

# Planning and Rights of Way Panel (EAST)

Tuesday, 15th September,  
2015

at 6.00 pm

## **PLEASE NOTE TIME OF MEETING**

Conference Room 3 and 4 - Civic  
Centre

This meeting is open to the public

### **Members**

Councillor Denness (Chair)  
Councillor Hecks  
Councillor Tucker (Vice-Chair)  
Councillor Coombs  
Councillor Wilkinson

### **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>2015</b>	<b>2016</b>
23 June 2015	19 January 2016
4 August	1 March
15 September	12 April
27 October	
8 December	

<b>Planning and Rights of Way - WEST</b>	
<b>2015</b>	<b>2016</b>
2 June 2015	9 February 2016
14 July	22 March
25 August	3 May
6 October	
17 November	
22 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 for 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 - 8)

To approve and sign as a correct record the Minutes of the meeting held on 4 August 2015 and to deal with any matters arising, attached.

## **CONSIDERATION OF PLANNING APPLICATIONS**

### **5 BITTERNE PARK SECONDARY SCHOOL, 15/01349/FUL** (Pages 13 - 42)

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.

### **6 488-496 PORTSMOUTH ROAD, 15/01158/FUL** (Pages 43 - 60)

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 47 ELMSLEIGH GARDENS, 15/01501/FUL** (Pages 61 - 68)

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.

### **8 63 WILTON AVENUE, 15/01393/FUL** (Pages 69 - 82)

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.

**9** **48 SOUTH MILL ROAD, 15/01550/FUL** (Pages 83 - 90)

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.

Monday, 7 September 2015

HEAD OF LEGAL AND DEMOCRATIC SERVICES

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PLANNING AND RIGHTS OF WAY PANEL (EAST)  
MINUTES OF THE MEETING HELD ON 4 AUGUST 2015

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Present: Councillors Denness (Chair), Tucker (Vice-Chair), Coombs, Hecks and Wilkinson

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

**RESOLVED** that the Minutes of the meeting held on 23 June 2015 be approved and signed as a correct record.

12. **VACANT SITE AT TEST LANE, 14/01911/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 to provide 19,132 square metres of employment floor space in three buildings (Units 1 and 3 to be Storage and Distribution Use (Class B8), Unit 2 to be Business Use (Class B1 c) and/or Storage and Distribution Use (Class B8) with an area of open space, associated landscaping, servicing areas and car parking with vehicular access from Test Lane.

Mr Campbell (representing Redbridge Residents Association/objecting), Mr Hannam (Local Resident/objecting), Councillors McEwing, Whitbread and Pope (Ward Councillors/objecting) and Mr Chambers (Agent/supporting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that:-

- (i) there was a typographical error in Appendix 2 (The Habitats Regulations Assessment) on Page 49, Test 1, the first sentence should read “the proposed development is located 40m to the **east** of a unit of the.....”; and
- (ii) an additional condition on night time operation be included.

Additional Condition

Between 2300 and 0700 hours the development shall not operate or be used otherwise than in accordance with a Night Time Operation Plan, which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure the occupiers of the building operate in a manner which would safeguard the amenities of adjoining residential occupiers.

The officer recommendation to delegate authority to the Planning and Development Manager to grant planning permission subject to the completion of a Section 106 Legal Agreement was not carried.

**RESOLVED:**

- (i) that the Panel confirmed the Habitats Regulation Assessment in Appendix 2 of the report; and
- (ii) that the application be deferred in order that the applicant could engage with the Local Residents Association and Ward Councillors to address the following issues raised:-
  - traffic issues, in particular measures to limit the impact of traffic entering and exiting the site to and from the south;
  - the attenuation pond within the proposed public open space; and
  - the timescale for the provision of open space.

RECORDED VOTE to defer the planning application.

FOR: Councillors Denness, Tucker, Coombs and Wilkinson  
AGAINST: Councillor Hecks

NOTE: Councillors Denness and Coombs confirmed that they had no conflicting interests with this application and remained in the meeting.

13. **LAND OPPOSITE 69-73 WHITWORTH CRESCENT, 14/01431/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.

Works to facilitate and use of the site for four x residential houseboats.

Mr Samwell and Mr Goddard (Local Residents/objecting), Councillor Inglis (Ward Councillor/objecting) and Mrs Gould (Agent/supporting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an additional clause (d) to the recommendation.

**RESOLVED**

- (i) that authority be delegated to the Planning and Development Manager to grant planning permission subject to the conditions listed in the report, the amended conditions set out below; and
  - a) notwithstanding the submission of an existing site survey and proposed spot levels the receipt of a satisfactory plan showing a series of cross sections to scale through the site from the road at Whitworth Crescent down to the foreshore clearly illustrating the changes in land levels at 1m intervals;
  - b) details of the earthworks (both cut and fill) required to be undertaken in terms of the volume of material required to be moved and how this work would be undertaken;



- c) no objection being received from the Council's Ecologist and Structural Engineer following receipt of the additional information; and
  - d) the submission of a unilateral agreement confirming that works to implement planning permission 930663/E will cease.
- (ii) that in the event that a satisfactory plan, sufficient details **and the submission of a unilateral agreement** (as set above) are not submitted or an objection is raised from the necessary consultees within three months from the date of this Panel meeting the Planning and Development Manager be authorised to refuse permission as necessary; and
- (iii) that the Planning and Development Manager be given delegated powers to add, vary and /or delete conditions as necessary and particularly in relation to the above matter being satisfactorily resolved.

#### Amended Conditions

#### 05. APPROVAL CONDITION - Removal of Permitted Development [performance condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking or re-enacting that Order, no development permitted by class E (outbuildings, enclosures or swimming pools) and F (hard surfaces) of Part 1 of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority for the houseboat hereby approved.

#### Reason:

In order to protect the amenities of the locality and to maintain a good quality environment.

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

Before the houseboats are first occupied full details of facilities to be provided for the storage and removal of refuse from the site, 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 Houseboats are used for residential purposes.

#### Reason:

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

Remove condition 12 as duplication and renumber the conditions from condition 12 onwards.

Amend Condition 25 now 24 to read as set out below.

24. APPROVAL CONDITION – Restriction on number of boats [Performance Condition]  
At no time shall more than four boats be moored to the pontoon hereby permitted. No boat shall in any case be so moored as to project beyond the outer support pile.

Reason:

To protect the character of the area and in the interests of the visual amenities of nearby residents.

RECORDED VOTE to grant planning permission.

FOR: Councillors Denness, Hecks, Tucker and Coombs

ABSTAINED: Councillor Wilkinson

14. **BOLDREWOOD CAMPUS, 15/01025/FUL**

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

Construction of a four storey building to provide 5620 square metres of floor space for University use (Class D1) and associated surface car parking to provide 59 parking spaces, together with access, landscaping and cycle store - description amended following to increase the floor area by 167sq.m formed within an extended basement.

Councillor Claisse (Councillor/objecting) and Mr Reay (Agent/supporting) were present and with the consent of the Chair, addressed the meeting.

**RESOLVED** that planning permission be granted subject to the conditions in the report and the amended condition as set out below.

Amended Condition

21. APPROVAL CONDITION – Lockers

Details of secure staff/student lockers, **and shower facilities**, for use by cyclists shall be submitted to and agreed in writing by the Local Planning Authority prior to the first occupation of Block D/G hereby approved. The agreed lockers **and shower facilities** shall be installed prior to the first occupation of Block D/G and retained thereafter.

Reason:

To encourage cycling as an alternative mode of travel to the private car.

NOTE: Councillor Denness declared an interest in the above application and remained in the meeting.

15. **225 PORTSWOOD ROAD, 15/01285/FUL**

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

Change of use of ground floor from retail (class A1) to restaurant/café (class A3),  
Installation of a new shop front, extract flue and air conditioning units to rear.

Dr Buckle and Mrs Jameson (Portswood Residents Association/objecting), Councillor Claisse (Ward Councillor/objecting) and Mr Weymes (Agent/supporting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that:-

- (i) one additional letter of objection had been received since the report was written;  
and
- (ii) that air conditioning units had been removed from the proposal.

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

#### Amended Conditions

##### 02 APPROVAL CONDITION - Hours of business and Deliveries

The ground floor A3 restaurant use hereby approved shall not be open for customers outside the following hours of 11:00-23:00 Monday to Sunday **and no deliveries shall take place outside of the hours of 09:00 to 18:00.**

Reason:

In the interests of protecting the amenity of the occupiers of the nearby residential properties.

##### 03 APPROVAL CONDITION – Soundproofing Measures (internal noise source) [Pre-Commencement Condition]

Prior to the commencement of the development hereby approved, a scheme for soundproofing of the restaurant to prevent noise disturbance to the first floor residential units, shall be submitted to and approved in writing by the Local Planning Authority. The soundproofing measures shall be implemented before the use hereby approved commences and thereafter retained as approved.

Reason:

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

##### 04 APPROVAL CONDITION – Extraction Equipment [performance condition]

Prior to the use hereby approved commencing, the extraction equipment shall be provided in accordance with the submitted details and thereafter retained and maintained as approved.

Reason:

To minimise noise and odour in the interests of residential amenity.

### Additional Condition

#### 08 APPROVAL CONDITION - Takeaways [performance condition]

No takeaways/deliveries from the premises shall take place unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of residential amenity.

#### NOTE TO APPLICANT - Air Conditioning Units

The installation of external air conditioning units would first require full planning permission.

#### 16. **18 CAVENDISH GROVE, 15/01330/FUL**

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

Use of property as either a House in Multiple Occupation (HMO, Class C4) or a dwelling house (Class C3).

Mr Dunleavy and Mr McCall (Local Residents/objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that:-

- (i) one of the reported objections was from the City of Southampton Society;
- (ii) an objection had been received from Councillor Parnell; and
- (iii) in total, seven letters of objection had been received.

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

### Amended Conditions

#### 03 APPROVAL CONDITION - Room restrictions [Performance Condition]

The rooms annotated on the submitted floor plans as the lounge, dining room and kitchen shall remain as communal space for the occupiers of the dwelling throughout the occupation of the building as a Class C4 HMO and shall at no time be used as bedrooms unless otherwise agreed upon in writing by the Local Planning Authority.

Reason:

To maintain sufficient residential environment for occupiers and to ensure that there is not intensification of use of the site as a whole in the interests of residential amenity, given the semi-detached nature of the property, and the character of the Conservation Area.

#### 04 APPROVAL CONDITION - Number of occupiers [Performance Condition]

The number of occupiers within the property, when in Class C4 use, shall not exceed 3 persons unless otherwise agreed upon in writing by the Local Planning Authority.

Reason:

In the interests of protecting the residential amenity of local residents from intensification of use and define the consent for avoidance of doubt. This is having regard to the semi-detached nature of the property and the location of the site within a Conservation Area.

RECORDED VOTE to grant planning permission.

FOR: Councillors Denness, Tucker and Coombs

ABSTAINED: Councillors Hecks and Wilkinson

#### 17. LAND ADJACENT TO 153 ATHELSTAN ROAD, 15/01346/FUL

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

Erection of a two-storey, three-bed detached house with associated parking and formation of new vehicular access (resubmission).

Mrs Kendrick and Mr Richards (Local Residents/objecting) and Councillors Lewzey and Keogh (Ward Councillors/objecting) were present and with the consent of the Chair, addressed the meeting.

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

#### Amended Conditions

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

Notwithstanding the submitted details, before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, 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 and agreed in advance);

- (iv) details of any proposed boundary treatment, including retaining walls **and a front boundary treatment of no more than 600 mm in height when measured from pavement level**; and
- (v) a landscape management scheme.

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.

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.

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

#### 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 Local Planning Authority. 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; **measures to protect the neighbouring properties from land instability; details for the routing of HGVs required for site preparation and construction; the location for the parking of contractors vehicles on the site.** All specified measures shall be available and implemented during any processes for which those measures are required.

Reason:

In the interests of highway safety and to protect the amenities of the occupiers of existing nearby properties.

RECORDED VOTE to grant planning permission.

FOR: Councillors Denness, Hecks and Coombs  
AGAINST: Councillors Tucker and Wilkinson

## INDEX OF PLANNING APPLICATIONS FOR DECISION PLANNING AND RIGHTS OF WAY (EAST)

**DATE: 15<sup>th</sup> September 2015 - 6pm Conference Rooms 3 and 4, 1st Floor, Civic Centre**

<b>Main Agenda Item Number</b>	<b>Officer</b>	<b>Recommendation</b>	<b>PSA</b>	<b>Application Number / Site Address</b>
5	MP	DEL	15	15/01349/FUL Bitterne Park Secondary
6	JT	DEL	15	15/01158/FUL 488-496 Portsmouth Rd
7	LG	CAP	5	15/01501/FUL 47 Elmsleigh Gardens
8	LG	CAP	5	15/01393/FUL 63 Wilton Avenue
9	AT/JT	CAP	5	15/01550/FUL 48 South Mill Road

PSA – Public Speaking Allowance (mins); CAP - Approve with Conditions: DEL - Delegate to Officers: PER - Approve without Conditions: REF – Refusal: TCON – Temporary Consent: NOBJ – No objection

Delete as applicable:

JT – Jenna Turner  
LG – Laura Grimason

MP – Mat Pidgeon  
AT – Amber Trueman

## Southampton City Council - Planning and Rights of Way Panel

### Report of Planning & Development Manager

#### 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 Plan (Adopted 2013)
  - (b) Amended City of Southampton Local Plan Review (Adopted March 2015)
  - (c) Local Transport Plan 2006 – 2011 (June 2006)
  - (d) Amended City of Southampton Local Development Framework – Core Strategy (inc. Partial Review) (adopted March 2015)
  - (e) Adopted City Centre Action Plan (2015)
  - (f) Community Infrastructure Levy Charging Schedule (2013)
  
3. Statutory Plans in Preparation
  - (a) Emerging Bassett Neighbourhood Plan (Post Examination) (2015)
  
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. Government Policy Planning Advice

- (a) National Planning Policy Framework (27.3.2012)
- (b) National Planning Policy Guidance Suite

7. 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)

# Agenda Item 5

**Planning, Transport & Sustainability Division  
Planning and Rights of Way Panel (East) 15th September 2015  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Bitterne Park School, 1 Copsewood Road			
<b>Proposed development:</b> Partial redevelopment of the school site, including demolition of some existing buildings, erection of a new 3-4 storey teaching building and single-storey activities hall, and laying out of reconfigured playing field space together with landscape and access works (new main school entrance to be from Dimond Road).			
<b>Application number</b>	15/01349/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Mathew Pidgeon	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	02/10/2015	<b>Ward</b>	Bitterne Park Ward
<b>Reason for Panel Referral:</b>	Departure from the Development Plan (not achieving BREEAM excellent and due to the loss of playing field)	<b>Ward Councillors</b>	Cllr White Cllr Fuller Cllr Inglis

<b>Applicant:</b> Secretary of state for Education (Education Funding Agency)	<b>Agent:</b> Terence O'rourke Ltd
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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>Not applicable</b>
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## Reason for Granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. Overall, the exceptional educational need and positive regenerative opportunities associated with the development and its 'proposed dual use' are considered to outweigh the dis-benefit of not achieving BREEAM Excellent or gaining support from Sport England. 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, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP16, SDP17, SDP19, SDP22, NE4 and CLT3 of the City of Southampton Local Plan Review (Amended 2015) and CS11, CS13, CS18, CS19, CS20, CS21, CS22, CS23, CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

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

### **Recommendation in Full**

1. Refer the application to the National Planning Casework Unit in accordance with The Town and Country Planning (Consultation) (England) Direction 2009 following objection from Sport England.
2. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a Internal Undertaking to secure:
  - i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
  - ii. 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.
  - iii. 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).
  - iv. Open Space and Playing Field Loss Mitigation in line with policy CLT3 of the City of Southampton Local Plan Review (as amended 2015), policy CS21 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
  - v. Submission of a Training & 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 (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
  - vi. Submission and implementation within a specified timescale of a Travel Plan;
  - vii. The funding of any Traffic Regulation Orders (TRO) required to enable the development to be implemented;
  - viii. Secure the Community Use Agreement.

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

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

- 1.1 The existing site is located in Bitterne Park, a residential area of Southampton 2 miles to the North East of the city centre. The site is occupied by the existing Bitterne Park School. The school currently provides education for 1,500 pupils between the ages of 11 and 18. The configuration of the existing school buildings is broadly rectangular and is situated in the centre of the site. To the South East are a number of modular buildings, a new 6<sup>th</sup> form centre is located to the South West and a sports centre to the North West. Hard play areas are located to the South and the majority of the playing field is to the North. The main car park is located to the North East of the school with additional localised parking at the 6<sup>th</sup> form centre and sports centre, in total 99 car parking spaces are located on site. The site slopes steeply from South to North with existing play areas and the buildings located on three plateaus. Southampton Airport flight path crosses the southern portion of the site which is heavily wooded.
- 1.2 The site comprises a mix of hard social space including playground, playing fields, natural habitat and car parking. Vehicular and pedestrian access to the existing school is via entrances on Copsewood Road to the East and Dimond Road to the West. The site is bounded on all sides by two storey residential properties with gardens.
- 1.3 The main school building is fairly well screened from adjacent residential properties due to its position on the site and also because the boundaries of the site are defined by a number of mature trees. The trees on site are protected by a Tree Preservation Order.

## **2 Proposal**

- 2.1 It is proposed to redevelop the site to provide a modern school, with up to date facilities under the Government's priority Schools Building Programme for the South. This would be a tandem build whereby the existing school facility will remain unaffected and pupils will continue to attend and then decant across to the new facility once it is completed ready for the start of the 2017 academic year. The proposal involves the demolition of approximately 9,579sqm of existing floor space and the development of approximately 13,340sqm of new floor space. The majority of the current school buildings would be demolished following the construction of the new school. The new school will have an increased floor space of 3761sqm. The main school building proposed, which would also house the main entrance and reception of the school, would be 12.2m tall on the South elevation (3 stories) and due to a change in levels across the site the building is proposed to be 15.1m high on the North elevation (4 stories) [not including plant equipment]. The proposed materials include a red/brown facing brick, coloured rainscreen cladding plinth with white render above. The school colours (yellow and green) are represented by the cladding system and the glazing system will be powder coated aluminium.

- 2.2 Along with the main school building the existing sports hall will be extended and a new drama block will be erected. The existing drama block will be retained and used as an additional resource base for secondary mainstream students with autism. As a result the school would be capable of accommodating 300 additional pupils within the school meaning that the capacity would reach 1800. Bitterne Park School currently employs approximately 234 members of staff (183 full time and 51 part time). In the future, as a consequence of the development, this could rise by between 20 or 30 staff.
- 2.3 The proposal involves the relocation of the existing school building from its current centrally located position to a position in the northern half of the site. This will result in the reconfiguration of the playing fields. Specifically the proposed school building will replace an existing football pitch; the cricket pitch and running track will also have to move to the east and orientation will change (during the winter the space shall be occupied by a rugby pitch). No floodlighting of these pitches is proposed. The existing sports centre will be retained and partially refurbished. The football pitch that will be lost as a consequence will be re-provided where the existing main school building is once the new building is constructed and the old one has been demolished.
- 2.4 The site will become available for school and community use outside of school hours as part of the development however no further details of the proposed “dual use” are provided.
- 2.5 Two new pedestrian and cycle accesses into the site will be provided to the north west and north east boundaries of the site. Car parking will be provided in three locations: The main car parks off Dimond Road to the East with supplementary parking at the new school building and sports centre. Parking spaces will be provided in accordance with Southampton City Council policy requirements. The school, sports centre and 6th form currently benefit from a total of 99 car parking spaces (7 of which are disabled spaces) plus two mini bus parking spaces. The scheme includes the provision of 121 parking spaces (inclusive of 3 specific mini bus parking spaces, 6 spaces which are large enough to accommodate mini buses and the existing disabled parking bays). This represents an overall increase of 22 car parking spaces. The scheme also includes the provision for parking 6 motorcycles.
- 2.6 There are currently 45 cycle parking spaces provided on site. As a consequence of the scheme a total of 166 covered and secure cycle parking spaces are proposed, reflecting the aspirations of the emerging school travel plan.
- 2.7 Between 29 and 31 existing trees of varied size and species are proposed to be felled to facilitate the development. A total of 30 trees are proposed to compensate for the trees that will be removed. As well as tree planting there will also be further landscaping improvements to compliment the development, this includes softening the appearance of retaining walls and boundary treatments.

### **3 Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.

- 3.2 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.
- 3.4 The application site is not allocated in the current development plan, although the existing playing pitches are designated under Local Plan Policy CLT3. Core Strategy Policy CS21 supports Policy CLT3 and seeks to protect existing playing fields from inappropriate development. A presumption of no net loss of open space now exists.
- 3.5 LDF Core Strategy Policy CS11 supports the development of new educational facilities on school sites and encourages wider community use of those facilities outside of school hours.

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

- 4.1 The site has a lengthy planning history, listed below are the most significant cases.

In 1962 planning permission was granted for the erection of a six form Secondary Modern School.

In 1972 permission was granted for the erection of extensions to the school to form a sports hall, a teaching block and a drama and music block.

In 2004 permission was granted for the construction of a Sports Hall with associated changing rooms and formation of a new access to Dimond Road.

The siting of two modular buildings to the south of the existing School building were approved in 2007.

In 2008 permission was granted for development at the southern end of the school site to provide all weather football pitches (5 x five-a-side and 2 x seven-a-side pitches), a pavilion/clubhouse building, 20 additional car parking spaces, floodlighting columns, fencing and associated access and landscaping works.

Planning permission was granted in 2009 for the erection of a new 6th form college building on three floors with associated works and access from Dimond Road. The development has been implemented.

## 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 10.07.2015 and erecting a site notice 07.07.2015. At the time of writing the report 8 representations have been received from surrounding residents. The following is a summary of the points raised:

5.2 *Additional parking and traffic associated with the school run and after school clubs harm neighbouring amenity by blocking drive ways and footpaths; and by creating high levels of traffic congestion.*

Response:

- The project will lead to funding input to the school travel plan to enable the school to engage with pupils, parents and neighbours, to address this issue by encouraging sustainable travel to school.
- The scheme involves the formation of two new accesses into the site, this will help to spread the impact of the 'school run' parking and traffic experienced by local residents.
- The Highways team will review the need for more Traffic Regulation Orders associated with the site as a consequence of the development.

5.3 *Increased parking restrictions (Traffic Regulation Orders) will reduce on street parking availability and therefore place greater pressure on the available spaces.*

Response:

- The potential need for Traffic Regulation Orders that would result in a reduction of available on street parking availability will be assessed by Highways Engineers. The purpose, if additional Traffic regulation Orders are required, will be to improve highways safety directly in front of the site entrances. A Traffic Regulation Order would only be added if it is necessary for highways safety reasons.

5.4 *Objection to the position of the new access routes for pedestrians and cyclists due to increased disturbance.*

Response:

- The routes to and from the school are unlikely to be used intensively by pupils other than for short periods at the beginning and end of each school day and by adding these access points pressure is likely to be reduced at other entrances to the site, thus impact will be more evenly distributed across the site.
- The proposed new access on Dimond Road will be 22m from the boundary of the site with the neighbouring property (151 Dimond Road). The majority of pupils who are expected to use the new entrance are likely to pass the house at present to access the school owing to the position of the existing entrances.

5.5 *Impact of construction traffic including parking, noise and impact on road surface.*

Response:

- A highways condition survey will be added to ensure that any damage to surrounding roads caused as a consequence of the development will be repaired by the developer.



- A construction environment management plan will be required to control the development, this will address parking for contractor's vehicles and plant equipment and seek to reduce the impact of construction.
- The route used by traffic associated with the construction used to access the site will be controlled through the internal undertaking.
- Hours of construction will be controlled by a planning condition.

5.6 *Late night disturbance/anti-social behaviour.*

Response:

- Separate legislation is used to control anti-social and unlawful behaviour. The planning system should not be used to duplicate other legislation.
- Use of the school by after school clubs may also reduce the potential for the site to be used unofficially and inconsiderately.

5.7 *Lack of security measures allow the site to be used for anti-social behaviour.*

Response:

- A condition has been recommended to require crime prevention measures to be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the new school.

5.8 *Before and after school children congregate in the surrounding streets causing nuisance and behaving antisocially.*

Response:

- This is a management issue for the school to resolve.

5.9 *Objections from occupants of properties on Oaktree Road and Dimond Road who are concerned with the potential loss of privacy.*

Response:

- The distance between the proposed main school building and the north boundary between the site and properties on Oaktree Road ranges between 74m and 88m.
- The closest property on Dimond Road is number 151. No windows within the main school building will look directly towards the property or its rear garden. The distance between buildings measures 30m.
- The landscaped boundary of the site will reduce the visual impact of the development.
- Much of the boundary includes mature trees. Some trees are not present creating gaps within the boundary.
- Mitigation planting is proposed.

5.10 *Drawings showing screening around the site is misleading. Screen is reduced in winter. Seasonality increase overlooking potential.*

Response:

- A balance between visual screening and shade to neighbouring properties is needed.
- Boundary planting can be incorporated into the tree planting plan required to compensate for the trees that need to be felled to facilitate the development.

5.11 *Impact on local view.*

Response:

- Views across this site are not a material planning consideration.

5.12 *Overshadowing.*

Response:

- Due to the position of the main school building on the site relative to neighbouring residential properties; and due to its height significant overshadowing of neighbouring gardens and habitable room windows will not occur.
- Any potential impact would be limited to short periods of the day only.

5.13 *Light pollution generated from the main school building.*

Response:

- The school, as a good neighbour, will need to manage the lighting within the school building to reduce impact on neighbouring amenity. A lighting condition is recommended to ensure that the impact of lighting does not become significant in planning terms.

5.14 *Light pollution will be generated if the football pitch is flood lit.*

Response:

- There are no proposals to add floodlighting to the playing fields.

5.15 *Noise during construction.*

Response:

- The hours of construction can be restricted to prevent construction from occurring during hours of the day when it is reasonable for local residents to expect low background noise.
- The method of piling, used for the foundations of the building, can be controlled by condition.

5.16 *Noise from pupils inside the school building.*

Response:

- School operations will inevitably result in noise being generated. The school is however aware of this impact and operate to reduce the impact as much as possible. Teachers manage classrooms and pupils within the site to ensure that noise generated is not unreasonable given the nature of the education use.

5.17 *Noise from the playing fields.*

Response:

- Owing to the frequency of the use of the playing pitches and the times of the day when they will be used it is not judged that the noise generated from them will be significantly harmful. In addition the northern area of the site currently is laid out as playing fields so its use for sport is not new to this location.

5.18 *Loss of Trees.*

Response:

- The constraints placed on the development, namely the need for continuous on site education, the required expansion of the school and the need to prevent the net loss of open space means that there are limited options for the position of the building. This has led to the potential loss of

up to 31 trees. The trees that will be lost as a consequence of the development will however be compensated for by additional planting.

- The school understands that trees along the northern boundary of the site have been removed by third parties in the past and there is no connection with their removal to the current application. The trees were not removed by the school itself. It is understood that the trees were removed because of the overshadowing impacts that they caused to residential gardens. In light of this, the school is reluctant to introduce more trees in those locations on the northern boundary where trees have been removed although it would consider the further thoughts of residents on this point.

5.19 *Planting of laurels to screen the development will take a number of years to grow before they become effective screens. The tree that is between the building and neighbouring properties on Dimond Road should remain in place.*

Response:

- The tree that is proposed to be removed is an Ash tree referred to as T17 within the planning submission. It is regrettable that the tree needs to be removed. Owing to the constrained nature of the site it is not possible to retain the tree. Compensatory tree planting is proposed for all trees lost on the site. Two trees will be required (by condition) to be planted for each tree removed. Tree planting to the gap between the proposed building and the boundary of the site with the closest properties on Dimond Road can be required by planning condition.

5.20 *Too near/affecting boundary.*

Response:

- The building will be sufficiently far from the boundary to not cause any significant planning concerns relating to neighbouring amenity.

5.21 *Unacceptable mass owing to large/long rectangular shape; poor design, no reflection of surroundings. Overdevelopment.*

Response:

- The shape of the building is a consequence of conflicting demands. The site must accommodate continuous education as well as ideally achieving no net loss of open space once the development is completed. There are also tight financial constraints placed on the development and together these matters have led to the design and location of the building.

5.22 *Preference to a subtle colour scheme without bright colours.*

Response:

- Negotiation has taken place between the applicant and the Council with the aim of providing a building which exhibits the highest possible quality of design given the tight financial constraints that the scheme is under. The City Council consider that the combination of brick and cladding with small sections of colour to be acceptable in design and appearance terms. Whilst a render will be used it is not envisaged that a bright colour will be used for any of the main elements of the building on the rear elevation other than small sections of cladding used to create interest. The council will control the materials chosen by the use of a planning condition.

5.23 *Impact on local drainage.*

Response:

- Planning conditions can be used to ensure that drainage achieved on site is satisfactory. Southern Water nor the Councils Flood Risk Team object to the development on drainage grounds.

5.24 *Demolition risks and use of asbestos.*

Response:

- Demolition involving asbestos is strictly controlled under separate legislation.

5.25 *Affecting a Conservation Area.*

Response:

- There are no conservation areas located nearby that will be harmed as a consequence of the development.

5.26 *Effect on Wildlife. Cycle store next to 151 Dimond Road will disturb stag beetles.*

Response:

- The Council are in discussion with the ecologists who have carried out the ecological surveys required as part of the development. The Councils Ecologist has no significant objections at the time of writing the report however is expecting to receive additional information to support the application. There will also need to be an ecology specific mitigation and enhancement plan agreed as part of the development, this will potentially occur at the discharge of conditions stage of the application process.

5.27 *The drawings provided do not enable local residents to understand the impact of the development from their perspectives.*

Response:

- The elevation drawings and plans communicate the appearance and location of the building. It would be unusual to produce a dedicated visualisation from a private viewpoint, and the application package currently provides visualisations from suitable publicly accessible viewpoints in the vicinity of the site. Three dimensional drawings have also been provided to help assess the visual impact of the scheme and the school has held a public consultation meeting to discuss the development to local residents.

5.28 **Consultation Responses**

5.29 **SCC Principal Officer for Education and Schools:** The rebuilding and expansion of Bitterne Park Secondary School is a key part of the council strategy for the expansion and improvement of secondary school capacity in the city.

5.30 **SCC Flood Risk Management:** The proposed system complies with the requirements of the non-technical standards in relation to peak flow and volume control. However, as the maintenance requirements have yet to be established. There is a ditch at the north eastern end of the field to the rear of the properties along Oaktree Road – there have been historic flooding issues associated with this and therefore should be improved and maintained. No objection subject to the imposition of relevant conditions. .

- 5.31 **SCC Employment and Skills Development Coordinator:** An Employment and Skills Plan is needed and will be secured via legal agreement.
- 5.32 **SCC Highways:** No objection, apply recommended conditions.
- 5.33 **SCC Trees:** The trees on the site are protected by The Southampton (Bitterne Park School) Tree Preservation Order 2011 and as such are a material consideration to this application. Removal of trees for temporary structures needed for the interim period is not sufficiently justified. The plans submitted do not correspond accurately (tree labelling). Where footpaths are to be formed construction details are required. Insufficient detail has been provided to identify how trees will be protected when retaining walls are constructed on site within their root protection zones. Loss of two silver birch trees due to the revised position of the pedestrian entrance on the eastern boundary is opposed. A revised Arboricultural Impact Assessment and Arboricultural Method Statement needs to be provided. A clear specification of the proposed ground protection is required. The planting plan is not supported due to its limited species choice. The landscaping proposal should be reconsidered to increase the diversity of tree species and remove raised beds for tree planting. Details of any trees within a hard surfaced area will need to be provided (tree pit specification). Until more information is provided the Tree Team do not support the proposal.
- 5.34 **SCC Ecology:** No objection subject recommended conditions.
- 5.35 **SCC Sustainability:** The development is targeting BREEAM Very Good with a score of 61.53% (where there is a minimum of 55% for Very Good and 70% required for Excellent). The requirement for 15% reduction in CO<sub>2</sub> using low-carbon technologies is being met, with the use of a CHP system. The mandatory elements to achieve Excellent rating are being met, including the Excellent Energy levels (i.e. 5 credits in Ene 01).
- 5.36 Discussions were held with the consultants, who undertook the BREEAM report. Individual credits have been discussed and it is felt that it has been fully justified as to why the full BREEAM Excellent cannot be achieved on this particular scheme.
- 5.37 The development includes energy sub-metering, water metering, improvements to reduce water consumption, sourcing of legally harvested and traded timber, and minimising the impact on existing site ecology. The highest contributions to the overall assessment are predicted to be from the Health & Wellbeing, Energy & Pollution categories.
- 5.38 Further investigation is being carried out by the design team to seek the highest possible score, so additional credits may be able to be achieved. Given the constraints on the development and the effort to target as many credits as possible the Sustainability Team do not oppose the development subject to recommended conditions.
- 5.39 **SCC Contamination:** No objection subject to recommended conditions.

- 5.40 **SCC City Design:** No objection, apply recommended conditions.
- 5.41 **SCC Planning Policy:** Provided that Sports England are satisfied with the response and proposals, Policy have no objection.
- 5.42 **Sport England:** Sport England object to the application.
- 5.43 This scheme proposes the loss of playing field which has accommodated football and rugby in the past. The area has also formed the outfield for cricket and rounders. The proposal would position a new school building on this part of playing field. The scheme also proposes the creation of a new area of playing field in the middle of the site in the position of the existing school building. The proposed plans do not state the amount of playing field lost but at the meeting it was suggested to be 250 square metres.
- 5.44 Subject to the whole proposal providing either equivalent or better provision for sport, this proposal has potential to be considered in light of Sport England's Exception policy E4 which states:
- 5.45 *The playing field or playing fields, which would be lost as a result of the proposed development, would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development.*
- 5.46 It also has potential to be considered in light of the second criterion of Paragraph 74 of the NPPF which states:  
*Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*
- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location;*
- 5.47 Sport England object to the proposal because as a consequence of the development the re-provided sports pitches will not be able to accommodate adult size football and rugby pitches or a full size cricket pitch. Improvements to the circulation routes around the site and the internal layout of the sports hall & changing rooms as well as a dedicated reception for the sports facilities have been recommended. No details of how out of school hours access to the sports facilities will be provided have been given.
- 5.48 Should the Council be minded to grant planning permission for the development then in accordance with the Town and Country Planning (Consultation) (England) Direction 2009, and the National Planning Policy Guidance the application should be referred to the National Planning Casework Unit. Also if minded to approve a condition is required for the improvement and maintenance of playing field drainage.
- 5.49 **Airport Safeguarding Team:** Part of the site forms part of a Public Safety Zone. No objection has been raised to the proposal subject to the imposition of recommended conditions.

- 5.50 **Southern Water:** No objection, apply recommended conditions and informatives.
- 5.51 **City of Southampton Society:** No objection in principle, construction should be kept separate from the children at the school. Control is needed over construction traffic including vehicular parking - parking must be provided on site.
- 5.52 **Hampshire Crime Prevention Design Advisor:** The applicant has met with the Crime Prevention Design Advisor to discuss the application however the applicant has not signed up to use the formal advisory services [Designing Out Crime Consultation (DOCC)]. The Police have no objection in principle to the application but would wish the applicant to continue to work with them to satisfy any security concerns.

## **6 Planning Consideration Key Issues**

- 6.1 The key issues for consideration in the determination of this planning application are:
- i. Principle of development;
  - ii. Sports pitch re-provision and phasing;
  - iii. Design & sustainability;
  - iv. Residential amenity;
  - v. Highways and parking; and,
  - vi. Ecology and trees.

### Principle of development

- 6.2 Southampton City Council (SCC) are in favour of school development, which seeks to modernise and improve teaching facilities within the City for the benefit of pupils and teaching staff. The principle of redeveloping the site is supported. Whilst it is acknowledged that continuous education provision creates a significant constraint SCC are committed to working with developers with the aim of providing high quality education facilities which can be used for multiple purposes to benefit the community.
- 6.3 The new building will provide improved facilities for a growing number of children, and the development will also enable the Council to control the use of the building so that it can be accessed by community groups' outside of school hours.
- 6.4 Furthermore the NPPF states that 'the Government attaches great importance to ensuring that sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education' (paragraph 72 refers).
- 6.5 The site includes an area defined by Local Plan policy SDP19 as a public safety zone as it is within the flight path of Southampton Airport. The policy states that planning permission will not be granted for development in the Airport Public Safety Zone, which would result in the increase in the numbers of people within the zone. However it is important to note that the main school building is not specifically proposed within the zone itself. The school, applicant and the developer (Kier) have consulted with the airport operator to address the key operational requirements of the airport that are relevant in the context of the

proposals as well as relevant safety and amenity considerations for the school. Accordingly the development should not be opposed on the basis of policy SDP19. It is also noted that the Airport Safeguarding Team do not oppose the development.

#### Sports pitch re-provision and phasing:

- 6.6 As part of this application for the replacement school there is a need to ensure that the redevelopment can be undertaken without compromising the school's ability to provide continuous education provision on site. There is also a need to safeguard open space, including playing fields, due to Core Strategy Policy CS21 and paragraph 74 of the NPPF.
- 6.7 LDF Core Strategy Policy CS21 (Protecting and Enhancing Open Space) seeks to retain the quantity, and improve the quality, of existing open space provision. There is a presumption against developing existing school playing pitches unless alternative provision of equal (if not better) space is provided. Due to the need to provide continuous education on site an existing playing field will need to be built on. This will result in a temporary loss of playing fields on site during construction. Throughout the construction of the school pupils will use the offsite sports facilities at Riverside Park and it is proposed to travel to and from Riverside Park on foot with pupils being accompanied by members of staff.
- 6.8 Once the replacement school is completed the existing buildings can be demolished and the land reinstated as a replacement sports pitch. The strategy however will not be able to provide the same area of sports pitch that is provided on site at present. In summary, there will be a decrease in playing field area of 195 square metres which represents less than 1% of the existing playing field area. As such, at the time of writing the report Sport England have not been able to support the proposal (refer to paragraphs 5.42 – 5.48).
- 6.9 Given the wider benefits of improved education provision, and the site constraints, i.e. the need to provide continuous education, proximity of the Airport Public Safety Zone, location of the badger sett, site topography and scale of the building needed it is recommended that a departure can be accepted in this instance.

#### Design & sustainability

- 6.10 The adopted LDF Core Strategy Policy CS13 continues the Council's commitment to securing high quality design. The new building is a significant structure at 110m long, 35m wide and 16m in height (4 storey elevation, including expected plant equipment). The external design has been formed with the aim of seeking to break up the mass of the northern elevation by using two different external facing materials. Alternative options for the location and configuration of buildings have been reviewed in detail, with a conclusion being that the proposed siting is the only feasible location to deliver the required scheme and optimise open areas of the site for sports facilities; the location also enables the site to operate efficiently and without pause.
- 6.11 Whilst the proposed building design could be more visually interesting, given the proposed use, retained tree screening and mitigation measures, it is acceptable



in planning terms. The chosen pallet of materials is supported and will be controlled by condition.

- 6.12 The adopted LDF Core Strategy Policy CS20 commits the Council to securing sustainable development. The applicant proposes to meet and exceed BREEAM 'Very Good' standard although cannot achieve BREEAM 'Excellent' which is required by Core Strategy Policy CS20. The development is therefore not policy compliant as new developments are expected to achieve BREEAM 'Excellent'. As such the proposal represents a departure from the Development Plan (refer to paragraph 5.35 for full details).
- 6.13 The development has been unable to achieve BREEAM Excellent because a number of the available credits are difficult to target, for example the daylighting credit cannot be achieved as the assembly hall is in the centre of the building, due to the depth of the building mechanical ventilation must be incorporated; Rainwater harvesting is unlikely to be achievable because the roof spaces must also accommodate mechanical/electrical plant items; Acoustic performance is limited due to the proximity of the airport; and because the building is being constructed prior to the demolition of the existing building use recycled aggregates will be limited.
- 6.14 Given the wider benefits of improved education provision, and the applicant's conclusion that a BREEAM 'Excellent' would jeopardise the viability of the project and the support given by the Councils Sustainability advisor (refer to paragraphs 5.35 to 5.38 above) due to the constraints of the development it is recommended that a departure can be accepted in this instance.

#### Residential amenity

- 6.15 The impact of the development on neighbouring residential amenity forms the bulk of the representation received as a consequence of the consultation undertaken with local residents. Eight letters of objection have been received showing the strength of feeling in the local area. The school has undertaken a public consultation exercise prior to the submission of the application in order to engage with the local community with the aim of preventing a large amount of objections to the proposal. The response to the points raised in section 5 above demonstrate that whilst there is an impact on local residents it is considered that in planning terms the impact is acceptable and allows the development to be recommended for approval.
- 6.16 Local residents raise a wide range of impacts including traffic generation and associated parking and congestion problems, visual impact concern due to the scale and position of the building leading to loss of light through increased shading and privacy. Lighting from the school building itself has also been raised as a concern along with noise from classrooms and the playing field. The response to these concerns as detailed above identify that whilst Officers appreciate that development will have an impact in planning terms the impact is justified and is acceptable. The benefits of the proposal outweigh the negative and conditions have been recommended where appropriate.
- 6.17 The most effective way to mitigate the visual impact of the development will be with compensatory tree planting. The common boundary of the site is marked by

mature planting. Where there are gaps in the tree line on the northern boundary there is the potential to plant more trees although the school are reluctant to do so as they are of the impression that they were not felled by the school and instead have been felled to reduce shading to the back gardens of residential properties to the north. There is however still the potential to add trees where gaps are situated if required. The development results in approximately 30 trees having to be felled the replacements (Council policy is 2 for 1) can be used to mitigate the impact of the development.

- 6.18 The building is located 30m from the nearest residential property. A mitigation plan will be needed to offset the impact of the development on the nearest neighbours. A laurel hedge has been planted near the boundary of the site to start this process and it is recommended that additional tree planting is located in the area of the site adjacent to residential boundaries.
- 6.19 Noise impact can be managed by the school staff. Lighting can be managed by the addition of a planning condition. As such it is judged that no significant privacy and/or amenity issues will arise as a consequence of the development. The application is considered to address the requirements of adopted Local Plan policies SDP1(i), SDP7(v) and SDP9(v).

#### Highways, access & parking

- 6.20 A Transport Assessment (TA) and proposed travel plan have been submitted to support the application. The latter, which includes measures to reduce the likelihood of staff arriving by car and parents arriving and collecting children by car, can be secured through the internal undertaking.
- 6.21 Car parking is a key determinant in the choice of mode of travel. The Local Plan aims to reduce reliance on the private car and encourage alternative modes of transportation such as public transport, walking and cycling. The level of proposed car parking should be governed by the Council's revised maximum parking standards (2011), which support a maximum number of 1.5 spaces per classroom for this area of accessibility. In this instance 121 spaces are proposed which equates to an additional 22 parking spaces on site. The Highways Team have not objected to the proposed level of car parking.
- 6.22 It makes sense to intensify educational use on this large site that is at the heart of its local community, with good accessibility to the public transport network, encouraging healthier lifestyles by walking and cycling. The ongoing implementation of the Travel Plan will encourage the use of non-car modes and car sharing. The proposed redevelopment of this school is acceptable in highway safety terms.
- 6.23 The relocation of the main building to the northern part of the site, and the two additional access points will help to distribute the impact of pupil's arrival and departure from school experienced by local residents. This will help to potentially dissipate the impact of the 'school run' on local residents.
- 6.24 Staff parking has been increased in numbers, and the capacity of the school will increase by 300 pupils. 14 parking spaces have been incorporated adjacent to the school entrance, which allows staff to drop off/collect their work whilst still using the main car park area at the rear which is accessed from Copsewood

Road. This car park area must be secure. CCTV can be conditioned to cover the parking area.

- 6.25 In total 22 new car parking spaces will be provided on site and the cycle storage provision will be dramatically increased from 45 to 166. The quality of the cycle storage accommodation will also be considerably improved and it is hoped that the provision will encourage more pupils and staff to use bicycles to travel to and from the site.
- 6.26 A traffic regulation order will be required to make changes to parking restrictions around the site, and for yellow school markings to be provided at the entrance points not already covered. This will help to provide passing spaces within the street to free traffic flows at peak times. It will also help improve highways safety for pedestrians and cyclists when entering and exiting the site by improving visibility for all road users.

### Ecology and trees

- 6.27 The ecological investigation carried out on site identified that the site is capable of accommodating a range of species including species protected in law, these include badgers, bats and stag beetles. As a consequence of the development the amount of foraging habitat for those species will reduce (especially during construction) therefore a detailed scheme of mitigation measures is required. Planning conditions have been agreed to ensure that the development is satisfactory in ecological terms.
- 6.28 Adopted Local Plan policies SDP6 (vii), SDP7(i) and SDP12 seek to ensure that major planning applications are supported by tree survey work and details of tree protection. The trees on site are protected by The Southampton (Bitterne Park School) Tree Preservation Order 2011. This makes them a material consideration in the planning process. Between 29 and 31 (exact figure not yet known as the proposal involves the removal of groups of small trees) are proposed to be felled as a consequence of the development. Compensatory planting can be provided on site. The principle of the development is not opposed by the Tree Team however the submitted Arboricultural Method Statement and Impact Assessment that accompanies the application is not of sufficient quality to allow the Tree Team to lend their support to the scheme. Whilst the loss of trees on site is regrettable the provision of a new school and potential for replacement planting (2:1 ratio) outweighs the loss of trees from a planning perspective. Removed trees can be compensated for and an amended Arboricultural Method Statement and Impact Assessment will need to be submitted. Planning conditions can be applied address the concerns of the Tree Team.

### **Summary**

- 6.29 The main school building dates from the 1960s and would require significant and costly remodelling to bring it up to modern standards and to facilitate its extended purpose.
- 6.30 There is a significant need for additional school places in this catchment. Failure to deliver by the intake for 2017 will result in more pupils than places. This is a significant material consideration in this case. The proposed phasing allows for continuous education to take place on site.

- 6.31 All material planning considerations have been taken into account when assessing the merits of this planning application. Whilst it is recognised that design could be improved, the scheme fails to achieve BREEAM 'Excellent', Sport England have objected and the Council require additional information to be submitted regarding the trees on site. On balance, it is considered that the scheme is acceptable due to the urgent requirements for additional school places and improved teaching facilities in this location; in addition to the community 'dual use' potential.
- 6.32 Failure to deliver the project would represent the loss of an important opportunity for the City Council, the school and most importantly its pupils. This is a significant material consideration in this case in accordance with Policy CS11.
- 6.33 The development is not policy compliant as it cannot achieve BREEAM 'Excellent' and the amount of playing field re-provided after the development has been completed cannot match the amount of playing field that is available at present however for the reasons outlined in this report the application is recommended for approval subject to the attached planning conditions.

### **Conclusion**

- 6.34 For the reasons detailed in the report above the scheme is recommended for approval. In the event that the Planning and Rights of Way Panel agree the application must be referred to the National Planning Casework Unit prior to the decision being issued.

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

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

1a-d, 2b-d, 4f, 4vv, 6a, c, d, i, 7a, 8a, 9a-b

### **MP3 for 15/09/2015**

### **PLANNING CONDITIONS**

#### **1. 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).

#### **2. 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.

### 3. APPROVAL CONDITION - Use Restriction [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), the buildings shall only be used for educational purposes with ancillary sporting and refectory facilities available to the public through the community use agreement, and for no other purpose within Class D1 of Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To define the consent having regard to the need for classroom spaces across the city, level of car parking provision and to allow the local planning authority to control the nature of development in terms of protecting the character and amenity of the surrounding area.

### 4. APPROVAL CONDITION - Operation restriction [Pre-Occupation Condition]

The school premises hereby approved shall be operated on a "dual use" basis in accordance with further details that shall be agreed in writing with the Local Planning Authority prior to first occupation. These details shall include the proposed hours of use, the on-site management of the community uses and a pricing policy (if applicable). The site shall be closed and vacated of all persons enrolled on educational courses or accessing the building through the community use agreement between the hours of 22:00 and 06:00 on a daily basis.

Reason: To safeguard the amenities of occupiers of adjoining residential properties and to secure wider community benefit in accordance with Policy CS11.

### 5. 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.

### 6. APPROVAL CONDITION - Details of building materials to be used (Pre External Elevations)

Notwithstanding the details shown on the approved drawings no works shall commence on the construction of the external elevations of the buildings hereby approved until a schedule of materials and finishes (including samples and full details of the manufacturers, types and colours of the external materials) to be used for external walls, windows and the roof of the proposed buildings has been submitted to and approved in writing by the Local Planning Authority.

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

### 7. APPROVAL CONDITION - Construction Plan (Pre-Commencement Condition)

Prior to the commencement of any development a written Construction Environment Management Plan and a Construction Method Statement and appropriate drawing

shall be submitted to and approved by the LPA. The Construction Environment Management 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 Construction Method Statement shall specify vehicular access arrangements, the areas to be used for contractor's vehicle parking and plant, storage of building materials and any excavated material, temporary buildings and all working areas required for the construction of the development hereby permitted. The building works shall proceed in accordance with the approved Construction Environment Management Plan and Construction Method Statement once agreed.

Reason: To protect the amenities of neighbours and the wider environment.

8. 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.

9. 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.

10. 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.

11. APPROVAL CONDITION - Sightlines Specification [Pre-Commencement Condition]

Prior to the use of the revised parking layout and associated additional parking spaces as approved a detailed plan shall be submitted to and approved in writing by the local Planning Authority showing visibility splays/sightlines for all vehicular access/egress points for the site.

Reason:

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

12. APPROVAL CONDITION - Access and Parking [Performance Condition]

The application site shall at all times (both during and after the construction phase) provide facilities for the loading/unloading/circulation of vehicles and for the parking of a maximum

of 121 cars to serve the school use. The car parking shall thereafter be retained for use in association with the educational buildings and their "dual use" hereby approved.

Reason: To prevent obstruction to traffic in neighbouring roads, to ensure provision of vehicular access, car parking and servicing, to avoid congestion in the adjoining area and to protect the amenities of the area, in the interests of highway safety.

**13.APPROVAL CONDITION, School Deliveries (Performance Condition)**

Deliveries to the school shall not be between the hours of 8:30am – 10am and 2:30pm – 4:30pm.

Reason: In the interests of reducing highways congestion during peak traffic hours at the beginning and end of the school day.

**14.APPROVAL CONDITION, Cycle Storage [Pre-Occupation Condition]**

Before the building is first occupied full details of facilities to be provided for the secure storage of 166 bicycles shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle storage facilities shall be provided prior to the first occupation of the development hereby approved and retained thereafter whilst the site is used for education.

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

**15.APPROVAL CONDITION - Refuse & Recycling [Pre-Commencement Condition]**

Before works commence details (and amended plans) of facilities to be provided for the storage, removal and recycling of refuse from the premises shall be submitted to the Local Planning Authority and approved in writing. Such facilities as approved shall provide for a level approach and be permanently maintained and retained for that purpose.

Reason: In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety.

**16.APPROVAL CONDITION, Internal Lighting (Pre-commencement Condition)**

A written lighting scheme to demonstrate how the internal rooms of the building shall be illuminated outside of daylight so that lights are turned off in rooms when they are not required and methods of ensuring that neighbours do not experience significant light intrusion, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the hereby approved development.

Reason: To respond to neighbouring concerns/in the interests of neighbouring amenity and sustainability.

**17.APPROVAL CONDITION – External Lighting [Pre-Occupation Condition]**

A written lighting scheme to demonstrate how the parking areas and across routes across the site shall be illuminated outside of daylight hours, to include a light scatter diagram with relevant contours, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the hereby approved development. The installation must be maintained in accordance with the agreed written scheme and the hard play surfaces/pitches at the southern end of the site shall not be floodlit at any time. The scheme must demonstrate compliance with table 1 "Obtrusive Light Limitations for Exterior Lighting Installations", by the Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light 2005.

Reason: In the interest of safety and security and to prevent harm to local wildlife (in particular badgers and bats); and to protect neighbouring amenity.

Informative: In the interests of ecology and more specifically protected bats which are sensitive to light an ecologist should be consulted when designing the scheme to ensure that no harm to wildlife, that might otherwise use the trees and hedges for nocturnal foraging, shall occur.

#### 18.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 'Update Phase 1 Bat And Badger Survey, Bitterne Park School, June 2015, Updated August 2015' submitted with the application] which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place.

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

#### 19.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

#### 20.APPROVAL CONDITION - BREEAM Standards (commercial development) [Pre-Commencement Condition]

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum overall 'Very Good' against the BREEAM Standard, including the mandatory credits for 'Excellent', 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).

Informative: The Applicant should be seeking to achieve 61.53% overall for the BREEAM assessment. The scoring identified is a reflection of the discussions held between the Council and the Applicant prior to the application being determined at Planning Panel.

#### 21.APPROVAL CONDITION - BREEAM Standards (commercial development) [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 overall 'Very Good' against the BREEAM Standard, including the mandatory credits for 'Excellent



'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).

## 22. 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.
1. 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.
2. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

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

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

Reason: To ensure land contamination risks associated with the site are appropriately investigated and assessed with respect to human health and the wider environment and where required remediation of the site is to an appropriate standard.

## 23. 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.

**24.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.

**25.APPROVAL CONDITION - Replacement Trees [Pre-commencement 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 prior to any trees being felled in association with this development 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.

No trees will be planted that will have the potential to grow higher than 36m AOD.

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 and due to the proximity of the site to Southampton Airport.

**26.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.

#### 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:

- 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.

#### 28. APPROVAL CONDITION - Landscaping, Lighting & Means of Enclosure Detailed Plan [Pre-Occupation Condition]

Notwithstanding the submitted details before the occupation of the development hereby approved 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 and agreed in advance);
- iv. details of any proposed boundary treatment, including retaining walls; and
- v. a landscape management scheme.
- vi. The landscaping shall include a detailed mitigation scheme, including tree planting, to the rear of properties on Dimond Road and Oaktree Road to the North of the site who are most effected by the proposal in particular (but not exclusively) the neighbour at 151 Dimond Road.

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

#### 29.APPROVAL CONDITION - Improvement and Maintenance of Playing Field Drainage, Pre-Occupation Condition

The development shall not be occupied until a scheme for the improvement and maintenance of playing field drainage, based upon an assessment of the existing playing field quality and including an improvement and maintenance implementation programme, shall be submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The playing fields shall thereafter be improved and maintained in accordance with the approved scheme.

Reason: To ensure the quality of pitches is satisfactory and that they are available for use before the development is occupied.

Informative: Sport England recommend that the drainage assessment and improvement/management scheme is undertaken by a specialist turf consultant.

#### 30.APPROVAL CONDITION - Sustainable Drainage (Pre Commencement Condition)

No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i. a timetable for its implementation, and
- ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To seek suitable information on the future maintenance and management arrangements of the Sustainable urban Drainage Systems as required by government policy and Policy CS20 of the Southampton Core Strategy (Amended 2015).

#### 31.APPROVAL CONDITION - Foul and Surface Water Drainage (Pre-Commencement Condition)

No development shall commence, apart from demolition of the existing buildings, until details of the proposed means of foul and surface water sewerage disposal has been submitted to, and approved by, the Local Planning Authority in consultation with Southern

Water. The development shall be carried out in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order that the Local Planning Authority may be satisfied that the development would not increase the risk of flooding in the area.

**32.APPROVAL CONDITION - Protection of Sewers (Pre-commencement condition)**

No demolition shall commence, apart from demolition of the existing buildings, until details of measures to protect or divert the public sewers which cross the site, have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall be carried out in accordance with the approved measures unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure this important public infrastructure is protected during the course of construction of the development.

**33 APPROVAL CONDITION, Plant Equipment Screen (Pre-Commencement Condition).**

Notwithstanding the details shown on the approved drawings no works shall commence on the construction of the external elevations of the buildings hereby approved until a scheme is submitted to and approved in writing by the Local Planning Authority showing how the plant equipment at roof top level is to be screened. Once approved the plant equipment screen shall be installed prior to the occupation of the building and shall be retained in perpetuity.

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

**34.APPROVAL CONDITION - Crime Prevention Measures - [Pre-Occupation Condition].**

Prior to the occupation of the development hereby approved details of measures proposed to reduce the potential for crime to occur on the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall have been provided prior to the first use of the new school for education purposes.

Reason: In the interest of crime prevention and to address the written comments of Hampshire Constabulary at the planning application stage.

**35. APPROVAL CONDITION - Window specification limitations [Performance Condition]**

All windows shall have a reveal of at least 100mm from the finished facade.

Reason: In the interests of amenity by endeavouring to achieve a building of visual quality.

**POLICY CONTEXT**

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban design principles
SDP7	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
SDP19	Public Safety Zone
SDP21	Water quality and drainage
SDP22	Contaminated land
NE4	Protected Species
CLT3	Protection of Open Spaces
TI2	Vehicular access

City of Southampton Core Strategy - (January 2010)

CS11	An Educated City
CS13	Fundamentals of Design
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk
CS24	Access to Jobs
CS25	The Delivery of Infrastructure and Developer Contributions

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Emerging Bassett Neighbourhood Plan (June 2015)

Other Relevant Guidance

The National Planning Policy Framework (2012)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)



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# Agenda Item 6

**Planning, Transport & Sustainability Division  
Planning and Rights of Way Panel (East) 15<sup>th</sup> September 2015  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 488-496 Portsmouth Road, Southampton			
<b>Proposed development:</b> Re-development of the site. Demolition of the existing buildings and erection of two and three-storey buildings to provide 20 dwellings (two x two-bedroom, eight x three-bedroom houses and 10 x four-bedroom houses) with associated access, parking and other facilities).			
<b>Application number</b>	15/01158/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Jenna Turner	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	01.09.2015	<b>Ward</b>	Sholing
<b>Reason for Panel Referral:</b>	Major application with objections	<b>Ward Councillors</b>	Cllr Wilkinson Cllr Jeffery Cllr Hecks

<b>Applicant:</b> Crestland Homes Ltd	<b>Agent:</b> Tony Oldfield Architects
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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. Other material considerations including parking pressure, impact on neighbouring amenity, design and character; and the loss of the post office and gym on the site 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 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). "Saved" Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, CLT5, CLT6, H1, H2, and H7 of the City of Southampton Local Plan Review – Amended 2015 as supported by the adopted LDF Core Strategy (amended 2015) Policies CS3, CS4, CS5, CS7, CS13, CS15, CS16, CS18, CS19, CS20 and CS25 and the Council's current adopted Supplementary Planning

Guidance. The guidance within the National Planning Policy Framework (2012) is also relevant to the determination of this planning application.

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

## **Recommendation in Full**

1. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:
  - i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted 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. Financial contributions towards Solent Disturbance Mitigation Project (SDMP) in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), saved policy SDP12 of the City of Southampton Local Plan Review (as amended 2015), CS22 of the Core Strategy (as amended 2015) and the Planning Obligations SPD (September 2013).
  - iv. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
  - vi. 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).
2. In the event that the legal agreement is not completed within 2 months of the panel meeting the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
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 comprises the former Dairy Crest and two frontage residential properties. The site is currently vacant and the buildings on it falling into disrepair. The authorised planning use of the site is industrial.
- 1.2 At the front of the site, no. 488 Portsmouth Road is a two-storey, detached building which was last used as two flats. No. 496 Portsmouth Road is a flat-roof, two-storey building which appears to have been last used as offices in connection

with the previous dairy use of the site. The vehicular access to the rear of the site is positioned between the two frontage buildings. The main part of the site is entirely developed by buildings and hard-surfacing; the vacant buildings comprise single-storey, pitched roof industrial style structures with associated parking areas previously used for delivery vehicles. There is an oak tree adjacent to the south-west of the site, which over-hangs part of the site. This tree is subject to a Tree Preservation Order.

- 1.3 The site is bounded by residential buildings and gardens with the exception of the southern part of the site, which abuts the secondary school of Mayfield Academy. The site directly adjoins the parking and vehicular access associated with the school. The character of the area is mixed, incorporating single and two-storey detached and semi-detached dwellings.

## **2 Proposal**

- 2.1 The application proposes the demolition of all existing buildings and hard-surfaced areas on the site and the development of the site for residential purposes. The scheme has been amended since originally submitted. The application initially proposed 25 units of accommodation, which included a three-storey block of flats to the front of the site. The changes to the scheme see the replacement of the flatted block with two pairs of two-storey, semi-detached houses and the total number of units proposed has, therefore, reduced to 20. There have also been some changes to the layout at the southern end of the site and 11 additional car parking space have been provided.

- 2.2 The application proposes the provision of a mixture of detached and semi-detached dwellings comprising two, three and four bedrooms. These would be served by a total of 42 car parking spaces. All dwellings would be two-storey in scale, although some dwellings have single-storey elements to their rear elevations.

- 2.3 A single access into the site is provided from Portsmouth Road, broadly in the same location as the existing point of access. Six dwellings provided at the northern end of the site front Portsmouth Road, with the remaining dwellings positioned to form a traditional street layout, facing the new internal access road.

- 2.4 The dwellings have a pitched roof design, finished in red brick with elements of tile hanging throughout.

## **3 Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.

- 3.2 The site is not identified for development within the adopted Development Plan and lies within an area identified as Band 2 for Public Transport Accessibility (low accessibility). 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 There are no recent or relevant planning applications relating to the site.

#### **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 (12.06.15) and erecting a site notice (09.06.15). At the time of writing the report **five** representations have been received from surrounding residents and interested parties. The following is a summary of the points raised:

- 5.2 *The three storey flats would impact on light to neighbouring properties, appear oppressive and out-of-character.*

Response:

The three-storey flats have been omitted from the scheme, meaning the development is now entirely two-storey in scale.

- 5.3 *Concern that there will be disruption during the construction process.*

Response:

Conditions are recommended to limit the hours of construction and to manage the construction process to minimise the impact on neighbouring occupiers.

- 5.4 *The buildings at the front of the site do not respond to the established building line on Portsmouth Road.*

Response:

The existing buildings on site are positioned slightly closer to Portsmouth Road than the site's immediate neighbours. The proposed layout achieves between 7 metres and 13 metres set back from the edge of Portsmouth Road. This strikes an appropriate balance between making efficient use of the site and ensuring that the suburban character of the street is retained.

- 5.5 *Insufficient car parking provision is made which will exacerbate on-street car parking pressure in The Grove.*

Response:

The number of car parking spaces has been increased from as originally proposed from 31 to 42 spaces and the density of the development has also reduced by 5 units. The level of parking provision accords with the Council's adopted Car Parking Standards and is, therefore, considered to be acceptable for this location.

- 5.6 *The development could lead to the overlooking of neighbouring properties and gardens.*

Response:

In general, the Council seeks to ensure that there is 10 metres separation between the rear elevations of dwellings and the boundaries with neighbouring residential gardens. Whilst 10 metre deep back gardens are not achieved in the layout, the dwellings are designed to avoid first floor habitable accommodation over-looking the neighbouring properties and gardens. As such, it is considered that no harmful overlooking would occur as a result of the development.

- 5.7 *Concern that the development will impact on the protected Oak Tree.*

Response:

The layout of development has been designed to ensure that no dwellings are constructed within the root protection area of the adjacent protected tree. The application is accompanied by a Tree Report which demonstrates the development can be constructed without causing damage to the protected tree. The proposed dwelling closest to the protected tree is designed to avoid first floor accommodation facing it and with dual aspect ground floor accommodation to ensure that the unit is not unduly shaded by the tree. The Council's Tree Officer has been consulted and a verbal update of their comments will be provided at the Panel meeting.

### **Consultation Responses**

- 5.8 **SCC Highways** –.No objection subject to conditions. The proposed development is served from the A3025 Portsmouth Road, a principle 2 lane road providing access into the city via Woolston and the Itchen Toll Bridge, with a 30mph speed limit. The nature of the road is predominantly residential, with a pocket of industrial and commercial uses to the east, adjacent to the city boundary. The site has previously operated as a dairy, with associated traffic movements. Although the type of trips associated with a residential use are different to the dairy use, it is unlikely that the number of vehicles using the access will increase, although pedestrian and cycle trips will be greater. There are bus stops nearby, and a convenience store a short walk to the west. Schools are located nearby, with the Mayfield Academy being the closest, behind the development.

The proposed layout offers two parking spaces per three and four bedroomed houses, and one space for the two bedroom houses. In addition there are four visitor/casual spaces within the development. The layout is fairly traditionally designed with a turning head with dimensions suited to a refuse vehicle. Bin stores and cycle stores are designed into the rear gardens, with access gates to allow movement of bins and cycles. It is necessary to impose some conditions to safeguard sight lines and other design elements, but these will not impact on the principle of development.

- 5.9 **SCC Heritage and Conservation** - No objection. Suggest conditions to secure an archaeological evaluation and work programme.
- 5.10 **SCC Sustainability Team** – No objection subject to conditions to secure energy and water efficiency measures.

- 5.11 **SCC Environmental Health (Pollution & Safety)** – No objection subject to conditions to minimise disruption to residents during the construction process.
- 5.12 **SCC Environmental Health (Contaminated Land)** - No objection subject to conditions to secure a contaminated land assessment and any required remediation measures.
- 5.13 **SCC Ecology** – No objection subject to conditions.
- 5.14 **SCC Housing** - The affordable housing requirement is eight dwellings, to be secured by a legal agreement.
- 5.15 **SCC City Design** – Initially raised concerns that the frontage 3 storey building was out-of-character. The scheme has been amended accordingly.
- 5.16 **SCC Design Advisory Panel** – Revised plans have taken account the comments made by the Design Advisory Panel and have resulted in a much improved development proposal.
- 5.17 **Southern Water** – No objection subject to conditions and informative.
- 5.18 **Hampshire County Council** – No objection. The site lies within a Mineral Consultation Area but due to the scale of the development, the proposal would not have a significant impact on waste processing sites.

## **6 Planning Consideration Key Issues**

- 6.1 The key issues for consideration in the determination of this planning application are:
- (i) The principle of this development;
  - (ii) The suitability of the design;
  - (iii) The impact on the living conditions of nearby residents;
  - (iv) Highways and parking and;
  - (v) The direct local impacts, including on protected habitats.
- 6.2 **(i) Principle of Development**
- 6.2.1 The development would make good use of a previously developed site to provide housing. The site is not safeguarded for employment purposes and the Council's adopted policies are supportive of the redevelopment of vacant commercial sites within residential areas, particularly when the authorised commercial use could be unneighbourly. Since the site is mainly neighboured by residential properties, the loss of industrial land is considered to be appropriate.
- 6.2.2 The application proposes a mix of dwelling types and sizes, including more than the requisite amount of family housing, for which there is an identified need in the city. A residential density of 44 dwellings per hectare (d.p.h) would be achieved, in accordance with the range of 35 to 50 d.p.h set out in Core Strategy policy CS5 as being appropriate in low accessibility areas such as this.

### 6.3 (ii) Suitability of the Design

- 6.3.1 The amendments to the scheme, which include omitting a three-storey block of flats at the front of the site, have resulted in significant improvements to the layout and design of the development. The proposal includes a row of houses, fronting Portsmouth Road, significantly enhancing the appearance of the site. The scale and massing of the development reflects the general character of the area and a consistent design approach is employed which is, however, sufficiently varied to provide visual interest. The dwellings would have a relatively contemporary appearance, particularly in terms of how materials will be used, however, the form of the dwellings would relate well to the context of the site.
- 6.3.2 The dwellings are designed to address the new internal street within the development, with active frontages onto the access. Front gardens of no less than two metres depth will be provided, which is sufficient to incorporate some landscaping to soften the appearance of the development.
- 6.3.3 The back gardens for the dwellings varies between approximately 50 sq. and 80 sq. m in area, which is generally less than the garden space standards set out in the Residential Design Guide (50 sq. for terraced dwellings, 70 sq. for semi-detached and 90 sq. for detached dwellings). However, the overall quality of the gardens is good, being regular in shape, relating well to the dwellings and generally enjoying good access to daylight and sunlight. Furthermore, the spacing between the proposed dwellings is not considered to be uncharacteristic of the surrounding area. As such, the amount of garden space provided is considered to be appropriate in this instance.
- 6.3.4 Good outlook from habitable rooms would be provided and the design incorporates acceptable refuse and cycle storage. Overall, it is considered that high-quality residential accommodation would be provided.

### 6.4 (iii) Impact on Living Conditions

- 6.4.1 Whilst the site is currently vacant, the authorised planning use is for general industrial (Use Class B2) which, since is a historic planning use, is unfettered by any planning controls. As such, the redevelopment for residential represents a significant improvement for nearby residents.
- 6.4.2 The existing industrial buildings on site, stretch almost continually down the eastern site boundary, meaning the development also offers improvement in terms of introducing breaks between buildings, reducing the sense of enclosure when viewed from residential properties to the east of the site.
- 6.4.3 The layout is designed to provide gardens in between the proposed dwellings and neighbouring properties to minimise the impact on the surrounding properties. As noted above, where buildings are positioned closer than 10 metres to the boundaries with neighbours, the design approach mitigates harm to residential amenity by reducing the height and massing of the rear elevations of buildings and avoiding overlooking of neighbouring residential properties or the adjacent school playing fields.
- 6.4.4 Overall, it is considered that the proposal would have an acceptable relationship with the site's existing neighbours.

## 6.5 (iv) Highways and Parking

6.5.1 The development would be served by a single point of access from Portsmouth Road, in the broad location of the existing access. The access itself is designed with good visibility onto Portsmouth Road and is sufficiently wide enough to enable two vehicles to pass ensuring that vehicles can enter and leave the site simultaneously. The internal access route is designed to ensure slow speeds within the development and a comfortable pedestrian environment. The level of car parking proposed meets the Council's adopted Parking Standards for low accessibility locations and includes some provision for visitor parking. The Council's Highways Team have not, therefore, objected to the proposal and the scheme is considered to be acceptable in this respect.

## 6.6 (v) Direct Local Impacts

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

6.6.2 In addition to this, the developer will need to enter into a section 106 legal agreement to secure improvements the local highway network; reductions in carbon emissions and to secure 8 affordable housing units.

## **7 Summary**

7.1 The proposed redevelopment will result in a significant enhancement of the appearance of the site which is currently dominated by dilapidated industrial buildings and its associated servicing area. Furthermore, the contribution the development will make in meeting the city's housing need, in particular the provision of a good number of genuine family housing units, is welcome.

## **8 Conclusion**

8.1 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) (b) (c) (d) 2. (b) (c) (d) 3. (a) 4. (g) 6. (a) (c) (f) (i) 7. (a) 9. (a) (b)

**JT for 15/09/2015 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 - Approved Plans

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

Reason:

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

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

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

Reason:

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

04. APPROVAL CONDITION – Refuse and Cycle Storage [Pre-Occupation Condition]

The cycle and refuse storage shall be provided in accordance with the plans hereby approved, before the dwellings, to which the facilities relate, are occupied. The storage shall thereafter be retained and made available for that purpose.

Reason:

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

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

Notwithstanding the submitted details before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted to and approved in writing by the Local Planning Authority, which includes:

- i. proposed finished ground levels or contours; means of enclosure; 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; and
- v. a landscape management scheme.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of five 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 five 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 five 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

06. APPROVAL CONDITION - No storage under tree canopy [Performance Condition]

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

Reason:

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

07.APPROVAL CONDITION - 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 extensions),  
Class E (curtilage structures).

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.

#### 8. 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.

#### 9. APPROVAL CONDITION - Construction Method Statement (Pre-Commencement Condition)

The development hereby approved shall not commence until a method statement and appropriate drawings of the means of construction of the development has been submitted to and approved in writing by the Local Planning Authority. The method statement shall specify vehicular access arrangements, the areas to be used for contractor's vehicle parking and plant, storage of building materials and any excavated material, temporary buildings and all working areas required for the construction of the development hereby permitted. The building works shall proceed in accordance with the approved method statement unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect the amenities of neighbours and the wider environment

#### 10 .APPROVAL CONDITION - Hours of work for Demolition / Clearance / Construction [Performance Condition]

All works relating to the demolition, clearance and construction of the development hereby granted shall only take place between the hours of:-

Monday to Friday                      08:00 hours to 18:00 hours (8.00am to 6.00pm)

Saturdays                                09:00 hours to 13:00 hours (9.00am to 1.00pm)

And at no time on Sundays and recognised public holidays.

Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

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

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

1. A specification of the type of construction proposed for the roads, cycle ways and footpaths including all relevant horizontal cross-sections and longitudinal sections showing existing and proposed levels together with details of street lighting, signing, white lining and the method of disposing of surface water.

2. A programme for the making up of the roads and footpaths to a standard suitable for adoption by the Highway Authority.
3. Should the developer not enter into a Section 38 Agreement there will be a requirement to provide details of a Management process which will maintain these areas in the future, and a bond will be required to support this process.

Reason:

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

#### 12. 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.

#### 13. 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.

14. 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.

15. 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.

16. 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

17. 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, which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place.

Reason

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

18. 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.

19. 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.

20. 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.

21. APPROVAL CONDITION - Archaeological work programme (further works) [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.

22. APPROVAL CONDITION - Energy & Water [Pre-Commencement Condition]

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

Reason:

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

**23.APPROVAL CONDITION - Energy & Water [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 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of final SAP calculations and water efficiency calculator and detailed documentary evidence confirming that the water appliances/fittings have been installed as specified shall be submitted to the Local Planning Authority for its approval.

**Reason:**

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

**24.APPROVAL CONDITION - Foul and Surface Water Drainage (Pre-Commencement Condition)**

No development shall commence, apart from demolition of the existing buildings, until details of the proposed means of foul and surface water sewerage disposal has been submitted to, and approved by, the Local Planning Authority in consultation with Southern Water. The development shall be carried out in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

**Reason:**

In order that the Local Planning Authority may be satisfied that the development would not increase the risk of flooding in the area.

**POLICY CONTEXT**

Core Strategy - (Amended 2015)

CS4	Housing Delivery
CS5	Housing Density
CS6	Economic Growth
CS7	Safeguarding Employment Sites
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 – (Amended 2015)

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
HE6	Archaeological Remains
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

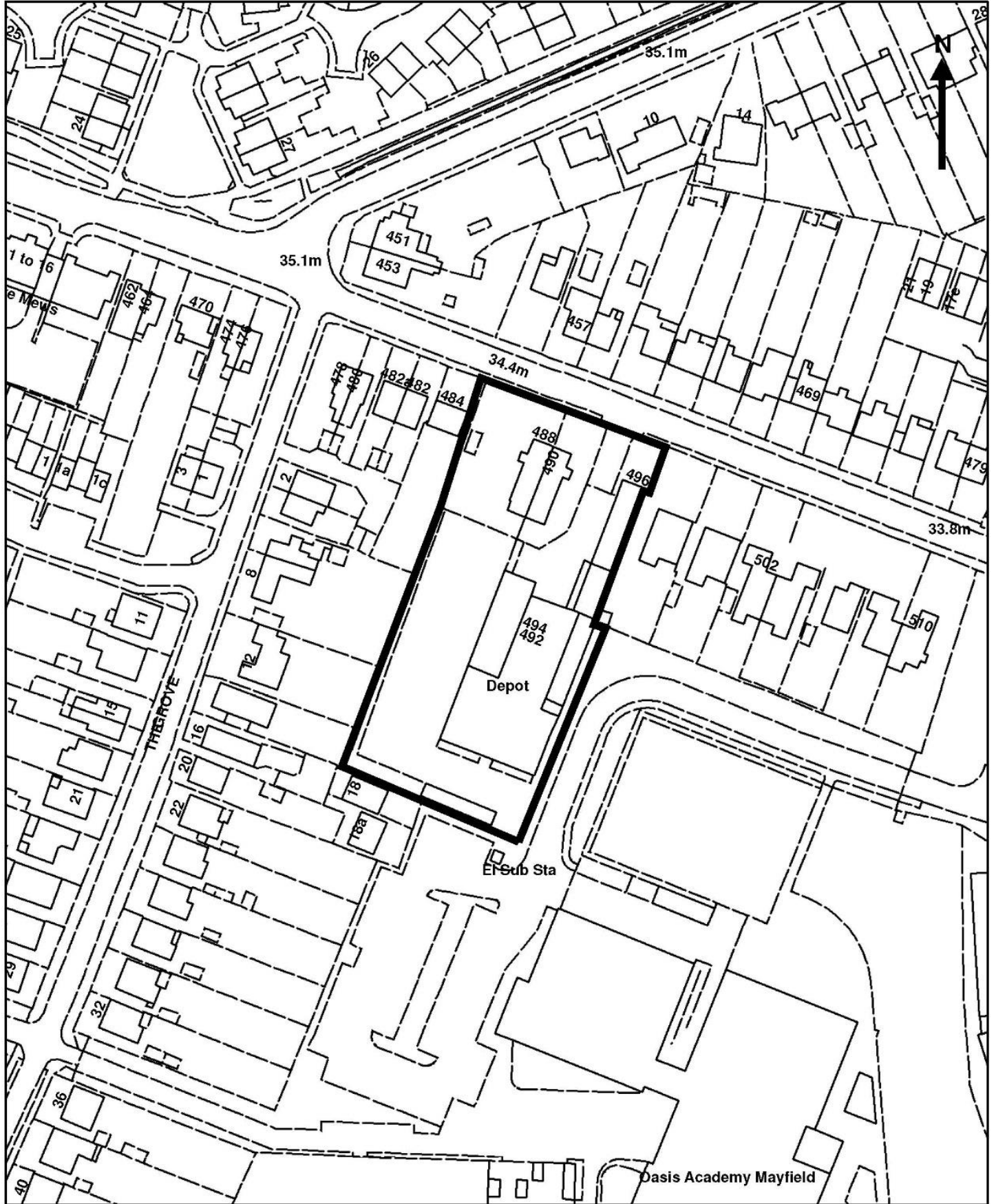
Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
Planning Obligations (Adopted - August 2005 and amended November 2006)  
Parking Standards 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 7

**Planning, Transport & Sustainability Division  
Planning and Rights of Way Panel (East) 15<sup>th</sup> September 2015  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 47 Elmsleigh Gardens, Southampton			
<b>Proposed development:</b> Erection of a two-storey rear extension and conversion of garage to a study.			
<b>Application number</b>	15/01501/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Laura Grimason	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	14/09/2015	<b>Ward</b>	Bassett
<b>Reason for Panel Referral:</b>	More than five letters of objection have been received	<b>Ward Councillors</b>	Cllr Les Harris Cllr Beryl Harris Cllr John Hannides

<b>Applicant:</b> Mr Michael Sunder	<b>Agent:</b> Hemis
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<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Not applicable</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 proposed alterations would be acceptable in design terms and would not result in material harm to the character of the area or the residential amenities of any neighbouring occupiers. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). Policies - SDP1, SDP7, SDP9 of the City of Southampton Local Plan Review (March 2006) and CS13, CS19 of the Local Development Framework Core Strategy Development Plan Document (January 2010) as supported by the Residential Design Guide (September 2006) and the Emerging Bassett Neighbourhood Plan (June 2015).

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

<b>Recommendation in Full</b>	<b>Conditionally approve</b>
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## **1.0 The site and its context**

- 1.1 The application site is a two storey, detached dwelling house located on the northern side of Elmsleigh Gardens. There is an existing two storey side and rear extension at the property which has a hipped section fronting Elmsleigh Gardens with a flat roof section wrapping around the rear of the property. To the front, there is a large driveway which is accessed via an existing dropped kerb.
- 1.2 This part of Elmsleigh Gardens slopes downwards from east to west. As a result, the application site is at a slightly higher level than that of the neighbouring property at no.45a.
- 1.3 The surrounding area is residential in character. Properties along Elmsleigh Gardens tend to be large, detached dwelling houses with spacious rear gardens in addition to large front gardens and driveways.

## **2.0 Proposal**

- 2.1 The proposal seeks permission for a two storey rear extension. This would infill a gap between the rear elevation and the side elevation of the existing two storey rear extension. It would project outwards from the rear elevation of the main dwelling by approximately 2.6m. It would project outwards from the side elevation of the existing two storey extension by approximately 3.9m. It would have a flat roof measuring approximately 5.3m in height. This would extend the flat roof of the existing two storey rear extension. To the rear, a set of bi-folding doors would be established at ground floor level. No windows would be installed within the side elevation.
- 2.2 This proposal also seeks permission to convert the existing garage to a study / home office. This would entail the removal of the garage door and its replacement with a window matching that directly above at first floor level.

## **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 (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 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 1975, conditional approval (ref.1496/M11) was granted for the construction of a two storey side and rear extension. There have been no other recent or relevant applications relating to the site.

## 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. At the time of writing the report **six** representations have been received (four from surrounding residents, one from the East Bassett Residents Association and one from Councillor Hannides). The following is a summary of the points raised:
- 5.2 *The proposed two storey rear extension would overshadow and block light from the first floor window within the side elevation of no.45a Elmsleigh Gardens. The kitchen / dining room of this neighbouring property is already poorly lit.*

### Response:

A thorough assessment has been undertaken to ascertain the impact of the proposed extension on the adjoining property at no.45a Elmsleigh Gardens. This involved a site visit to both the application site and this neighbouring property. The first floor window is obscure glazed and does not therefore, benefit from good outlook and, being located to the side of the property, also does not benefit from good access to light at the current time. Furthermore, this window does not appear to serve a habitable room. No further loss of light or outlook is likely to occur for this window as a result of this proposal. With regards to the kitchen and dining room at ground floor level, the large windows within the rear elevation would continue to provide sufficient outlook and access to light for these. The relatively small window and door within the side elevation are secondary to these and the proposed extension is not considered likely to worsen the existing poor arrangement. Having regard to this, the proposed two storey extension is not considered to be detrimental to residential amenity in terms of loss of light or outlook.

- 5.3 *The proposed garage conversion would lead to additional demand for on-street parking in an area which is regulated by a Residential Parking Scheme. This would in turn, lead to a highway safety issue given the proximity of the application site to a curve in the road.*

### Response:

The applicant could undertake the garage conversion (including the installation of a new window flush with the front elevation) as permitted development. Due regard must be afforded to this fallback position. Furthermore, there is a large driveway to the front of the property which would continue to satisfy the parking requirements of the property. This proposal is not therefore, considered likely to increase parking demand in the area or have an adverse impact in terms of highway safety.

- 5.4 *The proposed works could potentially facilitate the use of the property as a HMO in the future.*

### Response:

The lawful use of the property is as a dwelling house within Class C3. This application does not seek to change the use of the property to an HMO. Concerns relating to the potential use of the property as an HMO do not form material planning considerations in this instance as this is not what is being

applied for. Planning permission would be required to use the property as an HMO and such an application would be determined on its own planning merits.

- 5.5 *The proposed two storey extension would be harmful to the character of the area.*

Response:

The proposed two storey extension would be located to the rear of the property and would not be overly visible from the wider street scene. It would be relatively modest in scale and would be of a style which would be in keeping with that of the existing property. It is not considered to be harmful to the character of the area.

**6.0 Planning Consideration Key Issues**

- 6.1 The determining issues for this application relate to the design of the proposed alterations in addition to the impact on the residential amenities of any neighbouring occupiers.

6.2 Design

- 6.2.1 The proposed two storey rear extension would enlarge an existing two storey projection at the rear of the property. It would be relatively modest in scale and would infill the area between the rear and side elevation. Its location to the rear of the property would ensure that it would not be overly visible from the wider street scene, subsequently minimising its impact on the character and appearance of the surrounding area.
- 6.2.2 The roof of the proposed extension would link in with the flat roof of the existing two storey rear projection. It would remain lower than the roof of the main dwelling house and would subsequently be a subordinate addition to the property.
- 6.2.3 The proposed extension would be constructed using materials to match those of the existing dwelling house. It would be of an appropriate style and scale in relation to both the recipient dwelling house and the surrounding area and would therefore, be considered acceptable in design terms.
- 6.2.4 The proposed garage conversion would entail the installation of a new window at ground floor level. The proportions of this window would match those of a similar window directly above at first floor level. This would result in an appropriate pattern of fenestration which would be in keeping with both the recipient property and the wider street scene. As such, this element of the scheme is considered to be acceptable in design terms.

6.3 Residential Amenity

- 6.3.1 The existing two storey projection at the side and rear of this property would effectively screen the proposed extension from the neighbouring property at no.49 Elmsleigh Gardens. As such, this proposal would not have a harmful impact on this neighbouring property.

- 6.3.2 There is a single window at first floor level within the side elevation of no.45a Elmsleigh Gardens. This is obscure glazed and located immediately opposite the side elevation of the application site. It doesn't appear to serve a habitable room and doesn't benefit from good outlook or access to light at the current time. Having regard to this, in addition to the relatively modest scale of the proposed extension, this proposal is not considered likely to have an adverse impact on this neighbouring window in terms of loss of light, loss of outlook or overbearing impact.
- 6.3.3 At ground floor level, there is a window and a door within the side elevation of this neighbouring property. These serve a kitchen and dining room. The main windows for the kitchen and dining room are located within the rear elevation and face out into the rear garden. These windows provide a sufficient outlook for these two rooms. The door and window within the side elevation are secondary to the main windows within the rear elevation and do not provide any significant additional outlook given their proximity to the common boundary (approximately 1.5m away). Having regard to this, the proposed extension is not considered to result in any further loss of outlook for these two rooms.
- 6.3.4 It is acknowledged that access to light for the kitchen and dining room within the neighbouring property at no.45a is relatively poor. These rooms are fairly dark given their orientation to the north. The main access to light for these rooms is from the windows within the rear elevation which face out into the rear garden. The door and window within the side elevation of this property do not currently add a great deal in terms of light availability for these rooms as they already face out onto the side elevation of the application site. Having regard to this, it is not considered that the additional built bulk from this proposal would result in an unacceptable loss of light for the occupiers of this neighbouring property.

## **7.0 Summary**

- 7.1 This proposal is considered to be acceptable in terms of design and residential amenity.

## **8.0 Conclusion**

- 8.1 As such, the proposal is judged to have an acceptable impact and, therefore, can be supported for conditional approval.

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

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 3(a), 6(a), 6(b), 7(a).

**LG for 15/09/15 PROW Panel**

### **PLANNING CONDITIONS**

1. 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).

## 2. 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.

## 3. 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 building.

## 4. APPROVAL CONDITION – Limitations on Use of the Garage [Performance Condition]

The converted garage, shown on the approved plans as a study, utility area, w.c and kitchen, shall only be used for accommodation ancillary to the enjoyment of the main house and not form annexe living accommodation unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To enable the Local Planning Authority to control the development in the interests of residential amenity and the character and appearance of the area.



**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS13            Fundamentals of Design  
CS19            Car & Cycle Parking

City of Southampton Local Plan Review – (as amended 2015)

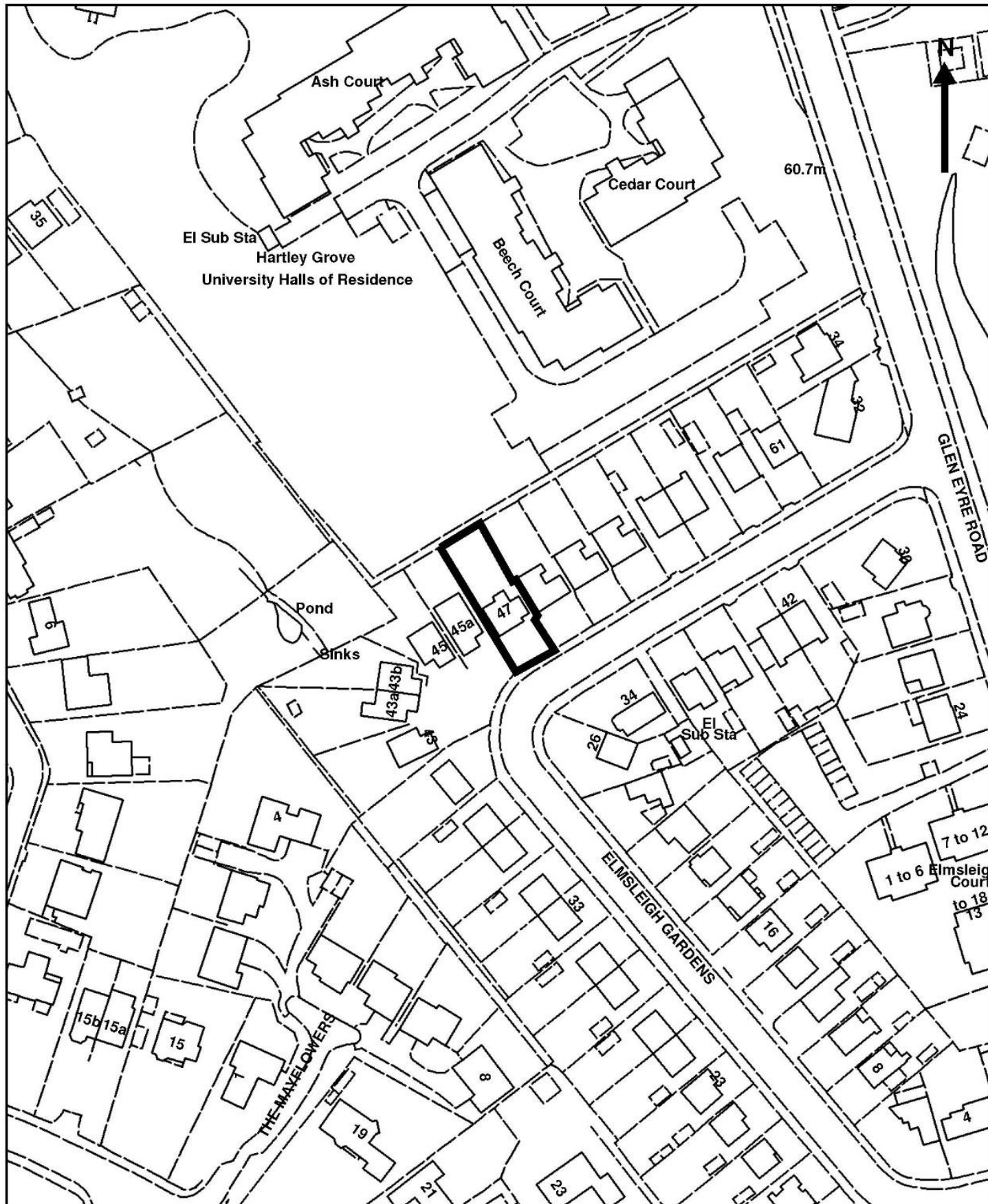
SDP1           Quality of Development  
SDP7           Urban Design Context  
SDP9           Scale, Massing & Appearance

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
Parking Standards SPD (September 2011)  
Emerging Bassett Neighbourhood Plan (June 2015)

Other Relevant Guidance

The National Planning Policy Framework (2012)



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# Agenda Item 8

**Planning, Transport & Sustainability Division  
Planning and Rights of Way Panel (East) 15<sup>th</sup> September 2015  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 63 Wilton Avenue			
<b>Proposed development:</b> Erection of a single storey rear extension to create one x studio flat with associated bin and cycle storage			
<b>Application number</b>	15/01393/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Laura Grimason	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	01/09/2015	<b>Ward</b>	Bargate
<b>Reason for Panel Referral:</b>	Five letters of objection have been received.	<b>Ward Councillors</b>	Cllr Bogle Cllr Noon Cllr Tucker

<b>Applicant:</b> Mr Gregory Hadjikyriacou	<b>Agent:</b> Architecture & Planning Southampton - FAO Mr Tom White
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<b>Recommendation Summary</b>	<b>Conditionally approve</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. 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 the development plan as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). Policies - SDP1, SDP7, SDP9, H1 and H7 of the City of Southampton Local Plan Review (as amended 2015) and CS4, CS5, CS13 and CS19 of the Local Development Framework Core Strategy Development Plan Document (as amended 2015). Also of relevance is the Residential Design Guide (2006) and the Parking Standards SPD (2011).

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

<b>Recommendation in Full</b>	<b>Conditionally approve</b>
-------------------------------	------------------------------

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

1.1 The application site is a two storey, detached property located on the northern side of Wilton Avenue. Whilst originally constructed as a single dwelling house, this property is now divided into two self-contained flats (one x two bedroom flat at ground floor level and one x two bedroom flat at first floor level). There is a communal garden located to the rear and a small forecourt to the front of the property. The property is located within a predominantly residential area characterised by a range of dwelling houses and flats.

## **2.0 Proposal**

2.1 Permission is sought for the creation of a studio flat to the rear of this property. This would entail the construction of a single storey rear extension projecting outwards from the rear elevation of the main building by approximately 6.5m, measuring approximately 4.8m in width and with a dual pitched roof measuring approximately 3.6m in height (2.6m to the eaves).

2.2 The additional unit would have a floor space of approximately 24 sq. m and would comprise a studio unit (kitchen / living room / bedroom) with a separate bathroom. Access to the unit would be via the side elevation of the proposed unit whilst an additional set of double doors would be established within the rear elevation.

2.3 The proposed unit would have its own small garden measuring approximately 17.3 sq. m and would be located directly outside the rear elevation of the property.

2.4 A rear amenity area of approximately 37 sq. m would remain for the existing two flats. Bike and refuse storage for the proposed unit would be located within this area.

2.5 The scheme has been amended since originally submitted to provide an area of defensible space immediately next to the dwelling and to introduce an obscure glazed window to the side of the unit.

## **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 (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.

3.2 The National Planning Policy Framework (NPPF) came into force on 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 2015, an application (ref.15/00773/FUL) for this site was withdrawn. This sought permission for the erection of a two storey rear extension to create two x studio flats with associated bin/cycle storage.

#### **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 (13/07/2015). At the time of writing the report **five** representations have been received from surrounding residents. The following is a summary of the points raised:

- 5.1.1 *This proposal would constitute the overdevelopment of the site.*

Response:

There is sufficient room on site to comfortably accommodate the proposed development and associated amenity space, cycle and refuse storage. Through negotiation with the applicant, a scheme has been produced which will provide an acceptable residential environment for future occupiers whilst protecting the residential amenities of occupiers of the existing flats and no.63 and at other neighbouring properties.

- 5.1.2 *The proposed building would constitute an unneighbourly development which would lead to a loss of light, overbearing impact and increased sense of enclosure for adjoining occupiers. It would also result in increased noise and disturbance.*

Response:

The proposed building would be relatively modest in scale and would be sited appropriately to the rear of the property. The nearest window within the adjoining property at no.61 is obscure glazed and does not appear to serve a habitable room. As such, outlook from and access to light for this room are not considered to be compromised as a result of this proposal. An acceptable separation distance would be retained between the neighbouring property at no.65 to ensure no loss of amenity would occur. The proposed building would not be positioned in front of any windows serving habitable rooms within the existing flats at no.63 and a good sized communal amenity area would remain for existing residents.

- 5.1.3 *This proposal would exacerbate existing parking pressure within the surrounding area.*

Response:

The application site is located in close proximity to the city centre and is considered to benefit from good access to public transport services and local facilities. This is considered to be sufficient to justify a lack of car parking to serve the proposed residential unit.

- 5.1.4 *Insufficient amenity space would be provided for existing residents and for residents of the proposed flat.*

Response:

The amount of amenity space provided for both existing residents and future residents is considered to be sufficient in this location and would provide adequate space for sitting out, hanging out washing etc. Whilst it is acknowledged that the amount of amenity space provided is below the required levels set out in the Residential Design Guide SPD, this is only marginal.

- 5.1.5 *This proposal would set a harmful precedent for similar development in this area.*

Response:

Any future applications for similar schemes would be assessed on their individual planning merits.

- 5.1.6 *This proposal would result in harm to an existing tree within the rear garden of the number 67 Wilton Avenue.*

Response:

The tree within the rear garden of no.67 is not protected by a TPO and is not located within a Conservation Area. Furthermore, the proposed building would be located at an acceptable distance from this tree to ensure that no harm to it would occur.

- 5.1.7 *The applicant has failed to meet the requirements of the Solent Disturbance Mitigation Project.*

Response:

The applicant has made a financial contribution to the SDMP and has therefore, met the requirements of this.

## **Consultation Responses**

- 5.2 **SCC Highways** - No highway objections. This property is located in a highly sustainable area in close walking distance of all amenities, with the Bedford Place local centre nearby, and the city centre a further short walk. Bus stops are located nearby, and the city's' main railway station is within easy walking distance. It is therefore easy to live in this location without the need to own a car. Cycle storage facilities are included with this proposal. However, it is not possible to know if any future occupant may have a car, and it is likely that there will be car borne visits to the property. The surrounding roads are covered by residents permit parking zone, and if this new dwelling is provided with a separate address, the occupant will have an entitlement to apply for a permit. Parking during the evenings is under pressure, but this does not cause a highway safety problem, and I therefore raise no objection. The residents will be responsible for moving bins to the front of the property on collection day, and returning them afterwards.
- 5.3 **SCC Conservation** – The site is located within an area of medieval fields. While groundworks may potentially damage archaeological deposits these are likely to be associated with agricultural activities. No archaeological conditions are recommended.

- 5.4 **SCC Sustainability Team** – No objection. Conditions are recommended in order to ensure compliance with policy CS20 by securing energy and water efficiency measures.
- 5.5 **SCC CIL Officer** – No objection. The development is CIL liable as the proposal creates an additional self-contained residential unit facilitated by an extension to the residential building. The charge will be levied at £70 per sq. m on the Gross Internal Area of the extension.
- 5.6 **Southern Water** – No objection. Recommend informatives are added to the consent to make the developer aware of requirements to connect to the public sewer and the need to protect any public sewer during construction.

## **6.0 Planning Consideration Key Issues**

6.1 The determining issues for this proposal relate to whether the proposed residential scheme is acceptable in principle; whether the proposal would provide an acceptable residential environment for future occupiers; whether the proposed extension would be acceptable in design terms; whether the proposed scheme would be acceptable in terms of residential amenity; whether the proposal would be acceptable in terms of its highways impact; and whether the proposed scheme would be acceptable in terms of habitats and nature conservation. Other policy considerations relate to car and cycle parking, refuse storage and SPA mitigation.

### **6.2 Principle of Development**

6.2.1 Core Strategy policy CS4 states that: ‘An additional 16,300 homes will be provided within the City of Southampton between 2006 and 2026’. This proposal would contribute to the achievement of this target by providing an additional residential unit within the city.

6.2.2 Core Strategy policy CS5 outlines housing density levels which will be acceptable in different parts of the city. The application site falls within Band 6 of the Public Transport Accessibility Levels (PTAL) map and CS5 states that high densities of over 100 dwellings per hectare (dph) will be considered acceptable in such areas. The site area (including the existing property) is approximately 0.0233 ha. Establishing an additional 2 dwellings on this site would result in a density of approximately 172 dph. This accords with the density range set out in policy CS5. The proposal would make good use of previously developed land, within an accessible location to provide further residential accommodation. The principle of development is, therefore, acceptable.

### **6.3 Quality of the Residential Environment**

6.3.1 Saved policy SDP1 of the City of Southampton Local Plan Review (adopted March 2015) states that: ‘Planning permission will only be granted for development which: (i) does not unacceptably affect the health, safety and amenity of the city and its citizens’.

6.3.2 Saved policy H7 of the City of Southampton Local Plan Review (adopted March 2015) states that: ‘Planning permission will only be granted for residential

development provided that the highest standards of quality and design are applied’.

- 6.3.3 Section 2.2 of the Residential Design Guide SPD expands upon this. Paragraph 2.2.1 states that: ‘New housing development, extensions and modifications to existing homes should ensure that access to natural light, outlook and privacy is maintained for existing occupants and their neighbours in their homes and private gardens as well as for the intended occupants of new habitable rooms’.
- 6.3.4 The main outlook and access to light for the proposed unit would come from a partially obscure glazed window within the side elevation and a set of double doors within the rear elevation, opening out into the private amenity area. Given the size of the proposed unit and considering that it would comprise a studio flat with the main habitable accommodation in one room, this is considered to be acceptable. Sufficient access to light would be provided by the side window whilst an acceptable outlook would be provided by the double doors within the rear elevation.
- 6.3.5 With regards to privacy, the proposed side window would be obscure glazed with a clear glazed panel above. This would ensure that residents of the existing two flats would not be able to see into the proposed unit when accessing the rear amenity area. With regards to the double doors within the rear elevation, the provision of a small, private garden area for residents of the proposed unit only, would ensure that adequate privacy would be provided for the main habitable accommodation of the proposed dwelling. Having regard to this, it is considered that the proposed unit would benefit from an adequate level of privacy.
- 6.3.6 Paragraph 4.4.1 of the Residential Design Guide SPD states that: ‘All developments should provide an appropriate amount of amenity space for each dwelling to use’. Paragraph 4.4.3 continues to state that: ‘Private amenity space should be fit for the purpose intended’. Part 2 of this document (page 28) states that residential flats should have access to a minimum of 20 sq. m of amenity space (a total of 60 sq. m for this property taking into account the two existing flats and the two proposed flats).
- 6.3.7 The proposed unit would benefit from its own rear amenity area measuring approximately 17 sq. m. Whilst it is acknowledged that this is less than the required 20 sq. m, it is only slightly less and is considered to be sufficient to satisfy the needs of future occupiers given the modest nature of the studio unit. Sufficient space would be provided for sitting out, hanging out washing etc. The proposed unit would also be located in close proximity to city centre parks and open space.
- 6.3.8 As a result of this proposal, a shared amenity space of approximately 37 sq. m would remain to serve the existing two flats. Again, this is only marginally below the 40 sq. m requirement. As such, it is not considered that the proposed unit would result in an unacceptable loss of amenity space for the existing units. Having undertaken a site visit to the property, the amenity space at the moment is overgrown and poorly maintained. It doesn’t appear to be well used. This scheme would secure an improvement to this rear amenity area to the benefit of the residents of these existing residential units.



6.3.9 Refuse storage would be provided within a covered store in the communal amenity area serving the existing two units. This would provide refuse storage for all units on site. No objection to this has been raised by the Highways team and this is considered to be an acceptable arrangement for the proposed unit.

#### 6.4 Design

6.4.1 The proposed building would be relatively modest in scale. It would be sited to the rear of the existing property and would not therefore, be overly visible from the wider street scene. It would be constructed using materials to match those of the existing property and would be in keeping with the established style in the surrounding area. A number of properties within the surrounding area have established extensions of a similar size and the proposed building is therefore, considered to be in keeping with the character of the surrounding area. Having regard to this, it is considered that the proposed building is acceptable in design terms.

#### 6.5 Residential Amenity

6.5.1 The proposed building would project outwards from the rear elevation of the existing property and would be located adjacent to the common boundary between the application site and the adjoining property at no.61 Wilton Avenue. At a total height of approximately 3.6m and with an eaves height of approximately 2.8m, this is considered to be a reasonably sympathetic addition in this location. There is a small, obscure glazed window within the rear elevation of this adjoining property which doesn't appear to serve a habitable room. An additional window within the rear elevation does appear to serve a habitable room however is located at a sufficient distance away from the proposed building to ensure it would not be adversely affected. Having regard to this, the proposed scheme is not considered to be detrimental to residential amenity in terms of loss of light, loss of outlook or overbearing impact.

6.5.2 An acceptable separation distance would be retained between the proposed building and the neighbouring property at no.65 Wilton Avenue to ensure that no loss of amenity would occur.

6.5.3 With regards to noise and disturbance, this proposal would establish an additional dwelling within this area. It would however, due to its relatively modest scale, not increase occupancy on site to such a degree that would give rise to additional noise or disturbance detrimental to residential amenity.

#### 6.6 Highways Safety, Car and Cycle Parking

6.6.1 The application site is located just outside the city centre and is considered to benefit from excellent access to public transport services and local facilities. As discussed above, it is located within band 6 of the Public Transport Accessibility Levels map in the Core Strategy – the highest accessibility level within the city.

6.6.2 The Parking Standards SPD outlines maximum parking standards for new residential development in the city. No parking is proposed to serve the additional unit. According to this document, the proposed unit has a maximum parking requirement of 1 space. No parking is proposed to serve the additional

unit. However, given the proximity of the application site to the city centre, this is considered to be acceptable.

6.6.3 The Parking Standards SPD also outlines minimum cycle parking standards for new residential development in the city. For this scheme, a cycle parking requirement of 1 long stay cycle parking space would apply. The submitted drawings indicate that cycle parking provision would be provided to the rear of the property, within communal amenity area serving the existing two flats. This is considered to be sufficient and a condition is recommended to secure the provision of this storage.

## 6.7 Impact on Protected Habitats

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 complied with the requirements of the SDMP (a receipt for £174 and completed SDMP form were received on the 28<sup>th</sup> August) and meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

## 7.0 Summary

7.1 All material considerations have been considered and as a result, this proposal is considered to be acceptable.

## 8.0 Conclusion

8.1 As such, the proposal is judged to have an acceptable impact and, therefore, can be supported for conditional approval.

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

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

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

**LG for 15/09/15 PROW Panel**

## **PLANNING CONDITIONS**

### **1. 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).

### **2. 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.

### **3. 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.

### **4. APPROVAL CONDITION - Cycle Storage [Performance Condition]**

Before the flat hereby approved is first occupied, the cycle storage shall be provided in accordance with the plans hereby approved and thereafter retained and made available for that purposes.

Reason:

To encourage cycling as an alternative form of transport.

### **5. APPROVAL CONDITION - Energy & Water [Pre-Commencement Condition]**

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and;

105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of a design stage SAP calculations and a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

Reason:

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

6. APPROVAL CONDITION - Energy & Water [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 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and;

105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of final SAP calculations and water efficiency calculator and detailed documentary evidence confirming that the water appliances/fittings have been installed as specified shall be submitted to the Local Planning Authority for its approval.

Reason:

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

7. APPROVAL CONDITION - Obscure Glazing [performance condition]

Before the flat hereby approved is first occupied, the window in the side elevation of the extension shall be obscurely glazed and fixed shut up to a height of 1.7 metres from the internal floor level. The window shall thereafter be retained in this manner.

Reason:

To protect the residential amenities of occupiers of the proposed unit.

8. APPROVAL CONDITION – Landscaping [pre-commencement condition]

Prior to the commencement of the development hereby approved a landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing. The scheme shall include details of the planting; details of trees to be retained and details of the boundary treatment to the garden area of the flat hereby approved. 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.

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 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 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

9. APPROVAL CONDITION – Refuse Storage [performance condition]

Before the flat hereby approved is first occupied, the storage for refuse and recycling containers shall be provided in accordance with the plans hereby approved and thereafter retained as approved.

**Reason:**

In the interest of the visual amenity of the area and to secure an acceptable residential environment.

**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 – Southern Water**

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).

Due to changes in legislation that came into force on the 1st October 2011 regarding the ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served and potential means of access before any further works commence on site'.

The applicant is advised to discuss the matter further with 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 - (as amended 2015)

CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats

City of Southampton Local Plan Review – (as amended 2015)

SDP1	Quality of Development
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP16	Noise
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)



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# Agenda Item 9

**Planning, Transport & Sustainability Division  
Planning and Rights of Way (East) Panel 15<sup>th</sup> September 2015  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 48 South Mill Road			
<b>Proposed development:</b> Erection of a single/two storey side extension and front porch			
<b>Application number</b>	15/01550/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Amber Trueman	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	22/09/2015	<b>Ward</b>	Milbrook
<b>Reason for Panel Referral:</b>	Request by Ward Member	<b>Ward Councillors</b>	Cllr Denness Cllr Furnell Cllr Galton
<b>Referred by:</b>	Cllr Furnell	<b>Reason:</b>	To ensure constituents views to be taken into consideration
<b>Applicant:</b> Mr & Mrs Carstairs		<b>Agent:</b> Design And Draw - Mr John Warwick	
<b>Recommendation Summary</b>		<b>Conditionally approve</b>	

<b>Community Infrastructure Levy Liable</b>	<b>Not applicable</b>
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**Reason for granting Permission:**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations 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 the development plan as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). Policies - SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (as amended 2015) and CS13 of the Local Development Framework Core Strategy Development Plan Document (as amended 2015).

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

<b>Recommendation in Full</b>	<b>Conditionally Approve</b>
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## **1. The site and its context**

- 1.1 The application site is a two-storey, semi-detached dwelling house located on the northern side of South Mill Road. At present, the property includes a small front porch and comprises a living room, kitchen/diner, sun lounge and WC at ground floor level with a further three bedrooms and a bathroom at first floor level.
- 1.2 The property is located in a residential area characterised by two-storey, semi-detached houses, primarily with hipped roofs. The property also benefits from off-road parking for one to two cars to the front of the property.

## **2. Proposal**

- 2.1 Permission is sought for the erection of a part single storey, part two storey side extension and front porch in order to extend existing living areas and create a utility room and study.
- 2.2 The side extension will add an additional 19.98m<sup>2</sup> to the footprint of the house and the enlargement of the porch will be an additional 0.675m<sup>2</sup> on top of the original 2.36m<sup>2</sup> footprint. Both developments propose hipped roofs to match the existing roof and matching materials to the original house.

## **3. Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 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 05/00557/FUL - Erection of single storey rear extension (Conditionally approved 23/05/2005).

## **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). At the time of writing the report **two** representations have been received from surrounding residents and one from Ward Councillor Furnell. The following is a summary of the points raised:

- 5.2 *Loss of light / Overshadowing: The proposed side extension will lead to a loss of light to number 50 South Mill Road which has three side windows and a door.*

Response:

Loss of light to a window which does not serve a habitable room does not result in unacceptable harm to residential amenity. In this case, only one of the windows referred to serves a habitable room; a lounge window located on the side elevation of the neighbour, facing the application site. Outlook and daylight to this window is limited by a four metre separation distance to the application property. The proposal will reduce that separation to 2 metres which will inevitably impact on the neighbouring lounge. However, the proposed extension has been designed to minimise the impact on the neighbouring property, as a whole, by ensuring that the first floor element respects the existing rear building line and by removing windows in the side elevation of the existing property. Taking this into consideration there is not considered to be significant harm to residential amenity that would justify the refusal of planning permission.

- 5.3 *Layout and Density of Building: The porch's depth will look out of character within the road and the Regent's Park area.*

Response:

After conducting a site visit to the area it was apparent that there are a variety of size and styles of front extensions. The proposed extension is only 0.48m<sup>2</sup> larger than could be constructed under permitted development. This is considered to be minor and as the design will be matching that of the proposed extension and tying in appropriately with the roof, it is thought to be an improvement on the existing front porch.

- 5.4 *Design, Appearance and Materials: The side extension height will overwhelm number 50 South Mill Road and it will be overbearing and unsightly. The roof tiles will also be at odds with the main roof and if recovering the whole roof, it must be undertaken to a good quality.*

Response:

As mentioned below, the proposal is thought to be relatively minor and has been considerably designed in order to minimise the impact upon the streetscene and the neighbouring properties. The two-storey section of the extension is set back from the front building line by approximately 1 metre, is just over 1.5 metres in width and is sympathetic in terms of design. A condition is suggested to ensure the materials used will match the existing house, in accordance with the submitted details.

- 5.5 *Building Quality / Internal Works: Insufficient information has been provided about internal alterations and the details of where joists will be replaced. Damage reparation was carried out as a result of damage from a World War II bomb and should be taken in to consideration.*

Response:

In this instance, both of these comments are not planning issues and would be dealt with by Building Regulations.

- 5.6 *Construction: There is insufficient room to allow for the construction of the extension entirely within the property owned by the applicants.*

Response:

Similarly to if the entire roof was retiled, the fact that access may be required to the neighbouring property for building works is a civil matter between residents of the properties involved.

**6. Planning Consideration Key Issues**

6.1 The determining issues for this application relate to; a) whether the proposed extension and front porch are acceptable in principle; b) whether the proposed development would have a harmful impact the character of the local area, and c) whether the proposal would have a harmful impact upon the residential amenities of surrounding neighbours or the occupants of the host dwelling.

6.2 Principle of Development

The proposed erection of a part single storey, part two storey side extension and front porch is in order to extend existing living areas and create a utility room and study for use of the occupants of the property. The side extension will add an additional 19.98m<sup>2</sup> to the footprint of the house and the enlargement of the porch will be an additional 0.675m<sup>2</sup> on top of the original 2.36m<sup>2</sup> footprint. Both of these additions are considered to be relatively minor and care has been taken to retain a 0.2m boundary distance which will result in a 2.2m separation between the host dwelling's two storey section of the extension and the main body of the neighbouring property at 50 South Mill Road. As such, the proposal is considered to be acceptable in principle.

6.3 Impact upon the Character of Existing Property and the Local Area

The proposed extension and porch are not thought to be out of proportion in relation to the site or the property and it should be noted that care has been taken to develop a design that is respectful of the character of the property and the local area. To elaborate, the side extension will sit level with both the front and the back of the existing property and the two storey section of the extension proposes a 0.9m set back from the front to target any potential terracing effect and a 3.5 set back from the rear to eliminate any harmful impact upon the neighbours. The extension is also seen as an acceptable size and scale in relation to the existing property and suitable consideration has been given to the roof of both extensions in regards to matching the existing roof style and pitch so that it fits in with the character of the road. Consequently, the proposed development is thought to have negligible impact upon the character of the existing property and the local area and is in compliance with Section 2.1, 2.3 and 2.5 of the Residential Design Guide (RDG).

6.4 Impact upon Residential Amenity

As aforementioned, care has been taken to retain a 0.2m distance from the boundary which will also result in a 2.2m separation from the main body of the neighbouring property at number 50. Additionally, the two storey section of the extension proposes a 3.5 set back from the rear to eliminate any harmful impact upon the neighbours. It is noted that this will be closer at the point where the single storey rear extensions of the host dwelling and of number 50 meet (0.2m), but this is not thought to present any notable harm to either the neighbours or the occupants of the host dwelling. The extension next door will also screen a lot of the development from the neighbours and as no side facing windows are proposed, the development is not thought to present any significant harm to the residential amenity of the neighbours. Similarly, there will be little reduction of

usable amenity space as a result of the development and therefore, the amenity of the occupants of the host dwelling shall not be harmed.

## **7. Summary**

7.1 This proposal is considered as an appropriate size and scale, the design is also in keeping within the street scene and that of the adjoining neighbours. Additionally, the extension and front porch would tie in appropriately with the existing red brick and rendered building, which complies with Core Strategy policy CS13. The separation distances and setbacks for the two storey section of the extension are seen as an acceptable attempt to retain privacy to both the applicant and the neighbouring residents and to prevent any terracing effect as a result of the development. Care has also been taken to match the roof style and pitch, which is consistent throughout the area, in compliance with Section 2.1, 2.3 and 2.5 of the Residential Design Guide (RDG). As such, it is judged that residential amenity will not be harmed and that the proposal is acceptable and recommended approval.

## **8. Conclusion**

The proposal for a part single storey, part two storey side extension and enlarged front porch is considered to be acceptable in principle as unacceptable harm shall not be caused to neighbouring amenity. In addition the site is considered large enough to deal with the proposal, the design is sympathetic to the character of the property, and the amenity of the occupants of the host dwelling shall not be harmed. For these reasons the scheme can be supported.

### **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) and 4(f)

### **AT for 15/09/15 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 - 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 - 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 - (as amended 2015)

CS13 Fundamentals of Design

City of Southampton Local Plan Review – (as amended 2015)

SDP1 Quality of Development

SDP7 Urban Design Context

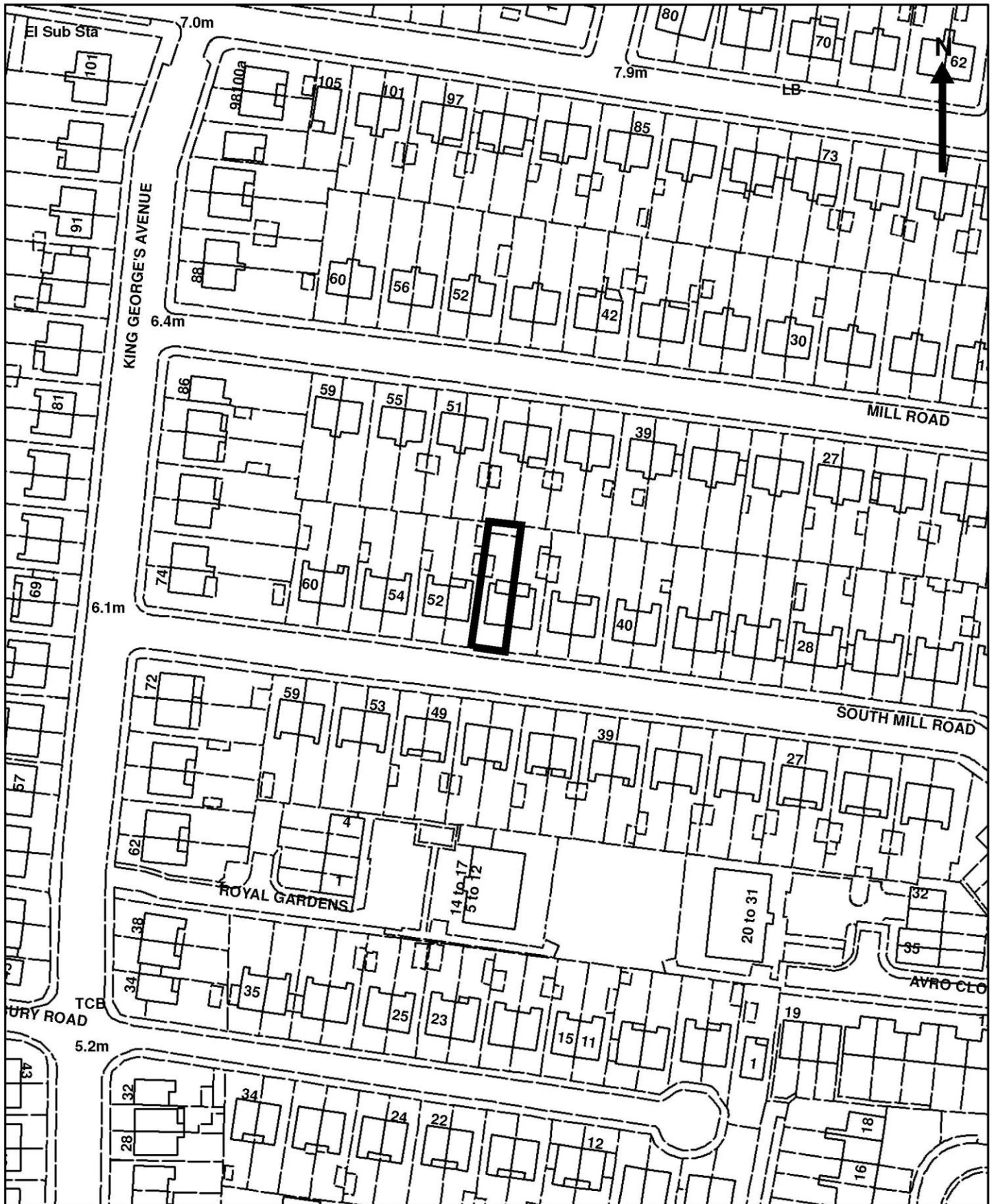
SDP9 Scale, Massing & Appearance

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

The National Planning Policy Framework (2012)



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