

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel (WEST) – 9 December 2014
Planning Application Report of the Planning and Development Manager

Application address: 248 Priory Road			
Proposed development: Redevelopment of the site. Demolition of existing buildings and construction a 3 bedroom detached house; a pair of 2 bedroom semi-detached houses; and a block of 7 flats (total 10 dwellings) with associated access, parking, gardens, bike and bin stores (Outline application seeking approval for Access, Layout and Scale)			
Application number	14/01558/OUT	Application type	OUT
Case officer	Andrew Gregory	Public speaking time	15 minutes
Last date for determination:	23.12.2014	Ward	Portswood
Reason for Panel Referral:	Request by Ward Member O'Neill and five or more letters of objection have been received	Ward Councillors	Cllr O'Neil Cllr Claisse Cllr Norris

Applicant: Homer and Pardy Developments	Agent: Ken Parke Planning Consultants
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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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Community Infrastructure Levy Liable	Yes
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Overall the scheme is acceptable and the level of development will not have a harmful impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area. A suitable balance has been achieved between securing additional housing, parking, on-site amenity space, landscaping and mitigation against flood risk whilst ensuring that existing residential amenity is protected. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies SDP1, SDP4, SDP5, SDP7, SDP9, H1, H2 and H7 of the City of Southampton Local Plan Review - Adopted March 2006 policies CS4, CS5, CS13, CS15, CS16, CS19, CS20 of the Local Development Framework Core Strategy (January 2010); National Planning Policy Framework (2012)

Appendix attached			
1	Development Plan Policies	2	Planning history ref 14/00337/OUT

Recommendation in Full

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

- i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPD relating to Planning Obligations (September 2013);
- ii. Provision of affordable housing in accordance with Policies CS15, CS16 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPD relating to Planning Obligations (September 2013).
- iii. Submission and implementation of a flood evacuation plan.
- 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. Financial contributions towards Solent Disturbance Mitigation in accordance with policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
- vi. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
- vii. The submission and implementation of a waste management plan.
- viii. Provision and retention of public access to the waterfront in accordance with policy CLT11 of the City of Southampton Local Plan Review (March 2006)

In the event that the legal agreement is not completed by 23.12.2014 (unless the timeframe is extended by an extension of time agreement) the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

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

1.0 The site and its context

- 1.1 The application site has an area of 0.14 hectares and comprises a long elongated plot which extends from Priory Road to the River Itchen. The site contains a number of commercial workshop buildings (formerly occupied for engineering works). The frontage building is two-storey with an open forecourt to Priory Road. The site has pontoons and a slip way fronting the River. The site is enclosed by a mature hedgerow and close boarded fencing along the northern boundary and a block wall along part of the southern boundary.
- 1.2 The surrounding area is predominantly residential in character and there are established precedents for backland waterfront development. The neighbouring plots to the north have undeveloped rear gardens however the pattern of development to the south contains development closer to the River and the neighbouring development at Cobden Marine contains two detached flatted blocks. There are no parking restrictions within Priory Road.

2.0 Proposal

- 2.1 The application seeks outline planning permission for the redevelopment of this brownfield site with the demolition of the existing buildings and the construction of a 3 bedroom detached house; a pair of 2 bedroom semi-detached houses; and a block of 7 flats (total 10 dwellings). External appearance and landscaping reserved for further consideration.
- 2.2 The frontage detached house (block A) is two-storey with a pitched roof and double bay with glazed juliette balcony at first-floor level. The building has ramped access to the rear and a 7m depth rear garden (35 Square metres in area). A parking space and bin collection point is located at the front of the site, enclosed by a low wall.
- 2.3 The central building (block B) comprises a two-storey semi-detached pair of 2-bed dwellings. The dwellings have ramped access and the building has a ground floor finished floor level of 4.22m because of flood risk constraints. The building has a pitched roof and double bays with juliette balconies on the front and rear. 6m depth gardens are located to the front and rear (each approximately 48 square metres in area). 4 car parking bays are located between Block A and block B.
- 2.4 The flatted building adjacent to the River (Block C) comprises 7 flats and is two-storey with additional accommodation in the roof. The ground and first floor are the same, each with 2 x 2-bedroom units and 1 x 1-bedroom unit. The roof accommodation comprises 1 x 2-bedroom unit served by rooflights and genuine outlook to the lounge. The building also has a finished floor level of 4.22m and has stepped access. The design includes double height bay windows with floating balconies and corner windows. A 14m depth amenity area fronts the river. 6 car parking spaces are located between blocks B and C.
- 2.5 Access is taken from Priory Road with the access road running adjacent to the northern boundary. Pedestrian access is also available to the waterfront. Each block has separate refuse storage facilities. In total 11 spaces are provided at a ratio of 1.1 spaces per unit.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.4 The site is located within an area designated as Open Riverside Character under Policy NE 5ii of the Local Plan Review. Much of the site is also located within an Area at Higher Risk of Flooding due to the adjacent location of the River Itchen directly to the east. The principle of residential use has previously been considered to be acceptable with the existing office and redundant employment buildings not being afforded protection by the Local Plan Review or Core Strategy. The main planning policy considerations with this proposal include issues relating to residential amenity (for existing and prospective residents), character, context, residential density, flood risk, the provision of family homes and affordable housing.
- 3.5 The applicant has submitted a Flood Risk Assessment which will need to be assessed in relation to the National Planning Policy Framework Technical Guidance and the relevant parts of Core Strategy Policy 23 Flood Risk. Liaison with the Council's Flood Risk Management Officer will be necessary to ensure that the Exception Test has been fully considered.
- 3.6 The layout of the proposed development is similar to that previously submitted although it is noted that the habitable rooms face east and west and therefore do not pose direct overlooking into the garden of 250 Priory Road. The proposed residential density is also within a more acceptable level at approximately 71 dwellings per hectare. This therefore complies with Policy CS 5 with the site being identified in an area where a density of between 50 to 100 dwellings per hectare would be acceptable. It is also noted that the residential garden space provided for the middle block would be larger although a similar amount compared to that for the previously submitted scheme would be provided for the detached house. The case officer will need to consider the proposal against Local Plan Review Policies SDP 1, SDP 7 and SDP 9 and Core Strategy Policies CS 5 and CS 13 in relation to a range of design, character, amenity and context considerations.
- 3.7 It is noted that the proposal will provide for a mix of housing and flats. However, it would not satisfy point 1 of Core Strategy Policy CS 16 Housing Mix and Type on family homes whereby it is stated that the Council will provide a mix of housing types and more sustainable and balanced communities through the provision of a target of 30% of total dwellings (gross) as family homes on sites of ten or more

dwelling. One out of the ten residential units (i.e. 10% of the provision) would constitute provision towards family homes under the proposal.

It is also observed from the application form that the applicant has not included provision for affordable units. Therefore, the proposal in its current form would not satisfy the requirements of Policy CS 15 Affordable Housing whereby it is stated that on sites where 5 ' 14 net dwellings are proposed the Council will seek provision, through negotiation, of 20% affordable housing.

- 3.8 In conclusion and pending a further consideration on how the applicant has dealt with the flood risk, design, character, amenity and context considerations, a refusal of this outline application is recommended. This is because it would not meet the requirements for family homes and affordable housing in accordance with the relevant policies of the Core Strategy. It will therefore be important for the applicant to further address these issues or to demonstrate the reasoning for why a departure from these policies would be justified.

Officer Response - The development provides 1 x 3-bed detached dwelling at the front of the site which provides betterment on the previous refusal which contained zero family housing. The appellants have indicated that further provision of family housing would make the development unviable and also because the site layout limits the opportunity for further family housing because sufficiently private garden space cannot be provided in the middle of the site. A balance between providing family housing and making efficient use of this previously developed land has been taken.

4.0 Relevant Planning History

- 4.1 On 28.05.2014 planning permission was refused under delegated powers for Redevelopment of the site to provide 14 flats (5 x 1-bedroom, 8 x 2-bedroom and 1 x 3-bedroom) in three buildings with associated access, parking and landscaping (Outline application seeking approval for access, layout and scale). SCC Ref: 14/00337/OUT

The application was refused for the following reasons:

01. REFUSAL REASON 01 - Unneighbourly Overdevelopment

The proposal represents an un-neighbourly form of development with balconies and side/corner windows within Blocks A-C giving rise to harmful overlooking and loss of privacy to 250 Priory Road, with the impact worsened by flood mitigation requirements setting the Finished Floor Levels at 4.4m AOD (as set out within Flood Risk Assessment Ref 28953/001 Rev A) leading to additional overlooking from ground floor windows and raised access points. Furthermore the development fails to provide an acceptable residential environment for future occupiers with insufficient amenity space provision for the 5 flats without balconies within Block B, by reason of the limited amount and quality of the space around block B and remoteness from the large area of communal amenity space adjacent to the river. In addition, the development fails to provide direct access to private garden space for the sole use of the 3-bedroom family unit. In the absence of a comprehensive development, the above concerns regarding overlooking and insufficient amenity space provision, along with the high percentage of site coverage with buildings and hardstanding to serve a residential use and the provision of a car dominated frontage with no boundary treatment, are symptomatic of a site overdevelopment.

02. REFUSAL REASON 02 - Insufficient family housing provision

The development fails to make adequate family housing provision by only providing 1 x 3-bed flat (without direct access to private amenity space) on a site capable of providing 30% of total dwellings (gross) as family homes. The area is residential in character with a low to medium density and predominantly comprises family housing. No evidence has been put forward to demonstrate that 30% family housing would be unviable and, therefore, the development would be contrary to policy CS16 of the adopted LDF Core Strategy (January 2010) in that it fails to contribute towards creating a mixed and balanced community.

03. REFUSAL REASON - Refuse collection and car parking

The development fails to provide a satisfactory bin collection point or safe means of access for a refuse truck. As such the development fails to demonstrate that the site can be properly serviced in terms of its refuse collection. Furthermore the 2 no. car parking spaces at the front of the site by reason of their size and adjacent turning space will make it difficult for drivers to manoeuvre in/out of these spaces thereby causing obstruction at the site entrance and prejudicing associated highway safety. The development proposal is thereby contrary to 'saved' policies SDP1 and TI2 of the City of Southampton Local Plan Review (March 2006), policies CS13 and CS19 of the adopted Local Development Framework Core Strategy (January 2010), Section 9 of the approved Residential Design Guide SPD (September 2006) and the relevant sections of the adopted Parking Standards SPD (September 2011) in relation to car parking.

04. REFUSAL REASON - Failure to secure S106 obligations.

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, placing a press advertisement (03.10.2014) and erecting a site notice (26.09.2014). At the time of writing the report **13** representations have been received from surrounding residents and a panel referral from Cllr O'Neil. The following is a summary of the points raised:

Impact of construction traffic and noise nuisance from construction works.

Officer Response - This is an unfortunate symptom of development and Planning permission cannot be refused for this reason. Planning conditions can be added to control hours of work, demolition and the construction environment (which can include management of construction vehicle parking).

Disturbance from vehicle and pedestrian movements day and night

Officer Response - The vehicle trips arising from the 10 car parking spaces serving the 9 dwellings within the rear blocks will not give rise to harmful noise nuisance and disturbance. There are many precedents across the city of layouts with access roads adjacent to neighbouring gardens because such arrangement is often necessary to unlock backland housing sites. Such arrangement has been allowed by Inspectors in appeal decisions (at land to the rear of 5-9 Seymour Road for instance).

View of River Itchen from 171 Priory road would be blocked.

Officer Response - Loss of view to a single household cannot be used as a reason for refusal.

St Denys is overpopulated and the community does not need any more developments of this kind.

Officer Response - There is a housing need across the city. There are no planning policies restricting additional development in the area. The development has a density level of 71 dwellings per hectare which accords with density range of between 50-100 dwellings per hectare for a medium accessibility area as set out within Core Strategy Policy CS5 (the area is medium accessibility according to the PTAL map within appendix 2 of the Core Strategy). The development provides sufficient parking (in accordance with maximum car parking standards) to prevent harmful on-street parking pressure. It rests with Southern Water to increase sewer capacity to meet the needs of additional development.

Leaseholders of the existing moorings will have parking and vehicle access removed.

Officer Response - It is understood that the current users of the moorings have no rights to park on the site and there are no longstanding rights for any party to retain the use of the moorings. The site acquisition includes the moorings. Ultimately this is a civil matter.

Overlooking from windows and balconies

Officer Response - A balance needs to be struck between unlocking this long narrow brownfield site for a viable housing development whilst maintaining reasonable privacy to neighbouring occupiers. 250 Priory Road has a garden length of 85m. It is critical that there is no overlooking of widows within 250 Priory Road and no direct overlooking of their garden area, particularly the part nearest to the rear of the house. The development has been designed to ensure the proposed buildings have front and rear aspect with no overlooking side windows (any corner windows have obscured side panels). The front and central buildings do not have projecting balconies. No significant overlooking would occur.

Flood Risk to neighbouring properties

Officer Response - The Environment Agency have raised no objection. The proposed buildings have floor levels above predicted flood levels. A flood warning and evacuation plan will be secured through the S106 Legal Agreement.

Narrow access and potential for damage to the boundary with 250 Priory Road. A robust wall should be provided.

Officer Response - Means of enclosure can be reserved by condition. An update will be provided at the panel meeting as to whether the developer is prepared to introduce a wall along the northern boundary.

Insufficient parking provision will lead to increased on-street parking pressures.

Officer Response - No objection has been received by Highways Development Management. The provision of 11 spaces accords with the Council's maximum car parking standards (the maximum permissible is 18 spaces). The developer has not been prepared to carry out an on-street parking pressure survey because they believe the development accords with the Council's maximum car parking standards and because insufficient parking did not previously form a reason for

refusal.

Increased congestion.

Officer Response - Highways Development Management have raised no objection. The increased trip generation from 10 dwellings will not have an adverse impact on the highway network.

A refuse truck would not be able to access the site and would cause obstruction to the flow of traffic on Priory Road whilst bin collection is taking place.

Officer Response - A standard refuse truck cannot enter the site and turn and therefore the site will need to be served by a private collection with a smaller vehicle. Refuse management would be secured through the S106 legal agreement.

Overdevelopment - the number of dwellings proposed remains excessive

Officer Response - The development has a density of 71 dph which accords with policy CS5 of the Core Strategy. The site is brownfield land and the introduction of grassed amenity space will represent a reduction in hardstanding. Sufficient amenity space and parking has been provided to meet the needs of the development. Officers do not consider that the scheme represents overdevelopment.

Consultation Responses

5.2 **SCC Highways** - No objection subject to conditions to secure:
Widening of the spaces to the front of block A and provision of a demarcated pedestrian route; site management to prevent obstruction to the public highway; and wheel cleaning facilities

5.3 **SCC Archaeology** – There is the potential for archaeological deposits to survive on this site, including the potential for important Mesolithic peat deposits and remains associated with the Roman Settlement at St Denys.

A phased programme of archaeological works will be required. This would consist of an archaeological desk-based assessment (to be submitted with any formal application). This would be followed by archaeological evaluation of the site, and further works (which may include archaeological excavation) as required.
Conditions recommended.

5.4 **SCC Sustainability Team** – A full pre-assessment estimator for the code for sustainable homes has been received, demonstrating that the development can achieve level 4. Conditions are recommended to ensure the development achieves code level 4.

5.5 **SCC Flood Risk Officer** - The submitted FRA does not provide sufficient information to demonstrate that the exception test has been properly addressed, particularly in relation to safe access and escape routes. Reliance on temporary refuge and evacuation should only be considered once it has been clearly demonstrated that it is not possible to achieve safe access and egress. Given the uncertainty with any future provision of strategic flood defences along this frontage and the waterfront location of the site any development proposals should consider reducing the flood hazard to the site through the provision of site specific

measures, considering the lifetime of the development. Although the proposals include FFL's which have been raised so internal flooding to the dwellings should be avoided, by 2110 (based on projected sea level rise) the outside access routes, particularly around Block C, would get wet during every spring tidal cycle twice a month with potential flood depths of up to 1.4m experienced on the lower parts of the site during a 1 in 200 year flood event.

Officer Response - A flood warning and evacuation plan will be secured through the legal agreement. The securing of such a plan is a common solution in dealing with residential development within flood risk areas. The scheme will be required to sign up to the Environment Agency flood warning system. The Environment Agency raises no objection.

- 5.6 **SCC Environmental Health (Pollution & Safety)** - No objection subject to conditions to secure hours of work, no bonfires and details of dust suppression during demolition works.
- 5.7 **SCC Environmental Health (Contaminated Land)** - This department considers the proposed land use as being sensitive to the effects of land contamination. Contaminating land uses have historically existed on and near the site and conditions are recommended to secure a land contamination investigation and remediation.
- 5.8 **SCC Ecology** – No objection subject to conditions to secure ecological mitigation and to prevent noise and vibration from any piling works harming migrating Atlantic salmon.
- 5.9 **CIL** – The development will become CIL liable at reserved matters stage. The charge will be levied at £70 per sq m on the Gross Internal Area of the new development. If any existing floorspace is to be used as deductible floorspace the applicant will need to demonstrate that continuous lawful use of the building has occurred for a continuous period of at least 6 months within the period of 3 years ending on the day that planning permission first permits the chargeable development.
- 5.10 **SCC Housing** – As the scheme comprises of 10 dwellings in total the affordable housing requirement from the proposed development is 20% (CS15- sites of 5-14 units = 20%). The affordable housing requirement is therefore 2 dwellings.
- 5.11 **Southern Water** – No objection subject to a condition seeking details of foul and surface water disposal. Informative is also requested regarding connection to the public sewer.
- 5.12 **Environment Agency** - No objection. It rests with the LPA to determine the adequacy of the Flood Evacuation Plan. Informative requested regarding Flood Proofing and Flood Defence consent.
- 5.13 **City of Southampton Society** - Accept that the site is a mess and needs to be redeveloped. The revised layout of the plans are acceptable providing reasonably proportioned dwellings and private and shared amenity space. However, there is a concern that the roof accommodation provides too little space with limited head room and limited outlook (only served by velux windows).

6.0 Planning Consideration Key Issues

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

- Principle of development;
- Whether the previous reasons for refusal have been addressed;
- Design, layout and impact on established character;
- Impact on residential amenity;
- Residential Standards;
- Highway Issues;
- S106 mitigation and CIL

6.2 Principle of Development

6.2.1 The proposal seeks outline consent for access, layout and scale with appearance and landscaping to be reserved. The redevelopment of this brownfield site for residential use represents a sustainable form of development and accords with the policies within the development and central government's guidance (through the National Planning Policy Framework) to promote sustainable and efficient use of previously developed land for housing development providing the character of an area is not compromised. The site is not safeguarded for a particular planning use and residential use would be compatible with the surrounding pattern of development. The existing engineering works is vacant land and is not protected by policy, its loss to housing removes a potential nuisance neighbour.

6.2.2 The development seeks a density of 71 dwellings per hectare which accords with the density guide range of 50-100 dwellings per hectare for a medium accessibility area within policy CS5 of the Core Strategy.

6.2.3 The proposed development includes a mix of dwelling types and the inclusion of a 3-bed detached house is welcomed and respects the pattern of development within the Priory Road street scene. However policy CS16 of the Core strategy does call for 30% family homes on developments with a net gain of 10 or more units and this proposal only provides 10%. The developers have indicated that due to the constraints of the site, increased family housing would make the development less viable and it would be difficult to provide additional family housing to meet the Council's Residential standards in terms of the provision of car parking and suitable private amenity space. The provision of 20% affordable housing (in accordance with Core Strategy Policy CS6) will be secured through the S106 legal agreement (subject to any viability issues being independently tested).

6.3 Whether the previous reason for refusal has been addressed

6.3.1 Overlooking

The proposal has improved privacy to neighbouring occupiers by removing the projecting balconies from the front and middle blocks in order to discourage oblique views into neighbouring properties. Furthermore the window design has been amended to ensure any side facing window is obscure glazed. Opaque privacy screens have been added to the raised entrances to prevent overlooking of the garden of 250 Priory Road.

6.3.2 Block B Residential Environment

The layout of block B has been revised to 2 x 2-bed dwellings which provides an improved residential environment with improved amenity space provision for the central block and a reduction of hard surfacing. Furthermore the accommodation in the roof has been removed to provide a genuine two-storey building.

6.3.3 Family Housing Provision

See comments above regarding the principle of development.

6.3.4 Refuse collection and car parking

No objection has been raised by the highways team. The level of car parking accords with the Council's maximum car parking standards. The proposal now includes a refuse collection point and the developers will be required to provide a waste management plan as part of the S106 Agreement, which may require the servicing of the site by private waste collection.

6.4 Design, layout and impact on established character

6.4.1 Whilst building appearance and design is a reserved matter, the indicative images help with the assessment of scale, with building heights and form clearly shown. The provision of a genuine two-storey dwelling house at the front respects the scale and massing of existing housing within the Priory Road street scene; the provision of a double bay and pitched roof is reflective of the style of properties within the street.

6.4.2 The central block is also a genuine two-storey building with a hipped roof; this scale and form reflects the adjacent development within Cobden Marine Court. The riverside block (c) is a larger building and contains accommodation in the roof space. This scale of development is considered suitable to address the river and there is nearby precedent of 3-4 storey flatted development fronting the river. The eaves height and hipped roof design respects the neighbouring two-storey development to the south.

6.4.3 Flood risk mitigation has meant that the finished floor levels of blocks B and C need to be raised to achieve 4.22m AOD, this effectively creates a 1m height plinth.

6.4.4 The existing site is predominantly covered in workshop buildings and hard standing. The long elongated nature of the site makes it difficult to develop this site for housing whilst at the same time seeking to protect the amenities to neighbouring occupiers, and a balance is needed in order to bring the site forward for housing. The development seeks to reflect the pattern of development to the south with three detached blocks (Cobden Marine Court) and therefore such a layout is not considered out of keeping with the surrounding pattern of development.

6.5 Impact on residential amenity

6.5.1 The residential amenities of nearby residents will not be adversely harmed. The proposed development will not give rise to a harmful sense of enclosure, loss of light, shadowing or overlooking / loss of privacy, having regard to the separation distance and the orientation of the proposed dwellings in relation to neighbouring properties.

- 6.5.2. As indicated above, the development has sought to restrict views to the north and south by obscuring side windows and the raised entrances and by removing projecting balconies to the front and middle blocks. It is considered critical to protect neighbouring habitable rooms and well used garden and patio areas but it is very difficult to completely eradicate any oblique views along the full 80m length of garden, such a degree of protection would potentially impact on the viability of bringing any housing development forward on this site.
- 6.5.3 The development is not considered to give rise to harmful enclosure to 240 Priory Road with blocks A and B set in from the boundary by 3m and there is a 25m separation distance between block A and B preventing unreasonable shadowing and enclosure to the garden area directly behind no 240. Block A has been designed to prevent loss of outlook and shadowing to 246 and 250 Priory Road. Moreover Block B has a similar footprint to the neighbouring block to the south (Cobden Marine Court). It should be noted that the windows to the side of the adjacent building (Cobden Marine Court) serve a staircase and not habitable rooms. Block C does have a deeper footprint than 1-4 Cobden Marine Court but this is not considered harmful because the proposed building is due north and steps in from the boundary by 2m

Residential Standards

- 6.5.4 All new residential development is expected to provide prospective residents with a good living environment. The internal layout is compatible with modern living standards. All habitable rooms will receive adequate outlook, ventilation and day lighting. The internal layout and stacking of the flats is considered acceptable. The roof accommodation in Block C is afforded genuine outlook from the lounge area despite bedrooms being served by roof lights.
- 6.5.5 The detached 3-bed dwelling is provided with a private rear garden which is 8m deep / 48 sqm in area. This area is considered sufficiently usable and private and, on balance with the merits of housing delivery, is considered acceptable. Furthermore the 2 x 2-bed flats within Block B are each provided with 48 square metres of amenity space which exceeds the 20 sqm per unit as set out within the Councils Residential Design Guide. Block C has a large area of amenity space fronting the river (in excess of 180 sqm) which would provide sufficient communal amenity space.

6.6 Highways Issues

The provision of 11 spaces accords with the Council's maximum car parking standards (The maximum permissible for this level of development would be 18 spaces). The applicants have chosen not to submit an on-street parking survey because they consider that the scheme is compliant with maximum car parking standards and because there was no previous highways reason for refusal. Any parking overspill will not compromise highway safety. Acceptable bin and bicycle storage provision has been made.

6.7 S106 mitigation and Affordable housing

The development triggers the need for a S.106 Legal Agreement to secure appropriate highway infrastructure improvements in accordance with Core Strategy Policy CS25. A flood evacuation plan and waste management is also required. The S106 agreement is necessary to secure obligations to mitigate against the scheme's direct local impacts. Subject to the completion of the legal agreement, the proposal is therefore considered to be acceptable.

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

7.0 Summary

- 7.1 Overall the scheme is acceptable and the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area. Appropriate flood risk mitigation can be secured. The proposed layout and density provides an acceptable residential environment for future occupiers. The proposal is consistent with adopted local planning policies and the National Planning Policy Framework and has addressed the previous reason for refusal.
- 7.2 A suitable balance has been achieved between securing additional housing, parking, on-site amenity space and landscaping, whilst ensuring that existing residential amenity is protected. The development will not lead to harmful levels of traffic, congestion or overspill parking.

8.0 Conclusion

- 8.1 It is recommended that planning permission be granted subject to a Section 106 Agreement and conditions.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

AG for 09/12/14 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Outline Permission Timing Condition

Outline Planning Permission for the principle of the development proposed and the following matters sought for consideration, namely the layout of buildings and other external ancillary areas, the means of access (vehicular and pedestrian) into the site and the buildings and the scale, massing and bulk of the structure is approved subject to the following:

- (i) Written approval of the details of the following awaited reserved matters shall be obtained from the Local Planning Authority prior to any works taking place on the site
 - the appearance and architectural design specifying the external materials to be used,
 - and the landscaping of the site specifying both the hard, soft treatments and means of enclosures.

- (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 - Samples details of building materials to be used [Pre-Commencement Condition]

No work for the construction of the buildings hereby permitted shall commence unless and until details and samples of the materials and finishes to be used for the external walls, windows, doors and roof of the buildings have been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details.

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.

03. 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.

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

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

Reason:

To protect the amenities of users of the surrounding area.

05. 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.

06. APPROVAL CONDITION - Parking layout and pedestrian access

Notwithstanding the plans hereby approved, a revised parking layout to be submitted and agreed upon in writing by the local planning authority. Details should include the widening of the two parking spaces at the front of the site and also a demarcated route for pedestrians. Demarcation can be achieved via lining, different colour or pattern of the surface treatment.

Reason: To avoid vehicle conflict and in the interests of pedestrian safety.

07. APPROVAL CONDITION - Material Storage (Pre-Commencement Condition)

No work shall be carried out on site unless and until provision is available within the site, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, for all temporary contractors buildings, plant and stacks of materials and equipment associated with the development and such provision shall be retained for these purposes throughout the period of work on the site. At no time shall any material or equipment be stored or operated from the public highway.

Reason:

To avoid undue congestion on the site and consequent obstruction to access.

08. 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.

09. APPROVAL CONDITION ' Archaeological evaluation 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.

10. APPROVAL CONDITION ' Archaeological evaluation work programme [Performance Condition]

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

Reason:

To ensure that the archaeological investigation is completed.

11. APPROVAL CONDITION ' Archaeological investigation (further works) [Performance Condition]

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

Reason:

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

12. APPROVAL CONDITION ' Archaeological work programme (further works) [Performance Condition]

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

Reason:

To ensure that the archaeological investigation is completed.

13. 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).

14. 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).

15. 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.

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

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

and be submitted to the Local Planning Authority for approval prior to the occupancy of the site.

Reason:

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

17. 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.

18. APPROVAL CONDITION - Means of site enclosure [Pre-Occupation Condition]

Before occupation of the development hereby approved, details of the design and specifications of the boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed boundary enclosure details shall be subsequently erected prior to the occupation of any of the units provided under this permission and such boundary treatment shall thereafter be retained and maintained to the boundaries of the site.

Reason:

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

19. APPROVAL CONDITION - Refuse & Recycling Bin Storage - [Pre Occupation Condition]

Bin storage shall be laid out with a level approach prior to the first occupation of the development hereby approved in accordance with the approved plans. The facilities shall include accommodation for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained whilst the development is used for residential purposes.

Reason:

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

20. APPROVAL CONDITION - Cycle Storage

The development to which this consent relates shall not be brought into use in full or in part until secure, covered space has been laid out within the site for 10 bicycles to be stored for the benefit of the residents in accordance with the plans to be submitted to and approved in writing by the Local Planning Authority. The cycle storage hereby approved shall thereafter be retained on site for that purpose.

Reason:

To encourage cycling as a sustainable form of transport.

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

The external amenity space serving Blocks B and C shall be made available as a communal area prior to the first occupation of the development hereby permitted and shall be retained with access to it at all times for the use of the flat units.

Reason:

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

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

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, [as set out in the submitted Biodiversity Survey by KP Ecology Ltd] 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.

23. APPROVAL CONDITION - Piling [Pre-Commencement Condition]

In the event that piling is required, details of the piling method and timing of works shall be agreed in writing prior to the commencement of development.

Any piling works shall be carried out in accordance with the agreed details.

Reason: To prevent noise and vibration from any piling works harming migrating Atlantic salmon.

24. APPROVAL CONDITION - Surface / foul water drainage [Pre-commencement Condition]

No development approved by this permission shall commence until a scheme for the disposal of foul water and surface water drainage have been submitted to and approved in writing by the Local Planning Authority and no building shall be occupied unless and until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority and subsequently implemented and maintained for use for the life of the development.

Reason:

To ensure satisfactory drainage provision for the area.

25. 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 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.

26. APPROVAL CONDITION - Glazing panel specification

All windows in the side elevations of the buildings hereby approved shall be glazed in obscure glass and shall only have a top light opening. The window as specified shall be installed before the development hereby permitted is first occupied and shall be permanently maintained in that form.

Reason:

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

Notes to Applicant:

01. Flood Warning and Evacuation

Information that would need to be included in any flood warning and evacuation plan should be fed from the FRA, utilising the best data available such as from the Southampton SFRA 2. It will be important to consider in particular:

- o The worst case flooding scenario the development or users would be exposed (i.e. depths and velocities)

- o How the flood propagates (i.e. how quickly the flood spreads, the routes etc).

- o Duration (i.e. how long the flood water stays around on site)

- o The frequency in which the development will be exposed to flooding

Southampton City Council (SCC) have prepared guidance on how to prepare a flood warning and evacuation plan (also referred to as a "Site Flood Plan"), this information can be obtained from Southampton City Council.

02. Flood Proofing

We recommend that consideration be given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels.

Consultation with your building control department is recommended when determining if flood proofing measures are effective.

Additional guidance can be found in our Flood line Publication 'Damage Limitation'. A free copy of this is available by telephoning 0845 988 1188 or can be found on our website www.environment-agency.gov.uk click on 'flood' in subjects to find out about, and then 'floodline'.

Reference should also be made to the Department for communities and local Government publication 'Preparing for Floods' please email: communities@twoten.com for a copy or alternatively go to: <http://www.planningportal.gov.uk/uploads/odpm/4000000009282.pdf> as well as the communities and local Government publication 'Improving the flood performance of new buildings' which can be viewed at:

<http://www.communities.gov.uk/publications/planningandbuilding/improvingflood.#>

03. Advice to applicant - Flood Defence Consent Required

Under the terms of the Water Resources Act 1991, and the Southern Region Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Itchen, designated a 'main river'.

It is not clear from the submitted plans whether or not the proposed development is within the 8 metre boundary. If this is not the case, a Flood Defence Consent will not be required and this advice should be ignored.

This permission is separate from planning permission and cannot be considered retrospectively.

Please be aware that the Environment Agency has up to two months to determine applications for Flood Defence Consent and you are therefore advised to contact the local Environment Agency Office as soon as possible to discuss making an application. Consent will only be issued if the works do not pose a flood risk to people and property, and do not conflict with the Environment Agency's other duties. If the applicants or agents wish to discuss this advice with us, they should contact Rob Sheehan in the Partnership and Strategic Overview team on 01794 83 4595.

04. Southern Water - Public Sewerage - Informative

A formal application for connection to the public sewerage is required in order to service this development. Please contact Southern Water's Network Development Team (Wastewater) based in Otterbourne or www.southernwater.co.uk.

