32 Comment

It is the Council's responsibility to under the HMO SPD (6.4.2) to determine precisely and exactly how many properties are HMOs.

Response

The HMO SPD acknowledges that it is impossible to be 100% certain of the accuracy of the survey results (see paragraph 6.4.5).

5.33 Comment

The building does not comply with the SCC guidance and standards for Houses in Multiple Occupation.

Response

The document referred to is a document used by the HMO licensing Team not the Planning Department. The HMO licensing Team do not oppose the scheme.

5.34 Comment

Two of the rooms are double rooms and therefore the occupancy could be as much as 7 individuals.

Response

Should the occupancy at any time exceed 6 individuals planning permission for a change of use to a large (sui generis) HMO would be required. A planning condition could be used to restrict the number of occupants to 5 if considered necessary.

5.35 Comment

Paragraph 6.5.1 of the SPD states that *“notwithstanding the threshold limit and exceptional circumstances, other material considerations (such as intensification of use, highway safety, residential amenity of future and existing occupiers) arising from the impact of the proposal will be assessed in accordance with the Council’s relevant development management policies and guidance.”*

Response

The emphasis of the SPD is for schemes to be supported only when the threshold for HMOs within the assessment area is not exceeded. The HMO SPD identifies there is a need for additional HMO accommodation; however, the threshold limit balances the demand for new HMOs against the need to protect the character and amenity of the local community. The impact on the character and amenity of the local community is discussed below in section 6.0.

5.36 Comment

The NPPF aims to empower local people to produce their own neighbourhood plans to reflect the needs and priorities of their communities. A neighbourhood plan is currently being drafted and will oppose development of this nature.

Response

There is currently no Neighbourhood Plan adopted within the Bassett Ward and, therefore, this does not form a material policy consideration. A Neighbourhood Plan will also have to conform with the strategic policies of the Council.

5.37 **SCC Highways** - The forecourt parking area is private land and therefore is not within our control. Potential overspill onto the public highway of Pointout Close beyond the private land will be limited due to most of the kerbs being dropped. Parking should not occur in front of dropped kerbs.

The existing garage appears to be fairly small compared to current standards for garages (dimensions of 6m x 3m). Therefore it is unlikely that integral garages are now used for the storage of modern vehicles.

The condition applied to the site, as per the original permission was applied due to the standards and policies relevant at that time, since that time the Local Planning Authority have adopted Maximum standards and as such the scheme accords with those standards.

5.38 **SCC Environmental Health (Private Housing Team)** - No objections to the proposed use.

**6.0 Planning Consideration Key Issues**

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

- Principle of development;
- Impact on the character and amenity of the surrounding area;
- Impact on residential amenity of neighbouring occupiers;
- Impact on highway safety;
- Standard of living conditions for future residents.



## 6.2 Principle of Development

- 6.2.1 In principle the conversion of the dwelling into a small HMO is acceptable, providing that the threshold for the maximum number of HMOs in the street does not exceed 10% (Bassett ward) of the total number of residential properties within a 40m radius of the property (measured from the midpoint of the front door). Notwithstanding the threshold, other considerations will apply such as intensification of use, parking and access issues, residential amenity, etc.
- 6.2.2 Policy CS16 seeks to provide a mix of housing types and more sustainable and balanced communities through no net loss of family homes. The application does not result in the loss of a family home as the property will not be subdivided and, therefore, can be used as a family home in the future.

## 6.3 Impact on the character and amenity of the surrounding area

- 6.3.1 The area surrounding the application site in Pointout Closet is characterised by mainly family homes and owner occupied properties.
- 6.3.2 The property is established as a C3 dwelling and, therefore, must be assessed against the maximum threshold limit set by the HMO SPD which is 10% in Bassett ward. The threshold determines whether the concentration of existing and proposed HMOs will detrimentally affect the balance and mix of households surrounding the application site whilst ensuring that the city wide demand for HMOs is met.
- 6.3.3 Following the guidelines of the HMO SPD, the location of existing HMOs has been surveyed within a 40m radius of the application site (***see Appendix 2 for a plan which includes the 40m assessment area***). The Council does not have an up to date database of the location of HMOs in the city, though the location of HMOs was gathered using the best information available to the Council using the Electoral Register (1st December 2011), the HMO licensing register, and other checks. The survey shows that there are currently no HMOs within the 40m radius. The concentration of HMOs including the proposed HMO will be 3.3%, 1 HMO out of 30 residential properties with 29 family dwellings remaining.
- 6.3.4 The concentration of the existing and proposed HMOs does not exceed the maximum threshold of 10% surrounding the application site. The intensity and nature of use of the dwelling associated with a small HMO will not be significantly different to a family group. The introduction of a small HMO within the surrounding 29 family dwellings will not result in a significant change to the character of the local area in terms of the mix and balance of households.
- 6.3.5 It is considered that the proposed HMO will not have a detrimental impact on the overall character and amenity of the area surrounding the application site in terms of the mix and balance of households in the local community.

## 6.4 Impact on residential amenity of neighbouring occupiers

- 6.4.1 It is considered that there will be no adverse impact on the residential amenity of local residents following the conversion of the family dwelling to small HMO in terms of the intensity and nature of comings and goings and the amount of refuse

associated with the future residents.

## 6.5 Impact on highway safety

6.5.1 The Highway Officer has raised no objection to the impact on highway safety, subject to agreeing secure cycle storage (1 space per bedroom) prior to occupation.

6.5.2 The integral garage which was removed prior to the submission of the application was unlikely to be used for the parking of cars given its small size.

6.5.3 To infer that the use of the property as an HMO would result in higher car ownership for the occupants, than if the property was occupied by a family, is a spurious link. A planning decision should not be based on this factor.

6.5.4 Harm to highways safety cannot be demonstrated. Refusal of the planning application, based upon Highways Safety, cannot be substantiated.

## 6.6 Standard of living conditions for future residents

6.6.1 The Private Housing Team are satisfied that the standard of accommodation for future residents will meet the SCC Amenity Standards for HMOs.

## 7.0 Summary

7.1 In summary, the proposed HMO does not exceed the threshold limit of 10% surrounding the application site in accordance with the HMO SPD. The introduction of a HMO in this part of Pointout Road will have an acceptable impact on the overall character and amenity of the area surrounding the application site. The proposal maintains a sustainable mix and balance of households in the local community, whilst meeting the need for important housing in the city.

## 8.0 Conclusion

In conclusion, the proposal will be in accordance with the Council's current adopted guidance and policies and have acceptable impact. As such the proposal is recommended for conditional approval.

### **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(qq), 6(c), 7(a), 9(a), 9(b).

**MP3 for 21/08/12 PROW Panel**

## **PLANNING CONDITIONS**

### **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 - Cycle storage [Pre-Occupation Condition]**

The development to which this consent relates shall not be brought into use in full or in part until details for a secure, covered space has been laid out within the 5 bicycles to be stored and for cycle stands to be made available for the occupiers have been submitted and agreed in writing with the Local Planning Authority and thereafter implemented in accordance with the agreed details. The cycle store and cycle stand hereby approved shall thereafter be retained on site for those purposes.

Reason:

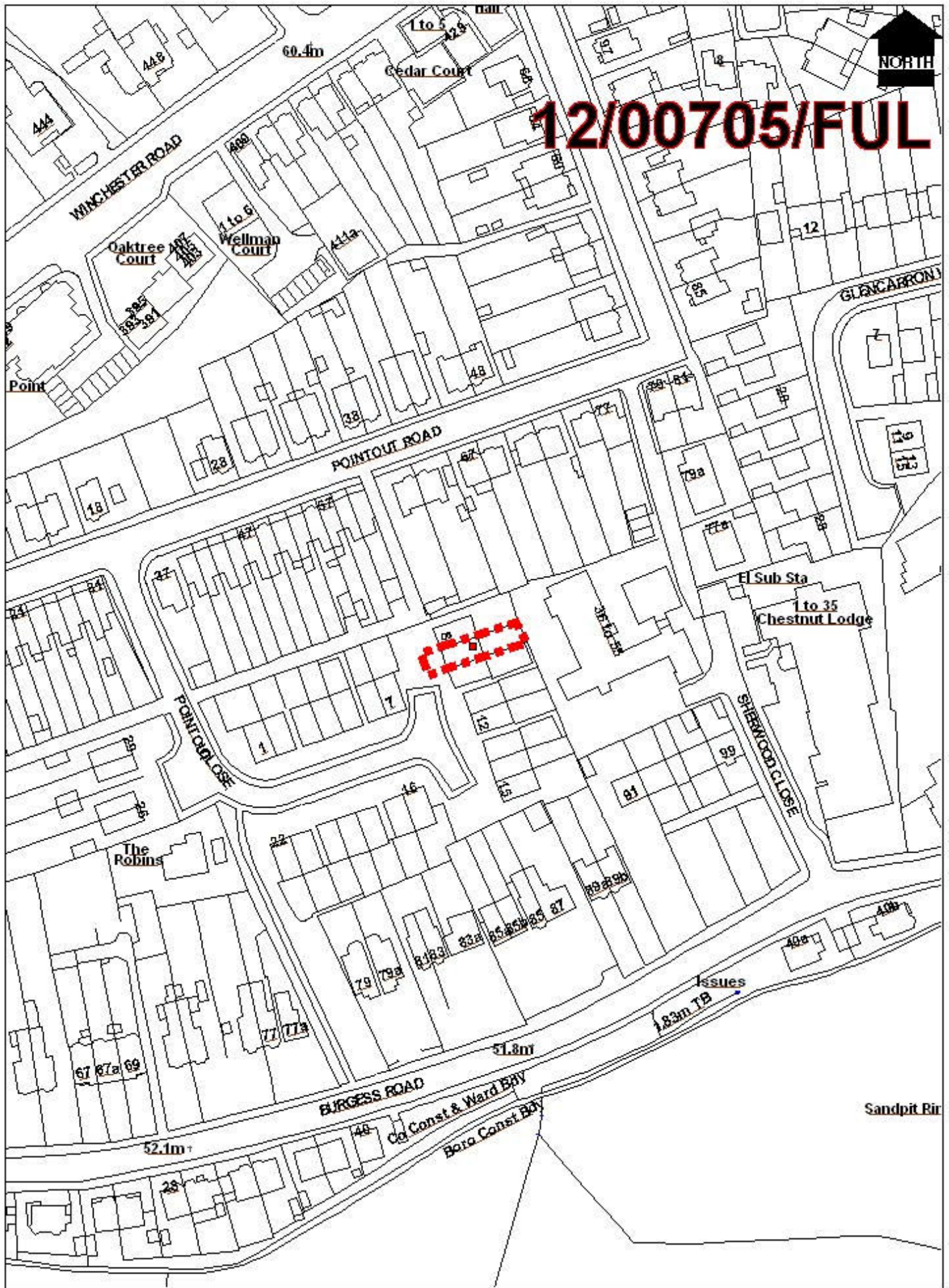
To encourage cycling as an alternative form of transport.

### **03. 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.



**12/00705/FUL**

Scale : 1:1250

Date : 09 August 2012

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**Application** 12/00705/FUL

## **POLICY CONTEXT**

### Core Strategy - (January 2010)

CS4	Housing Delivery
CS16	Housing Mix and Type

### City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
H4	Houses in Multiple Occupation

### Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
Houses in Multiple Occupation (Approved – March 2012)

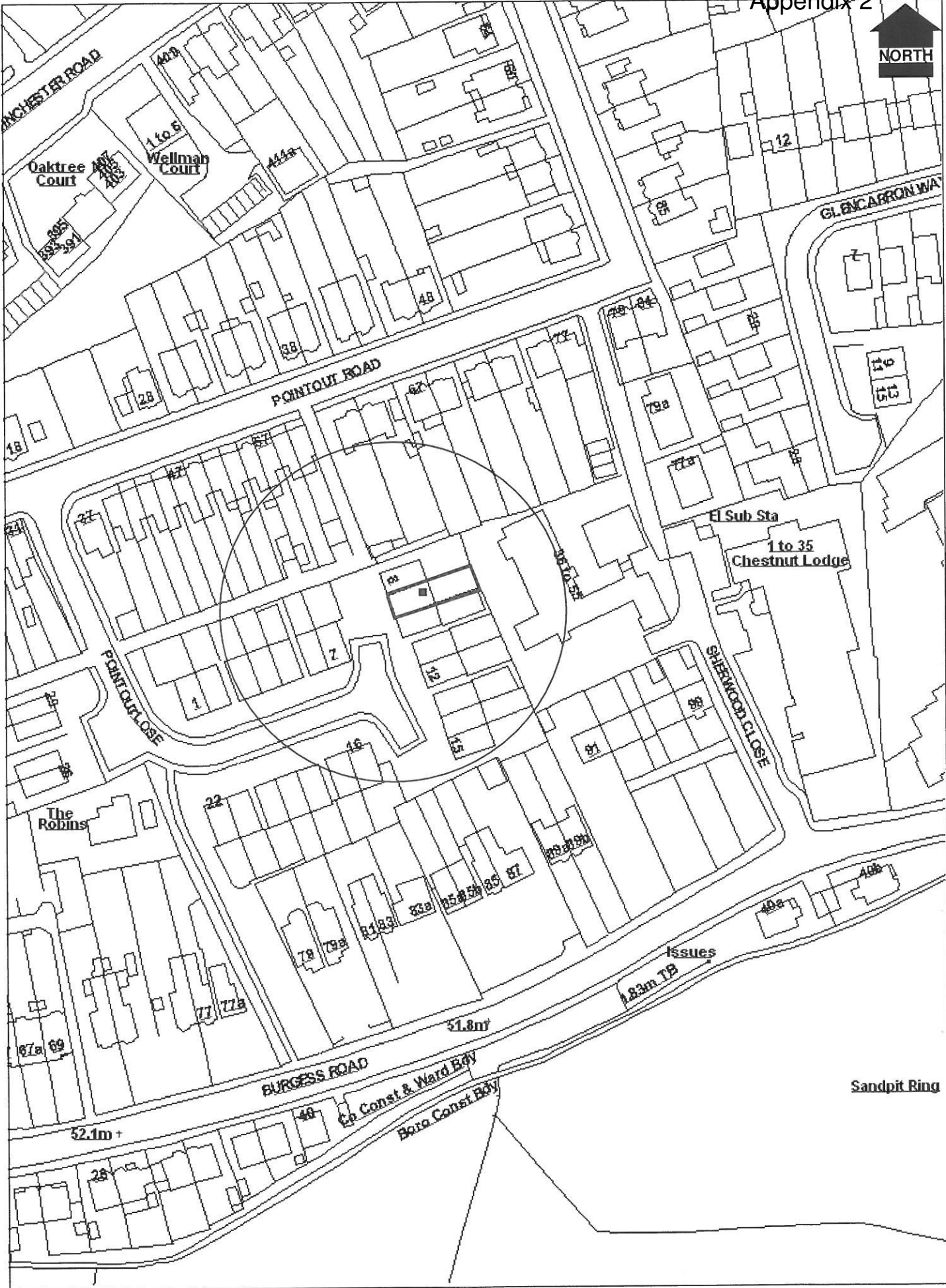
### Other Relevant Guidance

National Planning Policy Framework (March 2012)

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# Agenda Item 5

Appendix 2



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# Agenda Item 6

**Southampton City Planning & Sustainability**  
**Planning and Rights of Way Panel meeting 21 August 2012**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Land At junction of Brownhill Way and Lower Brownhill Road			
<b>Proposed development:</b> Erection of 14 two-storey houses (12 x three bedroom and 2 x two bedroom) with associated parking, vehicular access from Lower Brownhill Road and space for a children's play area.			
<b>Application number</b>	12/00596/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Jenna Turner	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	23.07.12	<b>Ward</b>	Redbridge
<b>Reason for Panel Referral:</b>	Major application with objections and departure to Development Plan	<b>Ward Councillors</b>	Cllr Whitbread Cllr Pope Cllr McEwing

<b>Applicant:</b> The Trustees Of The Barker Mill Estates	<b>Agent:</b> Turley Associates
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<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report</b>
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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 below. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on the 21.08.12 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, SDP10, SDP11, SDP12, SDP13, H1, H2, and H7 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS3, CS4, CS6, CS13, CS15, CS16, CS18, CS19, CS20, CS21, CS22 and CS25 and the Council's current adopted Supplementary Planning Guidance. The guidance within the National Planning Policy Framework (2012) is also relevant to the determination of this planning application.

<b>Appendix attached</b>			
1.	Development Plan Policies		

### Recommendation in Full

Subject to the receipt of amended plans showing chimneys to the elevations of the dwellings:

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 improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
  - iii. The provision of affordable housing in accordance with adopted LDF Core Strategy Policy CS15.
  - iv. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
  - vi. Provision of agreed children's playspace prior to first occupation and submission of a management and maintenance plan for the open space.
2. That the Planning and Development Manager be given delegated authority to add to or vary planning conditions and relevant parts of the Section 106 agreement.
3. In the event that the legal agreement is not completed within two months of the panel meeting 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.

## **1. The site and its context**

- 1.1 The application site is a 0.56 hectare piece of land which is broadly triangular in shape and lies between Brownhill Way and Lower Brownhill Road, on the edge of the city's administrative boundary. The site is bounded by mature hedgerow which contains some trees but the site itself is mainly an open grassed area. Beyond the south-west of the site is a pair of semi-detached properties known as New Cottages and an area of protected mature trees. The site was last used for the grazing of livestock and is therefore agricultural land.
- 1.2 The site lies to the north of the Millbrook residential area which typically comprises two-storey, terraced dwellings which are simply designed.

## **2. Proposal**

- 2.1 The application seeks full planning permission for the construction of 14, 2-storey houses. A pair of semi-detached houses would be provided to the eastern end of the site and the remaining houses would be detached in nature. The dwellings would provide a mixture of two and three-bedroom accommodation.
- 2.2 In terms of design, the dwellings would have a traditional appearance with pitched roof and gable end roof design and brick elevations. Each dwelling would be served by a private rear garden.

- 2.3 A single point of vehicular access would be provided from Lower Brownhill Road and two off-road car parking spaces would be provided for every dwelling. The layout would retain the hedgerow to the boundary of the site.
- 2.4 To the northern boundary of the site, a 3 metre high acoustic barrier would be provided and would be positioned inside of the existing boundary screening.
- 2.5 The layout includes a proposed area of public open space to the eastern end of the site and a footpath link between Brownhill Way and Lower Brownhill Road.

### **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**. The National Planning Policy Framework came into force on 27 March 2012. Paragraph 214 of the Framework sets out that local policies adopted since 2004 retain their full material weight for decision making purposes.
- 3.2 The site is not allocated for a particular use or development within the Development Plan but lies within an area of Low Accessibility for Public Transport (Public Transport Accessibility Level Band 1).
- 3.3 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. Relevant Planning History**

- 4.1 There have been no previous planning applications relating to this site. In 2011 a Screening Opinion was submitted (reference 11/01095/SCR) to ascertain whether or not the residential development of the site would require an Environmental Impact Assessment (EIA). It was concluded that the proposal did not constitute EIA development of more than local significance.

### **5. Consultation Responses and Notification Representations**

- 5.1 Following the receipt of the planning application, a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (03.05.12) and erecting a site notice (30.04.12). At the time of writing the report **5** representations including a petition with **34** signatures have been received from surrounding residents. The following is a summary of the points raised:

5.2 ***The proposal, along with other planned development within the area, which includes the Lidl distribution depot, would result in a cumulative traffic increase which would exacerbate congestion and highway safety issues.***

5.3 **Response**

The Council's Highway Team have raised no objection to the scheme in this respect. Having regard to the likely vehicular trips associated with the development, it is not considered that the proposal would result in a significant increase in traffic on the surrounding road network. The transport impact of the nearby proposed Lidl distribution depot will need to be assessed as part of that application.

5.4 ***The development would be subject to traffic noise and disturbance and will therefore be undesirable to prospective residents.***

5.5 **Response**

A noise report has been submitted with the application and demonstrates that an acceptable residential environment can be achieved by incorporating an acoustic barrier to the north of the site together with a specification for the glazing of the dwellings. The Council's Pollution and Safety team are in agreement with the submitted report and recommendations. The scheme is therefore considered to be acceptable in this respect. Details of the acoustic barrier design will be secured by condition.

5.6 ***Loss of green space would result in a decline in wildlife, including impact on bat foraging.***

5.7 **Response**

The submitted Ecology reports demonstrates that the grassed area to the centre of the site, on which the proposed development would be sited, has limited ecological value. The hedge to the boundary of the site is of greatest biodiversity value and its retention will ensure no harmful impact on ecology. The Council's ecologist agrees with these conclusions and therefore raises no objection to the scheme.

5.8 ***The proposal would result in an increase in traffic noise disturbance to nearby residential properties.***

5.9 **Response**

As stated above, the proposal is not considered to result in a significant increase in vehicular movements on the nearby roads and as such would not result in harm to residential amenity.

5.10 ***The development would exacerbate drainage issues on the site.***

5.11 **Response**

It is anticipated that a Sustainable Urban Drainage System will be incorporated into the scheme. A condition is suggested to secure final drainage details to ensure that the proposal would not create drainage issues.

5.12 ***The development is in close proximity to livestock kept at the smallholding of 2 New Cottages which would create noise and odour issues for***

***prospective residents of the development, leading to complaints.***

5.13 **Response**

The proposed houses would be positioned no less than 5 metres from the boundary with New Cottages. As such, the Council's Environmental Health Team have raised no concerns with the proposal in this respect.

5.14 ***Having regard to other planned development within the vicinity of the site, including the Ordnance Survey development, there is no need for the additional housing proposed.***

5.15 **Response**

There is a recognised need for housing within the city and the delivery of family housing is welcomed.

5.16 ***Due to the proximity of proposed dwellings to trees, the proposal will result in result in pressure to cut back these trees.***

5.17 **Response**

There is sufficient separation between the proposed dwellings and the nearby protected trees to ensure that the retention of these trees are not compromised. Habitable room windows and gardens within the development would not be adversely affected by overhanging tree branches. As such, the Trees Team have raised no objection to the proposal.

**Consultation Responses**

5.18 **SCC Highways** - No objection subject to conditions and the developer entering into a section 106 legal agreement to secure site specific highway safety improvements and contributions to the improvement of the strategic road network.

5.19 **SCC Housing** – There is a requirement to provide 3 affordable housing units and the preference is for this to be provided on site. A planning obligation is recommended to secure the affordable housing units and ensure that they remain affordable in perpetuity.

5.20 **SCC Sustainability Team** – No objection. Suggests conditions to secure the necessary sustainability measures including level 4 of the Code for Sustainable Homes.

5.21 **SCC Architect's Panel** – Suggest that the proposed residential density is too low and the layout/design would benefit from a more intensive form of development. Suggest exploring the internal access being aligned along the northern site boundary.

Response:- Whilst these comments are noted, these changes have not been made as officers support the scheme with a lower density to enable a more open character with open space to be provided.

5.22 **SCC Environmental Health (Pollution & Safety)** - No objection. Suggests a condition to secure satisfactory glazing to protect the prospective occupants from road transport noise disturbance. Conditions are also suggested to minimise disruption to nearby properties during the construction process.

- 5.23 **SCC Environmental Health (Contaminated Land)** - No objection. The site could be subject to historic land contamination and therefore conditions are suggested to investigate this and secure any necessary remediation.
- 5.24 **SCC Ecology** – No objection. The boundary hedgerow of the provides the greatest biodiversity value of the site and the retention of this will ensure that the proposal does not have a harmful impact on ecology. Two Ecology reports have been submitted and subject to conditions to secure the suggested mitigation measures, the proposal is considered to be acceptable.
- 5.25 **SCC Trees** – No objection. There is a group of protected trees beyond the western boundary of the site and the application details how these would be protected and retained. A condition is suggested to secure tree retention and safeguarding measures throughout the course of the development.
- 5.26 **SCC Archaeology** - No objection. Suggests conditions to secure an archaeological investigation and work programme.
- 5.27 **Hampshire Fire and Rescue** – No objection or conditions suggested.

## 6. **Planning Consideration Key Issues**

- 6.1 The key issues for consideration in the determination of this planning application are:
- i. The principle of development and loss of open space;
  - ii. The design of the proposal together with the impact on the character of the area;
  - iii. The impact on residential amenity;
  - iv. The quality of the residential environment proposed;
  - v. The impact on trees and ecology;
  - vi. Parking and highways and;
  - vii. Mitigation of direct local impacts and Affordable Housing.
- 6.2 **Principle of Development and loss of Open Space**
- 6.2.1 Policy CS21 of the Core Strategy safeguards all existing areas of open space within the city. In addition to this, the National Planning Policy Framework prioritises the development of previously developed land. As such, the principle of developing the application site needs careful consideration in terms of its function, landscape and biodiversity value.
- 6.2.2 Currently, the application site does not provide open space which is accessible to the public. The application proposal does however, incorporate genuine publicly accessible open space which will be secured through the section 106 agreement. The site's limited size, irregular shape and isolated nature, between two roads, means that it has limited appeal for long-term agricultural use. Furthermore, the applicants have indicated that there is also other land available within the Estate which could also be used for this purpose.
- 6.2.3 The Design and Access Statement submitted with the application includes an analysis of the wider landscape value of the site which demonstrates that the development of the open space would not, in principle, have a harmful impact on the character of the area. This is discussed in more detail in section 6.3 below. It has also been demonstrated in the application submission that the proposal would

not result in harm to either protected trees or the biodiversity value of the site.

6.2.4 Policy CS4 of the Core Strategy sets out the need to deliver housing within the city and moreover, the continual supply of family housing within the context of a difficult economic climate is welcome. In addition to this, the proposal incorporates genuine family housing, the need for which is set out in policy CS16 of the Core Strategy.

6.2.5 A residential density of 35dph would be achieved which is in accordance with the density range set out by policy CS5 for areas of Low Accessibility to public transport. A higher density, as suggested by the Architects Panel, would result in reduced spacing between buildings to the detriment of the established character of the area.

6.2.6 On balance, the benefits of providing genuine publicly accessible open space on the site is considered to justify the loss of private open space in this instance. As such, the Council's Planning Policy Team have raised no objection to the application and the principle of development is therefore considered to be acceptable.

### 6.3 Design and impact on character of the area

6.3.1 A key aspect of the proposed design approach is the use of a single point of vehicular access into the site from Lower Brownhill Road which enables the retention of the attractive boundary hedge and so protect the verdant character of the site. Furthermore, the hedge will help in significantly screening and softening the appearance of the development when viewed from public vantage points, ensuring that it would not have an adverse impact on the character of the area. The boundary treatment of the development (including the proposed acoustic barrier) would also run on the inside of the boundary hedge. A planning condition is suggested to protect the boundary hedge from removal and to prevent further points of access being created into and out of the site.

6.3.2 The proposal is designed to have a residential density which is at the lower end of the range suggested by the Core Strategy. This ensures that the scheme has a spacious and open character which does not harm the visual amenity of the area, whilst still achieving efficient use of the site. The low density nature of the scheme also enables additional tree planting and an area of public open space to be provided on the site, which are considered to be important characteristics of the scheme. In addition to this, the proposed dwellings would be set well away from the site boundaries to further contribute to a verdant and open character that would ensure the development of this open space is not visually harmful.

6.3.3 The proposed dwellings would be two-storey in scale, which reflects the surrounding residential development. In terms of design, the dwellings would appear well proportioned and their traditional appearance would be in keeping with the wider character of the area. The appearance of dwellings would benefit from the addition of chimneys and amended plans have been sought to resolve this.

### 6.4 Impact on residential amenity

6.4.1 Having regard to the separation of the proposed dwellings to residential neighbours and the landscape screening of the site, it is considered that the proposal would not have a significant harmful impact on residential amenity.

## 6.5 Quality of residential environment

- 6.5.1 A Noise Assessment has been submitted with the application which concludes that the impact of road transport noise on the proposed development can be mitigated against by provided an acoustic barrier to the northern boundary of the site and an appropriate specification of glazing. The Environmental Health Team agree with the conclusions of this report and planning conditions are suggested to secure the mitigation measures.
- 6.5.2 Each dwelling would be served by sufficient private and useable amenity space and outlook from habitable rooms would be acceptable. There is sufficient space on site to accommodate cycle and refuse storage and conditions are suggested to secure this.
- 6.5.3 The public routes and areas within the site would benefit from natural surveillance from the proposed dwellings. Each dwelling would benefit from an area of defensible space to the front and parking spaces would also relate well to the dwellings that they serve.

## 6.6 Impact on trees and ecology

- 6.6.1 The centre of the site is grassed and clear of mature trees and shrubs and thereby has a low biodiversity value. The boundary hedge of the site has the greatest ecological value including the providing habitat for bat foraging. As such, the retention of the boundary hedge will ensure that the proposal will not have a detrimental impact on the biodiversity of value of the site.
- 6.6.2 There is a group of protected trees beyond the western site boundary. A Arboricultural report has been submitted with the application and demonstrates that these trees could be retained within the proposed layout and the Tree Team have therefore raised no objection to the application.

## 6.7 Parking and Highways

- 6.7.1 The development provides 2 car parking spaces for each dwelling, which is the maximum number of car parking spaces permitted by the adopted Car Parking Standards Supplementary Planning Document. The Highways Team are satisfied that the access into the site would benefit from adequate site lines and that the development would not result in traffic congestion within the wider area. The internal road layout has been designed to accommodate a refuse collection vehicle and enable it to turn on site. The proposal is therefore considered to be acceptable in terms of parking and highways.

## 6.8 Mitigation of direct local impacts and affordable housing

- 6.8.1 The development triggers the need for a S.106 Legal Agreement to secure appropriate off-site contributions towards open space, highway infrastructure improvements and affordable housing in accordance with Core Strategy Policy CS25. The applicants have confirmed their willingness to enter into the necessary obligations to mitigate against the scheme's direct local impacts and have indicated that the required three affordable housing units would be provided on site. Subject to the completion of the legal agreement, the proposal is therefore considered to be acceptable.



## **7. Summary**

7.1 The proposed development would make good use of the site to provide housing and it is considered that there is no demonstrable harm to the development of the open space in terms of use, visual impact or biodiversity. The replacement of private open land with some public open space represents a net benefit of the proposal.

## **8. Conclusion**

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

### **Local Government (Access to Information) Act 1985**

#### **Documents used in the preparation of this report Background Papers**

1 (a), (b), (c), (d), 2 (b), (c), (d), 3(a), 4 (f), (v) 6 (a), (c), (f), (i), 7 (a)

**JT for 21/08/12 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 endeavoring to achieve a building of 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 to and approved in writing by the Local Planning Authority, which includes:

- i. proposed finished ground levels or contours; means of enclosure; public open space details; 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 – Retention of Boundary Hedge [performance condition]**

The existing hedgerow on the boundaries of the site with Brownhill Way and Lower Brownhill Road shall be retained. No part of the hedge shall be damaged, cut back, cut down, uprooted or removed without the prior written agreement of the Local Planning Authority. In the event of any unauthorised damage to or removal of any part of the hedge occurring, replacement screen planting and/or boundary screening to a specification to be provided by the Local Planning Authority shall be carried out by the owner of the site within six months of the date at which the damage or removal was first brought to the attention of the landowner by the Local Planning Authority.

Reason:

In the interests of the character of the area and the local biodiversity.

#### **05. APPROVAL CONDITION – Permitted Development Restriction – Access [performance condition]**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no access other than that shown on the approved plan shall be formed to the site.

Reason

In the interests of highway safety and to ensure the retention of the boundary hedgerow in the interests of the character of the area.

**06. APPROVAL CONDITION - Glazing - soundproofing from external traffic noise [Pre-Commencement Condition]**

Unless otherwise agreed in writing by the Local Planning Authority, the fenestration shall be installed in accordance with the following specification:

Outer pane of glass - 10mm  
Air gap between panes - 12mm  
Inner pane of glass - 6 mm

or, with secondary glazing with a -  
Outer pane of glass - 6mm  
Air gap between panes - 100mm  
Inner pane of glass - 6.4 mm

There must be no trickle vents installed in any case. For ventilation purposes in all cases, provision of acoustically treated 'BBA' approved mechanically powered ventilation should be the preferred option. However, provision of acoustic trickle vents will be acceptable. Once approved, that glazing shall be installed before any of the flats are first occupied and thereafter retained at all times.

Reason:

In order to protect occupiers of the flats from traffic noise.

**07. APPROVAL CONDITION – Acoustic Barrier [pre-commencement condition]**

Prior to the commencement of the development hereby approved, full details of the acoustic barrier to be positioned south of the northern boundary hedge, shall be submitted to and approved by the Local Planning Authority in writing. The barrier shall be installed in accordance with the approved details before the development first comes into occupation and thereafter retained as approved.

Reason:

To ensure future occupants are not adversely affected by road transport noise.

**08. 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 submitted Ecology reports] 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.

**09. APPROVAL CONDITION - Protection of nesting birds [Performance Condition]**

No clearance of vegetation likely to support nesting birds shall take place between 1 March and 31 August unless a method statement has been agreed in writing by the Local Planning Authority and works implemented in accordance with the agreed details.

## REASON

For the safeguarding of species protected by The Wildlife & Countryside Act 1981 (as amended) and the conservation of biodiversity

### **10. APPROVAL CONDITION – Lighting Scheme [pre-occupation condition]**

Prior to the commencement of the development hereby approved, a detailed lighting scheme shall be submitted to the Local Planning Authority and approved in writing. The lighting scheme shall be installed in accordance with the agreed details for the development first comes into occupation and thereafter retained as approved. There shall be no other external lighting on the site otherwise than hereby agreed.

Reason:

In the interests of residential amenity and to prevent disturbance to foraging bats.

### **11. APPROVAL CONDITION – Road Construction [Pre-Commencement Condition]**

No development hereby permitted shall be commenced until the Local Planning Authority have approved in writing:-

- A specification of the type of construction proposed for the roads, cycleways and footpaths including all relevant horizontal cross-sections and longitudinal sections showing existing and proposed levels together with details of street lighting, signing, white lining and the method of disposing of surface water.
- A programme for the making up of the roads and footpaths to a standard suitable for adoption by the Highway Authority

Reason:

To ensure that the roads and footpaths are constructed in accordance with standards required by the Highway Authority

### **12. 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

### **13. APPROVAL CONDITION – Foul and Surface Water Disposal [pre-commencement condition]**

Prior to the commencement of the development hereby approved, full details of the means of foul and surface water disposal shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the agreed details.

Reason:

To secure a satisfactory form of development.

**14. 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 in writing.

Reason:

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

**15. 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 in writing.

Reason:

To ensure that the archaeological investigation is completed.

**16. 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.

**17. 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.

#### **18. 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.

#### **19. 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.

#### **20. APPROVAL CONDITION - Refuse & Recycling Bin Storage [pre-commencement condition]**

Notwithstanding the information already submitted, details of the elevations of the storage of refuse and recycling shall be submitted to and approved in writing by the Local Planning

Authority prior to the commencement of the development hereby approved. The facilities shall include accommodation for the separation of waste to enable recycling. The approved refuse and recycling storage shall be thereafter retained.

Reason:

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

**21. APPROVAL CONDITION – Cycle Storage [pre-commencement condition]**

Prior to the commencement of the development hereby approved details of the external appearance of the cycle storage shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the approved details and the storage thereafter retained as approved.

Reason:

To promote cycling as an alternative mode of transport to the private car

**22. APPROVAL CONDITION - Amenity Space Access [performance condition]**

The amenity space areas shown on the plans hereby approved, and pedestrian access to it, shall be made available as amenity space prior to the first occupation of the dwellings hereby permitted and shall be retained with access to it at all times for the use of all occupiers of the development .

Reason:

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

**23. 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.

**24. 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 4 of the Code for Sustainable Homes, in the form of a design stage assessment, 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).

**25. 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 4 of the Code for Sustainable Homes in the form of post construction assessment and certificate as issued by a legitimate 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).

**26. APPROVAL CONDITION - Sustainable Drainage Systems (Pre-Occupation Condition)**

Prior to the commencement of development a feasibility study demonstrating an assessment of the potential for the creation of a sustainable drainage system on site shall be carried out and submitted to the Local Planning Authority. Any measures shown to be feasible shall be verified in writing by the Local Planning Authority and implemented prior to first occupation of the development hereby granted consent. 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. A sustainable drainage system to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter. In the development hereby granted consent, peak run-off rates and annual volumes of run-off shall be no greater than the previous conditions for the site.

Reason:

To conserve valuable water resources, in compliance with and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010) and to prevent an increase in surface run-off and reduce flood risk.



**POLICY CONTEXT**

Core Strategy - (January 2010)

CS3	Promoting Successful Places
CS4	Housing Delivery
CS6	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
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
NE4	Protected Species
CLT3	Protection of Open Spaces
CLT5	Open Space in New Residential Developments
CLT6	Provision of Children's Play Areas
CLT7	Provision of New Public Open Space
H1	Housing Supply
H7	The Residential Environment
TI2	Vehicular Access

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - August 2005 and amended November 2006)

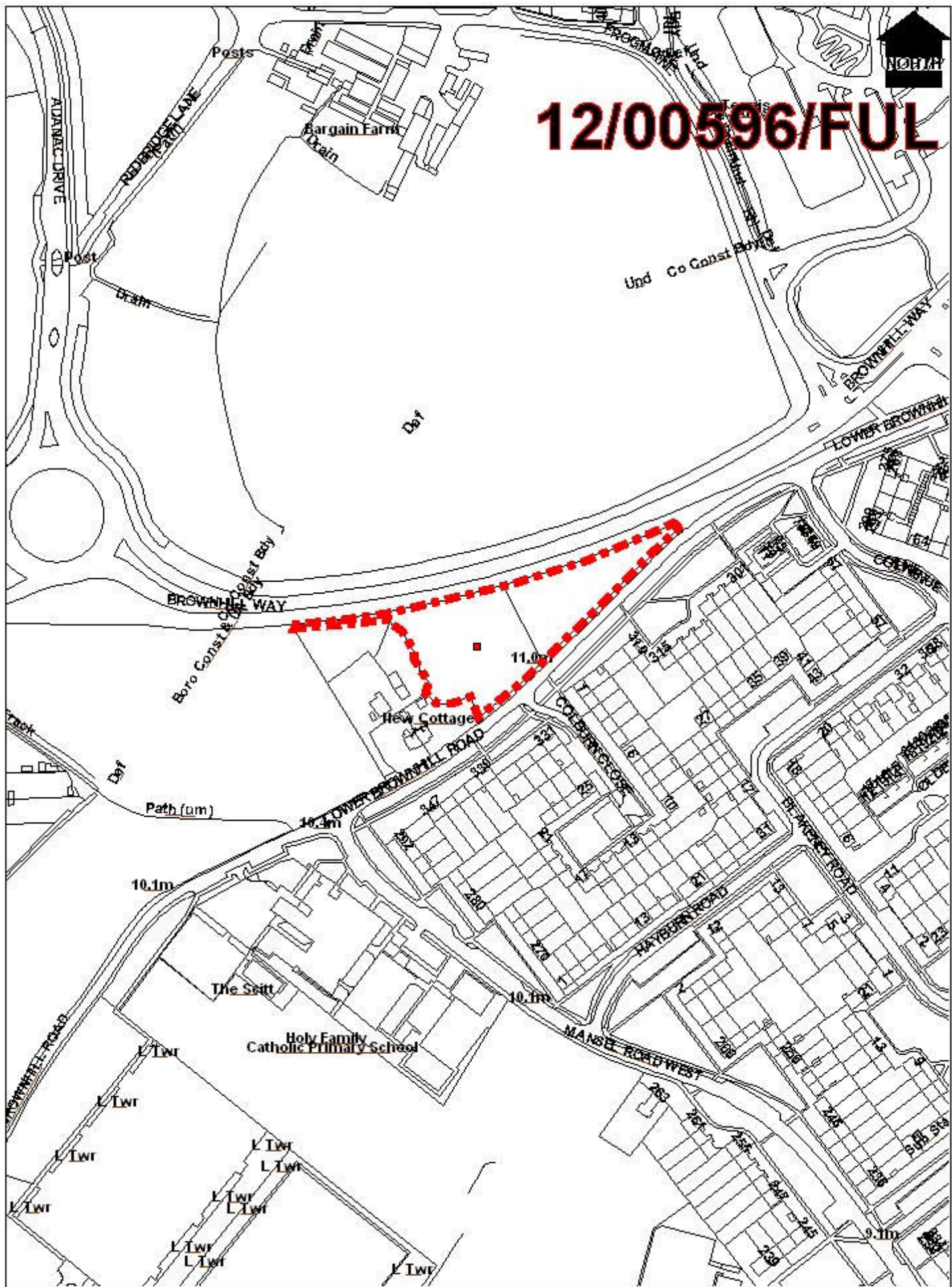
Parking Standards (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012



**12/00596/FUL**



Scale : 1:2500

Date : 09 August 2012

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# Agenda Item 7

**Southampton City Planning & Sustainability  
Planning and Rights of Way Panel meeting 21 August 2012  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Southampton Municipal Golf Course, Golf Course Road, SO16 7LE			
<b>Proposed development:</b> Measures To Provide Storage For Flood Waters, Rehabilitate The Natural Floodplain Of Holly Brook And Improve The Aquatic Habitat Including De-Culverting And Construction Of A New Flood Defence Balancing Pond With Associated Works.			
<b>Application number</b>	12/00595/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Bryony Stala	<b>Public speaking time</b>	15 mins
<b>Last date for determination:</b>	15.08.2012	<b>Ward</b>	Bassett
<b>Reason for Panel Referral:</b>	Major application subject to objection	<b>Ward Councillors</b>	Cllr L Harris Cllr B Harris Cllr Hannides

<b>Applicant:</b> Mr Malcolm Ward	<b>Agent:</b> N/A
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<b>Recommendation Summary</b>	<b>Conditionally approve subject to the withdrawal of Natural England's objection.</b>
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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 proposal on the ecology and biodiversity of Southampton City Council golf course and the immediate surrounds 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, SDP7, SDP9 and SDP12 of the City of Southampton Local Plan Review (March 2006) and CS13 (7), CS14, CS20 (2), CS22 and CS23 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

<b>Appendix attached</b>			
1	Development Plan Policies		

## Recommendation in Full

**Conditionally approve subject to the withdrawal of Natural England's objection.**

## **1. The site and its context**

- 1.1 The site is located within Southampton and borders Chilworth Common to the north, Coxford Road to the west and Southampton Sports Centre to the South. The east of the site is bordered by residential properties with Bassett Avenue beyond.

The majority of the site is occupied by Southampton golf course which is landscaped and forms a shallow valley dipping towards the south. The area is comprised of grass, with a number of wooded coppices and sand pits. There are two ponds in the northern part of the site.

The club house and parking associated with the golf course are located in the eastern part of the site.

- 1.2 The site is located between two main rivers, with the River Test Estuary approximately 3.5km to the west and River Itchen Estuary approximately 2.5km to the east.

The site is within the River test surface water catchment. Surface water from the site discharges to Holly brook, an existing stream which flows southwest into Tanners Brook and into the River Test.

## **2. Proposal**

### **2.1 Background**

The proposed scheme is part of an Environment Agency Assessment process and is in line with local and national surface water management policy. A surface water stream, Holly Brook, flows through the site and has been identified as contributing to flood risk downstream. The works proposed on the golf course site are part of a wider Environment Agency scheme entitled 'Tanners Brook and Holly Brook Flood Alleviation and River Restoration scheme' to mitigate flood risk downstream and to improve amenity and ecological value along the downstream watercourses.

- 2.2 The proposed development responds to the Southampton Surface Water Management Plan which was written in response to the requirements of Planning Policy Statement 25 (Development and Flood Risk) and more recently paragraphs 100 – 108 of the National Planning Policy Framework (NPPF). The NPPF supersedes Planning Policy Statement 25 but retains the need for local authorities to be responsible for flood risk prevention and management.

- 2.3 The Southampton City Council Surface Water Management Plan identifies a number of options of works within the city to improve and prevent flood risk. The plan refers to Holly Brook and Tanners Brook as secondary watercourses which drain a significant area of the

Millbrook catchment. A high-risk flooding hotspot is located where the brooks meet in Lordswood Greenway, adjacent to the junction between Winchester Road, Romsey Road and Tebourba Way.

- 2.4 The Surface Water Management Plan identifies that the residential area along Dale Valley Road is at significant risk of flooding from the channelled section of Holly Brook. The area indicated to be at risk extends southwards to include parts of the Spire Hospital Site.

Whilst the sports centre is referred to in option 8d of the Surface Water Management Plan, the golf course is not. This is because the project was already being put together by the Environment Agency. However, the scheme is referred to in the Surface Water Management Plan, the contents of which compliments the Environment Agency's intended works.

2.5 Proposed works

The Environment Agency are proposing to undertake de-culverting and flood storage works at Southampton City Gold Course to increase the standard of flood protection further downstream in the Dale Valley Road area.

These works are part of a larger scheme of improvements to the Tanner's brook catchment, including installation of eel passes further downstream at Shirley pond, and in-channel habitat creation works further downstream at Millbrook.

- 2.6 The works at Shirley pond and Millbrook fall under the Environment Agency's permitted development rights and as such do not form part of this application.

- 2.7 The key objectives of the project are to reduce the risk of flooding to properties from the Tanners Brook and to improve and create priority habitats for wildlife, and enhance areas for public enjoyment.

2.8 Works include;

- Excavation of the new channel, ponds and wetland features starting from the northern end of the gold course.
- A new channel formed along the southern boundary of the golf course to divert surface water flows into the flood storage area being created.
- The formation of an embankment at the southern end of the golf course.
- The provision of pedestrian bridges comprising a wooden crossing with no handrails where required. With two vehicular bridges provided to the north and south of the main woodland copse, with guard railing on either side.
- Replacement tree planting at a ratio of three trees planted to replace each one removed. Seeding of the embankments,

wetland areas, river channel banks and remedial seeding of the golf course will be undertaken as soon as weather conditions allow. Marginal planting of the new wetland features will be undertaken in April to June 2013

- A management plan will be implemented following works to allow for natural regeneration of alders along the river channel, mitigation for those removed and coppiced along the length of the new channel.
- The health of the trees will be monitored to ensure they do not present a public safety risk.
- Vehicular movements to and from the site will be limited due to the majority of excavated spoil being retained on site to form the flood embankment.
- A management plan to control public use of the golf course will be in place.

### **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 council will work with the Environment Agency and other key stakeholders to manage flood risk in the city whilst ensuring the protection and enhancement of biodiversity and habitats accordance with adopted Core Strategy Policy CS22 and CS23.

3.3 The National Planning Policy Framework came into force on 27 March 2012. Having regard to paragraph 214 of the National Planning Policy Framework dated 27 March 2012 the policies and saved policies set out in **Appendix 1** which have been adopted since 2004 retain their full material weight for decision making purposes.

### **4.0 Relevant Planning History**

4.1 10/01799/SCR - Request for a Screening Opinion under Part II Regulation 5 and Scoping Opinion if required under Part IV Regulation 10 of the Town and Country Planning Environmental Impact Assessment England and Wales Regulations 1999 prior to a planning application for works to Tanners Brook to include a combination of the following, (i) complete removal of culverted stretches at the golf course, including two new ponds and earth embankments for flood storage (ii) amenity enhancements at Dale Valley Road Allotments involving the replacement of fencing and channel clearance, (iii) provision of flood storage within Dale Valley Road Allotments, through excavation of the existing ground levels, (iv) installation of eel passes at Shirley Pond, (v) installation of in-channel features and scraping at Mill Mead, (vi)

public realm enhancements and channel improvements at Millbrook, and, (vii) tidal control structure at ABP Port. – No objection. Decision issued 11.01.2011.

## **5.0 Consultation Responses and Notification Representations**

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement and erecting a site notice. At the time of writing the report 1 representation had been received from a local resident.

The objector identifies concerns raised with regards to

- a lack of data to support the development objectives
- impact on the golf course as a nationally recognised venue and the recommendation that it should be classified as a landmark heritage site because of the association with its designer JH Taylor, the visionary founder of the PGA 1901.
- The paper is not fully compliant with the Aarhus Convention but also the following EU Directives 2001/42EC and 2004/17EC. These directives have been updated to be compliant with the Convention.
- Since the role of managing the operations and maintenance of the outdoor facilities at the golfing complex were outsourced there has been no progress made regarding the remediation of the surface water collection and disposal drainage system. The Council it seems has abandoned its statutory responsibility and accountability of stewardship.
- It is not feasible to propose the intended development works related to Holly Brook until the contribution of the remediation of the collection system has been determined and disposal entry points have been appropriately identified.
- The proposal is not fit for purpose as it threatens flooding in old Shirley and Millbrook.

*Response:*

*The expected outcome of the works is to prevent and reduce flooding downstream of Hollybrook and Tanners Brook. The Environment Agency have spent a number of years researching the most appropriate approach to flood mitigation in this area, considering a number of options and possibilities for reducing flood risk whilst enhancing the site. The submitted application gives a comprehensive account of the works intended for the site and details mitigation measures necessary to protect existing biodiversity. The Environment Agency has worked closely with Southampton city Council to ensure all statutory policy requirements are adhered to. Additional schemes to improve watercourses through Southampton currently being worked on by Southampton City Council, will build upon this proposal.*

*Other issues are addressed in the report below.*

- 5.2 **SCC Highways** – No comments received at the time of writing the report. A verbal update will be made to the panel.
- 5.3 **SCC Trees** - No objection subject to the imposition of conditions to ensure the works comply with the arboricultural statement written.
- 5.4 **SCC Sustainability Team** – No comments received at the time of writing the report. A verbal update will be made to the panel
- 5.5 **SCC Ecology** – No objection.
- 5.6 **SCC Environmental Health (Pollution & Safety)** - No objection
- 5.7 **SCC Planning Policy** - No objection
- 5.8 **SCC Environmental Health (Contaminated Land)** – No objection.
- 5.9 **SCC Heritage & Archaeology** – No objection subject to the imposition of conditions relating to Archaeological investigations on site.
- 5.10 **Natural England – Object.** Further survey effort in the form of emergence surveys is required on some of the high risk trees in accordance with Bat Surveys-good practice guidelines. Additional information must be requested from the applicant. If it is not provided the application should be refused.

Response:

The applicant has sent additional information to Natural England. At the time of writing the report no further response had been received. A verbal response on this matter will be made to the Panel.

- 5.11 **Environment Agency** – No objection.
- 5.12 **BAA** – No objection subject to a note to applicant regarding future landscaping of the site to be imposed on any consent. This is to ensure future landscaping of the site does not harm aviation safety by way of loafing birds.
- 5.13 **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
  - Impact on visual appearance and use of the Golf Course
  - Impact on Ecology & Biodiversity
- 6.2 Principle of Development



- 6.2.1 Policy CS23 (Flood Risk) of the adopted Core Strategy states that the 'Council will work with the Environment Agency to manage flood risk in the city'. The proposed development meets the requirements of CS23 and the aspirations of the NPPF for local authorities to prevent and manage flood risk.
- 6.2.2 The proposal makes a good use of the green space for flood management rather than it impacting on an urban area. This type of management scheme is going to be more common place in the future as authorities look for the capacity to cope with the extremes of weather in locations that will not be an inconvenience to people.
- 6.2.3 The proposed works will help alleviate flooding for Dale Valley Road by protecting the properties from 1:20 years flood risk event.
- 6.2.4 The council are considering schemes for such improvements works beyond Dale Valley Road as detailed in the Surface Water Management Plan. It will be the responsibility of Southampton City Council to extend and build on this scheme for the remainder of the water course to improve flooding issues within the city.
- 6.2.5 The principle of development is accepted.

### 6.3 Impact on visual appearance and use of the golf course

- 6.3.1 The golf course is engineered and landscaped to a certain degree already; this is largely due to the original culverting of the brook.
- 6.3.2 The works are central within the site, screened from residential development, and does not change the overall impression of a heavily treed and green site. It is considered that the engineering works proposed will not adversely affect the existing appearance of the golf course, and replacement tree planting and mitigation works will bring about biodiversity and visual amenity benefits to the site.
- 6.3.3 The current managers (Mytime active) of the golf course have expressed their support for the proposal. Mytime active have been involved in early discussions regarding the project, and a management plan will be in place to ensure use of the golf course can continue throughout construction works.

### 6.4 Impact on Ecology & Biodiversity

#### 6.4.1 **Ecology**

Natural England has confirmed that the proposal does not appear to affect any statutorily protected sites or landscapes or have significant impacts on the conservation of soils.

- 6.4.2 Natural England has advised that a further survey effort in the form of

emergence surveys is required on some of the high risk trees in accordance with Bat Surveys. The applicant has confirmed that the design has taken into account the presence of trees at high risk for impact on Bats and avoided any impact to these trees. A verbal update regarding Natural England's position on this matter will be made to the Panel, as this is not available at the time of writing this report. This issue will need to be satisfactorily resolved for the proposal to be supported.

6.4.3 It is the local planning authority's opinion that the proposal will enhance the existing ecology and biodiversity on site. Appropriate management plans have been submitted with this application to ensure the works are carried out to a high standard without adversely affecting existing habitats.

#### 6.4.4 **Trees**

The Tree Team has been regularly consulted by the Environment Agency (EA) on the details of the application. Whilst it is regrettable that a number of trees will be lost, their position within the copses will have a minimal effect on the visual amenity, and the works will provide scope for increasing the biodiversity of the locale. Mitigation planting has been satisfactorily incorporated into the final design.

6.4.5 Due to the complexity of the site a more generic arboricultural method statement was agreed as acceptable and this has been submitted as Appendix F in the EA Environmental Report 'Tanner's Brook & Holly Brook Flood Alleviation and River Restoration Scheme' (Ref: IMSO001261). A condition requiring the development to be carried out in accordance with this report is recommended.

### 7.0 **Summary**

7.1 The proposal will make a significant contribution to flood risk management and prevention within the city in accordance with the aspirations of the NPPF, Local Development Framework Core Strategy, and Southampton City Council Surface Water Management Plan.

### 8.0 **Conclusion**

8.1 It is recommended that permission be granted subject to the recommended conditions.

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

1(a), 1(b), 1(c), 1(d), 2(b), 2(d)

**BS for 21<sup>st</sup> August 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 - Approved Plans**

The development hereby permitted shall be carried out in accordance with the approved plans (including the Tanner's Brook and Holly Brook Flood Alleviation and River Restoration Scheme - Environmental Report) as 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 – 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.

### **04. 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.

### **05. Approval Condition – Arboricultural works (Performance Condition)**

All operations in connection with the development hereby permitted shall comply with the Arboricultural Method Statement by Vivien Hodge (Oct 2011) and included as Appendix F in the EA Environmental Report 'Tanner's Brook & Holly Brook Flood Alleviation and River Restoration Scheme' (Ref: IMSO001261).

REASON

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

## Note to Applicant

### 1. Landscaping

The development is close to the airport and the landscaping which it includes may attract birds which in turn may create an unacceptable increase in birdstrike hazard. Any such landscaping should, therefore, be carefully designed to minimise its attractiveness to hazardous species of birds.

Your attention is drawn to Advice Note 3, 'Potential Bird Hazards: Amenity Landscaping and Building Design' (available at <http://www.aoa.org.uk/policy-safeguarding.htm>).

### 2. 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.

### 3. Performance Conditions

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

**POLICY CONTEXT**

Core Strategy - (January 2010)

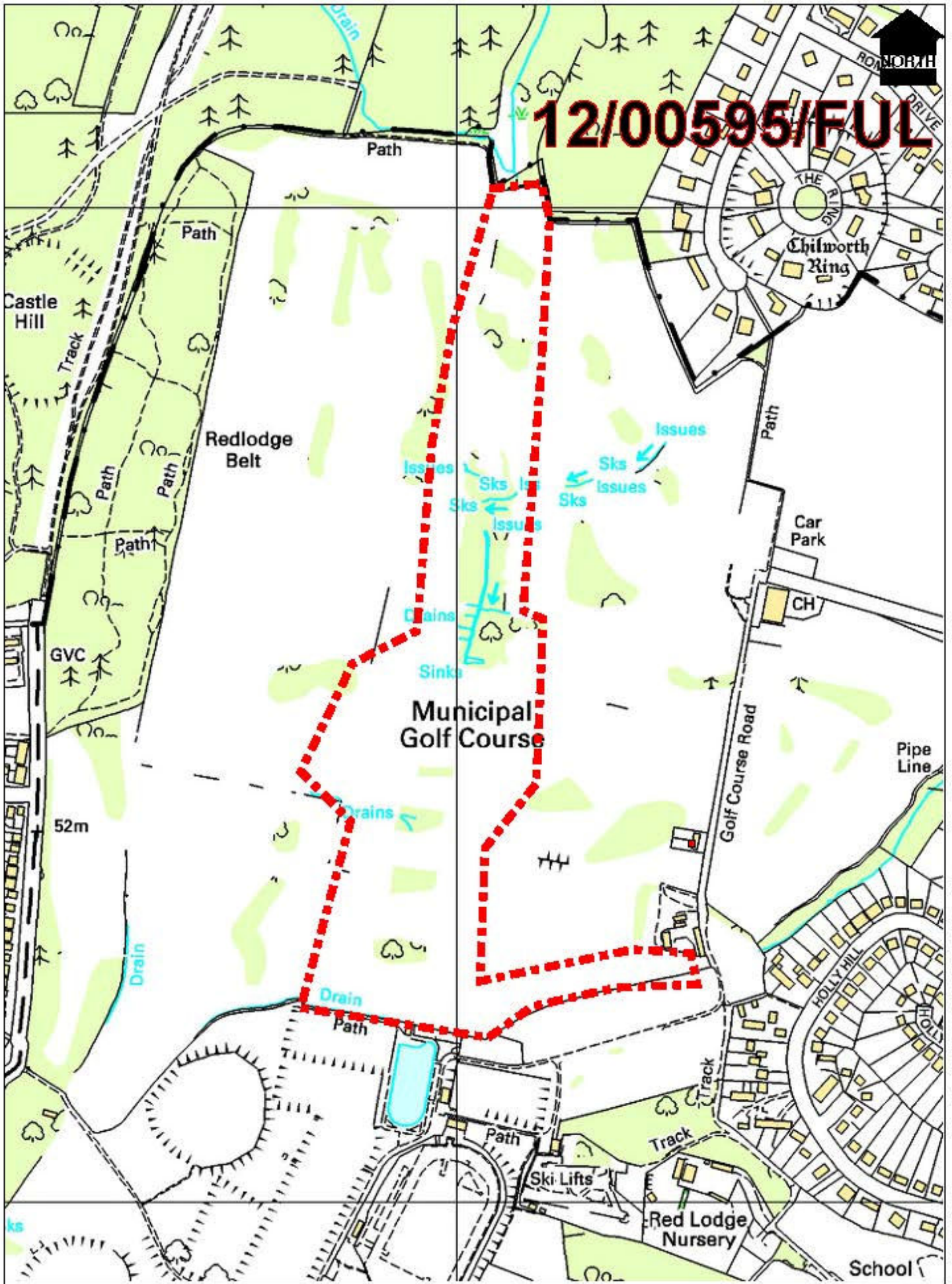
CS13	Fundamentals of Design
CS14	Historic Environment
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
NE4	Protected Species
HE6	Archaeological Remains
CLT3	Protection of Open Spaces
CLT8	Southampton Sports Centre

Supplementary Planning Guidance  
Surface Water Management Plan.

Other Relevant Guidance  
National Planning Policy Framework



Scale : 1:5000

Date : 09 August 2012

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# Agenda Item 8

**Southampton City Planning & Sustainability  
Planning and Rights of Way Panel meeting 21 August 2012  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Carlton House, Carlton Place			
<b>Proposed development:</b> Change of use from offices to student residential accommodation (16 flats comprising 64 bedspaces) with alterations to the elevations - existing ground floor bars to remain.			
<b>Application number</b>	12/00520/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Steve Lawrence	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	30.7.2012	<b>Ward</b>	Bevois
<b>Reason for Panel Referral:</b>	Departure from Development Plan	<b>Ward Councillors</b>	Cllr Burke Cllr Barnes-Andrews Cllr Rayment

<b>Applicant:</b> Valfex Ltd	<b>Agent:</b> Luken Beck Ltd
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<b>Recommendation Summary</b>	<b>Delegate to the Planning and Development Manager to grant conditional planning permission subject to the criteria listed in this report, and upon no further representations having been received as a result of formally advertising the proposals as a departure from the City of Southampton Development Plan.</b>
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<b>Appendix attached</b>			
1	Development Plan Policies	2	Appeal decision related to 08/01775/FUL

## 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 and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions and clauses in the associated planning legal agreement have been applied in order to satisfy these matters. The development will enhance the character and appearance of the surrounding Carlton Crescent Conservation Area and preserve the setting of adjacent Listed Buildings. Whereas the proposals depart from Policy RE15 of the Local Plan Review and CS7 of the Core Strategy, the applicant has attempted to market this outdated office accommodation without success and given the degree of vacancy of office space generally in the city at this time, it is considered acceptable to allow an exception to RE15 and CS7 in this case. It is also noted that in the emerging City Centre Action Plan, Carlton Place properties are proposed to be removed from the aforementioned office safeguarding zoning. 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.

City of Southampton Local Plan Review (March 2006):-

SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP16, SDP17, SDP21, SDP22, HE1, HE3, HE6, CLT5, H1, H2, H5, H7, H13 and MSA1

City of Southampton Core Strategy (January 2010):-  
CS1, CS4, CS5, CS7, CS13, CS14, CS16, CS18, CS19, CS20, CS22 and CS25.

## **Recommendation in Full**

Delegate to the Planning and Development Manager, that subject to no written representations being received by 5 pm. on 24.8.2012 against the proposals as a result of advertising the proposals as a departure from the Development Plan for Southampton, to grant planning permission subject to:-

1. the completion of a S.106 Legal Agreement to secure:
  - (i) In lieu of an affordable housing contribution an undertaking by the developer that only students in full time education be permitted to occupy the flats;
  - (ii) Management plan for moving students into and out of the building at the beginning and end of the academic year;
  - (iii) Installation of the 'box in a box' acoustic solution, provision for independent testing to verify the predicted noise levels to be achieved and no first occupation until such levels have been verified, with retention of said insulation works thereafter;
  - (iv) Owner undertakes to use powers under Landlord and Tenant Act to prosecute owners of either Seymours or Level 1 bars (or any other occupier) – in accordance with the submitted unilateral undertakings from each of those businesses and their successors in title - in the event that complaints are received about noise disturbance, where it can be substantiated that noise limiting levels in the bars sound amplification systems are exceeding the agreed levels. Such levels to be verified and equipment made secure from tampering before the first residential occupation of the building.
  - (v) Financial contributions towards the relevant elements of public open space required by the development in line with policies CLT5, 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) - Amenity Open Space ("open space");
  - (vi) Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
  - (vii) Contribution toward public realm improvements;
  - (viii) Highways condition survey.
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.



3. In the event that the legal agreement is not completed by 21 October 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.

## **1.0 The site and its context**

- 1.1 The existing building sits on the corner of Southampton Street and Carlton Place. It is four storeys high and in use as two bars and a small area of vacant office on the ground floor and vacant offices on 3 floors above.
- 1.2 It comprises a concrete frame with elevations of part brick, part panelled with metal framed double glazed windows. It has a dated appearance and is of no particular architectural merit. The City Centre Characterisation Study does not specifically mention this building, which is served by a car parking area (9 spaces) accessed from Carlton Place. The access also supports private parking to the rear of Carlton Crescent properties. The building partly oversails this car park. A free-standing, brick-faced, tiled roof, bin store sits by the entrance to the parking area.
- 1.3 The building is located within the city centre and is within the Carlton Crescent Conservation Area. The Cricketers pub lies to the west on the opposite side of Southampton Street, as is a Territorial Army building (former riding school) which is Grade II Listed. A covered way leading to parking for offices in Carlton Crescent, overtopped by hostel accommodation abuts to the north. Avondale House (also Grade II Listed) abuts to the east, containing another pub, with flats over. Commercial ground floor uses with flats over lie opposite to the south.
- 1.4 The site also lies within the defined 'night time zone' that is a mixture of late evening commercial uses and residential accommodation/flats, where midnight closing is advised by an informal officer briefing note with respect to Southampton's night time economy, when new late night use proposals come forward.
- 1.5 The site is in a very sustainable location with a range of town centre shops, services and facilities within walking distance, and regular buses running to both universities within the city. It is also within walking distance of the central station.

## **2.0 Proposal**

- 2.1 The proposal involves refurbishing and extending the building at 3<sup>rd</sup> floor level to create bedrooms, bathrooms, kitchen and communal spaces within 16 flats, one on the ground floor and 5 flats on the first, second and third floors. Each flat has 4 bedrooms, 2 bathrooms and communal kitchen/seating areas.
- 2.2 A 'box in a box' acoustic solution is proposed to isolate the residential accommodation from the commercial uses at ground floor, such that 25 dB (A) can be achieved in bedrooms. This representing a 15 dB(A) improvement on the 'unmodified' building level of 40 dB(A). Unilateral undertakings have also been submitted by operators of the commercial uses, whereby the Landlord of the building would enforce under the Landlord & Tenant Act the commercial operators' requirement to keep noise from music limited to a level that the 40 dB (A) would always be achieved in the 'unmodified' building.

- 2.3 Some partial demolition is proposed at ground floor at the rear to create a small external common amenity space, part of which will undersail the building and be landscaped. This will include demolition of the existing free-standing bin store and its replacement by another, where the building is to be extended within the current undercroft.
- 2.4 A new entrance will be formed to the upper accommodation, with the existing entrance retained as a fire escape exit from the building.
- 2.5 The exterior of the building will also be refurbished and new windows and finishes employed to give the building a modern residential appearance, and an internal acoustic entrance lobby to the splayed entrance to Seymours Bar. (Originally proposed brise soleil to window openings have been deleted following objection from Historic Environment Team).
- 2.6 3 No. parking spaces will be retained for staff of the existing Seymours and Level 1 bars.
- 2.7 An amended ground floor layout plan has been submitted addressing Highways DM concerns about refuse store doors and adequate quantum of secure bike storage.

### **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 2**. The site is located within the defined city centre, a defined ‘night-time zone’ and the Carlton Crescent Conservation Area. Policy RE115 states that there should be no net loss of office accommodation in this part of the city centre, supported by Policy CS7 of the Core Strategy. The proposals therefore represent a departure from the Development Plan. Although a favourable resolution would not need to be referred to the Secretary of State, the Planning and Development Manager does not have delegated powers to determine such applications.
- 3.2 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.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. Having regard to paragraph 214 of the NPPF the local policies and saved policies listed in this report retain their full material weight for decision making purposes.
- 3.4 Major developments are expected to meet high sustainable construction standards in accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.

## **4.0 Relevant Planning History**

- 4.1 **1339/P21 R1** (CAP-11.02.1969) - Allowed for the construction of Carlton House – Erection of workshop, store, showrooms and offices.
- 4.2 **M29/1661** (CAP- 23.04.1985) - Change of use of part of ground floor from office to Wine Bar fronting Southampton Street. This became Seymours Bar: had previously been 'The Rock Garden' restaurant under earlier permission 1572/M40 granted 7.10.1980. Neither permission has any planning condition limiting hours of opening.
- 4.3 **901244/E** – (CAP - 21.11.1990) - Erection of single storey extension at third floor level.
- 4.4 **960756/E** – (CAP - 26.03.1997) – Replace existing windows with folding door and erection of canopy on Carlton Place elevation of Seymours Wine Bar. No restrictive conditions imposed as to folding doors.
- 4.5 **06/01338/FUL** - (CAP - 1.12.2006) – External alterations to the building including enhancement to existing facade, new access gates, railing, removal of bin store, upgrading existing car park and replacing existing footpath. This was implemented.
- 4.6 **07/01319/FUL** - (CAP - 1.07.2008) – Change of use from A1 (retail) to A4 (drinking establishment). This became Level 1: Hours 08.00-00.00 daily conditioned. Condition 3 required the submission of a soundproofing scheme. This has never been submitted.  
Current case officer has written to proprietor to offer options and to query nature of use now being operated, which appears to now be a mixture of bar within Class A4 and dance club within Class D2. CLT14 says that D2 uses will not be supported in the late night zones. Entertainment licence granted by SCC also states closing times beyond planning permission granted.
- 4.7 **08/01775/FUL** sought to extend the midnight closing to 02.00, but was refused, then dismissed at Appeal 11.12.2009. **Appendix 2** reproduces that decision.
- 4.8 **08/01776/FUL** sought to physically extend the Level 1 bar into the undercroft. This was given permission, but was not implemented and now lapsed. This again imposed midnight closing daily.
- 4.9 **10/00045/FUL** Change of use of ground floor from office to bar and shopfront. Refused. 9.3.10. This is the element of ground floor offices, immediately north of Seymours, fronting Southampton Street, which now forms part of the submitted application accommodation.
- 4.10 **11/00669/FUL** - Change of use form offices to student residential accommodation (16 flats/64 bedrooms) existing ground floor bars to remain. (Withdrawn 11.7.11).

## **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 (31.05.12 – and 3.08.2012) and erecting a site notice (24.05.12). At the time of writing the report **1 representation** had been received, but has subsequently been withdrawn in writing from the manager of adjoining residential accommodation.

## 5.2 **Consultee Comments**

5.2.1 **SCC Pollution and Safety Team** - An agreement to limit noise levels in the bars such that a level of 40 dB(A) is not exceeded in the unmodified building is inadequate because:

- Once the building is modified, compliance with the '40 dB(A) in the unmodified building' cannot be checked.
- It is essential that noise limits are specified in octave bands (63Hz and 125Hz). Not only dB(A).

5.2.2 Provided that the stated noise limits (25 dB(A) and NR25) are not exceeded in the flats then it is unlikely that the Council could substantiate the existence of a statutory nuisance. However, this is not really the appropriate test: the planning system would generally seek to ensure that noise levels in dwellings were lower than those that would be assessed as being a statutory nuisance. It is agreed that 'bass thump', if limited to the levels proposed (NR20) would be unlikely to awake a sleeping person. However, 'bass thump' is likely to be audible at these levels and could prevent an annoyed person going to sleep.

5.2.3 The legal agreements between the landlord and the tenants, *in their current form*, do not ensure that low-frequency noise levels will be restricted to defined limits.

5.2.4 It is recommended that permission can only be granted for this development if the following safeguards can be provided via clauses to an enforceable legal agreement. Adequate safeguards need to be put in place in respect of items (A) and (B) below. It depends on whether there is a means of ensuring that the detailed information (such as the numerical values of the limiting sound levels in the bars, and the specification of the sound limiters) being provided to the Council, and that the Council has the means of accepting or rejecting the landlord/tenant legal agreements, before the planning permission is granted/issued.

5.2.5 (A) A S.106 clause should be imposed requiring that the airborne sound insulation (sound level difference) between either bar and any habitable room is not less than the values presented in Table 2 (line 16) on page 25 of the Sandy Brown Associates Report dated 5 April 2012. This performance is to be demonstrated by a test carried out in general accordance with BS EN ISO 140 Part 4: 1998 by a qualified consultant approved by the Council. The test shall include measurements of sound insulation in the 63Hz octave band. No flat shall be occupied until compliance with the stated sound insulation values has been demonstrated to the satisfaction of the Council.

5.2.6 (B) The council needs to be satisfied that:

(i) The sound levels in the bars will at all times be limited to such levels as are required to limit noise levels in any habitable room in the flats (on ground, first or

higher floors) to a level not exceeding 25 dB LAeq, 5minute and the octave-band levels defined by the Noise Rating (NR) 20 curve (again expressed in terms of Leq,5 minute levels). The Council needs to be informed what these limiting levels are, to enable them to be monitored at any future date. It is essential that noise limits in the bars are defined in terms of levels in octave bands (including the 63Hz band) - (a limit in dB(A) only is of no value since the controlling factor will be the low-frequency noise (bass 'thump'. Currently, the Council has not been formally notified of these limiting noise levels)- ; and,

(ii) The noise-limiting devices incorporated in the music systems are or will be of a type capable of limiting sound levels in octave bands, including the 63 Hz band. The applicant's acoustic consultant has informed the council that as far as he knows the limiter in 'Level 1' is a simple dB(A) limiter which does not meet this requirement. The Council needs detailed information on the types and serial numbers of the noise limiters installed or to be installed. The Council also needs to be assured that the settings on the noise limiters cannot be accessed or tampered with except by a nominated individual (who shall be named) and that the limiter settings as referred to in (B)(i) will be retained at all times.

- 5.2.7 **SCC Housing Enabling Team** – No requirement for affordable housing if restricted to student occupancy through legal agreement.
- 5.2.8 **SCC Highways DM Team** – No objection, but moving in and out of students at the beginning and end of each academic year will need to be controlled by a management plan, to be agreed prior to first occupation, under planning legal agreement.
- 5.2.9 **SCC Ecology** - Minimal opportunities for bat access and consequently the probability of bat roosts being present is low. In addition, there is a lack of suitable foraging habitat in close proximity to the building. No objection.
- 5.2.10 **SCC Heritage Conservation** – No objection subject to removal of brise soleil (amended plans submitted to this effect). Conditions recommended to investigate archaeology.
- 5.2.11 **SCC Sustainability** - The current submission does not use the building regulations as a baseline to provide the % reduction through fabric as required. A standard energy conservation condition is recommended. As it is a conversion rather than a new build, code for sustainable homes is not required.
- 5.2.12 **Southern Water** – Public water main and sewer cross the site: construction must be set off the line of these to protect them. Informative to this nature encouraging developer to speak with SW to be put on decision. Pre-commencement condition suggested regarding details of drainage.

## **6.0 Planning Consideration Key Issues**

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

1. Loss of 1660 sq.m of office accommodation, contrary to Local Plan Review (LPR) Policy RE115 and Core Strategy (CS) Policy CS7 and whether the provision of further student accommodation is justified under LPR Policy H13.

2. Whether it is appropriate to position residential accommodation over existing loud noise sources (LPR Policies SDP1 (i) and SDP16) and whether suitable living conditions/safe and uncontaminated living environment can be created generally in the way of supporting amenities such as bin storage, cycle storage and amenity space, having regard to the proposed density of use (LPR Policies SDP1 (i)/(iii), SDP5, SDP7, SDP10, SDP11, SDP17, CLT5 and CS Policies CS1, CS5, CS13, CS16 and CS19 as well as the relevant Residential Design Guide principles).

3. Whether the travel demands of the new residential occupants (and existing commercial occupiers of the building) are adequately met or suitable infrastructure contributions secured to mitigate for the impact (CS Policies CS18/CS25). Also Mitigating highways impact when students would move into and out of the proposed accommodation, being as only metered pay and display parking is available in Southampton Street.

4. Physical and visual impact of the works of extension/alteration/demolition upon the character and appearance of the Carlton Crescent Conservation Area (LPR Policies SDP1 (i), SDP7, SDP9, HE1, HE2, HE3, HE6 and MSA1 (v) and CS Policy CS14).

5. Mitigating for climate change and improving biodiversity.

6. Ensuring adequate water supply and capacity in public sewerage to serve the development.

## 6.1 Principle of Development

6.1.1 The applicant has tried to market these tired and outdated offices. The report by King Sturge concludes that this type of office accommodation is not favoured, not least because it does not enjoy supporting car parking, compared to modern out of centre office campus developments located off the M3 and M27. Sufficient evidence has been submitted to show the marketing of the development site since 2009 for office use.

6.1.2 Whereas such employment land would normally be safeguarded under the Development Plan, the NPPF now suggests that where evidence is brought forward to show the property has been marketed without success, a local planning authority can consider alternative use, especially where this would meet unmet housing need. There is a demand for accommodation of this type, which will also help to take pressure of established family housing areas in terms of pressure for HMO use. Within the Emerging City Centre Action Plan, the office safeguarding covering the application site is also proposed to be 'shrunk' to just cover Carlton Crescent.

## 6.2 Achieving a satisfactory living environment for occupiers of the flats

6.2.1 This issue had led to the withdrawal of application 11/00669/FUL. Several meetings have been held with the applicant and his agents, both pre and post submission of this revised application. No planning conditions were ever imposed on Seymours or Level 1 to limit the amount of noise emanating from those premises. Only Level 1 has a planning condition restricting hours of opening. It is understood that some noise mitigation measures have been secured through the

entertainment licences granted to each establishment.

- 6.2.2 The applicant has submitted a detailed acoustic report, which ultimately recommends that a 'box within a box' acoustic solution will provide an acceptable noise environment in all proposed habitable accommodation. Two examples of where such a strategy has been employed are given – Manchester and Croydon. Whilst these are not strictly or precisely comparable to the circumstances of this site and the noisy uses in each case have in some cases gone out of business, so not now operating, enquiries with those respective council's have not revealed subsequent noise complaints from those living/sleeping over/adjacent to those noise sources.
- 6.2.3 A package of mitigation is put forward and ultimately this will be delivered via the legal agreement to be signed by the applicant. Where delivered and verified through testing, the council's independent noise consultant has concluded that a satisfactory residential noise environment could be created, which would be unlikely to result in statutory noise nuisances being able to be substantiated. In particular, low frequency noise or what has been referred to as the 'bass thump' of amplified music, would be unlikely to wake a person from sleep.
- 6.2.4 The site is located within a recognised late night zone where such activity and movement of patrons around the area is already prevalent and part of the area's noise character.
- 6.2.5 Following consultation with the Crime Prevention Officer during the previous application, access to the building is now obtained from Carlton Place to the south-east of the building. This leads via a secure route to a new access to the rear of the building. This area, partially covered by the overhang of the existing building also provides access to bins, (with a separate access for collection purposes), post boxes and a manager's store. The emergency exit from the bar area is kept separate. These amendments are considered to address the crime prevention officer's previous concerns.
- 6.2.6 Level 1 bar is required to close at midnight daily under its planning consent. Whilst Seymours is not so controlled under planning legislation, its public entertainment licence provides for 02.30 closing on Thursday to Saturday, with 01.30 closing on Monday to Wednesday and 01.00 closing on Sundays.
- 6.2.7 The freeholder of the building has also exerted his powers under the Landlord and Tenant Act so as to have required the proprietors to have made unilateral undertakings under S.106 of the Planning Act to undertake to limit the amplified noise emanating from their premises to the extent that no more than 40 dB (A) be able to be measured in the unmodified building. The council's external noise consultant has observed that the limiting levels at source also need to be specified and not be able to be tampered with, so as to make the undertakings enforceable. This will be secured through the legal agreement to be signed by the Applicant. The applicant will also give a firmer undertaking to enforce the matter under the Landlord and Tenant Act, in addition to any planning enforcement the council would be able to take, should a breach of that level be proven.
- 6.2.8 Finally, the applicant has stated through his solicitor in writing that he is prepared to fit the entire 'box within a box' solution and to not allow any residential

occupation until the predicted levels have been verified with the council.

- 6.2.9 Under the above circumstances, it is concluded that it would be possible to create an acceptable residential noise environment to allow these normally incompatible land uses to sit 'cheek by jowl'.
- 6.2.10 Suitable and safe access to the residential accommodation is to be provided. Secure cycle storage is to be provided. A small, common private amenity space will be created and whilst this does not comply with the 20 sq.m/flat standard of the Residential Design Guide, city parks are close by and occupiers will have use of the recreational facilities provided by their university.
- 6.2.11 The density of the use is considered appropriate for this highly accessible city centre location and the outlook and natural light that will be achieved to habitable rooms is considered acceptable.
- 6.3 Meeting travel demands and ensuring congestion does not occur when students move in and out of the accommodation
- 6.3.1 The office accommodation would have originally created a demand for some 83 spaces at 1 space per 20 sq.m, so conversion to residential should lessen the potential number of trips being attracted to the site. The Local Plan Review does not prescribe a car parking ratio for this type of accommodation, albeit a ratio of one space per five cluster flats has been applied in other local planning authorities.
- 6.3.2 General needs flats of this size could provide a maximum of 13 car parking spaces in this City Centre location, which is not covered by the council's Parking SPD. In the event, the applicant is not proposing any car parking for the flats, but rather has reduced on-site parking to 3 cars, those serving the staff requirements of the 2 bars. Amended plans have been submitted showing 32 secure and covered bicycle parking spaces for the flats and some visitor bicycle parking too. Highways DM are satisfied with this level of provision.
- 6.3.3 The site is in the city centre with good access to public transport and a whole range of day to day amenities including the city parks. On that basis, a zero car parking solution for the flats – whose occupancy will be restricted to students by the S.106 – is acceptable. This agreement will also need to agree a management plan for when students move in and out of the building, to avoid congestion on the adjoining highway network. A condition is recommended to ensure the three parking spaces are available on moving in/out days as part of any strategy agreed in the planning legal agreement.
- 6.4 Visual impact within the Conservation Area and setting of adjacent Listed Buildings
- 6.4.1 The physical alterations to be undertaken have been reviewed by the Historic Environment Team. It is proposed that 3 colours of render will be used; grey, off-white and white, and windows will be grey. These alterations are considered appropriate to give the building a more residential appearance and are considered to have a positive impact on the character and appearance of the Conservation Area. Details/samples of materials will need to be agreed under a condition though. The removal of the current undercroft area will help to make the building



more secure and lessen potential for crime to occur in the area. The incorporation of the third floor roof terrace into the internal building floorspace is acceptable and continues the roof form established under permission 901244/E. Where partial demolition is proposed, reinstatement of exposed elevations will be made good with a simple rendered treatment.

## 6.5 Mitigating for climate change and improving biodiversity

### 6.5.1 The existing building currently:-

- Is heated via wall mounted fan convectors fed from wall hung gas fired boilers (2 per each floor). It has been estimated that the efficiency of the existing heating system does not exceed 80%,
- Has a hot water generated via local electric water heaters located on each floor,
- Uses lighting provided via a combination of compact fluorescent and T8 lamps,
- Is served via a number of local air conditioning units which provide comfort cooling to various areas of the building, and
- Uses energy from office equipment.

6.5.2 To comply with the current Building Regulation Part L28, it is proposed to improve the existing building fabric and also improve the efficiency of the proposed mechanical and electrical services. The proposed heating method for the new student accommodation is high efficiency condensing wall hung boilers (1 No, per Student Flat). It is proposed to use new low energy lighting.

6.5.3 The total estimated CO<sub>2</sub> emission for the existing office building has been calculated to be 67.24 kg CO<sub>2</sub> /m<sup>2</sup>/annum. The total estimated CO<sub>2</sub> emission for the proposed students accommodation building has been calculated to be 52.81 kg CO<sub>2</sub> /m<sup>2</sup>/annum.

6.5.4 A condition will be imposed to require energy efficient measures. The creation of the small landscaped common amenity space and landscaped strip to Southampton Street will enhance biodiversity on the site, also secured by conditions.

## 6.6 Ensuring adequate water supply and capacity in public sewerage to serve the development

6.6.1 Southern Water have not queried the capacity of public drainage to accommodate this refurbishment of the building

## 7.0 Conclusion

7.1 With the safeguards provided under the S.106 and planning conditions, the development is considered to be acceptable

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

1a-d, 2b-d, 3a, 4f, g, i, k, l, r, kk, uu, 5 (e), 6a, c, f, g, 7a, 8a, h, j and 9a-b

**PLANNING CONDITIONS for 12/00520/FUL**

**01. APPROVAL CONDITION - Full Permission Timing Condition - Physical works/Change of use**

The development works and change of 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 - Approved plans**

The development hereby permitted shall be carried out in accordance with the approved plans and particulars listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority. In particular, where partial demolition is proposed to create the common amenity space, elevations shall be fully made good as detailed.

Reason:

To protect the character and appearance of the Carlton Crescent Conservation Area and the setting of adjacent Listed Buildings and for the avoidance of doubt and in the interests of proper planning.

**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 within the Carlton Crescent Conservation Area.

**04. PERFORMANCE CONDITION - Common amenity space and circulation areas**

Before any of the flats hereby approved are first occupied, the common amenity space and circulation spaces shall be formed and made available for use by occupiers of the flats. In particular, the part of the site occupied by built form which is to be demolished relative to the private amenity space to be formed at the rear of the site shall be cleared, the exposed ground and compacted sub-soil cross ripped and clean topsoil imported to form the approved amenity space. Once provided, those facilities shall be maintained at all times thereafter.

Reason:

To provide a private amenity space for the occupiers of the flats and to ensure adequate and secure pedestrian access to the development and to ensure the exposed ground is properly aerated to successfully support soft planting.

#### **05. APPROVAL CONDITION - Landscaping & lighting 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. hard surfacing materials;
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants,
- iii. a landscape management scheme; and
- iv. external lighting to be provided to the common amenity space and covered internal circulation areas, including the secure bicycle storage point

Any planted, 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 and biodiversity in general 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.

#### **06. PERFORMANCE CONDITION - Car parking**

The three car parking spaces shown on the approved site layout plan shall be surfaced and marked out prior to the first occupation of any of the flats hereby approved. Whereas the applicant has stated these spaces will serve the retained commercial uses at ground floor, provision shall be made to use these spaces to assist in the moving in and out of possessions belonging to students occupying the approved flats at the beginning and end of the academic year, as part of any management scheme to be agreed under the planning legal agreement signed in connection with this planning permission. Once provided, those parking spaces shall be retained for that purpose and shall not be used as an external storage area associated with the retained commercial uses.

Reason:

In the interests of highway safety and to secure a well planned development, so as to protect the character and appearance of the Carlton Crescent Conservation Area.

#### **07. PERFORMANCE CONDITION - Acoustic lobby**

Before any of the flats are first occupied, the internal acoustic lobby proposed for Seymours Bar shall be fully fitted out. Once so installed, that acoustic lobby shall be retained at all times thereafter.

Reason:

To secure a package noise reduction measures to protect the amenities of occupiers of the proposed flats and the character of the Carlton Crescent Conservation Area in general.

#### **08. PERFORMANCE CONDITION - Refuse and secure bicycle parking facilities**

Before any of the flats are first occupied, the facilities shown on the approved plan relating to the storage/disposal/recycling of refuse and the securing parking of bicycles shall be fully implemented and made available for use. Once so provided - whether serving the residential or commercial elements of Carlton House - those facilities shall be retained at all times thereafter for those purposes. This shall include a minimum of 32 bicycle parking spaces to serve the flats and two cycle stands to serve those visiting the building generally.

Reason:

In the interests of amenity and to promote sustainable forms of travel.

#### **09. 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.

#### **10. 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.

#### **11. PRE-COMMENCEMENT CONDITION - Drainage**

Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved by the local planning authority in writing. Once approved, the works shall be carried out in full accordance with the agreed details.

Reason:

In the interests of amenity and public health.

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

Prior to the first occupation of the development hereby granted consent, the approved sustainability measures shall be implemented unless otherwise agreed in writing by the Local Planning Authority.

Reason

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

**13. APPROVAL CONDITION - Energy (Pre-Commencement Condition)**

Notwithstanding the submission of the report reference J2110304/2AIOI/Energy prepared by Henderson Green limited and dated April 2011, further written documentary evidence demonstrating that the development will at minimum achieve a 20% reduction in CO<sub>2</sub> 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).

**14. 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.

**15. 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.

**16. 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.

**17. 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.

Note to Applicant

This application has been inspected by Southern Water. Its comments dated 6 June 2012 are attached. Please contact Southern Water on 01962 858 688 to discuss this project and Southern Water's requirements, further before commencing works on site.

## Relevant Development Plan Policy

The application needs to be assessed in the light of the following local planning policies:

### City of Southampton Local Plan Review - Adopted Version March 2006

#### Major Sites and Areas

MSA 1 City Centre Design

#### 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 (Biodiversity and landscape)  
SDP13 (Resource Conservation)  
SDP16 (Noise)  
SDP17 (Lighting)  
SDP21 (Water quality and drainage)  
SDP22 (Contaminated land)  
HE1 (Development in Conservation Areas)  
HE2 (Demolition in Conservation Areas)  
HE3 (Development affecting the setting of Listed Buildings)  
HE6 (Archeological Remains)  
CLT5 (Open space in new residential developments)  
(NB CLT6 not applicable as S.106 will limit occupation to students in full time education only)  
CLT14 (only insofar as may be an enforcement issue with current use of part of the site)  
H1 (Housing supply)  
H2 (Previously developed land)  
H5 (Conversion to residential use)  
H7 (Residential environment)  
H13 (New student accommodation)  
RE15 (Safeguarding office accommodation)  
MSA1 (City centre design)

#### Core Strategy - (January 2010)

CS1 (City centre approach)  
CS4 (Housing delivery)  
CS5 (Housing density)  
CS7 (Safeguarding employment sites)  
CS13 (Fundamentals of Design)  
CS14 (Historic environment)  
CS15 (Affordable housing)

CS16 (Housing mix and type)  
CS18 (Transport: reduce-manage-invest)  
CS19 (Car and cycle parking)  
CS20 (Climate change)  
CS22 (Promoting biodiversity)  
CS25 (Infrastructure contributions)

### **Supplementary Planning Guidance**

Residential Design Guide (18 Sep 2006)  
City Centre Urban Design Strategy  
Development Design Guide  
City Centre Characterization Study  
Draft City Centre Action Plan (Policy No.2)  
Carlton Crescent Conservation Area Guidelines  
Informal Officer briefing note on the night time economy  
Planning Obligations (August 2005 and amended November 2006)

### **Other Relevant Guidance**

#### Central Government Guidance and Advice

NPPF (2012)



	<h2>Appeal Decision</h2>	<p>The Planning Inspectorate 4/11 Eagle Wing Temple Quay House 1 The Square Temple Quay Bristol BS2 6PN</p> <p>☎ 0117 373 6372 email: enquiries@opa.osi.gov.uk</p> <p>Decision date: 11 December 2009</p>
<p>Site visit made on 26 November 2009</p>		
<p>by <b>D G Hollis BA DipTP MRTPI</b></p>		
<p>an Inspector appointed by the Secretary of State for Communities and Local Government</p>		

**Appeal Ref: APP/D1780/A/09/2109322**

**Level One, Carlton House, Carlton Place, Southampton SO15 2DZ**

- 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 Viper Leisure Limited against the decision of Southampton City Council.
- The application Ref 08/01775/FUL, dated 19 December 2008, was refused by notice dated 16 February 2009.
- The development proposed is "variation of condition 2 of 07/01319/FUL to allow extended opening hours for the ground floor bar on Fridays and Saturdays from 8am to 2am (the following day)".

**Decision**

1. For the reasons given below, I dismiss the appeal.

**Main issue**

2. Having visited the site and locality, and taken account of the written representations, I consider the main issue in this appeal to be whether the proposed extension to opening hours would cause significant detriment to the living environment of local residents.

**Reasons**

3. From my visit to the locality, as well as the submitted statements, I am aware that the immediate area to the appeal property consists of a mix of commercial uses, as well as residential properties. A short distance away there are significant areas of housing. The appeal premises are within the Carlton Crescent Conservation Area; they are also in an area designated as a late night zone and as such are subject to Policy CLT14 – Night Time Economy, and the Council's Guidelines for opening hours.
4. When considering Policy CLT14, the Local Plan Inspector recorded that residents of North of the Park Area (alternatively known as London Road (Bedford Place) area), in which the appeal premises are located, complained of late night noise, anti-social behaviour, vandalism and litter and attributed that to drinking establishments and late opening takeaway uses. Residents were said to oppose any more night clubs and that Policy CLT14 would satisfy their objections. However, the Inspector did mention that the strategy would only apply to new proposals and any change would happen gradually.
5. The Council's Guidelines state that they are not to be taken as hard and fast rules and each case should be judged on its merits. But, the Council is

attempting to set some form of limitation on opening hours for such establishments throughout Southampton; in particular, it is suggested the London Road (Bedford Place) area should only have opening hours extending to midnight. To this end, the Council claim they have been consistent in their decisions and that has been supported by three appeal decisions in London Road, 16/17 Carlton Place and 28 Carlton Place. However, one appeal at 24 Carlton Place was allowed and the premises are able to open until 2am. In that case, the Council suggest they did not submit a statement to explain the issues and cumulative effects of increased opening hours. Those circumstances seem to be noted in the Inspector's decision letter where he refers to not having details to support the Council's assertions or a study of opening hours.

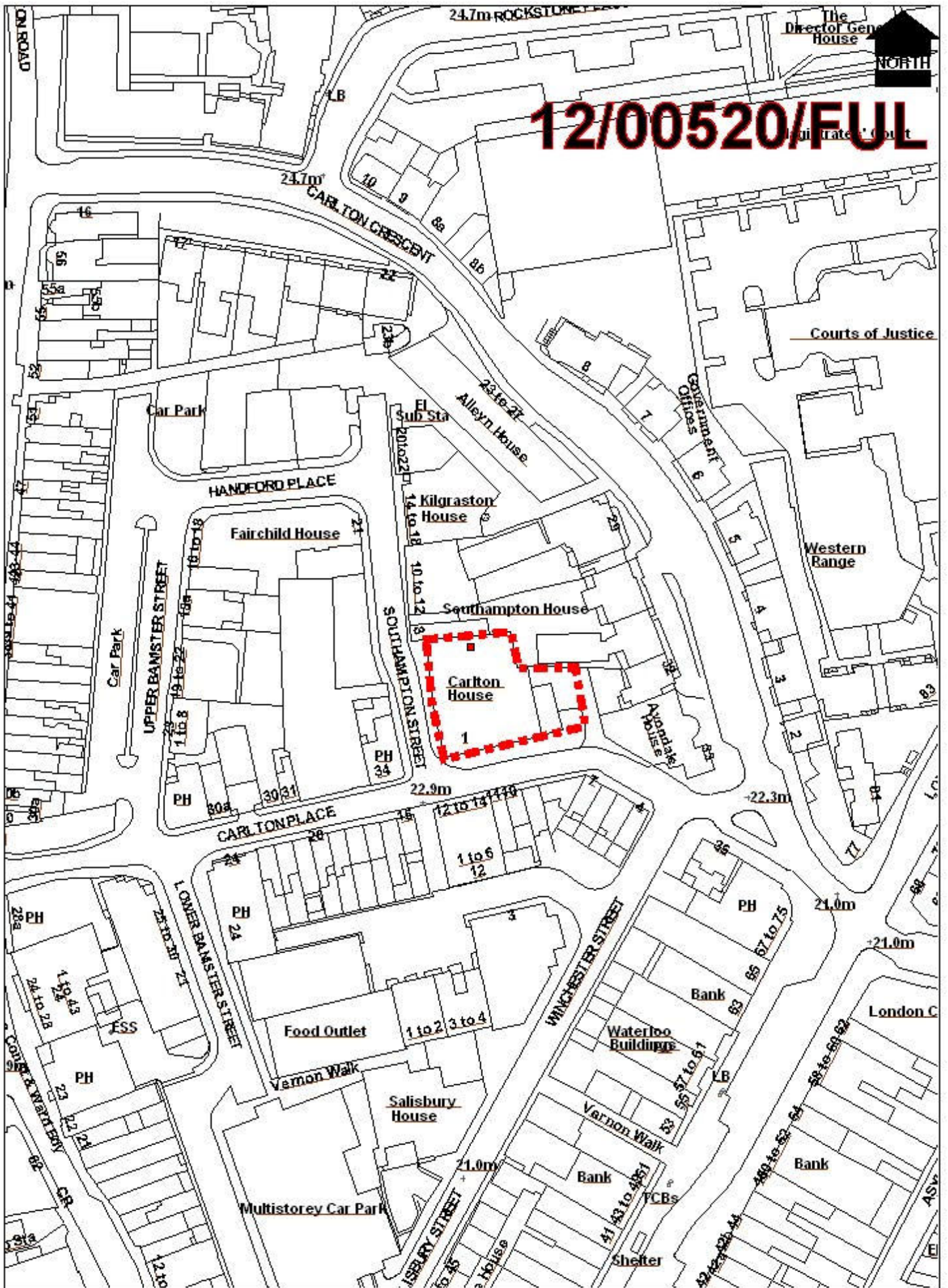
6. In view of all of these circumstances, I can understand the concerns of residents in the immediate and wider areas to protect their living environment, particularly from noise and disturbance in the early hours of the morning. Whilst I have only received objections from one person, the correspondence does indicate to me that there has been considerable concern expressed by residents locally, as well as from local Councillors and Mr John Denham MP. Furthermore, in paragraph 5.14.8 of the Local Plan Report, the Inspector expressed great sympathy for residents in respect of anti-social behaviour from persons returning home late at night. In the following paragraph, it was said that the Council's initiatives were a step in the right direction and there should be an improvement in the wellbeing of persons living nearby.
7. It therefore seems to me that there needs to be a reasonable balance between the activities of the various commercial uses in the area and a proper living environment for residents. I have noted the various measures taken locally in order to mitigate anti-social behaviour, but in my view, the measures mentioned by the appellant are unlikely to overcome any noise or disturbance from persons walking home through areas containing housing in the early hours of the morning. I also acknowledge the considerable efforts of the appellant in managing various premises in a responsible manner. But again, the appellant would have little control over noise or disturbance from customers outside or near to the appeal premises.
8. From the submitted statements and my own observations, it is clear that there are a number of night-time uses in the area that may historically have longer opening hours than the appeal property; other premises are said to be operating in breach of their planning conditions. Clearly, in respect of the latter examples, I would have thought that the Council should consider enforcement action in appropriate cases. The former cases will of course take longer to resolve and although Premises Licences are considered under other legislation, it would be open for the Committee of the Council dealing with such matters to consider the effects of opening hours.
9. Of course, as the appellant correctly points out, instances of noise or disturbance cannot be attributed directly to the appeal property and the way the business is operated. But what concerns me is the cumulative impact of an intensification of late night uses in this locality from an extension of opening hours. In the case of the current appeal, it is requested that opening hours are extended to 2am on the following day on Fridays and Saturdays. I note that the Inspector in the appeal at 24 Carlton Place considered any noise or disturbance problems would be a collective issue and that the opening hours of

that property would be no worse due to the concentration of such activities in this part of the City. But in my opinion, what is likely to happen by permitting further late night opening hours, would be an intensification of the problems and disturbance from commercial uses and the likely and subsequent cumulative effect upon residents, particularly at a time of the day when residents should be able to expect a period of quiet and rest.

10. The appellant claims that due to the existence of many other premises in the area already opening to 2am, the present proposal would make little difference to alleged "harmful disturbance". I disagree. Should the current appeal premises, as well as those that the Council and other Inspectors have resisted in having later opening times, be permitted to open to 2am, I consider such circumstances would create a significant cumulative disturbance to local residents at a time when many people are trying to sleep. To my mind, the Council is correct in trying to limit opening hours in circumstances where residential uses are either intermingled or near to areas designated as late night zones in order to achieve a reasonable balance between the commercial activities in the area and a proper living environment for residents. It is my conclusion that in that way it may be possible to achieve a reasonable harmony between the various uses.
11. Government planning policy also seeks to secure a better quality of life for the community as a whole and that planning decisions should be based on the potential impacts of proposed developments upon the urban environment in both cumulative and long-term circumstances. For the reasons I have given, I am not satisfied that the additional opening hours proposed would avoid a cumulative and significantly detrimental effect upon the living environment of local residents. As far as the question of the conservation area is concerned, bearing in mind that I have found the cumulative effects of the opening hours of various commercial uses and the proposed development would be significantly detrimental to the living environment of local people, I also consider the proposed development would fail to preserve the character of the locality.
12. I have taken into account all other matters raised in the written representations, but none was sufficient to outweigh the conclusions I have reached.

*D G Hollis*

**Inspector**



12/00520/FUL

Scale : 1:1250

Date : 09 August 2012

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# Agenda Item 9

**Southampton City Planning & Sustainability  
Planning and Rights of Way Panel meeting 21 August 2012  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 1 -3 Coates Road SO19 0HN			
<b>Proposed development:</b> Erection Of 3 X 3 Bedroom Houses To Rear Of 1-3 Coates Road With Associated Car Park (Outline Application Seeking Approval For Access, Layout And Scale).			
<b>Application number</b>	12/00756/OUT	<b>Application type</b>	OUT
<b>Case officer</b>	Bryony Stala	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	06.08.2012	<b>Ward</b>	Bitterne
<b>Reason for Panel Referral:</b>	Referral by the Planning and Development Manager	<b>Ward Councillors</b>	Cllr Stevens Cllr Lloyd Cllr Letts

<b>Applicant:</b> Mrs Julia Perry	<b>Agent:</b> Mr Steven Nicholls
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<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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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 on the character of the street scene, car parking, the number and layout of units, the amenity and privacy of adjacent occupiers and the residential environment created 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 outline planning permission should therefore be granted.

Policies - SDP1, SDP5, SDP7, SDP9, H1 and H2 of the City of Southampton Local Plan Review (March 2006).

Policies- CS4, CS13, CS16, CS19 and CS20 of the Core Strategy 2010.

<b>Appendix attached</b>			
1	Development Plan Policies		

## Recommendation in Full

### Conditionally approve

#### 1. The site and its context

- 1.1 The application site is 554 sqm of land currently in use as the garden for 1 and 3 Coates Road. 1 and 3 Coates Road are detached bungalows set within a small Cul- de-sac accessed via Coates Road.

1 Coates Road is a corner plot, the front of the dwelling fronts the Cul-de-Sac with the side (western) elevation of the property forming the boundary with Coates Road.

- 1.2 Coates Road is characterised by a mix of detached, semi-detached and terraced two storey housing. The Bungalows at 1 – 4 Coates Road are the only single storey dwellings in the immediate area. The houses within Ivy Dene at the rear of the site are two storeys in height.
- 1.3 Traffic regulations are in place within Coates Road with double yellow lines on north-eastern side
- 1.4 The site is located within an area of low accessibility. The nearest bus stops are at the junction with Bursledon Road or within Montague Avenue.

## **2. Proposal**

- 2.1 The application seeks outline planning consent for the erection of a terrace of three x three bedroom houses within the gardens of 1 and 3 Coates Road. The only matters reserved for future consideration are appearance and landscaping.
- 2.2 The application is a resubmission of a scheme refused in March under delegated authority this year (reference 11/01949/OUT). The reasons for refusal are included in section 4 of this report.  
The following is a summary of the key differences between the schemes:
  - Reduction in the number of units from 4 to 3.
  - Reduction in the scale and mass of the roof including the removal of front and rear dormer windows to the rear elevation.
  - Reconfiguration of the roof form from gable to hipped.
  - Reduction in the width of the building by 5m.
  - Increase of width between proposed dwellings and 1 and 3 Coates Road to 12.5m.
  - Retention of a 10m garden depth for 1 and 3 Coates Road.
- 2.3 The proposed houses are two storeys in height, each has its own private garden area of approximately 60m<sup>2</sup>.
- 2.4 The development would be served by five off road car parking spaces to be accessed from Coates Road. Cycle storage is provided within the rear gardens of each dwelling and purpose built refuse stores are located to the front of the site.
- 2.5 The developer aims to achieve Code for Sustainable Homes Level 4/5. This will be achieved through the use of timber frame form of construction and solar thermal to the front elevation of the roof.

## **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 Policy CS4 of the adopted Core Strategy identifies that in order to meet sufficient housing provision within the city, homes will generally need to be built at higher densities, be more energy efficient, and use more sustainable building methods.

3.3 Furthermore, developments are expected to meet high sustainable construction standards in accordance with adopted Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13.

#### **4.0 Relevant Planning History**

4.1 11/01949/OUT - Erection of 2 storey terrace of 4 x 3 bedroom houses with dormers to front and rear to facilitate use of loft space with associated refuse store (Outline application seeking approval for access, layout and scale). REF – 05.03.2012.

##### 1. Refusal Reason: Overdevelopment

Although the design of the proposed scheme is a reserved matter, the principle of a terrace of four dwelling houses is considered to be an over-intensive use of the site. This would be by reason of its height, scale, the introduction of dormer windows to the front and rear elevations, the inability to retain a sufficient garden depth for and appropriate spacing between the rear of 1 and 3 Coates Road. the proposed development, would result in a development that is out of keeping with the existing spatial character of the street scene and have an over dominant and overbearing impact neighbouring dwellings, to the detriment of their existing residential amenity. As such, the development would not accord with policies SDP1 (i), SDP7 (i,ii,iv), SDP9(i, v) of the City of Southampton Local Plan Review and CS5 and CS13 (1, 7 and 11) of the adopted Core Strategy (January 2010).

##### 2. Refusal Reason: Loss of Privacy

The proposed development would result in an un-neighbourly form of development by reason of its failure to meet minimum back to back privacy distances. These are 28m, (when measured from the rear dormer windows), as set out in paragraph 2.2.4 of the adopted Residential Design Guide (September 2006). Furthermore, the third storey of accommodation would give rise to the direct overlooking of gardens to the rear of the site. This would be to the detriment of the level of privacy currently enjoyed by the occupiers of neighbouring dwellings and in particular 30, 37 and 39 Ivy Dene. As such, the development would not accord with policies SDP1 (i - particularly paragraph 2.2.1- 2.2.4 of the Residential Design Guide [September 2006]), SDP7 (v), SDP9 (v) and H2 (iii) of the City of Southampton Local Plan Review (March 2006), CS13 (11) of the adopted Local Development Core Strategy Framework (January 2010).

#### **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 on the 21.06.2012. At the time of writing the report 5 representations have been received from surrounding residents and a local ward councillor. A summary of planning related concerns are as follows:

- Residents of Ivy Dene are opposed to the development as it will infringe on privacy, cause unnecessary disruption, and be located in close proximity to the gardens of Ivy Dene.
- Residents feel the area is already overcrowded.
- The proposed development results in garden grabbing will result in the loss of green space within Coates Road and is an overdevelopment of the site.
- Coates Road is a narrow road which is already heavily trafficked and has a large number of cars parked along it. The pavement is often blocked by cars parked along it. This results in difficulties driving along Coates Road and makes it unsafe for pedestrians.
- A reduction in the provision of four to three dwellings does not address the previous reasons for refusal.
- Local Communities have the power to say no to unsuitable over development of garden land as per the 2010 change in the classification of garden land in PPS3.
- The proposal would exasperate current problems and be contrary to SCC policies.
- Further loss of garden will exacerbate the threat to native wildlife.

5.2 **SCC Highways** – No objections.

5.3 **SCC Sustainability Team** – No objection subject to the imposition of conditions requiring compliance with Code for Sustainable Homes Level 4.

5.5 **SCC Trees** – No objection subject to the imposition of a condition relating to the submission of a tree protection plan.

5.6 **SCC Archaeology** – No objection.

## 6.0 **Planning Consideration Key Issues**

6.1 The application needs to be assessed in light of the following key issues and particularly in terms of whether or not the reasons for refusing application 11/01949/OUT have been overcome.

Key issues:

- Principle of Development
- Design and Residential Amenity
- Parking and Highway Safety Issues

### 6.2 **Principle of Development**

6.2.1 The proposal would involve the development of garden land. The National Planning Policy Framework states that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens where development would cause harm to the area (para 53 refers).

6.2.2 Where it can be demonstrated that the existing character is not harmed and the contribution that the garden makes is limited to the character of that site and/or area, planning applications for development on garden land should be considered with regard to the context and character of the surrounding area.

6.2.3 In terms of its spatial context, the existing gardens are much larger than those of



neighbouring dwellings. The ability of the proposed dwellings to address the street frontage of Coates Road means that the existing building line and established pattern of development can be continued without adversely affecting the character of Coates Road. The principle of development on garden land is therefore accepted subject to the proposals compliance with adopted policy and design standards.

6.2.4 Policy CS5 of the adopted Core Strategy advocates that net density levels in low accessibility areas should generally be between 35 – 50dph.

6.2.5 When assessing the appropriate density of a site, it is important to ensure that the best use of land is being made to create good quality residential dwellings. The density of the development must be considered in relation to its ability to comply with adopted policy and residential amenity standards such as garden depth/provision and privacy distances. The proposed density of development is 54 dph. This is considered to be acceptable.

### 6.3 Design and Residential Amenity

6.3.1 The layout and orientation of the properties facing Coates Road creates a street frontage and is considered the most appropriate way in achieving additional development on this site.

6.3.2 In terms of addressing the previous reasons for refusal, the reduced scale and massing of the terrace and the removal of dormer windows to the front and rear of the building results in a scale of development that is more akin to neighbouring dwellings. A condition is recommended to secure this form of development.

6.3.3 The profile of the roof and the proportions of the terrace replicate similar developments along Coates Road. The build line respects the existing street scene and the design picks up on the predominant character of properties in the immediate area.

6.3.4 At this stage the external appearance is reserved for later consideration. Indicative designs have been submitted. These show a relatively bland and simple elevation treatment. This can be improved through the reserved matters submission.

6.3.5 All residential amenity standards are met to at least a minimum.

6.3.6 Following the removal of the rear dormer windows the standard privacy distance of 21m is now met between the proposed dwellings and the properties of Ivy Dene, as required by paragraph 2.2.4 of the adopted Residential Design Guide (September 2006). The ability of the development to meet minimum privacy distances will mitigate against any undue overlooking to neighbouring dwellings.

6.3.7 A gap of 12.5m is retained between 1 and 3 Coates Road and the proposed dwellings as required by paragraph 2.2.7 of the Residential Design Guide.

6.3.8 Garden depths of 10m are provided for the proposed housing, as well as being retained for 1 and 3 Coates Road, in accordance with paragraph 2.3.14 of the Residential Design Guide. In addition, an adequate amount of private and usable amenity space is provided.

## 6.4 Parking and Highway Safety Issues

- 6.4.1 Residents concerns regarding the provision of parking provided and the implications the development may have on highway safety in the immediate vicinity have been given due consideration in the assessment of the application.
- 6.4.2 Sufficient access and parking can be afforded on site for future occupants in accordance with the Council's adopted maximum parking standards.
- 6.4.3 Each dwelling will be provided with at least one off road car parking space, whilst two of the dwellings will have two parking spaces. Whilst this may lead to a car dominated frontage it addresses the concerns of neighbours as far as possible.
- 6.4.4 It is the view of the Highways Development Management team that the proposal will not have an adverse impact on highway safety within Coates Road. The layout of the site provides sufficient sightlines and safe access and egress to and from the parking spaces. The majority of dwellings within Coates Road have or potentially have forecourt parking, as does the proposed development. This means that the pressure for additional on street parking arising from this development will be limited.
- 6.4.5 Traffic control measures such as yellow lines are in place to restrict overspill parking.
- 6.4.6 A lamp post adjacent to the existing boundary wall fronting Coates Road would need to be removed in order to accommodate the parking for the proposed development.
- 6.4.7 There is sufficient space on site to provide refuse and cycle storage for future residents of the site and an appropriate external access to the rear of the site is provided.

## 7.0 Summary

- 7.1 The proposed development would make good use of the site to provide additional family housing within the city.
- 7.2 The three family homes proposed are of an appropriate density for the area. The revised design results in a development that respects the context and character of the immediate area without harming the residential amenity of neighbouring dwellings. The proposal meets the aspirations for additional homes within the city by meeting all residential amenity standards, as well as being constructed to be energy efficient. The application has addressed the previous reasons for refusal.

## 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.

1(a), 1(b), 1(c), 1(d), 2 (b), 2(d), 7(a)

## **BS for 21.08.2012 PROW Panel**

### **PLANNING CONDITIONS**

#### **01. APPROVAL CONDITION - Outline Permission Timing Condition**

Outline Planning Permission for the principle of the development proposed and the following matters sought for consideration, namely the layout of buildings and other external ancillary areas, the means of access (vehicular and pedestrian) into the site and the buildings and the scale, massing and bulk of the structure is approved subject to the following:

- (i) Written approval of the details of the following awaited reserved matters shall be obtained from the Local Planning Authority prior to any works taking place on the site
- the appearance and architectural design specifying the external materials to be used,
  - and the landscaping of the site specifying both the hard, soft treatments and means of enclosures.
- (ii) An 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) The development hereby permitted shall be begun [either before the expiration of five 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 latter].

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 - 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 - Code for Sustainable Homes [Pre-Commencement Condition]**

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum Level 4 of the Code for Sustainable Homes in the form of a design stage assessment, shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

REASON:

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

**04. 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 4 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).

**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 - Details & samples of building materials to be used [Pre-Commencement Condition]**

No development works shall be carried out unless and until a detailed schedule of materials and finishes including samples (if required by the LPA) to be used for external walls, windows, doors and the roof of the proposed buildings has been submitted to and approved in writing by the Local Planning Authority. Details shall include all new glazing, panel tints, stained weatherboarding, drainage goods, and the ground surface treatments formed. Development shall be implemented only in accordance with the agreed details.

**Reason:**

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

**07. 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.

**08. 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.,

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.

**09. APPROVAL CONDITION – Pre-occupation provision (Pre-occupation Condition)**

Prior to the first occupation of the approved development the parking, amenity provision, refuse and cycle storage as shown on the approved plans shall be made available and thereafter retained for that purpose at all times.

Reason

To ensure an appropriate standard of residential amenity and in the interests of highway safety.

**10. 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.

**11. APPROVAL CONDITION – Scale (Performance Condition)**

Unless otherwise agreed in writing by the Local Planning Authority the development hereby approved shall be limited to two storeys of residential accommodation as shown on approve plan CR1/02.

Reason

To ensure the development respects the established pattern of development and meets residential amenity standards.

**12. APPROVAL CONDITION – Lamp post removal (Pre-occupation condition)**

Te lamp post adjacent to the application site must be removed and reinstated in a location to be agreed with the local planning authority prior to the first occupation of the dwellings hereby approved.

Reason

To enable access to the approved parking spaces and in the interest of maintain an appropriate amount of street lighting along Coates Road in the interests of health and safety.

**13. 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.

**14. 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.

**POLICY CONTEXT**

Core Strategy - (January 2010)

CS4	Housing Delivery
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change

City of Southampton Local Plan Review – (March 2006)

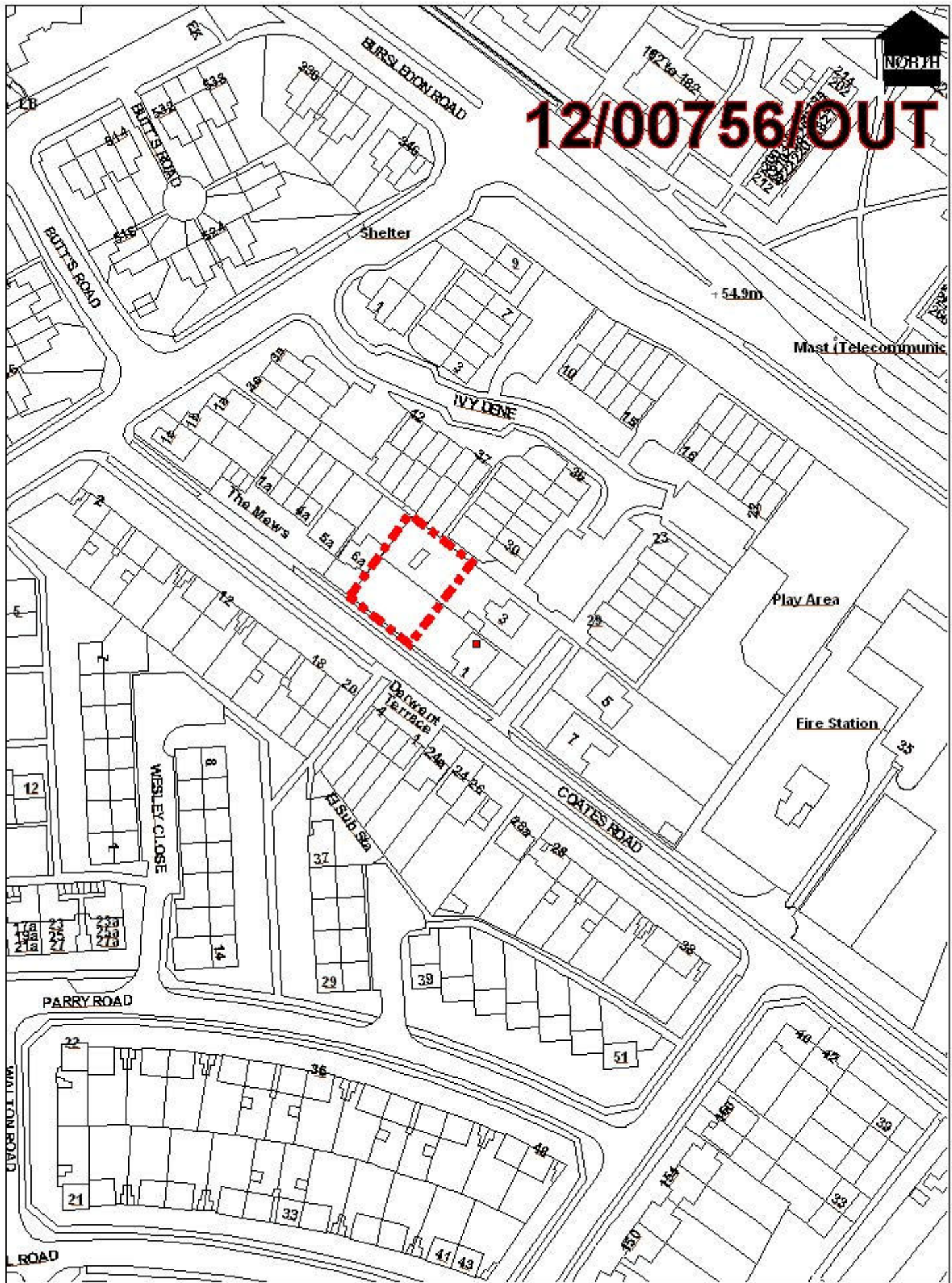
SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
H1	Housing Supply
H2	Previously Developed Land

Supplementary Planning Guidance

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



# 12/00756/OUT



Scale : 1:1250

Date : 09 August 2012

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# Agenda Item 10

**Southampton City Planning & Sustainability  
Planning and Rights of Way Panel meeting 21 August 2012  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Land At Inkerman Road / Johns Road, Woolston			
<b>Proposed development:</b> Redevelopment to provide 11 houses (7 x 3-bedroom, 4 x 2-bedroom) with associated car parking and access involving diversion of an existing public right of way (outline application seeking approval for Access, Layout and Scale).			
<b>Application number</b>	12/00039/R3OL	<b>Application type</b>	Deemed Outline
<b>Case officer</b>	Anna Lee	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	13.03.2012	<b>Ward</b>	Woolston
<b>Reason for Panel Referral:</b>	Major planning application on Council land	<b>Ward Councillors</b>	Cllr Williams Cllr Cunio Cllr Payne

<b>Applicant:</b> Southampton City Council	<b>Agent:</b> Capita Symonds
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<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant deemed outline planning permission subject to criteria listed in report</b>
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## Reason for granting Deemed Outline Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The Council has taken into account the existing site allocation for a Library use and neighbouring residential properties. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and deemed outline planning permission should therefore be granted.

Policies - CS3, CS4, CS5, CS13, CS15, CS16, CS18, CS19, CS20, CS21, CS22 and CS25 of the City of Southampton Local Plan Review (March 2006) and Policies SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP16, SDP17, SDP22, NE4, HE6, CLT3, CLT5, CLT6, H1, H2, H3, H7 and MSA15 of the Local Development Framework Core Strategy Development Plan Document (January 2010) as supported by the adopted Residential Design Guide (2006).

<b>Appendix attached</b>	
1	Panel Report from 29 May 2012
2	Panel Minutes 29 May 2012

## Recommendation in Full

**Delegate to Planning and Development Manager to grant deemed outline planning permission subject to :-**

1. 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 the purchaser and any other landowner entering into a S.106 legal agreement with the Council, prior to or simultaneously with the land transfer taking place, to provide the following planning obligations:
  - i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), Policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted 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 and play 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 CS15.
  - v. 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.
  - vi. Removal of the future occupier's entitlement to a Resident's Parking Permit.

In the event that the legal agreement is not completed within two months of the Panel resolution 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.

And also subject to-

2. The Panel authorising the closure of the footpath across the site.
3. The Panel authorising the diverting the public Right of Way
4. 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.

## **1.0 Introduction**

This application was previously reported to and approved subject to completion of S106 legal agreement by the Panel at the meeting on 25th May 2012. However, the delegation reported was incorrect as the first clause of the delegation should cite that the S106 should be entered into prior or at the same time as the sale of the land and this is now amended above.

In addition the 'closure' of the public Right of Way was cited but not the 'diversion' so an additional clause has been added as point 3 above to clarify the situation. The application has therefore been referred back to this Panel with the additional and amended delegation. The Officer's recommendation is unchanged as set out in the report attached at **Appendix 1**. The minutes of the previous Panel meeting are found in **Appendix 2**.

**Southampton City Planning & Sustainability  
Planning and Rights of Way Panel meeting 29 May 2012  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Land At Inkerman Road / Johns Road, Woolston, Southampton			
<b>Proposed development:</b> Redevelopment to provide 11 houses (7 x 3-bedroom, 4 x 2-bedroom) with associated car parking and access involving diversion of an existing public right of way (outline application seeking approval for Access, Layout and Scale).			
<b>Application number</b>	12/00039/R3OL	<b>Application type</b>	Deemed Outline
<b>Case officer</b>	Anna Lee	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	13.03.2012	<b>Ward</b>	Woolston
<b>Reason for Panel Referral:</b>	Major planning application on Council Land	<b>Ward Councillors</b>	Cllr Williams Cllr Cunio Cllr Payne

<b>Applicant:</b> Southampton City Council	<b>Agent:</b> Capita Symonds
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<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant deemed outline planning permission subject to criteria listed in report</b>
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### Reason for granting Deemed Outline Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The Council has taken into account the existing site allocation for a Library use and neighbouring residential properties. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and deemed outline planning permission should therefore be granted.

Policies - CS3, CS4, CS5, CS13, CS15, CS16, CS18, CS19, CS20, CS21, CS22 and CS25 of the City of Southampton Local Plan Review (March 2006) and Policies SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP16, SDP17, SDP22, NE4, HE6, CLT3, CLT5, CLT6, H1, H2, H3, H7 and MSA15 of the Local Development Framework Core Strategy Development Plan Document (January 2010) as supported by the adopted Residential Design Guide (2006).

<b>Appendix attached</b>	
1	Development Plan Policies

### Recommendation in Full

**Delegate to Planning and Development Manager to grant deemed outline planning permission subject to :-**

1. The completion of an undertaking by The Head of Property Service under S.106 to secure:
  - i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), Policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted 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 and play 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 CS15.
  - v. 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.
  - vi. Removal of the future occupier's entitlement to a Resident's Parking Permit.

In the event that the legal agreement is not completed within two months of the Panel resolution 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.

And also subject to-

2. The Panel authorising the closure of the footpath across the site.
3. 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.

**1.0 The site and its context**

- 1.1 The application site is currently two areas separated by a public right of way across the site. The section of the site nearest John's Road is allocated as part of Woolston's district centre secured under Policy MSA 15 in the 'saved' policies in the Local Plan for Woolston Library. The second part nearest the play space is not allocated and is laid out with grass but the site is secured by fencing. The whole site is vacant and has been for some time.
- 1.2 As no library is proposed within this scheme the proposal is a departure from the Local Plan 'saved' policies and if approved will need to be referred to the Secretary of State to ascertain whether they would call it in.
- 1.3 The site has a number of trees which are protected via a Tree Preservation Order

(TPO)(The Southampton (Northwest Woolston) TPO 1976). As such, the location of the trees has been an influence in the design and layout of the site.

- 1.4 To the north and north-west of the site are commercial properties fronting Portsmouth Road as well as residential properties. To the south and east of the site the properties are mainly residential, bar a children's play area adjacent to the site. The properties are two-storey in character and differ in style and design due to their differing ages. The houses opposite were constructed in the 1990's and the cottages in John's Road are mid to late 19<sup>th</sup> century.

## **2. Proposal**

- 2.1 The scheme put forward seeks to provide 11 dwelling units and 11 car parking spaces. Seven of the units proposed are 3 beds and four are 2 bed units. The overall site density is 50 dwellings per hectare in an area that requires 50 to 100 dwellings per hectare.
- 2.2 Permission is sought in an outline form with the access, layout and scale being identified for consideration. Appearance and landscaping are reserved from this application.
- 2.3 The development addresses both John's Road and Inkerman Road with a mews type of development fronting Inkerman Road similar to the layout of the housing further up Inkerman Road. Each property has their own car parking space and will be two-storey in height. The application site lies within an area of high accessibility for public transport.

## **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 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.
- 3.3 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 National Planning Policy Framework came into force on 27 March 2012. Having regard to paragraph 214 of the National Planning Policy Framework dated 27 March 2012 the policies and saved policies set out in **Appendix 1** which have been adopted since 2004 retain their full material weight for decision making purposes.

#### **4.0 Relevant Planning History**

- 4.1 04/01433/FUL - Siting and use of 8 no. ISO shipping containers to be used as artist studios. REF - 24.12.2004
- 4.2 11/00414/PREAP1- To establish possible redevelopment potential of council waste land for alternative uses. Closed.
- 4.3 11/00966/PREAP1- Re-development of the site to provide 13 houses. (7 x 3 bedroom and 6 x 2 bedroom) with associated works and diversion of a public footpath. Closed.

#### **5.0 Consultation Responses and Notification Representations**

- 5.1 Following the receipt of amended plans a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement 15.03.2012 and displaying a site notice 08.03.2012. At the time of writing the report **3** representations have been received from residents and a request from the Ward Councillor for the item to be heard at committee have been received raising the following concerns:

- 5.2 ***There is concern over the scale/ height of the buildings in relation to neighbouring properties***

#### **5.3 Response**

The proposed height of the new dwellings is nine metres which is higher than the properties along Inkerman Road and John's Road by approximately 1.5m. However, the properties are set back within the site from between 1 and 2 metres and it is a stand alone site which means the increase in height would not be detrimental to either the street scene or over shadow the neighbouring properties.

- 5.4 ***Concern regarding access, parking and transport problems that will arise from the increase in dwellings. In particular, with respect to the existing resident parking permit bays.***

#### **5.5 Response**

SCC Highways have considered the concerns raised by residents and do not consider the proposed development to be detrimental to highway safety. Conditions are requested to provide sufficient sight lines to improve highway safety. The proposal does not result in a loss of on street parking bays and occupiers will not be entitlement to resident parking permits.

- 5.6 ***The proposal will have an adverse impact on the Ecology and Wildlife on site.***

#### **5.7 Response**

See planning considerations below.

- 5.8 ***Concern over anti-social behaviour***

5.9 **Response**

Hampshire constabulary have been notified of this application and no objection has been received on these grounds

5.10 ***Concern with respect to loss to loss of privacy and light received to the properties along John's Road.***

**Response**

The front to front distance will be 14m between properties, the Council does not have privacy distance standard for this relationship as the front elevation of a property is in the public domain and overlooking could occur when standing on the street. Due to the distance and orientation there is unlikely to be a harmful loss of light to the properties in John's Road.

5.11 **Consultee Comments**

**SCC Highways** – No objection subject to recommended conditions.

5.12 **SCC Housing** – An affordable housing requirement of 2 houses is required. The provision will made on site and is subject to further discussion to finalise the mix and tenure of the 2 units to be provided.

5.13 **SCC Sustainability Team** –No objection to principle subject to recommended conditions.

5.14 **SCC Planning Policy** – No objection.

5.15 **SCC Trees Team** – No objection subject to recommended conditions.

5.16 **SCC Environmental Health (Contaminated Land)** – No objection subject to recommended conditions.

5.17 **SCC Ecology** – No objection subject to recommended conditions.

5.18 **SCC Trees** - No objection subject to recommended conditions.

5.19 **Rights of Way Officer** – No objection but the footpath would need to be diverted under section 257 of the Town & Country Planning Act 1990; the relevant Order Plan to be drafted by the Rights of Way Section.

5.21 **Southern Water** – No objection subject to the informative being added.

6. **Planning Consideration Key Issues**

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

- The principle of this form of development/ site allocation
- Scale and layout
- Access and car parking

- Trees, ecology, landscaping and sustainability

## 6.2 Principle of Development

- 6.2.1 The principle of development is acceptable as the site has been vacant for some time and part of the site is not allocated for a library. Evidence has been provided and supported by the Council's Policy team that a library is no longer required in that location and therefore there is no reason for the land to be secured under Policy MSA 15. Therefore, if the policy is no longer relevant the proposal should be assessed against other relevant policies set out in the Local Plan and the Core Strategy. It should be noted that under decision references 08/00389/OUT and 11/01923/REM planning permission has been granted for a new library as part of Phase II of the Centenary Quay proposals. It is anticipated that works to implement phase II will shortly commence.
- 6.2.2 The proposal provides a range of accommodation types and would therefore contribute to the creation of a mixed and balanced community. The proposal is therefore considered to accord with the provisions of policy CS16 of the Core Strategy as the proposal provides family housing. In addition, the principle of making more efficient use of previously developed land to provide residential development is acceptable.
- 6.2.3 The site lies within an area of High Accessibility for public transport and the Core Strategy supports residential development of between 50 and 100 dwellings per hectare within such locations. The proposed density range of 50 dwellings per hectare is within this range and therefore compliant with policy.
- 6.2.4 The surrounding area is predominantly residential and characterised by two storey dwelling houses. The most appropriate use of this previously developed site is considered to be residential housing, of a similar scale and type as that within the immediate area.

## 6.3 Scale & Layout

- 6.3.1 The proposed development would make efficient use of previously developed land whilst retaining its spacious and verdant character. This is achieved largely through the plot sizes proposed, the separation of the proposed buildings from the site boundaries and the retention of the mature screening to the northern boundary of the site. The provision of car parking spaces in front of some of the dwellings and for some units in a central area ensures the development would not appear to be dominated by hard standing when viewed from public vantage points.
- 6.3.2 As stated the proposed ridge heights are higher than adjacent neighbouring properties but the indicated 2 storey heights are considered to be appropriate given the separation distance of buildings from boundaries, the distance from neighbouring properties and the levelness of the site. The development is broken up into five blocks; one block of three dwellings and four blocks of semi-detached dwellings.
- 6.3.3 The block fronting John's Road has been amended to address the corner with Inkerman Road in order to provide an active front on this corner. Car parking is provided to the side of the units for the three dwellings. Along Inkerman Road two blocks of two houses are proposed to the back of the pavement with car parking



to the side of the properties. In line with the existing layout of properties further up Inkerman Road four of the units are set out in a mews style development set in a horse shoe with car parking to the front of the properties to minimise the impact on the TPO trees.

- 6.3.4 In terms of residential amenities for potential occupiers an appropriate provision of useable garden space has been set out for each dwelling. Each dwelling will be able to accommodate the storage of its own refuse and cycles.

#### 6.4 Access & Car parking

- 6.4.1 Parking provision is provided in accordance with the adopted Parking Standards SPD. One car parking space is proposed for the two bed units which is the maximum required in this area of high accessibility. In terms of the three bed units the maximum required is two spaces. However, in this location a ratio of one for one is deemed acceptable to Highway officers. No overspill will occur into the adjacent roads as parking permits are required and the occupiers will not be eligible for these.

- 6.4.2 The general layout is accepted subject to conditions seeking to provide sufficient sight lines for all the spaces fronting the road and the widening of the access into the car parking area for houses 6-9 and the spaces for units 10 and 11 must be served from the car parking area and not reverse onto Inkerman Road .

#### 6.5 Trees

- 6.5.1 The site contains a large number of mature trees, most notably to its northern boundary with Portsmouth Road. Thirteen of the trees on site are covered by TPO's and a tree survey has been carried out. The Southampton (Northwest Woolston) TPO 1976 covers this site; however the silver birch and sycamore are no longer there. Within this site there are a couple of trees, mainly self-seeded sycamores which are multi-stemmed and have various structural defects. Therefore these trees are not worthy of protection and their loss to development could be mitigated with the planting of replacement trees.

- 6.5.2 Adjacent to this site on the northern boundary there is a row of 6 sycamores which are worthy of retention and their root protection areas would impact on a development scheme. There is no objection to the development of this site, providing the adjacent group of sycamores are retained and safeguarded and a landscaping scheme with replacement trees shown for the trees that have been lost.

- 6.5.3 Southampton City Council Trees Team is satisfied that development works can take place without harming the root protection areas of the retained trees. However, safeguarding and protection measures for the trees will be secured by way of condition.

#### 6.6 Landscaping, Ecology and sustainability

- 6.6.1 Landscaping is to be a reserved matter. However, provision has been made within the layout of the site for 2 for 1 tree replacement.

- 6.6.2 With regards to ecology, the vegetation around the site provides good connectivity with surrounding areas allowing foraging activity to occur in nearby gardens as

well as on the site itself. As such, officers will need to be satisfied that landscaping measures will include locally native species upon dealing with the reserved matters.

- 6.6.3 The development has been designed to meet Level 4 of the Code for Sustainable Homes which is welcomed.

## **7. Summary**

- 7.1 The principle of redevelopment of this site for housing is accepted. Sufficient evidence has been provided to state that a library is no longer needed/required in this location. The scheme has been designed around the site restrictions in terms of the TPOs of site. It also provides family housing and affordable units and is acceptable in parking and highways terms. The impact on neighbouring dwellings has been mitigated through the layout and proposed scale of dwellings. An appropriate residential environment to conform with at least minimum standards can be achieved.

## **8. Conclusion**

It is recommended that planning permission is granted subject to a Section 106 agreement, reserved matters and conditions.

### **Local Government (Access to Information) Act 1985**

#### **Documents used in the preparation of this report Background Papers**

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 4(f), 4(g), 4(vv), 6(a), 6(c), 7(a), 8(a), 8(j), 9(a) and 9(b).

#### **ARL for 29/05/2012 PROW Panel**

### **PLANNING CONDITIONS**

#### **CONDITIONS for 12/00039/R3OL**

##### **01. APPROVAL CONDITION - Outline Permission Timing Condition**

Outline Planning Permission for the principle of the development proposed and the following matters sought for consideration, namely the layout of buildings and other external ancillary areas, the means of access (vehicular and pedestrian) into the site and the buildings, the appearance and design of the structure, the scale, massing and bulk of the structure, and the landscaping (both hard, soft and including enclosure details) of the site is approved subject to the following:

(i) Written approval of the details of the following awaited reserved matters shall be obtained from the Local Planning Authority prior to any works taking place on the site:-

a) The appearance and architectural design specifying the external materials to be used (RESERVED MATTER);

b) Landscaping of the site specifying a planting plan (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), hard and soft treatments, all means of enclosure to be formed within the site

and to site boundaries surface treatments for parking layout, pedestrian access, surface areas and property frontages and ancillary objects (refuse bins, external lighting, lighting columns etc) (RESERVED MATTER);

(ii) An 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) The development hereby permitted shall be begun [either before the expiration of five 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 latter].

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 - Reserved Matters Timing Conditions

The development hereby permitted for the Reserved Matters Permission comprising the layout, means of access, appearance and design, scale, massing and bulk and landscaping shall begin not later than five years from the date of this decision or two years from the date of the final approval of the last reserved matters relating to the Outline Permission (the following Reserved Matters are still outstanding - landscaping to the site - and will need to be submitted and approved by the Local Planning Authority).

Reason:

To comply with S.91 of the Town and Country Planning Act 1990 (as amended).

## 03. APPROVAL CONDITION - Sightlines specification [Pre-Commencement Condition]

Pedestrian two metre by two metres forward visibility sight lines (measured from the back edge of the footpath) shall be provided for each parking space before the use of any dwelling hereby approved commences, and notwithstanding the provisions of the Town and Country Planning General Development Order 1988 no fences walls or other means of enclosure including hedges shrubs or other vertical structures shall be erected above a height of 600mm above carriageway level within the sight line splays. In addition the car parking spaces for units 10 and 11 shall be assessed via the shared parking area unless agreed otherwise in writing by the Local Planning Authority.

Reason:

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

## 04. 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.

05. Approval Condition - Refuse and Recycling Bin Storage (Pre-commencement conditions)

Details of the location, type and appearance of the facilities to be provided for the storage and removal of refuse and recycling from each dwelling shall be submitted to and approved in writing by the Local Planning Authority before the building is first occupied. The facilities shall include accommodation for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained thereafter.

Reason

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

06. Approval Condition Cycle storage (Pre-commencement Condition)

Notwithstanding the information already submitted no development shall commence until plans and elevational details of the secure, covered cycle storage for the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be provided prior to the first occupation of the dwellings hereby approved and thereafter retained for that purpose at all times.

Reason

To ensure an appropriate provision of cycle storage is made for future occupants of the site in accordance with saved policy SDP5 of the adopted Local Plan.

07. 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 4 of the Code for Sustainable Homes in the form of a design stage assessment, 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).

08. 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 4 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).

09. APPROVAL CONDITION - Sustainable Drainage Systems (Pre-Occupation Condition)

Prior to the commencement of development a feasibility study demonstrating an assessment of the potential for the creation of a sustainable drainage system on site shall be carried out and submitted to the Local Planning Authority. Any measures shown to be feasible shall be verified in writing by the Local Planning Authority and implemented prior to first occupation of the development hereby granted consent. 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. A sustainable drainage system to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter. In the development hereby granted consent, peak run-off rates and annual volumes of run-off shall be no greater than the previous conditions for the site.

REASON:

To conserve valuable water resources, in compliance with and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010) and to prevent an increase in surface run-off and reduce flood risk.

10. APPROVAL CONDITION - Temporary parking area for construction vehicles (Pre-Commencement Condition)

No construction or building work shall be carried out on the site unless and until there is available within the site, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority, provision for the temporary parking of vehicles and the loading and unloading of vehicles associated with the building and other operations on the site throughout the period of work required to implement the development hereby permitted. Temporary parking and/or storage of materials or any other item associated with the development works must not take place on the adjacent common land at any time.

Reason:

In the interests of road safety and in order to protect the appearance and biodiversity value of the adjacent common land.

11. APPROVAL CONDITION - Contractors Compound (Pre-Commencement Condition)

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 shall be submitted to and approved in writing by the Local Planning Authority before development commences on site. There shall be no provision for such storage on adjacent common land. The development shall proceed in accordance with the agreed details

Reason:

For the avoidance of doubt and in the interests of the amenities of nearby residents.

## 12. APPROVAL CONDITION - Lighting [Pre-Commencement Condition]

A written lighting scheme including light scatter diagram with relevant contours shall be submitted to and approved in writing by the Local Planning Authority prior to implementation of the lighting scheme. 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 installation must be maintained in accordance with the agreed written scheme.

Reason:

To ensure the development does not adversely affect foraging bats and other habitats within the site.

## 13. 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.

## 14. 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.

## 15. 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 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.  
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.

#### 16. APPROVAL CONDITION - replacement trees [Performance Condition]

Any trees to be felled pursuant to this decision notice will be replaced with species of trees to be agreed in writing with the Local Planning Authority at a ratio of two replacement trees for every single tree removed. The trees will be planted within the site or at a place agreed in writing with the Local Planning Authority. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting. The replacement planting shall be carried out within the next planting season (between November and March) following the completion of construction. If the trees, within a period of 5 years from the date of planting die, fail to establish, are removed or become damaged or diseased, they will be replaced by the site owner / site developer or person responsible for the upkeep of the land in the next planting season with others of a similar size and species unless the Local Planning Authority gives 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.

#### 17. 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.

#### 18. 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.

#### 19. 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.

#### 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.

### Note to Applicant

1. The applicant/developer 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) or [www.southernwater.co.uk](http://www.southernwater.co.uk)

### **POLICY CONTEXT**

#### Core Strategy - (January 2010)

CS3	Town, district and local centres, community hubs and community facilities
CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
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
CS25	The Delivery of Infrastructure and Developer Contributions

#### City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
SDP17	Lighting
SDP22	Contaminated Land
NE4	Protected Species
HE6	Archaeological Remains
CLT3	Protection of Open Spaces
CLT5	Open Space in New Residential Developments
CLT6	Provision of Children's Play Areas
H1	Housing Supply
H2	Previously Developed Land
H3	Special Housing Need
H7	The Residential Environment

REI5            District Centres  
MSA15        Woolston Library

Supplementary Planning Guidance

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

National Planning Policy Framework – 27<sup>th</sup> March 2012.

**MINUTES FROM PANEL 29.05.2012**

**18. LAND AT INKERMAN ROAD / JOHNS ROAD / 12/00039/R3OL**

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. (Copy of the report circulated with the agenda and appended to the signed minutes)

Redevelopment to provide 11 houses (7 x 3-bedroom, 4 x 2-bedroom) with associated car parking and access involving diversion of an existing public right of way (outline application seeking approval for Access, Layout and Scale).

RESOLVED unanimously to delegate authority to the Planning and Development Manager to grant deemed outline planning permission subject to the criteria listed in the report and subject to the following amendment to condition 01 (i) (b): Amendment to condition

01 APPROVAL CONDITION – Outline Permission Timing Condition

(i) b) Landscaping of the site specifying a planting plan (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), hard and soft treatments, all means of enclosure to be formed within the site and to site boundaries surface treatments for parking layout, pedestrian access, surface areas and property frontages and ancillary objects (refuse bins, external lighting, lighting columns in particular between X and Y the installation of a 1.8m brick wall etc) (RESERVED MATTER);



**12/00039/R30L**

Scale : 1:1250

Date : 09 August 2012

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# Agenda Item 11

**Southampton City Planning & Sustainability**  
**Planning and Rights of Way Panel meeting 21 August 2012**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Land To The Rear Of 6 and 7 Cranbury Terrace, SO14 0LH			
<b>Proposed development:</b> Application for variation of condition 22 of planning permission (Ref 11/01945/FUL) to increase the maximum number of residents allowed to occupy any of the units from 4 to 5.			
<b>Application number</b>	12/00440/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Anna Lee	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	28.05.2012	<b>Ward</b>	Bevois
<b>Reason for Panel Referral:</b>	Planning & Development Manager referral due to its wider interest	<b>Ward Councillors</b>	Cllr Burke Cllr Rayment Cllr Barnes-Andrews

<b>Applicant:</b> Trendloop Limited	<b>Agent:</b> Consultant Planning Service
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<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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## Reason for granting Permission

The development is acceptable taking into account the intensity of use, 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). The guidance within the National Planning Policy Framework (2012) is also relevant to the determination of this planning application.

<b>Appendix attached</b>	
1	Development Plan Policies
2	Appeal Decision
3	Minutes for previous application – 13 March 2012

## 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 an area of accessibility in terms public transport links but is recognised to be within close proximity to the City Centre on foot.
- 1.2 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.

## **2.0 Proposal**

- 2.1 Planning permission was granted at the 13.03.2012 Planning Rights of Way Panel for four 4 bed houses. The proposal seeks to vary condition 22 of the planning permission 11/01945/FUL to increase the number of occupiers for each of the class C4 (HMO) dwellings from 4 to 5. This is the only proposed change. The condition reads;

*Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 (SI 2010/653) or any Order amending, revoking or re-enacting that Order, no more than 4 residents shall at anytime occupy any of the units hereby permitted whilst it is in use as a C4 dwelling house (house in multiple occupancy whereby the property is occupied by unrelated individuals who share basic amenities).*

*Reason:*

*In order that the Local Planning Authority may exercise further control in this locality given the scale of the property and surrounding context; and character.*

Therefore if the properties are used for C4 (HMO) use the number of occupiers could increase by four to twenty instead of the approved sixteen. The fifth occupier would be housed in the study on the ground floor therefore no internal changes are required. The report therefore will focus on the impact of the intensification.

## **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 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 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 (Appeal Decision at **Appendix 2** of this report). In 2010 under application 10/01214/FUL the same form, height, bulk and footprint of development as proposed (but for three units in a single block with a three/four storey Georgian appearance) was approved at Planning and Rights of Way Panel on 21.12.2010.
- 4.6 The most recent application 11/01945/FUL for erection of part 3-storey,

part 4-storey terrace of 4x 4-bed houses (Class C3 and C4) with vehicular access from Rockstone Lane was approved at Panel on 20.03.2012 minutes at **Appendix 3**.

## **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 03.05.2012 and erecting a site notice on 03.05.2012. At the time of writing the report 7 letters of representations have been received from surrounding residents. Their comments are set out below.

5.2 **Result in overcrowding and result in excessive refuse.**

### **5.3 Response**

See section 6.0 of this report for the response to overcrowding. The number of bins is sufficient for each of unit.

5.4 **Create a precedent**

### **5.5 Response**

Every application is assessed on its own merits.

5.6 **Insufficient parking on site**

### **5.7 Response**

The four parking spaces (at a ratio of 1 space per dwelling) on site are the only spaces being provided for the development. Residential parking permits will restrict the number of cars per unit.

5.8 **Impact on the character of the area and current occupiers**

### **5.9 Response**

See section 6.0 of this report.

5.10 **SCC Highways** – No objection. The additional ‘one occupier per unit’ will have limited effect on the public highway.

5.11 **SCC Historic Environment** – No objection

5.12 **SCC Trees** – No objection

5.13 **SCC Sustainability Team** - No objection. Suggests conditions to secure sustainability measures.

5.14 **SCC Ecology** - No objection

5.15 **Southern Water** - No objection. Suggests conditions to secure details of surface water and foul water disposal.

5.16 **City of Southampton** - No objection.



## **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 on the character of the area and neighbouring properties.

The application needs to be assessed in light of the above key issues and the planning history of the site. Issues such as design and impact on residential amenity have previously been assessed as acceptable.

### **6.2 Principle of Development**

The principle of the development has been established and the only assessment that needs to be made relates to the intensification of the site.

### **6.3 Impact on the character of the area and neighbouring properties**

The increase by four occupiers across the development (i.e. one person per dwelling) would not lead to a detrimental impact on the character of the area as the refuse storage provided for the properties is sufficient not to detrimentally harm the neighbouring properties nor the character of the area. The proposed intensification will be negligible. This is demonstrated by sufficient amenities in terms of residential amenity space for future occupiers, cycle and refuse storage and car parking. In addition it is important to note that if the properties were to be used as a C3 (dwellings) use (already allowed under 11/01945/FUL) more than five people could occupy these properties as they are large enough to house families of that size.

## **7.0 Summary**

7.1 The site currently benefits from planning consent for four dwellings in a single block identical in design, bulk, form and footprint. The intensification of the site to provide for an additional occupier within each C4 dwelling would not have a detrimental impact on the character of the area or the neighbouring properties.

## **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**

1 (a), (b), (c), (d), 2 (b), (c), (d), 3(a), 4 (f), (v) 6 (a), (c), (f), (i), 7 (a)

**ARL for 21.08.2012 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 BS5837:2012, 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:

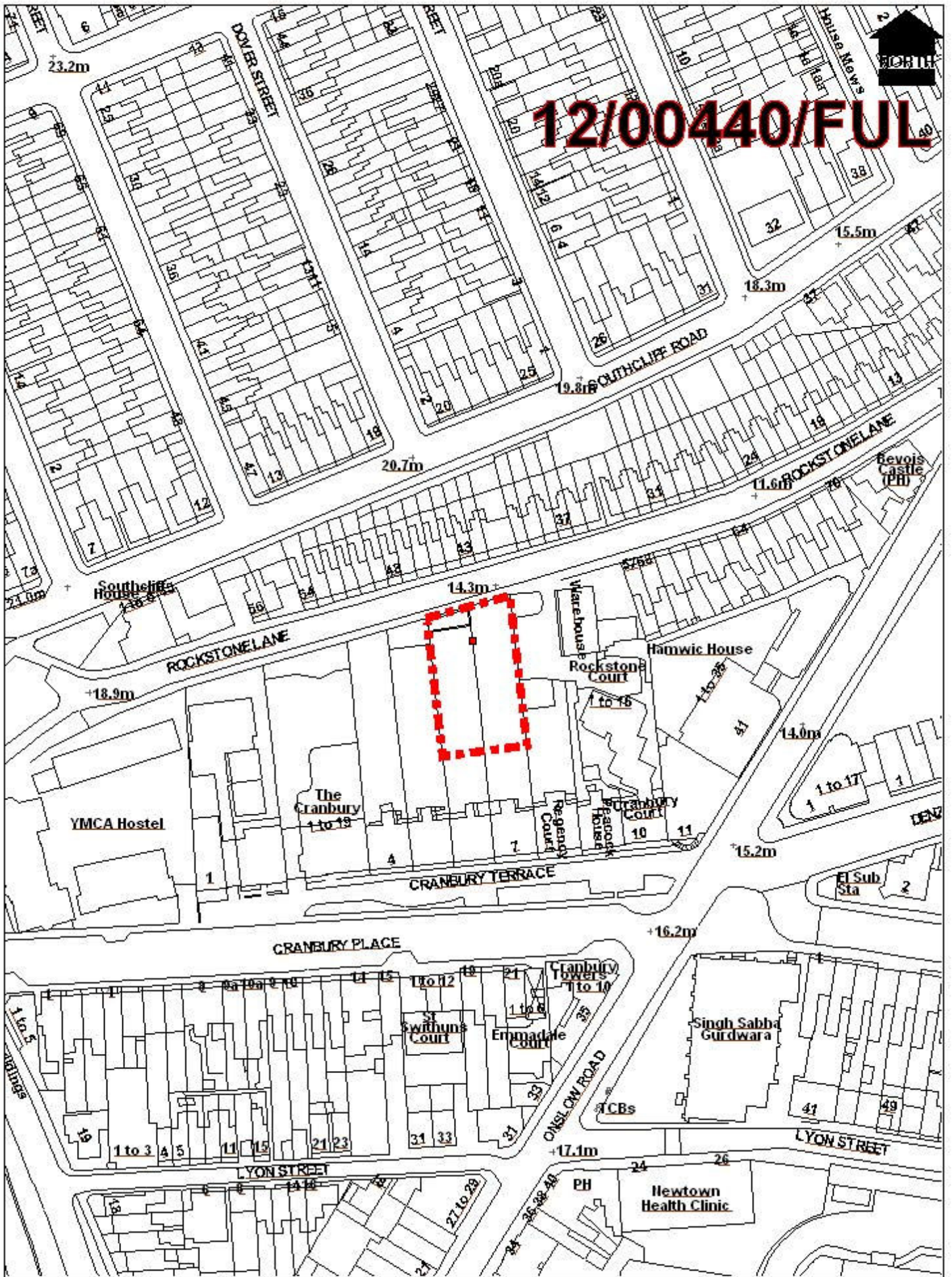
To ensure satisfactory drainage provision for the area.

**22. APPROVAL CONDITION - Occupancy Restriction (AS AMENDED BY APPLICATION 11/01945/FUL)**

Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 (SI 2010/653) or any Order amending, revoking or re-enacting that Order, no more than 5 residents shall at anytime occupy any of the units hereby permitted whilst it is in use as a C4 dwelling house (house in multiple occupancy whereby the property is occupied by unrelated individuals who share basic amenities).

Reason:

In order that the Local Planning Authority may exercise further control in this locality given the scale of the property and surrounding context; and character.



12/00440/FUL

Scale : 1:1250

Date : 09 August 2012

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**Application** 12/00440/FUL

## **POLICY CONTEXT**

Core Strategy - (January 2010)

## **POLICY CONTEXT**

Core Strategy - (January 2010)

CS6	Housing Density
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
CS22	Promoting Biodiversity and Protecting Habitats

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP16	Noise
HE3	Listed Buildings
HE6	Archaeological Remains
H7	The Residential Environment

## **Supplementary Planning Guidance**

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

## **Other Relevant Guidance**

The National Planning Policy Framework

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# Appeal Decision

# Agenda Item 11

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.



**Minutes for previous application – 13 March 2012**

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

The Panel considered the 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.

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. (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Patrick (Agent) and Mrs Davies (objecting) (Local Resident) were present and with the consent of the Chair, addressed the meeting.

RESOLVED that conditional planning permission be granted subject to the conditions in the report and additional condition set out below.

RECORDED VOTE

FOR: Councillors Cunio, Fuller, Jones, Thomas

AGAINST: Councillors Mrs Blatchford, Claisse, L Harris

Additional condition

22 APPROVAL CONDITION – Occupancy Restriction [Performance condition]

Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010(SI 2010/653) or any Order amending, revoking or re-enacting that Order, no more than 4 residents shall at anytime occupy any of the units hereby permitted whilst it is in use as a C4 dwelling house (house in multiple occupancy whereby the property is occupied by unrelated individuals who share basic amenities).

REASON:

In order that the Local Planning Authority may exercise further control in this locality given the scale of the property and surrounding context; and character.

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# Agenda Item 12

**Southampton City Planning & Sustainability  
Planning and Rights of Way Panel meeting 21 August 2012  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 3 Bassett Green Drive SO16 3QN			
<b>Proposed development:</b> Extension Of Bungalow To Form Two-Storey Dwelling. (Amendment to Planning Permission Ref 11/01329/Ful Including Alterations To Heights, Windows And Doors) (Retrospective)			
<b>Application number</b>	12/01000/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Mathew Pidgeon	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	14/08/2012	<b>Ward</b>	Bassett
<b>Reason for Panel Referral:</b>	Referred by the Planning & Development Manager	<b>Ward Councillors</b>	Cllr L Harris Cllr B Harris Cllr Hannides

<b>Applicant:</b> Mrs Joanna English	<b>Agent:</b> Mr Robert Kinch
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<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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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 surrounding character and neighboring amenity have been considered and are not judged to have sufficient weight to justify a refusal of the application. 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, SDP7 and SDP9 of the City of Southampton Local Plan Review (March 2006) and CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

<b>Appendix attached</b>	
1	Finished Floor Levels Plan
2	Discharge of Conditions Plan – front and rear elevation
3	Discharge of Conditions Plan – left and right side elevation
4	Development Plan Policies

## Recommendation in Full

### Conditionally approve

#### 1.0 Background

1.1 The application has been submitted due to the development approved under 11/01329/Ful not being built fully in accordance with the approved plans. Works

have now been completed and the application is therefore retrospective and seeks to regularise the 'as built' scheme.

- 1.2 In May of this year, following complaints and an investigation by the planning enforcement team, the Local Planning Authority employed an independent surveyor to check the finished heights of the undertaken construction works (as measured from the damp proof course).
- 1.3 The independent survey identified that the upper (main) roof ridge line measures 7.24m high from ground level compared to 7.0m shown on the approved plans.
- 1.4 The independent survey also identified that the lower roof ridge line measures 6.31m high from ground level compared to 6.05m shown on the approved plans.
- 1.5 Therefore, the difference between the approved plans and the finished heights are:
  - upper (main) roof ridge line: 0.24m
  - lower roof ridge line: 0.26m
- 1.6 The finished height of the eaves was not found to be higher than those on the approved plans.
- 1.7 Please refer to **Appendix 1** for an elevation which illustrates the finished floor levels.

## **2.0 The site and its context**

- 2.1 The application site contains a detached two storey dwelling house located within a residential area. The context of the site and wider area is characterised by spacious and generally well landscaped plots upon which are situated detached dwellings with a variety of design and scale.
- 2.2 The landscaped nature of the area has been established by providing large frontages and settings to properties which contain mature trees and hedging. Many of the trees are covered by Tree Preservation Order's.
- 2.3 The direct neighbours, numbers 1 and 5, are bungalows; as are numbers 7 and 9. There is also a modern single storey dwelling positioned at the top of the road which has accommodation at basement level. Directly opposite the site is the junction with Northwood Close. The opposite side of the street is well landscaped along the street frontage (to the South of Northwood Close).
- 2.4 From the top of Bassett Green Drive, where it joins Bassett Green Road, the road slopes steeply down toward the middle of the road where the land flattens. As a consequence the ground floor level of the host dwelling is slightly higher than the neighbour at number 5. The road also curves slightly to the south at the junction of Northwood Close. A change in levels also exists across the site.
- 2.5 The two neighbouring properties (3 and 5) do not share the same front building line and as a consequence number 5 is set further away from the road frontage.
- 2.6 The southern most corner of the host dwelling immediately abuts the shared boundary with 5 Bassett Green Drive. Much of the boundary between number 3

and 5 comprises mature landscaping. There is a small garage structure within the curtilage of 5 Bassett Green Drive alongside the flank wall of the 3 Bassett Green Drive. The main entrance to number 5 is located on its northern side elevation behind the garage and slightly behind the host dwelling.

- 2.7 There is a change of levels between numbers 1 and 3 the boundary of which is defined by a mature hedgerow and tall trees.

### **3.0 Proposal**

- 3.1 The application seeks retrospective planning permission for the development which has been constructed on site.
- 3.2 The scheme, as discussed in section 1.0, is 0.26m taller than the previously approved scheme.
- 3.3 The windows, doors, timber cladding, brickwork and roof tiles used in the construction of the development have been approved by the Local Planning Authority under a discharge of condition application which relates to the permission granted.
- 3.4 The revised scheme seeks permission to retain those materials as built out. Please refer to **Appendix 2**.

### **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 3**.

### **5.0 Relevant Planning History**

- 5.1 12/00069/ENUDEV – Enforcement case raised to check the height of the development. The additional height was considered to represent a material alteration to the approved scheme and therefore planning permission is needed to regularise the currently unauthorised works.
- 5.2 11/01864/DIS – Discharge of Conditions Application.

Condition 04: Use of the following materials as listed below is considered acceptable as detailed by the submitted drawings received 17th November 2011. Subject to the approved materials listed below being used on the development in accordance with the approved plans this condition will be discharged.

- PVC Doors and Windows
- Siberian larch cladding
- Brickwork existing
- Existing tiles to be used with any new tiles to match

- 5.3 11/01329/FUL - Conversion From Bungalow To Two Storey Dwelling, Incorporating Existing Detached Garage As Part Of The House And Formation Of Car Port. – Conditionally Approved 25.10.2012

- 5.4 11/00695/PREAP2 - Replacement roof with dormer windows and conversion of existing garage and carport into annexe, Closed 01/09/2011: The addition of a first floor to an existing modest bungalow does not achieve subservience normally required of extensions. However, the overriding context of larger two storey dwellings will be taken into account when considering its impact on the character and massing of the area.
- 5.5 1530/W11 - SINGLE STOREY SIDE EXTENSION – Conditionally Approved 18.10.1977.
- 5.6 1217/33 - ERECTION OF BUNGALOW AND GARAGE – Conditionally Approved 27.02.1962.

## **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. At the time of writing the report 7 representations have been received from surrounding residents.

- Out of character with neighbourhood.
- Out of character with immediate neighbours.
- Out of scale with neighbours.
- Visually intrusive.
- Dominates all perspectives of the road.
- Harmful to the appearance of the streetscape.
- Dominance over the remaining bungalows in the row.
- Failure to respond to the natural lie of the land.
- Detrimental to the amenity of the area.
- Out of keeping with the design principles of the original 1960's building.
- Doors and windows are not in accordance with the approved plans.
- Precedent set for further conversions of bungalows to two story houses.
- Materials in the upper floor are no+ considered to comply with building regulations.
- Previous Panel were misdirected.
- Extra 35 cm is in fact 1.15m higher than the Panel believed was to be constructed.

6.2 Response:

- The above considerations are responded to in detail in section 6 of the report - Planning Considerations.

## **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 development.
- ii. the impact on character of the host dwelling;
- iii. the impact on the character of the surrounding area; and
- iv. the affect of the development on neighbouring amenity.

## **7.2 Principle of Development**

7.2.1 The Council's adopted policies support the principle of individuals extending their properties subject to key criteria relating to scale, massing, context, character and the impact on amenity. In this instance the Council has already approved a scheme of similar design, scale and massing. This proposal must therefore be judged against whether or not harm will be caused to the character of the area or the amenities of adjacent occupiers by reason of the additional 0.26m height proposed.

## **7.3 The impact on character of the host dwelling**

7.3.1 The additional height proposed, when compared to the previously approved scheme, is not considered to significantly affect or harm the character of the host property.

7.3.2 The materials incorporated into the development and design of doors and windows used for the roof, walls, windows and doors, are not considered harmful to the character of the dwelling.

## **7.4 The impact on the character of the surrounding area**

7.4.1 The additional height proposed, when compared to the previously approved scheme, is not considered to significantly increase the visual impact of the property in the street scene which is comprised by a mix of single storey and larger two storey dwellings. It is not considered to affect or harm the character of the surrounding area.

7.4.2 The materials incorporated into the development, and design of doors and windows used for the roof, walls, windows and doors, are not considered harmful to the character of the surrounding area.

## **7.5 The affect of the development on neighbouring amenity.**

7.5.1 When viewed from the neighbours dwelling at 1 Bassett Green Drive the additional height does increase the amount of roof visible. As a consequence, the additional height does reduce some of the open aspect and outlook previously enjoyed by the occupier of that property. However, it does not dominate that outlook or create an undue sense of enclosure. It is not considered to be over-bearing or to cause significant harm to the amenity enjoyed by the neighbours.

7.5.2 In planning terms there is no 'right' to a view. Views across neighbouring plots are not protected and it is reasonable to expect and see roof tops and flank elevations of properties when looking out across adjacent sites.

7.5.3 The first floor of the dwelling is also visible from the garden of number 5. The additional height is not however considered to have a significant impact.

7.5.4 The additional height is not judged to generate harmful shading of neighbouring properties. It is also noted that the property to the north (number 1) is situated higher on the slope and is separated from the application site by a tall vegetated boundary which is judged to have a greater effect on the occupant of number 1 in terms of shading than the additional height of the application building.

The materials and design of doors and windows used for the development are not considered harmful to the character of the surrounding area.

## **7.6 Discharge of conditions.**

- 7.6.1 Not only are there differences between the height of the development as compared to the approved scheme but there are also discrepancies between the approved plans, plans submitted with the discharge of conditions application and what has been built on site with regard to the windows and doors used and the external design.
- 7.6.2 As discussed above, the Local Planning Authority do not consider that the alterations made to the detailing of the fenestration will be harmful to the character of the building, the character of the local neighbourhood or neighbouring residential amenity.

## **8.0 Summary**

- 7.1 The additional impact of the increase in height is not considered harmful to neighbouring amenity, the character of the area or the character of the host dwelling.

## **9.0 Conclusion**

- 8.1 The additional impact caused by the 0.26m increase in height of the ridgeline is not judged to be harmful.

### **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(e), 6(c), 7(a), 9(a) and the Residential Design Guide SPD 2006 (MP 07/11/2011 for 25/10/2011 PROW Panel).

### **MP3 for 21/08/2012 PROW Panel**

## **PLANNING CONDITIONS**

### **01. 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 into the ground floor southern flank elevation of the property or within any elevation at first floor level without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the adjoining residential properties

### **02. APPROVAL CONDITION - Glazing panel specification [Pre-Occupation Condition]**

The window in the side elevation of the building hereby approved [to the room indicated as a bathroom] shall be glazed in obscure glass and shall be none opening / shall only have a



top light opening above a height of 1.7m above floor level. The window as specified shall be installed before the development hereby permitted is first occupied and shall be permanently maintained in that form.

Reason:

To protect the privacy enjoyed by the occupiers of the adjoining property.

**03. APPROVAL CONDITION - Details of building materials to be used [Performance Condition]**

Use of the following materials as detailed by the submitted drawings received 17th November 2011, and as listed below, are considered acceptable to the Local Planning Authority.

- PVC Doors and Windows
- Siberian larch cladding
- Brickwork existing
- Existing tiles to be used with any new tiles to match

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 - 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.

**05. APPROVAL CONDITION, Compliance with Arboricultural Impact Assessment and Method Statement, (Performance Condition)**

The hereby approved development shall be completed in compliance with the submitted; Method Statement (Professional Tree Services Ltd., ref: ENGL/1720ms. dated 08/08/2011).

Reason:

To ensure the retention of trees which make an important contribution to the character of the area.

**06. APPROVAL CONDITION - Approved Plans**

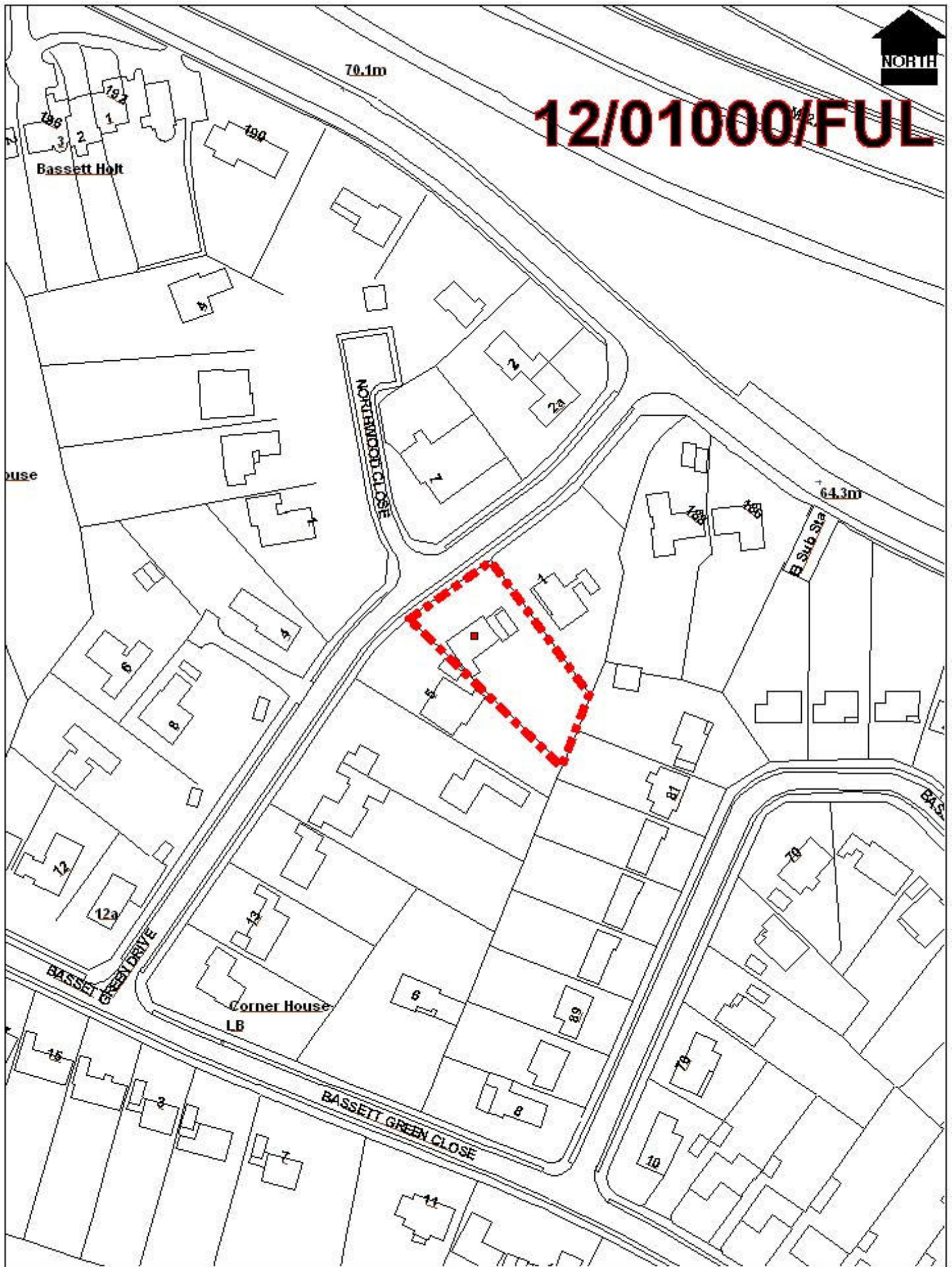
The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

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



**12/01000/FUL**



Scale : 1:1250

Date : 09 August 2012

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**NOTES:**

Copyright:  
This survey information is Copyright Encompass Surveys Ltd (2009).  
All rights reserved.

0m



Scale

**Level Datum:**  
Levels are related to a TBM Value 10.00m (pipenail)

**Grid:**  
Grid is related to localised coords established at the time of survey.

**Northpoint:**  
The Northpoint position shown on this drawing has been located as accurately as possible, but is only indicative of true north.



## Encompass Surveys

Encompass Surveys Ltd  
Unit 2B  
Deer Park Farm Industrial Estate  
Knowle Lane  
Fair Oak, Eastleigh  
Hampshire SO50 7PZ

Tel: 023 80692002 Email: info@encompass-surveys.co.uk  
Fax: 023 80697125 Website: encompass-surveys.co.uk

**Client:** Capita Symonds

**Survey Location:** 3 Bassett Green Drive  
Southampton  
Hampshire

**Survey type:** Elevation

**Scale:** 1:100@A4

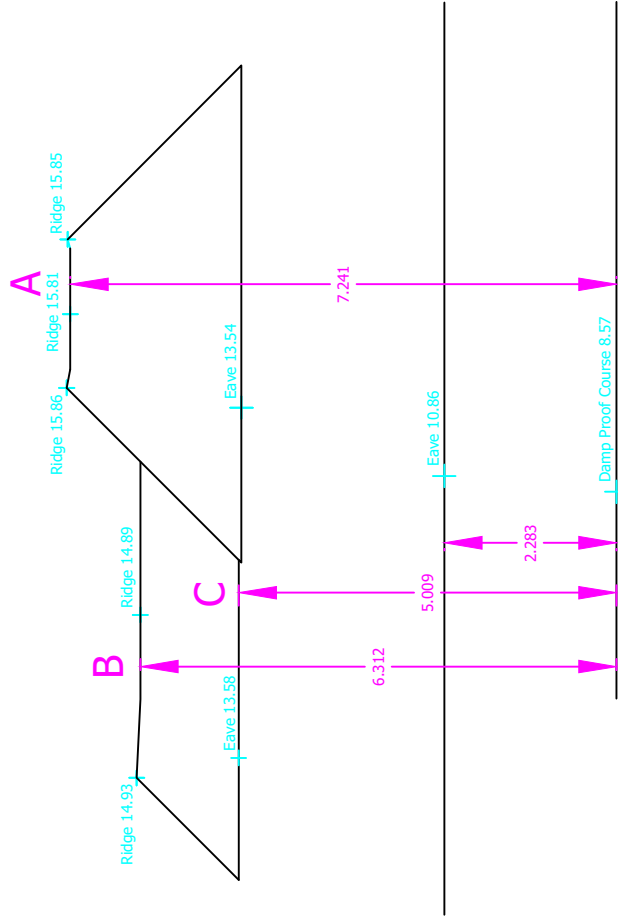
**Drawing ref:** ENC-230512-1M2

**Date:** May 2012

**Drawn/QA:** SH/GL

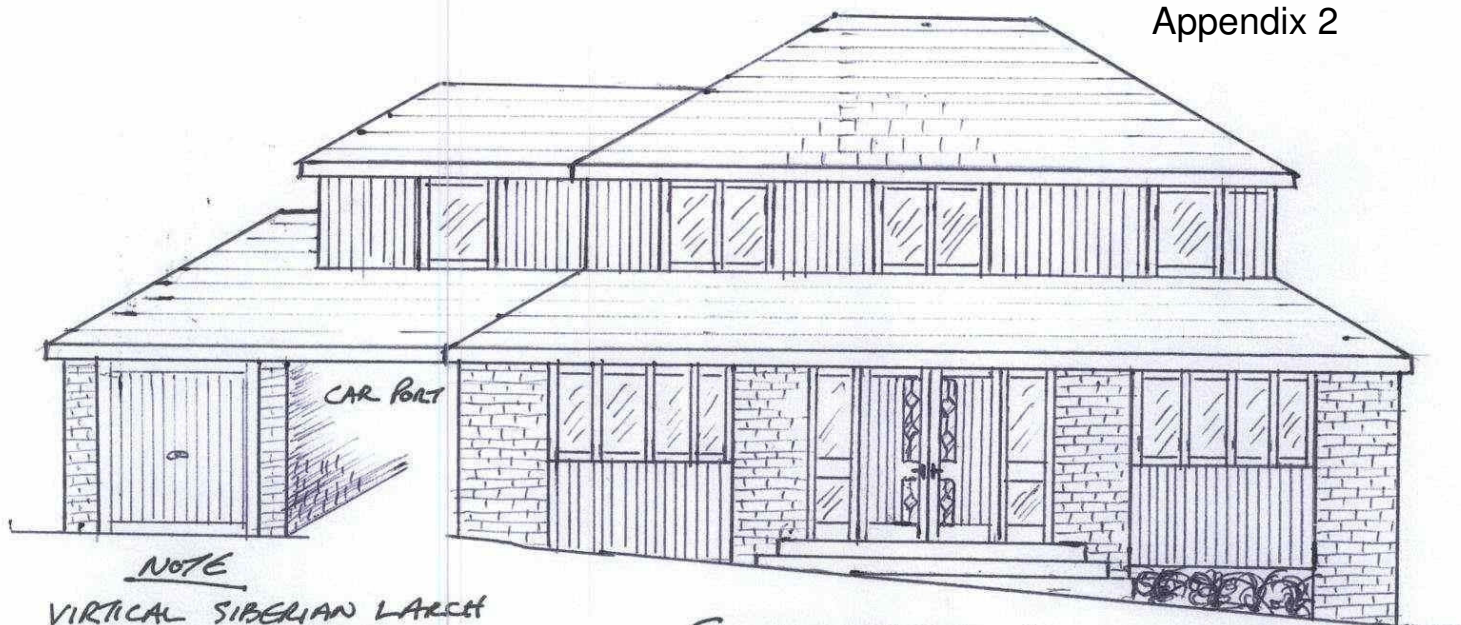
**Revision:**

## Appendix 1



Datum 5.00m

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CAR PORT

NOTE

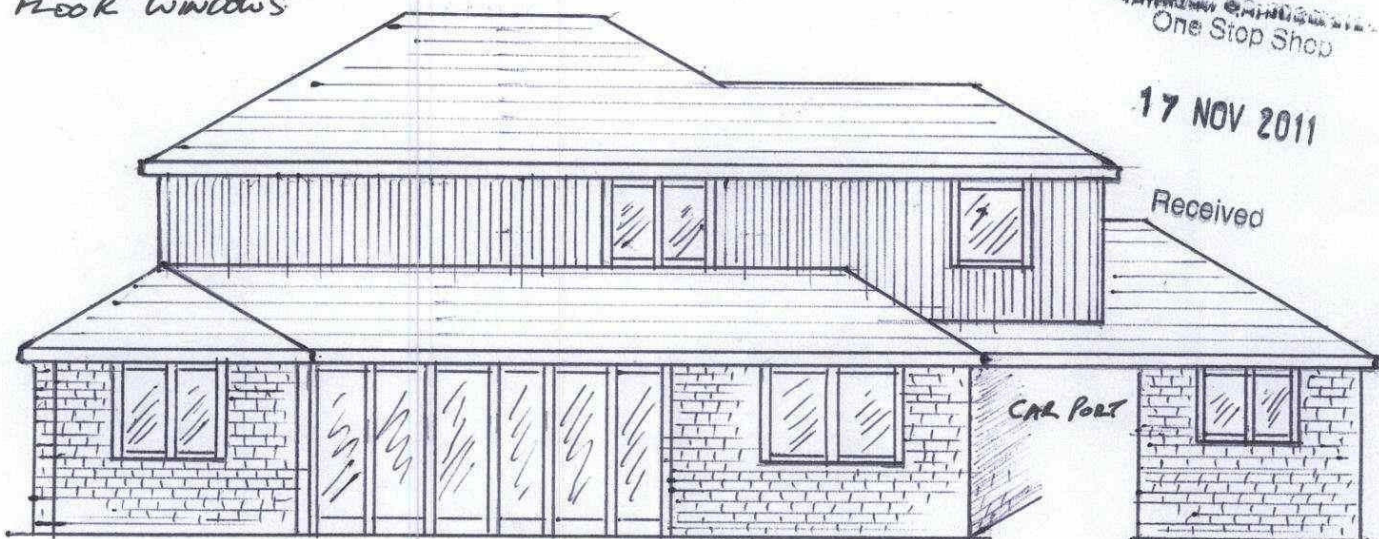
VERTICAL SIBERIAN LARCH  
TO FIRST FLOOR SECTION  
AND UNDER FRONT GROUND  
FLOOR WINDOWS

FRONT ELEVATION

One Stop Shop

17 NOV 2011

Received



CAR PORT

REAR ELEVATION

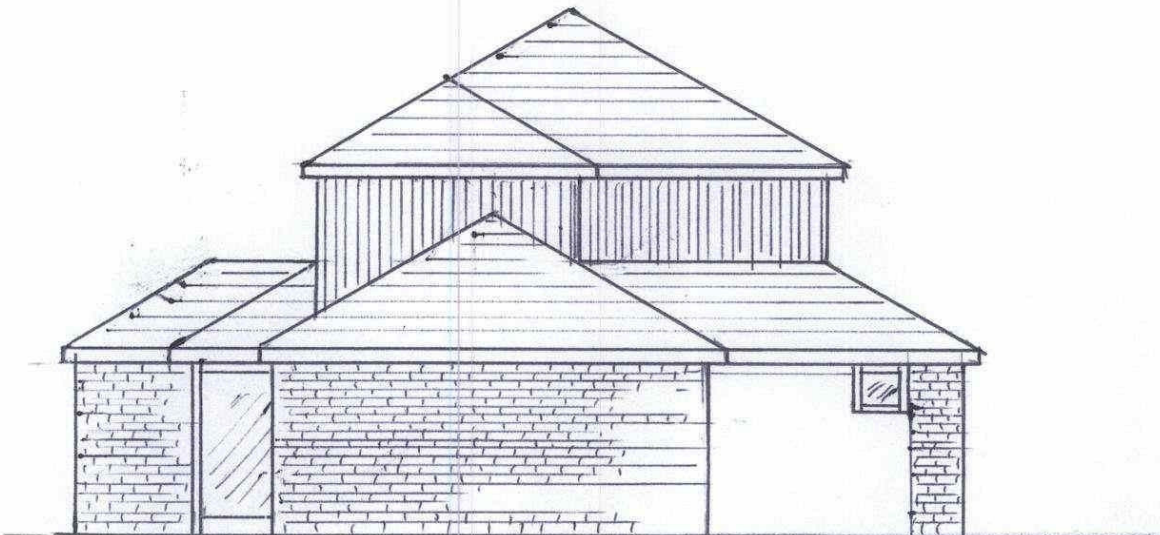
3 BASSETT GREEN DRIVE,  
SOUTHAMPTON,  
HANTS SO16 3QN,  
FRONT + REAR  
ELEVATIONS  
SCALE 1:100

NOTES

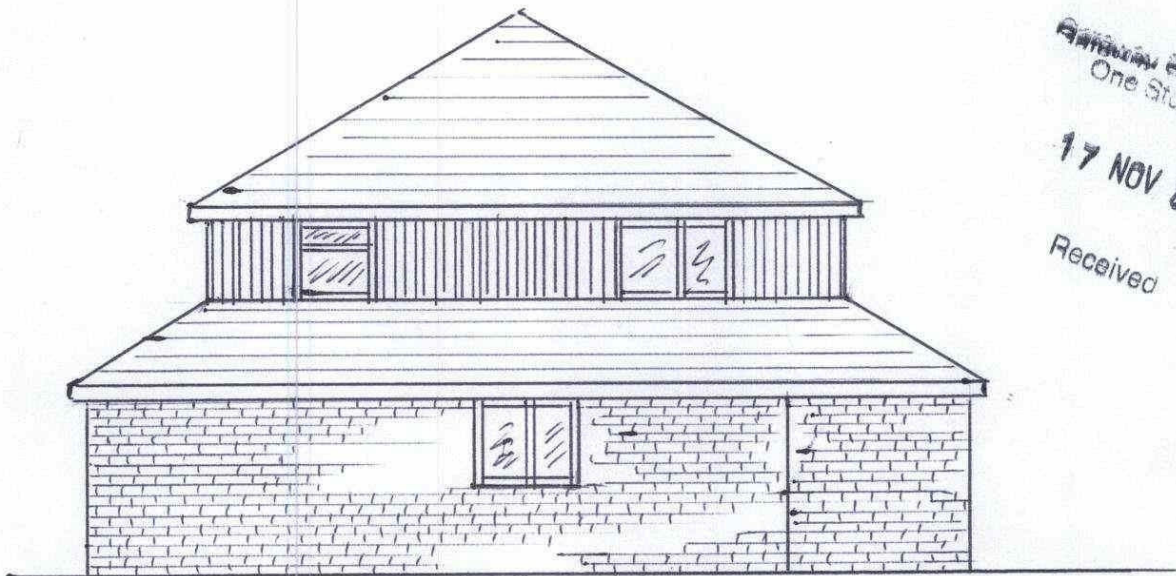
1) DUE TO THE NUMBER OF COMPLAINTS FROM LOCAL RESIDENTS WE HAVE DECIDED NOT TO BRICK THE CORNERS AND RENDER THE GROUND FLOOR BRICKWORK OF THE BUNGALOW, WE HAVE DECIDED TO KEEP THE BUNGALOWS ORIGINAL LOOK OF BRICKWORK AND TIMBER UNDER THE WINDOWS.

- 2) ALL WINDOWS AND DOORS TO BE UPVC (WHITE).
- 3) ALL FASCIAS AND SOFFITS TO BE UPVC (WHITE).
- 4) ALL BRICKWORK AS EXISTING.
- 5) EXISTING ROOF TILES TO BE RE-USED AND NEW REDLAND STONWOLD TO MATCH.

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LEFT SIDE ELEVATION



RIGHT SIDE ELEVATION

Approved by  
One Stop Shop

17 NOV 2011

Received

3, BASSETT GREEN DRIVE,  
SOUTHAMPTON,  
HANTS, SO16 3QN  
SIDE ELEVATIONS.  
SCALE 1:100.

## NOTES

- 1/ ALL EXISTING BRICKWORK.
- 2/ EXISTING RENDER ON LEFT SIDE ELEVATION TO BE MADE GOOD  
WERE ORIGINAL ENTRANCE DOOR WAS SITUATED AND PAINTED WHITE WITH EXTERNAL WALL PAINT.
- 3/ VERTICAL SIBERIAN LARCH TO FIRST FLOOR SECTION.
- 4/ EXISTING ROOF TILES TO BE RE-USED AND NEW REDLAND STONWOLD TO MATCH.

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**Application** 12/01000/FUL

## **POLICY CONTEXT**

Core Strategy - (January 2010)

CS13          Fundamentals of Design

City of Southampton Local Plan Review – (March 2006)

SDP1          Quality of Development  
SDP7          Urban Design Context  
SDP9          Scale, Massing & Appearance

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - August 2005 and amended November 2006)

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# Agenda Item 13

**Southampton City Planning & Sustainability  
Planning and Rights of Way Panel meeting 21 August 2012  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 84 Alfriston Gardens SO19 8FU			
<b>Proposed development:</b> Change Of Use From A1 (Retail) To A5 (Hot Food Takeaway) Including Installation Of The External Flue To The Rear			
<b>Application number</b>	12/00729/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Mathew Pidgeon	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	09/07/2012	<b>Ward</b>	Sholing
<b>Reason for Panel Referral:</b>	Referred by the Planning & Development Manager	<b>Ward Councillors</b>	Cllr Blatchford Cllr Jeffery Cllr Kolker

<b>Applicant:</b> Mr George Morgan-Harris	<b>Agent:</b> Engineering Architecture
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<b>Recommendation Summary</b>	<b>Refuse</b>
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## Reason For Refusal

The introduction of a third takeaway outlet within this small shopping parade serving a predominantly residential area and in immediate proximity to residential units is considered to result in a predominance of food uses operating during evening hours which would have a harmful impact on the amenities of the surrounding area. In particular the Council are concerned about additional disturbance and nuisance issues arising from the late evening hours of operation including the increased likelihood of the area being a focus for the gathering of groups with the potential for anti social behaviour. Accordingly, it is considered that the proposed development is contrary to policies SDP 1 (i) and REI7 of the City of Southampton Local Plan Review (March 2006).

<b>Appendix attached</b>			
1	Development Plan Policies		

## Recommendation in Full

### 1. The site and its context

- 1.1 The site contains a three storey building within which the ground floor unit has a commercial use (retail use class A1) and the two floors above are used for residential purposes.
- 1.2 The unit in question forms part of a larger mixed block which at ground floor level is formed of six commercial units. Two of the existing commercial units are at present hot food takeaways (use class A5) where as the application site is currently vacant.
- 1.3 The mixed use block is located within an area which is characterised by

residential dwellings. The block does not form part of a designated commercial hub (Local or District Centre).

- 1.4 There is a very noticeable change in levels both within the area and across the site which slopes down from the front to the rear.

## **2.0 Proposal**

- 2.1 The applicant seeks planning permission for A5 use (hot food takeaway) which it is argued will increase the potential for the unit to become occupied as there would be less reliance upon passing trade (customers being able to call/use the internet to arrange deliveries).
- 2.2 Minor internal alterations will be required along with the installation and addition of a flue extractor system to the rear elevation of the building.

## **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**.

## **4.0 Relevant Planning History**

- 4.1 12/00074/FUL - Change Of Use Of The Ground And Semi Basement Level From A Laundrette (Class A1)) To A Hot Food Takeaway (Class A5) And Installation Of An External Extract Flue To Rear. Refused.
- 4.2 Reason For Refusal

The introduction of a third takeaway outlet within this small shopping parade serving a predominantly residential area and in immediate proximity to residential units is considered to result in a predominance of food uses operating during evening hours which would have a harmful impact on the amenities of the surrounding area. In particular the Council are concerned about additional disturbance and nuisance issues arising from the late evening hours of operation including the increased likelihood of the area being a focus for the gathering of groups with the potential for anti social behaviour. Accordingly, it is considered that the proposed development is contrary to policies SDP 1 (i) and RE17 of the City of Southampton Local Plan Review (March 2006).

That application is currently the subject of a written representations appeal for which the Inspectors decision is awaited.

## **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 (09/02/2012). At the time of writing the report **3** representations have been received from surrounding residents.

- When added to the noise generated by the existing extraction equipment noise generated will become a nuisance.
- Cumulative impact of 50% of parade being hot food takeaways, specifically increase litter, vehicular movements and congregation of young people.
- Late night opening hours are raised as a concern.

5.2 **SCC Highways** – No objection

5.3 **SCC Environmental Health (Pollution & Safety)** – No objection subject to the imposition of relevant conditions to control the noise and odour from the extract ventilation system and hours of operation.

## 6.0 **Planning Consideration Key Issues**

- 6.1 The key issues for consideration in the determination of this planning application are whether or not the proposal is acceptable in terms of residential amenity and whether the addition of a third hot food takeaway within the parade would harm the balance of uses present within that parade.
- 6.2 The submitted Design and Access Statement details that last year the unit was occupied by hairdressers for a total of just two months. Prior to that the unit was occupied by a laundry for some 15 years, which then relocated to larger premises.
- 6.3 In principle the use of the unit as a hot food takeaway is not opposed and had there been fewer existing hot food takeaways within the parade the principle of the use would be acceptable. The Local Planning Authority, however, have concerns regarding the balance of uses proposed.
- 6.4 Policy RE17 of the Local Plan Review clearly identifies city, town, district and local centres as the most suitable locations for hot food takeaways given that footfall is higher than in residential areas and a greater amount of activity and noise can be expected.
- 6.5 Given that the application site is not located within a designated centre a third hot food takeaway is judged to increase the potential for harm to occur to the amenities currently enjoyed by local residents. In particular concerns relate to additional noise, odour and litter generated from the cooking process along with the movement of delivery vehicles.
- 6.6 In addition as hot food takeaways generally operate during the evening there is the increased likelihood of additional disturbance and nuisance issues arising from the late evening hours of operation including the increased possibility of the area being a focus for the gathering of groups with associated anti social behaviour being more probable.
- 6.7 It should also be noted that the application site falls within, what the Department of Communities and Local Government (DCLG) define as a 'Local Neighbourhood Parade' within the documents '*Parades to be proud of: strategies to support local shops*' (June 2012) and '*Parades of shops – towards an understanding of performance and prospects*' (June 2012). The site is '*in the heart of a residential community...with around 5-10 units, provides walk-in convenience shopping and limited local services*' (pg 4 'Parades to be Proud of')

- 6.8 The documents confirm that retail remains a key part of character and performance of local neighbourhood parades and provide the opportunity for day to day convenience shopping and service access for local residents.
- 6.9 In particular the elderly, disadvantaged and less mobile groups within the community may rely more heavily upon such services than the general population.
- 6.10 The councils own policies also seek to resist inappropriate forms of development and the loss of shops and services needed for day to day living.
- 6.11 Therefore, the loss of the unit, which has the potential to operate during day time hours and provide a function associated with day to day services; and establishment of a use which operates principally in the evening and fails to provide a range of services is not supported.

## **7.0 Conclusion**

- 7.1 Overall it is believed allowing a third take-away on this small parade will be contrary to SDP1 of the Local Plan Review.

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

1a, 1b, 1c, 1d, 2b, 2d, 6c, 6i, 7a, 9a, 9b.

**MP3 for 21/08/12 PROW Panel**

**POLICY CONTEXT**

City of Southampton Local Plan Review – (March 2006)

SDP1 (Quality of Development)

SDP7 (Context)

SDP9 (Scale, Massing and Appearance)

HE6 (Archaeological Remains)

REI7 ( Food & Drink Uses)

Local Development Framework Core Strategy Development Plan Document (January 2010)

CS13 (Fundamentals of Design)

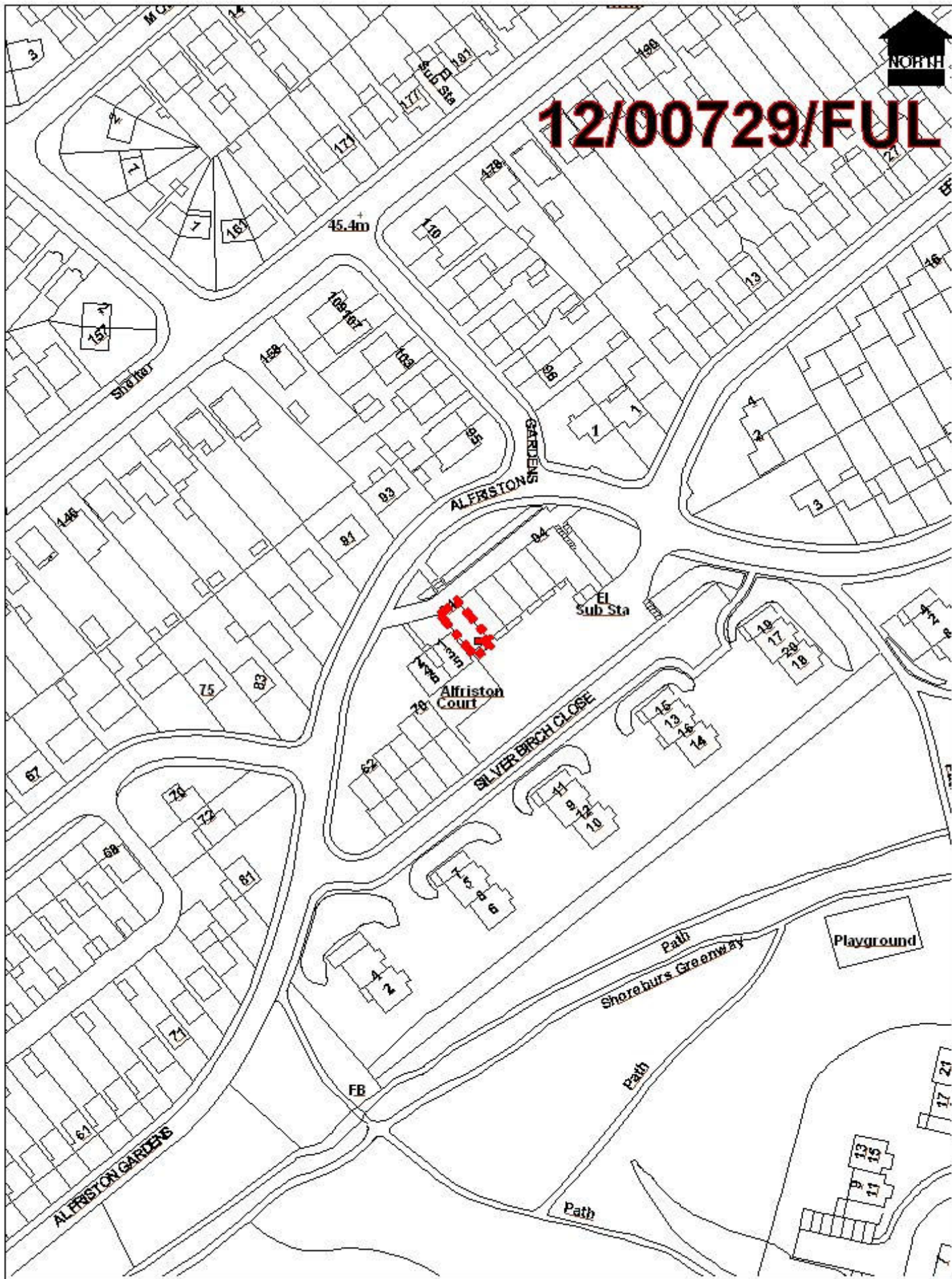
Other Relevant Guidance

Department for Communities and Local Government, Parades of Shops - Towards an understanding of performance & prospects (June 2012)

Department for Communities and Local Government, Parades to be Proud of: Strategies to support local shops (June 2012)

NORTH

12/00729/FUL



Scale : 1:1250

Date : 09 August 2012

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# Agenda Item 14

**Southampton City Planning & Sustainability  
Planning and Rights of Way Panel meeting 21 August 2012  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Unit 4 Viceroy House Mountbatten Business Centre Millbrook Road East SO15 1HY			
<b>Proposed development:</b> Change Of Use From Office (Class B1(A)) To Mixed Use For Financial And Professional Services/Offices/Medical Or Health Services (Classes A2/B1(A)/D1)			
<b>Application number</b>	12/00519/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Mathew Pidgeon	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	03.08.2012	<b>Ward</b>	Freemantle
<b>Reason for Panel Referral:</b>	Departure from Local Plan	<b>Ward Councillors</b>	Councillor Moulton Councillor Parnell Councillor Shields

<b>Applicant:</b> Tristmire	<b>Agent:</b> Plc Architects
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<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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## Reason for granting permission

Notwithstanding the application constitutes a departure from the Development Plan 'saved' Policy REI 11 (vii) of the City of Southampton Local Plan March 2006 and CS7 of the Core Strategy January 2010 which allocates the site for B1(b) and (c) uses, the proposal is compliant with the wider objectives of the Development Plan, including the Healthy City, set out below. Currently, it is accepted that there is low demand for B1 use within this centre at this present time and the flexible nature of this proposal is considered appropriate to this location as it will increase the potential of occupancy of the site; as such full consent can be granted. In addition, other material considerations including amenity, parking, health and economic benefits, the previous vacancy of the unit and the importance of encouraging employment within the city, outweigh compliance with this policy 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.

City of Southampton Core Strategy (January 2010) – CS1, CS3, CS6, CS7, CS8, CS10, CS18 and CS19.

City of Southampton Local Plan Review (March 2006) - SDP1, SDP4, SDP5, SDP10, SDP16 and REI11

<b>Appendix attached</b>			
1	Development Plan Policies	2	Relevant Planning History

## Recommendation in Full

**Conditionally approve**

## **1. The site and its context**

- 1.1 The application site is located in a purpose built industrial estate comprising two and three storey buildings with surface car parking.
- 1.2 The industrial estate is set back from the main road and as such is not visible within the street scene. A vehicular access road serves all the units from Millbrook Road East.
- 1.3 The surrounding area is mixed in character, comprising of both residential and commercial uses.
- 1.4 The site is located within a high accessibility area and is well served by public transport links including bus and rail.

## **2. Proposal**

- 2.1 The application seeks planning permission for a change of use Office (Class B1(A)) To Mixed Use For Financial And Professional Services/Offices/Medical Or Health Services (Classes A2/B1(A)/D1).
- 2.2 There is at present no proposed end user for the site and therefore the proposal is speculative to increase the opportunities for re-use.
- 2.3 In total and across the two floors there is 137.5m<sup>2</sup> available.
- 2.4 Four parking spaces are available with the unit. There is no allocation for cycle storage.

## **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 Mountbatten Industrial Estate is allocated under policy REI 11 of the local plan review for the purposes of Light Industry (B1 b and c). The proposal must therefore be assessed as a departure from the Local Plan Review (March 2006). However, the scale of the proposal falls within the scope of local importance rather than regional or national. The opportunity to widen the scope of end users which still provide a service to the public and create employment (which does not adversely impact on the long term use of the site) overrides the current, narrow allocation. The application does not need to be brought to the attention of the Government’s National Planning Casework Unit for their consideration. The Panel retains the ability to make the decision without a need for referral.

## **4.0 Relevant Planning History**

- 4.1 The most relevant Planning cases are set out at **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, placing a press advertisement (enter date) and erecting a site notice (enter date). At the time of writing the report 0 representations have been received from surrounding residents.

5.2 **SCC Highways** – no objection.

5.3 **SCC Planning Policy** – no objection. Whilst the proposals are technically contrary to Policy REI11, there is written confirmation that the unit has been marketed for a reasonable period of time and therefore we have no objection to the change of use in this instance.

5.4 **SCC Economic Development** - Support is given to a flexible approach on this site which has been vacant

## **6.0 Planning Consideration Key Issues**

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

- The appropriateness of the change of use in light of the sites REI 11 policy designation.
- Operating hours and noise generation.
- Access, parking and cycle storage.

### **6.2 Change of Use**

6.2.1 Policies contained within the Local Plan Review and the adopted Core Strategy seek to retain employment use within the city and safeguard employment sites for long term employment opportunities. In light of the current economic climate it is considered necessary to offer a degree of flexibility in the assessment of change of use applications in order to achieve this objective.

6.2.2 The Panel are reminded of the government statement in the Chief Planning Officer's letter dated 31 March 2011 (Annex 2, p3 refers) which advises that whilst having regard to all relevant considerations, the LPA should give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably and that they can give clear reasons for their decisions.

6.2.3 The Council's Economic Development Manager has confirmed that there are a number of units (on the estate) that are vacant and are struggling to find occupiers.

6.2.4 The applicants have provided supporting information to show that the premises have been vacant since 2nd August 2010. The unit has been marketed for appropriate employment uses whilst it has been vacant.

6.2.5 In light of the current economic climate, the relatively small amount of floor space and the benefit of employment opportunities, the Local Planning Authority recognise the need to offer a degree of flexibility and thus the principle of the

change of use is supported.

6.2.6 The council has previously allowed D1 and D2 use on this estate (see **Appendix 2**) under similar justification (supporting marketing information) therefore a consistent approach would be to support the scheme subject to the remaining issues being considered acceptable.

6.2.7 In order to ensure that the use of the unit can easily be reverted back to B1 (in the interest of future demand) a condition can be added to prevent the need for planning permission for the change (over a 10 year period) in association with Schedule 2 Part 3 Class E of the 'General Permitted Development Order' 1995.

### 6.3 Operating hours and noise generation

6.3.1 Places of worship and church Halls fall within use class D1. As those uses have the potential to generate noise, and increased traffic generation, the applicant has no current intention to let the unit for such purposes. In the interest of the surrounding area a condition is recommended to prevent the unit being used for religious purposes.

6.3.2 The proposed uses (with the prevention of the site being used as a place of worship/church Hall) are unlikely to increase the potential for noise and disturbance over and above the potential noise which would be caused by the allocated use.

### 6.4 Access, parking and cycle storage.

6.4.1 Parking standards show that one cycle parking space is required (minimum of 1 space per 10 employees).

6.4.2 Being within a high accessibility area the maximum number of parking spaces allowed would be two however with four existing and available for use the reality is that all four will be used at certain times. It is not considered that refusing the application or reducing the parking available is necessary in this instance due to the layout and provision of the parking across the estate.

## 7.0 Summary

7.1 Allowing the use would enable what would otherwise be a vacant building to be occupied and provide employment. The proposed use would not prejudice the long term objectives of maintaining a stock of employment units across the City to meet future increases in demand.

## 8.0 Conclusion

8.1 The proposed potential use changes are considered to be appropriate for the unit which is at present vacant.

### **Local Government (Access to Information) Act 1985**

### **Documents used in the preparation of this report Background Papers**

1 (a), 1(b), 2(b), 2(d), 6(c), 7 (a) and 7 (f)

**MP3 for 21/08/2012 PROW Panel**

## **PLANNING CONDITIONS**

### **1. APPROVAL CONDITION Cycle Storage Facilities [Performance Condition]**

Provision within the site shall be made for the storage of at least one cycle. Such facilities shall be permanently retained for that purpose.

Reason:

To encourage cycling as an alternative form of transport.

### **2. APPROVAL CONDITION - Change of Use - Scope and Limitation within same Class**

The ability to interchange between the range of uses hereby permitted for the development (A2/B1(A) and D1 of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking, amending, or re-enacting that Order) with the exception of a place of worship/church hall, shall, in accordance with Class E, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, be for a limited period of 10 years only from the date of this Decision Notice. Upon the expiry of ten years the unit shall remain as the prevailing use at that time as hereby agreed in writing by the Local Planning Authority.

Reason:

In recognition of the surrounding land uses and policy designation; and to ensure that the site has the potential to contribute towards the regeneration of the city's economy.

### **3. APPROVAL CONDITION - Hours of Use - [Performance Condition]**

The use hereby permitted shall not operate (meaning that customers shall not be present on the premises) outside the following hours:

Monday to Friday	9.00 hours to 20.30 hours	(9am to 8.30pm)
Saturday	9.00 hours to 18.30 hours	(9am to 6.30pm)
Sunday and recognised public holidays	Closed	

Unless otherwise agreed in writing by the Local Planning Authority. A notice to this effect shall be displayed at all times on the premises so as to be visible from the outside.

Reason:

To protect the amenities of the occupiers of existing nearby business units and residential properties.

**POLICY CONTEXT**

Core Strategy - (January 2010)

CS1	City Centre Approach
CS3	Promoting Successful Places
CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS8	Office Location
CS10	A Healthy City
CS18	Transport: Reduce – Manage and invest
CS19	Car & Cycle Parking

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP16	Noise
REI11	Light Industry

**Relevant Planning History**

16 – 18 Millbrook Road

88/11027/FUL. Redevelopment of the site by the erection of 5 x 2 and 3 storey class B1 unit blocks together with associated car parking. Approved (11.11.1988).

Unit 23, Mountbatten Business Centre.

10/00994/FUL. Change of use of first floor unit from office (Class B1(A)) to education centre (Class D1). Approved (29.12.2010).

**APPROVAL CONDITION - Change of Use - Scope and Limitation within same Class**

The use of the unit hereby approved shall be limited to those specific uses within the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking, amending, or re-enacting that Order) Use Class D1 for, or in connection with, a education centre as provided for and shall not be used for any other use within that Use Class.

**Reason:**

In recognition of the surrounding land uses and policy designation and to ensure that skills training make a contribution to the regeneration of the city's economy.

**APPROVAL CONDITION - Hours of Use - [Performance Condition]**

The use hereby permitted shall not operate (meaning that customers shall not be present on the premises] outside the following hours:

Monday to Friday	9.00 hours to 20.30 hours	(9am to 8.30pm)
Saturday	9.00hours to 18.30 hours	(9am to 6.30pm)
Sunday and recognised public holidays	Closed	

Unless otherwise agreed in writing by the Local Planning Authority. A notice to this effect shall be displayed at all times on the premises so as to be visible from the outside.

**Reason:**

To protect the amenities of the occupiers of existing nearby business units and residential properties.

**Approval Condition - Sign (Time bound performance condition)**

Details of a non-illuminated, but reflective road sign, to alert drivers and users of the access into the Mountbatten Business Centre of the presence of children on site, shall be submitted to the local planning authority within 28 days of the date of this decision. The sign shall be a minimum size of 60cm by 30 cm and be placed a minimum of 1m above the prevailing ground level at the entrance of the Business Centre at its junction with Millbrook Road East. Once agreed in writing by the local planning authority, the sign must be in place within 14 days of it being agreed in writing. Once in place, that sign shall continue to be displayed and maintained in a legible form for as long as the use hereby approved is operating.

Reason:

In the interests of highway safety.

Approval Condition - Age limit (Performance Condition)

The use hereby permitted shall be provided for children and young adults up to the age of 18 years only.

Reason:

To limit the potential number of car journeys to the premises in the interests of pedestrian and highway safety.

NB the age limit condition was appealed and subsequently allowed. The condition was applied as there was concern that the safety of children visiting the site would be compromised by allowing over 18's to also visit the site. The condition was considered both unreasonable and unnecessary.

Units 20-21 Admiral House

11/01148/FUL. Change of use from Office (class B1) to gym (class D2) (Departure from Local Plan)

APPROVAL CONDITION, Keep doors closed - [Performance Condition].

All personal training associated with this permission shall be carried out within the confines of units 20 and 21 Mountbatten Business Centre and whilst personal training associated with this permission is being undertaken all doors and windows to units 20 and 21 must remain closed.

REASON:

To limit the noise breakout from Units 20 and 21.

APPROVAL CONDITION - Restricted number of customers. [Performance Condition]

No more than two customers shall be training in the Gym at anyone time.

Reason

To allow the local planning authority to control the specific nature of the use and range of the likely associated activities.

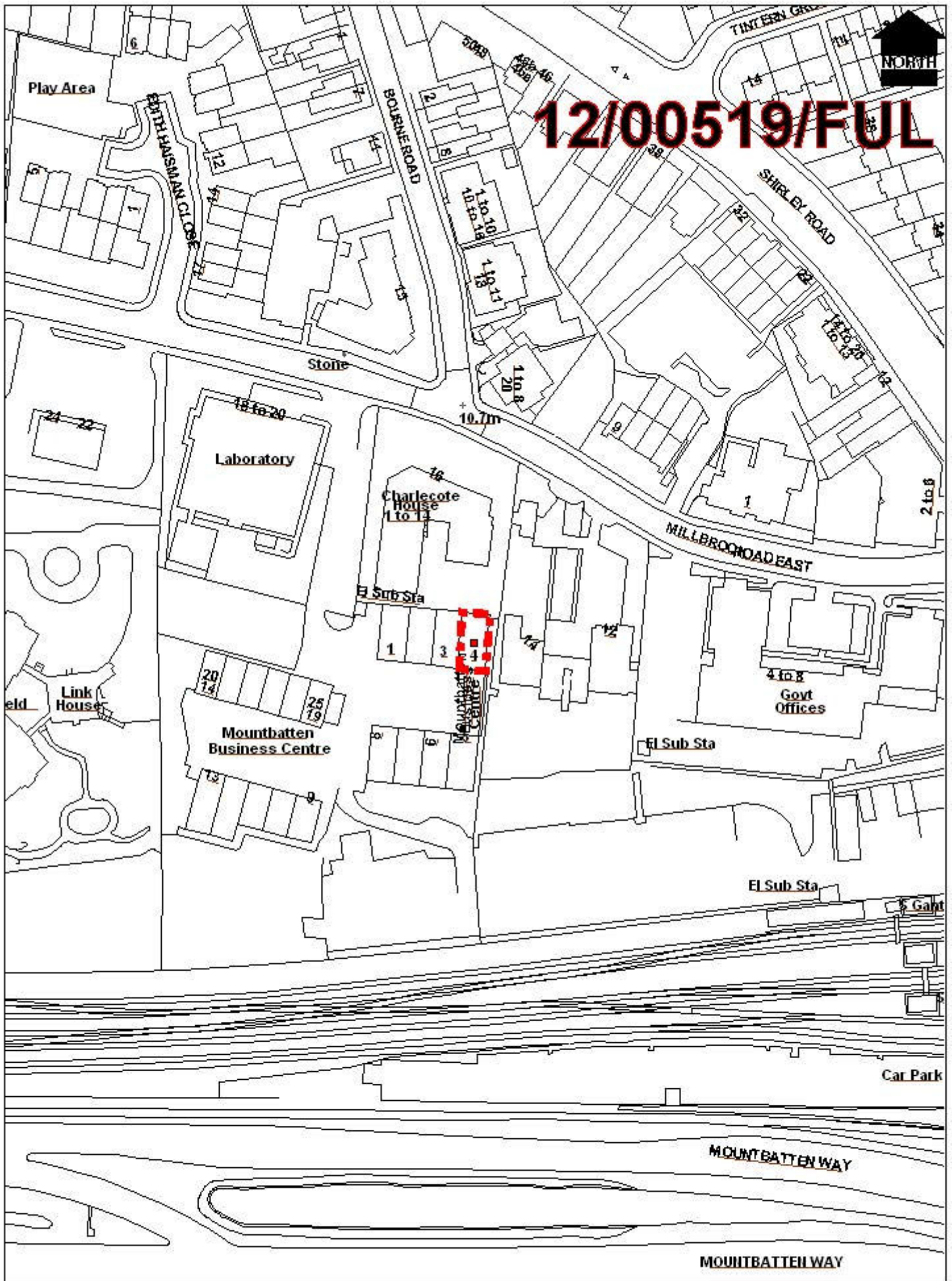
APPROVAL CONDITION - Hours of Operation. [Performance Condition]

The premises to which this permission relates shall only be open for business between the hours of 06.30 to 20.00 Monday to Friday, 07.00 to 18.00 on Saturdays and 08.00 to 12.00 Sunday and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

REASON

To protect the amenities of those members of the public who choose not to use the facility and to protect the residential character and amenity of the area.





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Date : 09 August 2012

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# Agenda Item 15

**Southampton City Planning & Sustainability  
Planning and Rights of Way Panel meeting 21 August 2012  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Mede House, Salisbury Street			
<b>Proposed development:</b> Conversion Of Existing First Floor Offices To Contain 9 X Self Contained Student Units And Use Of Ground Floor As Cycle Store And Refuse Store (Retrospective)			
<b>Application number</b>	12/00753/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Mathew Pidgeon	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	11.07.2012	<b>Ward</b>	Bevois
<b>Reason for Panel Referral:</b>	Departure from Local Plan	<b>Ward Councillors</b>	Cllr Burke Cllr Rayment Cllr Barnes-Andrews

<b>Applicant:</b> Mr A Bajar	<b>Agent:</b> Concept Design & Planning
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<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report</b>
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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 on available office accommodation within in the city, the number and layout of units, the amenity and privacy of adjacent occupiers and the residential environment created 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, SDP13 SDP16, SDP17, H7, REI5 and REI15 of the City of Southampton Local Plan Review (March 2006).

Policies- CS4, CS5, CS13, CS16, CS19 and CS20 of the Core Strategy 2010.

<b>Appendix attached</b>	
1	Development Plan Policies
2	Refusal Reasons for scheme with reference 05/00487/FUL

### Recommendation in Full

Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:

- i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
- ii. A financial contribution towards strategic transport projects for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
- iii. Financial contributions towards the relevant elements of public open space 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); Amenity Open Space ("open space") Playing Field;
- iv. In lieu of an affordable housing contribution, an undertaking by the developer that only students in full time education be permitted to occupy the studio flats;
- v. 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.
- vi. A financial contribution towards public realm improvements in accordance with the adopted SPG relating to Planning Obligations (August 2005 as amended).

In the event that the legal agreement is not completed by 24/09/2012 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.

## **1. The site and its context**

- 1.1 This site comprises the first floor of a five storey building which was originally approved as office space. The ground floor is occupied by cycle and refuse storage provision and provides a separate entrance to the flats from Salisbury Street. Within the remaining ground floor area is office accommodation and an electrical substation.
- 1.2 In June 2008 planning permission was granted for office accommodation at the first floor level and part of the ground floor; All the upper floors were granted permission for residential use.
- 1.3 In 2010, without the benefit of planning permission, the owners decided to convert the first floor office space into residential accommodation. Nine self-contained units were created.
- 1.4 The building has a commercial appearance and the functional undercroft is large, limiting the active section of the ground floor street frontage and detracting from its appearance in and interaction with the street. A site

adjoins a smaller three storey office building to the south. A multi-storey (4 storey) public car park is located opposite the site. Vernon Walk which provides a pedestrian link with London Road is 20m to the north of the site. There are other examples of upper floors of former office and commercial units being converted to residential use in close proximity to the site, including Waterloo Buildings.

- 1.5 There is a mix of uses within the immediate area including the late evening uses of Bedford Place, Carlton Place and Winchester Street. Salisbury Street itself has the character of a service road serving the multi-storey car park and rear of commercial premises in London Road. There is very little active frontage along the street although the range of nearby uses and pedestrian routes between them creates some level of pedestrian activity.
- 1.6 Immediately behind Mede House, the floorspace at the rear of 23 to 41 London Road at first and second floor level has recently gained planning permission to be converted to residential. Access to these units is via a staircase leading down into a small service road that runs underneath the application.
- 1.7 Some of the properties at first/second floor level in London Road are in residential use. They have an outlook across a flat roofed area back towards the application building.
- 1.8 The site is within a high accessibility area within the city centre and is well served by public transport links and all services.

## **2. Proposal**

- 2.1 The application seeks retrospective planning permission for a change of use at first floor level from B1a office development to 9 self contained residential units of accommodation.
- 2.2 The occupation of the units will be restricted to students only.
- 2.3 The existing refuse and cycle storage facilities on the ground floor can be utilised by the occupants of the flats.

## **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 use of the site is safeguarded under policy REI15 of the Local Plan Review for the purposes of B1 Office development. Policy REI15 states that there should be no net loss of office floor space and therefore the proposal must be assessed as a departure from the Local Plan Review (March 2006).

- 3.3 However, the case does not need to be brought to the attention of the Government's National Planning Casework Unit for their consideration as the provision of office accommodation within the city is a matter of local concern rather than an issue of regional or national relevance. As such the Panel retain the ability to make the decision without a need for referral.

#### **4.0 Relevant Planning History**

- 4.1 **3820/1085/13 (CAP – 24/4/1956)** Ten Shops, offices or maisonettes at 23-41 London Road.

**3820/1119/67.R.1 (CAP – 17/12/1957)** Office block.

**05/00487/FUL (REF - 31/5/2005)** - Alterations and extensions, including increasing the height of the building by up to 3 storeys with balconies and conversion of the property into 46 x one-bedroom flats. This was refused under delegated powers for the reasons set out in **Appendix 2** to this report.

**05/01174/FUL (CAP – 14/11/2015)** Alterations and extensions, including increasing the height of the building by two storeys with balconies, part conversion of building into 45 flats and provision of additional 168 square metres of offices. - CAP

#### **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 (enter date) and erecting a site notice (enter date). At the time of writing the report **1** representation has been received from surrounding residents. The letter received does not oppose the development.

#### **5.2 SCC Highways**

- 5.2.1 The proposed development does not introduce an impact on highways safety which concerns the Highways Development Management Team provided that the shown cycle store and bin store serves the proposed units.
- 5.2.2 The site is located in the city centre with Traffic Regulation Orders in the local vicinity, as such there should not be any overspill parking or added pressure on the on street parking.

#### **5.3 SCC Planning Policy Team**

- 5.3.1 The evidence provided by the applicant shows that the premises have been marketed as vacant for a period of 2 years without a tenant. It is accepted that this is a secondary location for office space in the city centre, and the premises are unlikely to be occupied as offices in the near future given the current economic climate. Therefore, there is no objection to the conversion of the existing offices to residential use, however, this would be a departure

from the policy REI15.

- 5.3.2 It is intended under policy CS7 to review safeguarded employment sites in the forthcoming City Centre Action Plan (CCAP). The applicant should be aware that the boundaries for the safeguarded office areas in the city centre are being reviewed in CCAP. More information will be available when the draft document goes to public consultation at the end of January. See timetable for CCAP below:

<http://www.southampton.gov.uk/s-environment/policy/developmentframework/actionplan/default.aspx>

- 5.3.3 The site is within the zone identified by policy REI 5 as a secondary retail frontage.

#### 5.4 **SCC Environmental Health Team, Pollution and Safety**

- 5.4.1 No objections subject to recommended condition to prevent noise disturbance to occupants.

### 6.0 **Planning Consideration Key Issues**

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

- Principle of Development
- Neighbouring Residential Amenity
- Residential Environment
- Parking and Cycle Storage

#### 6.2 **Principle of Development**

- 6.2.1 The use of the site is safeguarded under policy REI15 of the local plan review for the purposes of B1 Office development and as there should be no net loss of office floor space the scheme should be considered as a departure Local Plan Review (March 2006).

- 6.2.2 The Policy Team support the conversion to residential and do not object to the departure from the Local Plan. There is not a high demand for office accommodation within this part of the city. As the evidence provided by the applicant shows that the premises have been marketed as vacant for a period of 2 years without a tenant it is judged that the premises are unlikely to be occupied as offices in the near future.

- 6.2.3 Conversion to residential accommodation, specifically for students, provides valuable housing and reduces the demand for the conversion of current housing stock to Houses of Multiple Occupation.

- 6.2.4 The Panel are reminded of the government statement in the Chief Planning Officer's letter dated 31 March 2011 (Annex 2, p3 refers) which advises that whilst having regard to all relevant considerations, the LPA should give

appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably and that they can give clear reasons for their decisions.

6.2.5 In light of the current economic climate, the need for student accommodation within the city and the associated economic benefit which the student population contribute the Local Planning Authority recognise the need to offer a degree of flexibility and thus the principle of the change of use is supported.

### 6.3 Neighbouring residential amenity

6.3.1 The change of use is unlikely to have generated a significant increase in noise and activity in the area.

6.3.2 During the determination of planning application 05/01174/FUL, which granted permission for the original conversion and formation of three additional floors of accommodation, the Local Planning Authority considered that a distance of 17.5m between inter-looking residential windows would not be considered so detrimental to amenity to justify refusal. The Local Planning Authority, in determining the acceptability of the inter-looking distance, made reference to the close-knit urban setting of the development.

### 6.4 Residential environment

6.4.1 Planning conditions can be used to ensure that the residential environment is acceptable, in particular noise disturbance from external sources will need to be managed.

6.4.2 The location of the proposal means that the occupants have access to the public open space and amenities within the city centre.

### 6.5 Parking and Cycle Storage.

6.5.1 The existing refuse and cycle storage facility is able to accommodate the requirement of the additional accommodation.

## 7.0 Summary

7.1 Allowing the use enables what would otherwise be a vacant building to be occupied.

## 8.0 Conclusion

8.1 The residential use is considered to be appropriate for this site.



1(a), 1(b), 2(b), 2(d), 6(c), 7(a)

### **MP3 for 21/08/2012 PROW Panel**

#### **PLANNING CONDITIONS**

##### **1. APPROVAL CONDITION Cycle Storage Facilities [Performance Condition]**

Provision within the site shall be made for the storage of at least one cycle per flat. Such facilities shall be permanently retained for that purpose.

REASON:

To encourage cycling as an alternative form of transport.

##### **2. APPROVAL CONDITION - Approved Plans [Performance Condition]**

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.

##### **3. APPROVAL CONDITION External Noise Protection Measures [Performance Condition]**

Within three months of the date of this permission a scheme shall be submitted to the Local Planning Authority which details how the residential units hereby approved are/will be protected from external noise sources (incorporating mechanical acoustically treated ventilation if required). Once approved in writing all works which form part of the scheme shall be completed three months of the Local Planning Authorities written response (unless otherwise agreed in writing). Once fully approved, and installed the scheme of works shall be retained at all times thereafter.

REASON

To ensure satisfactory living conditions exist in the flats hereby approved having regard to the advice in Planning Policy Guidance Note No.24 (Planning and Noise).

##### **4. APPROVAL CONDITION, Refuse and Cycle Storage Provision [Performance Condition]**

Within three months of the date of this permission plans shall be submitted to the Local Planning Authority, for approval in writing, which detail the location of all cycle and refuse storage facilities allocated to the residential units and office accommodation on site; and visitors (4 spaces required). Once approved in writing all agreed details shall be implemented within three months of the Local Planning Authorities written response (unless otherwise agreed in writing). Once fully approved and installed the scheme of works shall be retained at all times thereafter.

REASON

In the interests of visual amenity, the amenities of occupiers and the occupiers of nearby properties, in the interests of highway safety; and to encourage cycling as a sustainable form of transport.

**POLICY CONTEXT**

Core Strategy - (January 2010)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
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
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP13	Resource Conservation
SDP16	Noise
SDP17	Lighting
H7	The Residential Environment
REI5	District Centres
REI16	Identified Offices Sites

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - August 2005 and amended November 2006)

**Proposal:**               **Alterations and extensions, including increasing the height of the building by up to 3 storeys with balconies and conversion of the property into 46 x one-bedroom flats.**

**Site Address:**       **Mede House Salisbury Street Southampton SO15 2TZ**

**Application No:**   **05/00487/FUL**

**REFUSAL REASONS:**

01.The proposals would result in the net loss of all available office floorspace on this site, which situated within an area with good access to public transport, where existing office accommodation is to be safeguarded to contribute toward the vitality of Southampton's employment opportunities. As such the development would be contrary to Policy REI 16 (i) of the City of Southampton Local Plan Review - Revised Deposit Version February 2003 and create a precedent that would undermine Policy REI 16 and its aims.

02.The proposals would result in a cramped overdevelopment of the site by reason of the inadequate private amenity space for residents of the development, which fails to satisfy the requirements of Policy A7 of the Residential Standards Development Control Brief. As such the development would be contrary to Policies GP1 (i)/(viii), ENV3 (iii), H10 (ii) and H16 of the City of Southampton Local Plan 1995 and Policy SDP1 of the City of Southampton Local Plan Review - Revised Deposit Version February 2003.

03.The proposed development, by virtue of its increased height in relation to the proximity of existing accommodation at first and second floor levels at 23-41 London Road, would be likely to cause significant harm to the amenities of occupiers of such accommodation by way of undue overshadowing, increased and oppressive sense of enclosure and intrusive overlooking, which would not comply with the principles of Policies A2 and A4 of the Residential Standards Development Control Brief. As such the development would be contrary to Policies GP1 (i)/(viii) and H12 (ii) of the City of the Southampton Local Plan and Policies SDP1 (i), SDP7 (v), SDP9 (i)/(ii)/(v), H3 (iii) and H10 (v) of the City of Southampton Local Plan Review - Revised Deposit Version February 2003.

04.The proposed development fails to take advantage of an important opportunity to rejuvenate the building by demonstrating a quality built/finished solution with sustainable measures such as greywater systems, the ability to link into the existing geothermal energy plant in Southampton City Centre and to demonstrate the creation of quality , landscaped spaces at balcony level as a means of introducing biodiversity to this otherwise harsh immediate urban environment. As such the development has not adequately met the aims of Policies GP1 (i)/(vii), ENV15 (ii)/(iii) and ENV16 of the City of the Southampton Local Plan and Policies SDP9 (iii)/(iv), SDP13 (v)/(vi)/(vii) and H10 (i)/(ii) of the City of Southampton Local Plan Review - Revised Deposit Version February 2003.

05. The proposal would be harmful to the character of the area by reason of the three storey scale addition to the building and the appearance, visual impact and design of the development, which would be overdominant within the surrounding area and not respect the context of the existing building. The re-modelling of the building would also fail to introduce an improvement to the streetscene in terms of providing an active and well surveilled/lit ground floor area, which would detract from public safety issues and not improve safe through-movement in Salisbury Street/Winchester Street. As such the development would be contrary to Policies GP1 (i)/(ix)/(xii), ENV3 (i)/(ii)/(iii)/(iv)/(v) and H10 (ii) of the City of the Southampton Local Plan and Policies SDP1 (i)/(ii), SDP7 (iv)/(v), SDP8 (ii)/(iii), SDP9 (i)/(ii), SDP10 (i)/(iii)/(iv), SDP11 (i), H8 (iii), H10 (iii) and MSA1 (i)/(iii) of the City of Southampton Local Plan Review - Revised Deposit Version February 2003.

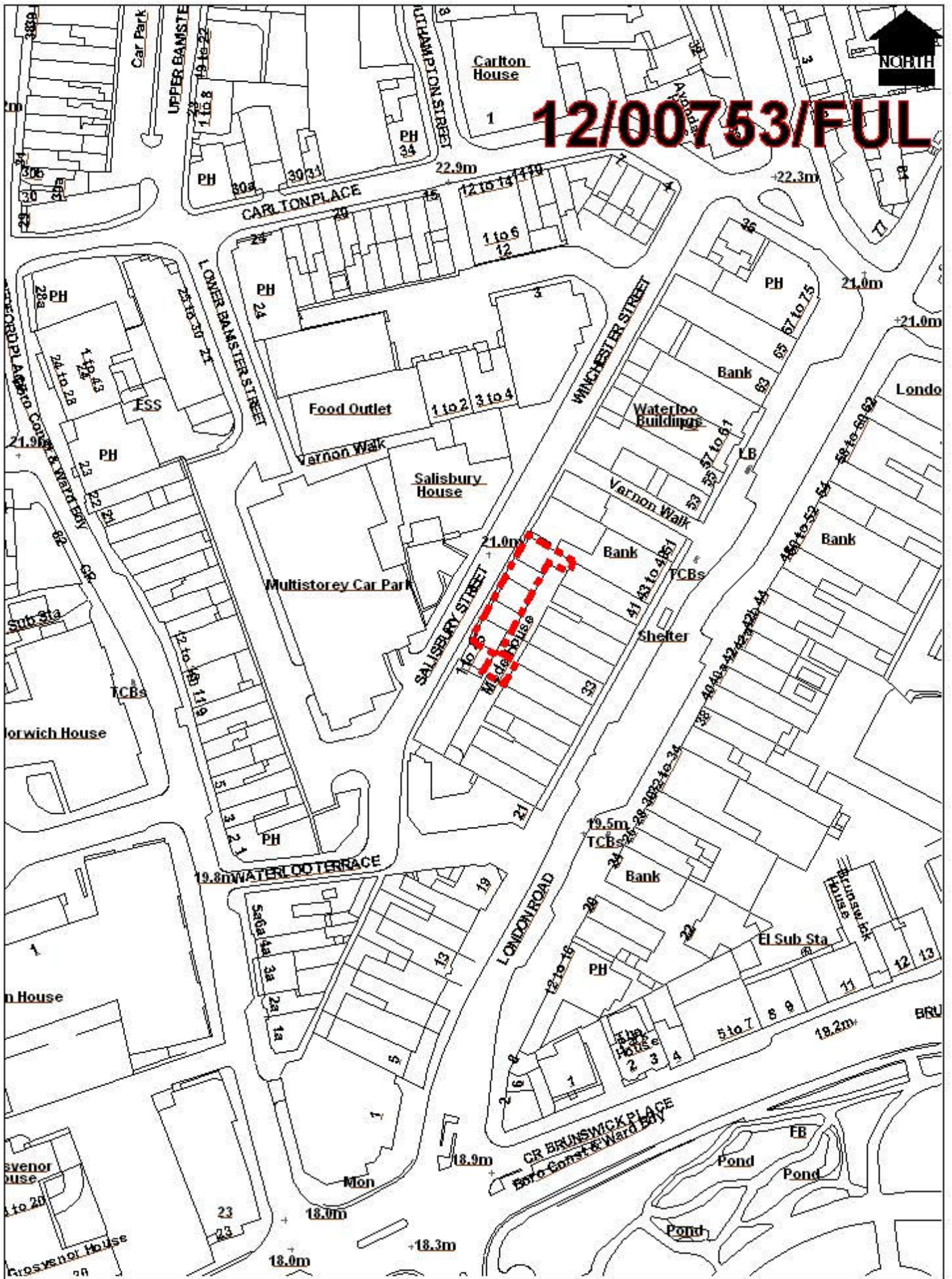
06. The proposed cycle store by virtue of its vertical storage arrangement and lack of fully enclosed space for that and the refuse store, (which does not make adequate provision to recycle waste by virtue of its size), would not provide satisfactory facilities for the parking of bicycles or storage of waste. This would also be likely to encourage anti-social behaviour and vandalism in the poorly surveilled undercroft to the building. As such the development would be contrary to Policy GP1(i)/(ix)/(xv) and H10 (ii) of the City of Southampton Local Plan 1995 and Policies SDP (i)/(ii), SDP5 (iii), SDP7 (v), SDP10 (ii)/(iv), SDP11 (ii), SDP13 (viii) and H10 (iii)/(v) of the City of Southampton Local Plan Review - Revised Deposit Version February 2003.

07. The proposed development fails to provide a satisfactory mix of dwelling types. As such the proposed development is considered to be contrary to the aims of Policy H1 of the City of Southampton Local Plan 1995 and Policy H17 (i) of the City of Southampton Local Plan Review - Revised Deposit Version February 2003.

08. The proposals fail to secure the provision of housing for those unable to resolve their housing needs in the private sector market because of the relationship between housing costs and income. As such the development would be contrary to Policy H2 of the City of Southampton Local Plan 1995 and Policy H13 and H14 of the City of Southampton Local Plan Review - Revised Deposit Version February 2003.

09. The proposals fail to secure measures to encourage sustainable forms of travel and would therefore be contrary to Policies GP1 (xvi) and T2 (ii) of the City of Southampton Local Plan 1995 and Policies SDP2 and SDP3 of the City of Southampton Local Plan Review - Revised Deposit Version February 2003.

10. The proposals fail to secure improvements in open space necessitated by the development and would therefore be contrary to Policy L4 of the City of Southampton Local Plan 1995 and Policy CLT5 of the City of Southampton Local Plan Review - Revised Deposit Version February 2003.



**12/00753/FUL**

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Date : 09 August 2012

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# Agenda Item 16

**Southampton City Planning & Sustainability  
Planning and Rights of Way Panel meeting 21 August 2012  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Flat 3, 76 Anglesea Road			
<b>Proposed development:</b> Change of use of first floor from residential (Class C3) to office (Class B1 (a)) (Departure from the local plan)			
<b>Application number</b>	12/00945/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Bryony Stala	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	26.04.2012	<b>Ward</b>	Shirley
<b>Reason for Panel Referral:</b>	Departure from Core Strategy policy CS16	<b>Ward Councillors</b>	Cllr Chaloner Cllr Kaur Cllr Mead

<b>Applicant:</b> The Freya Centre (Ms Susan Incambells)	<b>Agent:</b> Culverwell Consultina (Mr Jim Culverwell)
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<b>Recommendation Summary</b>	<b>Approve temporary consent</b>
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## Reason for granting Permission

The application constitutes a departure from the Development Plan policy CS16 of the Local Development Framework Core Strategy (2010) but is compliant with the other relevant Policies of the Development Plan set out below. However, on the basis of the granting of a temporary consent for a period of two years, the local planning authority do not consider the loss of a residential unit of accommodation to be harmful to the city's housing stock. In addition, other material considerations, including the ability of the applicant to maintain an appropriate standard of business and provide an important health facility within the city in accordance with CS10 of the Core Strategy is considered to outweigh compliance with CS16 and is not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been allied 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 and SDP5 of the City of Southampton Local Plan Review (March 2006) and CS10 and CS19 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

<b>Appendix attached</b>			
1	Development Plan Policies		

## Recommendation in Full

Conditionally approve subject to no additional planning objections being made following the expiration of the notice advertising the proposal as a departure from the local plan (30.08.2012).

## **1. The site and its context**

- 1.1 The site is comprised of a three storey building comprising 5 flats with an adjoining two storey building which operates as a medical clinic (IVF) known as the Freya Centre. There is associated parking to the front of the site.
- 1.2 The site is located on the west of Anglesea Road just north of Medina Road and Harrison's Cut.

## **2. Proposal**

- 2.1 The application seeks temporary planning consent for a change of use of a first floor two bedroom flat (flat 3) to office accommodation in association with the adjoining Freya Centre. There is a similar temporary planning consent (08/01316) for the use of the adjacent flat 4 currently operated by the same company. That consent expires in November 2014.
- 2.2 The proposal constitutes a departure from the local plan and it results in the loss of a residential unit. This is contrary to policy CS16 of the adopted Core Strategy.
- 2.3 The Freya Centre is outgrowing the current premises and additional administration space is urgently needed to accommodate the businesses growth. The clinic recognises that in the long term they will need to relocate to a larger site. However, in the short term, they seek additional administration space to enable the business to continue without difficulty.
- 2.4 The planning application states that at present a remote office would not be appropriate as it would create security risks by way of important and data protected information having to be regularly transferred from the remote office to the Freya Centre on Anglesea Road. In addition, such an arrangement would require a continual use of vehicles to transport information from one facility to the other.
- 2.5 There are no external alterations proposed.

## **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 Core Strategy policy CS10 advocates that proposals for the intensification of healthcare uses on existing sites in accessible locations will be supported subject to compliance with other adopted policy. In this instance the most relevant 'other adopted policy' is CS16 which seeks to protect the housing stock within the city.
- 3.3 The National Planning Policy Framework came into force on 27 March 2012. Having regard to paragraph 214 of the National Planning Policy Framework dated 27 March 2012 the policies and saved policies set out in **Appendix 1** which have been adopted since 2004 retain their full material weight for decision making purposes.



#### **4.0 Relevant Planning History**

- 4.1 03/00424/FUL - Construction of a 3 storey block comprising 5no. flats. (1x1 bed, 4x2 bed) Construction of a 2 storey attached block to provide a medical clinic (IVF) with associated car parking. - Approved. 15.12.2004
- 4.2 08/01316/FUL - Change of use of first floor flat to admin offices (class B1 a) for a temporary period of six years - Description amended following validation - TCON. 04.11.2008. Expires 04 November 2014

#### **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, erecting a site notice 25.06.2012 and advertised as a departure from the local plan on 09.08.2012. At the time of writing the report 0 representations have been received.
- 5.2 **SCC policy** – No objections raised, subject to the granting of a temporary two year planning consent.
- 5.3 **SCC Highways** – No objections raised.

#### **6.0 Planning Consideration Key Issues**

- 6.1 The key issues for consideration in the determination of this planning application are whether the proposed temporary use of a residential dwelling to office accommodation will have an adverse impact on the long term housing stock of the city.
- 6.2 Policy CS10 of the adopted Core Strategy advocates that proposals for the intensification of healthcare uses on existing sites in accessible locations will be supported subject to compliance with other adopted policy.
- 6.3 Core Strategy policy CS16 does not support the loss of family housing in the city unless an identical unit can be provided within the site. However, the flat only has two bedrooms and a family dwelling is defined as a unit with three bedrooms or more.
- 6.4 Saved policy H6 (Housing retention) of the local plan review (March 2006) states that planning permission which would result in the loss of dwellings would not be granted unless the use provides a necessary or desirable community facility designed to meet an identified need in the neighbourhood. Whilst the function of the Freya Centre is not a community facility by definition, it serves an important need within the local community and wider Southampton area.
- 6.5 The unit layout will easily be able to change back to a residential unit; as such the proposal will not result in the long term loss of a residential unit.
- 6.6 Although the city requires all types of housing, the temporary loss is not seen as being harmful to the availability of two bedroom flatted accommodation within the city. The exceptional circumstances surrounding the need for the residential unit to be temporarily converted into office accommodation are considered to be of

sufficient weight to support the proposal. However, the local planning authority do not consider this to be an appropriate long term approach to meeting the growing needs of the business and encourage the applicant to find alternative accommodation within the immediate future.

6.7 On balance, it is judged that a temporary use of flat 3 for a period of two years will not significantly undermine the delivery of housing within Southampton.

6.8 The use of the flat as administrative offices is not considered to harm the residential amenities of neighbouring occupiers. The nature of the use, operating hours and the limited number of additional staff on site is unlikely to generate unreasonable noise nuisance or trips.

6.9 The Freya Centre currently has 4 car parking spaces for users of the clinic. In addition, on street and free car parks are available within Shirley City Centre, a short walk from the site. These will serve both staff and customers of the centre.

## **7.0 Summary**

7.1 The granting of a temporary office use for a period of two years would tie in with the expiration of consent 08/01316/FUL for the use of flat 4 as admin offices, which expires on the 4<sup>th</sup> November 2014. Following the expiration of both consents, flats 3 and 4 would revert back to residential accommodation. Such an arrangement gives the applicants sufficient time to explore options for alternative office accommodation, without compromising the long term housing stock of the city or their current business need.

## **8.0 Conclusion**

8.1 It is recommended that planning permission is granted subject to the imposition of the recommended conditions.

### **Local Government (Access to Information) Act 1985**

### **Documents used in the preparation of this report Background Papers**

1(a), 1(b), 1(c), 1(d), 2(b), 2(d)

### **BS for 21.08.2012 PROW Panel**

### **PLANNING CONDITIONS**

#### **1. APPROVAL CONDITION - Time Limited (Temporary) Permission Condition - change of use**

The use hereby permitted shall be discontinued at or before the expiration of the time period stated in this permission and the land and buildings restored to their former condition, the period specified in this permission being 4 November 2014.

Reason:

To enable the Local Planning Authority to review the special circumstances under which planning permission is granted for this type of development, given that it is not considered an appropriate permanent use for the premises.

**2. APPROVAL CONDITION - Restricted employee numbers**

Unless otherwise agreed in writing by the Local Planning Authority the temporary administrative office hereby approved shall be occupied by no more than 4 employees.

**REASON**

To safeguard the residential amenities of neighbouring occupiers and for the avoidance of doubt.

**3. APPROVAL CONDITION – Office use to be related to the Freya Centre.  
(Performance Condition)**

The office use of the unit hereby approved shall be used in connection with the Freya Centre only and shall not at any time be used by any other business.

**Reason**

For the avoidance of doubt

**4. 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)

CS10	A Healthy City
CS16	Housing Mix and Type
CS19	Parking

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP5	Parking
H6	Housing Retention

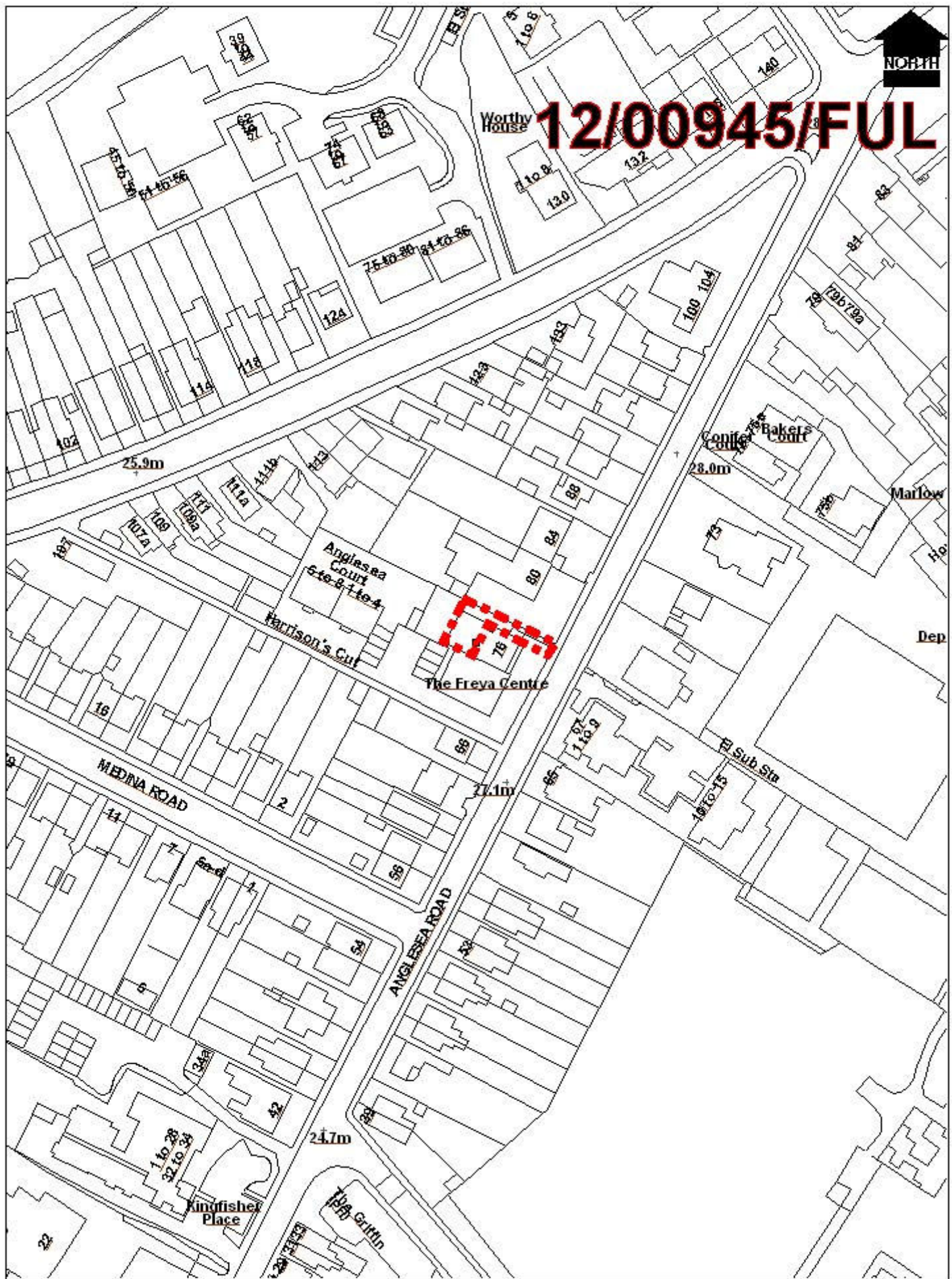
Supplementary Planning Guidance

Parking SPD (September 2011)

National Planning Policy Framework



**12/00945/FUL**



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Date : 09 August 2012

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# Agenda Item 17

**Southampton City Planning & Sustainability  
Planning and Rights of Way Panel meeting 21 August 2012  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Holy Family RC Primary School, Mansel Road West			
<b>Proposed development:</b> Erection of single storey training facility following demolition of existing.			
<b>Application number</b>	12/00861/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Bryony Stala	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	30.07.2012	<b>Ward</b>	Redbridge
<b>Reason for Panel Referral:</b>	Departure from Local Plan	<b>Ward Councillors</b>	Cllr Pope Cllr McEwing Cllr Whitbread

<b>Applicant:</b> Holy Family Primary School - Cyrlin Scott	<b>Agent:</b> Built Offsite (Rachel Walmsley)
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<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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## Reason for granting Permission

The application constitutes a departure from the Development Plan policy CLT3 & CS21 of the Local Plan Review (March 2006) but is compliant with the other relevant Policies of the Development Plan set out below. However, on the basis of an adequate provision of replacement open space which is of equal benefit to the use of Holy Family Primary School and the wider community the local planning authority do not consider the loss of open to be harmful to the city's open space resource. In addition, other material considerations, including the improvement of play space for Holy Family Primary School and ability of the applicant to maintain an appropriate standard of business and provide and important training facility within the city accords with the aspirations of SDP1 of the local plan and CS11 of the Core Strategy and is not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been allied 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, SDP5, SDP7, SDP9 CLT3 the City of Southampton Local Plan Review (March 2006) and CS11, CS13, CS19 and CS21 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

<b>Appendix attached</b>			
1	Development Plan Policies		

## Recommendation in Full

### Conditionally approve

## **1. The site and its context**

- 1.1 Holy Family Primary School is located on the corner of Lower Brownhill Road and Mansel Road West. To the south west, the school is bounded by playing fields used in connection with the school.
- 1.2 A single storey portacabin building is located immediately to the south of the school buildings, abutting the school playing field. The building is used as a training centre for teachers. It is accessed via a car park which is used by both the school and the training centre.

## **2. Proposal**

- 2.1 The proposed development is for a single storey training centre. The building will be located to the south-west of the existing school site and hard surfaced play area. The existing training centre building which is currently adjacent to the school site will be demolished and the land returned to open space. The space will be used as an informal playing field for Holy Family Primary School.
- 2.2 The proposed building measures 307.2sqm. The current building (including its gardens) covers 416 sqm. Staffing levels will remain the same as will the capacity for 20 parking spaces and 1 disabled parking space. The training centre will also operate within the same hours as the current facility, i.e. open from 8.30am-5.30pm.
- 2.3 The training centre offers a 1 year PGCE programme to train primary school teachers, based on the catholic philosophy of education. The PGCE programme is run within a training and education centre in the school grounds.
- 2.4 There are a number of reasons for the applicant seeking the relocation and re-provision of an improved training facility. The first is that the current location of the training centre prevents children of Holy Family Primary School using the field from being appropriately supervised. This is because the building creates 'blind spots' within which children congregate. This makes it harder for the teachers to monitor the children's play throughout break time. The second is that the existing buildings need considerable maintenance and improvement works in order to maintain appropriate working conditions for staff and to encourage the recruitment of people on the training programme.

## **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 Policy CLT3 of the local plan (as supported by CS21 of the Core Strategy) protects open space within the city by ensuring that developments which result in the loss of public or private open space will not be lost unless provision is made for the relocation or replacement of the open space of equivalent community benefit.
- 3.3 The development does not exceed 500sqm of floor space and is not therefore



subject to BREEAM.

- 3.4 The National Planning Policy Framework came into force on 27 March 2012. Having regard to paragraph 214 of the National Planning Policy Framework dated 27 March 2012 the policies and saved policies set out in **Appendix 1** which have been adopted since 2004 retain their full material weight for decision making purposes.

#### **4.0 Relevant Planning History**

- 4.1 00/01355/FUL - Erection of a prefabricated classroom. Approved. 01.05.2001.
- 4.2 02/00743/FUL - Single storey extension to south elevation. Approved. 18.07.2002

#### **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, erecting a site notice 25.06.2012 and advertised as a departure from the local plan on 28.06.2012. At the time of writing the report **0** representations have been received.

5.2 **SCC Policy** – No objections raised.

5.3 **SCC Highways** – No objections raised.

5.4 **SCC Trees** - There are no trees directly affected by this proposal and no objections to this application. Other trees on site should be protected from any associated demolition / construction works by use of standard conditions.

5.5 **Sport England** – No objection.

#### **6.0 Planning Consideration Key Issues**

- 6.1 The key issue for consideration in the determination of this planning application are whether the loss of protected open space will be detrimental to the city's open space provision.
- 6.2 The site is allocated under Appendix 5 of policy CLT3 of the local plan review as protected playing field. The policy states that development will not be permitted which would result in the loss of the area of public and private open space unless provision is made for the relocation or replacement of the open space of equivalent community benefit. In addition, CS21 seeks no net loss of open space.
- 6.3 The land in question is used as playing fields for Holy Family Primary school. Land adjacent to this (known as Test playing fields) is now managed by Solent University as sports fields. As there are no pitches affected as a result of the proposal, the application satisfies the exception tests applied by Sport England regarding loss of sports pitches and playing fields.
- 6.4 Due to the size of the proposed building the proposal results in a minimal net loss of open space on site. However, in terms of the amount of space re-provided for use by the school there is a slight increase in the land that will be available following the demolition of the existing building. As such, the local planning

authority should not object to the technical departure of the proposal from policy CLT3 of the local plan.

- 6.5 With regard to appearance, the proposed building is to be single storey and of a height of no more than 3.4m in height. The height and design complements the height of the existing school buildings and sits below the mature landscaping along the north western edge of the application site. There will be limited views of the building from Lower Brownhill Road.
- 6.6 Access into the site is via the existing hard surfaced car park and play area. The hard surfaced play area is used on a temporary basis and its use will not be hindered by the relocation of the training centre.
- 6.7 The proposal will improve the play space arrangements for Holy Family Primary School whilst improving the existing training facilities. The single storey building will not have a negative impact on the amount or use of available open space on site, nor will it adversely affect the character and appearance of the immediate area.

## **7.0 Summary**

- 7.1 The proposal is not considered to adversely affect the city's open space provision. The ability of the applicant to provide an area of open space of equal benefit to the play needs of Holy Family Primary School in terms of quality, quantity, and accessibility through the demolition of the existing building justifies the loss of open space proposed.

## **8.0 Conclusion**

- 8.1 It is recommended that planning permission is granted subject to the imposition of the recommended conditions.

### **Local Government (Access to Information) Act 1985**

#### **Documents used in the preparation of this report Background Papers**

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 7(a)

### **BS for 21.08.2012 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 - 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.

**03. 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.

**04. Approval Condition - Means of Enclosure (Pre-Occupation Condition)**

Prior to the first occupation of the building hereby approved details of all means of enclosure on the site shall be submitted to and approved by the Local Planning Authority. Such detailed scheme shall be implemented before the development is brought into use. The means of enclosure shall subsequently be retained.

REASON

In the interests of the visual amenities of the area and to protect the amenities and privacy of occupiers of adjacent buildings.

**05. Approval Condition - Use of building (Performance Condition)**

Notwithstanding the development hereby approved, should the building no longer be required for use as a teacher training unit or use associated with Holy Family Primary School for the purpose of education the building shall be removed and the land shall be reinstated to playing field.

REASON

To ensure the building is used for the purpose of education and in the interests of protecting the city's designated open spaces.

**06. Approval Condition – Timing of demolition and reinstatement of land to playing field (Pre-Occupation Condition)**

Prior to the first occupation of the development hereby approved the existing training centre buildings must be demolished, all fencing removed and the land re-provided as useable open space unless otherwise agreed in writing by the local planning authority.

Reason

To ensure no adverse loss of open space in accordance with policies CLT3 and CS21 and for the avoidance of doubt.

**07. 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)

CS11	An Education City
CS13	Fundamentals of Design
CS19	Parking
CS21	Open Space

City of Southampton Local Plan Review – (March 2006)

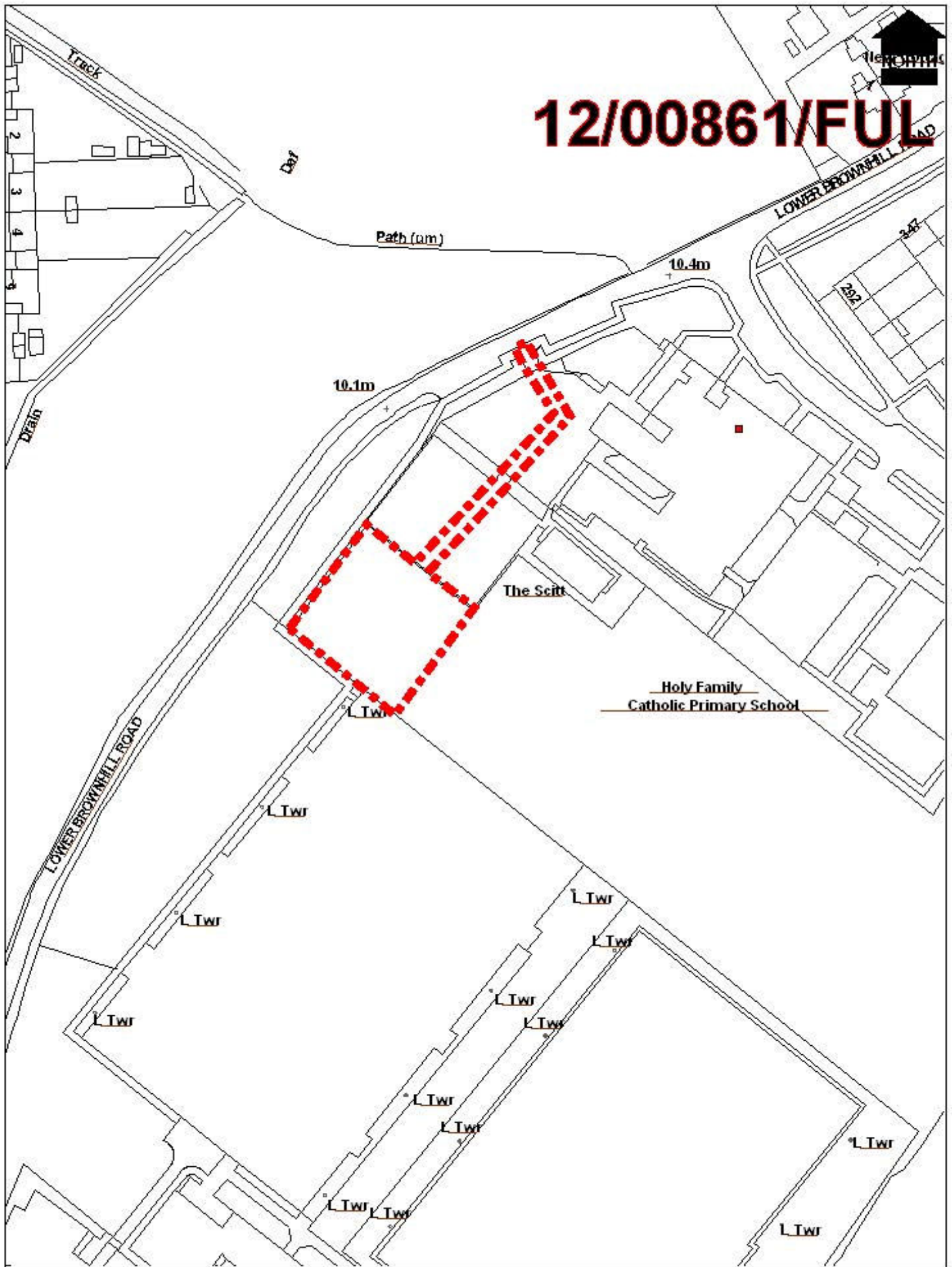
SDP1	Quality of Development
SDP5	Parking
SDP7	Context
SDP9	Scale, massing and appearance
CLT3	Open Space

Supplementary Planning Guidance

Parking SPD (September 2011)

National Planning Policy Framework

12/00861/FUL



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Date : 09 August 2012

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# Agenda Item 18

**Southampton City Planning & Sustainability  
Planning and Rights of Way Panel meeting 21 August 2012  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Units C and D, Antelope Park, Bursledon Road SO19 8NE			
<b>Proposed development:</b> Change of use of Units C and D from healthcare (Class D1) and employment (Classes B1, B2 and B8) to retail use (Class A1).			
<b>Application number</b>	12/00402/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Richard Plume	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	03.07.2012	<b>Ward</b>	Bitterne
<b>Reason for Panel Referral:</b>	Departure from development plan policy	<b>Ward Councillors</b>	Cllr Letts Cllr Lloyd Cllr Stevens

<b>Applicant:</b> Aviva Investors Ltd c/o CBRE	<b>Agent:</b> CBRE
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<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report</b>
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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 Council has taken into account the long period of vacancy of the existing building and the employment and regeneration benefits associated with the proposed use. The proposed retail use does not comply with Core Strategy Policy CS3 or the Local Plan site allocation. However, the Council is satisfied with the applicants evidence that there are no sequentially preferable sites and that there would not be a significant impact on nearby shopping centres. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP13, SDP14, SDP16 and MSA17 of the City of Southampton Local Plan Review (March 2006) and Policies CS3, CS6, CS7, CS10, CS13 CS18, CS19, CS20, CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

<b>Appendix attached</b>			
1	Development Plan Policies	2	Planning History

## Recommendation in Full

1) Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:

- i. Financial contributions towards site specific transport 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 improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D.
- iii. 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.
- iv. Submission and implementation of a waste management plan.

In the event that the legal agreement is not completed within 2 months of the Panel meeting 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 remove, vary or add conditions as necessary.

## **1. The site and its context**

- 1.1 The application site forms part of the Antelope Park retail and leisure development on Bursledon Road. Units C and D are on the ground floor of the main two-storey building and have been vacant since the development was completed in 2009. The rest of the ground floor of this building is occupied by The Range, a homeware retail use. The first floor of the building is divided into three leisure units but these are all vacant and have never been used. Elsewhere on the Antelope Park site are a Jewsons builders merchants and two buildings on the Bursledon Road frontage which are used as food and drink outlets. There is a large car park between the buildings providing a total of approximately 300 parking spaces.
- 1.2 The surrounding area is predominantly residential in character, with the exception of an industrial unit and self storage building which adjoins to the west. Gavan Street, which runs through the site is a privately owned and maintained road.

## **2. Proposal**

- 2.1 The current application proposes the change of use of Units C and D from their approved use as light industrial and health care use to a Class A1 food retail use. The total gross floorspace is 1,882 square metres. The future occupier is likely to be a discount food operator but the user has not yet been identified. No external alterations are proposed and no changes proposed to the car parking which would continue to be shared between all the occupiers of the building.
- 2.2 In support of the application the applicant has submitted a Planning and Retail Statement and a Transport Statement.



### **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**. The site is allocated for development under Local Plan Policy MSA 17. The recommended uses are industrial (Classes B1, B2 and B8); health care and community facilities.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 27 March 2012 and replaces the previous set of national planning policy guidance notes and statements. Having regard to paragraph 214 of the NPPF the local policies and saved policies listed in this report retain their full material weight for decision making purposes.

### **4. Relevant Planning History**

- 4.1 The application site was previously in use as a builders merchants and for offices. The existing mixed retail, leisure and food and drink use follows a planning permission granted by the Secretary of State in 2006 following a 'call-in' of a planning application. There have been subsequent planning decisions, details of which are given in Appendix 2 of 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 also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (07.06.2012) and erecting a site notice (31.05.2012). At the time of writing the report **0** representations have been received from surrounding residents.
- 5.2 **SCC Highways** - When Antelope House gained its original consent the infrastructure improvements were carried out to cater for the anticipated levels of traffic being generated by that proposal. The current proposal appears to fit within the capacity of the design of the existing junction, and will therefore not create an unacceptable impact upon the highway network. Shopping trips are on the highway network already, and this store may allow for people to shop more locally and reduce the impact on the highway network on a wider scale. The original consent required good local pedestrian movement and connectivity which is not currently available for use. It is essential that these links are made available for sustainable trips on foot and cycle. Planning conditions must cover this element. Also shower, changing and locker facilities must be made available to members of staff of the retail store, and good secure cycle facilities provided for staff of this specific unit, which shall be part of this unit, and not shared with the remainder of the development.
- 5.3 **SCC Planning Policy** – We accept that there may be a need to seek a change of use, given that the units have remained vacant since they were built out and that there is commercial sense in merging the two units together to achieve a

viable and marketable unit. The impact test on retail set out in the Planning & Retail Statement looks like it reflects the situation reasonably well - Planning Policy is content that the retail impacts are broadly accurate. We do not object to the loss of employment floorspace in this instance. We are also mindful that a permission was previously given for a development which included a food store (98/10498/OUT). However, with regard to Paras 4.3 - 4.6, like the loss of health floorspace above we would expect the applicant to justify this, and provide proof of marketing over a reasonable period of time. The NPPF maintains the support for centres. But given the out of centre location and the retail impact already mentioned above, we recommend placing planning conditions on the food / non-food elements (floorspace) much like has happened in recent examples of this type of development (e.g. ongoing discussions re. centenary quay 12/00474/FUL). Controls should be put in place to restrict the non-food element (probably around 150 sqm of net sales), and a condition also placed on the agreed net sales floor area in the consented application.

5.4 **SCC Sustainability Team** – No objections. The BREEAM standard cannot be imposed retrospectively. A condition should be imposed relating to renewable energy/reduction in carbon emissions.

5.5 **SCC Environmental Health (Pollution & Safety)** No objection in principle, certain conditions are recommended.

5.6 **Southern Water** – No objections to the application subject to the imposition of an informative. Any new connections to the public foul and surface water sewer will require a formal application to be made.

## 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
- Retail Policy issues
- Transport and Parking
- Sustainability issues

### 6.2 **Principle of Development**

The approved development of this site is for a mixed retail, leisure and food and drink scheme. The Local Plan site allocation does not include retail use and the planning permission granted by the Secretary of State in 2006 followed the submission of evidence to demonstrate that there was a need for the retail use, there were no sequentially preferable sites and strong regeneration benefits associated with the retail element of the proposal. The existing retail use is restricted to sales of bulky goods only. In this case the Council has to decide if further retail use on this out of centre site can be justified and whether sufficient evidence has been provided to demonstrate that the health and employment uses should not be retained. The site allocation is for industrial development, health care and community facilities none of which would be retained on the site. The reason for the site allocation was to provide social and employment opportunities in this deprived part of the city. This change of use will provide some 80 full time equivalent jobs.

6.3 In terms of the approved uses of the site, these units have never been occupied since the development was completed in 2009. The applicant has submitted evidence that the building has actively been marketed for some 4 years for the approved uses. There has been no substantive interest in the industrial unit and there appears to be adequate alternative provision of healthcare facilities in the surrounding area. The NHS Southampton City Estates Strategy indicates there is no requirement for a new primary healthcare facility in this area. In these circumstances it is accepted that there are benefits associated with merging these two units to create a more viable unit for an employment creating activity, albeit retail.

#### 6.4 Retail policy

This is an 'out of centre site' in retail policy terms. Core Strategy Policy CS3 seeks to protect the viability of town and district centres and to control the development of retail and other town centre uses of greater than 750 square metres in edge of centre or out of centre sites. The NPPF supports this policy in terms of the sequential approach and limiting the retail impact on existing centres. Officers have discouraged earlier enquiries for both a large scale food store and a general comparison goods retail use of the site. However, this proposal is aimed at a smaller scale discount food retailer serving a local catchment area. Government policy has previously recognised that such stores can play a role in social inclusion by improving retail choice for priority communities. Information has been submitted with the application demonstrating that there are no sequentially preferable sites within Bitterne and Woolston District Centres or in nearby local centres in Eastleigh or Southampton. In terms of retail impact, it is accepted that there are specific issues associated with a discount food retailer. The evidence produced indicates that the retail impact will be less than 3% which is not considered to be significant. Most of the trade diversion comes from out of centre stores such as the Tesco Extra at Bursledon which is currently over-trading. Overall, it is considered that the retail impact of this development on existing centres would not be significant and would widen retail choice for residents within the local catchment area. Planning conditions can be imposed to limit the nature of the retail use.

#### 6.5 Transport issues

Extensive transport improvements, including the traffic light controlled junction on Bursledon Road, were carried out as part of the 2006 planning permission. The Council's Highways team is satisfied that the proposed use can operate without adversely affecting conditions on the highway network. There is a separate enclosed vehicular servicing area at the rear of the building accessible from the private road in Gavan Street. Use of this area can operate without any adverse impact on adjoining occupiers or highway users. There is an extensive shared car parking area which also serves The Range and the leisure uses above. This car park is adequate and appears to have spare capacity.

#### 6.6 Sustainability

This application is for a change of use only. The existing building was constructed prior to the current policy requirements relating to BREEAM and these standards cannot be applied retrospectively. The applicant will not be the

occupier of the retail unit. However, it should be possible to incorporate some sustainability measures which can be secured through a condition.

## **7. Summary**

7.1 This proposal brings vacant accommodation back into use. It has not been possible to let the building for its approved use and there would appear to be limited demand for the uses identified in the Local Plan site allocation. Retail use would not normally be favoured on an out of centre site. However, there are mitigating factors resulting from a discount food retailer and clear regeneration/employment advantages. The applicant has produced satisfactory evidence to demonstrate there are no sequentially preferable sites which are both suitable and available. Furthermore, there would not be a significant retail impact on nearby shopping centres. Planning conditions can be imposed to control the precise nature of the retail use and to reproduce the amenity conditions imposed by the Secretary of State in 2006.

## **8. Conclusion**

It is recommended that planning permission be granted subject to a Section 106 agreement and conditions

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

1(a), 1(b), 1(c), 1(d), 2(b), 2(c), 4(g), 4(vv), 6(a), 6(c), 7(a), 8(a), 9(a), 9(b).

### **RP2 for 21/08/2012 PROW Panel**

### **PLANNING CONDITIONS**

#### **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 - 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.

**03. APPROVAL CONDITION - Hours of Use (Performance Condition)**

The retail use hereby approved shall not be open for customers outside the following hours: - 0800 hours to 2300 hours Mondays to Saturdays or 0900 hours to 2230 hours on Sundays.

Reason

To protect the amenities of neighbours and to be consistent with planning permission reference 04/01828/FUL.

**04. APPROVAL CONDITION - Delivery hours (Performance Condition)**

No deliveries shall be taken at or despatched from the retail use hereby approved outside the hours of 0800 hours to 1900 hours.

Reason

To protect the amenities of neighbours and to be consistent with planning permission reference 04/01828/FUL.

**05. APPROVAL CONDITION - Shopping Trolley Management Scheme (Pre-Occupation Condition)**

The retail use hereby approved shall not commence until a shopping trolley management scheme has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason

In the interests of safety and security and the amenities of the area.

**06. APPROVAL CONDITION - Servicing arrangements (Performance Condition)**

All servicing, loading and unloading relating to the retail use hereby approved shall take place from the service yard as shown on Drawing Number 05.060.PH2.100 Rev J and there shall be no servicing from the public car park side of the building.

Reason

In the interests of safety and the amenities of the area.

**07. APPROVAL CONDITION - Class A1 Floorspace restriction (Performance Condition)**

The Class A1 foodstore hereby approved shall be limited to a maximum net trading area of 1,400 square metres and a gross floorspace of 1,882 square metres.

Reason

To define the consent and to limit the impact of the use to that identified in the applicants Planning and Retail Statement.

**08. APPROVAL CONDITION - Retail use comparison goods restriction (Performance Condition)**

The retail use hereby approved shall not provide more than 150 square metres of sales floorspace for comparison goods.

Reason

To protect the vitality and viability of nearby shopping centres in accordance with Policy CS3 of the Southampton Core Strategy (January 2010).

**09. APPROVAL CONDITION - No retail subdivision (Performance Condition)**

The Class A1 retail use hereby approved shall not be subdivided into separate retail units without the prior written approval of the Local Planning Authority.

Reason

To safeguard the vitality and viability of nearby shopping centres.

**10. APPROVAL CONDITION - Security measures (Pre-Occupation Condition)**

Before the use hereby approved commences, details of a CCTV system and other security measures shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the first retail use of this part of the building and thereafter retained.

Reason

In the interests of the safety and security of the area.

**11. APPROVAL CONDITION - Noise - plant and machinery [Pre-Commencement Condition]**

The use hereby approved shall not commence until an acoustic report and written scheme to minimise noise from plant and machinery associated with the proposed development, including details of location, orientation and acoustic enclosure, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

Reason:

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

**12. APPROVAL CONDITION - Cycle and changing facilities (Pre-Occupation Condition)**

The retail use hereby approved shall not be first occupied until cycle storage, changing, washing and shower facilities for members of staff have been provided in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be retained thereafter.

Reason

To encourage cycling as an alternative sustainable means of transport in accordance with Council policy.

**13. APPROVAL CONDITION - Energy (Pre-Commencement Condition)**

Written documentary evidence demonstrating that the development will at minimum achieve a reduction in CO2 emissions of 12.5% 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).

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

Before the building is first occupied full details of facilities to be provided for the storage and removal of refuse from the premises together with the provision of suitable bins 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 approved refuse and recycling storage shall be retained whilst the building is used for residential / commercial purposes.

Reason:

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

**POLICY CONTEXT**

Core Strategy - (January 2010)

CS3	Promoting Successful Places
CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS10	A Healthy City
CS13	Fundamentals of Design
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS24	Access to Jobs
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
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
MSA17	Antelope House, Bursledon Road

Supplementary Planning Guidance

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

Other Relevant Guidance

National Planning Policy Framework



**Relevant Planning History**

In 1999, planning permission was granted for redevelopment to provide new buildings of 11,650 square metres floorspace for mixed leisure, retail and food and drink uses with access from Bursledon Road (reference 98/10498/OUT). This permission included a 1,500 square metres Lidl foodstore but this permission was not implemented.

04/01828/FUL – Planning permission granted in November 2006 by the Secretary of State following a called-in inquiry for a mixed use redevelopment of the site to provide retail, leisure, food and drink use and Jewsons builders merchants within Unit A.

07/01353/VC – planning permission granted in October 2007 for variation of the above permission relating to design changes of Unit A (Jewsons) in connection with redevelopment of the site.

07/01963/FUL – permission granted in 2008 for a mezzanine floor within the retail unit approved by 04/01828/FUL.

07/01925/FUL – planning permission granted in January 2008 for the construction of a temporary access road to Bursledon Road in this part of the site in connection with the approved redevelopment of the site.

07/02037/FUL – planning permission granted in February 2008 for a brick boundary wall adjoining 319 Bursledon Road.

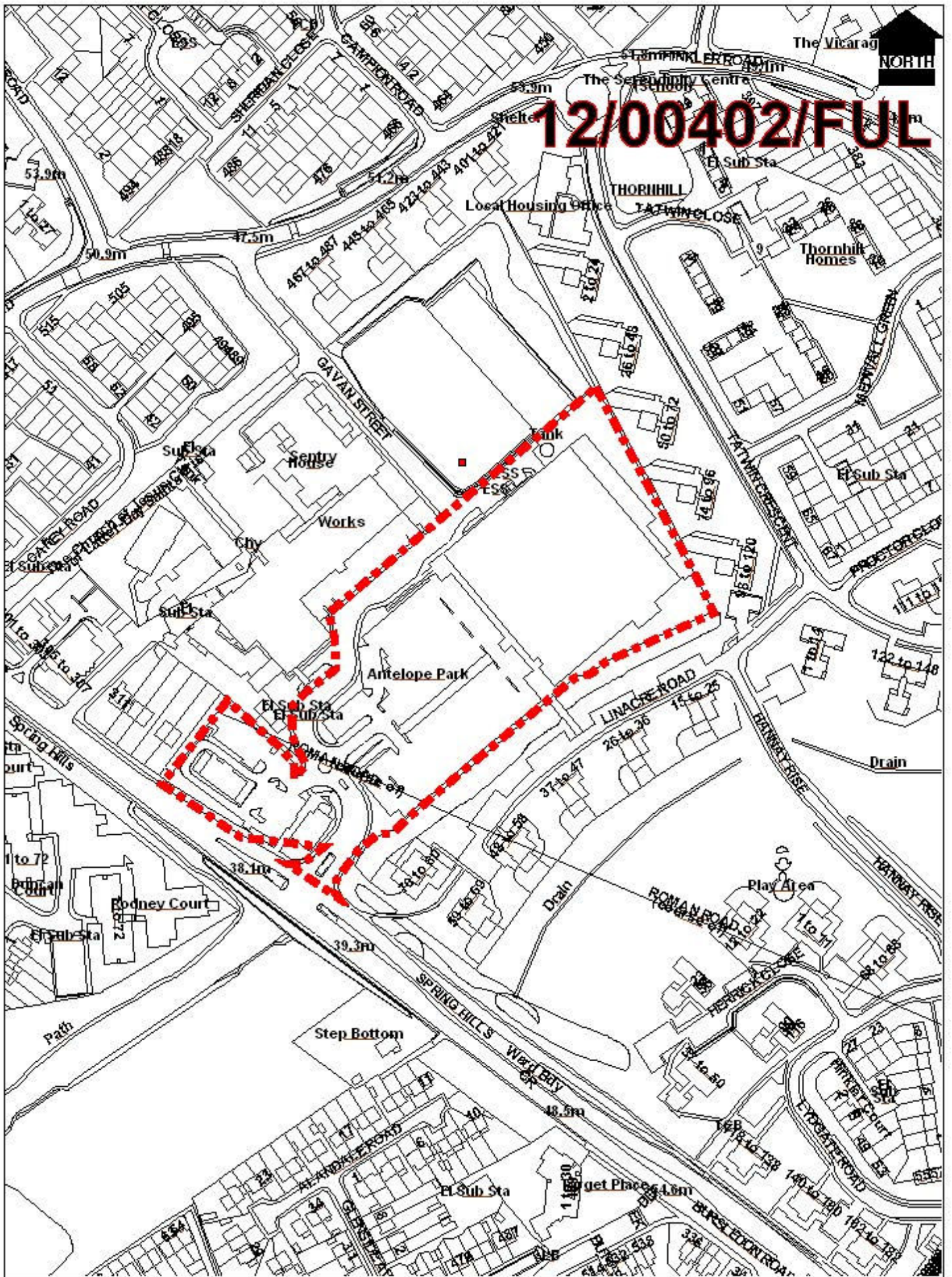
07/02048/FUL – planning permission February 2008 for a management suite and pumphouse building at the rear of the retail/leisure building within the service yard.

08/00152/FUL – planning permission granted in March 2008 for alterations to ground levels within the site relating to part of the access road and car park of the leisure and retail building.

07/02024/FUL – planning permission granted in August 2008 for infilling an existing ditch on the south side of the site in connection with redevelopment.

08/00285/FUL – planning permission granted in September 2008 for an illuminated sculpture within the roundabout (public art feature).

08/01012/FUL – planning permission granted in September 2008 for erection of a single-storey A3 retail unit on the Bursledon Road frontage (relates to Unit J - variation to the original permission).



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Date : 09 August 2012

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# Agenda Item 19

**Southampton City Planning & Sustainability  
Planning and Rights of Way Panel meeting 21 August 2012  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Ground Floor Flat 49 Heatherdeane Road SO17 1PA			
<b>Proposed development:</b> Conversion Of Existing Building Into 2 X 1 Bedroom Flats And 2 X Studio Flats With Associated Refuse And Cycle Store (Resubmission Of 12/00403/Ful)			
<b>Application number</b>	12/00914/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Mathew Pidgeon	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	09/08/2012	<b>Ward</b>	Portswood
<b>Reason for Panel Referral:</b>	Referred by the Planning & Development Manager	<b>Ward Councillors</b>	Cllr Vinson Cllr Norris Cllr Claisse

<b>Applicant:</b> Mrs M Bajar	<b>Agent:</b> Concept Design & Planning
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<b>Recommendation Summary</b>	<b>Refuse</b>
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## **Reason for Refusal - Poor residential environment.**

The proposed layout of the residential accommodation fails to provide an attractive and acceptable living environment for prospective residents. The conversion of the building to two one bedroom flats and two studio flats has resulted in small scale units which at ground floor level would not enjoy acceptable outlook from habitable room windows; and would not have direct access to suitable private amenity space. In combination these points amount to proposal which fails to provide high quality housing and is considered contrary to Policies SDP1 (i - particularly paragraph 2.2.1 and section 4.4 of The Residential Design Guide 2006 [September 2006]) of the City of Southampton Local Plan Review (March 2006) and policies and CS13 of the adopted Core Strategy (January 2010).

<b>Appendix attached</b>	
1	Development Plan Policies

## **1. The site and its context**

- 1.1 The property is located on the east side of Heatherdene Road, an attractive residential street comprising a mix of detached and semi-detached dwellings.
- 1.2 The property is located close to the Avenue Campus of Southampton University and within easy walking distance (200m) of Southampton Common. The building is currently occupied as two separate flats.

## **2. Proposal**

- 2.1 The application has been submitted following the refusal of an earlier proposal to convert the building into four flats. There are no physical alterations proposed to

the external appearance/structure of the building. Internal alterations are proposed. Refuse and cycle storage is proposed to the rear.

- 2.2 In order to overcome the previous reason for refusal the applicant has changed the makeup of units with the building, by changing one of the one bed flats to a studio flat, along with making alterations at ground floor level with the aim of improving privacy and outlook from habitable room windows.
- 2.3 Amended plans have been received in an attempt to address the concerns raised by the Local Planning Authority.
- 2.4 A physical structure (as yet unspecified) is proposed to enclose space around the ground floor unit at the rear. The applicant aims to improve the outlook from habitable room windows at the same time as ensuring privacy.

### **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**.

### **4.0 Relevant Planning History**

- 4.1 881110/W - ERECTION OF A SINGLE STOREY REAR EXTENSION - CAP.
- 4.2 881110/W - ERECTION OF A SINGLE STOREY REAR EXTENSION - CAP.
- 4.3 12/00403/FUL - Conversion Of Existing Building Into 3X1-Bed Flats And 1X Studio With Associated Cycle/Refuse Storage. REF

#### **Reason For Refusal - Poor residential environment.**

The proposed layout of the residential accommodation fails to provide an attractive and acceptable living environment for prospective residents. The conversion of the building to three one bedroom flats and one studio flat has resulted in small scale units which at ground floor level would not enjoy acceptable outlook or privacy from habitable room windows; and would not have direct access to suitable private amenity space. In combination these points amount to proposal which fails to provide high quality housing and is considered contrary to Policies SDP1 (i - particularly paragraph 2.2.1 and section 4.4 of The Residential Design Guide 2006 [September 2006]) of the City of Southampton Local Plan Review (March 2006) and policies and CS13 of the adopted Core Strategy (January 2010).

### **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 (02/07/2012). At the time of writing the report **one** letter of representation has been received from a local resident. In addition letters of representation have also been received from one local ward Councillor and Highfield Residents Association.

5.2 Issues raised are outlined below:

- Significant increase in occupancy
- Loss of a family dwelling house.
- Reduce the stock of properties in the area available to families.
- Intensification, neighbourhood impact in similar fashion to HMO use.
- A number of properties close by are not in operation as family dwelling homes.
- Potential vehicle use, with no off-street parking provision.
- Poor/insufficient amenity space while increasing the likely number of residents.
- Additional noise and disturbance.

5.3 The above concerns are addressed below in section 6.0.

5.4 **SCC Highways** – A parking permit zone is in operation, the highways team do not object to the scheme.

5.5 **Council Tax** - Both flats have been council tax banded since 01.04.1993.

5.6 **Southern Water** – Any new connections to the public sewer will require permission. Public sewer is located below the existing development and therefore prior to any future construction over the sewer a site investigation will be required.

## 6.0 **Planning Consideration Key Issues**

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

- Principle of Development
- Impact on the amenities of neighbouring and surrounding residents
- The Quality of the Residential Environment

### 6.2 **Principle of Development**

6.2.1 There are no policies within the Development Plan which specifically prevent the subdivision of residential units where this would not result in the loss of a family dwelling.

6.2.2 The Policy CS16, which prevents the loss of family dwelling houses, is not relevant to the determination of this planning application. Council tax records confirm that the property has been two separate units of accommodation since 1993 and therefore if an application for a lawful development certificate were to be submitted it is unlikely that it would not be granted by the Council based on available information.

6.2.3 The principle of the scheme is not contrary to the development plan and as such is not opposed in principle.

### 6.3 **Impact on the amenities of neighbouring and surrounding residents**

6.3.1 Parking is controlled in the area by a parking permit zone. It is unlikely that additional parking pressure in the immediate area will occur as a result of the

proposal.

- 6.3.2 A significant increase in activity associated with the subdivision of the existing flats is unlikely. The number of bedrooms proposed within the building will increase by one.

#### 6.4 The Quality of the Residential Environment

- 6.4.1 The manner in which the plans have been amended means that the occupants of the ground floor flats would no longer suffer from lack of privacy. Habitable room windows now face directly onto areas of the garden which are defended and therefore residents of the other flats would not be able to look into those habitable rooms.

- 6.4.2 The bedroom located at ground floor level which looks onto a small private outdoor space/courtyard will be afforded poor outlook. The ground floor habitable rooms would also be afforded poor outlook as the defensible space formed in front of those windows would need to be created by solid fencing in order to maintain privacy.

- 6.4.3 As such, that element of the original reason for refusal, concerning privacy, has now been addressed. However, outlook has not been improved since the submission of the refused scheme.

- 6.4.4 The element of the reason for refusal regarding outlook remains as the result of subdividing the already small amenity area is occupiers looking out from habitable room windows onto means of enclosure at very short distances. This is judged to create a worse living environment than currently exists on the site.

- 6.4.5 With four separate units of accommodation proposed more pressure will be placed upon the small garden area. Furthermore the garden has been eroded further in the revised scheme due to the refuse store being moved into the space at the rear to accommodate a defensible space serving the rear ground floor unit.

- 6.4.6 The refuse and cycle storage facilities will occupy space within what is currently a small garden thus further reduces the space available for the occupants to use. The amenity space provided is not sufficient in scale and accordingly is not fit for its intended purpose. The position of the dwelling is however relatively close to Southampton Common and therefore amenity space alone should not form a reason for refusal.

The amended plans are judged to be unacceptable and do not fully address the original reason for refusal. A poor and inappropriate living environment would result through the conversion to four units as proposed.

#### 7.0 Summary

- 7.1 The development fails to provide adequate private amenity space for future residents and the proposed measures used to overcome concerns regarding privacy have failed to address the concerns raised regarding outlook.

## **8.0 Conclusion**

The points raised above are a manifestation of an over intensive use of the site which has relied upon a contrived design solution to try and address the concerns of the Local Planning Authority. As such the residential environment provided for the occupants of the proposed flats remains unacceptable.

### **Local Government (Access to Information) Act 1985**

#### **Documents used in the preparation of this report Background Papers**

1a, 1b, 1c, 1d, 2b, 2d, 4f, 6c, 7a, 9a, 9b.

**MP3 for 21/08/2012 PROW Panel**

**POLICY CONTEXT**

SDP1 (Quality of Development)

SDP10

H1,

H2,

Local Development Framework Core Strategy Development Plan Document (January 2010)

CS4

CS5

CS13 (Fundamentals of Design)

CS16

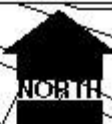
CS19

CS20

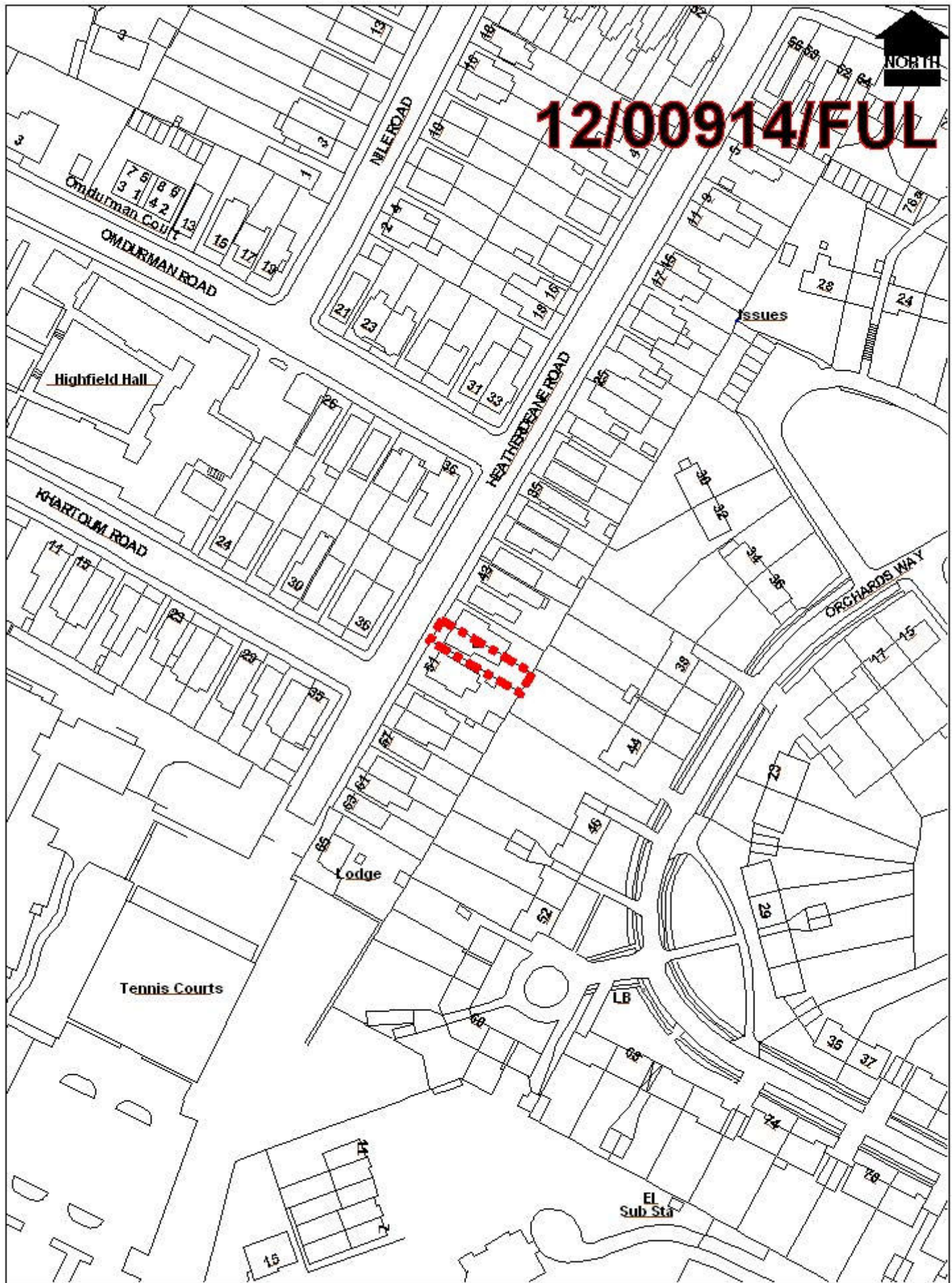
**Supplementary Planning Guidance**

Residential Design Guide (Approved - September 2006)





**12/00914/FUL**



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Date : 09 August 2012

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