

**Planning, Transport & Sustainability Division
 Planning and Rights of Way Panel (East) 23 June 2015
 Planning Application Report of the Planning and Development Manager**

Application address: 366-368 Shirley Road, Southampton			
Proposed development: Redevelopment of the site. demolition of the existing buildings and erection of two, three and four-storey buildings to provide 49 dwellings (5 X one-bedroom, 17 X two-bedroom, 20 X three-bedroom, 7 X four-bedroom) and a car sales showroom with vehicular access from Villiers Road.			
Application number	14/01608/FUL	Application type	FUL
Case officer	Mathew Pidgeon	Public speaking time	15 minutes
Last date for determination:	16.02.2015	Ward	Millbrook
Reason for Panel Referral:	Request by Ward Member and five or more letters of objection have been received	Ward Councillors	Cllr Galton Cllr Denness Cllr Furnell
Referred by:	Cllr Denness	Reason:	Impact on neighbouring properties, parking pressure.

Applicant: C/O Heywood & Partners	Agent: Mitchell Architects
--	-----------------------------------

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

Community Infrastructure Levy Liable	Yes
---	-----

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including parking pressure, impact on neighbouring amenity, design and character; and the loss of the post office and gym on the site have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and planning permission should therefore be granted. In reaching this decision the Local Planning

Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, CLT5, CLT6, H1, H2, and H7 of the City of Southampton Local Plan Review – Amended 2015 as supported by the adopted LDF Core Strategy (amended 2015) Policies CS3, CS4, CS5, CS7, CS13, CS15, CS16, CS18, CS19, CS20 and CS25 and the Council’s current adopted Supplementary Planning Guidance. The guidance within the National Planning Policy Framework (2012) is also relevant to the determination of this planning application.

Appendix attached	
1	Development Plan Policies

Recommendation in Full

1. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a Section 106 Legal Agreement to secure:
 - i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPD relating to Planning Obligations (September 2013);
 - ii. Provision of affordable housing in accordance with Policies CS15, CS16 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPD relating to Planning Obligations (September 2013).
 - iii. Financial contributions towards Solent Disturbance Mitigation Project (SDMP) in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), saved policy SDP12 of the City of Southampton Local Plan Review (as amended 2015), CS22 of the Core Strategy (as amended 2015) and the Planning Obligations SPD (September 2013).
 - iv. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
 - v. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPD relating to Planning Obligations (September 2013).
 - vi. The submission, approval and implementation of a Carbon Management Plan setting out how carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
2. In the event that the legal agreement is not completed within 2 months of the panel meeting the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

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

Background

The development proposal that is the subject of this report was withdrawn from the Planning and Rights of Way Panel meeting agenda that was due for consideration on 2nd June 2015 because the Council received a legal opinion from Royal Mail, and officers wanted to be sure that all material considerations, including the loss of employment land proposed, and all relevant policies from the development plan had been afforded due weight. This updated report has sought to clarify and amend the report to address the points raised. In particular the consultation section of the report has been expanded to take account of the response given by the Council's Planning Policy team. The consultation responses and notification representations section have also now been amended along with the planning consideration key issues section.

1 The site and its context

- 1.1 The application site measures 0.76 hectares and is generally flat across the whole site. The site is an L shape and is bounded to the north west by Villiers Road, to the north east by Shirley Road with residential properties and gardens to the south west and south east. The site is currently used for commercial purposes as a Royal Mail delivery office and commercial gym with a second hand car sales business facing Shirley Road. A large two storey commercial, steel framed, corrugated panelled building dominates the site. To the Shirley Road frontage there is also a former petrol filling station canopy. The site wraps around a block of four buildings that form the corner of Shirley Road and Villiers Road. Most of the site at present is occupied by hard surfaced tarmacadam and concrete. Within the southern corner of the site there are large mature trees. The boundaries of the site to residential properties are formed by 2m high walls and fences.
- 1.2 The surroundings are mixed in terms of uses, building heights and architectural styles. Shirley Road is predominantly commercial in character. To the South east of the site are residential properties that occupy the former Hendy Ford car sales site (Selby Place). Selby Place is a development of new two, three and four-storey buildings providing a total of 96 dwellings. There is a flatted block to the front which has four storeys and to the rear there is a mix of residential housing and smaller flatted blocks. Parking is provided within the development which is accessed from Shirley Road only. On the opposite side of Shirley Road are three-storey terraced buildings with retail/service uses on the ground floor. Adjoining the site is a three-storey public house. To the south west of the site are small-scale two-storey houses on Villiers Road. The surrounding streets are generally narrow with unrestricted on-street car parking.

2 Proposal

- 2.1 The application proposes demolition of all the existing buildings on the site and the erection of two, three and four-storey buildings to provide 49 dwellings (5 no. one-bedroom, 17 no. two-bedroom, 20 no. three-bedroom and seven no. four-bedroom) and a car sales showroom. The vehicular access to the site will be from Villiers Road and pedestrian access will be from Shirley Road. 50 car parking

spaces will be provided on the site therefore providing one parking space per dwelling. On the Shirley Road frontage there will be a four storey mixed use block mainly containing flats but also will provide the existing car sales business that operates onsite a location from which to continue business operations once the development is complete. The remainder of the development is formed of eight terraces containing a total of 27 houses. Two blocks will front Villiers Road the remainder will front the access road within the site that has been designed as a shared surface home zone. A pedestrian route is provided through the flatted block at ground floor level to Shirley Road.

- 2.2 The density of the development is 64 dwellings per hectare (dph). The proposed external materials are a mixture of brickwork, render and rain screen cladding detailing.
- 2.3 The application has been amended since it was first submitted. The main changes have been to improve the layout of the site to enable more car parking, improvements to the design of the buildings on site to ensure that they respond positively to and integrate into the surrounding area. Trees and traffic calming measures have been added to the public realm with the site.

3 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 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.

4 Relevant Planning History

- 4.1 In 2012 planning application 11/01327/FUL was granted on the adjoining site (360-364 Shirley Road, Henny Ford) to the south east for the redevelopment of the site involving demolition of the existing buildings and erection of two, three and four storey buildings to provide 18 houses and 78 flats with associated parking and access from Shirley Road.
- 4.2 Planning history relating to the application site does not relate to residential development and thus is not relevant to the current application for redevelopment.

5 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and

nearby landowners, placing a press advertisement 12.12.2014 and erecting a site notice 12.12.2014. At the time of writing the report **5** representations have been received from surrounding residents and interested parties. The following is a summary of the points raised:

- 5.2 **Noise and disturbance.** Generated from construction and from traffic associated with car sales business.

RESPONSE

Impact during construction cannot be used as a reason to prevent the development. The Council must find the appropriate balance between providing new homes in the city in sustainable locations and temporary disturbance that may affect local residents. Compromise is achieved by applying conditions to prevent construction during the most sensitive hours of the day and week during which the residents can expect peace and quiet. Cars move around the site and with the local area at present, the proposal is unlikely to significantly alter traffic generated noise associated with the site and the local area.

- 5.3 **Traffic generation/parking pressure/road safety.**

RESPONSE

The site at present generates car based travel. The development proposes one parking space for each residential unit on site. The Council have maximum parking standards. The site is located within a high accessibility area, car ownership is not necessary to access shops and amenities associated with Shirley Town Centre. There are no justifiable reasons to oppose the scheme on planning grounds due to insufficient parking numbers. The Highways Development Management Team have not objected on highways safety grounds.

- 5.4 **Effect on boundary wall.**

RESPONSE

Party wall matters are not material to the determination of planning applications. Where appropriate existing walls surrounding the site will be retained and where necessary, and having consideration to adjacent land owners, walls and boundary treatment will be replaced. Planning conditions can be used to ensure walls are treated appropriately.

- 5.5 **Impact on neighbouring amenity.** Overlooking, increased shadowing.

RESPONSE

The development is appropriately set off the boundaries so as to prevent significant harm to neighbouring residential amenity. The building heights have been arranged on the site so that neighbours are not affected by significant increased shading and habitable room windows will not harm neighbouring amenity due to appropriate separation distances for its context.

- 5.6 **Overdevelopment.** Too many residential units.

RESPONSE

The density of the development, at 64dph, is within the guidelines set out in policy CS5 of the City of Southampton Core Strategy (as amended 2015). A higher density could also be supported. The decision to provide a high percentage of

family housing (Policy CS16) was chosen in response to the surrounding character and this is considered to represent the correct design approach although the site could accommodate a higher density in principle. By way of comparison the neighbouring development at the former Hendy Ford site has a residential density of 118dph. The design and layout of the development is judged to have carefully balanced relevant policies and design standards at the same time as considering local residential amenity. Officers consider that an acceptable balance has been achieved. Neighbouring residential amenity will not be significantly harmed as a consequence of the development and car parking has been addressed by providing one for one parking in what is a highly accessible area which reliance on private motor cars is not necessary for day to day living.

- 5.7 **City of Southampton Society.** Development of the site is welcomed as the area needs to be improved however the proposal is considered to represent an overdevelopment of the site.

RESPONSE

Please refer to paragraph 5.6 above.

- 5.8 **Royal Mail Operation.** Forced closure of the delivery office (Royal Mail operation) has major consequences for the postal service in the area. Royal Mail have a statutory duty to provide efficient mail sorting and delivery services for the administrative area of Southampton. The site is not identified specifically for housing purposes in the adopted proposals map of the City of Southampton Local Plan Review (as amended 2015) therefore the application for the change of use of the site to residential is premature. The proposal would result in 165 jobs being lost from this location. If permission is granted development should not commence until an alternative delivery office is found elsewhere, a clause should be added to the legal agreement to ensure that this occurs. The employment use of the site needs to be taken into account, in particular with regard to policies CS6, CS7 and the relevant policies of the NPPF. Factual inaccuracies need to be corrected. Royal Mail have recently upgraded and refurbished the facilities. The lease of the site does not expire until July 2018.

RESPONSE

The Planning policy team have reviewed the representations made by Royal Mail which have been outlined above. Their response to the three main policy based issues raised (use of the site for residential purposes, protection of employment uses and premature nature of the proposal) is listed within the consultation responses section below. Section 6 (Planning Consideration Key Issues) below takes into account both the objection from the Royal Mail and planning policy responses.

Consultation Responses

- 5.9 **SCC Planning Policy** There are two separate topics which the Council's policy team have commented on:
A. Use of the site for residential purposes / protection of employment uses and
B. Prematurity of the proposal.
- 5.10 **A: Use of the site for residential purposes:** It is the view of the Planning Policy Team that the site is not covered by policy CS7. The policy explains that all

existing sites and allocations will be safeguarded for employment use through the sites and policies DPD (now to be incorporated in the city wide Local Plan Review) or City Centre Action Plan unless a range of criteria are met. LDF Para. 4.6.7 explains that a more detailed assessment will inform the decision on which sites to safeguard and which to release; and makes clear that this applies to existing employment sites or allocations designated in the adopted Local Plan 2006. The Post Office site is not designated for employment by this plan. Furthermore the policies in the 2006 Local Plan which safeguard employment sites (eg REI9 – 12) are still saved and still apply. Therefore sites that do not appear on this list are not protected in this way. In any case policy CS7, whilst indicating a strong need to protect employment sites (e.g. sites designated in the local plan), it does indicate some flexibility on a case by case base in accordance with the criteria listed. There is no policy objection to the release of this site for housing.

- 5.11 B: Prematurity of the proposal: Royal Mail argue that it is premature to consider an application for a residential development prior to considering sites through the local plan allocations process. National policy and guidance do not support the argument of prematurity except in exceptional circumstances and we disagree that the site must be considered as part of the local plan process (which is only at an early stage) instead of through consideration of a planning application.
- 5.12 The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development. This presumption is also now incorporated in Southampton's amended Core Strategy (2015) in paragraphs 4.3.2 – 4.3.4. Paragraph 14 in the NPPF sets out the implications of this for plan-making and decision-taking. This states that *'for decision-taking this means approving development proposals that accord with the development plan without delay'*. For proposals *'where the development plan is absent, silent or relevant policies are out of date, granting permission unless'* it meets one of the two criteria stated. These criteria are that adverse impacts *'significantly and demonstrably outweigh the benefits'* or that *'specific policies in this Framework indicate development should be restricted'*. These do not relate to the prematurity of schemes.
- 5.13 The Planning Practice Guidance states that *'arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impact of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account'* (Paragraph: 014, Reference ID: 21b-014-20140306). It provides examples of two circumstances where applications may be premature; development so substantial it would undermine the plan-making process; and where emerging plans are at an advanced stage but not formally adopted.
- 5.14 As an urban area, many of the schemes proposed in Southampton are on windfall sites that are not allocated in the plans and these are important to deliver the growth the city requires. These include former employment sites which have unexpectedly become available. Where there is no site allocation, these proposals are considered against development management policies. Site allocations outside the city centre (currently dating from the original Local Plan Review in 2006) will be updated in the new Local Plan. This however is at an early stage and is unlikely to be adopted until summer 2018.

- 5.15 **SCC Highways** – No objection raised subject to conditions controlling access to the site, sight lines, refuse and cycle storage, parking layout and road construction.
- 5.16 **SCC Heritage and Conservation** - No objection subject to conditions.
- 5.17 **SCC Sustainability Team** – No objection subject to conditions.
- 5.18 **SCC Environmental Health (Pollution & Safety)** – No objection subject to conditions.
- 5.19 **SCC Environmental Health (Contaminated Land)** - No objection subject to conditions.
- 5.20 **SCC Ecology** – No objection subject to conditions.
- 5.21 **SCC Housing** - The affordable housing requirement is 17 dwellings, to be controlled through a legal agreement.
- 5.22 **SCC Design Advisory Panel** – Revised plans have taken account the comments made by the Design Advisory Panel and have resulted in a much improved development proposal.
- 5.23 **Southern Water** – No objection subject to conditions and informative.

6 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
- The principle of this development, it's sustainability in the context of the NPPF, and the form and mix of dwellings proposed.
 - Design issues relating to the layout, the amount of development proposed and the impact on the character of the area.
 - Transportation and Parking issues.
 - Environmental matters including trees and sustainability considerations.
- 6.2 Principle of Development
- 6.3 The acceptability of the principle of the development and its sustainability rests on three main points:
1. Housing use
 2. Loss of employment land
 3. Loss of the Royal Mail delivery office and its re-provision
- General remarks regarding the principle of the scheme proposed conclude this section which focuses on the principle of sustainable development in the context of this application.
- 6.4 *1. Housing use*
- 6.5 The Planning Policy Team have outlined why it is not considered pre-mature to determine the planning application outside of the local plan process. The site is not unlike many development sites in Southampton in so far as it is a windfall site

that has not been allocated. The final paragraph of the planning policy consultation response is particularly pertinent and demonstrates that it is necessary for windfall sites to come forward for development in order to deliver the growth the city requires (16,300 homes to 2026 – LDF Policy CS4 refers)

6.6 *2. Loss of employment land*

6.7 Three commercial uses currently take place on the site. As a consequence of the development only one would be retained. The Council, in policy CS7 acknowledge that there is a strong need to safeguard employment sites within the city. This will help to achieve the aims of policy CS6 (economic growth). Policy CS7 states that *'all employment sites and allocations will be safeguarded for employment use, through the sites and policies DPD or the city centre action plan unless a range of criteria are met.'* The Planning Policy Team have confirmed that the intention of the policy is to prevent the loss of allocated employment sites with *'existing employment sites'* referring to designated sites on the adopted proposals map of the Local Plan review and *'allocations'* referring to sites in the city which although may not be part of a plan for a specific use the Council acknowledges the potential for future change for strategically important development. The site is not allocated as an employment site therefore in policy terms there is no opposition to the loss of two of the employment uses on the site and the subsequent change to residential use. That being said employment use – and the retention of local jobs - does still hold some material weight due to policy CS6 (economic growth) and paragraphs 18 - 21 of the NPPF and therefore this must be weighed in the balance of material considerations.

6.8 *3. Loss of the Royal Mail delivery office and its re-provision*

6.9 Royal Mail have occupied the site for almost 20 years and have recently invested in the upgrading and refurbishment of the facilities of the delivery office to improve and increase the size of the customer service point and to provide better facilities for the employees which gives an indication that the Royal Mail have no intention of leaving the site in the near future. However whilst the Royal Mail does have a statutory duty to provide efficient mail sorting and delivery services for Southampton that duty does not require that delivery to take place from any particular site or sites and the identification and securing of such sites is a matter for Royal Mail. Planning permissions are not determined on the basis of private agreements between land owners and leaseholders. Thus the continued use of the site by Royal Mail is not reliant on the grant of planning permission. Approving one type of use does not preclude an existing use continuing or indeed another type of use being approved in the future.

6.10 Royal Mail have indicated that their lease expires in July 2018. For their occupation of the site to continue Royal Mail will need to secure an extension of their lease or new lease in order for their occupation to continue beyond that date and that is a matter that is entirely separate to any application for planning permission. Should the lease not be extended the land owner will be free to explore alternative uses for the site. The applicant will be under no obligation to implement any planning permission if granted. The outcome of this planning application will not therefore necessarily determine the future use of the site.

6.11 *4. General remarks*

6.12 National Planning Policy encourages Local Authorities and developers to make efficient use of previously developed land for housing. This part of Shirley Road is of mixed character, part residential and part commercial, with the adjoining site to the south being entirely residential. In these circumstances it is considered that the predominantly residential, mixed use development is acceptable in principle. Loss of the Royal Mail delivery office and gym on site is a material planning consideration however those losses need to be balanced against the proposal to provide family housing and improve the appearance of the site.

6.13 This is a large site and it is capable of accommodating a range of building types and size and mix of dwellings. The proposal includes 27 family sized houses (55% of the total) as well as a range of smaller dwellings. The houses would be allocated private amenity areas to comply with Core Strategy Policy CS 16 which seeks 30% family dwelling provision. The applicant has stated that at least 35% of the proposed new dwellings will be provided as affordable housing to comply with Policy CS15 of the Core Strategy. The development therefore achieves a good mix of market and affordable housing.

6.14 The existing car showroom (sui generis use) is located on the edge of the Shirley Town Centre Boundary. The redevelopment of this which constitutes part of the overall development is also considered to be acceptable in principle and would particularly help to maintain and improve the appearance of the active frontage onto Shirley High Street.

6.15 Design

6.16 The layout of the development provides a logical response to the character of the surroundings with the larger blocks of flats on the Shirley Road frontage and the scale of buildings reducing within the central part of the site and along the boundary's with neighbouring residential properties. Towards Shirley Road the height of the dwellings on Villiers Road increase to reflect the importance and scale of Shirley Road buildings. The design appropriately enables the buildings that are proposed to directly face both Shirley Road (in the case of the flatted block) and Villiers Road (in the case of eight of the proposed houses). Within the site houses face the public realm which will take the form of a home zone designed to slow traffic speeds and provide a pleasant residential environment. The flatted block on Shirley Road frontage is sufficiently set back from the street to allow a reasonable depth planting area to be provided which can accommodate further tree planting to continue the tree screen on the adjoining site. The development includes sufficient amenity space in accordance with the guidance in Core Strategy Policy CS 16 and the Residential Design Guide. The amenity space is a mixture of private garden areas for the family-sized units and balconies; and shared garden areas for the occupants of the flatted block. These different amenity areas would adequately cater for the day to day needs of future occupiers. The development allows for the provision of a route through the site for pedestrians which will ensure that the site is permeable and thus will accord with the principles of good planning. The public space within the site will also be surveyed from habitable rooms within the development.

6.17 The scale and massing of the proposed buildings is considered to be acceptable to the character and appearance of the surrounding area. There are existing four-

storey buildings in the immediate vicinity on Shirley Road. The application site has a wide frontage to Shirley Road and the scale and form of the proposed block of flats, is appropriate in this context. The residential housing to the rear are much smaller in scale being a mix of two and three storeys in height and are well set of the boundaries. The house design and scale is compatible with adjoining residential properties. The amended scheme provides a traditional terraced frontage to Villiers Road which is acceptable in design terms and should enhance safety and security on this street. The detailed design treatment is of a simple contemporary form that reflects traditional plot widths and building heights where houses are directly adjacent to existing houses on Villiers Road. The proposed housing design is appropriate for this location.

6.18 This scheme has an appropriate density for this highly accessible area. At 64 dwellings per hectare the proposal is well within the range of density set out by Core Strategy Policy CS 5 which recommends a general density range of 50 - 100 dwellings per hectare in areas of medium public transport accessibility. However, the policy suggests that high densities (over 100 dph) should be limited to the most accessible areas, namely the city centre, areas close to and within Shirley Town Centre and the district centres. The application site directly adjoins Shirley Town Centre and the public transport corridor of Shirley High Street/Shirley Road. A higher density development could be considered to be acceptable in this location as it would result in making efficient and effective use of previously developed land in a sustainable location as recommended by national and local policy. There are other high density housing developments in the area, for example, the mansion blocks adjoining (Withewood Mansions etc) which has a density of approximately 180 d.p.h and the neighbouring Hendy Ford site development has a density of 118 dwellings per hectare (Approved July 2011).

6.19 Transport and Parking Issues

6.20 The traffic and parking issues arising from this development have been raised by objectors. This is understandable as new residential accommodation can lead to parking pressure within local areas where development takes place. A parking survey has been undertaken and submitted with the application. The parking survey demonstrates that there is available parking within the local area however it also acknowledges that the local area does also suffer from on street parking stress. However due to the amount of car parking now proposed within the development and due to the highly sustainable location of the scheme the development is not opposed on parking grounds. It is noteworthy that the proposed parking for the development is significantly higher than that of the neighbouring development (Hendy Ford) where there are 61 car parking spaces for 91 residential units. This proposal, which in response to the consultation letters received, now provides 50 car parking spaces for 49 residential units (as detailed within the amended plans) and is considered to be appropriate. The car parking proposed is also considered acceptable as the development is located within a highly sustainable location where dependence on private motor vehicles is not necessary for day to day living. Shirley Road is one of the busiest bus corridors in the city and within a very short walk of the site there are a good range of shopping and other facilities.

6.21 Vehicular access to the site for residents will be from Villiers Road. The car show room will be accessed, by cars from Shirley Road, where one of the two existing accesses associated with the historic petrol filling station will be removed, and

also from an access through the undercroft within the flatted block. The car showroom will have a side access via the undercroft. To satisfy the Highways Development Management Team the frontage to the site will be defined by boundary treatment which will ensure that only one access to the site from Shirley Road is provided. This will also prevent a larger area of the public footpath from being used to access the site thus reducing the potential for the car sales business to damage the footpath to the detriment of the public realm.

6.22 **Environmental Issues**

6.23 The appearance of the site will be significantly enhanced as a consequence of the development, especially at the rear of the site which is dominated by a large industrial building and surface car parking. The existing trees on the site will be retained and a detailed landscaping scheme will be sought to ensure the public realm within the site is of high quality. In sustainability terms the standard conditions can be imposed relating to water and energy efficiency and the potential for SUDS.

6.24 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 will comply with the requirements of the SDMP (when the legal agreement is completed) and meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

7 **Summary**

7.1 This is a predominantly residential development that will be dominated by family housing of traditional scale. The amount of development proposed is considered acceptable for a large previously developed site in a sustainable location adjoining Shirley Town Centre and in environmental terms a significant enhancement would be achieved. A good mix of family and non-family units would be provided as well as a good balance between market and affordable housing. As amended, the proposed layout and design is considered to be acceptable and the amenities of neighbours would not be adversely affected. The loss of the existing employment use and the consequential implications for economic growth and local jobs needs to be weighed in the balance against other material considerations.

8 Conclusion

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

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

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

MP3 for 23/06/2015 PROW Panel

PLANNING CONDITIONS

01.APPROVAL CONDITION - Full Permission Timing Condition - Physical works
The development works hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

Reason:

To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

02.APPROVAL CONDITION - Approved Plans

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

Reason:

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

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

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

Reason:

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

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

Before the development is first occupied full details of facilities to be provided for the storage and removal of refuse from the residential units (flats and houses) together with the provision of suitable bins accessible with a level approach shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall include

accommodation and the provision of separate bins for the separation of waste to enable recycling including separate facilities for glass separation. The approved refuse and recycling storage facilities for both the flats and the houses (once approved) shall be retained whilst the development is used for residential purposes.

Reason:

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

Note to applicant:

Unless otherwise agreed in writing the refuse store associated with the flatted scheme shall:

- *Be constructed of masonry under a suitable weatherproof roof, with adequate ventilation.*
- *Collection doors shall be hinged to open outwards with a minimum opening of 1.4m wide, to have level access avoiding thresholds, and a lock system to comply with SCC standard lock requirements operated by a coded key pad.*
- *Internal lighting to operate when doors are open, and a tap and wash down gully to be provided, with suitable falls to the floor.*
- *Internal doors/walls/pipework/conduits to be suitably protected to avoid damage cause by bin movements.*
- *The access path to the bin store shall be constructed to footpath standards and to be a minimum width of 1.5m. Any gates on the pathway are not to be lockable, unless they comply with SCC standard coded keypad detail.*
- *The gradient of the access path to the bin store shall not exceed 1:12 unless suitable anti-slip surfacing is used, and still shall not exceed 1:10.*
- *A single dropped kerb to the adjacent highway will be required to access the refuse vehicle with the Euro bin.*

05. APPROVAL CONDITION - Cycle storage facilities [Pre-Commencement Condition]
Notwithstanding the approved plans adequate cycle storage facilities for the occupants of the houses and flats, to conform to the Local Planning Authorities standards, shall be submitted to and be approved in writing by the Local Planning Authority and be provided within the site before the development hereby permitted commences and such storage shall be permanently maintained for that purpose.

Reason:

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

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

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

- i. proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;

- iii. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise);
- iv. details of any proposed boundary treatment including details of a suitable boundary treatment to the site frontage onto Shirley Road to control vehicles being driven over the footpath from the sales display area.
- v. a landscape management scheme.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting. The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Reason:

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

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

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

Reason:

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

08.APPROVAL CONDITION - Residential - Permitted Development Restriction

[Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

Class A (enlargement of a dwelling house), including a garage or extensions,

Class B (roof extensions),

Class E (curtilage structures),

Reason:

In order that the Local Planning Authority may exercise further control in this locality given the small private garden and amenity areas provided as part of this development in the interests of the comprehensive development and visual amenities of the area.

09.APPROVAL CONDITION - No Pile Driving for Foundations [Performance Condition]
No percussion or impact driven piling activities shall take place for pre-works, foundations, or as any part of the development.

Reason:

In the interests of securing the stability of the site and adjacent land in order to protect the amenities of occupiers of nearby properties.

10.APPROVAL CONDITION - Wheel Cleaning Facilities [Pre-Use Condition]

During the period of the preparation of the site, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on the site and no lorry shall leave the site until its wheels are sufficiently clean to prevent mud being carried onto the highway.

Reason:

In the interests of highway safety.

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

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

Reason:

To protect the amenities of neighbours and the wider environment

12.APPROVAL CONDITION – Car Parking – sight lines. (Pre-Commencement Condition)

The development hereby approved shall not commence until a plan indicating adequate sight line provision for all vehicular access points has been submitted to and approved in writing buy the local planning authority. Once approved the sight line provision shall be implemented in accordance with the approved details prior to the occupation of the development and retained whilst the site is in residential use.

Reason:

To ensure adequate on-site parking and servicing facilities can operate safely

12. APPROVAL CONDITION – Layout of Car Parking/Serviceing (residential use) (Pre-Occupation Condition)

The whole of the car parking, footways (including the undercroft access through the site) and road access/serviceing facilities to be provided for residential use shown on the approved plans shall be laid out and made available before residential occupation of the development hereby approved and thereafter retained solely for the use of the occupants and visitors to the site and for no other purpose. No more than two disabled car parking bays are necessary and thus revised parking layout can be submitted to demonstrate an alternative parking arrangement increasing the number of parking spaces provided. If an alternative parking arrangement is chosen amended plans must be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development., once approved the development must take place in accordance with the

agreed details and the on-site parking shall be allocated as at least 1 parking space per dwelling.

Reason:

To ensure adequate on-site parking and servicing facilities and to avoid congestion in the adjoining highway.

13. APPROVAL CONDITION - Car parking layout for the commercial unit - (Pre-Occupation Condition)

The details and layout of car parking and access arrangement for the commercial car sales business proposed on the site shall be submitted to and approved in writing by the local planning authority prior to the occupation of the commercial unit on site and all redundant access points around the site to be reinstated with full kerbs, and the footway reconstructed to suit new levels. Once approved the commercial unit shall only operate in association with the approved details.

Reason:

To ensure adequate on-site parking and servicing facilities and to avoid congestion in the adjoining highway.

14. APPROVAL CONDITION – Tracking – Pre-commencement condition.

Notwithstanding the approved plans, prior to the commencement of development a tracking diagram is required to prove a 10.86m long refuse vehicle can enter and leave the site in a forward gear. Once approved the development must be carried out in accordance with the approved plans and the layout approved retained in perpetuity.

Reason:

To ensure that the development can be serviced appropriately, and in the interest of highways safety.

15. APPROVAL CONDITION - Road Construction [Pre-Commencement Condition]

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

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

Reason:

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

16. 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.

17.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.

18.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.

19.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.

20.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.

21.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.

22.APPROVAL CONDITION Archaeological evaluation [Pre-Commencement Condition]

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

Reason:

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

23.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.

24.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.

25.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.

26.APPROVAL CONDITION Archaeological damage-assessment [Pre-Commencement Condition]

No development shall take place within the site until the type and dimensions of all proposed groundworks have been submitted to and agreed by the Local Planning Authority. The developer will restrict groundworks accordingly unless a variation is agreed in writing by the Local Planning Authority.

Reason:

To inform and update the assessment of the threat to the archaeological deposits.

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

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

Reason:

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

28.APPROVAL CONDITION - Energy & Water [performance condition]

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of final SAP calculations and water efficiency calculator and detailed documentary evidence confirming that the water appliances/fittings have been installed as specified shall be submitted to the Local Planning Authority for its approval.

Reason:

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

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

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

Reason:

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

30.APPROVAL CONDITION - Protection of sewers (Pre-commencement condition)

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

Reason:

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

POLICY CONTEXT

Core Strategy - (Amended 2015)

CS4	Housing Delivery
CS5	Housing Density
CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (Amended 2015)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
HE6	Archaeological Remains
CLT5	Open Space in New Residential Developments
CLT6	Provision of Children's Play Areas
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

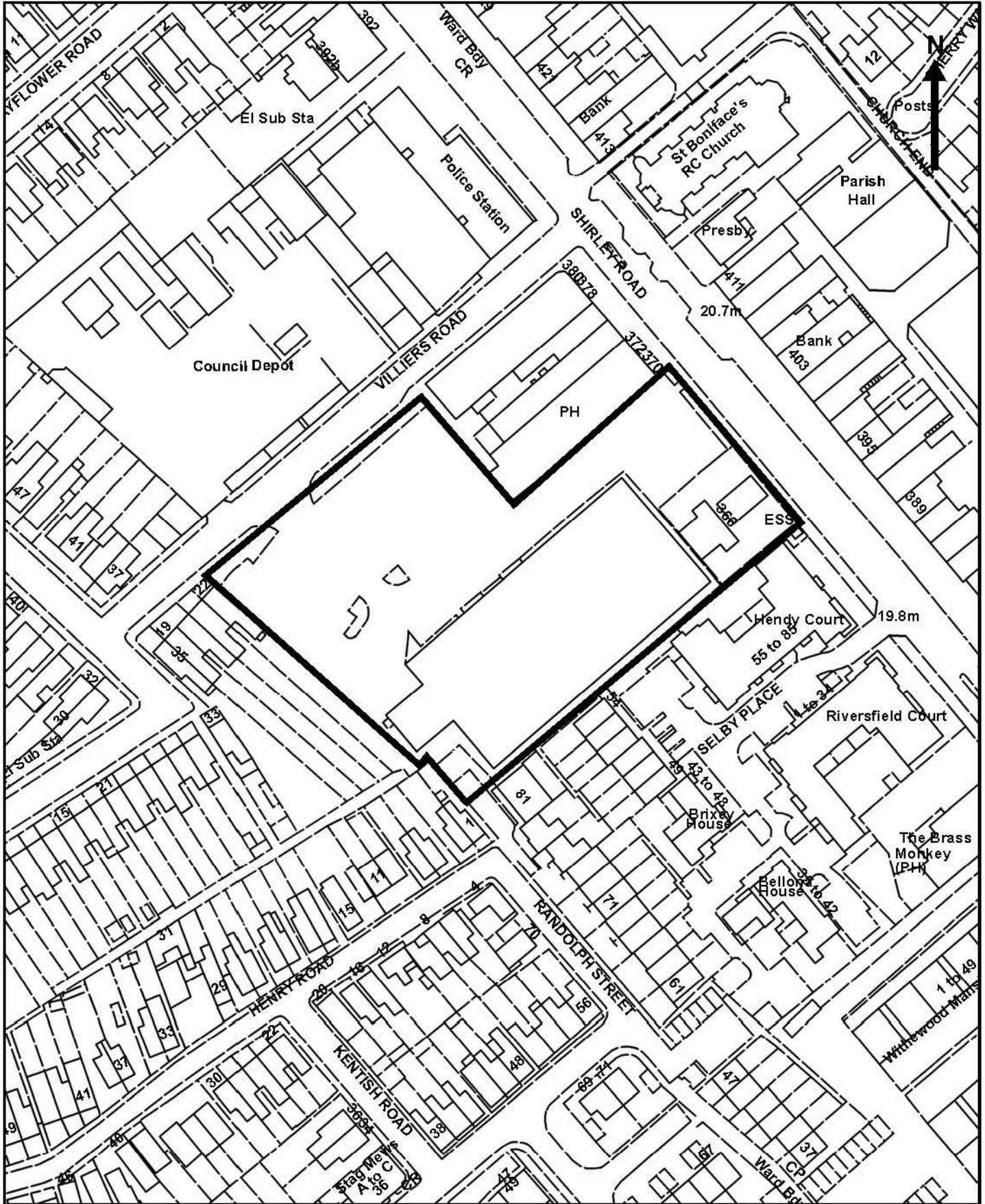
Supplementary Planning Guidance

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

Other Relevant Guidance

The National Planning Policy Framework 2012
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

14/01608/FUL



Scale: 1:1,250

©Crown copyright and database rights 2014 Ordnance Survey 100019679

