

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 24 July 2012
Planning Application Report of the Planning and Development Manager

Application address: 115-125 Wilton Avenue			
Proposed development: Redevelopment of the site. Erection of a part three-storey, part four-storey building to provide 30 self-contained student flats with associated refuse, parking and cycle stores (Outline application seeking approval for access, appearance, layout and scale).			
Application number	12/00682/OUT	Application type	OUT
Case officer	Jenna Turner	Public speaking time	15 minutes
Last date for determination:	13.07.12	Ward	Bargate
Reason for Panel Referral:	Major application with letters of objection	Ward Councillors	Cllr Bogle Cllr Noon Cllr Tucker

Applicant: Mr K Reeves	Agent: Concept Design & Planning
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set out on the attached sheet. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on the 24.07.12 do not have sufficient weight to justify a refusal of the application. The proposal would be in keeping with the site and surrounding properties and would not have a harmful impact on the amenities of the neighbouring properties. The planning history of the site is material to this decision and the scheme has addressed the risk of flooding. Where appropriate planning conditions have been imposed to mitigate any harm identified. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Planning Permission should therefore be granted taking account of the following planning policies:

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, H1, H2, and H7 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS3, CS4, CS5, CS13, CS16, CS19, and CS20 and the Council’s current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS1 (Delivering Sustainable Development), PPS3 (Housing 2011) and PPG13 (Transport 2011) are also relevant to the determination of this planning application.

Appendix attached			
1	Planning History	2	Development Plan Policies

Recommendation in Full

1. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:

- i. Financial contributions towards site specific highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
 - ii. A financial contribution towards strategic transport improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
 - iii. Financial contributions towards the relevant elements of public open space required by the development in line with policies CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
Amenity Open Space ("open space")
Playing Field;
 - iv. 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;
 - v. The submission of a student intake management plan;
 - vi. A clause restricting the occupation of the development to student occupation and;
 - vii. A car parking permit restriction.
2. That the Planning and Development Manager be delegated powers to vary relevant parts of the Section 106 agreement and to add, delete, or vary conditions as necessary
3. In the event that the legal agreement is not completed within two months of the date of the panel meeting, the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

1. The site and its context

- 1.1 The application site comprises a former petrol filling station which is currently used for car sales and a car wash. The site fronts both Milton Road and Wilton Avenue. The site currently appears visually harmful within the street scene, and includes palisade fencing to the Wilton Avenue scene. There is a significant change in levels across the site; the Milton Road frontage is at a much higher level than the frontage to Wilton Avenue.
- 1.2 The surrounding area is residential in character and typically comprises late Victorian, two-storey terraced and semi-detached houses. Immediately to the west of the site however, is a four-storey block of flats and opposite the site on Milton Road is the 3 and 4 storey residential development of The Dell.

2. Proposal

- 2.1 The application seeks outline planning permission to demolish the existing buildings on site and construct a block of purpose built student flats. The only matter reserved from consideration is landscaping.

- 2.2 The application is a resubmission of a scheme refused in February this year (reference 11/01836/OUT). The reasons for refusal are included in **Appendix 1**. The following is a summary of the key differences between the schemes:
- The commercial unit has been removed from the ground floor and replaced by 3 additional flats;
 - The overall height of the development has reduced by one storey and the top floor accommodation is designed into the roof space;
 - The design approach has been changed, the building has a hipped roof form and projecting bays to the front and rear elevations;
 - The amount of soft landscaping within the layout has more than trebled and;
 - Integral cycle and refuse storage will be provided.
- 2.3 The proposed building ranges from 1 to 4 storeys in height. Due to the change in levels across the site, the development would have a 1 and 3-storey appearance when viewed from Milton Road and a 3 and 4-storey appearance when viewed from Wilton Avenue. The materials proposed to be used include a buff brick, over a dark brick plinth with render treatment to the bay windows.
- 2.4 The flats are entirely self-contained with no communal living facilities. The main entrance to the flats would be from Milton Road. Six of the flats would have access to a private balcony and the south-facing, lower ground floor units would have direct access to amenity space to the front of the building.
- 2.5 The development would be served by four car parking spaces to be accessed from Milton Road. Purpose built cycle and refuse storage is proposed to be located to the Milton Road frontage.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 2**. The National Planning Policy Framework came into force on 27 March 2012. Paragraph 214 of the Framework sets out that local policies adopted since 2004 retain their full material weight for decision making purposes.
- 3.2 The application site is an allocated housing site by saved policy H1 of the Local Plan Review. Major developments are expected to meet high sustainable construction standards in accordance with the City Council’s adopted and emerging policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The policies of the South East Plan, Southampton’s Core Strategy and Local Plan Review have been taken into account in the consideration of this application. The Core Strategy is in general conformity with the South East Plan, and it is not considered that the policies in the South East Plan either conflict with or add particular weight to the policies in the Core Strategy for this application. Consequently only the local statutory development plan policies (Core Strategy and Local Plan Review) have been cited in this report.

4. Relevant Planning History

- 4.1 The planning history for the site is set out in **Appendix 1**. Historically, the site was used as a petrol filling station and after this, for car sales. The site benefits from a resolution to grant planning permission for a block of 8 flats with ground floor commercial space (application 02/01097/FUL refers). This decision was not been issued as the section 106 legal agreement was not completed. More recently, an application was refused planning permission for 12 flats for reasons relating to flood risk (application 06/01140/FUL). In February of this year, a planning application was refused for a block of 27 student flats with a ground floor commercial unit (11/01836/OUT).

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (31.05.12) and erecting a site notice (31.05.12). At the time of writing the report 6 representations have been received from surrounding residents. The following is a summary of the points raised:

5.2 ***The proposed development is out of character with the existing Edwardian houses***

5.3 Response

The proposal includes a hipped roof form and the front elevation is articulated with bay windows which is characteristic of the surrounding area.

5.4 ***The proposed development will result in overshadowing of the neighbouring property at 113 Wilton Avenue***

5.5 Response

The proposed development would respect the rear building line of the neighbouring property at 113 Wilton Avenue and the height of the building steps down adjacent to the boundary with this property. Furthermore, the use of a hipped roof form reduces the massing of the building when compared with the previously refused application. As such, the relationship with the neighbouring property is considered to be acceptable.

5.6 ***The scale of the development is too great in relation to the neighbouring properties***

5.7 Response

On the Wilton Avenue frontage the proposed development steps up from three to four-storeys and provides a transition between the neighbouring two-storey development and the four-storey block at 135 Wilton Avenue. There is a three-storey block of flats opposite the site on Wilton Avenue and on Milton Road, the four-storey Dell development. As such, it is considered that the proposed scale is acceptable and furthermore, the proposal is the same height as the 2002 scheme on the site which benefits from a panel resolution to grant planning permission.

5.8 ***The development would generate additional noise and disturbance to the residents living within the surrounding area and exacerbate existing anti-social behaviour issues.***

5.9 Response

A planning condition is recommended to secure a management plan which will address aspects such as how incidences of noise complaints would be addressed, although typically these issues can be controlled with Environmental Health legislation. In addition to this, the student use of the site was not a reason for refusing the last development proposal.

6. **Consultation Responses**

6.1 **SCC Highways** - No objection.

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

6.3 **SCC Sustainability Team** – No objection. Suggests conditions to ensure the development meets level 4 of the Code for Sustainable Homes.

6.4 **SCC Architect's Panel** – Disappointing architectural approach.

6.5 **SCC Environmental Health (Pollution & Safety)** - No objection or conditions suggested.

6.6 **SCC Ecology** – No objection. Suggests a condition to secure satisfactory landscaping.

6.7 **Environment Agency** – No objection subject to a condition to protect the culvert from damage.

6.8 **BAA** – No objection. Suggests an informative relating to the use of cranes during the construction process.

6.9 **Southern Water** – No objection. Suggests an informative relating to connection to the public sewers.

7. **Planning Consideration Key Issues**

7.1 The application needs to be assessed in light of the following key issues and particularly in terms of whether or not the reasons for refusing application 11/01836/OUT (set out in **Appendix 1**) have been overcome:

- i. The principle of development;
- ii. The design of the proposal together with the impact on the character of the area;
- iii. Impact on residential amenity;
- iv. The quality of the residential environment proposed;
- v. Parking and highways;
- vi. Flood Risk; and,
- vii. Mitigation of direct local impacts and affordable housing.

7.2 **Principle of Development**

7.2.1 The application site is an allocated housing site by saved policy H1 of the Local Plan Review. This site however, is not identified as a housing site by the Council's Strategic Housing Land Availability Assessment (SHLAA). There is a recognised

need for student accommodation within the city and as such, the planning policy team have indicated that as student accommodation contributes to the council's housing numbers, particularly since it may contribute to easing the pressure on family housing that may otherwise be used for student occupation, and raise no objection to the principle of development. The proposal would make efficient use of previously developed land to provide residential accommodation and moreover the principle of development was not a reason for refusing the previous application.

7.3 Design and Impact on the Character of the Area

7.3.1 The design of the proposal needs to be assessed in terms of whether the revised appearance of the building is suitably reflective of the character of the area and whether the site would appear over-developed in relation to the neighbouring properties.

7.3.2 The development would have a genuine hipped roof form which is typical of the properties to be found within the street and it also incorporates street facing bay windows which reflects the pattern of Wilton Avenue. The building would now have a four-storey appearance when viewed from Wilton Avenue and would appear no taller than the neighbouring development at 135 Wilton Avenue. Furthermore, the building steps up from three-storey adjacent to 113 Wilton Avenue to provide an effective transition between the original two-storey development and the existing four-storey block at the corner of the street. Whilst the development would not slavishly replicate the more traditional properties within the street, it does also respond to the context of larger flatted blocks both adjoining and opposite the site.

7.3.3 The footprint of the proposed building combined with the car parking area would cover 49% of the site area. As stated above, the current application more than trebles the amount of soft landscaping around the building when compared with the refused scheme. A front garden area, demarcated with a low boundary wall would be provided to the Wilton Avenue frontage and would reflect the traditional pattern of development within this street. Furthermore, internal cycle and refuse storage would now be provided, which enable a more substantial garden area to be created to the rear of the building. This would soften the appearance of the development when viewed from Milton Road. The development would result in a significant 'greening' of the site when compared with the existing situation which is entirely covered by building and non-permeable hardstanding.

7.3.4 It is therefore considered that the application has overcome the first reason for refusing the previous application and overall the development would significantly improve the current appearance of the site.

7.4 Impact on Residential Amenity

7.4.1 The key consideration in this respect is the impact of the development on the amenities of the neighbouring residential property at 113 Wilton Avenue. This property is at a lower level than the application site, and there is a significant difference in levels between the back garden of No. 113 and the Milton Road frontage of the site.

7.4.2 The proposed building is designed to step down in height adjacent to the boundary with this property to ensure that the massing of the proposed building would not appear over-dominant when viewed from the neighbouring property and garden. The development respects the rear building line of the neighbouring property and whilst the neighbouring property has a first floor habitable room window facing onto the application site, an acceptable level of outlook would be achieved in a north-westerly direction.

7.4.3 The revised roof design of the development, means that when viewed from the neighbouring property, the massing of the building would be the same as the scheme which benefits from a resolution to grant permission. The hipped roof form pitches away from the boundary with the neighbouring property, reducing the impact on this property. As such, it is considered that an acceptable relationship would be achieved and the scheme has addressed the second reason for refusing application 11/01836/OUT.

7.5 The Quality of the Residential Environment Proposed

7.5.1 Whilst the level of amenity space proposed is less than the standards set out in The Residential Design Guide (approximately 6 sq.m per unit), each flat would have direct access to useable external space. Furthermore, the site is within walking distance to The Common and the City Centre parks. Having regard to the single-occupancy nature of the units proposed and the occupation by students who commonly have access to the sport and recreational provision at the University, the level of amenity space is considered to be acceptable. In addition to this the proposal provides a significantly improved amount of external space when compared with the refused scheme, which was not refused on the basis of the level of amenity space provision.

7.5.2 The outlook from habitable room windows is considered to be acceptable and the cycle and refuse storage is conveniently located in relation to the proposed flats. Overall, the quality of the residential environment is judged to be acceptable in planning terms.

7.6 Parking and Highways

7.6.1 The proposed four car parking spaces are designed to serve the development on changeover days when students are moving in or out of the block. As part of the Section 106 agreement, a plan will be secured to manage changeover days and in particular the timings of vehicles arriving to the site. This is to minimise overspill parking on the surrounding streets. Highways are satisfied that outside of term times, that the site is sufficiently accessible to educational establishments to ensure providing less car parking spaces than the maximum provision for residents would not create significant overspill on the surrounding streets or a highway safety issue.

7.7 Flood Risk

7.7.1 Running underneath the application site is the culverted Rollesbrook watercourse which is classified as a main river. The application scheme has been designed to leave a 5 metre wide strip of land to the west side of the site which is free from building. This easement strip would therefore enable access to be gained to the culvert for maintenance or emergency access. Subject to a condition to secure

measures to fully protect this culvert, the Environment Agency are satisfied that the proposal is acceptable in this respect.

7.8 Mitigation of Direct Local Impacts and Affordable Housing

7.8.1 The development triggers the need for a S.106 Legal Agreement to secure appropriate off-site contributions towards open space and highway infrastructure improvements in accordance with Core Strategy Policy CS25. The applicants have confirmed their willingness to enter into the necessary obligations to mitigate against the scheme's direct local impacts.

7.8.2 Since the application proposes an entirely student scheme, there is no requirement to provide affordable housing units. As such, a clause is included in the Section 106 agreement to ensure that the development is occupied as student accommodation in perpetuity.

8. **Summary**

8.1 The proposed development would make good use of the site to provide purpose built student accommodation. The proposed building would make a positive contribution to the street scene and represent a significant improvement on the current condition of the site.

9. **Conclusion**

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

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1 (a), (b), (c), (d), 2 (b), (c), (d), 4 (f), 6 (a), (c), (f), (i), 7 (a), (b), (e), (k), (m), (t)

JT for 24/07/12 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Outline Permission Timing Condition

Outline Planning Permission for the principle of the development proposed and the following matters sought for consideration, namely the Layout of buildings and other external ancillary areas, the Means of Access (vehicular and pedestrian) into the site and the buildings, the Appearance and Design of the structure and the Scale, Massing and Bulk of the structure is approved subject to the:

- (i) Written approval of the Local Planning Authority being obtained for the Landscaping of the site specifying both the hard and soft treatments, external lighting and means of enclosures prior to any works taking place on the site
- (ii) An application for the approval of the outstanding reserved matters shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission
- (iii) The development hereby permitted shall be begun [either before the expiration of

five years from the date of this Outline permission, or] before the expiration of two years from the date of approval of the last application of the reserved matters to be approved [whichever is the latter].

Reason:

To enable the Local Planning Authority to control the development in detail and to comply with Section 91 and Section 92 of the Town and Country Planning Act 1990 (as amended).

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

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

Reason:

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

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

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

Reason:

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

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

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Level 4 of the Code for Sustainable Homes in the form of post construction assessment and certificate as issued by a legitimate Code for Sustainable Homes certification body shall be submitted to the Local Planning Authority for its approval.

Reason:

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

05. APPROVAL CONDITION - Demolition Statement [Pre-Commencement Condition]

Precise details of the method and programming of the demolition of the existing property shall be submitted to and approved by in writing by the Local Planning Authority prior to

the implementation of the scheme. The scheme shall include measures to suppress dust during the demolition works. The agreed scheme shall be carried out to the details as specified in the demolition programme unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of the amenity of adjacent residential properties.

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

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

Reason:

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

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

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

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

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

And at no time on Sundays and recognised public holidays.

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

Reason:

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

08. APPROVAL CONDITION- Land Contamination investigation and remediation [Pre-Commencement & Occupation Condition]

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

1. A desk top study including;
historical and current sources of land contamination

results of a walk-over survey identifying any evidence of land contamination
identification of the potential contaminants associated with the above
an initial conceptual site model of the site indicating sources, pathways and
receptors
a qualitative assessment of the likely risks
any requirements for exploratory investigations.

2. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.
3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

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

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

Reason:

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

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

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

Reason:

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

10. APPROVAL CONDITION - Use of uncontaminated soils and fill [Pre-Commencement Condition]

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

Reason:

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

11. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been

identified no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority. Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority. Any changes to the agreed remediation actions will require the express written consent of the Local Planning Authority.

Reason:

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

12. APPROVAL CONDITION – Details of commercial storage area [Pre-commencement condition]

Prior to the commencement of the development hereby approved, full details of the commercial storage area, including any structures, shall be submitted to the Local Planning Authority and approved in writing. The development shall proceed in accordance with the agreed details.

Reason:

To maintain essential maintenance and emergency access to the watercourse. The permanent retention of a continuous unobstructed area is an essential requirement for future maintenance and or improvement works.

13. APPROVAL CONDITION – Details of Drainage System [pre-commencement condition]

Prior to the commencement of the development hereby approved, full details of the drainage system shall be submitted to the Local Planning Authority and agreed in writing. The details shall take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding. The development shall proceed in accordance with the agreed details.

Reason:

To secure a satisfactory form of development.

14. APPROVAL CONDITION – Foul and Surface Water Disposal [pre-commencement condition]

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

Reason:

To secure a satisfactory form of development.

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

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

Reason:

In the interests of reducing crime to an otherwise vulnerable development and to ensure that the student accommodation approved does not cause undue problems for existing residential neighbours.

16. APPROVAL CONDITION - Cycle and Refuse Storage [performance condition]

The cycle and refuse storage shall be provided in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained as approved.

Reason:

To secure a satisfactory form of development.

17. APPROVAL CONDITION – Parking and Access [performance condition]

The parking and access shall be provided in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained as approved. Unless otherwise agreed in writing by the Local Planning Authority, no more than four parking spaces shall be provided on the site.

Reason:

In the interests of highway safety and to secure a satisfactory form of development.

18. APPROVAL CONDITION - Culvert Protection Measures [pre-commencement condition]

No development shall commence on site other than demolition and site preparation works, until a detailed survey of the Rolles Brook culvert has been submitted to and approved by the Local Planning Authority in writing. The survey shall include a full structural survey of the culvert, its precise route and location, whether it can accommodate increased loading, and measures to prevent the culvert from damage as a result of the development. The agreed measures shall be fully implemented in accordance with the approved details.

Reason:

To reduce the risk of flooding as a result of the development and to confirm that the proposed development will not have a detrimental impact on the culvert.

19. APPROVAL CONDITION - Approved Plans [performance condition]

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

Reason:

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

Relevant Planning History

1297/29 Redevelopment as petrol filling station	Conditionally Approved 09.11.65
1331/P8 Use of accessory shop & forecourt fronting Milton Road for car sales	Conditionally Approved 13.06.67
971170/8829/E Change of use of forecourt for the display and sale of motor vehicles	Conditionally Approved 15.12.97
02/01097/FUL Construction of part two, part three and part four-storey block to form 8 self-contained flats and retail unit at lower ground level and associated accesses, parking areas and refuse storage facilities	Pending Decision
06/01140/FUL Redevelopment of the site, erection of a part three-storey, part four-storey and part five-storey building to provide a retail unit on the ground floor and 12 flats (1 x 1 bedroom, 11 x 2 bedroom) above with associated parking and vehicular access from both Milton Road and Wilton Avenue. (Major Application)	Refused 27.10.06

Reason for refusal:

01. The applicant has failed to demonstrate that the proposed development can be constructed without hindering access to the adjacent culvert which is classified as a Main River. Accordingly the development could increase flood risk to properties within the area contrary to the provisions of SDP20 of the City of Southampton Local Plan Review and guidance contained within PPG25.

11/01836/OUT Re-development of the site to provide a part three-storey, part four-storey and part five-storey building to provide a retail unit on the ground floor and 27 self contained student flats with associated refuse, cycle and car parking (Outline application seeking approval for access, appearance, layout and scale)	Refused 28.02.12
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Reasons for refusal:

01. Impact on character of the area

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

Impact on residential amenity

The proposed development by reason of its height and massing would have a harmful impact on the amenities of the occupiers of the neighbouring property at 113 Wilton Avenue and would appear over-bearing when viewed from the neighbouring property. The

development would therefore prove contrary to the provisions of policy CS13 (1, 2 and 11) of the Southampton Core Strategy Development Plan Document (January 2010), policies SDP1 (i), SDP7 (iv) and SDP9 (i) (iv) (v) and as supported by the Residential Design Guide Supplementary Planning Document 2006 (section 2.2).

Overdevelopment

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

Failure to enter into S106 Agreement

REFUSAL REASON - Failure to enter into a Section 106 Agreement

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

- a) Site specific transport works for highway improvements in the vicinity of the site (including a TRO to secure parking restrictions on Bassett Green Road) which are directly necessary to make the scheme acceptable in highway terms - in accordance with policies CS18, CS19 & CS25 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended) - have not been secured.
- b) Measures to support strategic transport improvements in the wider area in accordance with policies CS18 & CS25 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended) have not been secured.
- c) A financial contribution towards the provision and maintenance of open space in accordance with 'saved' policy CLT5 of the adopted City of Southampton Local Plan Review (March 2006), policies CS21 and CS25 from the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) and applicable SPG is required to support the scheme and has not been secured;
- d) In the absence of a mechanism for securing a student intake management plan, the development would fail to address how the changeover of students would be managed to avoid causing disruption of local residents and harming the safety and convenience of the users of the adjoining highways.
- e) In the absence of a mechanism for restricting the ownership of parking permits by prospective residents, that the proposal would not generate excessive overspill car parking which would be to the detriment of the convenience of the users of the adjoining highways.

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

POLICY CONTEXT

POLICY CONTEXT

Core Strategy - (January 2010)

CS3	Town, District and Local Centres
CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
CLT5	Open Space in new developments
CLT6	Provision of Children's Play Areas
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment
H13	New Student Accommodation

Supplementary Planning Guidance

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

Other Relevant Guidance

The National Planning Policy Framework



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Scale : 1:1250

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