

# Planning and Rights of Way Panel (WEST)

Tuesday, 22nd December,  
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 Lloyd (Vice-Chair)  
Councillor Claisse  
Councillor L Harris  
Councillor Mintoff

### **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:** -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 2015/16**

| <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 of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
- b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

## **Other Interests**

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

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

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

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

## **Principles of Decision Making**

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

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

In exercising discretion, the decision maker must:

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

## AGENDA

Agendas and papers are available via the Council's Website

### 1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

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

### 2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

### 3 STATEMENT FROM THE CHAIR

### 4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING) (Pages 1 - 4)

To approve and sign as a correct record the Minutes of the meeting held on 17 November 2015 and to deal with any matters arising, attached.

## CONSIDERATION OF PLANNING APPLICATIONS

### 5 61 CHARLTON ROAD 15/01660/FUL (Pages 9 - 22)

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.

### 6 238 HILL LANE, SO15 7NT 15/01786/FUL (Pages 23 - 40)

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.

### 7 32 ARCHERS ROAD 15/01663/FUL (Pages 41 - 68)

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.

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PLANNING AND RIGHTS OF WAY PANEL (WEST)  
MINUTES OF THE MEETING HELD ON 17 NOVEMBER 2015

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Present: Councillors Denness (Chair), Lloyd (Vice-Chair), Claisse, L Harris and Mintoff

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

**RESOLVED:** that the minutes for the Panel meeting on 6 October 2015 be approved and signed as a correct record.

36. **14 WESTWOOD ROAD 15/01711/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. Erection of a 5-storey building to provide 18 flats (14 x two-bedroom and 4 x three-bedroom) with associated parking and vehicular access from Cambridge Road following the demolition of the existing buildings.

Russell Pearce, Sarah Allen, Annie Chamberlain, Gordon Gill (local residents / objecting) and Councillor Claisse (Portswood Ward Councillors / objecting) were present and with the consent of the Chair, addressed the meeting.

The officer recommendation to delegate to the Planning and Development Manager authority to grant planning permission subject to criteria listed in report was not carried

**RESOLVED** to refuse planning permission for the reasons set out below:

(i) Harm to Character

The proposed development, due to its design and amount of site coverage by buildings and hardsurfacing, would be an overdevelopment of the site with insufficient private amenity space for future occupiers, particularly in relation to two of the family-sized units. Furthermore, the design of the proposed building would be out of character with the area, would fail to reinforce local distinctiveness and would compare unfavourably with the existing building by reason of the contrived curved roof design and use of external materials. Consequently, the proposal is contrary to Policies SDP1, SDP7 and SDP9 of the Adopted City of Southampton Local Plan (2015), Policies CS5, CS13 and CS16 of the adopted Southampton Core Strategy (2015) and the relevant sections of the Council's Residential Design Guide Supplementary Planning Document (September 2006) especially Parts 2, 3 and 4.

(ii) Parking/Highways and Impact on Residential Amenity

Based on the information submitted, it has not been adequately demonstrated that the development would not have a harmful impact on the amenities of nearby residential occupiers through increased competition for on-street car parking. The submitted survey fails to take into account existing day time commuter parking and as such, it is not clear the level of car parking proposed is sufficient to serve the development, particularly since significantly less spaces

would be provided than the Council's maximum adopted standards. Furthermore, the increase in the use of Cambridge Road by traffic would result in increased disturbance to the residents to the south of the site to the detriment of their amenities. The development would, therefore, be contrary to the provisions of Policy SDP1 of the City of Southampton Local Plan Review (2015), Policy CS19 of the Southampton Core Strategy Development Plan Document (2015) and the adopted Parking Standards Supplementary Planning Document (2011).

(iii) Failure to Enter into Section 106 Agreement

In the absence of a completed Section 106 Legal Agreement the proposals fail to mitigate against their direct impact and do not, therefore, satisfy the provisions of Policy CS25 of the adopted Local Development Framework Core Strategy (2015) as supported by the Council's Developer Contributions Supplementary Planning Document (April 2015) in the following ways:-

- (a) As the scheme triggers the threshold for the provision of affordable housing it is expected to provide a contribution to affordable housing to assist the City in meeting its current identified housing needs as required by Policy CS15 of the adopted Local Development Framework Core Strategy Development Plan Document;
- (b) Site specific transport works for highway improvements in the vicinity of the site which are directly necessary to make the scheme acceptable in highway terms have not been secured - in accordance with Policies CS18, CS19 & CS25 of the adopted Local Development Framework Core Strategy Development Plan Document and the adopted SPD relating to Developer Contributions;
- (c) In the absence of financial contributions towards the Solent Disturbance Mitigation Project to mitigate recreational disturbance and pressure on the Solent European designated conservation sites, the proposal would be contrary to Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010;
- (d) In the absence of a mechanism for securing a (pre and post construction) highway condition survey it is unlikely that the development will make appropriate repairs to the highway - caused during the construction phase - to the detriment of the visual appearance and usability of the local highway network;
- (e) In the absence of a Carbon Management Plan it is not clear how the development will achieve carbon neutrality or mitigate remaining carbon emissions from the development the proposal will be contrary to Policy CS20 of the Core Strategy.
- (f) In the absence of restrictions to prevent occupiers of the development from benefitting from parking permits for nearby on-street car parking, the development would lead to increased competition to on-street car parking that would be detrimental to the amenities of existing nearby residential occupiers contrary to policies SDP1 of the Local Plan Review and CS19 of the Core Strategy.

RECORDED VOTE refuse planning permission

FOR: Councillors L Harris, Lloyd and Mintoff

ABSTAINED: Councillor Denness



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

37. **KING GEORGE PUBLIC HOUSE, OAKLEY ROAD 15/01551/OUT**

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

Redevelopment of the site. Erection of 6x 3-Bed Houses With Associated Parking And Cycle/Refuse Storage (Outline Application Seeking Approval For Access, Appearance, Layout And Scale)

Councillor Galton and Councillor Furnell (ward councillors / objecting) and Adi Paplambu (architect) were present and with the consent of the Chair, addressed the meeting.

At the request of the Panel, officers amended the reasons for refusal to include an additional reason concerning the Impact on residential amenity that the development would have.

**RESOLVED** to refuse planning application for the reasons set out in the report and the additional reason set out below.

Additional reason for refusal

4. REASON FOR REFUSAL - Impact on residential amenity.

Based on the information submitted, it has not been adequately demonstrated that the development would not have a harmful impact on the amenities of nearby residential occupiers through increased competition for on-street car parking. The submitted survey fails to take into account existing points of access to off-road car parking and failed to assess the situation at the start and end of the school day in relation to nearby schools. As such, it is not clear the level of car parking proposed is sufficient to serve the development, particularly since significantly less spaces would be provided than the Council's maximum adopted standards. The development would, therefore, be contrary to the provisions of Policy SDP1 of the City of Southampton Local Plan Review (2015), Policy CS19 of the Southampton Core Strategy Development Plan Document (2015) and the adopted Parking Standards Supplementary Planning Document (2011).

38. **47-49 ARCHERS ROAD 15/01622/FUL**

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

Redevelopment of the site. Demolition of the existing buildings and erection of a three storey building to provide 10 flats (3 x one bedroom, 5 x two bedroom, 2 x three-bedroom) with associated car parking, refuse storage and landscaping.

The Panel requested that an additional clause be added to the section 106 legal agreement to restrict the issuing of parking permits to future residents and an additional condition on parking layout.

**RESOLVED** to delegate to the Planning and Development Manager authority to grant planning permission subject to the completion of a S106 Legal Agreement, the conditions listed in the report, and the amendments to the S106, set out below.

ADDITIONAL S106 CLAUSE

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

ADDITIONAL CONDITION

APPROVAL CONDITION: Parking layout and allocation [Pre-occupation condition]  
Prior to occupation, the parking spaces hereby approved shall be fully marked out and retained thereafter unless otherwise agreed in writing by the Local Planning Authority. Furthermore, two of the car parking spaces approved shall be provided solely for use of the occupants of the two three-bedroom units and be retained for the use of these units for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority. A minimum distance of 6m between the parking spaces shall be retained and the turning area hereby approved shall be kept clear at all times to facilitate on-site turning unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of residential amenity.

# Agenda Annex

**PLANNING AND RIGHT OF WAY PANEL (WEST)  
INDEX OF PLANNING APPLICATIONS FOR DECISION**

**DATE: 22 December 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                              | JF             | CAP                   | 5          | 15/01660/FUL<br>61 Charlton Road         |
| 6                              | LG             | CAP                   | 5          | 15/01786/FUL<br>238 Hill Lane, SO15 7NT  |
| 7                              | SH             | DEL                   | 5          | 15/01663/FUL<br>32 Archers 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

SH – Stephen Harrison

LG – Laura Grimason

JF – John Fanning

## 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 (West) Panel 22<sup>nd</sup> December 2015  
Planning Application Report of the Planning and Development Manager**

|   |   |   |   |
|---|---|---|---|
| <b>Application address:</b><br>61 Charlton Road   |   |   |   |
| <b>Proposed development:</b><br>Conversion of existing dwelling to 2 flats comprising 1x 3-bed flat and 1x 1-bed to include replacement ground floor side extension |   |   |   |
| <b>Application number</b>   | 15/01660/FUL  | <b>Application type</b>   | FUL   |
| <b>Case officer</b>   | John Fanning  | <b>Public speaking time</b>   | 5 minutes   |
| <b>Last date for determination:</b>   | 22/12/15  | <b>Ward</b>   | Freemantle  |
| <b>Reason for Panel Referral:</b>   | Request by Ward Member and more than five letters of objection have been received | <b>Ward Councillors</b>   | Cllr Moulton<br>Cllr Shields<br>Cllr Parnell  |
| <b>Called in by:</b>  | Cllr Moulton  | <b>Reason:</b>  | Concern that layout does not provide a reasonable family unit. Lack of sufficient parking. Out of character with neighbouring properties. |
| <b>Applicant:</b> Mr A Dbss   |   | <b>Agent:</b> Southern Planning Practice Ltd  |   |
| <b>Recommendation Summary</b>   |   | <b>Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report</b> |   |
| <b>Community Infrastructure Levy Liable</b>   |   | <b>No</b>   |   |

## 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, SDP5, SDP7, SDP9, H1, H4 and H7 of the City of Southampton Local Plan Review (as amended 2015); CS4, CS5, CS13, CS16, CS19 and CS20 of the Local Development Framework Core Strategy Development Plan Document (as amended 2015).

|                          |                           |   |              |
|--------------------------|---------------------------|---|--------------|
| <b>Appendix attached</b> |                           |   |              |
| 1                        | Development Plan Policies | 2 | Site history |

## **Recommendation in Full**

### **Conditionally approve**

1. Delegate to the Planning and Development Manager to grant planning permission subject to the provision of a contribution towards the Solent Disturbance Mitigation Project.

In the event that the contribution is not provided by 22<sup>nd</sup> February 2016, the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the necessary mitigation on nearby Special Areas of Conservation (SAC) and Special Protection Areas (SPA).

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

1.1 The application site is an end of terrace residential dwelling in Freemantle ward. The surrounding area is primarily residential in nature, with a mix of different dwelling types including terraced and semi-detached houses in addition to some flatted units. There is a private footpath to the side and rear of the site.

1.2 The site was previously occupied as a house in multiple occupation prior to a fire in February 2015. Due to significant fire damage, the property has been vacant since the fire.

#### **2.0 Proposal**

2.1 The application proposes a number of amendments to the existing property. Primarily the proposal seeks consent for the conversion of the existing single dwelling to form two separate flats. The property would be subdivided vertically, providing a one-bedroom flat to the front, split over the ground and first floor and a three bedroom unit to the rear, also across ground and first floor.

2.2 The application proposes a number of physical alterations to facilitate this change. An existing conservatory to the site of the property (which has been mostly destroyed by the fire) will be removed and replaced with a brick built extension. This extension has a reduced width but increases in length when compared to the existing extension. There are also some new windows in the side and rear elevation as a result.

2.3 The application has been amended since originally submitted, reducing the number of flats proposed from 3 to 2 and reducing the number of bed spaces provided by 2.

#### **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**. The site is not identified for development within the adopted Plan although lies within an areas of Medium



Accessibility to Public Transport (Public Transport Accessibility Level 3).

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 The existing two storey protrusion to the rear of the property was approved in 1988 under planning application 881478/W. Full details are set out in **Appendix 2**.

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

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice (01/09/15). In response to the first notification exercise 20 representations were received. Following receipt of amended plans and a second neighbour notification exercise, a further 11 responses were received. The following is a summary of the points raised:

- 5.1.2 • Additional occupants and inadequate on-site parking will exacerbate existing parking and highways safety issues in surrounding area
- 5.1.3 • Internal layout is contrived and doesn't provide reasonable amenities for other occupiers of the application site
- 5.1.4 • Overdevelopment which is out of character with the surrounding area
- 5.1.5 • Size of the proposed extension is excessive and leaves little outside space
- 5.1.6 • Parking survey was conducted during the summer period when students may not have been present and as such is not representative
- 5.1.7 • Parking survey is insufficiently detailed/inaccurate
- 5.1.8 • Further details of bin store required given the proliferation of bins for additional units
- 5.1.9 • Layout and additional residential intensity will potentially increase risk of further fires

Response: The issues raised in the above points are addressed more fully in section 6.

- 5.1.10      • The application was not advertised in the street/insufficient consultation has taken place  
 Response: Statutory requirements for this application type are that either the Council sends letters notifying occupiers who adjoin the site or erects a site notice advertising the application. In this case the Council did both, sending letters to neighbouring occupiers initially on 26<sup>th</sup> August 2015 and erecting a site notice outside the property on 1<sup>st</sup> September 2015. Following the receipt of amended plans and a change to the description of development, a re-consultation exercise was undertaken on 13<sup>th</sup> November 2015, sending letters to the original neighbours and all those who had written in regarding the application.
- 5.1.11      • The landlords have not been willing to engage with the concerns of local residents in terms of maintaining the property or controlling anti-social behaviour of tenants  
 Response: The planning system is predicated on the assumption that individuals will behave in a reasonable fashion. If there are issues of anti-social behaviour this is usually addressed under separate legislation and can be referred to the relevant Council department or police as necessary.
- 5.1.12      • Landlords will not comply with planning conditions/restrictions  
 Response: If consent is granted and the development does not proceed in accordance with the requirements of the consent then the issue can be referred to the planning enforcement team who can investigate and take action if necessary. It is important to note that there is no right of appeal against a breach of condition notice, meaning this is a robust way to manage the development.
- 5.1.13      • Tree to the front of the property has a harmful impact on neighbouring occupiers and general appearance within the street scene is harmed by poor maintenance to the front of the property  
 Response: Typically maintenance of the property is the responsibility of the landlord. The Council can take action under a Section 215 notice to require a land owner to undertake remedial action if the site is deemed to be sufficiently harmful to the amenity of the surrounding area. Notwithstanding this, the Local Planning Authority can, if consent is granted, imposed conditions requiring landscaping details for the new site.
- 5.1.14      • The proposed dwellings do not meet the relevant space standards or Part M of the Building Regulations for housing association dwellings  
 Response: It is noted that this objection was submitted prior to the amended plans being received. Regardless, it is noted that the technical housing standards are not currently adopted by Southampton and as such are not a material policy consideration in their own right. In addition, building regulations are addressed under separate legislation and an application could not be refused on this basis. The proposal meets the Council's supplementary guidance for residential design and, as such, the quality of accommodation proposed is considered to be acceptable.
- 5.1.15      • On the night of the fire, the property was being occupied by 13 individuals  
 Response: A Class C4 HMO can be occupied by between 3-6 unrelated individuals. In order to be occupied by 7+ individuals a separate sui generis permission is required. On the basis of the evidence available the Council considers the lawful use of the property to have fallen within the Class C4 use.

- 5.1.16      • Concern regarding structural integrity of previous two-storey extension  
Response: Such issues would not typically fall within the remit of the planning system and this matter has been forwarded onto the Council's Building Control Team.
- 5.1.17      • Would set a precedent for future conversions  
Response: Each application is considered on its specific individual merits at the time of submission, with reference to local and national planning policies at the time.
- 5.1.18      • Hard standing to front is inappropriate as a parking space  
Response: The applicant suggested that the space could be used for parking in section 7.6 of their supporting statement. Notwithstanding this, it is not considered that the space represents a practical parking space given the position, orientation and existing circumstances of the site. The application has been considered on the basis of no on-site parking.
- 5.1.19      • Applicant should clear neighbouring footpath as part of the application  
Response: There is a footpath running to the side and rear of the application site which is currently overgrown. It lies outside the boundary of the site and appears to be a private footpath. No evidence had been provided as part of this application to clarify who is responsible for maintaining this footpath. In addition, the applicant has not relied on this access as part of their application. It would not appear reasonable to require the applicant to undertake works which do not relate to their application and which fall outside of their site as part of the application. This is, therefore, a civil matter which would need to be addressed outside of the planning system.
- 5.1.20      Cllr Moulton (summary) -
- Proposal does not provide a real family unit with the layout splitting bedrooms over multiple floors and not providing sufficient room sizes, maximising rooms at the cost of creating a quality environment.
  - Lack of parking in existing property and as part of proposal in addition to intensification will harm amenity of residents given existing issues.
  - Extension is out of character with neighbouring properties
- 5.1.21      Cllr Shields –
- Over-development in an area with an already high density of people and a large number of HMOs and similar properties
  - Impact on public realm from increased on street car parking pressure
  - Concern that development would be out of character and issues regarding quality of development given existing issues with property

## 5.2      **Consultation Responses**

5.2.1      **SCC Contamination** – No objection.

5.2.3      **CIL** – The development is CIL liable as the proposal creates additional self-contained residential units facilitated by an extension to the residential building. The charge will be levied at £70 per sq. m on the increase in Gross Internal Area.

5.2.4      **SCC Environmental Health** – No objection.

5.2.5 **SCC Sustainability** – No objection.

5.2.6 **SCC Highways** – The submitted parking survey (while conducted during a school holiday period) is indicative of the high levels of parking pressure in the surrounding area. Notwithstanding the high take up of on street parking, it is not considered that there is a highways safety issue. Further details of satisfactory refuse and cycle storage details are required. N.B This issue is discussed in more detail in paragraphs 6.11-6.13, below.

5.2.7 **Southern Water** – No objection.

## **6.0 Planning Consideration Key Issues**

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

- The principle of development;
- Character and design;
- The impact on residential amenity;
- Parking and highways and;
- The effect on protected habitats.

### 6.2 Principle of Development

The application proposes the subdivision of an existing dwelling. Despite currently being in use as a house in multiple occupation, the property currently meets the definition of a 'family home' (classified in CS16 as a 3-bed dwelling with direct access to suitable amenity space). A family dwelling is retained as part of the application, with the unit to the rear of the property having three bedrooms (one at ground floor level and two at first floor level) and direct access to the subdivided garden to the rear. The size of the amenity space is more than 20 sq. in area meaning the proposed flat meets the definition of a family dwelling provided by Policy CS16.

6.3 The site currently has a density of 48 dwellings per hectare, which would be increased to 95 following the application proposal. The site lies in an area of medium accessibility in terms of CS5, which recommends a density of 50-100 dwellings per hectare would typically be expected in such areas. The proposed density of 95 dwellings per hectare, therefore, accords with CS5 although, the also needs to be tested in terms of the detailed design of the proposal. This is discussed in more detail below.

6.4 The use of the site for residential purposes is acceptable in principle and given the issues raised above, it is not considered there is an intrinsic policy objection to intensifying the use of the site. As such the main assessment is the specific impacts on the proposed development in relation to the site and surrounding area.

### 6.5 Character and Design

The application proposes the replacement of a previous single storey, UPVC side extension with a single-storey brick built extension, increasing the depth of extension with a slight reduction in width to retain a reasonable side access to the rear within the site.

6.6 While the proposal represents an increase in the overall footprint of the extension, taking into account the set back from the boundary with the neighbouring property and single-storey height of the extension, it is not considered that there will be a harmful impact. Furthermore, the retained garden to the rear would be over 14 metres in depth and 75 sq.m in area. This exceeds the amenity space standard that the Council usually expects for semi-detached properties (10 metre deep gardens of 70 sq.m in area) and as such, it is not considered that the site would appear over-developed. While the presence of the neighbouring footpath somewhat increases the visibility of the extension within the street scene, it is not considered that, taking into account the proposed design and scale, it would represent significant harm to the character of the host dwelling.

6.7 Amenity of neighbouring occupiers

The proposed change of use would have an impact in terms of changing the pattern of how the property is currently being occupied and utilised. While the proposal increases the number of residential dwellings, it is noted that the property (prior to being vacated due to fire damage) was in use as a 5-bedroom house in multiple occupation, with the current proposal forming a total of 4 bedrooms (1x 1-bed and 1x 3-bed).

6.8 Whilst the change in the layout and use of the site will alter the pattern of occupation, it is considered that the reduction in the number of bed spaces, thereby reducing the potential number of occupants that the property could accommodate, would represent a significant improvement on the previous situation. It is accepted that local residents have a number of concerns regarding the management of the existing property (with reference to section 5.11) and while concerns regarding anti-social behaviour fall outside the remit of the planning system, it is considered that smaller units are typically easier to manage than larger units.

6.9 On balance, taking into account the layout and existing use of the property, it is not considered that the impacts associated with the change of use would amount to such significant harm to justify refusing the application on these grounds.

6.10 The application does rely on a number of side facing windows for habitable rooms, however these are all part of the existing layout of the property so it is not felt that this would represent an increase in overlooking when compared to the existing situation and, therefore, does not give rise to significant harm.

6.11 Parking and Highways

The application form identifies a single on-site parking space retained as part of the application. As outlined in section 5.8 of this report, it is not considered that the hard standing to the front can accommodate a parking space and the application needs to be assessed on the basis of no on-site parking provision for the site. That said, it is important to note that the previous HMO use also did not benefit from off-street car parking. The current maximum parking provision for a 5-bed HMO is 2 spaces (in accordance with the HMO SPD). Following the conversion to 1x 1-bed flat and 1x 3-bed flat, the Parking Standards SPD sets out that a maximum of 3 spaces could be provided.

6.12 The application site lies within walking distance (under 400 metres) to Shirley Town Centre and less than 200 metres to the High Accessibility Bus Corridor. As such, the site benefits from excellent public transport links and is also accessible to local shops, services and facilities. As such, given the nature of the development, as two smaller flatted units and the edge of town centre location, it is considered entirely appropriate to not provide off-street car parking. The Council's adopted policies seek to promote sustainable development by increasing residential densities in accessible locations, to reduce reliance on the private car. The proposal would fully accord with this aim.

6.12 The applicant has submitted the application with a parking survey. Notwithstanding the concerns raised regarding the date on which the surveys were conducted, the survey does show a high uptake of on street parking, which is supported by the concerns of local residents. As noted in section 5.25, it is not considered that the proposed would result in significant harm in terms of highways safety.

6.13 Parking can be considered as an amenity issue for neighbouring residents however, as noted above it is considered that to comply with the outlined parking standards the applicant would need to demonstrate sufficient parking provision for one additional space, since the proposal would generate the need for one additional space when compared with the previous use of the property. With reference to the parking survey undertaken, even taking into account the parking restrictions in the surrounding area, sufficient capacity was identified to meet this provision. While it is accepted that the area does have a very high uptake of on-road parking, given the issues discussed above it is not considered that the proposal results in such significant additional harm to justify a reason for refusal on this basis.

6.14 Amenity of occupants

In accordance with the requirements of CS16 and sections 2.3.12 of the RDG the flats have both been provided with over 38m<sup>2</sup> of amenity space, with the 3-bed unit having direct access and the 1-bed unit having access via a side passageway. Further details are required of bin and bike store facilities are required. The layout of the units would provide a good-quality residential environment for occupants.

6.15 Habitats and Conservation

The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent

Disturbance Mitigation Project (SDMP), requiring a financial contribution of £174 per unit has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. This application has not currently complied with the requirements of the SDMP and as such does not meet the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended). Notwithstanding this, the applicant has identified their willingness to provide the contribution if the Panel is prepared to support approval of the application.

## **7.0 Summary**

7.1 For the reasons discussed above, it is considered that the potential harm from the introduction of an additional residential unit is balanced by the levels of residential intensity proposed as part of the new unit and the intensity of the existing unit. Furthermore, the proposal would secure the refurbishment and use of a vacant and dilapidated property, to the benefit of the character of the area. It is considered that other issues can be resolved by the use of conditions.

## **8.0 Conclusion**

8.1 In order to make the scheme acceptable, a contribution is required towards the SDMP and as such the recommendation is to delegate authority to approve the application following receipt of the contribution.

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

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

**JF for 22/12/15 PROW Panel**

### **PLANNING CONDITIONS**

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

The development 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 - Refuse and Cycle Stores [Pre-Occupation Condition]**

Prior to the first occupation of the use hereby approved details of the cycle and refuse stores shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with these details prior to the first occupation of the units hereby approved and shall be permanently maintained as such thereafter unless otherwise agreed in writing with the Local Planning Authority.

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.

**04. APPROVAL CONDITION - Means of Enclosure and Amenity Space [Pre-Occupation Condition]**

Prior to first occupation of the use hereby approved a plan shall be submitted to and approved in writing by the Local Planning Authority identifying the height and materials of replacement boundary treatments and other means of enclosure to the front and rear of the site. The site shall be implemented in accordance with these agreed details prior to the first occupation of the use hereby approved and retained as such thereafter.

Reason:

To ensure appropriate facilities are available for occupiers of the flats at all times and in the interests of the character and appearance of the host dwelling.

**05. 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)

|      |   |
|------|---|
| CS4  | Housing Delivery                        |
| CS5  | Housing Density                         |
| CS13 | Fundamentals of Design                  |
| CS16 | Housing Mix and Type                    |
| CS19 | Car & Cycle Parking                     |
| CS20 | Tackling and Adapting to Climate Change |

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

|      |                               |
|------|-------------------------------|
| SDP1 | Quality of Development        |
| SDP5 | Parking                       |
| SDP7 | Urban Design Context          |
| SDP9 | Scale, Massing & Appearance   |
| H1   | Housing Supply                |
| H4   | Houses in Multiple Occupation |
| H7   | The Residential Environment   |

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

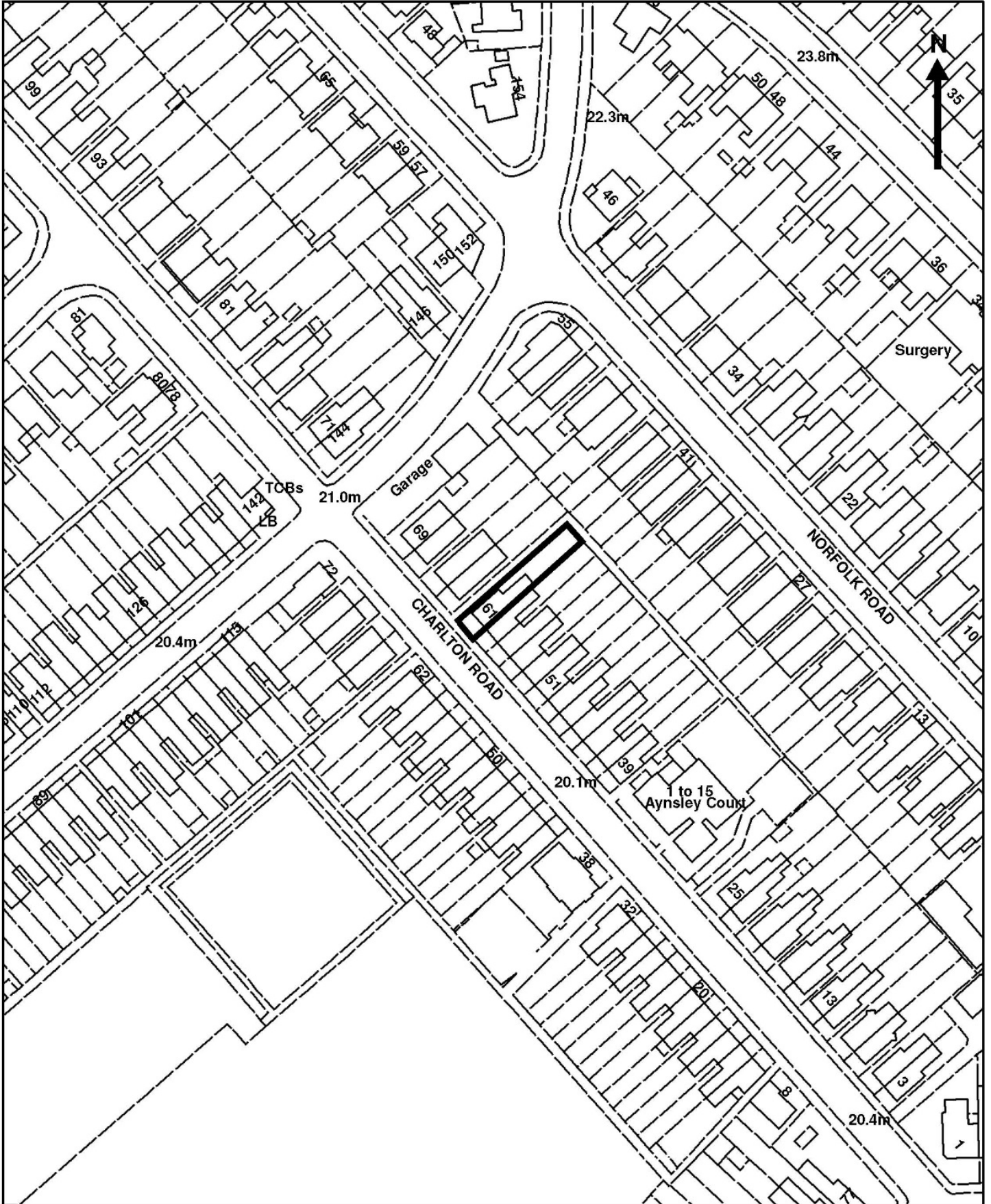
**Application** 15/01660/FUL

**APPENDIX 2**

**Relevant Planning History**

881478/W, Erection of a two-storey rear extension  
Conditionally Approved, 10.08.1988

# Agenda Item 5 15/01660/FUL



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# Agenda Item 6

**Planning, Transport & Sustainability Division  
Planning and Rights of Way Panel (WEST) - 22 December 2015  
Planning Application Report of the Planning and Development Manager**

|  |  |                             |  |
|--|--|-----------------------------|--|
| <b>Application address:</b><br>238 Hill Lane, Southampton, SO15 7NT  |  |                             |  |
| <b>Proposed development:</b><br>Erection of a two storey rear extension, installation of solar panels and front porch canopy (resubmission). |  |                             |  |
| <b>Application number</b>  | 15/01786/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>  | 04/01/2016<br>(extended)                             | <b>Ward</b>                 | Shirley                                    |
| <b>Reason for Panel Referral:</b>  | Five or more letters of objection have been received | <b>Ward Councillors</b>     | Cllr Chaloner<br>Cllr Kaur<br>Cllr Coombes |

|                                    |                                   |
|------------------------------------|-----------------------------------|
| <b>Applicant:</b> Mr & Mrs Renyard | <b>Agent:</b> Plum Architects Ltd |
|------------------------------------|-----------------------------------|

|                               |                              |
|-------------------------------|------------------------------|
| <b>Recommendation Summary</b> | <b>Conditionally approve</b> |
|-------------------------------|------------------------------|

|   |                       |
|---|-----------------------|
| <b>Community Infrastructure Levy Liable</b> | <b>Not applicable</b> |
|---|-----------------------|

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations, including the changes made to the scheme since the refusal of 15/00973/FUL 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 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                                | 2 | Plans for previously refused scheme under 15/00973/FUL |
| 3                        | Plans for Previously withdrawn scheme under 14/02093/FUL |   |  |

**Recommendation in Full**

**Conditionally approve**

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

1.1 The application site comprises a detached, two-storey dwellinghouse. The property is situated on the western side of Hill Lane, opposite Southampton Common. The surrounding area is predominately residential, though in close proximity to a school and a college.

## **2.0 Proposal**

2.1 The application proposes a two-storey rear extension to the existing dwelling and follows a recent refusal for a similar scheme (ref.15/00973/FUL). The main body of the proposed extension projects 3.5m from the rear wall (with a small bay element projecting up to 4m). The extension has a hipped roof design coming back from the ridge of the main dwelling and matching the pitch of the existing roof. The main difference to the previous scheme is a 0.5m reduction in the depth of the proposed extension.

2.2 The proposed internal layout facilitated by the extension maintains the existing total of 4 bedrooms in the property. The layout has been modified to provide a number of additional bathrooms and an enlarged kitchen/dining area at ground floor level.

2.2 The application also proposes the insertion of solar panels to the front and side (eastern) roof slopes.

## **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, application ref.15/00973/FUL seeking permission for the erection of a two storey rear extension and the installation of solar panels and a front porch canopy was refused. This application was taken to the Planning and Rights of Way Panel with a recommendation for Conditional Approval however it was deferred in order to give the applicant the opportunity to amend the scheme in response to panel concerns relating to the impact on residential amenity and design. Amendments were, however, not forthcoming and the scheme was refused under delegated powers. The reasons for the refusal of this scheme were as follows:

## **1. REASON FOR REFUSAL: Impact on Residential Amenity**

The proposed two storey rear extension would, by virtue of its excessive scale and bulk built so close to the common boundary, have an unacceptable impact on the residential amenities of the neighbouring occupiers of no.240 Hill Lane. This element of the scheme would have an overbearing impact on this neighbouring property leading to an increased sense of enclosure, a loss of light, and a reduction in outlook from habitable rooms. This proposal is therefore, contrary to policy CS13 of the adopted Core Strategy Partial Review (March 2015); saved policy SDP1(i) of the adopted Amended Local Plan Review (March 2015); and paragraphs 2.2.1 of the adopted Residential Design Guide SPD (September 2006).

## **2. REASON FOR REFUSAL: Inappropriate Design and Impact on Character**

The proposed two storey extension would, by virtue of its excessive scale and bulk, represent an incongruous and over-intensive form of development which would fail to relate appropriately with the recipient dwellinghouse. Furthermore, it would be at odds with the prevailing character of this part of Hill Lane where no similar two storey rear extensions are present. This proposal is therefore, contrary to policy CS13 of the adopted Core Strategy Partial Review (March 2015); saved policy SDP1(i), SDP7(iii)/(iv) and SDP9(i) of the adopted Amended Local Plan Review (March 2015); and paragraphs 2.3.1, 2.3.2, 2.3.8 and 2.5.2, of the adopted Residential Design Guide SPD (September 2006).

Plans for this scheme can be found in **Appendix 2**.

- 4.2 In 2014, an application (ref.14/02093/FUL) seeking permission for the erection of a two storey rear extension and the installation of solar panels and a front porch canopy was withdrawn prior to determination following concerns raised by officers. Subsequent schemes (15/00973/FUL and 15/01786/FUL) were amended in response to these concerns and have increased the separation distance of the proposed extension with the boundary with the neighbouring property at no.240 Hill Lane. This was withdrawn in response to officer concerns about the impact of the proposed extension on neighbouring occupiers in terms of the creation of an overbearing and overshadowing form of development. Plans for this scheme can be found in **Appendix 3**.

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

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners. At the time of writing the report **5** representations have been received from surrounding residents. The following is a summary of the points raised:
- 5.1.1 The proposed extension would, due to its excessive bulk located so close to the common boundary with no.240 Hill Lane, result in a loss of amenity for the occupiers of this neighbouring property in addition to the occupiers of no.242, 244 and 246. Specifically, this would be by virtue of a loss of light to and overshadowing of habitable room windows. This would be a particular issue in winter months.



*Reason: The concerns of the most affected neighbours at no.240 Hill Lane and no.82 Radway Road are noted. This scheme has been amended in response to the previous reason for refusal of 15/00973/FUL along these grounds (detailed in paragraph 4.1). As a result, the depth of the extension has been reduced from 4m to 3.5m. The proposed extension is outside of the 45 degree line in accordance with guidance outlined in the Residential Design Guide SPD. This, combined with the retention of an acceptable separation distance of approximately 4m with no.240 Hill Lane (excluding the neighbouring conservatory) results in an acceptable relationship with this neighbouring property, overcoming the previous reason for refusal relating to residential amenity. As such, this proposal is not considered to result in a significant loss of light or significant overshadowing of this neighbouring property. It must also be noted that under permitted development, a two storey extension of 3m in depth could be constructed without the need to obtain permission from the Local Planning Authority. The additional 0.5m over this permitted development allowance is not considered to result in any additional undue harm to residential amenity in this location.*

- 5.1.2 The proposed extension would, due to the installation of bedroom windows at first floor level, overlook the rear garden of the property to the rear at no.82 Radway Road leading to a loss of privacy for occupiers.

*Response: A separation distance of approximately 15m would be retained between the rear elevation of the proposed extension and the side wall of no.82 Radway Road. Furthermore, there is an existing single storey outbuilding along the rear boundary of the application site and an existing boundary fence between these two properties providing additional screening for the rear garden of no.82 Radway Road. In light of this, it is not considered that the proposed extension would result in any additional overlooking of this neighbouring rear garden.*

- 5.1.3 The proposed extension would lead to an expanse of unbroken brickwork directly facing no.240 Hill Lane leading to a loss of outlook.

*Response: The proposed extension would be constructed using high quality facing brick to match that of the existing property. The section of brick to the side elevation would therefore, have a high quality appearance replicating that of the existing dwellinghouse. There are no windows within the side elevation of no.240 and the proposed scheme would not therefore, have an impact on any side facing windows within this neighbouring property. The retention of an appropriate separation distance (approximately 4m) between no.240 Hill Lane and the proposed extension combined with the reduction of the depth of the extension by 0.5m would ensure that no loss of outlook would occur. It is also noted that the habitable room windows within the rear elevation of no.240 would continue to benefit from sufficient outlook to the north and the west. A very similar scheme could be constructed under permitted development.*

- 5.1.4 The proposed extension would be out of character with the surrounding area.

*Response: It is acknowledged that there are no similar two storey extensions along this section of Hill Lane. This does not however, automatically mean that a two storey extension would not be accepted in this location. Under permitted development, an extension with a depth of 3m could be constructed at the*



*application site but also at neighbouring properties. The proposed extension only exceeds this permitted development allowance by 0.5m. This additional 0.5m is not considered to be harmful to the character of the surrounding area and it is not uncommon to find two storey rear extensions in residential areas.*

- 5.1.5 Permitting such a large extension would set a precedent for similar development in the surrounding area.

*Response: Any further applications for similar two storey extensions would be determined based on their individual planning merits. Granting permission for a two storey extension at this property would not automatically mean that permission would be granted for similar extensions in the future. Residential properties could also potentially construct similar 2 storey extensions under permitted development.*

- 5.1.6 The submitted Design and Access Statement gives a misleading impression that properties to the north all have large extensions, which is not the case.

*Response: A satellite photograph of the site was included in the Design and Access Statement physically demonstrating the layout of neighbouring properties. The assessment of the planning application is made taking into account all submitted information, including letters of representation received and a visit to the site and surrounding area.*

- 5.1.7 The applicant has stated they received advice from the Planning Department prior to resubmission - any such advice should not prejudice the outcome of this application.

*Response: Applicants are encouraged to use the City Council's pre application advice survey as this enables an early identification of any issues which may arise during the formal planning application stage. Any officer-level advice provided prior to the submission of an application is provided without prejudice to the decision that the Council will take at the formal planning application stage. This application has been assessed having regard to all relevant material planning considerations.*

## 5.2 Consultation Responses

### 5.2.1 SCC Heritage Conservation – No objection.

The site lies in a Local Area of Archaeological Potential, as defined in the Southampton Local Plan and Core Strategy. It is just west of Southampton Common, on the west side of Hill Lane. The lane is of medieval origin, if not earlier. Prehistoric evidence has been found in the general area, and may be present on the site. In the 19th and early 20th centuries, the site itself was a field to the south of the Cockroads Farm (demolished in the 1930s). Archaeological investigations not far to the north have uncovered 19th century buildings associated with the farm, although it is unlikely that such evidence will be present on this site.

Given the small nature of the development, I do not require any archaeological conditions to be attached to the planning consent.

## **6.0 Planning Consideration Key Issues**

### **6.1 Introduction**

6.1.1 The determining issues for this scheme relate to:

- The impact of the proposal on the residential amenities of neighbouring occupiers.
- The acceptability of the design and the overall impact on the character of the local area.

6.1.2 Under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, a two storey extension with a maximum depth of 3m from the rear elevation of the original dwellinghouse could be constructed without planning permission. The main bulk of the proposed extension (excluding the proposed two storey bay window) has a depth of 3.5m and due weight should therefore, be given to this fallback position. The assessment which is required in this case relates to whether the additional 0.5m bulk over what could be constructed as permitted development would give rise to significant additional harm in terms of residential amenity or design. The projection has been reduced from 4m following previous consideration by the Planning and Rights of Way Panel.

### **6.2 Residential Amenity**

6.2.1 The neighbouring property at no.236 is located to the south of the application site. It is the side elevation of this property which faces the application site. All windows within this side elevation are obscure glazed and face the original dwellinghouse at no.238. As they are obscure glazed, they are not considered to benefit from a good outlook at the current time. The proposed extension at no.238 would be set in from the side elevation of the original dwellinghouse by approximately 2.1m. Furthermore, a distance of approximately 4.5m would be retained between the side elevation of the proposed extension and the common boundary between the application site and no.236. In light of this, it is not considered that the proposed extension would be detrimental to the residential amenities of the occupiers of no.236 in terms of loss of light or overbearing relationship. This relates to both windows within the side and rear elevation of this property. The lack of any windows within the side elevation of the proposed extension would ensure that no additional overlooking of this neighbouring property or its garden would occur.

6.2.2 The side elevation of no.82 Radway Road is located to the rear of the application site. At present, this is located approximately 19m away from the rear elevation of the application site. As a result of this proposal, this would be located approximately 15m away from the bedroom windows proposed at first floor level of the proposed extension. It is also noted that this neighbouring property is positioned slightly south of the application site. Paragraph 2.2.7 of the Residential Design Guide outlines a minimum separation distance of 12.5m between habitable room windows and the side elevation of a neighbouring property. The proposal would retain an acceptable separation distance in accordance with this requirement and is not considered to result in a loss of amenity for the occupiers of this property in terms of loss of light, overbearing impact or loss of privacy.

- 6.2.3 The neighbouring property at no.240 Hill Lane is located to the north of the application site. It is the side elevation of this property which faces the application site. There are no existing windows within this side elevation. There are however, a number of windows located within the rear elevation of this neighbouring property and these appear to serve habitable rooms (a living room at ground floor level and bedrooms at first floor level). It is also noted that there is a small conservatory to the side of this neighbouring property, adjacent to the common boundary with the application site. The proposed extension would be set in from the side elevation of the application site by approximately 1.4m and a distance of approximately 3m would remain between the extension and the common boundary. Furthermore, a total distance of approximately 4m would remain between the side elevation (excluding the conservatory) of this neighbouring property and the side elevation of the proposed extension.
- 6.2.4 Paragraph 2.2.12 of the Residential Design Guide states that: 'The 45 degree code is designed to protect your neighbours' enjoyment of their property by ensuring satisfactory outlook, natural light and to prevent excessive overshadowing. Generally, the rule provides for an imaginary line drawn at 45 degrees from your extension to a neighbour's nearest window which lights a habitable room (living room / dining room / bedroom). The line will show the maximum width and / or depth that a proposed extension can build up to and so extensions should not project beyond the projected line'. Having applied the 45 degree code, it is clear that the proposed extension is located outside of the 45 degree line to the nearest habitable room window within the rear elevation of no.240 Hill Lane and as such, the neighbours outlook is not considered to be harmed in planning terms.
- 6.2.5 Paragraph 2.2.12 advises that: 'The 45 degree code is designed to protect your neighbour's enjoyment of their property by ensuring a satisfactory outlook, natural light and to prevent excessive overshadowing'. The proposed extension would be sited in an appropriate manner and would be located outside of the 45 degree line in accordance with the guidance outlined in the Residential Design Guide SPD. This, combined with the retention of an acceptable separation distance with the neighbouring property would effectively mitigate the impact of the proposed extension, ensuring that no loss of light or overbearing impact would occur. Furthermore, it is not considered that any significant overshadowing of no.240 Hill Lane would occur as a result of this proposal.
- 6.2.6 Two new bedroom windows would be established at first floor level. There are currently three windows at first floor level within the rear elevation of the application site and whilst the new windows would be further out to the rear by approximately 3.5m, it is not considered that they would give rise to any additional overlooking above the existing arrangement. Furthermore, no windows would be established within the side elevation of the proposed extension.
- 6.2.7 Section 2.2.18 of the Residential Design Guide states that: 'Where a new building is proposed on or close to the boundary of a garden / yard boundary, the City Council will carefully consider the impact of this from the perspective of someone standing in that location. The weight attached to such a consideration will vary from site to site.....Where the garden area is large and enjoys an

outlook in a number of directions other than the land being developed, this consideration will be less important'. The rear garden of no.238 Hill Lane is approximately 17m in depth and an additional 3.5m bulk adjacent to this is not considered likely to have an overbearing impact on this spacious garden or lead to an increased sense of enclosure for occupiers. This sizeable garden would continue to benefit from a good outlook and it is not considered that the proposal would result in significant harm.

- 6.2.8 The depth of the proposed extension has been reduced from 4m in the previously refused scheme (15/00973/FUL) to 3.5m this time around (excluding the two storey bay window). As a result, the depth of the proposed extension is only 0.5m greater than what could be constructed under permitted development (a maximum depth of 3m). Having regard to this fall-back position, it is not considered that an additional 0.5m bulk over the permitted development allowance would give rise to any significant additional harm on the residential amenities of the occupiers of no.240 Hill Lane in terms of loss of light or overbearing impact. On balance, the 0.5m reduction is therefore, considered to be sufficient to make the scheme acceptable.
- 6.2.9 The proposed solar panels would be sited appropriately and would not be detrimental to residential amenity.
- 6.2.10 The proposed front porch canopy would be relatively modest in scale and would not be detrimental to residential amenity.
- 6.2.11 Having regard to the above issues, this scheme is considered to be acceptable in terms of residential amenity, overcoming the previous reason for refusal.

## 7.0 Design

- 7.1 The proposed extension is a sizeable addition which would not, due to its location to the rear of the property, be visible from Hill Lane. It would, to some extent, be visible from Radway Road however given its set back from the immediate street scene and the presence of a substantial boundary treatment at the property, it is not considered that this proposal would have a significant impact on the wider streetscene in this location.
- 7.2 The proposed extension would be constructed using materials to match those of the recipient dwelling. It would have a hipped roof no higher than the roof of the existing dwelling and of a pitch to match that of the existing. To the rear, the proposed two storey bay feature would introduce an additional feature of interest to the property resulting in a good quality design.
- 7.3 It is acknowledged that there are no similar two storey extensions along this section of Hill Lane. This does not however, automatically mean that a two storey extension would not be accepted in this location. Whilst there are no existing two storey extensions in this location, this scheme adopts a high quality design which would enhance the overall appearance of the rear of the property and is not considered to be detrimental to the character of the wider area. Again, regard must be given to the fallback position which would allow a 3m extension to be constructed under permitted development. On balance, the additional 0.5m depth over this permitted development allowance is considered to be acceptable and would not be harmful in terms of design or character. The reduction of the

depth of the extension from 4m in the previous proposal (ref.15/00973/FUL) to 3.5m this time around is considered to be sufficient to overcome the previous reason for refusal relating to design, bringing the proposed scheme closer to what would be allowed under permitted development.

- 7.4 The proposed solar panels would be sited appropriately and would not be overly visible from the wider streetscene.
- 7.5 The proposed front porch canopy would have an acceptable appearance.
- 7.6 Having regard to the above issues, this scheme is considered to be acceptable in terms of design, overcoming the previous reason for refusal.

## **8.0 Summary**

- 8.1 In light of the issues discussed in this report, this proposal is considered to have successfully overcome the reasons for the refusal of the previous application. The proposed two storey extension would be of a high quality design and of a scale which would be appropriate in relation to both the recipient building and the character of the surrounding area.

## **9.0 Conclusion**

- 9.1 This application is recommended for conditional approval.

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

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

### **LAUGRI for 22/12/15 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 - No other windows or doors to be installed [Performance Condition]**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order), no additional windows, doors or other openings shall be constructed at first floor level within the northern or southern side elevations of the two storey extension hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of residential amenity.

**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)

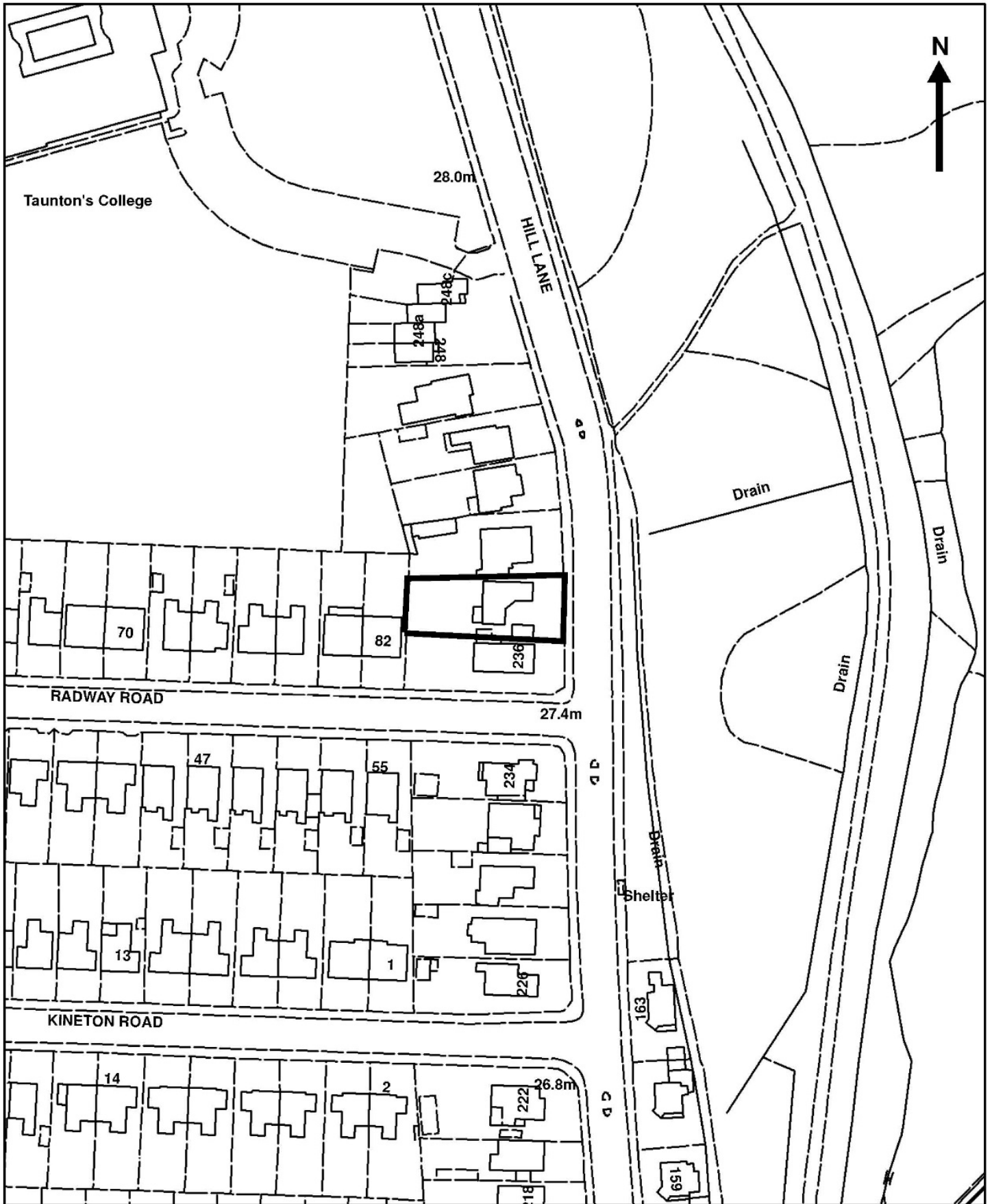
Saturdays: 09:00 hours to 13:00 hours (9.00am to 1.00pm)

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.



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**Application** 15/01786/FUL

## **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)  
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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| Rev: | Date:         | Amendment:       |
|------|---------------|------------------|
| A    | 25 Nov 2014   | Design evolution |
| B    | 11 Dec 2014   | Design evolution |
| C    | 10 March 2015 | Revised layout   |
| D    | 20 March 2015 | Design evolution |

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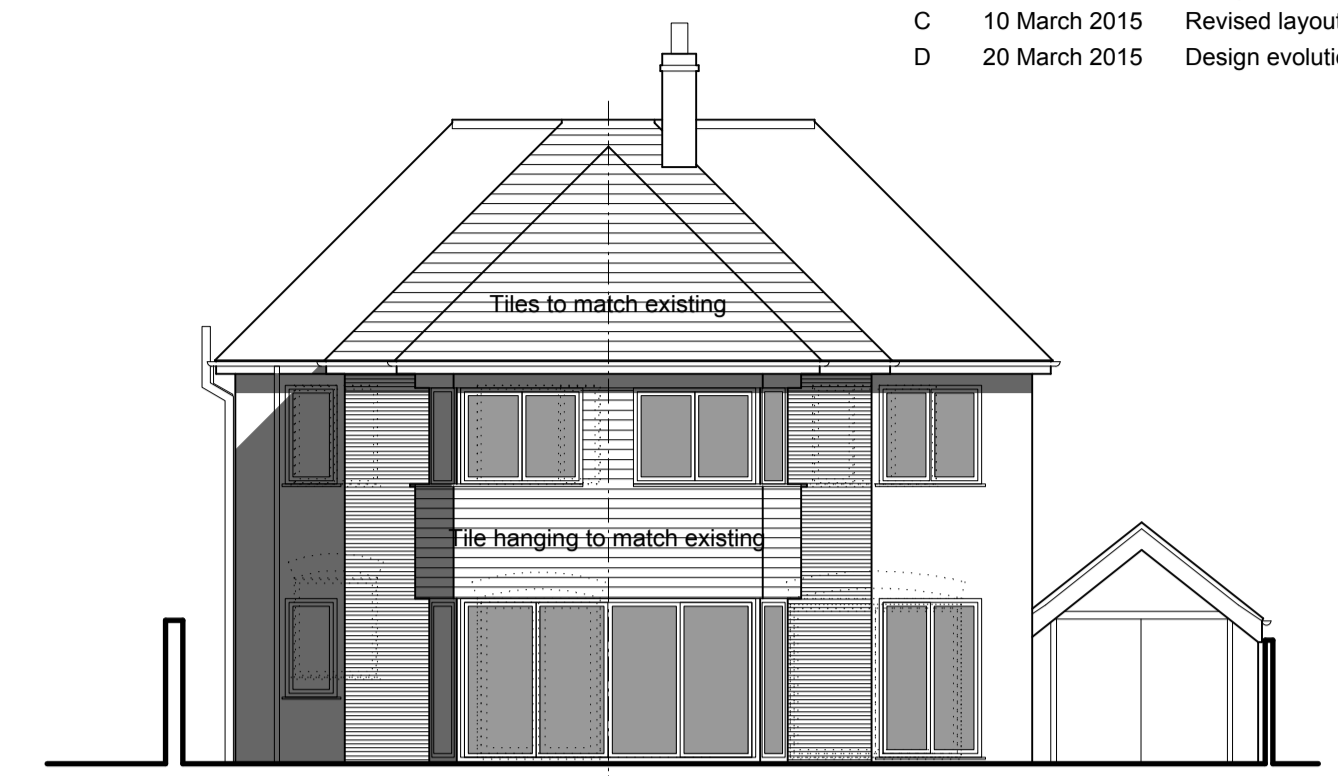
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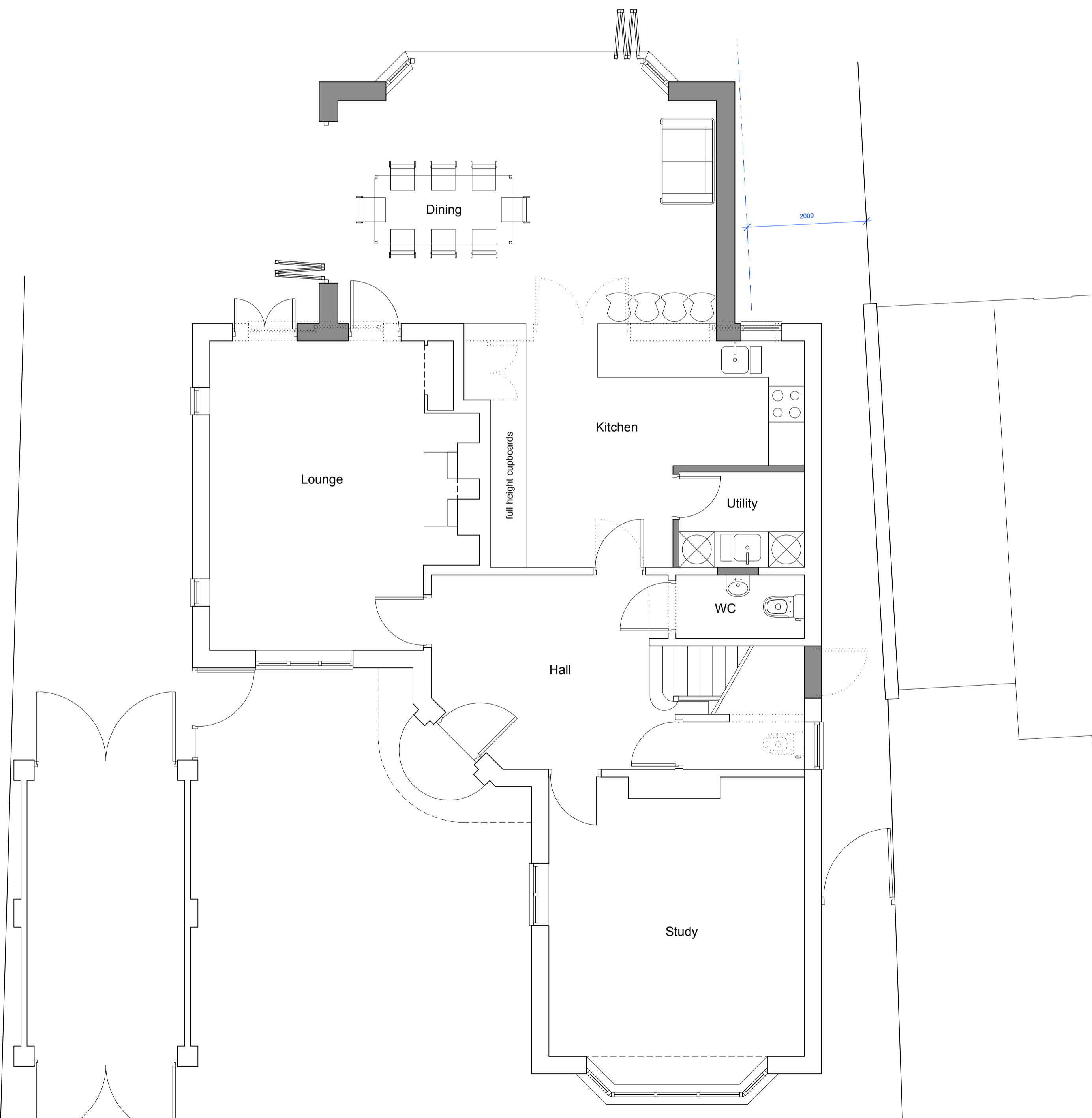
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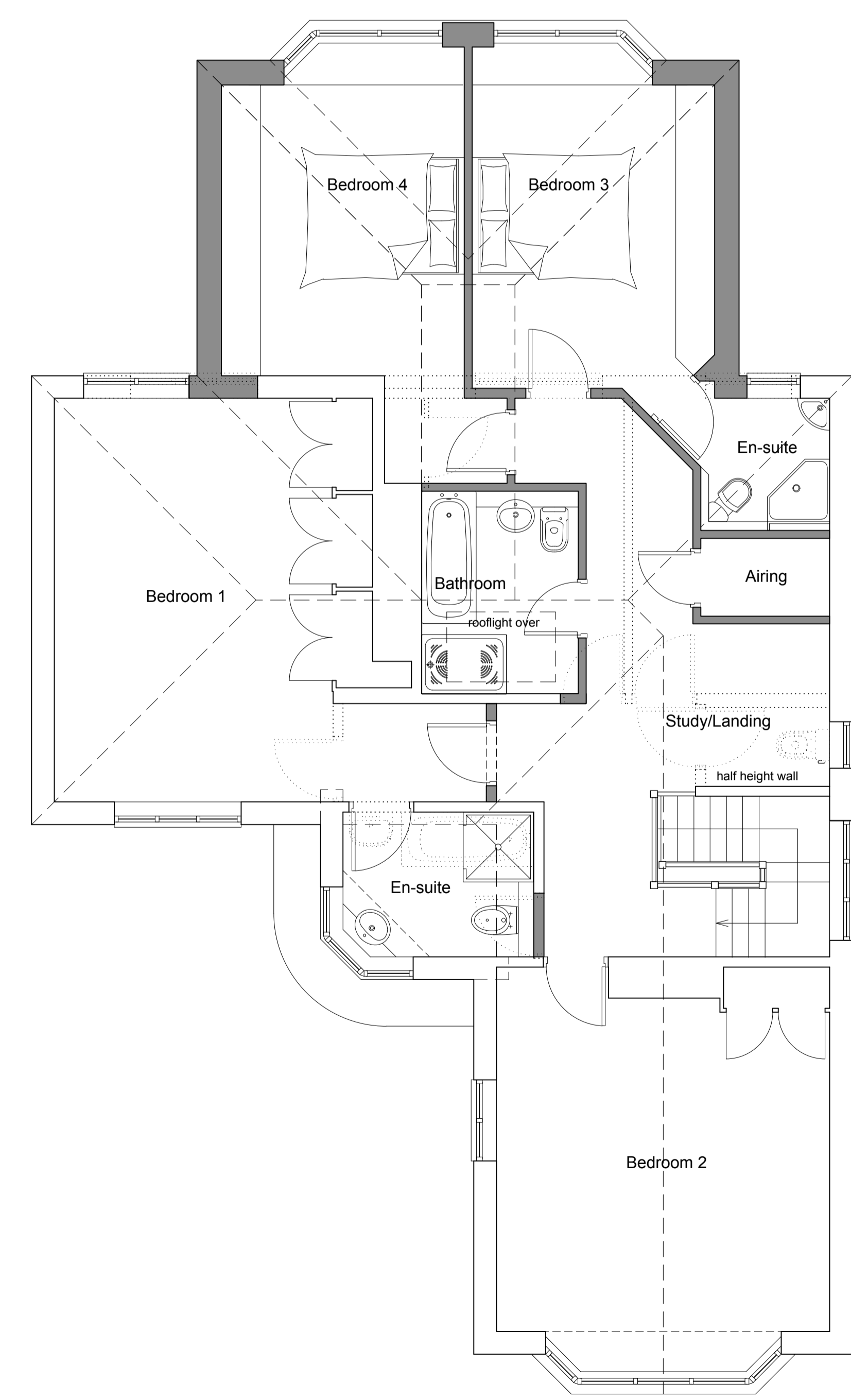
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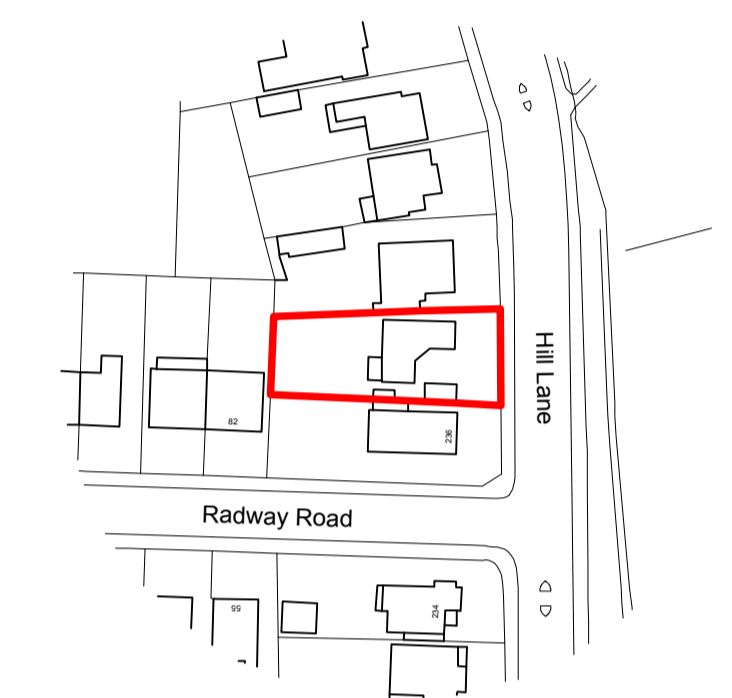
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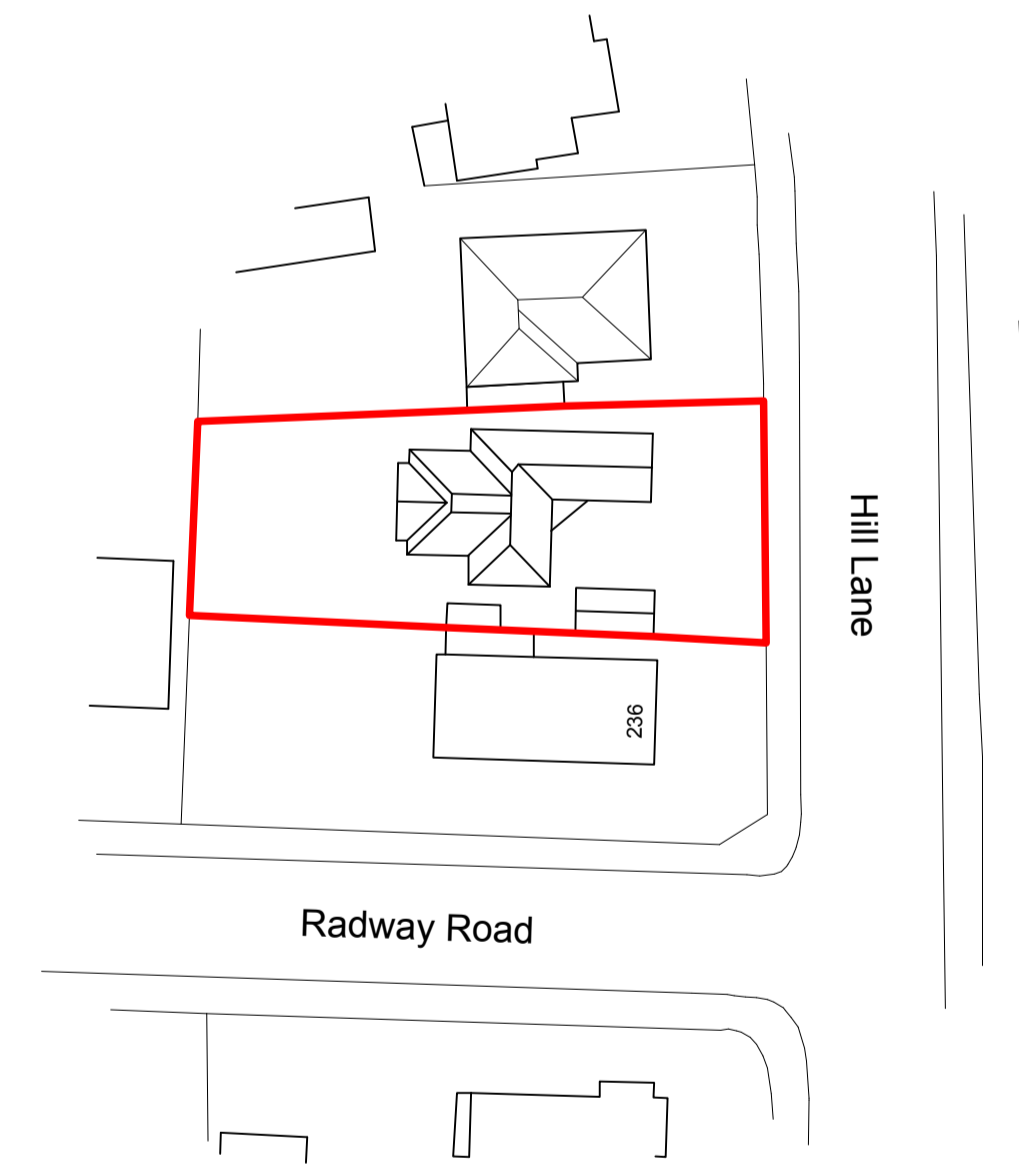
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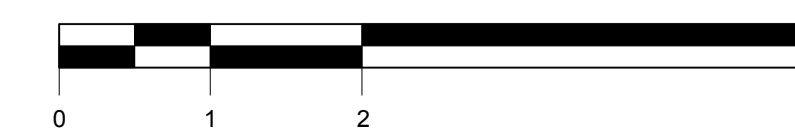
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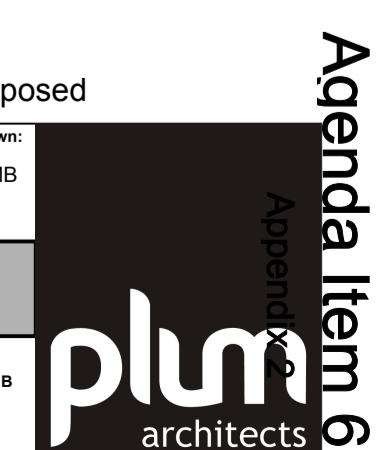
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**SITE LOCATION PLAN**  
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**BLOCK PLAN**  
1:500



|  |              |               |
|--|--------------|---------------|
| <b>Project</b>   |              |               |
| 238 Hill Lane<br>Southampton<br>SO15 7NT   |              |               |
| <b>Client</b>  |              |               |
| Mr & Mrs Renyard   |              |               |
| <b>Drawing:</b>  |              |               |
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| <b>Drawing no.:</b>  | <b>Rev.:</b> |               |
| PA14-164:02  | D            |               |
| <small>A 1 Victoria Square Lee-on-the-Solent Hants PO13 9NB<br/>         T 02382 85 66 40<br/>         E studio@plumarchitects.co.uk</small> |              |               |



Agenda Item 6

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| Rev: | Date: | Amendment: |
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**REAR (West) ELEVATION: as existing**  
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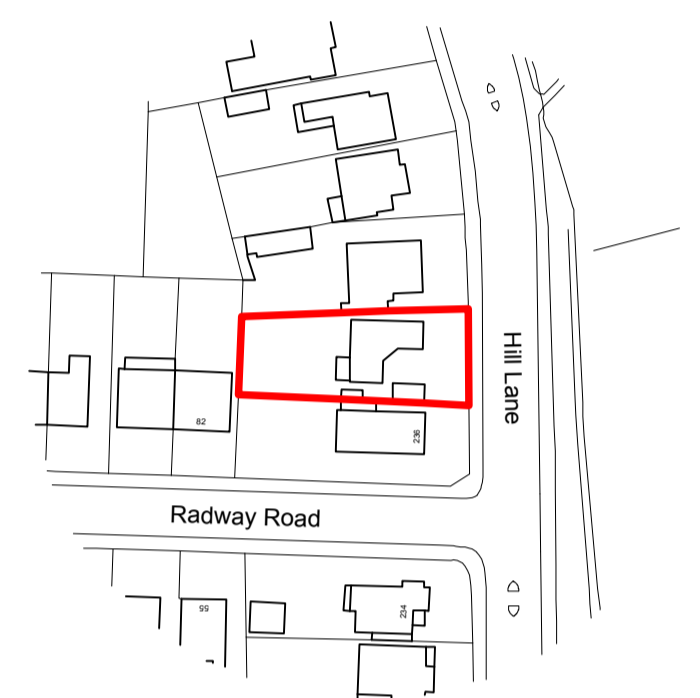
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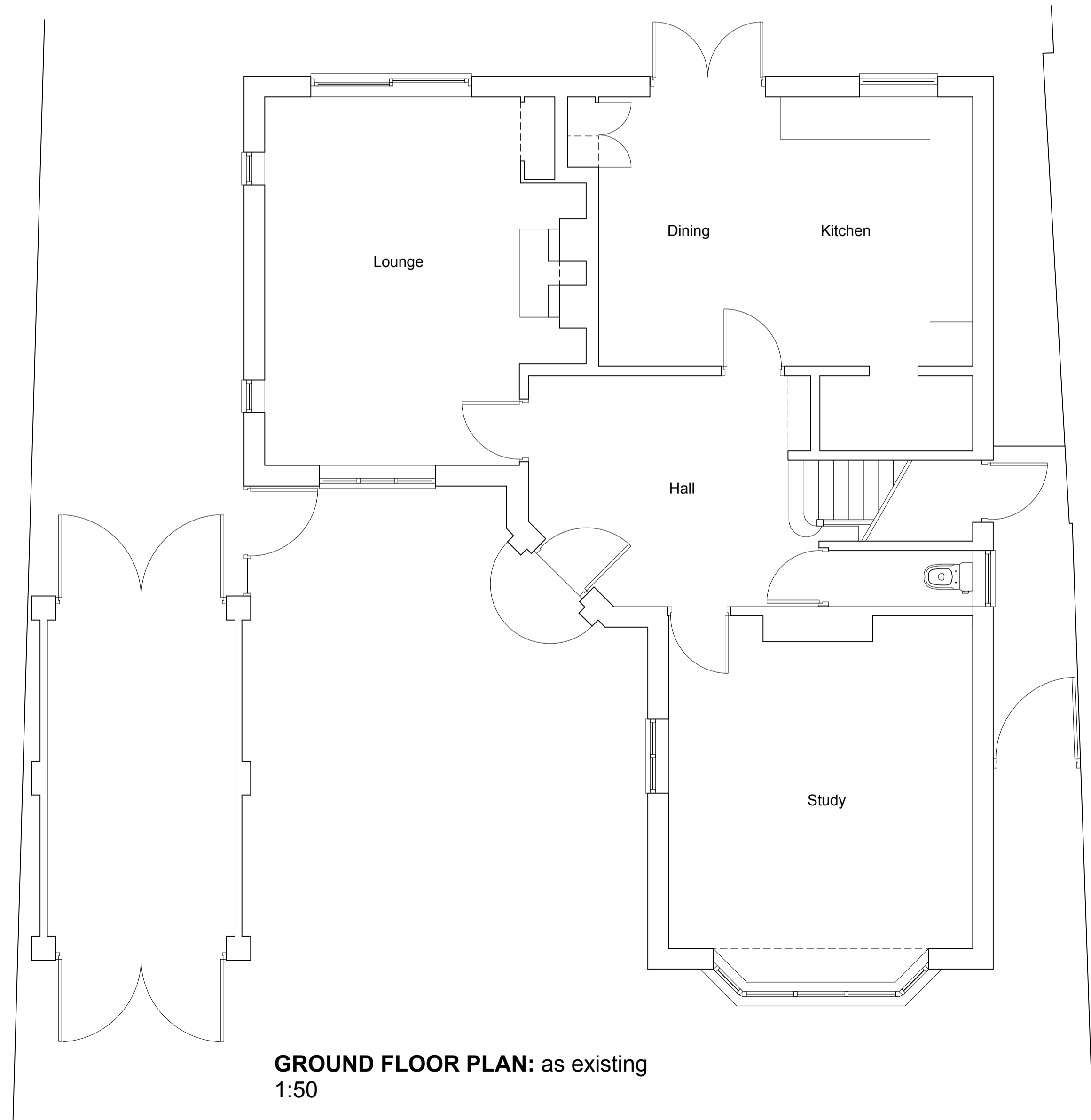
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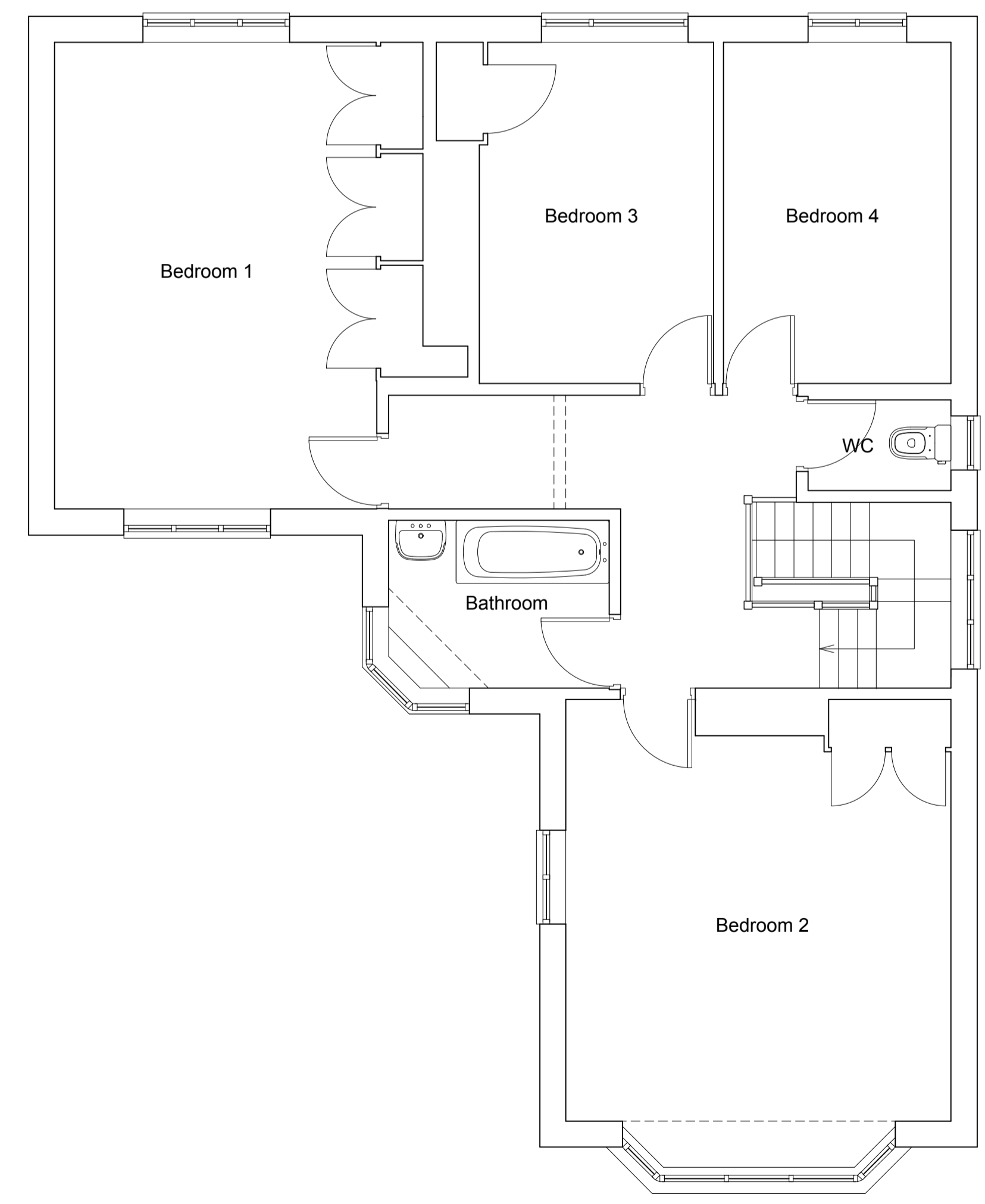
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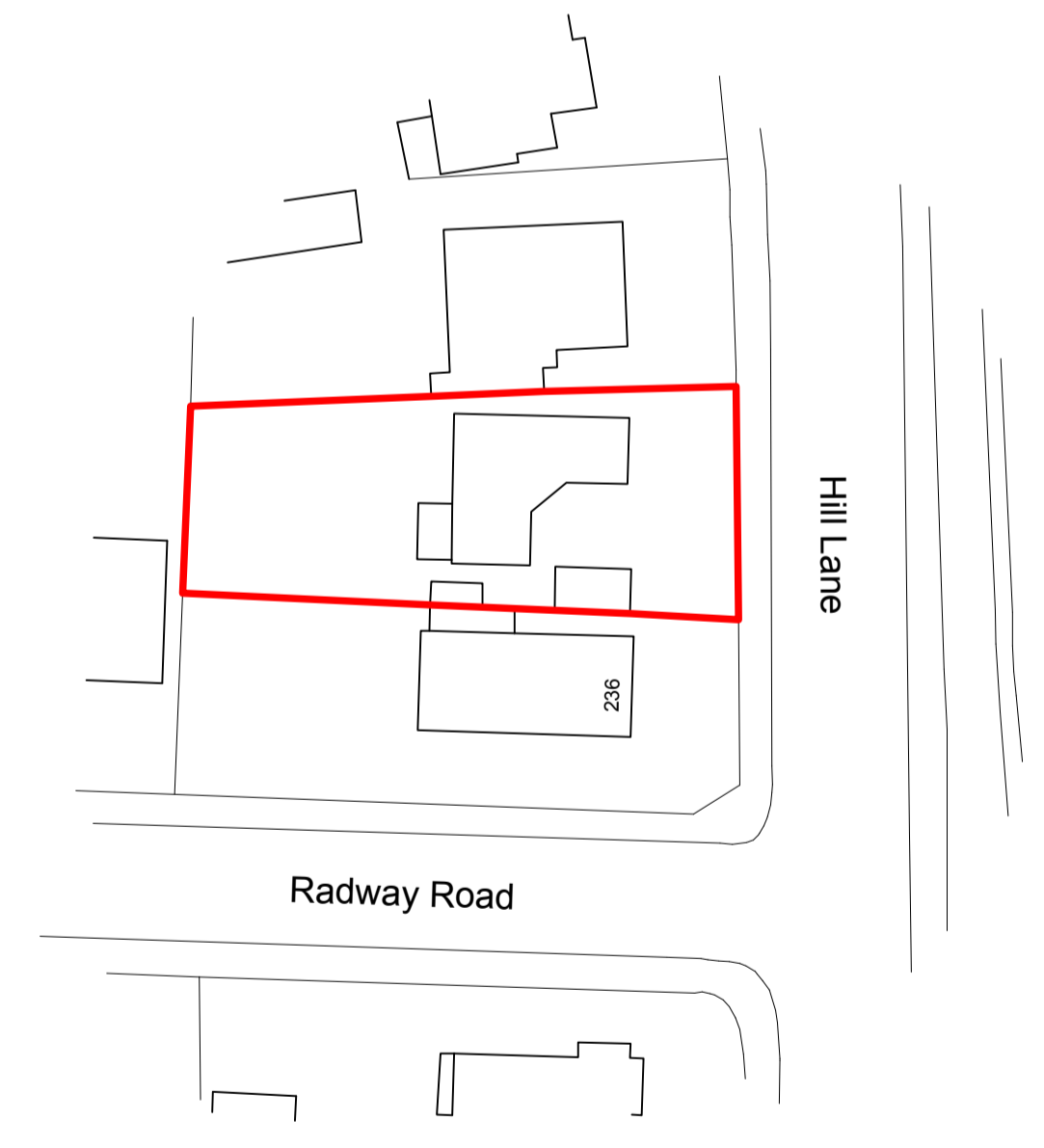
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**GROUND FLOOR PLAN: as existing**  
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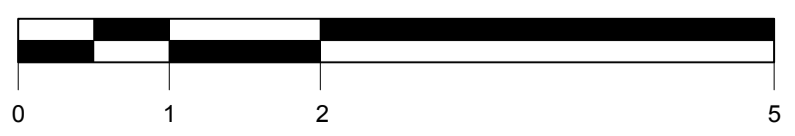


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**BLOCK PLAN**  
1:500

|   |              |               |
|---|--------------|---------------|
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| 238 Hill Lane<br>Southampton<br>SO15 7NT  |              |               |
| <b>Client</b>   |              |               |
| Mr & Mrs Kitcher  |              |               |
| <b>Drawing:</b>   |              |               |
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| PA14-164:01   | -            |               |
| A 1 Victoria Square Lee-on-the-Solent Hants PO13 9NB<br>T 02382 85 66 40<br>E studio@plumarchitects.co.uk |              |               |



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| Rev: | Date:       | Amendment:       |
|------|-------------|------------------|
| A    | 25 Nov 2014 | Design evolution |
| B    | 11 Dec 2014 | Design evolution |



**FRONT (East) ELEVATION:** as proposed  
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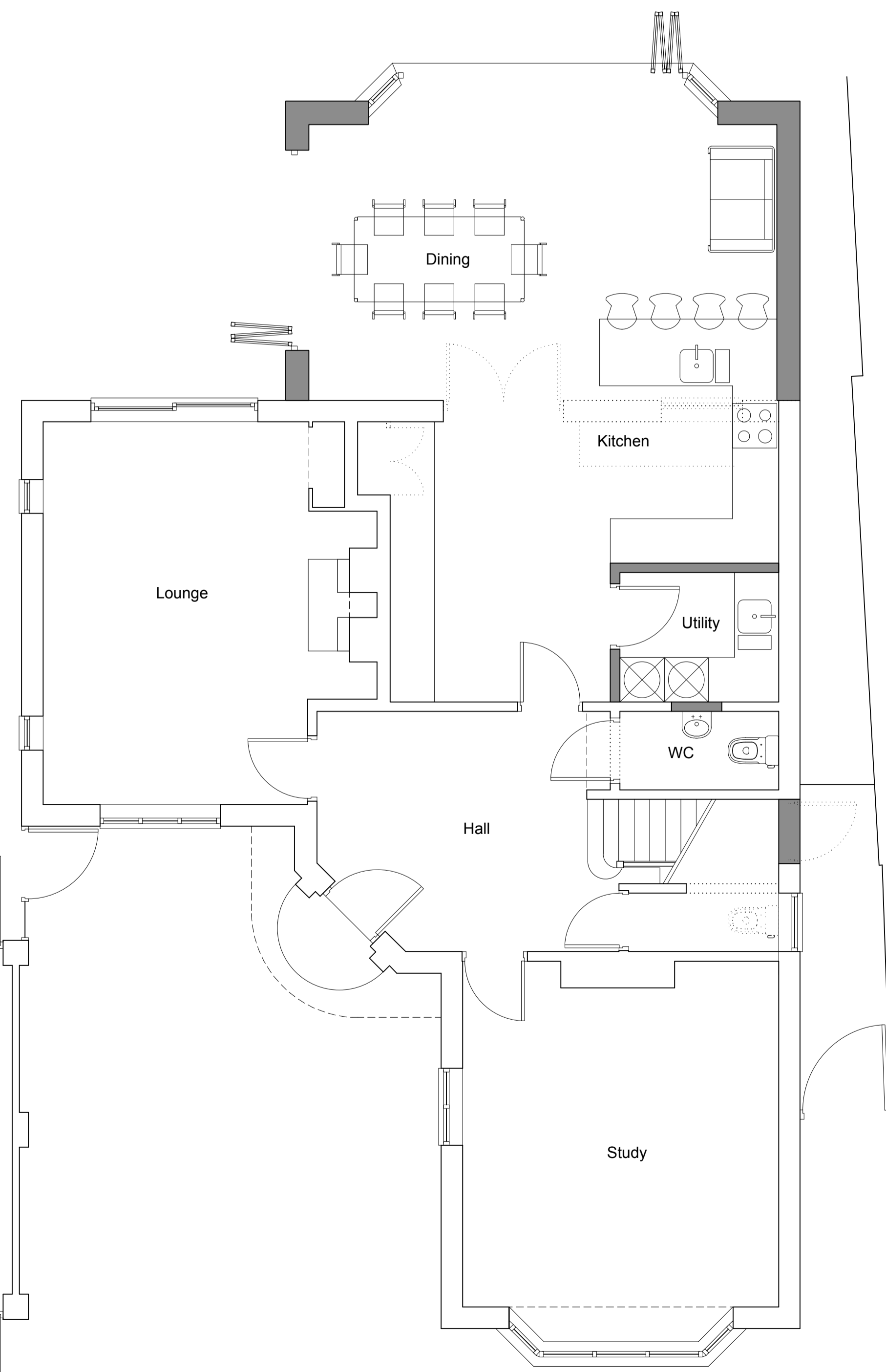
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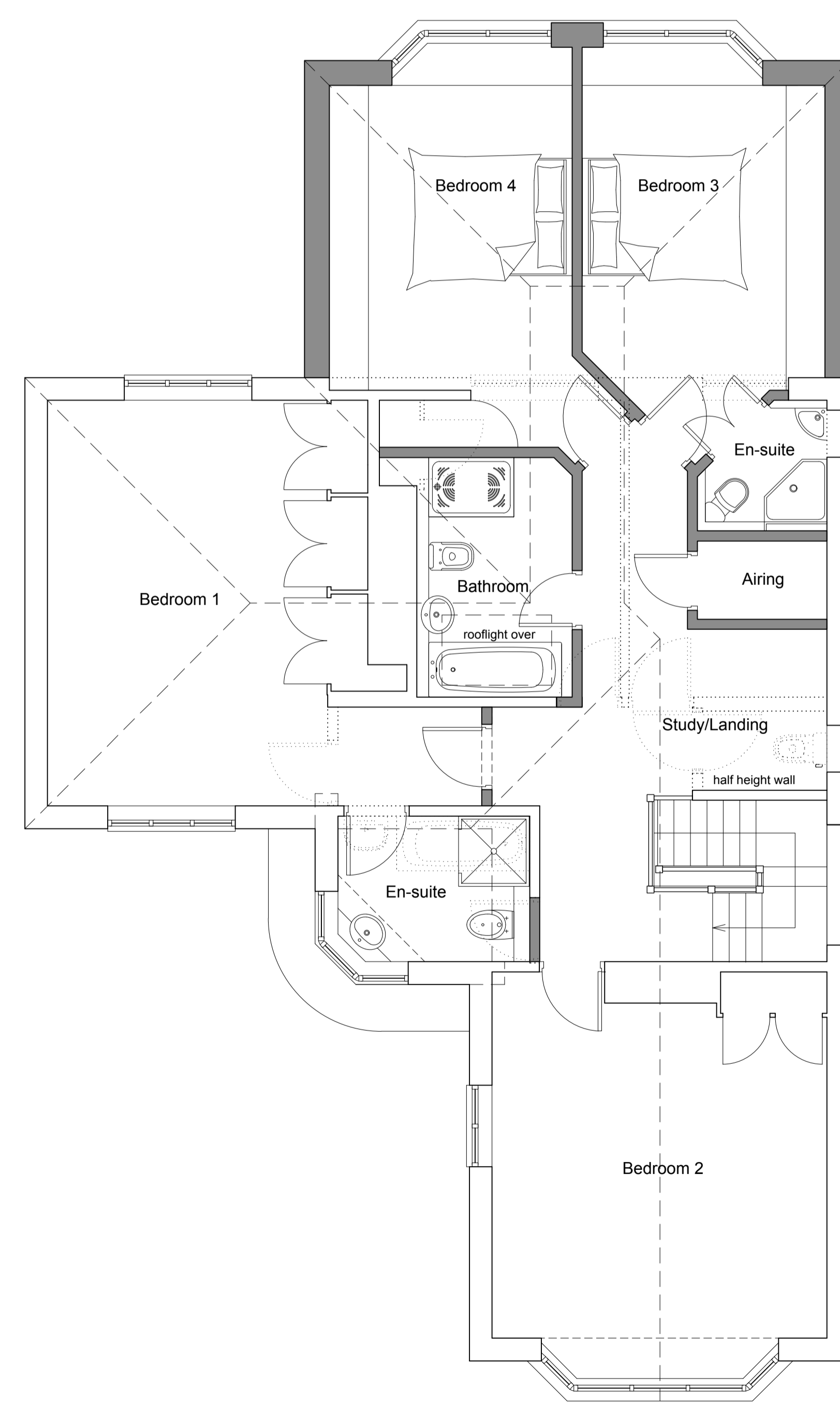
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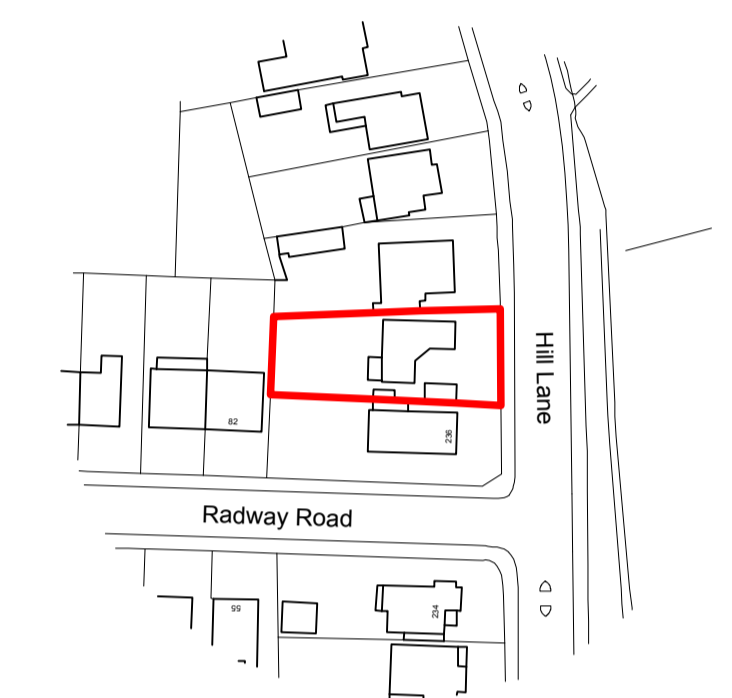
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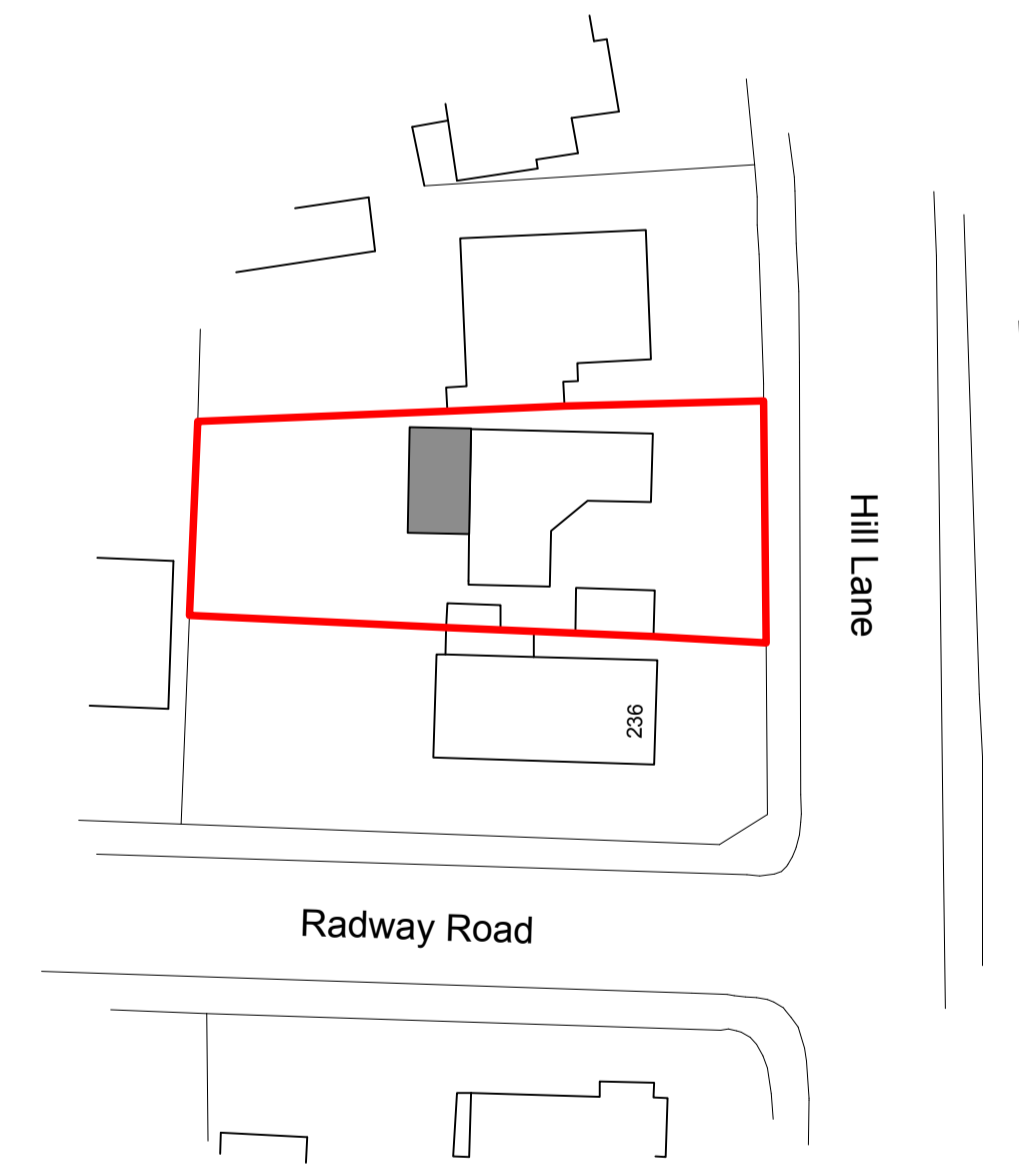
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**FIRST FLOOR PLAN:** as proposed  
1:50



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**SITE LOCATION PLAN**  
1:1250



**BLOCK PLAN**  
1:500

Project  
 238 Hill Lane  
 Southampton  
 SO15 7NT

Client  
 Mr & Mrs Kitcher

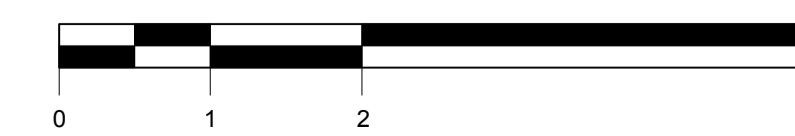
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| Drawing no.: | Rev.: |
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| PA14-164:02  | B     |

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# Agenda Item 7

**Planning, Transport & Sustainability Division  
Planning and Rights of Way Panel 22 December 2015 (West)  
Planning Application Report of the Planning and Development Manager**

|  |  |                             |  |
|--|--|-----------------------------|--|
| <b>Application address:</b><br>32 Archers Road, Southampton  |  |                             |  |
| <b>Proposed development:</b><br>External alterations to facilitate conversion of existing private members club into retail (class A1) on ground floor and 4 x 2-bed flats on first and second floor, with roof terraces, parking and cycle/refuse storage (resubmission) |  |                             |  |
| <b>Application number</b>  | 15/01663/FUL   | <b>Application type</b>     | FUL                                    |
| <b>Case officer</b>  | Stephen Harrison   | <b>Public speaking time</b> | 5 minutes                              |
| <b>Last date for determination:</b>  | 10.11.2015   | <b>Ward</b>                 | Bargate                                |
| <b>Reason for Panel Referral:</b>  | Request by Ward Member and five or more letters have been received | <b>Ward Councillors</b>     | Cllr Bogle<br>Cllr Noon<br>Cllr Tucker |
| <b>Called in by:</b>   | Cllr Tucker  | <b>Reason:</b>              | Highway Safety                         |

|  |                       |
|--|-----------------------|
| <b>Applicant:</b> Brightbeech Property Ltd | <b>Agent:</b> Savills |
|--|-----------------------|

|                               |   |
|-------------------------------|---|
| <b>Recommendation Summary</b> | <b>Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report</b> |
|-------------------------------|---|

|   |            |
|---|------------|
| <b>Community Infrastructure Levy Liable</b> | <b>Yes</b> |
|---|------------|

### Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The development is considered to satisfactorily address highway safety, impact on residential amenity (noise and privacy) and the character of the area for the reasons given in the report to the Planning & Rights of Way Panel on 22<sup>nd</sup> December 2015. Other material considerations have been considered, including whether or not the scheme has evolved sufficiently to overcome the reasons for refusal placed upon LPA ref: 15/00824/FUL for a very similar scheme, and are not judged to have sufficient weight to justify a refusal of the application. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SPD 4, SDP5, SDP11, SDP12, SDP16, H1, H2, H5 H7 and REI8 of the City of Southampton Local Plan Review (March 2006) and CS4, CS6, CS13, CS16, CS18,



CS19, CS20 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010) as supported by the adopted Residential Design Guide SPD (2006).

| <b>Appendix attached</b> |                                   |   |                           |
|--------------------------|-----------------------------------|---|---------------------------|
| 1                        | July Panel Minutes (15/00824/FUL) | 2 | Development Plan Policies |
| 3                        | Relevant Planning History         |   |                           |

### **Recommendation in Full**

1. Delegate to the Planning and Development Manager to grant planning permission subject to:
  - a) an amended scaled plan showing the front car park with a boundary hedge to the site's Archers Road frontage - detailing the species, planting density and height of hedging to be installed with a commitment to ongoing management. In the event that an amended plan detailing the species, planting density and height of hedging to be installed with a commitment to ongoing management is not submitted and approved within two months of date of the decision the Planning and Development Manager be authorised to refuse permission on the ground of failure to provide appropriate boundary frontage in the context of Archers Road; and,
  - b) 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, including any necessary Traffic Regulation Orders to restrict deliveries taking place from Archers Road highway, 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);

*Note: This contribution was requested of the previous application for a similar development and its value equates to £35,500 as explained later in this report, and justified to the Planning Inspector as part of the ongoing planning appeal into the first application's refusal.*

- 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. Financial contributions towards Solent Disturbance Mitigation in accordance with policy CS22 (as amended 2015) of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
- iv. The submission, approval and implementation of (i) a Construction Traffic Management Plan and (ii) post Construction Servicing Management Plan setting out the delivery times and other measures to prevent conflicts with neighbouring users of the road network so as to mitigate against the impact of development accordance with policy CS18 and CS25 of the Core Strategy (as amended 2015) and the Planning Obligations SPD (September 2013).

*Note: The applicants have offered either i) above OR a financial contribution towards traffic enforcement along Archers Road and additional CCTV at Banister School to enable improved enforcement of the zig zags outside the school. The applicants*



*are also willing to contribute £5,500 towards the TRO (should it be necessary) to restrict deliveries from the Archers Rd highway.*

*The value of the applicant's alternative traffic enforcement/CCTV contribution is £23k, but is not considered by officers to meet the current Regulations as it seeks to deal with an existing highway problem rather than mitigate against the direct impacts of this scheme. The £23k contribution does not, therefore, form part of the recommended s.106 for the reasons explained in this report.*

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

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

## **Background**

A similar proposal was reported with a favourable recommendation by officers to the Planning Panel on 14<sup>th</sup> July 2015 (LPA ref: 15/00824/FUL). This application was refused by the Panel for the reasons set out in this report at **Appendix 1** in the form of the Minutes from the July Panel meeting. The applicants have appealed this first application, applied for a full award of costs against the Council as part of this appeal, and resubmitted a second application ahead of the appeal being determined.

No decision has yet been made on the appeal but the planning system allows an applicant to reapply in advance of such a decision. The current proposal and its package for mitigation has changed, albeit the quantum, form and mix of development has not changed, and the Panel are now asked to consider whether or not the revised scheme and mitigation package has addressed their earlier concerns. It is likely that had this report not been brought to Panel that the applicants would have lodged a second appeal against the Council's non determination of this application.

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

- 1.1 The application site comprises a characterful two storey detached building, albeit with a third floor of accommodation, which has a current lawful use as a private members club with staff accommodation in the roof space. The existing building is attractive due to its turret feature and bay windows. It is to be regarded as a non-designated heritage asset for the purposes of planning. The building adds to the mixed character of Archers Road but is in need of refurbishment. There are flats adjacent on either side at Hadley Court immediately to the west and Walton Court to the east. Bannister Primary School is opposite the site. There is a large forecourt area to the front of the site and a car parking area to the rear, which is lawfully used for a private car park as spaces are leased separately from the building use. Archers Road is characterised by large detached buildings with good boundary screening from the street, including mature trees.

### **2.0 Proposal**

- 2.1 As with the earlier scheme the current application is for a change of use from a private members club to a mixed-use scheme comprising an A1 convenience store

of 424sq.m at ground floor, with 4 no.2 bed flats located at first and second floor. This equates to a density of 31 dwellings per hectare (dph). This existing private parking area to the rear is to remain and does not form part of the application site. As with the earlier scheme a total of 8 parking spaces are identified for the 4 flats, 10 parking spaces are identified for the retail use and 40 parking spaces are retained for commuter parking. The access to all the residential units is via the existing side entrance which fronts the accessway to the rear of the site. Three units are provided at first floor level with access for two units via the shared amenity space at first floor. The rear unit (no.4) no longer has a private roof terrace to the rear. The communal amenity areas will be screened to prevent overlooking between the existing and proposed residential properties. At second floor a further unit has been proposed which also has access to the shared amenity space.

- 2.2 There is a secure cycle area to the rear of the unit next to the three parking spaces and a residential refuse store is also located next to the side elevation fronting the accessway. There are minor changes proposed to the elevations which involve blocking up some windows at ground floor and first floor mainly on the side elevation to prevent overlooking and to improve the shop layout. The terraced area is also an addition but overall the property is to be refurbished to bring it back into full use.
- 2.3 10 parking spaces are proposed, to serve the retail use, via an altered vehicular entrance to provide one sole access instead of the existing dual access. Refuse storage for the store is provided to the rear. Delivery vehicles can enter and leave the site in a forward gear to enable loading and unloading. A total of 20 jobs are to be created (5 of which would be full time).
- 2.4 In terms of the current application the Panel need to be aware and consider any change in circumstances in order to be able to make an informed decision as to whether or not the current application is acceptable. These changes are detailed below but mainly seek to tackle the issue of highway safety and parking congestion along Archers Road. The form of the development is largely the same as was previously considered, with a new retail use below 4 flats following the conversion of the existing building. A slight alteration to the parking layout and the removal of a roof terrace are proposed. The applicants have offered a contribution towards parking enforcement outside the school in the hope that it addresses the Panel's previous concerns with the scheme, and the merits of this revised s.106 contribution are discussed further in this report.

### **3.0 Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (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 2**.
- 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 **Appendix 3** of this report sets out the full planning history for this site. The most relevant planning application is the recent application for 4 flats and a retail use on the ground floor that was refused at Planning Panel for the reasons set out at **Appendix 1** – LPA ref: 15/00824/FUL. This application is the subject of a current appeal.
- 4.2 Application 08/01129/ELDC sought lawful use as a private members club with an associated car park, staff accommodation at third floor and stewards recreational enclosed space at rear of building and was approved in 2008. However, the most recent application for the parking on site is the one for a lawful development certificate approved earlier this year (LPA ref: 14/02063/ELDC)

#### **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 (22.09.2015). At the time of writing the report **5 representations**, including 2 letters of support, have been received from surrounding residents.
- 5.2 *Note: The previous application received 10 representations and, where addresses were included, all interested parties have been re-notified of the revised proposals.*
- 5.3 In addition:
- 5.4 **Bargate Ward Cllr Bogle** – There are still concerns from residents locally about impact on traffic in this busy area and road safety if retail is added.
- 5.5 **Bargate Ward Cllr Tucker** – I am concerned that by allowing retail on the bottom section of the development, we are running into the same highways safety issues that occurred when Planning Panel rejected the previous application. I have personally no objection to the conversion into more private dwellings. However, I have grave concerns about the impact on highways safety that any convenience style retail would bring to this site.
- 5.6 *Note: Following further explanation of the applicant's offer towards traffic control and CCTV Cllr Tucker has advised that only with this revised contribution will his objection be satisfied and his Panel referral be removed.*
- 5.7 **Freemantle Ward Cllr Moulton** – requests that the application is referred to the Planning Panel.
- 5.8 *Note: Cllr Moulton is not a Ward Cllr although Archers Road demarks the Ward boundary between Bargate and Freemantle.*
- 5.9 **Banister School Chair of Governors** – fully supportive of the application as they do not believe the convenience store would create any additional extra traffic at drop off or pick up of the school day. Traffic control around the school will continue to be an issue and the developers offer to fund additional monitoring of the area (by CCTV and Wardens) will help to control this.

5.10 Objectors raise the following concerns:

5.11 The proposal increases the level of congestion along Archers Road and will harm pedestrian and school pupil safety. This scheme has already been rejected once and nothing has changed.

**Response**

*Noted. The current form of development is largely the same as that previously refused. The Panel will note that officers recommended that the first scheme was acceptable in highway terms and the Panel need to decide whether or not the revised/updated mitigation package detailed within this report is sufficient to address the concerns relating to highway safety. There is an existing pedestrian crossing in very close proximity to the site and the Banister School Chair of Governors is supportive of the application providing the offer of traffic enforcement and CCTV along Archers Road is secured. This does not, however, form part of the current officer recommendation as the matter of parking enforcement around Banister School should be a matter for the school and the Council to address, in consultation with the parents, rather than any third-party developer.*

5.12 Parents of the school block existing residential drives (and even park on the drive sometimes) when they are dropping off and collecting their children – having a retail store will only exacerbate this. The applicants should pay for a gate across the driveways of these affected neighbours.

**Response:**

*Concerns noted. As this is an existing situation it needs to be addressed outside of this planning application. It is not reasonable to expect the developer to contribute to fix an existing problem as the Regulations require them to mitigate against their own direct impacts only. It is unlikely that the proposed residents or customers of the shop will park on the street given the proposed on-site provision. Further discussion on this point, albeit in relation to the applicant's offer of improved traffic enforcement and CCTV, is set out in the Planning Considerations section of this report.*

5.13 **Consultation Responses**

5.14 **SCC Highways** – Previously advised that they have no objection subject to the satisfactory completion of the S106 agreement. If the level of financial contribution sought is not provided this application does not have the support of the highways team. This development, opposite the school, has triggered the need to provide additional highway safety measures. In addition conditions to secure the parking layout in line with the approved plans and details of the access point and site lines to be provided are suggested.

5.15 *Note: As part of the appeal process the Council has justified the mitigation package that is necessary to meet SCC Highway's requirements as follows:*

*'The S.106 obligation deals with the site specific impact of the development on the transport infrastructure within the immediate vicinity of the development site, relating to improving access to pedestrian, cycle and public transport linkages, from the site. In this instance the Council's Highway Team Leader has identified that the development is required to provide a contribution of £30,000 towards safety improvements in the near vicinity of the site which will include additional road markings, signage, and a minor realignment of kerbing to assist with highway safety. These works will ensure that the area near to this site is highlighted to drivers*

*that special attention is required. This will be achieved by providing carriageway markings which will help identify 'gateways', reinforced by signage, making the driver aware that they are entering an area requiring particular attention. The area of works to take place will include the pedestrian crossing to the south to ensure drivers are particularly aware of this important pedestrian provision. In addition, as the site lies on a classified road a contribution to a traffic regulation order (TRO) is asked for to create a 'no deliveries at any time' restriction on the highway near the site. The contribution for this is £5,500. These requirements are in line with policy CS25 of the adopted LDF Core Strategy (2015) and the adopted SPD relating to Planning Obligations (2013) and improves accessibility to the site for pedestrians'.*

5.16 Following further negotiations the applicants have offered either the contribution required by SCC Highways (as set out in the recommendation to Panel above) OR an alternative package of traffic enforcement including CCTV (as requested by representatives of Banister School). Either way the TRO requirement will be satisfied and deliveries from the Archers Road highway can be controlled (should it be necessary) through the TRO process.

5.17 **SCC Sustainability Team – No comment**

*Note: The retail element is below the 500sq.m threshold for securing BREEAM 'Excellent' (Building Research Establishment Environmental Assessment Methodology) and the Code for Sustainable Homes requirements are not applied to conversion schemes.*

5.18 **SCC Environmental Health (Pollution & Safety)** – No objection in principle, particularly as the intended opening hours have been reduced to provide a service for local residents rather than passing trade. The opening hours of 07.00 to 22.00 hours Monday to Sunday are supported. Additional conditions are recommended to further minimise the risk of disturbance to neighbours and residents of the upper floors.

5.19 **SCC Heritage** – no objection subject to an archaeological watching brief being secured with a planning condition.

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

## **6.0 Planning Consideration Key Issues**

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

- Planning Background;
- Principle of Development;
- Design and Amenity;
- Highway Safety and Parking;
- Landscaping and Tree Protection;
- Development Mitigation; and
- Alternative Options for Planning Panel

6.2 Planning Background

Whilst the current development is largely the same as previously refused the

6.3 Council has a duty to consider the current application, and the applicant has a right to have it determined. The applicant also has a right to appeal non-determination on this current case; where the Council would be asked what it would have recommended had it been given the opportunity to do so. The applicant has agreed not to appeal instead choosing to await the outcome of this Panel meeting.

6.4 In making its decision the Panel need to decide whether or not the additional justification, and any further change in circumstances, have satisfactorily addressed the earlier concerns.

6.5 As the Panel will be aware in July of this year application 15/00824/FUL for the conversion of the building to 4 flats with a convenience store was refused for two reasons (see Appendix 1), but principally because the Panel had reservations about putting a convenience store adjacent to the Banister School, which currently suffers from parking issues along Archers Road when parents need to pick up and collect their children. The reason for refusal was as follows:

1. *REASON FOR REFUSAL – Highway Safety*

*The location of the proposed convenience store close in proximity to a school would add to highway congestion at busy times, likely to result in risk to highway safety. As such the proposal is contrary to policies SDP1(i), SDP4, SDP11 and TI2 of the City of Southampton Local Plan Review (as amended 2015) and policy CS19 of the adopted LDF Core Strategy (as amended 2015).*

6.6 The applicant has appealed against this decision and both parties have exchanged written statements via the Planning Inspectorate (PINS). A site visit and PINS decision are expected in the New Year.

6.7 Since the July Panel's refusal the following events and clarification have occurred:

1. The applicants have revised their s.106 offer to include either £30k towards the highway improvement works required by SCC Highways, or a scheme of traffic enforcement works that includes an offer of £3k towards a CCTV camera at Bannister School - this would be to monitor illegal parking outside the school - and £20k to the Council towards additional traffic enforcement along Archers Road;
2. The Banister School Chair of Governors has now formally written in to support the planning application – providing the applicants offer towards traffic enforcement is secured. This follows further discussion between the applicants and the school following the earlier planning refusal;
3. The footway on the northern side of Archers Road from the eastern boundary of the school to the pedestrian crossing in the west is to be resurfaced in the Spring of 2016;
4. The Council has now agreed a TRO (associated with the recent Banister School redevelopment) for Westrow Road to introduce a no waiting restriction with a pedestrian refuge to assist with highway safety around the school. Additional parking is proposed away from the Archers Road junction to compensate for any loss – the exact timing of these works is currently unknown although the TRO last for a further 2 years;

5. SCC Highways' Partners have confirmed that the painting of the zig zags associated with the recent Banister School redevelopment, outside the school, were undertaken 18 months ago. Originally both sides of Archers Road were considered although it has since been explained that only one side is necessary. SCC Highway Partners have confirmed that the zig zag marking should not normally be placed on both sides of the road unless conditions require otherwise (e.g. school entrances on both sides, or where the road is so narrow that parking on the opposite side would be hazardous). Since there are "No waiting at any Time" restrictions on Archers Road opposite the school, the road is sufficiently wide to allow cars to drop off/pick up passengers without obstructing the road, and pedestrians crossing the road would be expected to use the nearby signalised crossing. They would not recommend an additional 'School Keep Clear' zig-zag marking on the opposite side.

6.8 Officers supported the first application, and so the Panel need to decide whether or not the above points are sufficient to overcome the previous reason for refusal imposed at the Panel meeting. Officers have reservations about the revised s.106 offer including traffic enforcement assistance to the school to assist with an existing problem, and would recommend that the initial s.106 highways package (totalling £30k with the additional TRO) is more appropriate in this case – see recommendation 1b)i above and the justification for this recommendation as set out below.

#### 6.9 Principle of Development

6.10 The application site is not allocated for development within the Council's Development Plan, but it is located within an area with other residential and non-residential premises. The proposal provides housing units on previously developed land, and the proposed residential density of 31dph is lower than the 50-100dph set out for this area in policy CS5 of the Core Strategy; partly due to the mixed use nature of the proposal and because the proposal is for the conversion of an existing building. The NPPF introduces a presumption in favour of sustainable housing development. Retaining and utilising the existing building is welcomed and the principle of the proposal is, again, generally supported. The development would create additional housing stock for Southampton as well as providing a mixed use development within this non designated heritage asset.

6.11 The loss of the private club and subsequent conversion to a residential use is not judged to amount to the loss of a community facility, and did not form a reason for refusal previously. Therefore the scheme is not contrary to paragraph 70 of the NPPF or LDF Policy CS3. The applicant also considers that the use of the club is different to a community centre where typical community use facilities are found. Officers agree. The city centre is within walking distance and it provides adequate facilities in the area for community use. The Bannister Primary School (opposite) is also party to a community use agreement, enabling dual use, as part of its permission to redevelop. The application building has not been listed as a community asset and it is also noteworthy that objectors to the scheme have not raised the loss of the facility as a significant local concern. There is little public interest in the matter to suggest that an alternative viable use should not be considered in this case.

## 6.12 Design and Amenity

- 6.13 As with the previous scheme the proposed residential flats are accessed via the side elevation adjacent to the vehicular access to the rear of the site. This arrangement does not provide the best location for a safe and convenient entrance for the development, but as this proposal is for a conversion a side access is acceptable. The existing building is retained and only slightly altered by blocking existing windows, but these changes do not detract from the attractive nature of the building. All residential flats have access to the shared amenity space in the form of a first floor roof terrace of approximately 70sq.m. In reality the 2 flats with windows fronting the roof terrace are likely to take ownership of this space.
- 6.14 With regard to the accommodation provided all rooms have an outlook and adequate light, and all units have access to the shared amenity space and the cycle and refuse storage provided.
- 6.15 In terms of the impact on the neighbouring residential amenity, although the proposal may have an impact on the occupiers of Walton Court, particularly as the privacy distance falls short of the distance set out in the guidance, only one habitable window faces the development at the nearest point. The impact is not, therefore, a significant one and wasn't used as a reason for refusal previously. This window serves a proposed kitchen area and is at first floor level. It looks out onto a blank wall but may have obscure views into the bedroom windows on that part of Walton's Court side elevation. This window is secondary and could be obscured if necessary although for the reason given this is not considered to be necessary. The rest of the habitable windows at first floor will be screened by the terrace screening preventing any overlooking. There are no habitable windows at second floor facing Walton Court. With respect to rear the nearest properties on Cromwell Road are over 60 metres away. The amenity of the existing neighbour at 34 Archers Road will not be affected by the proposed changes as only two obscured glazed windows face the side elevation of this property. In this respect the scheme complies with Local Plan Policy SDP1(i).
- 6.16 As such, officers support the reuse of this existing building and the applicant's handling of the constraints that such an approach brings. The design changes are minimal but making more efficient use of the building is a sustainable solution. The scheme is considered to meet the design and amenity requirements of the current development plan for the reasons set out above. The Panel will note that design and residential amenity did not form a reason for refusal on the previous application. Since then a rear terrace has been removed thereby improving an already acceptable design solution.

## 6.17 Highway Safety and Parking

- 6.18 This is perhaps the key issue in this case. Archers Road is a classified public highway and high volumes of traffic use this route. Queuing traffic at peak times is normal. Bannister Park Primary School, located on the opposite side of the road, does add to peak time congestion. There is a pedestrian traffic light controlled crossing to the west of the site, which benefits the school, and other local pedestrians cross away from the traffic signals at the next junction to the east at Carlton Road. Works are proposed to improve the pedestrian environment around the school as part of the S.106 associated with its redevelopment. These works have not yet been fully implemented.



- 6.19 As the Panel is aware, the school has encountered problems historically with parents parking nearby at the start and end of the school day. It is difficult to conclude that this proposal will exacerbate this current situation further and it is hoped that the School's existing travel plan will raise awareness of the issues and improve the situation. That said, the earlier scheme was considered by Panel to aggravate highway safety in the locality and the Council is currently defending an appeal on this basis following its earlier refusal.
- 6.20 To the rear of the application site there is an authorised car park for some 40 vehicles, and the site is subject to a number of existing turning movements during the morning peak. These do not seem to have contributed to any reported road traffic incidents. The application scheme will generate turning movements throughout the day, although it is normally traffic passing by which uses a convenience store such as this, rather than the site generating additional trips along this road.
- 6.21 Local residents have raised concerns that parents may use the car park to drop off and pick up pupils, but this is something the end user of the site will need to self-manage, as the Local Planning Authority has no control over this. It is possible that some children, when leaving school, or starting school, may wish to use the shop, either accompanied by parents or on their own; should this be the case there is a pedestrian controlled crossing available for their use outside of the school.
- 6.22 There is a concern that delivery vehicles may be inclined to stand on the highway to deliver. The application does demonstrate that delivery vehicles are able to turn on site and make their deliveries from a designated loading area. To support this requirement a Traffic Regulation Order is. If approved and implemented this will prevent deliveries from occurring at the roadside at any time and enforcement would then be possible. The TRO cannot be guaranteed until the order is decided but is strongly supported by SCC Highways. As with the earlier scheme this requirement falls within the proposed Section 106 Legal Agreement. A planning condition is also recommended to secure deliveries take place as proposed (ie. to the rear of the building). The applicants have suggested informally that the TRO contribution should only be used if a problem arises, and that in the event that there is no issue within the first 5 years that the monies will be refunded. Based on their experience of other convenience stores of this nature the Council's Highways Team disagree. They propose, instead, to implement the TRO immediately so as to ensure that enforcement is possible from first use. If approved the S.106 wording will reflect this position in favour of the applicant's offer.
- 6.23 The main issue for the Panel concerns the applicant's revised 'either/or' S.106 offer and whether or not either highway package satisfies their concerns. The merits of both are discussed in the 'Development Mitigation' section of this report. As with the first scheme the proposed scheme, including a highway safety package required by SCC Highways, is considered by officers to have addressed the highway safety issues arising from introducing a mixed-use development opposite an existing school. This does not seek to remedy an existing problem caused by the school use opposite.
- 6.24 In terms of the proposed parking the scheme provides 2 parking spaces per flat and 10 spaces for the retail unit. Both are policy compliant with the residential use achieving the maximum requirement. A parking stress survey has not been requested – and was not requested previously by officers or the Panel - as Archers

Road is currently enforced with double yellow lines and nearby streets are the subject of controlled parking zones. These are located some distance from the site where residents are unlikely to choose to leave their cars. Given the sustainable location of the scheme the proposed level of parking to serve all uses is deemed to be acceptable.

6.25 Landscaping and tree protection

6.26 The character of area of Archers Road includes hedging to front boundaries. Currently this site's front area is open apart from a low brick wall. This site and street scene would be improved by the inclusion of a landscaping boundary to reduce the harsh appearance of the hard standing area to the front of the proposed store. The officer recommendation above is subject to the provision of plan showing a landscape boundary as the site's appearance would be greatly enhanced by this feature. There are trees on site but they are located away from where the main works are proposed. In order to protect these trees, and the trees located on the boundary on the adjacent sites, a condition is suggested.

6.27 Development Mitigation

6.28 Due to the size of the convenience store (423sq.m) and the provision of new residential accommodation the application needs to address and mitigate the additional pressure on the social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted Planning Obligations SPD (2013). Highway safety measures are required to mitigate against the change in nature of the area between this site and the school opposite. In addition the scheme triggers the Community Infrastructure Levy (CIL).

6.29 Part 11 of the Community Infrastructure Levy Regulations 2010 require all planning obligations secured through the S.106 process to meet the following tests:  
(a) necessary to make the development acceptable in planning terms;  
(b) directly related to the development; and  
(c) fairly and reasonably related in scale and kind to the development.

6.30 The above recommendation to the Panel includes the requirement for a site specific highway contribution of £30k that relates specifically to the application site and the delivery of 4 flats and a convenience store. Officers are satisfied that this requirement meets the CIL Regulations. Failure to secure this contribution would result in an objection to the application from SCC Highways as this contribution is needed to satisfy their highway safety concerns.

6.31 It is officer's opinion that the applicant's alternative offer of £23k towards CCTV and traffic enforcement of parents parking on the zig zags outside of Banister School is not necessary to make this development acceptable in planning terms, and is not directly related to the development for 4 flats and a convenience store. It is not reasonable for new development to be expected to solve existing highway safety problems. The existing problems with parking in the vicinity of Banister School are well documented, but are not caused by the current proposals. In fact it is unlikely that residents of the new development would chose to drive their children to this school choosing instead to use the dedicated pedestrian crossing that links the school to the application site. As such, officers do not consider that it is fairly and reasonably related in scale and kind to the development and the applicant's alternative offer is, therefore, not CIL compliant. The Panel may take a different view and it is noted that both the School and Ward Cllr Tucker would, likely, support

the scheme if the alternative offer were accepted and implemented.

6.32 In addition to this officers feel that there are too many unresolved questions associated with taking monies towards local traffic enforcement and CCTV. For instance, it is unclear whether or not Banister School would be party to the S.106 to enable the installation and subsequent monitoring of the CCTV on their site and by them. It is also unclear how any footage could be used for enforcement purposes or where on the school building the camera could be located to achieve the necessary images. It is also unclear how the £20k contribution towards traffic enforcement has been arrived, whilst noting that discussions have taken place with the school. Any offer for traffic enforcement to resolve the Panel's issue with siting a convenience store close to an existing school would need to be for the lifetime of the development in order for it to deal with the problem effectively. It is unclear how the £20k offer would provide sufficient traffic enforcement for the lifetime of the development.

6.33 With the outstanding issues identified, and the requirements of the CIL Regulations, officers are minded to recommend that the scheme is better served by the original S.106 package as required by SCC Highways. The above recommendation is made on this basis and is, therefore, the same recommendation as was made to the Planning Panel in July 2015 for application 15/00824/FUL.

6.34 On a separate matter, 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. When the legal agreement is signed and actioned this application will have complied with the requirements of the SDMP and met the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

6.35 Alternative Options for Planning Panel

6.36 As with every recommendation involving a planning application the Planning Panel may decide that the officer's recommendation does not address their highway safety concerns raised when the earlier application was considered. As the current recommendation, as set out above, is largely the same that was made for the same development in July (prior to the application being refused) it would again be legitimate for the Panel to choose, therefore, not to support the above recommendation. With the pending appeal in place officers feel that a number of alternative options should therefore be clarified to assist the Panel:

- 6.37 • *Approve – Alternative Highways S.106 – Option a*  
The Panel may decide not to support the current recommendation, but consider that with the additional information regarding current proposals for highway works in the vicinity and the offer of £23k towards CCTV and traffic enforcement, the scheme is now acceptable. If this is the case an alternative S.106 could be drafted and planning permission issued on this basis. It should be noted that this options results in a highway safety objection from SCC Highways as their £30k towards works to mitigate the development itself would not be delivered. The Panel would also need to include the TRO to the value of £5,500.
- 6.38 • *Approve – Alternative Highways S.106 – Option b*  
Alternatively, the Panel may decide that the £30k site specific highway works are required alongside the £23k CCTV/traffic enforcement offer and could make a decision on this basis. The Panel would also need to include the TRO to the value of £5,500 with this option. The applicants have indicated informally that this option is not acceptable and that any s.106 on this basis would not be entered into meaning that the scheme would most likely end up at a second appeal with the Council having to justify both contributions be reasonable and necessary.
- 6.39 • *Refuse*  
The Panel could decide that the application has not changed sufficiently and that there has not been a significant change in local circumstances. The application still proposes to locate a convenience store close to a school with localised highway safety concerns. If this is the case the Panel could chose to acknowledge the revised s.106 offer made by the applicants but refuse the planning application using the same reasons for refusal as 15/00824/FUL. The applicants would then have a right of appeal.
- 6.40 • *Defer Consideration*  
Finally, the Panel could decide that as the previous and current schemes are largely similar they would prefer to defer determination of this second application and await clarity from the Planning Inspector on the issue of highway safety. As evidence on this first appeal has been exchanged it is likely that a decision would be made early in the New Year. With this option it would be important to acknowledge the alternative S.106 package offered by the applicants, and confirm that in the event that the applicants chose to appeal non-determination on this second application (and in the absence of the PINS decision on the first appeal) that the Council would stand by its previous highway safety concerns despite the offer of traffic enforcement and CCTV provision at the school.
- 6.41 The applicants are considering whether or not they will withdraw their appeal and application for costs following a favourable resolution at this Panel and an update may be given at the meeting.

## **7.0 Summary**

- 7.1 This planning application for 4 flats and a convenience store at 32 Archers Road is largely the same as an earlier application that the Planning Panel refused on highway safety ground in July 2015.
- 7.2 As officers had no objection to the first scheme this planning application has again be recommended for approval. Officers will continue to defend the Council's refusal of the first application at the planning appeal.

7.3 The applicants have provided further clarity on local highway improvements in the area and have revised their S.106 package, following discussions with representatives of Banister School. It is noted that both Cllr Tucker, Cllr Moulton and the school could support the scheme if the revised s.106 offer of £23k towards CCTV and traffic enforcement around the school were secured.

7.4 The recommendation set out above does not support the revised s.106 package for the reasons outlined in the report, and it is for the Panel to decide whether or not their earlier highway safety concerns could be addressed in light of this fresh information with improved traffic enforcement of parents using Archers Road to drop off and pick up from Banister School.

## **8.0 Conclusion**

8.1 This application is recommended for approval subject to securing the matters set out in the recommendations section of this report and the conditions set out below

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

1(a)(b)(c)(d), 2(b)(d), 4(f)(qq), 6(c)

### **SH for 22/12/2015 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 - Materials to match [Performance Condition]**

The materials and finishes to be used for the infilling 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 - Hours of Use – A1 use [Performance Condition]**

The shop unit hereby permitted shall not operate (meaning that customers shall not be present on the premises) outside the following hours:

Monday to Sunday and recognised public holidays  
07.00 hours to 22.00 hours (07.00am to 10.00pm)

Unless otherwise agreed in writing by the Local Planning Authority. A notice to this effect shall be displayed at all times on the premises so as to be visible from the outside.

Reason:

To protect the amenities of the occupiers of existing nearby residential properties and as requested by the Council's Environmental Health Officer in recognition of the potential impact of a late night use.

*Note to Applicant:*

*The deliveries of goods to the retail unit (including timing to prevent conflict with peak hour traffic and the start and end of the school day) shall be controlled through the S.106.*

#### **04. APPROVAL CONDITION – Car parking layout & Servicing**

Prior to the first occupation of the development the car parking area and delivery area shown on approved plans shall be provided, surfaced and marked out as approved. Thereafter they shall be retained in perpetuity in line with the approved plan unless otherwise agreed in writing by the Local Planning Authority. In particular:

The 8 parking spaces shall be retained as agreed for the approved residential use and their visitors.

The 10 parking spaces shown to the front of the building shall be retained as agreed to serve the approved retail use

The retail unit shall take all deliveries from the approved compound to the rear of the site as indicated on the approved plan and no associated deliveries to this development shall take place from stationary vehicles parked on Archers Road

Reason:

In the interest of highway safety and to secure appropriate parking and servicing to the development.

#### **05. APPROVAL CONDITION - Stopping up existing access [Pre-Commencement Condition]**

Notwithstanding the approved plans prior to the commencement of the development further details of the the access alignment (including sight lines) and its construction are to be submitted to and be approved in writing by the Local Planning Authority. The development shall be carried out in line with the details to be approved. Any redundant access to the site shall be stopped up and abandoned and the footway, and verge crossings and kerbs shall be reinstated before the development is brought into use.

Reason:

In the interest of highway safety.

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

Before the building is first occupied full details of facilities to be provided for the storage and removal of refuse from the premises together with the provision of suitable bins accessible with a level approach shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall include accommodation and the provision of separate bins for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained whilst the building is used for residential / commercial purposes.

Reason:

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

**07. APPROVAL CONDITION - Litter bin [Performance Condition]**

Litter bins shall be provided on the site and made available for use for the customers of the shop unit hereby approved during trading hours. These bins shall be managed by the commercial operators of the approved retail unit.

Reason:

To prevent littering in the surrounding area.

**8. APPROVAL CONDITION - Cycle storage facilities**

Adequate cycle storage facilities to conform to the Local Planning Authorities standards shall be submitted to and be approved in writing by the Local Planning Authority and be provided within the site before the use hereby permitted is occupied. All storage shall be permanently maintained for that purpose.

Reason:

To prevent obstruction to traffic in neighbouring roads and to encourage cycling as an alternative form of transport.

**9. APPROVAL CONDITION – Amenity space screening height [Pre-commencement Condition]**

Prior to the commencement of development further details of the amenity space/terrace area screening shall be submitted to and be approved in writing by the Local Planning Authority. The scheme shall provide details of materials and design for screening to a minimum height of 1.8m. The approved scheme shall be implemented and retained in accordance with the approved plan prior to the first occupation of the residential use unless agreed otherwise by the Local Planning Authority.

Reason:

Prevent loss of privacy and amenity to neighbouring property

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

The external amenity space serving the development hereby approved, and pedestrian access to it, shall be made available as a communal area prior to the first occupation of the residential use hereby permitted and shall be retained with access to it at all times for the use of the flat units. The flat roof area to the rear of the building shall not form a private roof terrace for Unit 4 as was previously proposed under LPA ref: 15/00824/FUL.

Reason:

To ensure the provision of adequate amenity space in association with the approved flats and to retain the privacy and amenity of neighbouring residents.

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

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings including roof windows or dormer windows other than those expressly authorised by this permission shall be inserted in the development hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the adjoining residential properties.

**12. APPROVAL CONDITION - Extract Ventilation - control of noise, fumes and odour [Pre-Commencement Condition]**

No development shall take place until a written scheme for the control of noise, fumes and odours from extractor fans and other cooling and condenser units serving the ground floor commercial use have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and findings.

Reason:

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

**13. APPROVAL CONDITION - Noise & Vibration (internal noise source) [Pre-Commencement Condition]**

The use hereby approved shall not commence until the building has been modified to provide sound insulation against internally generated noise (noise includes vibration) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The building shall be designed and maintained so that doors and windows can be kept shut, with alternative means of ventilation provided.

Reason:

To protect the amenities of the occupiers of existing nearby properties and prospective residents.

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

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

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

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

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme



implemented shall be maintained for a minimum period of 5 years following its complete provision.

Reason:

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

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

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

Reason:

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

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

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

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

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

And at no time on Sundays and recognised public holidays.

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

Reason:

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

**17. APPROVAL CONDITION - Contractors Compound (Pre-Commencement Condition)**

No commencement of work pertaining to this permission shall be carried out on the site unless and until there is available within the site, provision for all temporary contractors buildings, plant and storage of materials associated with the development and such provision shall be retained for these purposes throughout the period of work on the site; and the provision for the temporary parking of vehicles and the loading and unloading of vehicles associated with the phased works and other operations on the site throughout the period of work required to implement the development hereby permitted in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.

Reason:

To avoid undue congestion on the site and consequent obstruction to the access in the interests of road safety.

**18. 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.

**19. APPROVAL CONDITION – Existing Openings**

Those windows marked on the approved plans as being either bricked up in a matching brick with a recess or fitted with obscured glazing shall be changed prior to the first occupation of the development hereby approved. The building shall remain as approved.

Reason:

In the interests of protecting residential amenity and to secure an appropriate finish to the building's conversion

**20. APPROVAL CONDITION – Active window frontage**

The ground floor retail unit shall retain an active ground floor window frontage to Archers Road without the installation of window vinyls, graphics, shuttering or any other form of design that prevents views into and out of the shop in accordance with a scheme that shall have been agreed in writing with the Local Planning Authority ahead of the first occupation of the retail unit. The retail unit's fenestration shall be retained as agreed.

Reason:

In the interests of visual amenity and to ensure some natural surveillance of the associated car park and wider streetscene.

**21. APPROVAL CONDITION ' Archaeological watching brief [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.

**22. APPROVAL CONDITION ' Archaeological watching brief 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.

**23. APPROVAL CONDITION - Bonfires [Performance Condition]**

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

Reason:

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

**24. APPROVAL CONDITION - Approved Plans**

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

Reason:

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

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.

*External alterations to facilitate conversion of existing private members club into retail (class A1) on ground floor and four x two bed flats on first and second floor, with roof terraces, parking and cycle/refuse storage.*

Councillors Moulton and Shields (Ward Councillors/objecting), Ms Dineen (Local Resident/objecting) and Mr Beavan (Applicant) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an amendment to Condition 11 and an additional paragraph to Recommendation 1 set out in the report as detailed below:

Changes to Recommendation 1

Add paragraph in bold below under the following section of the report;

In the event that the legal agreement is not completed within two months of date of the decision 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.

**In the event that an amended plan detailing the species, planting density and height of hedging to be installed with a commitment to ongoing management is not submitted and approved within two months of date of the decision 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.**

Amended Condition

APPROVAL CONDITION - No other windows or doors other than approved

[Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings including roof windows or dormer windows other than those expressly authorised by this permission shall be inserted in the development hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the adjoining residential properties.

**RESOLVED** to refuse planning permission for the reasons set out below:

Reasons for Refusal

#### **1. REASON FOR REFUSAL – Highway Safety**

The location of the proposed convenience store close in proximity to a school would add to Highway congestion at busy times, likely to result in risk to highway safety. As such the proposal is contrary to policies SDP1(i), SDP4, SDP11 and TI2 of the City of Southampton Local Plan Review (as amended 2015) and policy CS19 of the adopted LDF Core Strategy (as amended 2015).

**2. REASON FOR REFUSAL - Lack of Section 106 or unilateral undertaking to secure planning obligations.**

In the absence of a Section 106 Agreement the development fails to mitigate its impact in the following areas:

- (i) Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site, including any necessary Traffic Regulation Orders to facilitate any changes, 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) Financial contributions towards Solent Disturbance Mitigation in accordance with policy CS22 (as amended 2015) of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
- (iv) The submission, approval and implementation of (i) a Construction Traffic Management Plan and (ii) post Construction Servicing Management Plan setting out the delivery times and other measures to prevent conflicts with neighbouring users of the road network so as to mitigate against the impact of development accordance with policy CS18 and CS25 of the Core Strategy (as amended 2015) and the Planning Obligations SPD (September 2013).

*This reason for refusal could be resolved when an acceptable scheme is presented to the Local Planning Authority*

Core Strategy - (as amended 2015)

|      |  |
|------|--|
| CS4  | Housing Delivery   |
| CS6  | Housing Density  |
| CS13 | Fundamentals of Design                                     |
| CS16 | Housing Mix and Type                                       |
| CS18 | Transport: Reduce-Manage-Invest                            |
| CS19 | Car & Cycle Parking  |
| CS20 | Tackling and Adapting to Climate Change                    |
| CS25 | The Delivery of Infrastructure and Developer Contributions |

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

|       |                               |
|-------|-------------------------------|
| SDP1  | Quality of Development        |
| SDP4  | Development Access            |
| SDP5  | Parking                       |
| SDP10 | Safety & Security             |
| SDP11 | Accessibility & Movement      |
| SDP12 | Landscape & Biodiversity      |
| SDP16 | Noise                         |
| H1    | Housing Supply                |
| H2    | Previously Developed Land     |
| H5    | Conversion to residential Use |
| H7    | The Residential Environment   |
| REI8  | Shopfronts                    |

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

- 05/01272/FUL Conditionally Approved 13.10.2005  
Erection of raised decking area to the front elevation (retrospective).
- 05/00370/FUL Conditionally Approved 02.06.2005  
Installation of folding doors to the front elevation
- 06/00740/VC Refused 12.07.2006  
Variation of condition 3 of Planning Permission 05/00370/FUL to extend the times the bi-fold doors remain open from 20.00 hrs until 22.00 hrs, Monday to Sunday.
- 07/01371/FUL Refused 30.10.2007  
Retrospective application for raised decking area at the rear of the property with balustrade to south elevation and privacy screen fencing to east and south-east elevations.
- 08/01129/ELDC Granted 17.10.2008  
Lawful use as private members club with associated car park, staff accommodation at third floor and stewards recreational enclosed space at rear of building.
- 14/02063/ELDC Granted 09.02.2015  
Application for a lawful development certificate for the existing use of the private car park
- 15/00824/FUL Refused 20.07.2015 –  
Appeal pending  
External alterations to facilitate conversion of existing private members club into retail (class A1) on ground floor and 4x 2-bed flats on first and second floor, with roof terraces, parking and cycle/refuse storage
- 15/01604/DPA Objection 02.09.2015  
Application for prior approval for the proposed method of demolition of existing building  
REASON FOR DECISION - Lack of Information  
The detail submitted regarding the proposed demolition fails to satisfy the Council's concerns regarding the method of demolition or how the land will be reinstated after the demolition has been completed as required under Schedule 2 Part 11 of the Town & Country Planning (General Permitted Development) Order 2015 As such, in this instance PRIOR APPROVAL IS REQUIRED AND REFUSED for the following reasons as the submission fails to provide sufficient detail:
1. Archaeological remains  
No mention of archaeology is set out in the plan. The site lies in an area of Local Areas of Archaeological Potential. No details have been submitted to indicate how works to the concrete slab and foundations are to be undertaken without resulting in damage to any potential archeologically remains.
  2. Bat surveys  
The building contains a number of gaps and holes that could provide access points for bats. No bat survey information has been provided and due to the potential access points, the presence of known bat roosts further along Archers Road, and suitable foraging habitat around the site two emergence surveys need to be undertaken prior to any approval for demolition being granted.

### 3. Demolition Method

The submitted method statements do not, in the opinion of the Local Planning Authority, provide sufficient detail. For instance:

- o Details of how demolition/servicing/construction vehicles are managed/parked with confirmation that at no times shall any vehicles be parked on the public highway, and
- o Details of wheel cleaning facilities to be provided to avoid harmful impact onto the public highway.

### 4. Tree preservation Orders:

Insufficient details have been submitted as to how the demolition of the building is to be undertaken without causing harm to the trees within the site including the copper trees which are protected by Tree Preservation Orders.

#### *Note to Applicant*

1. *The applicant is advised that the proposed means of demolition and reinstatement of the site are insufficient. In terms of proceeding it is recommended that either a further prior approval application or a planning application for these works is submitted for consideration.*
2. *If bat roosts are present a European Protected Species License will be required before demolition can take place.*



# Agenda Item 7 15/01663/FUL



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