

**Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 26 March 2013
 Planning Application Report of the Planning and Development Manager**

Application address: Mental Health Day Centre, Bedford House, Amoy Street			
Proposed development: Re-development of the site, demolition of the existing building and provision of 10 x 2 and 2.5 storey houses (8 x 3-beds, and 2 x 2-beds) with associated car parking and storage (outline application seeking approval for access, layout and scale)			
Application number	12/00381/OUT	Application type	OUT
Case officer	Jenna Turner	Public speaking time	15 minutes
Last date for determination:	30.05.12	Ward	Bargate
Reason for Panel Referral:	Major application with letters of objection	Ward Councillors	Cllr Noon Cllr Bogle Cllr Tucker

Applicant: Mrs Sue Harris- Health & Adult Social Care, Southampton City Council	Agent: Capita Symonds
----------------------------------------------------------------------------------------	------------------------------

Recommendation Summary	Delegate to the Planning and Development Manger to grant planning permission subject to criteria listed in the report.
-------------------------------	-------------------------------------------------------------------------------------------------------------------------------

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 26.03.13 and 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 neighbouring occupiers. 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, HE1, 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, CS14, CS16, CS18, CS19, CS20 and CS25 and the Council’s current adopted Supplementary Planning Guidance. The guidance within the National Planning Policy Framework (2012) is also relevant to the determination of this planning application.

Appendix attached			
1.	Previous Report to Panel – 24 July 2012	2.	Development Plan Policies
3.	Letter from Capita Symonds dated 21 February 2013 Design Rationale	4.	Site analysis – AL002
5.	Site analysis		

Recommendation in Full

1. Delegate to the Planning and Development Manager to grant planning permission subject to the Head of Property and Procurement Services providing a written undertaking for the provision within the contract of sale that the purchaser of the land enter into a Legal Agreement prior to the completion of the sale of the land requiring:
 - i. Financial contributions towards site specific transport improvements in the vicinity of the site including the creation of a Traffic Regulation Order to restrict traffic movements through Henry Street to be one-way only from Canton Street and the provision of a series of traffic calming measures to be agreed with the Local Planning Authority 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);
 - iv. The provision of affordable housing in accordance with adopted LDF Core Strategy Policy CS15;
 - v. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer and;
 - vi. A parking permit restriction clause.
2. That the Planning and Development Manager be given delegated authority to add to or vary planning conditions and relevant parts of the Section 106 agreement.
3. In the event that the undertaking is not provided within two months of the panel meeting the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

1. **Background**

- 1.1 This planning application was originally considered by the Planning and Rights of Way Panel on the 24th March 2012. At this meeting, members deferred from making a decision on the application to enable the applicant to further explore options to develop the site without opening up Henry Street to traffic. This was following concerns raised by local residents regarding the impact that this would have on the character of the Canton Street, highway safety and the amenities of residents of Canton Street.
- 1.2 Since this time, officers have met with residents of Canton Street to further understand their concerns and explore other options for this site. As set out below, the applicant has now amended the proposal as originally submitted and a further 3 week neighbour notification exercise has been carried out. The original report to the Planning and Rights of Way panel is attached as **Appendix 1** and

the key issues and considerations are as set out in that report.

2. Proposal

- 2.1 The main change to application proposal is that Henry Street would now be a one-way route with access only from Canton Street to Amoy Street. A series of traffic calming measures within Henry Street are also proposed.

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**.
- 3.2 The site is not allocated for a particular use or development within the Development Plan but lies within an area of high accessibility for public transport (Public Transport Accessibility Level 6).
- 3.3 Major developments are expected to meet high sustainable construction standards in accordance with the City Council’s adopted and emerging policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.

4. Consultation Responses and Notification Representations

- 4.1 Following the receipt of the amended plans on the 21st February 2013, a further a neighbour notification exercise was undertaken. At the time of writing, **3** further letters of objection have been received in addition to those set out in the original report to the panel, although 2 of the letters have been submitted on behalf of the residents of Canton Street as a whole. The following is a summary of the main points raised:

- 4.2 ***Opening up Henry Street to through traffic would have a harmful impact on Canton Street residents by increasing the amount of vehicle movements on this street which would have associated impact on highway safety, the character of the conservation area and residential amenity. Making provisions for a refuse collection vehicle should not be an over-riding consideration.***

4.3 Response

Having regard to the level of development proposed, and that an alternative access to the site is available via Amoy Street, it is not considered that the scheme would result in a significant increase in vehicle trips in Canton Street. Furthermore, the Historic Environment Team has raised no objection to the proposal in this respect. This is discussed in more detail below.

4.4 ***The proximity of the proposed houses to the rear elevations of the properties on Canton Street does not accord with the Council's 21 metre separation standard and the proposed houses would be taller than the existing building on site.***

4.5 **Response**

The two houses adjacent to the boundary with properties on Canton Street are positioned with the side elevations facing onto the rear elevations of Canton Street. In this case, the separation standard that applies is 12.5 metres. The application achieves between 13.5 and 14 metre separation which is therefore considered to be acceptable.

4.6 ***The proposal would lead to a loss of 6 on-street car parking spaces on Canton Street***

4.7 **Response**

The off-road car parking spaces on Henry Street would not be removed as a result of this planning application.

4.8 ***Future residents should not be eligible for parking permits.***

4.9 **Response**

It is recommended that the section 106 agreement includes a clause to restrict potential residents of the development from being eligible for car parking permits.

4.10 ***The proposal would add to existing on-street car parking pressure.***

4.11 **Response**

Each dwelling would be served by its own allocated car parking space and having regard to the accessibility of the site to public transport and local facilities, it is not considered that the proposal would place undue pressure on existing on-street car parking. The restriction of car parking permits is also considered to assist in ameliorating this issue.

4.12 **Consultation Responses**

4.13 **SCC Highways** - No objection. The proposed layout represents the best solution in highway terms and improves the existing situation by enabling a refuse collection vehicle to drive down Canton Street and exit through Henry Street in a forward gear. Any vehicles that erroneously use Canton Street, need not turn and return along Canton Street to exit but can use the link road provided. A Traffic Regulation Order can be used to prevent entry to Canton Street from Amoy Street and the traffic calming measures proposed will reduce traffic speeds and ensure that highway safety is not compromised.

4.14 **SCC Historic Environment** - No objection. The proposal would re-establish the original street pattern and would not, therefore, harm the Conservation Area. The design of the traffic calming measures would need to be agreed.

5. **Planning Consideration Key Issues**

5.1 This report focuses on the amendments that have been made to the application

proposal, the remainder of the considerations are as set out in the previous report to the Planning and Rights of Way Panel (**Appendix 1**).

- 5.2 The agent for the applicant has explored a number of options for the site and their reasoning for the submitted approach over other possible options is set out in detail in **Appendix 3-5**.
- 5.3 The Council's Highway Team are satisfied that the proposal would not have a harmful impact on highway safety and would create improvements to the safety and convenience of all users of Canton Street by enabling vehicles to enter and leave Canton Street in a forward gear. Currently, Henry Street is typically used by vehicles for turning purposes when exiting Canton Street. The application instead provides the option for vehicles to instead exit through Amoy Street and thereby reduce vehicle movements within Canton Street. The site itself would be fully accessible from Amoy Street and access from Canton Street would not be quicker or more convenient for future residents. Restricting the use of Henry Street to provide one way access into Amoy Street and incorporating traffic calming measures to reduce vehicle speeds within Henry Street, would ensure that there would not be a harmful impact on highway safety.
- 5.4 The Council's Historic Environment Team leader raises no objection to the proposal in terms of the impact on the character of the Conservation Area. It is noted that the proposal would restore the historic street pattern of the area and the Historic Environment Team consider this to be good practice in terms of heritage conservation. A further planning condition is suggested to secure the appearance of the proposed traffic calming measures.
- 5.5 As noted, above, it is considered that the proposal would not result in a significant number of vehicle trips within Canton Street and as such, that the proposal would not create significant harm to either the character of the area or residential amenity.

6. Summary

- 6.1 It is considered that the revised plans as submitted strike an acceptable balance between the concerns set out by local residents and the need to make good use of this previously developed site, whilst still achieving a good overall design solution.

7. Conclusion

- 7.1 Subject to the imposition of the suggested conditions attached to this report and the completion of the section 106 agreement, the proposal would be acceptable. The application is therefore recommended for approval.

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

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

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 scale, massing and bulk of the structure, of the site is approved subject to the following:

- (i) Written approval of the details of the appearance and architectural design specifying the external materials to be used and the landscaping of the site specifying both the hard and soft treatments and means of enclosure shall be obtained from the Local Planning Authority 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 – Windows to side elevations [performance condition]

Unless otherwise agreed in writing by the Local Planning Authority, any windows located in the side elevations of the dwellings hereby approved above ground floor level, shall be non-opening and obscurely glazed up to a height of 1.7m when measured from the internal floor level. The windows shall thereafter be retained in this manner. For the avoidance of doubt, side elevations include the south facing elevations of the plots 9 and 10.

Reason:

In the interests of the privacy of the occupiers of the neighbouring residential properties.

03. APPROVAL CONDITION - Lighting [Pre-Commencement Condition]

Before the development first comes into occupation a lighting scheme shall be submitted to the Local Planning Authority and approved in writing. The lighting scheme shall be implemented as approved before the development first comes into occupation and thereafter retained as approved.

Reason:

To protect the amenities of the occupiers of existing nearby residential properties and to secure a satisfactory residential environment.

04. 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

05. APPROVAL CONDITION - Ecological Mitigation Statement [Pre-Commencement Condition]

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place.

Reason

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

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

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

REASON

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

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

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

Reason:

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

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

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

Reason:

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

09. APPROVAL CONDITION – Road Construction [Pre-Commencement Condition]

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

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

Reason:

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

10. APPROVAL CONDITION - Construction Environment Management Plan (Pre-Commencement Condition)

Prior to the commencement of any development a written construction environment management plan shall be submitted to and approved by the LPA. The plan shall contain method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary. All specified measures shall be available and implemented during any processes for which those measures are required.

Reason:

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

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

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

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

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

And at no time on Sundays and recognised public holidays.

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

Reason:

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

12. APPROVAL CONDITION – Public Sewer Protection Measures [pre-commencement condition]

Prior to the commencement of the development hereby approved, details of measures to protect the public sewer from damage shall be submitted to and approved by the Local Planning Authority in writing. The development shall proceed in accordance with the agreed details.

Reason:

To secure a satisfactory form of development.

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

Precise details of the method and programming of the demolition of the existing property which includes measures to suppress dust, shall be submitted to and approved by in writing by the Local Planning Authority prior to the implementation of the scheme. 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.

14. APPROVAL CONDITION - Refuse & Recycling Bin Storage – Details to be submitted [pre-commencement condition]

Notwithstanding the information already submitted, details of the elevations of the storage of refuse and recycling and details of collection points for the houses, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved. The facilities shall include accommodation for the separation of waste to enable recycling. The approved refuse and recycling storage shall be thereafter retained.

Reason:

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

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

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

Reason:

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

16. APPROVAL CONDITION - Amenity Space Access [performance condition]

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

Reason:

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

17. APPROVAL CONDITION – Parking and Access [pre-occupation condition]

Prior to the occupation of the development hereby approved both the access to the site, including the vehicular and pedestrian link through to Henry Street and the parking spaces for the development shall be provided in accordance with the plans hereby approved. The parking shall be retained for that purpose and not used for any commercial activity.

Reason:

To ensure a satisfactory form of development

18. APPROVAL CONDITION – Removal of permitted development [performance condition]

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (as amended), or any Order revoking or re-enacting that Order, no development permitted by classes A (extensions), B (roof alterations), C (other roof alterations), D (porches), E (outbuildings, enclosures or swimming pools) and F (hard surfaces) of Part 1 of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority for the dwellings hereby approved.

Reason:

In order to protect the amenities of the locality and to maintain a good quality environment and in order to ensure that sufficient private amenity space remains to serve the dwellings.

19. APPROVAL CONDITION – Archaeological investigation [Pre-Commencement Condition]

No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

Reason:

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

20. APPROVAL CONDITION – Archaeological work programme [Performance Condition]

The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

Reason:

To ensure that the archaeological investigation is completed.

21. APPROVAL CONDITION - Details of Traffic Calming Measures [Pre-commencement condition]

Prior to the commencement of the development hereby approved, full details of the appearance and materials to be used for the traffic calming measures in Henry Street shall be submitted to the Local Planning Authority for approval in writing. The measures shall be installed in accordance with the submitted details before the Henry Street access is opened and thereafter retained as approved.

Reason:

In the interests of highway safety and the character and amenity of the area

22. APPROVAL CONDITION - Approved Plans

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

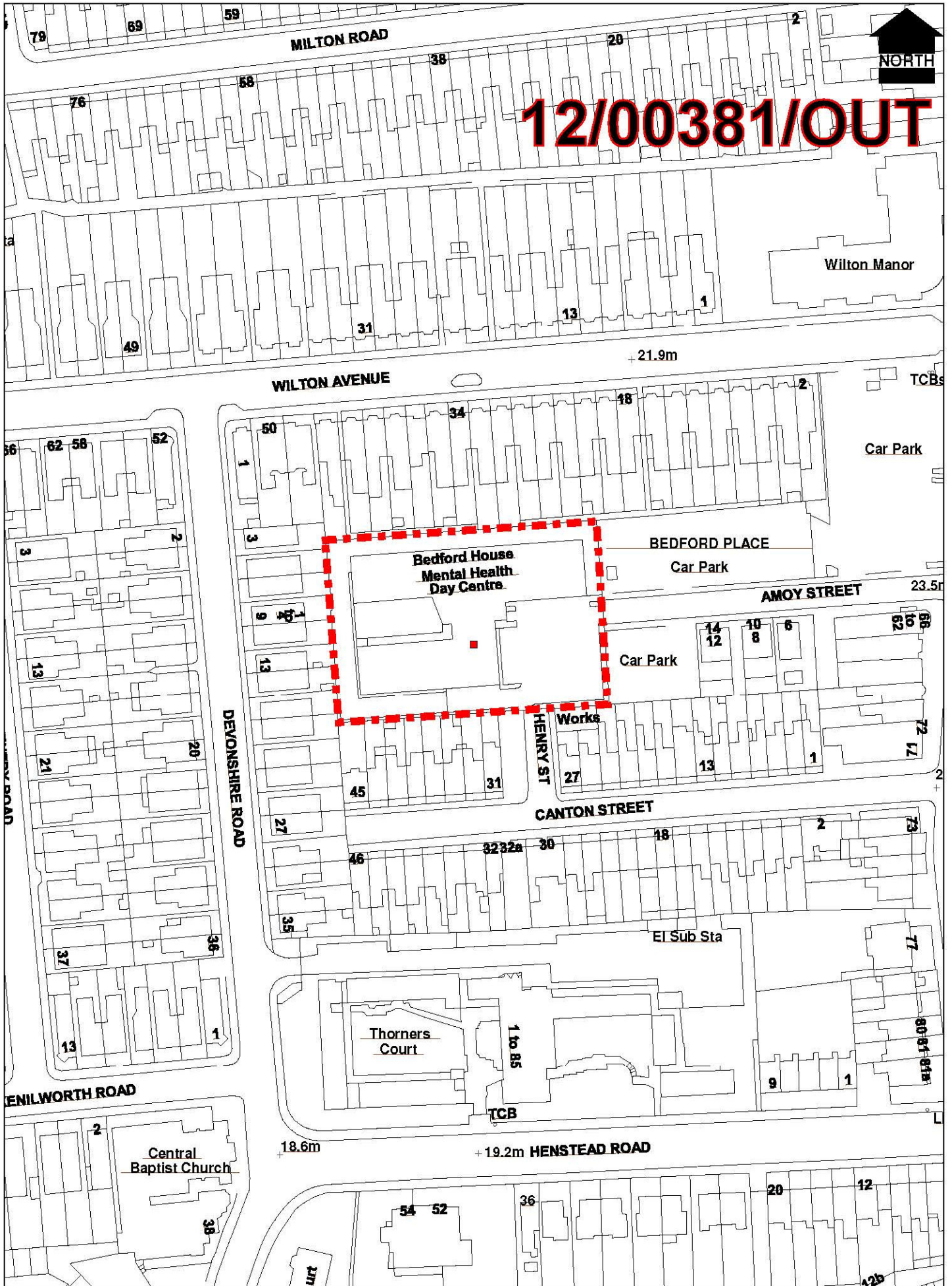
Reason:

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

Note to Applicant

1. Connection to Public Sewerage System

A formal application for connection to the public sewerage system is required in order to service this development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester SO23 9EH.



12/00381/OUT

NORTH

Scale : 1:1250

Date : 13 March 2013

© Crown copyright. All rights reserved. Southampton City Council 100019679 2004.

