

# Planning and Rights of Way Panel (EAST)

Tuesday, 7th April, 2015  
at 6.00 pm

**PLEASE NOTE TIME OF MEETING**

Conference Room 3 - Civic Centre

This meeting is open to the public

## **Members**

Councillor Lewzey (Chair)  
Councillor Denness (Vice-Chair)  
Councillor Fitzhenry  
Councillor Hecks  
Councillor Tucker

## **Contacts**

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## PUBLIC INFORMATION

### **Role of the Planning and Rights of Way Panel**

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**

Procedure / Public Representations

At the discretion of the Chair, members of the public may address the meeting on any report included on the agenda in which they have a relevant interest. Any member of the public wishing to address the meeting should advise the Democratic Support Officer (DSO) whose contact details are on the front sheet of the agenda.

### **Southampton City Council's Priorities**

- Jobs for local people
- Prevention and early intervention
- Protecting vulnerable people
- Affordable housing
- Services for all
- City pride
- A sustainable Council

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

**Mobile Telephones:-** Please switch your mobile telephones to silent whilst in the meeting

**Use of Social Media:-** The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave 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 2014/15**

<b>Planning and Rights of Way - EAST</b>	
<b>2014</b>	<b>2015</b>
8 July 2014	13 January 2015
5 August	10 February
2 September	10 March
30 September	7 April
28 October	5 May
25 November	

<b>Planning and Rights of Way - WEST</b>	
<b>2014</b>	<b>2015</b>
24 June 2014	27 January 2015
22 July	24 February
19 August	24 March
16 September	21 April
Wednesday 15 October	
11 November	
9 December	

## CONDUCT OF MEETING

### **Terms of Reference**

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

### **Business to be discussed**

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

### **Rules of Procedure**

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

### **Quorum**

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

## **DISCLOSURE OF INTERESTS**

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

### **DISCLOSABLE PECUNIARY 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 an, '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.

### **3 STATEMENT FROM THE CHAIR**

### **4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

(Pages 1 - 4)

To approve and sign as a correct record the Minutes of the meeting held on 10 March 2015 and to deal with any matters arising, attached.

## **CONSIDERATION OF PLANNING APPLICATIONS**

### **5 FORMER B AND Q STORE, MAYFIELD ROAD, 14/02108/FUL** (Pages 9 - 34)

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

### **6 71 ARCHERY GROVE, 15/00070/FUL** (Pages 35 - 52)

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

### **7 FORMER OASIS MAYFIELD ANNEXE, PORCHESTER ROAD, 14/00101/R30L**

(Pages 53 - 74)

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

**8** **96 GAINSFORD ROAD, 14/02086/FUL** (Pages 75 - 86)

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

Thursday, 26 March 2015

HEAD OF LEGAL AND DEMOCRATIC SERVICES

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PLANNING AND RIGHTS OF WAY PANEL (EAST)  
MINUTES OF THE MEETING HELD ON 10 MARCH 2015

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Present: Councillors Lewzey (Chair), Fitzhenry (Except Agenda Item 5 / Minute 54), Hecks, Mintoff and Tucker

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

It was noted that following receipt of the temporary resignation of Councillor Denness from the Panel, the Head of Legal and Democratic Services acting under delegated powers, had appointed Councillor Mintoff to replace them for the purposes of this meeting.

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

**RESOLVED** that the minutes of the meeting held on 10<sup>th</sup> February 2015 be approved and signed as a correct record.

54. **FRUIT AND VEGETABLE MARKET, LAND AT QUEENSWAY / BERNARD STREET - 14/01903/FUL**

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

Redevelopment of the site, demolition of existing buildings and erection of buildings ranging in height from four to eight storeys to provide 279 flats (84 x one bedroom and 195 x two bedroom) and 899 square metres of commercial floor space (Use Classes A1, A2, A3, B1a, D1 and D2) in three phases with associated access, parking and public realm improvements (includes stopping up part of the public highway) (amended description).

Simon Reynier (local resident / objecting), Shaun Adams (applicant), David Ramsay (agent) and Councillor Fitzhenry (supporting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported the submission of an amended site plan which incorporated an additional 20 parking spaces. The Panel noted that this increased private parking spaces to 149 whilst reducing the amenity space for Phase 2 of the development.

The presenting officer also reported that amendments were needed to the planning conditions listed in the report to reflect that the development would be introduced in three phases. Whilst authority had been delegated to officers to amend planning conditions, the Panel noted that:

- Conditions 5, 7, 16, 17, 20 had been amended to reflect the phasing of the development; and

- That Condition 24 had been amended to a pre-commencement (rather than a performance) condition, and Condition 31 a pre-occupation (rather than a pre-commencement) condition.

**RESOLVED:**

- (i) That authority be delegated to the Planning and Development Manager to grant planning permission for the revised scheme subject to the completion of an amended S106 Legal Agreement to include two additional clauses set out below;
- (ii) That in the event the legal agreement is not completed within two months of the date of the Panel decision, or another date as agreed with the applicant, 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;
- (iii) That the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary; and
- (iv) That the stopping up of the areas of public highway set out in the application be authorised.

**Additional clauses to the Section 106 Agreement**

- a) Provision of CCTV coverage for the commercial units to link into the City network.
- b) Submission of a construction traffic management plan.

RECORDED VOTE to grant planning permission (for the scheme as amended to include provision for 20 additional parking spaces):

FOR: Councillors Lewzey, Mintoff and Tucker  
 AGAINST: Councillor Hecks

NOTE: Councillor Fitzhenry declared an interest in the above application and after making his representation, left the meeting before the determination.

55. **JURDS LAKE CAR PARK, VICTORIA ROAD - 15/00091/R3CFL**

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.

Change of use of part of car park to a ball park to include 3m high fencing, following temporary use planning ref 14/00527/R3CFL.

Jayne Perry (local residents / objecting), Sergeant Holmes (Police / supporting), Nick Yeats (applicant) and Councillors Hammond and Payne (ward councillors / objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that:



- An additional 14 letters of support had been received from local residents and one from Spectrum Housing (part of the Centenary Quay development team).
- A parking survey had been received from the applicants which showed a maximum of 10 spaces occupied in the car park.

The Panel noted that the parking provision had been revised up to 38 parking spaces (including three disabled spaces) and that this was an increase from 34 spaces (including six disabled spaces) approved under the temporary planning permission, and from 35 parking spaces submitted as part of the application.

**RESOLVED** that planning permission be granted for the amended application subject to the conditions in the report, and the amended and additional conditions set out below.

### Amended Conditions

#### 3. APPROVAL CONDITION – Landscaping and Parking

The supplementary tree planting shown on plan ref: DWG3 and the amended parking layout with disabled access shown on plan ref: DWG2 and amended DWG5 (dated 5th March 2015) to be carried out prior to the first use of the Multi Use Games Area (MUGA) or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented to be maintained for a minimum period of five years following its complete provision.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of five years from the date of planting to 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 to be responsible for any replacements for a period of five years from the date of planting.

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

### Additional Conditions

#### 5. APPROVAL CONDITION – Acoustic Fencing

No development to take place until a report, detailing the feasibility of erecting an acoustic barrier and/or alternative acoustic mitigation and management measures to support the Multi Use Games Area as approved, has been submitted to and approved in writing by the Local Planning Authority. Should an acoustic fence be feasible; details of its height, location and design to be provided prior to its installation and the fence erected in accordance with the agreed details before the MUGA is brought into use, and retained thereafter.

Reason:

In the interests of residential amenity and visual appearance.

6. APPROVAL CONDITION – Management Plan

The Multi Use Games Area (MUGA) as approved by the Panel is not to be brought into use until a management plan, detailing how the approved MUGA will be managed to prevent/minimise anti-social behaviour and activity after dark, has been submitted to and approved in writing by the Local Planning Authority. The MUGA to be managed in accordance with the agreed details.

Reason:

In the interests of residential amenity.

RECORDED VOTE to grant planning permission:

FOR: Councillors Fitzhenry, Lewzey, Mintoff and Tucker

ABSTAINED: Councillor Hecks

# Agenda Annex

## INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 7<sup>th</sup> April 2015 - 6pm Conference Rooms 3 and 4, 1st Floor, Civic Centre

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
5	RP	DEL	15	14/02108/FUL Former B & Q Store, Mayfield Road
6	AL	DEL	5	15/00070/FUL 71 Archery Grove
7	AL	DEL	15	14/00101/R3OL Former Oasis Mayfield Annexe, Porchester Road
8	JF	CAP	5	14/02086/FUL 96 Gainsford Road

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

RP – Richard Plume

AL – Anna Lee

SB – Stuart Brooks

JF – John Fanning

**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) Developer Contributions SPD (September 2013)
  - (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 Aldermoor 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 Ethelburt 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)

\* 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) Environmental Impact Assessment 2/99
  - (c) Planning Controls over Demolition 10/95
  - (d) Planning and Affordable Housing 6/98
  - (e) Prevention of Dereliction through the Planning System 2/98
  - (f) Air Quality and Land Use Planning 10/97
  - (g) Town and Country Planning General Regulations 19/92
7. Government Policy Planning Advice
- (a) National Planning Policy Framework (27.3.2012)
  - (b) National Planning Policy Guidance Suite
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 2013)
9. Other Statutes
- a) Crime and Disorder Act 1998
  - b) Human Rights Act 1998

# Agenda Item 5

**Planning, Transport & Sustainability Division  
Planning and Rights of Way Panel (EAST) 7 April 2015  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Former B and Q Store, Mayfield Road			
<b>Proposed development:</b> Redevelopment of the site. Demolition of the existing retail building and erection of three, four, five and six storey buildings to provide purpose built student accommodation (comprising 525 bedrooms in 80 flats and 103 studio rooms), with associated communal facilities, landscaping, cycle storage, parking and independent cafe, with vehicle access retained from Mayfield Road.			
<b>Application number</b>	14/02108/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Richard Plume	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	14.04.2015	<b>Ward</b>	Swaythling
<b>Reason for Panel Referral:</b>	Major application with objections received.	<b>Ward Councillors</b>	Cllr Mintoff Cllr Painton Cllr Vassiliou

<b>Applicant:</b> Peveril Securities & Britel Fund Trustees Limited	<b>Agent:</b> Signet 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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<b>Community Infrastructure Levy Liable</b>	<b>Yes</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 that this site is unallocated in planning policy terms, that there is no safeguarding of the existing use and that student residential accommodation is considered to be an acceptable alternative use. The Council is satisfied that the design, amount of development, impact on the amenities of neighbours and transportation issues are acceptable for this site. 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 planning permission should

therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP5, SDP7, SDP9, SDP10, SDP13, HE6, H2, H7 and H13 of the City of Southampton Local Plan Review (March 2006) and CS4, CS6, CS13, CS20 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

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

### **Recommendation in Full**

1. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a Section 106 Legal Agreement (S106) 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 SPD relating to Planning Obligations (September 2013).
  - ii. In lieu of an affordable housing contribution an undertaking by the developer that only students in full time education be permitted to occupy the development.
  - iii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
  - iv. Submission of a Training and Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPD relating to Planning Obligations (September 2013).
  - v. The submission, approval and implementation of a Carbon Management Plan setting out how carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
  - vi. Measures to mitigate the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
  - vii. Submission and implementation of a Travel Plan.
  - viii. Submission and implementation of a Waste Management Plan.
  - ix. CCTV Provision
  - x. Submission and implementation of a Student Intake Management Plan to regulate arrangements at the beginning and end of the academic year.



xi. Restrictions to prevent future occupiers benefitting from parking permits in surrounding streets. No student, with the exception of registered disabled drivers, shall be entitled to obtain parking permits to the Council's Controlled Parking Zones.

2. In the event that the legal agreement is not completed within two months of the date of the Panel the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

3. That the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

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

1.1 The application site is some 0.9 hectares in area and is situated on the north side of Portswood Road between Mayfield Road and Harrison Road. The site was previously used as a B and Q retail store with associated surface level car parking. The B and Q use ceased recently and the site is currently vacant. There is a marked slope on the site, with the high point in the north-east corner sloping down to a low point in the south-west corner of the site. The building for the retail store is in the northern part of the site. There are some semi-mature trees which border the car park.

1.2 The surroundings are mixed commercial and residential in character with commercial properties to the south and immediately adjoining to the north. With these exceptions Mayfield Road and Harrison Road are residential in character and are typified by two-storey houses. A more recent 4-storey block of flats is on the opposite corner of Mayfield Road and Portswood Road.

## **2. Proposal**

2.1 The application proposes to redevelop the site, involving demolition of the existing store and erection of five buildings ranging in height from 3-storeys to 6-storeys to provide student residential accommodation. A total of 525 bedspaces would be provided within 103 studio units and 80 cluster flats (a range of 4, 5, 6 and 7 bedroom clusters). A commercial use would also be provided in the south-west corner of the site. This would be a café for student use and a separate independent café on the corner of the street.

2.2 The application proposes six buildings across the site. The buildings in the northern part of the site are predominantly 4-storeys in height (with small elements of 3 and 5-storey) and are identified as Blocks A, B and C. Fronting Portswood Road would be Blocks D, E and F which would be 4-storeys on the corner of Portswood Road and Harrison Road and part 5 and part 6-storeys in the south-western part of the site. The design of the buildings have a common theme, contemporary in style with flat roofs.

2.3 Vehicular access would be provided from Mayfield Road in a similar position to the existing access. 11 car parking spaces would be provided outside the secure boundary of the site with a further 14 spaces within the central part of the site, giving a total of 25 parking spaces. These spaces are primarily for disabled users, staff and drop-off purposes rather than for general student use.

- 2.4 The proposed external materials would be predominantly brickwork with some areas of render and small areas of cladding around the windows. An extensive landscaping scheme would be provided within the central area between the buildings
- 2.5 The application has been amended since it was originally submitted. The changes are as follows: Block B in the centre of the site has been moved further away from the northern site boundary; the amount of car parking has been increased from 10 spaces overall to 25 spaces; design changes to reduce the bulk of building on the Portswood Road frontage.

### **3. Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 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. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

### **4. Relevant Planning History**

- 4.1 The existing retail store dates from the mid 1980s when planning permission was granted on appeal. There have been several subsequent planning decisions relating to the B and Q use but none are relevant to the current proposals.

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

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (30.01.2015) and erecting a site notice (27.01.2015). At the time of writing the report **41** objections have been received from surrounding residents and local landlords. The following is a summary of the points raised:
- 5.2 There is now a surplus of private student developments in this area which has satisfied any previous shortfall in accommodation. The proposal would create a 'student ghetto' within the suburban residential area of Swaythling which is incompatible with the aim of fostering and supporting a thriving residential community. 368 bedspaces at City Gateway and over 500 bedspaces here demonstrates the problem. There should be a strategic solution to the issue of student accommodation rather than allowing piecemeal development. The view that these developments will result in fewer HMO's has not transpired, it just leads

to more student numbers. This form of student accommodation should be spread out across the city.

#### Response

The evidence submitted with this application does not support the contention that there is now over-provision of student accommodation across the city. Any strategic review of the location for student accommodation across the city will have to await the review of the Local Plan. There has been a significant increase in the amount of purpose built private sector student accommodation proposed in the last few years, much of which has not yet been completed. It is therefore too early to properly assess what impact this might have on the existing HMO stock.

- 5.3 The proposal is an overdevelopment of the site. The development is too large and overbearing for its surroundings: it would be a massive and overbearing presence. 6-storeys would be the tallest building on Portswood Road. It is the wrong development for this site.

#### Response

It is true that the prevailing height of buildings on Portswood Road is less than 6-storeys, with several more recent 4-storey buildings. However, this is quite a large site, with an extensive frontage to Portswood Road, approximately 110 metres. Due to the size of the site, its corner location and its sloping nature, it is considered that buildings of this size can be satisfactorily accommodated here.

- 5.4 **The proposal would result in the loss of an important commercial site that could be used for employment and business purposes.**

#### Response

The site has previously been used for a specialist type of retail provision. It is not a site that is safeguarded for commercial use through planning policy. It is therefore appropriate for alternative uses, including residential.

- 5.5 The proposal would have a significant impact on neighbours in terms of:

- loss of outlook and overshadowing of adjoining properties;
- additional problems of rubbish in the adjoining area;
- noise and late night disturbance associated with students;
- inadequate car parking which will result in problems in surrounding roads;
- the proposal would offer no long-term benefit to the area.

#### Response

These amenity and transport issues are addressed later in this report.

- 5.6 The site should be developed for family housing and/or social housing for which there is a proven demand.

#### Response

The site would be suitable for general needs housing, including for families, but other forms of development may equally be acceptable on this site. This application needs to be considered on its own merits and not because an alternative use might be perceived to be preferable.

- 5.7 The proposed development may not be as sustainable as it appears. Other technologies such as Biomass and Heat Pumps should be incorporated. BREEAM 'Excellent' is not that highly regarded as a standard.

#### Response

Members' attention is drawn to the comments of the Council's Sustainability Team in Paragraph 5.13 of this report. There would be alternative means of enhancing the Sustainability credentials of the development. However, the Council's policy requirement is that the development should meet BREEAM 'Excellent' and that is the proposal.

- 5.8 10 of the representations against the development appear to come from private landlords making the following points:
- local landlords have struggled to let other student accommodation in the area due to the growing surplus of such accommodation;
  - allowing these large scale student blocks is a restrictive practice and contrary to fair trade;
  - the Article 4 direction means it is virtually impossible for ordinary homeowners to obtain permission to change the use of a family home to an HMO;
  - the developer is being offered preferential treatment over other private sector landlords;
  - local landlords are faced with additional expense for an HMO licence and subsequently needing to make expensive alterations to their properties which puts them at a disadvantage;
  - Policies on housing mix should apply to this development as it is effectively for 80 HMO's.

#### Response

This application needs to be considered on its own merits against relevant planning policies. The impact this development may have on the private interests of other landlords is not a material planning consideration.

- 5.9 One letter of support received making the following points:
- the proposal may encourage Uni-link to run more services on this route to cope with the demand which would be of general public benefit;
  - it may also help Swaythling High Road to become less of a ghost town.
- 5.10 **Councillor Vassillou** - Has concerns about the proposal:
- The lack of parking facilities. To suggest that by not having any parking provision within the development will somehow deter students from bringing cars is an unlikely outcome with many local residents rightfully concerned about a significant increase in the amount of vehicles being parked in their roads. I

would suggest that some form of on-site parking facility is included in this development.

- I am concerned about the possible noise problem which could affect local residents and would like to know what plans are in place to try and limit such a problem. There will be a significant amount of students proposed on this site so a robust plan of limiting noise is something which must be properly looked into.
- My concern is that of a significant need for family housing across the City and my preference would be for this site to be used for a development supporting young families get affordable housing. There is already a new development in Swaythling built for students (Gateway) and I would like to see this site used for family housing.

### **Consultation Responses**

- 5.11 **SCC Highways** - No objections subject to the impact of the development being mitigated by obligations within the Section 106 agreement. These could include improvements to pedestrian, cycling and public transport facilities in the area. The site is located on the Portswood Road, a strategic link into Southampton City Centre, and on a high frequency bus corridor. The Uni Link bus which links student accommodation with the University campuses, and the city centre has services which pass the site. The site is located within easy walking or cycling distance of the main Highfield Campus. Students are discouraged from bringing cars to Southampton with them by the University Travel Plan. There are residents parking schemes already in place and no student resident at this site will be entitled to a parking permit. The developer has shown a bus shelter area recessed into the front of the site, and adjacent to the level courtyard of the café. This will assist in preventing blockage of the footway by waiting students.
- 5.12 **SCC Housing** – As the proposed scheme comprises student accommodation we would not seek affordable housing, but we would expect a student restriction to be put in place, plus we would hope that the provider would sign up to 'SASSH' - Southampton Accreditation Scheme for student housing.
- 5.13 **SCC Sustainability Team** – The applicant has submitted a comprehensive Energy Statement, which includes a BREEAM pre-assessment. Overall, this targets a score of 71.28% and an Excellent Rating. This is fully in line with Policy CS20 and is welcomed. I also fully support the proposed approach to energy which is being put forward for the scheme. The strategy is very much based on the energy hierarchy. The applicant has looked at solar orientation and maximising the amount of solar gain which the development can exploit. A high performance thermal envelope has been specified, beyond what would be required under Building Regulations. This is complemented by excellent building management systems including mechanical ventilation with heat recovery, 'on demand' HVAC controls, natural ventilation and weather compensation on the heating systems. Finally, the applicant has explored appropriate low and zero carbon (LZC) energy technologies to provide on-site energy. The LZCs selected are a mix of gas fired Combined Heat and Power (CHP) as well as solar photovoltaic (PV) arrays. This is entirely supported. Generally speaking, purpose built student accommodation has a particularly high domestic hot water and small scale appliance energy demands. Coupled with the fact that they are high density developments, they tend to lend themselves to CHP. The PV array usefully exploits the flat roofs available and will effectively top up the

electricity produced by the CHP. Nonetheless, the scheme does fall short of the kinds of energy performance that can be achieved with purpose built student accommodation, some of which are now achieving BREEAM 'Outstanding'. As such, it would be possible to go further on the energy efficiency if the applicant so desires. This will have a direct benefit to the future management company and operator as student accommodation tends to be based on tenancies which include utilities.

5.14 **SCC Design Advisory Panel** – The Panel have considered this proposal at various stages of the design process, including the pre-application stage. Their comments on the planning application submission were as follows:

- The Panel recognised that the scheme had been a model example of consultation and clearly great effort had been taken to reflect and respond to previous advice.
- The corner revisions to the cafe and the outside space have met the Panel's desire to see a more public feel to this part of the development.
- The Panel felt that the frontage to Portswood Road still feels too bulky in mass and a more variable height to building frontages would be a preferable solution given the scale of buildings to Portswood Road.

#### Response

Some amendments have been made to the design of buildings on the Portswood Road frontage in response to these concerns.

5.15 **SCC Environmental Health (Pollution and Safety):** No objections subject to conditions.

5.16 **SCC Heritage** – The site lies within Area 16 of the Local Areas of Archaeological Potential, and is directly over the site of the Late-Post medieval South Stoneham (later Portswood) Farm. The Desk Based Assessment commissioned by the applicant acknowledges that there is low-moderate potential for prehistoric and Romano-British remains to survive on site, and a high potential for Post-Medieval remains. Consequently the site should be subject to a phased programme of archaeological intervention, which must include all below slab-level works involved in the demolition of the existing building. This can be covered by conditions.

5.17 **SCC Environmental Health (Contaminated Land):** This department considers the proposed land use as being sensitive to the affects of land contamination. Records indicate that the site is located on/adjacent to the following existing and historical land uses;

- Hampton Park Works - on site
- Hampton Park Depot - on site

These land uses are associated with potential land contamination hazards. There is the potential for these off-site hazards to migrate from source and present a risk to the proposed end use, workers involved in construction and the wider environment. Therefore, to ensure compliance with Para 121 of the National Planning Policy Framework - March 2012 and Policies SDP1 and SDP22 of the City of Southampton Local Plan Review (adopted version, March 2006) this department would recommend that the site be assessed for land contamination risks and, where appropriate, remediated to ensure the long term safety of the site. This can be covered by suitable planning conditions.

- 5.18 **SCC Ecology** – No objections to the development. The site consists of a building, hard standing, individual trees and areas of landscape planting including trees and shrubs. There is also an established area of Japanese knotweed on the northern boundary adjacent to the pavement. The hard standing and building have negligible biodiversity value. In addition, the building is in good condition and lacks any features that might provide opportunities for bat roosting. The trees and landscape planting consist of common native and ornamental species which are likely to have some value as foraging and nesting habitat for local wildlife. Wildlife present is most likely to comprise nesting birds and invertebrates although small numbers of bats may also be present despite the high night time illumination levels.
- 5.19 Redevelopment of the site is unlikely to have an adverse impact on local biodiversity. The proposed scheme will include a significant area of landscaping which provides potential to enhance the biodiversity of the site and local area. Disappointingly, the ecology report has not been used to identify any specific biodiversity enhancements. I would therefore expect to see plant species, both native and ornamental, that are of value to wildlife included within the landscaping scheme. In addition, the site is located at the end of a row of residential gardens, and within 230m of the Broadlands Valley Greenway Site of Importance for Nature Conservation (SINC), which are capable of supporting bats, I would therefore expect to see a number of bat boxes incorporated into the buildings. The inclusion of swift nesting boxes would also be beneficial. I am pleased to see the inclusion of a green roof in the development and would like it to be biodiverse in nature, similar to the one on the nearby City Gateway building.
- 5.20 **SCC Tree Team** – No objections subject to conditions.
- 5.21 **BAA** – No objections providing a condition is imposed relating to a Bird Hazard Management Plan.
- 5.22 **Southern Water** – There is a public water main and sewer which crosses the site. It may be possible to divert the apparatus. There is currently inadequate capacity in the local network to provide foul and surface water sewage disposal to service the proposed development. This can be addressed with additional information. There is no objection subject to conditions.
- 5.23 **City of Southampton Society** - It is a matter of regret that this site might be used for development of yet more student accommodation. Could we be told how much family housing would be released if this development were to go ahead? What ever the fate of the site we would like to recommend strongly that the B and Q name be retained in some way to recognise the founding of the business which took place very close to the site in question.

## 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
  - The scale and design of the scheme
  - Transportation issues

- Impact on neighbouring amenities

## 6.2 Principle of Development

The application site has been used as a DIY retail warehouse since the 1980's, although the site is now vacant. The existing use is not safeguarded, nor is the land allocated for a particular purpose through planning policy. In these circumstances, the site is appropriate for other uses including residential. Public comments on the application have expressed a preference for either retaining a commercial use or developing the site for general needs family housing. Whilst these alternative uses might be acceptable, this application must be considered on its own merits against the relevant policy background.

- 6.3 The proposed student accommodation is a mixture of self-contained studio flats and 'cluster flats', where groups of students have individual study bedrooms and share a communal living space. The principle of this type of accommodation is supported by 'saved' Local Plan Policy H13 and is well suited for this site which is on existing bus routes and within easy walking distance of the University of Southampton (approximately 800 metres from the main campus). Furthermore, the provision of purpose built student accommodation could reduce the pressure, in part, on the City's existing family housing stock to be converted to housing in multiple occupation. Policy H13 requires such housing to be restricted by a planning condition or an appropriate legal agreement. Where this is accepted the Council's normal affordable housing requirements do not apply. The Core Strategy Policy relating to Housing Mix and Type (CS 16), specifically the family housing/HMO requirements do not apply to purpose built student accommodation. The application is therefore considered to be policy compliant and acceptable in principle. Concern has been expressed about the level of new student accommodation being provided in this area. Research carried out as part of this application and other proposals show that the two universities together have an overall capacity of some 32,000 full-time students whereas the purpose built accommodation is only approximately 8,000 student rooms. Although there is a significant amount of development in the pipeline, the research indicates there remains demand for well-located purpose built student accommodation within the city and student numbers are also likely to rise further: this proposal will contribute to meeting that need.

## 6.4 Scale and design of the development

The existing B and Q building is situated on the highest part of the site and is approximately 9 metres in height which is the equivalent of a three-storey residential building. Buildings in the immediate surroundings are generally two and three-storeys in height. The exception to this is the relatively new 4-storey block of flats on the opposite corner of Mayfield Road. This building is set on higher land relative to the application site: it therefore has the appearance of a taller building (5-storeys) relative to Portswood Road. The predominant scale of the proposed buildings would be 4-storeys, with some elements of 5 and 6-storeys fronting Portswood Road. The impact of the 6-storey building is mitigated by its location which is at the south-western corner of the site which is the lowest part of the site. This would be one of the tallest buildings on Portswood Road but given the size of the site, the sloping land and the nature of the surroundings, the scale of the buildings is not considered to be harmful.



6.5 The layout of the buildings on the site creates a perimeter block approach which is favoured by the Council's design guidance as it creates 'active edges' to the adjoining streets. Existing trees around the car park would be retained where possible and pulling the buildings forward would represent a considerable improvement on the existing site appearance. The design of the scheme has evolved from the pre-application process with input at various stages from the Council's Design Advisory Panel. The Panel have supported the design approach taken. It is considered that the proposed architectural approach and the integrated landscape scheme has the potential to create a development of high quality design, subject to the use of good quality materials which can be controlled through conditions.

## 6.6 Transportation Issues

Highways officers are satisfied with the proposed vehicular access, which is in the same place as existing. The level of traffic associated with this development is likely to be considerably less than for the previous B and Q use. The applicants chose to amend the application to increase the amount of off-street car parking from 10 spaces to 25 as a result of comments from local residents and Ward Councillors. Local residents are understandably concerned that the limited car parking provision for the student accommodation would result in overspill into adjoining streets. However, this site is served by public transport, being on the Unilink bus route and is within convenient walking distance of the Highfield Campus where it is anticipated many of the student residents will attend. The availability of car parking is a key determinant in the choice of mode of travel. Local and national policies aim to reduce reliance on the private car and encourage alternative modes of transportation such as public transport, walking and cycling. A 'car free' scheme with only limited disabled and staff parking is proposed for the development. Students will be discouraged from bringing a car to the city and nearby parking is all restricted. Providing that no resident obtains a permit to park in one of the nearby Controlled Parking Zones, as secured through the S.106 legal agreement, the proposal is considered to be acceptable given this location. Although it might be possible to increase the amount of car parking on site this would be at the expense of the landscaping scheme which will create a pleasant living environment within the site. Issues associated with refuse management and the dropping off and collection of students at the beginning and end of the University term can be controlled through the Section 106 agreement.

## 6.7 Impact on residential amenity

This development has the potential to impact on the amenities of neighbouring occupiers through loss of light, potential overlooking and the increased coming and goings from the site as a result of the change to the nature of the use. In terms of the physical impact of the buildings, this would be most noticeable along the northern site boundary. However, the existing building is very close to this boundary and this creates a significant barrier for neighbours on this side. The proposed buildings would have their flank walls, rather than primary elevations facing in this direction. The immediately adjoining neighbour to the north fronting Harrison Road is a commercial rather than residential use. The applicant has submitted a sunlight/daylight assessment as part of the application which demonstrates that the accepted standards are met. Limits on windows on the flank wall can be controlled through a condition. It is inevitable that some degree of noise and disturbance will result from a high density student residential scheme of this

nature. However, Portswood Road is a relatively busy road and most of the buildings are set some distance away from the nearest residential occupiers. A purpose built development of this nature will include on site management controls which should limit any adverse impact on local amenity.

## 6.8 Section 106 matters

The Section 106 agreement can limit use of the site to student accommodation only as well as assist in the day to day management of the building and parking arrangements. Financial contributions can be sought towards transportation improvements. The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution of £172 per unit has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. This application will comply with the requirements of the SDMP and meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended) once the Section 106 agreement completes.

## 7. Summary

- 7.1 The application site is currently vacant and in poor condition: redevelopment for an alternative use is acceptable in principle. There is demand for additional purpose built student accommodation in the city and this site is close to the University of Southampton. This would be a high density development but the scale and form of the development is considered to be acceptable for this site. The proposal is considered to be acceptable in terms of design and neighbouring amenity, highway safety and parking.

## 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(d), 4(f), 4(g), 4(vv), 6(a), 7(a), 7(b), 8(a), 9(a) and 9(b).

## RP2 for 07/04/2015 PROW Panel

### PLANNING CONDITIONS

#### 01. APPROVAL CONDITION - Full Permission Timing Condition - Physical works

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

Reason:

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

#### 02. APPROVAL CONDITION - Details of building materials to be used [Pre-Commencement Condition]

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

Reason:

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

#### 03. APPROVAL CONDITION - Landscaping, lighting and means of enclosure detailed plan [Pre-Commencement Condition]

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

- i. proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise);
- iv. details of any proposed boundary treatment, including retaining walls; and
- v. a landscape management scheme
- vi. measures for dealing with Japanese Knotweed.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be

replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

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

Reason:

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

#### 04. APPROVAL CONDITION- Land Contamination investigation and remediation [Pre-Commencement and Occupation Condition]

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. That scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

1. A desk top study including;
  - historical and current sources of land contamination
  - results of a walk-over survey identifying any evidence of land contamination
  - identification of the potential contaminants associated with the above
  - an initial conceptual site model of the site indicating sources, pathways and receptors
  - a qualitative assessment of the likely risks
  - any requirements for exploratory investigations.
2. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.
3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scheme of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development.

Any changes to these agreed elements require the express consent of the local planning authority.

Reason:

To ensure land contamination risks associated with the site are appropriately investigated and assessed with respect to human health and the wider environment and where required

remediation of the site is to an appropriate standard.

05. APPROVAL CONDITION - Reuse of uncontaminated soils [Performance Condition]

No soils, sub-soil or other spoil material generated from the construction must be re-used on the near-surface soils unless it can be validated as being fit for use (i.e. evidently undisturbed, natural soils or, if otherwise, tested to ensure it is free of contamination).

Reason:

The property is in an area where there land has been unfilled or reclaimed. It would be prudent to ensure any potential fill material excavated during construction is not reused in sensitive areas unless it is evident that it is unlikely to present a land contamination risk.

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

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

Reason:

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

07. 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.

08. APPROVAL CONDITION - Archaeological evaluation [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.

09. APPROVAL CONDITION - Archaeological damage-assessment [Pre-Commencement

Condition]

No development shall take place within the site until the type and dimensions of all proposed groundworks have been submitted to and agreed by the Local Planning Authority. The developer will restrict groundworks accordingly unless a variation is agreed in writing by the Local Planning Authority.

Reason:

To inform and update the assessment of the threat to the archaeological deposits.

10. APPROVAL CONDITION - Archaeological investigation (further works) [Performance Condition]

The Developer will secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation which will be submitted to and approved by the Local Planning Authority.

Reason:

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

11. APPROVAL CONDITION - Archaeological evaluation 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.

12. 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.

13. APPROVAL CONDITION - Diversion of sewers (Pre-Commencement Condition)

No development shall commence until details of measures to be undertaken to divert/protect the public water supply mains and sewers has been submitted to and approved in writing by the Local Planning Authority in conjunction with Southern Water. The development shall subsequently be carried out in accordance with these approved measures.

Reason

In order to protect Southern Water apparatus

14. APPROVAL CONDITION - Demolition - Dust Suppression [Pre-Commencement Condition]

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

Reason:

To protect the amenities of users of the surrounding area.

15. APPROVAL CONDITION - No Pile Driving for Foundations [Performance Condition]

No percussion or impact driven piling activities shall take place for pre-works, foundations, or as any part of the development.

Reason:

In the interests of securing the stability of the site and adjacent land in order to protect the amenities of occupiers of nearby properties.

16. 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. The measures shall include arrangements for vehicle parking by site operatives during construction. 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.

17. 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.

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 - 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 Ecological Appraisal Report submitted with the application which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme.

Reason

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

#### 20. 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

#### 21. APPROVAL CONDITION - Tree Survey plan [Pre-Commencement Condition]

No operation in connection with the development hereby permitted shall commence on site until an accurate plan showing the position of all trees on site has been submitted and agreed in writing with the Local Planning Authority.

Reason:

To ensure easy identification of all trees to be retained pursuant to any other condition of this decision notice

#### 22. 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.

23. 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

24. 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

25. APPROVAL CONDITION - Overhanging tree loss

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

#### 26. 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

#### 27. 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:

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

Reason

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

#### 28. APPROVAL CONDITION - BREEAM Standards (Pre-Commencement Condition)

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum Excellent against the BREEAM Standard, 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).

#### 29. APPROVAL CONDITION - BREEAM Standards (Pre-Occupation Condition)

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Excellent against the BREEAM Standard in the form of post construction assessment and certificate as issued by a legitimate BREEAM 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).

#### 30. APPROVAL CONDITION- Green roof feasibility study (Pre-Commencement)

A detailed feasibility study for a green roof must be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the development hereby granted consent. If the study demonstrates the site has the capacity for the green roof, a specification shall be agreed in writing with the Local Planning Authority. The green roof to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained and maintained thereafter.

Reason:

To reduce flood risk and manage surface water run off in accordance with core strategy policy CS20 (Tackling and Adapting to Climate Change) and CS23 (Flood risk), combat the effects of climate change through mitigating the heat island effect in accordance with policy CS20, enhance energy efficiency through improved insulation in accordance with core strategy policy CS20, promote biodiversity in accordance with core strategy policy CS22 (Promoting Biodiversity and Protecting Habitats), contribute to a high quality environment and 'greening the city' in accordance with core strategy policy CS13 (Design Fundamentals), and improve air quality in accordance with saved Local Plan policy SDP13.

#### 31. APPROVAL CONDITION - Restricted use of flat roof area [Performance Condition]

The roof area of the buildings hereby approved which incorporates a flat roof surface shall not be used as a balcony, terrace, roof garden or similar amenity area without the grant of further specific permission from the Local Planning authority.

Reason:

In order to protect the privacy of adjoining occupiers.

#### 32. 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 north elevation of Blocks A, B or C of the development hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the adjoining residential properties.

### 33. 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.

### 34. APPROVAL CONDITION - Layout of Car Parking/Servicing (Pre-Occupation Condition)

The whole of the car parking and servicing facilities shown on the approved plans shall be laid out and made available before the use of the building to which these facilities relate commences and thereafter retained solely for the use of the occupants and visitors to the site and for no other purpose.

Reason:

To ensure adequate on-site parking and servicing facilities and to avoid congestion in the adjoining highway.

### 35. APPROVAL CONDITION - Details of cycle parking (Pre-Occupation Condition)

Notwithstanding what is shown on the approved drawings, the development hereby approved shall not be first occupied until cycle facilities for both visitors and residents have been provided in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The approved cycle facilities shall subsequently be retained on site.

Reason:

To ensure satisfactory provision of cycle facilities for visitors to the site.

### 36. APPROVAL CONDITION - Safety and security (Pre-Commencement Condition)

No development shall take place within such part of the site to which a phase relates until a scheme of safety and security measures including on-site management, security of the car parking areas, a lighting plan, a plan showing location and type of CCTV cameras and access to the residential buildings has been submitted to and approved in writing by the

Local Planning Authority. The approved measures shall be implemented before first occupation of the phase to which the works relate and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of safety and security.

### 37. APPROVAL CONDITION - Submission of a Bird Hazard Management Plan

Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of management of any flat/shallow pitched/green roofs on the buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design' - maintenance of planted and landscaped areas, particularly in terms of height and species of plants that are allowed to grow. The Bird Hazard Management Plan shall be implemented as approved upon the completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

Reason:

It is necessary to manage the roofs of the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Southampton Airport.

For information: The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs, ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season, gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by BAA Airfield Operations Staff. In some instances, it may be necessary to contact BAA Airfield Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof.

The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences from Natural England before the removal of nests and eggs.

### 38. APPROVAL CONDITION - Highway details (Pre-Commencement Condition)

Notwithstanding the information on the approved drawings, details of the following highway matters shall be submitted to and approved in writing by the Local Planning Authority: the bus waiting and shelter area and overflow area onto the courtyard of the cafe; and the detailed design of the vehicular access arrangements including alignment and sightlines. The approved measures shall be in place before the development is occupied and subsequently retained thereafter.

Reason:

To ensure these highway alterations are satisfactory to achieve a good access to the site.

### 39. APPROVAL CONDITION - External materials and window detail (Performance Condition)

The external materials of the buildings hereby approved shall be brickwork for the areas shown as such on the approved drawings. The windows shall be constructed with reveals in the manner shown on the approved drawings unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure the development achieves the quality of design demonstrated in the application and supporting information.

#### 40. APPROVAL CONDITION - Hours of Use Class A3 (Performance Condition)

The Class A3 use hereby approved shall not be open to the public outside the hours of 0800 to midnight on any day.

Reason:

To protect the amenities of adjoining residential occupiers.

#### 41. APPROVAL CONDITION - Approved Plans

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

Reason:

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

**POLICY CONTEXT**Core Strategy - (January 2010)

CS4	Housing Delivery
CS5	Housing Density
CS6	Economic Growth
CS11	An Educated City
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS24	Access to Jobs
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

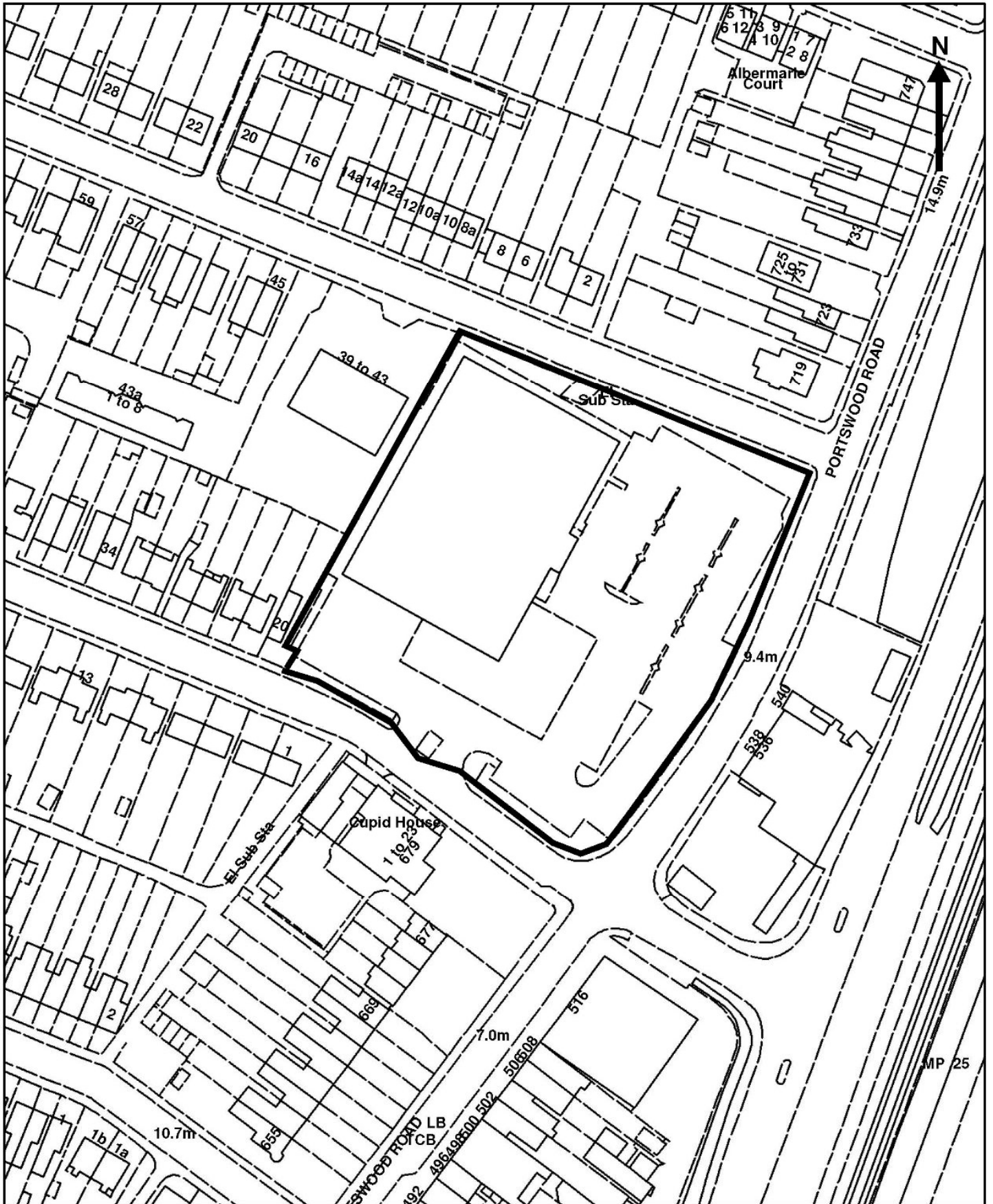
SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
SDP17	Lighting
NE4	Protected Species
HE6	Archaeological Remains
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment
H13	New Student Accommodation
REI7	Food and Drink Uses (Classes A3, A4 and A5)

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
 Planning Obligations (Adopted - September 2013)  
 Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)  
 The Southampton Community Infrastructure Levy Charging Schedule (2013)



Scale: 1:1,250

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# Agenda Item 6

**Planning, Transport & Sustainability Division  
Planning and Rights of Way Panel (EAST) 7 April 2015  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 71 Archery Grove, Southampton			
<b>Proposed development:</b> Erection of a two-storey side extension to create two x two-bed flats with associated parking and cycle/refuse storage and retain existing dwelling			
<b>Application number</b>	15/00070/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>	16.03.2015	<b>Ward</b>	Woolston
<b>Reason for Panel Referral:</b>	Request by Ward Member and five or more letters of objection have been received	<b>Ward Councillors</b>	Cllr Chamberlain Cllr Hammond Cllr Payne
<b>Called in by:</b>	Cllr Payne	<b>Reason:</b>	Detrimental impact on character of the area and residential amenities and insufficient parking

<b>Applicant:</b> Kevin And Mark Shepherd	<b>Agent:</b> Mr Gordon Rogers
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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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<b>Community Infrastructure Levy Liable</b>	Yes
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### Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The development is considered to satisfactorily address the previous reasons for refusal for the reasons given in the report to the Planning and Rights of Way Panel on 7<sup>th</sup> April 2015. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SPD 4, SDP5, SDP7, SDP9, SDP13, SDP22, H1, H2 and H7 of the City of Southampton Local Plan Review (March 2006) and CS4, CS5, CS13, CS16, CS18, CS19, CS20 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010) as supported by the adopted Residential Design Guide SPD (2006).

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

## **Recommendation in Full**

Delegate to Planning and Development Manager to grant full planning permission subject to the submission of mitigation or compliance with the Solent Disturbance Mitigation Project (SDMP) (£172 per dwelling), which seeks to ensure that additional residential development does not harm existing habitat within existing Special Protection Areas as protected by the Habitats Regulations. In the event that the SDMP is not resolved within one month 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 Habitats Regulations.

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

- 1.1 The application site comprises a detached, two-storey dwelling house located at the corner of Archery Grove within a residential area. The house has a hipped roof design and double-storey height bay to the front elevation. The property is fairly typical of the surrounding area which is suburban in character. There is a change in levels across the site, with the land sloping upwards from south to north. The vehicular access for the existing property lies on side adjacent to St Anne's Road. This access will remain to serve the development.

### **2.0 Proposal**

- 2.1 Planning permission is sought to extend the existing dwelling and create an addition 2 flats. A similar proposal was refused at Planning Panel, following a favourable recommendation from officers, on 14<sup>th</sup> January 2014 for the following reason:

*REFUSAL REASON - Residential environment*

*The proposed extension to provide two additional residential units by reason of its physical appearance in terms of its bulk, mass and footprint results in an overdevelopment of the site that is harmful to the general character of the area due to its prominence in the street scene. Furthermore, the subdivision of the plot to provide additional units fails to provide sufficient, usable and adequate amenity space for the existing 3 bed family unit on site. As such the proposal creates an unacceptable residential environment contrary to Policies CS13 and CS16 of the Southampton Core Strategy (2010), SDP1 (Saved Policy) of the Southampton Local Plan Review (2006) and Section 2 and Section 4.4 of the Council's 'Residential Design Guide' Supplementary Planning Document (2006).*

- 2.2 The previous application sought to provide two x.2 bed units within a two storey side extension whilst retaining the existing 3 bed dwelling.

2.3 The current application seeks to address the previous refusal reason and avoid an appeal, and again seeks to enable the property to be extended to the side and rear at two-storey and single-storey level to provide 2 x 2 bedroom flats whilst retaining the existing family dwelling house. Three car parking spaces serving all three units and a shared garden area for the two flats has been proposed to the rear. The existing dwelling house has a separate private garden area.

2.4 The scheme has been modified following the previous refusal in the following ways:

- The ridge height of the rear part of the extension has been reduced in height. It is now lower than the highest part of the existing dwelling as it has been reduced in height by 0.8m;
- The extension has been set back within the site and the depth has been reduced from 14.44m to 14m;
- The car parking layout has been reconfigured to allow for additional garden area for the existing property. The resulting garden area is now 70sq.m thereby retaining a genuine family dwelling.

The internal layout in terms of room configuration remains the same but the changes proposed need to be assessed against the previous reason for refusal (as set out above). This reason should focus the attention of the Panel and it is not good practice to introduce additional reasons for refusal should the Panel disagree that the changes go far enough.

### **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 (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

### **4.0 Relevant Planning History**

4.1 In 2004 the Local Planning Authority approved a two-storey front extension to the property (our reference 04/01726/FUL) and this permission has been implemented.

4.2 In 2007/08 there were two applications refused (07/01324/FUL and 07/02054/FUL) seeking to extend the property to provide four, two-bedroom flats. The reasons for refusal mainly related to the massing and appearance of the extensions, together with the amount of amenity space and the impact on highway safety and are set out in full at **Appendix 2**.

4.3 As set out above a similar application 13/01723/FUL was refused at Panel on 14<sup>th</sup> January 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 undertaken which included notifying adjoining and nearby landowners and erecting a site notice (03.02.2015). At the time of writing the report **125 objections** have been received from surrounding residents. The following is a summary of the points raised:

### **5.2 Increased parking pressure and decreased highways safety**

#### **Response**

Having considered both parking pressure surveys (undertaken at 4:45am on 15<sup>th</sup> and 16<sup>th</sup> December 2014 where capacity was reported) and highways safety implications the Highways Officer does not oppose the development. It is noteworthy that the Council currently have maximum parking standards. The move towards encouraging alternative modes of transport and less reliance on private motor vehicles in areas where alternative means of transport and other services are available is enshrined by both local and national policies. The Council's Parking Standards and relevant policies will be taken into account when assessing the application and the provision of 1 space per dwelling is acceptable in this location.

### **5.3 Too many flats in the area and impact on property value**

#### **Response**

This is not a material planning consideration. Market forces dictate demand for accommodation type. A mix of unit types assists in creating 'mixed and balanced' communities. An existing family dwelling is retained as part of these proposals.

### **5.4 Additional noise/antisocial behaviour.**

#### **Response**

The Council must assess whether or not the additional units alone will lead to disturbance and nuisance, sufficient to substantiate a refusal. No evidence has been provided to suggest that these 2 flats will be particularly disruptive and the planning system plans for reasonable behaviour. Furthermore there are other statutory powers more suited to the control of noise and anti-social behaviour.

### **5.5 Development sets a precedent.**

#### **Response**

There would be no precedent set. Each proposal would need to accord with relevant policies in order to gain the support of the Local Planning Authority. Each application is judged on its own merits.

### **5.6 Increased refuse generation.**

#### **Response**

Refuse storage can be achieved on site. Sufficient bins and storage can be provided and a planning condition is recommended.

### **5.7 Poor Design and out of character with 1930's style of housing**

#### **Response**

The external design accords with the Residential Design Guide and internally the

accommodation provided will produce an acceptable living environment. See paragraph 6.4 of this report for further justification.

**5.8 Overdevelopment in size and mass.**

Response

The scheme has been reduced in depth and height. See the Planning Considerations section of this report for further justification.

**5.9 Overlooking and overshadowing of neighbouring accommodation.**

Response: See the Planning Considerations section of this report for further justification and explanation of the issues associated with residential amenity.

**5.10 Concerns over the congestion and disturbance during the construction phase**

Response

A condition detailing the location of storage and equipment during construction is suggested to address these concerns. An hours of work condition is also recommended.

**5.11 Concerns over surface water runoff and drainage issues**

Response:

See Southern Water's response below where no objection is raised.

**Consultation Responses**

**SCC Highways – No objection.**

Although the proposed development will introduce an additional one or two vehicles, the access overall is an improvement in terms of safety where sightlines are now provided. On-site turning facilities which allow vehicles to enter and leave in a forward gear are provided. In order to secure this a tracking diagram to ensure that all vehicles can turn on site is required via condition. The turning area must be kept clear at all times for the duration of this development. A condition requiring cycle and refuse storage is required prior to occupation.

**SCC Sustainability Team – No objection.**

Conditions are recommended to ensure that the development achieves level 4 of the Code for Sustainable Homes in accordance with policy CS20 of the Local Development Framework Core Strategy.

**Southern Water – No objection.**

An application will be needed to connect to the public sewer system. No objection raised.

**6.0 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/ previous reasons for refusal
- Impact on amenities of occupiers of neighbouring properties
- The impact on the character of the property and of the area
- Quality of the living environment created
- Access and car parking

- CIL and Mitigation (sustainability and Solent Disturbance Mitigation Project)

## 6.2 Principle of Development

The principle of development is acceptable as it provides residential accommodation and retains a family unit on site in line with the provisions of policy CS16 of the Core Strategy and provides a suitable mix of units to meet the Council's housing need. The application also assists the Council in meeting its current housing need of 16,300 homes by 2026.

6.2.1 The site lies in a sustainable location and is very convenient for buses and trains and is approximately 15 minutes walk to Woolston District Centre. The surrounding area is predominantly residential and characterised by two storey dwelling houses.

6.2.2 The previous scheme was refused for overdevelopment in terms of scale, bulk, footprint and that the development was out of character. In addition, a lack of amenity space for the existing space was included as part of the reason. This scheme has been reduced in depth by 440mm to 14m deep. The ridge height of the rear part of the proposed extension has been reduced in height by 0.8m and 70 sq.m is now provided for the existing dwelling which is what is required within the Councils Residential Design Guide (Supplementary Planning Document). A density of 60dph is again proposed which is compliant with Policy CS5. It is considered that the previous reason for refusal has been addressed.

## 6.3 Impact on amenities of occupiers of neighbouring properties

All development has an impact on its neighbours; however, the residential amenities of nearby residents will not be adversely harmed by this development. The proposed development will not give rise to a harmful sense of enclosure, loss of light, shadowing or overlooking / loss of privacy, having regard to the separation distance and the orientation of the proposed dwellings in relation to neighbouring properties. Approximately 14.5m lies between the rear of the extension and the side elevation of 2a St Anne's Road. The proposal lies on a corner and therefore complies with privacy distances both to the rear and to the side. There are no additional windows on the side adjacent to the existing dwelling.

6.3.1 The rear element does protrude further than the existing dwelling and therefore the proposal will have an impact on this property in terms of light received and overshadowing. However, due to the set back and reduction to single storey for part of it, it is felt the proposal would not be significantly harmful enough to warrant a reason for refusal as it will only have an impact on a small piece of the garden during part of the year (mainly winter). The proposal is not judged to be overbearing or dominant when viewed from the adjacent property or garden. With respect to adjacent properties due to the distance and its orientation the proposal will not harmfully impact these properties.

6.3.2 It is considered that the extension is unlikely to result in any harmful overlooking of neighbouring properties or result in adverse shading or outlook issues. The extension therefore complies with the standards as set out in the Council's Residential Design Guide (Supplementary Planning Document). It is important to note that the earlier (larger) scheme was not refused on these terms and it would be unreasonable to suggest that a lesser scheme is now harmful. As such the

proposal accords with 'saved' local plan policy SDP1(i).

6.4 The impact on the character of the property and of the area.

The proposal is located on a prominent corner site which requires a bespoke design solution. The proposal has been designed in a manner to address the corner by articulating the building. There is still sufficient space proposed around the site in terms of setting adjacent to Archery Grove. The remaining space between the proposed elevation and the footpath varies from 1.5m to 4m in comparison with 4.5m to 7.5m on the opposite corner at number 79 Archery Grove. Although the remaining space is less, the vegetation at 79 Archery Grove conceals this area and as such the sense of space is not visually apparent.

6.4.1 The site coverage of 65% hardstanding and buildings does not result in an over development of the site as there is still a setting, and adequate amenity space is provided for all units. It is noted that there is an increase in the number of units on site and the density is higher than the adjacent dwelling units. However, policy CS5 of the Core Strategy states that in this area the density of development should range from 50-100 dwellings per hectare and this proposal provides 60 dwelling per hectares therefore complying with policy.

6.4.2 In terms of the design, it is considered that the scale and massing of the proposed extension will not be out keeping with the appearance and character of the property. The depth and height of the proposal has been reduced by setting the extension back by nearly half a metre. The height of the proposal is reduced by 0.8m, which results in a part two storey flat roof element. This is located to the rear between the existing property and the extension, but it is hidden from the wider street scene.

6.4.3 The design is sympathetic as it picks up design elements of the existing dwelling and the other dwellings in the locality. The extension is hipped and is designed to be subservient to the existing dwelling. The design is similar to that of no 79 Archery Grove across the road in terms of the set back and the insertion of a single storey element. The external appearance proposed is akin to properties within the street scene as render and brick elements are proposed. The impact on the character of the area is deemed acceptable as all the dwellings, although similar in design, are not uniform.

6.5 Quality of the living environment created.

All new residential development is expected to provide prospective residents with a good living environment. The internal layout is compatible with modern living standards. All habitable rooms will receive acceptable outlook, ventilation and day lighting. The proposed habitable accommodation would have an acceptable level of outlook and are both dual aspect. Entrances to the building appear generally well-surveilled.

6.5.1 Each unit has a separate kitchen which is the main entrance point of the units to the rear and a lounge on the side elevation as well as two bedrooms (to the front and side). Both units are accessed to the rear via separate entrances; the first floor flat is accessed via a staircase within a single storey extension that provides the physical separation between the two patio areas to enable privacy. The ground floor is served via the rear elevation. There are no issues of loss of privacy as none of the units have views into the others accommodation.

6.5.2 The retained amenity space for the existing dwelling (70 square metres) would be acceptable in terms of the amount and the quality of space. The amount of amenity space proposed to serve the flats would be in excess of 45 square metres for the two units (which exceeds our minimum standard of 20 square metres per flat). Each dwelling has secure refuse and cycle storage either attached to the dwelling or within the rear garden area. The living environment provided by this proposal is deemed appropriate for this type of development.

#### 6.6 Access and Car parking

Parking provision is provided in accordance with the adopted Parking Standards SPD. One car parking space is proposed for the units, which is deemed acceptable. The layout has been amended to address issues of sight lines and to provide sufficient car parking spaces for the three units. The access is retained and enhanced and Highway Officers are satisfied that there are no issues of highway safety.

6.6.1 Although, sufficient car parking has been provided on site the applicant has submitted a car parking survey that indicates that there are car parking spaces available on the street. The survey was undertaken over two early mornings (4.45am) on Monday and Tuesday in December 2014 and the results show spaces available in the surrounding area. Parking overspill and insufficient parking did not form part of the previous reason for refusal for a similar scheme (for 3 units) and should not be introduced at this stage of the process.

#### 6.7 CIL and Mitigation (sustainability and Solent disturbance mitigation project)

This development is CIL liable. As it creates additional residential units a charge of £70/sq.m will be levied.

6.7.1 The development will be required to meet Level 4 of the Code for Sustainable Homes.

6.7.2 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution of £172 per unit has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. Providing a contribution is secured this application will comply with the requirements of the SDMP and meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

## 7.0 Summary



7.1 The principle of using an extension to provide housing on this site is accepted as it contributes towards the housing need whilst meeting the previous reason for refusal. It retains a family dwelling house and provides two smaller 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. As such an appropriate residential environment is proposed and the previous reason for refusal is considered to have been addressed.

## **8.0 Conclusion**

8.1 In conclusion, the proposal accords with the Development Plan and would therefore have an acceptable impact. As such the proposal is recommended for conditional approval following the provision of mitigation through the SDMP.

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

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

1(a), (b), (c), (d), 2 (b), (d), 4 (f), 6 (c), 7 (a), 9 (a), (b).

#### **ARL for 07/04/2015 PROW Panel**

#### **PLANNING CONDITIONS**

##### **CONDITIONS for 15/00070/FUL**

##### **01. APPROVAL CONDITION - Full Permission Timing Condition - Physical works**

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

##### **REASON:**

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

##### **02. APPROVAL CONDITION - Materials to match [Performance Condition]**

The materials and finishes to be used for the external walls, windows (including recesses), drainage goods and roof in the construction of the building hereby permitted shall match in all respects the type, size, colour, texture, form, composition, manufacture and finish of those on the existing building.

##### **REASON:**

To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality and satisfactory visual relationship of the new development to the existing.

##### **03. APPROVAL CONDITION - 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.

**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 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 - Boundary fence [Pre-Occupation Condition]**

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.

**REASON:**

In the interests of the visual amenities of the area and to protect the amenities and privacy of the occupiers of adjoining property.

**06. APPROVAL CONDITION - On-site turning [Pre-commencement Condition]**

Prior to commencement of development a revised parking plan providing a tracking diagram demonstrating that vehicles can turn on-site shall be submitted to and be agreed in writing by the Local Planning Authority. The turning area must be kept clear at all times for the duration of this development. The approved scheme shall be implemented and retained unless other agreed in writing by the Local Planning Authority.

**REASON:**

In the interests of highway safety.

**07. APPROVAL CONDITION - Car parking layout [Pre-occupation Condition]**

Prior to the units hereby approved being occupied the car parking spaces set out on drawing MT/ARCHERY/1/E shall be laid out and clearly marked in order to allocate the units on a 1:1 basis. The parking layout, sightlines and allocation of spaces on a 1:1 basis shall be retained and unaltered unless agreed in writing by the local planning Authority.

**REASON:**

In the interests of highway safety

**08. 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.

**09. 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 purposes.

**REASON:**

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 - Amenity Space Access [Pre-Occupation Condition]**

The external amenity space serving the development hereby approved, and 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.

**REASON:**

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

**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 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).

**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 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).

**14. 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.

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

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

**REASON:**

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

**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 - 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.

### **18. 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 - Community Infrastructure Liability (Approval)**

You are advised that the development appears liable to pay the Community Infrastructure Levy (CIL). Please ensure that you assume CIL liability prior to the commencement of the development (including any demolition works) otherwise a number of consequences could arise. For further information please refer to the CIL pages on the Council's website at: <http://www.southampton.gov.uk/s-environment/policy/community-infrastructure-levy-guidance.aspx> or contact the Council's CIL Officer.

### **Note to Applicant - Pre-Commencement Conditions**

Your attention is drawn to the pre-commencement conditions above which require the full terms of the condition to be satisfied before development commences. In order to discharge these conditions you are advised that a formal application for condition discharge is required. You should allow approximately 8 weeks, following validation, for a decision to be made on such an application. If the Decision Notice includes a contaminated land condition you should contact the Council's Environmental Health Department, and allow sufficient time in the process to resolve any issues prior to the commencement of development. It is important that you note that if development commences without the conditions having been formally discharged by the Council in writing, any development taking place will be unauthorised in planning terms and this may invalidate the Planning Permission issued. Furthermore this may result in the Council taking enforcement action against the unauthorised development. If you are in any doubt please contact the Council's Development Management Service.

### **Note to Applicant - Performance Conditions**

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

### **Note to Applicant – Public sewerage system**

A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House,

Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

**POLICY CONTEXT**

**Core Strategy - (January 2010)**

**POLICY CONTEXT**

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
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
SDP22	Contaminated Land
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

**Supplementary Planning Guidance**

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

**Other Relevant Guidance**

The National Planning Policy Framework 2012  
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

**Supplementary Planning Guidance**

Residential Design Guide (Approved - September 2006)  
Planning Obligations (Adopted - September 2013)  
Parking Standards SPD (September 2011)

**Other Relevant Guidance**

The National Planning Policy Framework (2012)  
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

**Relevant Planning History**

03/00556/FUL

Conservatory to side elevation conditionally approved 22.05.2003

04/01726/FUL

Erection of a two storey front extension. Conditionally approved 22.12.2004

07/01324/FUL

Two storey side extension to facilitate conversion of dwelling into 4 x2 bed flats with associated car parking, bin and cycle storage. Refused 23.10.2007

07/02054/FUL

Two storey side and rear extension to facilitate conversion of dwelling into 4x two bed flats with associated car parking, bin and cycle storage (resubmission). Refused 14.02.2008

Reasons for refusal 07/02054/FUL

**1. Overdevelopment/loss of space**

The proposed development would result in an overdevelopment of the site due to the excessive footprint of the proposed extension and its projection towards Archery Grove. Its excessive footprint, together with its overall scale, bulk and massing results in a loss of space between the building and the highway at Archery Grove resulting in a building which has a significantly greater visual impact in the street scene than at present and erodes the spatial characteristics of the area. This pattern of spaces defines the street scene and is continued with a similar gap at 79 Archery Grove opposite and at the junction with St Anne's Road to the rear. Additionally it is considered that the proposed extension is poorly designed as it is bulky in its appearance and does not relate to the proportions of the existing dwelling. As such the proposed development is contrary to policies SDP1, SDP7, SDP9 and H7 of the adopted City of Southampton Local Plan Review (2006) and the relevant sections of the Council's approved Residential Design Guide SPD (2006).

**2. Highway Safety**

The proposal to provide additional car parking spaces, would due to the proximity to the junction have an adverse impact on the highway safety as it would result in conflict between pedestrians and vehicle users. Therefore, this would be detrimental to the safety and convenience of users of the adjoining highway. The development would therefore prove contrary to the provisions of Policy SDP1 and TI2 of the City of Southampton Local Plan Review as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006).

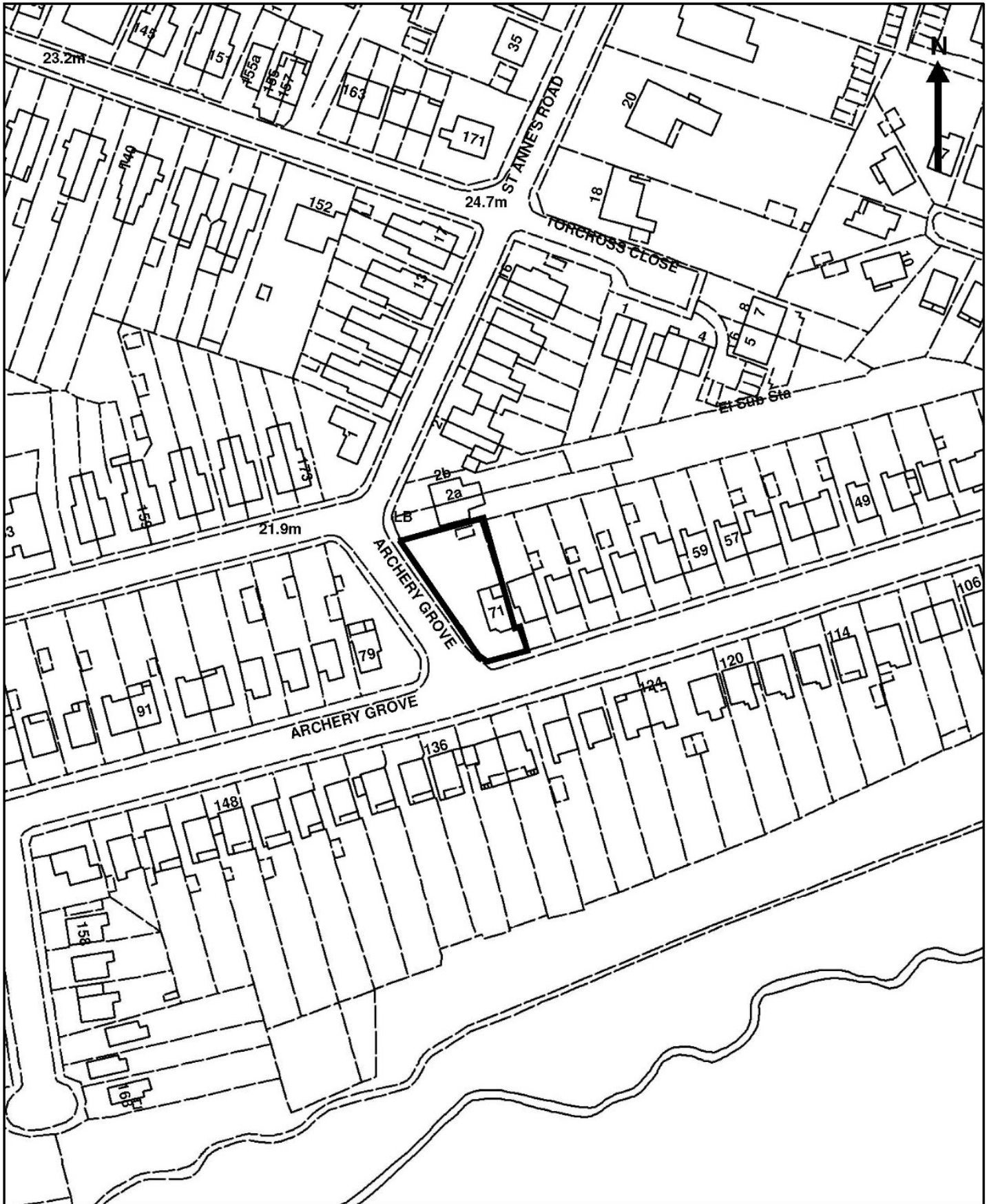
As set out above a similar application 13/01723/FUL was refused at Panel on 14<sup>th</sup> January 2014:

**1. REFUSAL REASON - Residential environment**

*The proposed extension to provide two additional residential units by reason of its physical appearance in terms of its bulk, mass and footprint results in an overdevelopment of the site that is harmful to the general character of the area due to its prominence in the street scene. Furthermore, the subdivision of the plot to provide additional units fails to provide sufficient, usable and adequate amenity space for the existing 3 bed family unit on site. As such the proposal creates an unacceptable residential environment contrary to Policies*



*CS13 and CS16 of the Southampton Core Strategy (2010), SDP1 (Saved Policy) of the Southampton Local Plan Review (2006) and Section 2 and Section 4.4 of the Council's 'Residential Design Guide' Supplementary Planning Document (2006).*



Scale: 1:1,250

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# Agenda Item 7

**Planning, Transport & Sustainability Division  
Planning and Rights of Way Panel (EAST) 7 April 2015  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Former Oasis Mayfield Annexe, Porchester Road			
<b>Proposed development:</b> Redevelopment of the site, demolition of the existing buildings and erection of two, two and half and three-storey buildings to provide 40 dwellings (17 x one-bedroom, 10 x two-bedroom, 10 x three-bedroom and 3 x four-bedroom) with associated parking and vehicular access from Porchester Road (Outline application seeking approval for access, layout and scale).			
<b>Application number</b>	14/00101/R3OL	<b>Application type</b>	R3OL
<b>Case officer</b>	Anna Lee	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	Major - 21.04.2014	<b>Ward</b>	Woolston
<b>Reason for Panel Referral:</b>	Request by Ward Member and five or more letters of objection have been received	<b>Ward Councillors</b>	Cllr Chamberlain Cllr Hammond Cllr Payne
<b>Called in by:</b>	Cllr Payne	<b>Reason:</b>	Significant application in terms of its scale

<b>Applicant:</b> Southampton City Council	<b>Agent:</b> Capita Property And Infrastructure
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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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<b>Community Infrastructure Levy Liable</b>	<b>Yes</b>
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## Reason for Granting 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 education use and neighbouring residential properties. Other material considerations such as those reported to the Planning and Rights of Way Panel on 7<sup>th</sup> April 2015 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 - CS4, CS5, CS6, CS11, CS13, CS15, CS16, CS18, CS19, CS20, 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, H1, H2, H3, and H7 of the Local Development Framework Core Strategy Development Plan Document (January 2010) as supported by the adopted Residential Design Guide SPD (2006).

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

## **Recommendation in Full**

### **Delegate to Planning and Development Manager to grant 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, including any footpath works required under a s.278 agreement and/or any Traffic Regulation Orders (TRO), in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPD relating to Planning Obligations (September 2013);
  - ii. Provision of affordable housing in accordance with Policies CS15, CS16 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPD relating to Planning Obligations (September 2013);
  - iii. Submission of a Highway Condition Survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer;
  - iv. Submission of a Training and Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPD relating to Planning Obligations (September 2013);
  - v. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013); and,
  - vi Mitigation or compliance with the Solent Disturbance Mitigation Project, which seeks to ensure that additional residential development does not harm existing

habitat within existing Special Protection Areas as protected by the Habitats Regulations.

In the event that the Undertaking is not received within three 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.

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

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

- 1.1 The site lies on the corner of Porchester Road, Station Road and Portsmouth Road and has historically been a school for the last 80 years (both primary and, lately, secondary). The site is no longer in use as a school but has recently been used by the Council as a storage area for building materials (LPA ref: 13/01915/FUL). The site lies within a predominately residential area with some commercial units on Station Road.
- 1.2 The existing buildings on site are imposing and are in a perimeter block formation, which is three storey along Portchester Road. On the main frontage (Station Road and Portsmouth Road) the height increases by half a metre to 6.5m to eaves height. However, one building adjacent is 9m (to eaves) and the corner block on Porchester Road is 12m high. Access to the site is via Porchester Road where the internal part of the site is currently laid out for parking and a school playground.
- 1.3 There are a number of trees within the site and a group of mixed deciduous trees form a Tree Preservation Order (TPO) within the south-western corner of the site. A single TPO has been placed on a large London Plane fronting Porchester Road. These trees have impacted upon the proposed redevelopment of the site and have led to a number of revisions to the scheme to ensure the TPO trees can be retained successfully.

## **2.0 Proposal**

- 2.1 The proposed scheme is a 'Regulation 3' application seeking outline planning permission. A Regulation 3 application relates to proposals made by the City Council for development that it wishes to undertake as part of its remit as a public sector service provider. It is general practice that following the proper assessment of the planning merits of the proposal that Regulation 3 applications should be either approved, if considered acceptable, or the application should be requested to be withdrawn if not considered acceptable for justifiable planning reasons that would normally result in a refusal and subsequent planning appeal.
- 2.2 The scheme put forward seeks to provide 40 dwelling units comprising of 17 x 1 bed units with one parking space, 10 x 2-bed units with one car parking space each, 10 x 3 bed units with two car parking spaces each and three 4 x bed units with either one parking space and a garage or two parking spaces. The overall site density is 53 dwellings per hectare in an area where guidance suggests 50 to 100 dwellings per hectare are appropriate in principle.

- 2.3 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 and will form part of a reserved matters application once the site has been marketed.
- 2.4 The proposed development is designed within a perimeter block with dwelling houses fronting Porchester Road and some dwelling houses located internally within the central area. The flatted units are all fronting both Portsmouth Road and Station Road. Access through the site is provided via a footpath located to the south west corner of the site.
- 2.5 Vehicular access to the site is still via Porchester Road but the access has been moved to reduce the impact on the TPO Plane tree. The properties fronting Porchester Road have driveways accessed from the road and the rest of the units parking and vehicular access is via the access way as a central parking area is provided within the site.
- 2.6 The application site lies within an area which has good public transport links, but results in the permanent loss of an existing education facility (see the Planning Considerations Section that provides further discussion on this issue).

### **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 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

### **4.0 Relevant Planning History**

- |     |   |  |
|-----|---|--|
| 4.1 | <b>00/00402/FUL</b><br><b>20.06.2000</b><br>Construction of new school buildings  | <b>Conditionally Approved</b>            |
| 4.2 | <b>13/01915/FUL</b><br>Change of use of the building from a Training Centre to storage of builders materials (Class B8) | <b>Conditionally Approved 05.02.2014</b> |

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

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice (06.02.2015). At the time of writing the report **15 representations** (13 objections and 2 letters of support) have been received from surrounding residents. The following is a summary of the points raised:

### **5.2 Concern regarding access, parking and transport problems that will arise from the increase in dwellings. In particular, with respect to the parking.** Response

SCC Highways have considered the concerns raised by residents and do not consider the proposed development to be detrimental to highway safety. Parking has been proposed to provide at least one for one (with 2 spaces for the larger units) and in this accessible location this is acceptable. A parking survey has been provided (undertaken on Wednesday 21<sup>st</sup> May 2014 at 5:30am and 9pm), which demonstrates should there be an over spill of parking (regardless of the loss of kerb space due to the introduction of dwellings) there is space on the public highway. Conditions are requested to provide sufficient sight lines to improve highway safety. Furthermore, following the loss of the school there is an argument to suggest that the scheme will bring betterment (particularly at the start and end of the school day) to local streets.

### **5.3 There is concern over the scale/ height of the buildings in relation to neighbouring properties** Response

The proposed height along Porchester Road is 7.7m to eaves and 10.4m to ridge and the existing buildings range from 6m (to eaves) through to 12m at the corner. The existing neighbouring houses have a slightly lower eaves and therefore the units will be taller but they are a similar height to the existing school buildings. The proposed privacy distances from the windows meet the required standards set out in the Residential Design Guidance.

### **5.4 Loss of the school** Response

The Council's education department has provided information to explain that the school is no longer needed and that future school growth can be accommodated using existing (and planned) capacity, despite the increase in population from Woolston following the implementation of the CQ development.

### **5.5 Overdevelopment** Response

The scheme provides a density of 53 dwellings per hectare and therefore the proposal is in line with policy, where a higher density could also be supported in principle.

### **5.6 Concern over noise** Response

Environmental Health have been notified of this application and no objection has been received on these grounds. There is no evidence to suggest that this residential scheme will exhibit unusually harmful noise levels.

## **Consultation Responses**

### **5.7 SCC Highways – No objection**

No objection is raised to this proposal subject to conditions relating to cycle storage, refuse storage, details of the construction of the roads and footpaths and parking courts. The parking areas shall be completed, marked out and made available for use prior to occupation of the development and the extent of adoption of the highway to be agreed. The footway surrounding the site shall be a minimum of 2m wide and shall be subject to reconstruction under a Section 278 agreement where vehicle dropped crossings are to be installed. The design of the proposed access onto Porchester Road and sight lines to be agreed prior to commencement of development.

### **5.8 SCC Housing – No objection**

As the scheme comprises of 40 dwellings in total the affordable housing requirement from the proposed development is 35%. The affordable housing requirement is therefore 14 dwellings.

### **5.9 SCC Trees – No objection**

With regard to the latest amended plan concern is raised that there are no up to date tree protection measures included with the amendment. Any previous plans that have been submitted will be out of date and will exclude the London Plane (T16) which is now to be retained. There is concern over the possible confusion of the extent of the Root Protection Area and the agreed incursion in to it by 200 mm. Therefore an accurate plan showing the RPA with the inclusion by 200 mm is to be provided as part of the full application.

An up to date method statement be supplied to show how the work will be undertaken whilst making sure the trees are fully protected throughout the demolition and construction phases is required. A landscaping plan should be submitted which includes species choice, size, location, planting pit design and the maintenance schedule. This will also need to be submitted as part of the full application.

*Officer Response: The requested information can be sought either by planning condition or at the Reserved Matters stage and do not affect this recommendation for approval.*

### **5.10 SCC Planning Policy - No objection**

The recommended density of developments in this area is 50-100dph. The scheme provides a density of 53dph. The applicants state that the site is constrained by the trees and the sites overall shape and limitations on points of access, which prohibits the density rate being achieved. The density rate of the site could be increased with a greater mix of flats, however, there would be design compromises to achieve this regarding the quality and volume of amenity space and a development of this nature would not accord with the existing urban grain or be in keeping with the sites immediate surroundings of family housing.

Core Strategy Policy CS11 sets out that sites used for education purposes will be safeguarded unless it can be demonstrated that the site is (1) no longer needed for educational use (2a) any existing community or sports facility is retained (2b) The community /sports facility is relocated (nature of facility and catchment of users taken into account) (2c) there is no community need for the facility. The applicants state that all community activities within the property have transferred



to the new Oasis Mayfield facility at The Grove, which is able to provide improved community use with a range of sports facilities including a sports hall and playing fields, which were not available at the application site. The design and access statement provides further information which supports the loss of educational use.

The proposed development will result in a net increase of 40 dwellings, which would equate to the provision of 14 affordable dwellings (35%) under Policy CS15 of the adopted Core Strategy. The applicant states that the allocation of 13 of affordable units will be determined in association with the City Council's Housing Solutions team at the point of a reserved matters application by the developer. The units are designed to meet the DQI's (Design Quality Indicators) size requirements for Housing Associations. It is recognised the affordable units will be pepper-potted across the site.

The scheme complies with Policy CS16 (Housing Mix and Type) with a mixed housing scheme providing 40 dwellings. There is provision of 13 family houses (i.e. With a minimum of 3 bedrooms and a private garden space). This provides 32.5% family units which exceeds the policy minimum requirements of 30%.

The applicant states that each dwelling has the quality and minimum quantity of open space in accordance with the Southampton City Council residential design guide. Each house having a private rear garden in accordance of the minimum amenity design standards. The rear gardens are 10m in length or exceed this requirement.

- 5.11 **SCC Sustainability Team – No objection** subject to conditions securing Code for Sustainable Homes level 4.
- 5.12 **SCC Environmental Health (Pollution and Safety) – No objection** subject to conditions securing, a construction management plan, demolition suppression and working hours.
- 5.13 **SCC Historic Environment –Objection.** There are no archaeological issues with this application. More consideration could be given to the proposed layout, in particular the proposal to demolish the former Woolston Infant School. This is arguably an Undesignated Heritage Asset (as defined in the NPPF), and greater consideration should be given to retaining and re-using the building, and assessing the possibility for conversion to flats. The current building sits well in the street scene and has been a prominent feature of the area for over 80 years. Conversion is a more sustainable option than demolition, and retention of this building could provide the basis for a modern interpretation of the traditional building and materials prevalent in the area.

*Officer Response – Whilst officers agree with these sentiments the buildings are not listed and there is no control to prevent the loss of these buildings. It is important to note although the buildings are attractive the redevelopment will provide family housing which addresses the City's housing need. A conversion scheme could not achieve the same quality of living environment as a redevelopment*

- 5.14 **SCC Environmental Health (Contaminated Land- No objections** at this stage subject to conditions restricting the risk of land contamination being imposed.

#### 5.15 **SCC Ecology – No objection**

The application site consists of the former Oasis academy school buildings and playground. In addition to the buildings and areas of hard standing, the site supports semi improved grassland, some scrub and a small pond. The environment around the school consists of housing, roads and a railway line. The application site has been subjected to a number of ecological surveys which concluded that the site does not currently support roosting or foraging bats but does contain habitat suitable for amphibians, reptiles and nesting birds.

The ecological surveys recommend a precautionary approach in respect of bats during the demolition of the buildings. This approach essentially involves hand stripping of features that could accommodate roosting bats and making site workers aware of the appropriate course of action to take should bats be discovered.

A reptile presence/absence survey was attempted however, due to theft of the tins, this was abandoned. Instead, a mitigation strategy based on the assumption that reptiles are present, has been provided.

The proposed layout appears to indicate that habitat capable of supporting nesting birds and amphibians will need to be removed. If this is the case, clearance works will need to be undertaken at a time of year that minimises the risks of adverse impacts. In addition, in respect of the pond, should the presence of amphibians be confirmed an appropriate receptor site will be required.

The mitigation and enhancement measures set out in the following reports are appropriate and that full implementation of them would be sufficient to avoid adverse impacts on local biodiversity :

- Section 8. Recommendations, Land at Porchester Road (former Oasis Academy), Southampton Preliminary Ecological Appraisal, July 2012
- Land at Porchester Road (former Oasis Academy), Southampton, Reptile Mitigation Strategy, July 2013' and
- Section 7: Recommendations', Land at Porchester Road (former Oasis Academy), Southampton, Bat and Reptile surveys

A planning condition requiring implementation of these measures and a report detailing their implementation to be attached to any planning consent.

5.16 **Hampshire Constabulary – No objection.** The Police have no objection to this outline application but reserve the right to comment at a later stage of application if necessary.

5.17 **Southern Water – No objection** subject to an informative requiring connection to the public sewerage system.

#### **6.0 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
- Appropriate off-site mitigation and affordable housing

## 6.2 Principle of Development

The principle of development is acceptable as the site has not been a school for some time. Evidence has been provided and supported by the Council's Policy team that a secondary school is no longer required in that location.

Information received from the Council's education department is that there is a lot of capacity in the secondary estate as it stands. In terms of this specific area of the city, both of the two schools that serve it are currently undersubscribed. Although the cohort in this area of the city is due to increase significantly, it is the area with the least pressure. The two schools will have to expand and the plan is to achieve this via onsite expansions.

Although Woolston was considered as a possible option for expansion, it was discounted on the following grounds:

- The key reason for this was that the message from all stakeholders (i.e. senior officers, members and head teachers) that have so far been consulted was that the creation of new schools should be avoided, wherever possible. Creation of new provision on this site in particular could well result in subsequent school closures should numbers drop again.
- The backlog maintenance issues that the building had when it was vacated (coupled with the fact that it has been effectively vacant and unmaintained for 2 years), refurbishing this building would be significantly more expensive than new build extensions on existing school sites, compared to new build extensions on existing sites.
- The site also doesn't have access to playing fields, which makes it unappealing for new secondary provision.

Therefore, the proposal complies with policy CS11 of core strategy and the site has been identified by the Council for disposal.

- 6.2.1 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. The application also assists the Council in meeting its current housing need of 16,300 homes by 2026.
- 6.2.2 The site lies within an area of good links 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 dph is within this range and therefore compliant with policy.
- 6.2.3 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 and Layout

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 southern west boundary of the site. The provision of car parking spaces in front of some of the dwellings and for the rest of the units within a central area ensures the development would not appear to be dominated by hard standing when viewed from public vantage points. The perimeter block form of development is welcomed

6.3.1 As stated the proposed ridge heights are higher than adjacent neighbouring properties and are indicated to be 2.5 storey in height. However, these are considered to be appropriate given the separation distance of buildings from boundaries, the distance from neighbouring properties and given the height of the existing buildings on site which establish height on this junction. The development is broken up into two distinct parts; one block of flats fronting Station Road and Portsmouth Road, and blocks of semi-detached and detached dwellings.

6.3.2 In terms of amenity, all the units proposed meet the privacy distance between adjacent properties in terms of the relationship between side elevation and rear elevation at Portsmouth Road. There is no adopted privacy distance for front – front relationships as seen on Porchester Road as privacy is already compromised by the road itself. With respect to the privacy between the units within the site conditions will be imposed at the reserved matters stage to prevent overlooking from the flats proposed into the proposed units fronting Porchester Road.

6.3.3 The flatted block fronting Station Road which turns the corner into Porchester Road, addresses the corner and would be three storey in height. Given the existing height of the building this is appropriate. The central area within the perimeter block will be utilised for both parking and amenity space for the flats. The area provided would be private, usable and landscaping would separate the parking from the amenity space. In terms of residential amenities for potential occupiers of the dwelling units, an appropriate provision of useable garden space has been set out for each dwelling unit. Each dwelling house will be able to accommodate the storage of its own refuse and cycles. In terms of the flatted development an area for refuse is shown on the site plan but there are no further details provided but this element will be conditioned.

### 6.4 Access & Car parking

The site is accessed from Porchester Road, an unclassified residential road fronted by mature housing, with few properties benefitting from off street parking. The site has two other road frontages, onto Station Road and Portsmouth Road, both classified highways carrying larger numbers of vehicles, and double yellow lines restricting parking on the site boundaries. The site is adjacent to the traffic signal controlled junction of Station Road, St Annes Road and Portsmouth Road, Portsmouth Road being a commuter route into the city via the Itchen toll bridge.

6.4.1 Parking provision is provided in accordance with the adopted Parking Standards SPD. Some of the proposed dwellings take direct access from Porchester Road and have tandem on plot parking spaces for 2 cars per property. The main site access is between these proposed dwellings serves. The parking court area is to

serve the remainder of the properties. The 13 houses will all benefit from 2 parking spaces, and the flats will have one space each. 4 additional visitor parking spaces will be marked out to try to reduce the impact of overspill parking onto Porchester Road.

6.4.2 The current school restriction road markings will be removed, and a traffic regulation order will be instigated to provide some parking restrictions locally to ensure sight lines at the new junction are recognised, and within the site the area for the refuse vehicle turning remain unhindered. There is also a requirement of the developer to remodel the one way restriction at the end of Porchester Road at its junction with Station Road to reinforce the operation of that junction and provide a segregated bypass for cycles. This will reduce down the risk of rat running traffic through Porchester Road by traffic trying to avoid the traffic signals on Portsmouth Road. These works can be secured with the S.106 legal agreement.

6.4.3 The development provides for cycle parking for all the properties, and is located on a major bus corridor, adjacent to bus stops, and there are pedestrian facilities at the traffic signals on Portsmouth Road to aid pedestrians wishing to cross this road. A footpath route is provided from the site directly onto Portsmouth Road to make walking routes more direct. The eastern cycle corridor is being introduced which runs adjacent to the site into the city, all of which means the site is sustainably located providing residents with alternative transport options to the car. Schools, shops and other facilities are all available within reasonable walking distance, via lit routes. Subject to the suggested conditions the general layout is acceptable.

#### 6.5 Trees

The site contains a large number of mature trees, most notably to its Southern boundary with Portsmouth Road and along Porchester Road where a TPO Plane Tree is located. Although, insufficient information has been received to ensure the proposal will not result in development significantly encroaching within the Plane's trees root protection zone Southampton City Council Trees Team is satisfied that development works can take place without harming the root protection areas of the retained trees. This can be secured by conditioning safeguarding and protection measures for the trees during development. The group TPO to the rear will not be harmed as the development is located a distance from these. Therefore subject to the conditions suggested the proposal is acceptable.

#### 6.6 Landscaping, Ecology and sustainability

Landscaping is to be a reserved matter. However, provision has been made within the layout of the site for 2 for 1 tree replacement for any trees lost. With regard to ecology, detailed methodology statement and conditions securing the development to the ecology reports submitted will be imposed. The development has been designed to meet Level 4 of the Code for Sustainable Homes which is welcomed.

#### 6.7 Appropriate off-site mitigation and affordable housing

As with all major development the application needs to address and mitigate the additional pressure on the social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted Planning Obligations SPD (2013). Given the wide ranging impacts associated

with a development of this scale, an extensive package of contributions and obligations is proposed as part of the application. Including 35% of the units being secured for affordable housing and highway contributions to support improvements to the footway and junction at Porchester Road and Station Road. In addition the scheme triggers the Community Infrastructure Levy (CIL).

- 6..7.1 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution of £172 per unit has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. This application has not complied with the requirements of the SDMP and meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

## **7.0 Summary**

- 7.1 The principle of redevelopment of this site for housing is accepted. Sufficient evidence has been provided to state that a school 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 confirm with at least minimum standards can be achieved.

## **8.0 Conclusion**

- 8.1 It is recommended that planning permission is granted subject to a Section 106 agreement, reserved matters and the attached 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(qq), 6(c), 7(a), 9(a), 9(b).

**ARL for 07/04/2015 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 buildings, 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 - Residential - Permitted Development Restriction**

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.

### **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 - 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.

**05. 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.

**06. 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, cycle ways, parking areas and footpaths (showing a minimum width round the site of 2m) 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.

The development shall be implemented in accordance with the agreed details

Reason:

To ensure that the roads [cycle ways] and footpaths are constructed in accordance with standards required by the Highway Authority.

**07. APPROVAL CONDITION - Parking area [Pre occupation Condition]**

The parking area shown on the approved shall be laid out and ready for use prior to the occupation of development unless agreed otherwise in writing by the Local Planning Authority. These parking spaces shall be retained during the lifetime of the development for use by residents and their visitors only.

Reason:

To prevent off site highway safety issues.

**08. APPROVAL CONDITION - Use of garage [Performance Condition]**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 the garage hereby approved shall be made available and used at all



times for the parking of domestic vehicles related to the residential use of the dwelling house and associated ancillary storage relating and incidental to the enjoyment of the occupation of the dwelling house. At no time shall the garage be used for the parking of commercial vehicles or used for any trade, business, manufacturing or industrial purposes whatsoever and shall not be incorporated into the house as part of the domestic living accommodation.

Reason:

To ensure that sufficient off-street car parking is available in the interests of highway safety and to protect residential amenity.

**09. 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).

**10. 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).

**11. 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.

**12. 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.

**13. 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.

**14. 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.

**15. APPROVAL CONDITION - Demolition - Dust Suppression [Pre-Commencement Condition]**

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

Reason:

To protect the amenities of users of the surrounding area.

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

The external amenity space serving the development hereby approved, and 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.

Reason:

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

**17. 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.

#### **18. APPROVAL CONDITION - Ecological Survey (by exception) [Pre-Commencement Condition]**

The development hereby approved shall be carried out in accordance with the following reports;

- Section 8. Recommendations, Land at Porchester Road (former Oasis Academy), Southampton Preliminary Ecological Appraisal, July 2012
- Land at Porchester Road (former Oasis Academy), Southampton, Reptile Mitigation Strategy, July 2013' and
- Section 7: Recommendations', Land at Porchester Road (former Oasis Academy), Southampton, Bat and Reptile surveys

In addition a detailed report shall be submitted to and be approved in writing by the Local planning Authority (detailing how the measures set out in the reports above will be implemented) prior to the commencement of development. The development shall be carried out in accordance with the above reports and the report to be approved unless otherwise agreed in writing by the Local Planning Authority.

Reason:

For the safeguarding of species protected by The Wildlife & Countryside Act 1981 (as amended) and the conservation of biodiversity as the site is potentially of ecological interest.

#### **19. 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.

#### **20. 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.

#### **21. 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.

#### **22. APPROVAL CONDITION - Use of uncontaminated soils and fill [Performance Condition]**

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

Reason:

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

#### **23. 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.

#### **24. 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 - Public Sewerage system

A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

Note to Applicant - Community Infrastructure Liability (Approval)

You are advised that the development appears liable to pay the Community Infrastructure Levy (CIL). Please ensure that you assume CIL liability prior to the commencement of the development (including any demolition works) otherwise a number of consequences could arise. For further information please refer to the CIL pages on the Council's website at: <http://www.southampton.gov.uk/s-environment/policy/community-infrastructure-levy-guidance.aspx> or contact the Council's CIL Officer.

Note to Applicant – S106 Legal Agreement

Please note that a Section 106 agreement is to be completed as part of the land sale transaction and should be read in conjunction with this planning consent. A full copy of the Section 106 Agreement will be available to view on Public Access via the Southampton City Council website, once completed.

**POLICY CONTEXT**

Core Strategy - (January 2010)

CS4	Housing Delivery
CS5	Housing Density
CS6	Economic Growth
CS11	An Educated City
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
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

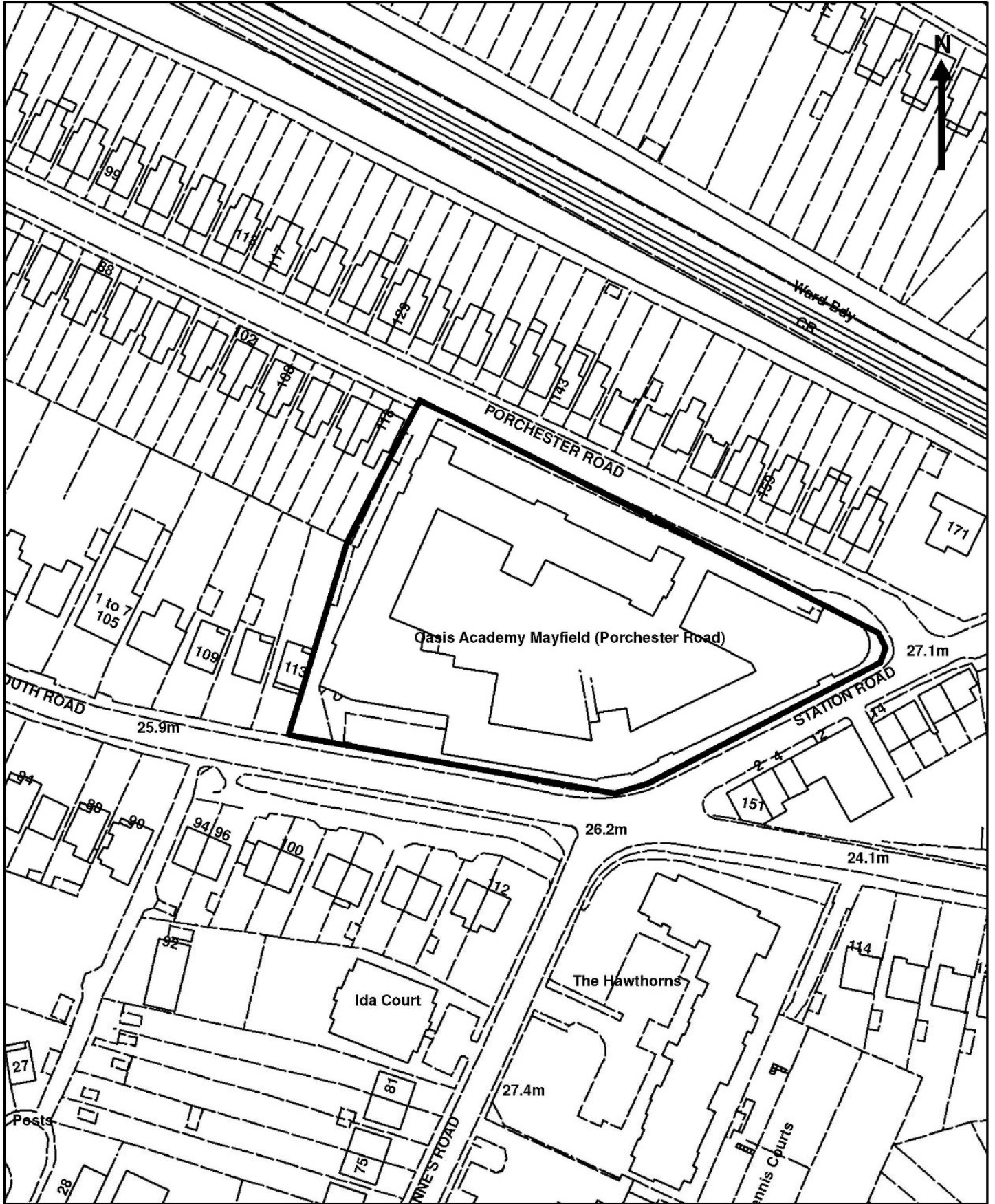
SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
SDP17	Lighting
SDP22	Contaminated land
NE4	Protected Species
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
Planning Obligations (Adopted - September 2013)  
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)  
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)



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# Agenda Item 8

**Planning, Transport & Sustainability Division**  
**Planning and Rights of Way Panel (EAST) 7 April 2015**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 96 Gainsford Road			
<b>Proposed development:</b> Replacement dwelling with associated parking			
<b>Application number</b>	14/02086/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	John Fanning	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	07.04.2015	<b>Ward</b>	Peartree
<b>Reason for Panel Referral:</b>	Nine representation letters contrary to officer recommendation have been received	<b>Ward Councillors</b>	Cllr Lewzey Cllr Paffey Cllr Keogh

<b>Applicant:</b> Mr and Mrs Taylor	<b>Agent:</b> Stride Treglown Ltd
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<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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<b>Community Infrastructure Levy Liable</b>	Yes
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### Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development plan as set out below. Overall the scheme is acceptable and the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area. Other material considerations listed in the report to the Planning and Rights of Way Panel on 7<sup>th</sup> April 2015 do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 planning permission should therefore be granted.

Policies - SDP1, SDP5, SDP6, SDP7, SDP9, SDP10, H1, H2 and H7 of the City of Southampton Local Plan Review (March 2006) and CS4, CS5, CS13, CS19, CS20 and CS22 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

#### 1.0 The site and its context

- 1.1 The application site is currently occupied by a detached dwelling which is currently vacant. The property represents a corner plot, with the Gainsford Road frontage turning away from the application site and backing into the rear of properties in Braeside Crescent.
- 1.2 The site levels are relatively consistent through the site, however in the broader context of the surrounding area there is a very significant drop in site levels from the Peartree Avenue frontage to the south-east to the application site and a further significant drop in site levels again from the application site to the properties to the north-west in Braeside Crescent. Within the immediate street scene the application site is set at a somewhat lower level than the neighbouring property at 98 Gainsford Road and is set down from the street level.

#### 2.0 Proposal

- 2.1 The existing building on the application site is currently vacant and is currently in a state of disrepair. The application proposes the demolition of the existing structure and its replacement with a new residential dwelling with associated refuse and cycle stores. The new dwelling will be similar to the existing building in terms of footprint but with an increase to the general massing and scale of the building at two-storey level. Hard surfacing to the frontage is provided to accommodate 3 off-road parking spaces. A rear garden of some 160sq.m is provided.

#### 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 (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.3 Saved policy SDP1 (Quality of development) of the Local Plan Review allows development, providing that it does not unacceptably affect the health, safety and amenity of the city and its citizens. Policy SDP7 (Context) and SDP9 (Scale, Massing, and Appearance) allows development which will not harm the character and appearance of the local area, and the building design in terms of scale and massing should be high quality which respects the surrounding area. Policy CS13 (Fundamentals of Design) assesses the development against the principles of good design.

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

- 4.1 None of relevance for this site. Permission was granted in 2009 to allow the neighbouring property at 98 Gainsford Road to be extended into the roof space (LPA ref: 09/00045/FUL)

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

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, and erecting a site notice (on 20/1/15). At the time of writing the report **9 representations** have been received from surrounding residents. The following is a summary of the points raised:

- The vacant nature of the property at present has resulted in some issues for local residents and redevelopment is broadly supported but not in the current application
- The proposal would have a harmful impact on amenity of neighbouring occupiers in terms of overlooking
- The proposal is not a bungalow (which are characteristic of the area)
- The height of the structure is inappropriate given the change in land levels with the properties in Braeside Crescent, with reference to overshadowing
- Development would exacerbate existing concerns in relation to potential land movement
- The proposal would block the view of the river from a neighbouring property (currently blocked by trees growing in Braeside Crescent)
- Potential piling will damage nearby properties
- Proposed fence boundary treatment is inappropriate and a wall with iron railings above would be preferable
- The use of the shed will be disruptive to neighbouring occupiers

Response:

The Planning Considerations section of this report provides a comprehensive discussion of these issues.

- The site should be secured in the mean time

Response:

It is noted that there is currently security fencing to the front of the property.

- Building works would cause disruption in the local area while taking place

Response:

Such disruption would be temporary in nature and can be controlled through the use of planning conditions.

The development would devalue neighbouring properties and the applicant is redeveloping the house for sale, not self-occupancy

Response:

This issue is not a material planning consideration which can be taken into account as part of this planning application.

- The statement submitted as part of the application incorrectly states that

neighbouring occupiers are happy with the proposal

Response:

The contents of any documents provided as part of the application are the responsibility of the applicant. Given the consultation exercise undertaken it is not considered that any party has been disadvantaged as part of the application process.

### **Consultation Responses**

- 5.2 **SCC Highways** - No objection.
- 5.3 **SCC Sustainability Team** – No objection subject of the imposition of relevant conditions to ensure that the proposal meets Code for Sustainable Homes Level 4.
- 5.4 **SCC Tree team** – No objection subject to the imposition of relevant conditions to control the works impacting on relevant trees as identified in the submitted arboricultural statement.
- 5.5 **SCC Environmental Health (Pollution and Safety)** - No objection, subject to construction management.
- 5.6 **SCC Ecology** – No objection. Due to the vacant nature of the building it was identified that there was the potential that the site was being used as a bat roost. A following survey has identified that this is likely not to be the case. Notwithstanding this, it is noted that if any bats are encountered during demolition works that any works must cease and the advice of a licensed bat worker must be sought.
- 5.7 **Southern Water** – No objection.
- 5.8 **Archaeology** – No objection.
- 5.9 **CIL** – The development is CIL liable as there is a net gain of residential units. The charge will be levied at £70 per sq m on the Gross Internal Area of the new units. If any existing floor space is to be used as deductible floor space the applicant will need to demonstrate that continuous lawful use of the building has occurred for a continuous period of at least 6 months within the period of 3 years ending on the day that planning permission first permits the chargeable development.
- 5.10 **SCC Contamination** – No objection subject to the imposition of relevant conditions controlling the building works.
- 5.11 **Structural Engineer** – No objection subject to the imposition of a condition controlling the piling and foundation methods used as part of the application.

### **6.0 Planning Consideration Key Issues**

The key issues for consideration are listed below:

- Principle of Development;
- Design, Scale and impact on established character;
- Impact on adjoining residential amenity;
- Piling
- Highways and Parking; and

- Solent Disturbance

#### 6.1 Principle of Development

6.2 The site is currently occupied by a single detached residential dwelling. While the proposal somewhat increases the scale of development, on balance it is felt that the intensity of the proposed residential use will be similar to the existing use of the property and is acceptable in principle. Due to the vacant nature of the existing building the ecology team identified that there was potential for the site to be in use as a bat roost. Following an additional survey which identified that this was not likely to be the case, it is not considered that any conditions need to be imposed in order to control this issue (though it is noted that if any bats are encountered as parts of the building works an appropriate qualified individual should be contacted to further assess).

#### 6.3 Design, scale, and character

6.4 The application proposes a number of significant alterations when compared to the design of the original building. The original building was a bungalow, though it had been extended at first floor level with a side facing dormer window. There are other examples of bungalows in the immediate street scene, however it is noted that, due to the change in site levels, these buildings are all set at a higher ground level than the application site. Furthermore there are a mix of different dwelling types and designs in the surrounding area, with the immediately adjacent property at 98 being in the process of being extended in the roof.

6.5 Given its location on an effective corner plot, set back and down somewhat from the road and other properties, on balance it is felt that the property represents a relatively isolated structure in terms of the context of the surrounding built form. With reference to the issues discussed above, it is felt that the increase in scale and change in design of the proposal will not have a significantly harmful impact on the character of the adjacent street scene.

#### 6.6 Amenity of neighbouring occupiers

6.7 The application presents a number of issues when compared to the existing structure which have been highlighted as issues of concern by neighbouring residents (as set out above).

6.8 Given the change in site levels, overlooking is a critical issue in the determination of this proposal. While the existing dwelling was originally a bungalow, the property has a side facing dormer window serving a habitable room which looks out over the properties set at a lower level to the west. The application proposes a number of windows facing in this direction at first floor level, however only one of these windows forms a main window serving a bedroom. The other windows serve bathrooms or act as a secondary window serving a bedroom. On this basis, it is considered that the other windows can be conditioned to be obscured and non-opening to a defined height in order to prevent additional overlooking. Taking into account the set-back between this property and the properties on Braeside Crescent (some 23 metres on lower ground), the additional visual screening provided by trees in the garden of those properties (ie. Within their control) and the fact that there is an existing window in this location, it is not felt that the proposal would be significantly harmful to the neighbouring properties to the west when

compared to the existing situation.

6.9 The property to the east at 98 Gainsford Road has a number of side facing windows. The main impact of the proposed new dwelling when compared to the existing dwelling would be situated to the rear of the proposed dwelling with the creation of the gable end, with this segment impacting on a limited portion of the depth of the neighbouring property. It is noted that the property at 98 is set at a higher level than the application site. It is felt that the windows at ground floor level will have a similar outlook to the existing arrangement. The windows situated as part of the raised roof extension would have a somewhat reduced view, however given the set down in site levels on balance it is not considered that this relationship would result in significant harm in terms of the creation of an overbearing or overshadowing form of development.

#### 6.10 Piling

6.11 The applicant has submitted a statement outlining the land stability of the site. This has been reviewed and no objections are raised provided the methods of construction are controlled via condition.

#### 6.12 Highways and Parking

6.13 It is noted that the applicant has stated the site currently offers 2 on-site parking spaces and 3 will be included as part of this proposal. Notwithstanding this only 2 spaces are identified on the submitted plans (although the hardstanding can accommodate more vehicles), with no clear alterations proposed when compared to the existing arrangement. On balance the provision of 2 on-site parking spaces as per the existing site is considered acceptable and provided the submitted cycle stores are provided in accordance with the submitted details no objection is raised in this regard.

#### 6.14 Solent Disturbance

The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution of £172 per unit has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. The applicants do not need to make an SDMP payment in this instance as the application is for a replacement dwelling.

### 7.0 Summary

7.1 The application proposes to bring a residential site which has been vacant for some time back into active use. While the circumstances of the site and the scale and design of the proposed development do require careful consideration, on balance it is felt that the impacts of the proposed development are broadly similar to the existing situation or can be sufficiently mitigated through the use of conditions.

## **8.0 Conclusion**

8.1 In conclusion, the application is considered to have an acceptable impact and therefore can be recommended for approval.

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

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

**JF for 07/04/15 PROW Panel**

### **PLANNING CONDITIONS**

01. APPROVAL CONDITION - Full Permission Timing Condition - Physical works

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

Reason:

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

02. APPROVAL CONDITION - Details of building materials to be used [Pre-Commencement Condition]

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

Reason:

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

03. APPROVAL CONDITION - Code for Sustainable Homes [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 - 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.

**06. 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.

**07. APPROVAL CONDITION - Foundations [Pre-Commencement Condition]**

Prior to the commencement of development approved by this planning permission, a piling/foundation design risk assessment and method statement for the preferred piling/foundation design/designs shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed and be completed as agreed.

Reason:

To ensure the selected piling method can be justified on the grounds of structural,



geotechnical, contamination, noise, vibration and practicability and ensure any adverse environmental impacts are identified and appropriate mitigation measures are proposed.

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

Reason:

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

09. 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.

10. APPROVAL CONDITION - Refuse and Cycle storage [Pre-Occupation Condition]  
The development to which this consent relates shall not be brought into use in full or in part until the secure refuse and cycle storage structures have been provided in accordance with the approved plans. They shall thereafter be retained on site for those purposes.

Reason:

To encourage cycling as an alternative form of transport.

11. 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.

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. 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 – Windows

Notwithstanding the submitted plans, three of the windows hereby approved in the first floor north-west side elevation (serving the rooms identified as 'bed1', 'en-suite shower' and 'bathroom' on the 'Attic Floor' segment of Drawing Number 50106-04) shall be glazed in obscure glass and shall be non-opening 1.7m from the floor of the room they serve.

Reason:

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

### 14. APPROVAL CONDITION - Approved Plans

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

Reason:

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

**POLICY CONTEXT**

Core Strategy - (January 2010)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS15	Affordable Housing
CS19	Car and Cycle parking
CS20	Sustainability

City of Southampton Local Plan Review – (March 2006)

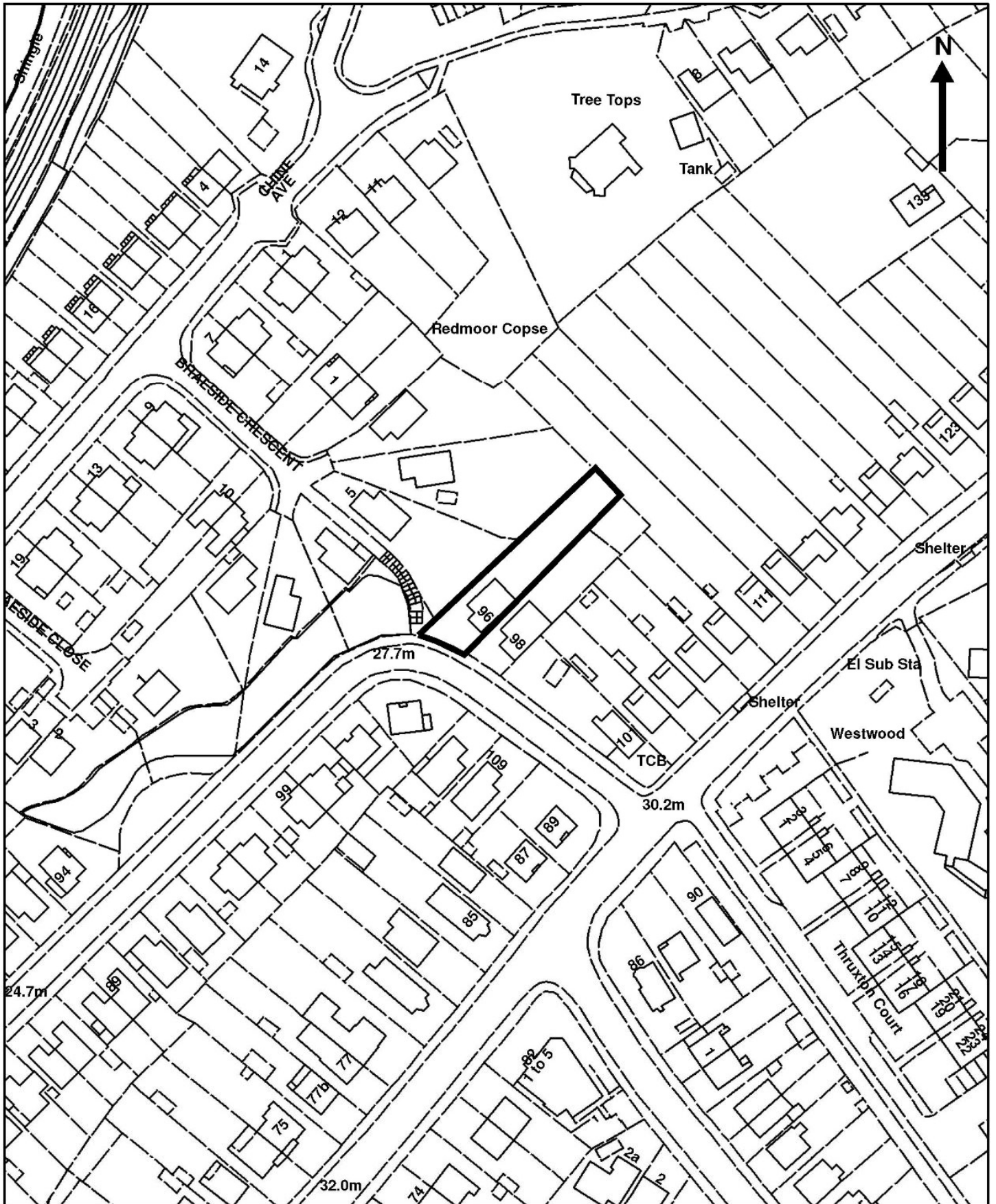
SDP1	Quality of Development
SDP5	Parking
SDP7	Context
SDP9	Scale, Massing & Appearance
SDP10	Safety and Security
SDP12	Landscaping
H1	Housing supply
H2	Previously developed land
H7	Residential environment

Supplementary Planning Guidance

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

Other Relevant Guidance

The National Planning Policy Framework 2012  
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)



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