

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

<b>Application address:</b> Harcourt Mansions, 74 Whitworth Crescent			
<b>Proposed development:</b> Erection of a part three-storey, part two-storey building to create two x three-bed houses, one x two-bed house and six x two-bed flats with associated parking and cycle/refuse storage			
<b>Application number</b>	15/00610/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Mathew Pidgeon	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	18/06/2015	<b>Ward</b>	Bitterne Park
<b>Reason for Panel Referral:</b>	Request by Ward Member and five or more letters of objection have been received	<b>Ward Councillors</b>	Cllr Fuller Cllr White Cllr Inglis
<b>Referred by:</b>	Cllr Inglis	<b>Reason:</b>	Parking pressure.

<b>Applicant:</b> Mr M Jenkins	<b>Agent:</b> Southern Planning Practice Ltd
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<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report</b>
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<b>Community Infrastructure Levy Liable</b>	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. Other material considerations such as the scale and massing of the development, the impact on the character of the area and amenity of neighbours, neighbouring commercial use, the level of parking provision and the impact on protected trees 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.

Policies - SDP1, SDP4, SDP5, SDP7, SDP9, SP12, H1, H2 and H7 of the City of Southampton Local Plan Review (as amended 2015) and CS4, CS5, CS13, CS16, CS18, CS19, CS20 and CS25 of the Local Development Framework Core Strategy Development

Plan Document (as amended 2015) as supported by the current supplementary planning guidance

<b>Appendix attached</b>	
1	Development Plan Policies
2	Appendix 2 comprises appendices 2-5 as detailed below:
2	06/01643/FUL - Decision Notice and Plans - 12 dwellings - Refused
3	07/00208/FUL - Appeal Decision and Plans - 11 dwellings - Dismissed
4	10/00965/FUL - Approved Plans and Panel Minutes - 7 dwellings - Approved
5	On-street Car Parking Stress Survey

## **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 improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
  - ii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
  - iii. Financial contributions towards Solent Disturbance Mitigation 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).
2. In the event that the legal agreement is not completed within two months of panel 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.

## **1 Background**

- 1.1 There is a long and complicated planning history to this site as set out below. The application has been submitted following the approval of a similar redevelopment proposal submitted in 2010 for 7 dwellings. The approval followed the refusal, and dismissal on appeal, of a scheme for 11 flats in November 2007. Since that time, the original building on the site has been badly fire damaged and was demolished approximately seven years ago. The site is currently vacant and surrounded by security hoardings and has been for a number of years.

## **2 The site and its context**

- 2.1 This 0.09 hectare site was previously occupied by a large detached three storey building comprising four flats known as Harcourt Mansions. However, this property

was extensively damaged by fire and subsequently demolished. The site is prominently located at the junction of Whitworth Crescent and Harcourt Road on land which rises up from the Whitworth Crescent frontage along which remain protected trees.

- 2.2 The elevated nature of the site allows views across the relatively open and undeveloped western side of the road and over the River Itchen. The Whitworth Crescent frontage is mainly characterised by circa late 19<sup>th</sup> and early 20<sup>th</sup> Century large detached and semi-detached houses, whilst the houses in Harcourt Road are more recent and smaller in scale. There are examples of modern three and four storey flatted developments in the immediate area.
- 2.3 The site is not located within a defined 'high' accessibility zone but is within easy walking distance (approximately 200m) of the Local Centre at Bitterne Triangle, which in addition to providing a full range of services has public transport links to Portswood District Centre, the City Centre and the Hospital and Southampton University. Bitterne railway station, with links to the City Centre and the wider region, is approximately 300m away. The large area of open space at Riverside Park is within easy walking distance of the site. The existing trees on the site's boundaries are protected by the Southampton (Whitworth Crescent) Tree Preservation Order 1994.

### **3 Proposal**

- 3.1 The application again proposes the erection of a part two/part three storey building. The level of development is increased from 7 (as approved) to 9 dwellings, comprising 2 no.3 bed houses, 1 no.2 bed house and 6 no.2 bed flats with associated parking and cycle/refuse storage.
- 3.2 The Harcourt Road frontage consists of a terrace of 3 two storey dwellings each with a parking space and refuse storage to the frontage and private rear gardens which accommodate cycle storage facilities.
- 3.3 The Whitworth Crescent frontage comprises a three storey block containing 6 two bed flats, which address the junction of Whitworth Crescent and Harcourt Road. The flats have shared garden space to the front and side and have been allocated two off-road parking spaces along this frontage accessed from an existing dropped kerb. Pedestrian access to the flats is gained from Whitworth Crescent.
- 3.4 The differences between the approved scheme for 7 and the proposed scheme for 9 can be summarised as follows. The additional units are largely accommodated along the Whitworth Crescent frontage, which is now wholly flatted:

	<b>10/00965/FUL</b>	<b>15/00610/FUL</b>
Dwellings	7	9
Residential Mix	4 houses & 3 flats 6x2 bed + 1x3 bed	3 houses & 6 flats 7x2 bed + 2x3 bed
Total Bedrooms	15	20
Parking Spaces	5	5
Density	78dph	100dph

- 3.5 The protected trees on the site are to be retained.

## **4 Relevant Planning Policy**

- 4.1 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**.
- 4.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 4.3 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

## **5 Relevant Planning History**

- 5.1 In 2006 planning application 06/01643/FUL was refused. The application sought the redevelopment of site for 12 flats. The decision notice and plans are included as **Appendix 2**. The application was refused for 4 reasons as set out in the appendix.
- 5.2 In 2007 planning application 07/00208/FUL was refused by the Planning and Rights of Way Panel. The application sought the redevelopment of site for 11 flats. The application was then appealed and was subsequently dismissed. The appeal decision notice (dated 21 November 2007) and plans are attached as **Appendix 3**. The Inspector did not consider that the principle of redevelopment or a contemporary design would be objectionable. However, due to the footprint and height of the proposed building being two-to-four storeys, the bulk would be substantially greater than the existing flats. The Inspector was also concerned that the elevations facing Whitworth Crescent and Harcourt Road would stand closer to their respective roads than neighbouring properties, notwithstanding the position of properties fronting Whitworth Crescent to the south of the application site. The building was considered to be unduly dominant in the street scene and would erode the current spatial appearance of the mostly traditional residential area. A building of such mass and prominence was considered to not adequately respect its context and thus in conclusion was judged to be harmful to the character and appearance of the area.
- 5.3 In November 2010 the Planning and Rights of Way Panel approved a revised scheme (LPA ref: 10/00965/FUL). A total of 7 dwellings were approved. The Panel Minutes and approved plans are attached to this report at **Appendix 4**. The proposal sought to overcome the reasons for refusal previously raised by the Inspector by introducing a more traditional design and also included a mix of houses and flats rather than a single flatted block. Consequently, the components of the building were divided to respond to the character and context of the two disparate street frontages which the site addresses. In particular the fourth storey was deleted and the houses on the Harcourt Road elevation became two storey in scale. The houses proposed were also set further back from the back edge of pavement to reduce the prominence of the building. Balconies and French windows

were also deleted from the front elevations.

- 5.4 The principle of redevelopment and a mixed scheme of flats and houses has, therefore, been supported by the Council previously. The resulting development that has been approved has a greater mass and bulk than the building that was previously on the site. The approved massing was broken up and its height/scale and visual impact reduced when compared to the previously refused scheme. The 2010 scheme is, therefore, a material consideration in the determination of this current planning application.

## **6 Consultation Responses and Notification Representations**

- 6.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice 05.05.2015. At the time of writing the report **13 representations** have been received from surrounding residents, with a request by Cllr Inglis that the application be determined by Planning Panel as 9 flats with only 3 parking spaces is likely to result in on-street parking pressure.

*Note: Since the Cllr referral was made the applicants have added 2 additional parking spaces to the Whitworth Crescent frontage.*

The following is a summary of the other relevant points raised:

- 6.2 **Increased residential density/overdevelopment of the site. Overcrowding.**  
RESPONSE:

The proposal seeks to make an efficient use of the site to provide housing. The accessibility of the location allows for a density of between 50 and 100 dwellings per hectare. At 100 dwellings per hectare the density proposed meets the target set out in policy CS5. Whilst not defined as having 'high' accessibility by policy (where densities in excess of 100dph are acceptable in principle), the site is clearly within a sustainable location and has good access to a range of local services and transport links. The design and layout of the proposed development is judged to have carefully balanced relevant policies and design standards at the same time as considering local residential amenity and the character of the area. Officers consider that an acceptable balance has been achieved.

- 6.3 **Noise generation from residents.**

RESPONSE:

Planning decisions need to be made with reasonable behaviour in mind. There is not expected to be an unreasonable impact on neighbouring residential amenity as a consequence of the proposed development.

- 6.4 **Visual impact.** Negative change in character.

RESPONSE:

Having taken into account the recent planning history for the site and, in particular, the appeal decision it is judged that the design will be acceptable given its context and local character.

- 6.5 **Parking pressure.** The proposal will lead to increased parking pressure near to the site and in the surrounding streets.

RESPONSE:

The Council had maximum parking standards in 2006 when appeal decision was issued. The Council also have maximum parking standards at present, which means that there is a limit to the total number of parking spaces that a development proposal can provide. Maximum parking standards mean that when considering residential development there is no minimum requirement for parking spaces to be required and, in some instances a scheme with no parking will, in principle, be acceptable. This matter is discussed in more detail in the Planning Considerations below. The Council have also received a car parking survey with the application submission (attached as **Appendix 5**). The results of which are discussed below and lead officers to agree that 5 parking spaces for the 9 flats proposed is an acceptable ratio.

**6.6 Road safety** - Including access on and off the site and parking of vehicles on corners.

**RESPONSE:**

Legally cars should not be parked within 10 metres of a road junction, however officers acknowledge that this law is not always adhered to by car owners. This is, however, enforceable outside the planning system and does not form part of this application's current proposals. The Highway Development Management Team have not opposed the scheme on highways safety grounds. Amended plans have been received to prove that the car parking spaces on the site will have adequate sightlines to enable car drivers to access and leave the highway safely. The Council must plan for reasonable behaviour which includes the location of parked vehicles and vehicle speeds.

**6.7 Loss of trees, vegetation and wildlife.**

**RESPONSE:**

The development does not propose the removal of any trees on site. Planning conditions can be used to prevent harm to wildlife and the protection of these trees during construction.

**6.8 Overlooking & overshadowing**

**RESPONSE:**

The distance between the rear of the houses proposed and the side elevation of number 76 Whitworth Crescent measures 16m (to the main flank wall of number 76) and 18m (to the flank wall of the rear addition of number 76). This distance exceeds the rear to side minimum distance as set out in the approved Residential Design Guide SPD. It is proposed that the windows to the flats facing north, and thus towards the flank elevation of number 76 which are within 10m of the neighbouring property, can be obscurely glazed to prevent harm to neighbouring amenity. There are 2 second bedrooms affected (see flats 7 and 9).

Given these separation distances and the orientation of the development with its neighbours there will be no harmful effect caused by additional overshadowing. Overshadowing has not been cited as a reason for refusal previously, even for a larger mass of development.

**6.9 Impact of construction noise on the neighbouring Buddhist Centre which operates day meditation courses on Saturdays.**

**RESPONSE:**

The Council have received an email from the applicant confirming that they are happy to accept a planning condition preventing construction from occurring on Saturdays and Sundays thus preventing significant harm to the neighbouring

business.

### **Consultation Responses**

- 6.10 **SCC Highways** - The amended plans provide sufficient pedestrian sightlines to address previous concerns. No objection subject to parking levels or highway related matters subject to conditions.
- 6.11 **SCC Sustainability Team** – No objection, apply recommended conditions.
- 6.12 **SCC Heritage and Conservation** - No objection, no conditions requested.
- 6.13 **SCC Environmental Health (Pollution & Safety)** - I have no objection to this application, but would ask for conditions to control hours of construction and no bonfires.

*Note: the latter is unnecessary given that the site is cleared.*

- 6.14 **SCC Ecology** – No objection. Apply recommended conditions.
- 6.15 **Southern Water** – Apply recommended conditions and informative.
- 6.16 **SCC Contaminated Land** – This department considers the proposed land use as being sensitive to the affects of land contamination. Records maintained by SCC - Regulatory Services indicate that the subject site is located on/adjacent to the following existing and historical land uses;  
- Reclaimed Land - 30m West  
These land uses are associated with potential land contamination hazards. There is the potential for these off-site hazards to migrate from source and present a risk to the proposed end use, workers involved in construction and the wider environment. Therefore, to ensure compliance with Para 121 of the National Planning Policy Framework - March 2012 and policies SDP1 and SDP22 of the City of Southampton Local Plan Review (adopted version, March 2006) this department would recommend that the site be assessed for land contamination risks and, where appropriate, remediated to ensure the long term safety of the site.

## **7 Planning Consideration Key Issues**

- 7.1 The key issues for consideration in the determination of this planning application are:
- i. Principle of development;
  - ii. Design and impact on character of the area;
  - iii. Impact on residential amenity;
  - iv. Quality of the residential environment proposed;
  - v. Parking and highways impact; and
  - vi. Off-site mitigation.

### **Principle of Development**

- 7.2 The scheme would make efficient use of previously developed land to provide housing, thereby assisting the Council in meeting its housing requirements of 16,300 homes to 2026. The proposal incorporates 2 no.3 bedroom family homes and one two bedroom house along with 6 no.2 bedroom flats and thus will help to

provide a mix of housing types within the local community as required by policy CS16 (albeit for schemes of 10 or more). The provision of family housing is welcomed. The proposed residential density of 100 dwellings per hectare meets the upper limit of the range set out in policy CS5. The mix and layout of flats and houses on the site, where houses front Harcourt Road and flats front Whitworth Crescent respond to the context of the neighbourhood and the two streets that the site fronts. The principle of the redevelopment of the site to provide residential accommodation is again considered to be acceptable (and has previously been supported).

#### Design and impact on character of the area

- 7.3 The key consideration in this respect is whether the overall design, scale and layout of the proposal is in keeping with the character of the area.
- 7.4 The proposed layout very slightly increases the footprint of the building when compared to the previously approved scheme. This has occurred because the element of the building fronting Whitworth Crescent has been enlarged to allow the building to accommodate six flats over three floors rather than a three bed house and 3 no.2 bed flats over three floors. The result, in terms of design has been to simplify the appearance of the Whitworth Crescent elevation. Regarding the Harcourt Road elevation the design is not dissimilar to the elevation approved under application 10/00965/FUL (**Appendix 4**).
- 7.5 The main difference between the proposed application and the approved application (10/00965/FUL) included as **Appendix 4** in terms of bulk and mass is the true three storey design across the whole of the Whitworth Crescent elevation rather than having rooms in the roof space. The design has also been simplified by ensuring that there would be just two main planes to the building. This approach is an honest representation of the building and to its credit does not include contrived design features (such as large areas of flat roof) that seek to, yet fail to, mask the height and mass of the building.
- 7.6 The front building line as proposed (Whitworth Crescent elevation) comes slightly forward of number 76 than the approved development (10/00956/FUL). The Inspector raised the projection forward of the neighbours building line as a concern when considering the 2007 scheme and a reason for refusal included this point (paragraph 6 of the PINS decision). The proposed footprint is however not judged to be significantly greater than the approved scheme and certainly not enough to lead to a recommendation to refuse the planning application.
- 7.7 As compared to the previously refused schemes (06/01643/FUL, **Appendix 2** and 07/00280/FUL **Appendix 3**) the proposal does not bring the footprint of the building as close to the Harcourt Road elevation as it previously did, now being almost four metres off the boundary as opposed to two metres from the boundary. The height of the building is three rather than four storeys. The design has been amended to respect the largely Victorian and Edwardian character. Officers are of the opinion that the appeal Inspector's concerns have been addressed by this submission, which has reduced the scale of the size of the building, moved its mass away from the boundary of the site and incorporated a design that is more sympathetic with the character of the surroundings. Having also taken account of the approved scheme (and compared the footprint and design of the houses fronting Harcourt road with the proposed scheme) again it is considered that if an Inspector were to

assess the current scheme they are unlikely to oppose the development on design/character grounds.

- 7.8 Therefore when considering the scheme in the context of the planning history it can be concluded that the development will respond positively to its context and will make a positive impact as part of the street and wider area as required by LDF Policy CS13.

#### Impact on residential amenity

- 7.9 All dwellings are dual aspect, which creates an attractive living environment for prospective residents. However, an assessment as to whether the development respects existing residential amenity is also required. The windows serving habitable rooms mostly face Harcourt Road and Whitworth Crescent. The habitable rooms to the rear of the houses achieve the recommended separation distance to 76 Whitworth Crescent. The windows serving bedrooms in the flank elevation of the element of the building fronting Whitworth Crescent, serving a second bedroom on the first and second floor will need to be obscurely glazed to a height of 1.7m (or fitted with high level openings) to protect the privacy enjoyed by occupants within bedrooms with south facing windows of number 76 Whitworth Crescent. This neighbour has objected to the application, but mainly due to the impact on the Buddhist Centre that operates from this property.
- 7.10 The position of the building on site, its height and use of a pitched roof, is not considered to cause significant over shadowing to neighbouring properties. The building is also not considered to have an unduly unneighbourly impact in terms of being overbearing or dominant either when viewed from habitable rooms or private amenity space serving neighbouring properties.
- 7.11 It is also noteworthy that the Appeal Inspector, when assessing application 07/00208/FUL, considered that the impact of the proposed building would not be significantly harmful to the amenity of neighbouring occupants. Officers maintain the same view as the Inspector with respect to the current proposal. Please refer to paragraphs 11 and 12 of the appeal decision notice for more information (**Appendix 3**).

#### Quality of the residential environment proposed;

- 7.12 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 terrace of houses fronting Harcourt Road benefit from rear gardens of 9-10m depth. These amenity spaces have the qualities of privacy, accessibility and functionality. Due to the layout of the site there would be limited direct sunlight, particularly during the winter months but this is not considered to diminish their usability to an unacceptable degree. In addition two of the gardens fall slightly short of the 50 square metres of garden area that is recommended by the Residential Design Guide (RDG). The difference however is only five square metres in the case of the middle of the three houses and half a square metre in the case of plot 1. As the gardens sizes are so close to the recommendation of the RDG and are genuinely useable, and because the RDG makes recommendations rather than strict requirements for garden space, it is not judged to be reasonable to oppose

the development on this basis.

- 7.13 The flatted element of the building fronting Whitworth Crescent would have amenity space to the site frontage, the amenity space would provide in excess of the minimum 20 square metres as recommended by the RDG. A total of 229 squares metres would be provided (120sq.m required). Given the raised nature of the site and the existing and proposed landscaping / boundary treatment this space would be effectively private and is, therefore, likely to be used particularly given the relatively open aspect over the river. The site is also within easy walking distance of Riverside Park to the north which offers public open space for amenity purposes. Therefore the amenity space provision for the development is acceptable.

#### Parking and highways impact.

- 7.14 There are two main elements to consider here: The first is the impact of the development on highways safety and the second is the impact of the development on local on street parking pressure. The latter is a concern of a Ward Cllr.
- 7.15 Regarding highway safety, a safe access to and from the site has been achieved by ensuring that unobstructed sightlines that meet the Council's standards for all parking spaces are achieved.
- 7.16 With regards to local parking pressures the scheme proposes 5 spaces for 9 flats (55% provision). Knowing that on street parking pressure is a concern for local residents a parking survey has been requested and submitted to justify the level of on-site parking proposed (**Appendix 5**). The parking survey has been provided to demonstrate, in accordance with Table 2 condition E of the Parking Standards Supplementary Planning Document (SPD), that use of existing on street parking will not lead to demand exceeding supply of this parking.
- 7.17 The level of parking provision proposed needs to be assessed against the maximum parking standards as set out in the Parking Standards Supplementary Planning Document. The site is located outside of a high accessibility area and thus the Council's maximum parking standards would allow for up to a total of 18 parking spaces on site – this is maximum standard and thus is not a minimum requirement. Achieving this number would not be practical and would dramatically alter the scheme's layout and the provision of on-site amenity space. The existing trees and the raised nature of the site also form a constraint to achieving more parking. Therefore as only five parking spaces are proposed on site the parking survey must demonstrate that the remaining 13 can be accommodated within the survey area on the public highway.
- 7.18 The survey area covers Whitworth Crescent to the north up to where it meets Cobden Avenue (a distance of 220m), Whitworth Crescent to the south for another 220m up to where it turns shapely south east, and also includes Harcourt Road which measures 170m to the east. The survey was carried out on two separate occasions, both mid-week and outside of school and public holidays. The surveys, which were undertaken on 11 and 12 March 2015, were carried out at 01:00 and 04:00 when occupancy levels would be at their highest. Four photographs were also included to show the some of the spaces that were available. The parking availability survey was undertaken assuming a car parking spaces are 6m long, although 5m was used where there was a free space at the end of a row, dropped kerbs to driveways or huts/garages on the waterside as well as parking restrictions

were excluded from the survey.

- 7.19 The results of the survey demonstrate that the parts of Whitworth Crescent and Harcourt Road that were surveyed will be able to accommodate the proposed development and its displaced parking. The survey area included a total of 120 available on road parking spaces and on 11 March 2015 74 were occupied leaving 46 available; and on the 12 March 2015 there were 67 that were occupied and thus 53 remained available. The results of the survey demonstrate that the survey area can easily cope with the assumed maximum number of cars that the development is expected to generate.
- 7.20 The Inspector also considered local residents' concerns about high levels of on-street parking and the likely generation of some additional parking on nearby roads when considering planning application 07/00208/FUL (**Appendix 3**). It is important to note here that the development proposed 11 flats (two no.1 bedroom and nine no.2 bedroom) and 4 parking spaces were proposed on site (36%). Specifically paragraphs 13, 14 and 15 of this PINS decision are of relevance:
- 7.21 *I saw that Whitworth Crescent northwards from about Harcourt Road, Harcourt Road and the nearer end of Macnaghten Road were all well used for car parking, and I would expect more cars to be parked overnight and at weekends (the appellant's parking survey results are of little assistance as they covered only one evening and do not present a clear picture of where cars were parked) - 13*
- 7.22 *Nevertheless, there are no nearby waiting restrictions and there was ample space to park along Whitworth Crescent south of the Harcourt Road junction. Planning Policy Guidance note (PPG) 13: Transport points out that developers should not be required to provide more spaces than they themselves wish, other than in exceptional circumstances where there are significant implications for road safety – 14.*
- 7.23 *Consequently, although any additional on-street parking could cause some residents to park less conveniently close to their own homes, my conclusion is that the proposed development would accord with the aims of Local Plan Policy SDP 3 and not have an unacceptable effect on on-street car parking – 15'.*
- 7.24 It is noteworthy that policy SDP3 has now been replaced by CS18 and PPG13 has been replaced by the National Planning Policy Framework (and accompanying Guidance). The document changes, in the opinion of officers, would not significantly change the outcome of the previous Inspector's decision which was ultimately not to refuse the application on the basis of the level of on-site parking provided. This decision was also taken in the context of maximum parking standards and was as a result of fewer parking spaces per dwelling.
- 7.25 The previously approved scheme, granted in 2010 (**Appendix 4**) is also relevant. The proposal included five parking spaces for a total of seven dwellings (three no.2 bed houses, one no.3 bed house and three no.2 bed flats).
- 7.26 The current proposal seeks permission for nine dwellings. Whilst the Council have been dealing with the application amended plans have been requested in response to concerns regarding parking provision received from local residents as a consequence of the consultation exercise. Now that amended plans have been received a total of five parking spaces are proposed on site (ie. And increase in 2

from submission). Each of the houses would have their own parking space and the flats would share two that would be accessed from Whitworth Crescent. Taken as a whole this is therefore a ratio of 0.55 parking spaces per dwelling. The results of the parking survey demonstrate that the demand for parking on site would not exceed supply. Officers, like the Inspector, also consider that although additional on-street parking could cause some residents to park less conveniently close to their own homes the development would accord with the aims of Core Strategy policy CS19 and the Parking Standards SPD; and will not have an unacceptable effect on on-street car parking.

- 7.27 It is also important to note that the survey takes account of the maximum likely level of car ownership and it is noteworthy that car ownership cannot be predetermined with accuracy. It is however important to remember that the site is also located in an area where car ownership is not necessary to access shops, public open space and amenities including public transport links required for day to day living.

#### Off-site mitigation

- 7.28 The scheme does not trigger the need for affordable housing. A S.106 legal agreement is however required to secure the off-site package of mitigation measures listed as part of the recommendation above.
- 7.29 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 (from 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. Providing the legal agreement is secured (as discussed above) 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).

## **8 Summary**

- 8.1 The proposal involves the re-use of previously developed land within suburban Southampton and will result in both a more efficient use of land and by helping to achieve the City's housing provision target. The site is appropriate for residential use given that it is located within easy walking distance of Bitterne Triangle which provides good access to public transport and local facilities such as shops, schools, employment and community facilities. A high quality residential environment will be created for the proposed occupants and the proposed development would not result in unacceptable harm to the living conditions of the occupiers of adjoining properties. Whilst the current car parking situation is acknowledged whereby

parking is raised by local residents as one of the main concerns the positive aspects of the proposal outweigh the negative.

## **9 Conclusion**

- 9.1 Having considered the scheme in detail and having examined the previous history to the site it is judged that the current proposal is acceptable, as such the development is recommended for approval subject to conditions and the completion of a S.106 legal agreement.

### **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 23/06/15 PROW Panel**

### **PLANNING CONDITIONS**

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

Reason:

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

2. APPROVAL CONDITION - Approved Plans

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

Reason:

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

3. APPROVAL CONDITION - Residential - Permitted Development Restriction  
[Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any Order amending, revoking or re-enacting that Order, no 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 alteration),

Class E (curtilage structures), including a garage, shed, greenhouse, etc.,

Class F (hard surface area)

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.

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

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

Reason:

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

#### 5. 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 surface treatment, surface treatment for pedestrian access and circulation areas, all other 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 and agreed in advance);
- iv. details of any proposed boundary treatment, including hedgers and retaining walls; a detailed specification for the northern boundary between the site and 76 Whitworth Crescent; and
- v. a landscape management scheme.

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

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

The boundary specification agreed under (iv) above, shall be fully implemented before any dwellings hereby approved are first occupied and subsequently retained at the approved heights at all times thereafter.

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

#### 6. APPROVAL CONDITION - Arboricultural Method Statement [Pre-Commencement Condition]

No operation in connection with the development hereby permitted shall commence on site until a site specific Arboricultural Method Statement in respect of the protection of the trees during all aspects of work on site is submitted and agreed in writing by the Local Planning Authority. It will be written with contractors in mind and will be adhered to throughout the duration of the demolition and development works on site. The Method Statement will include the following:

1. A specification for the location and erection of protective fencing around all vegetation to be retained
2. Specification for the installation of any additional root protection measures
3. Specification for the removal of any built structures, including hard surfacing, within protective fencing areas.
4. Specification for the construction of hard surfaces where they impinge on tree roots
5. The location of site compounds, storage areas, car parking, site offices, site access, heavy/large vehicles (including cranes and piling rigs)
6. An arboricultural management strategy, to include details of any necessary tree surgery works, the timing and phasing of all arboricultural works and protection measures.
7. Specification for soft landscaping practices within tree protection zones or the canopy of the tree, whichever is greatest.

Reason:

To ensure that provision for trees to be retained and adequately protected throughout the construction period has been made.

#### 7. APPROVAL CONDITION - Tree Retention and Safeguarding [Pre-Commencement Condition]

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

Reason:

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

#### 8. 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.

Reason:

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

#### 9. APPROVAL CONDITION - Overhanging tree loss [Performance Condition]

For the duration of works on the site no trees on or overhanging the site shall be pruned/cut, felled or uprooted otherwise than shall be agreed in writing by the Local Planning Authority. Any tree removed or significantly damaged, other than shall be agreed, shall be replaced before a specified date by the site owners /site developers with two trees of a size, species, type, and at a location to be determined by the Local Planning Authority.

Reason:

To secure a satisfactory setting for the proposed development and to ensure the retention, or if necessary replacement, of trees which make an important contribution to the character of the area.

#### 10. APPROVAL CONDITION - No other windows or doors other than approved [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings including roof windows or dormer windows other than those expressly authorised by this permission shall be inserted in the development hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the adjoining residential properties

#### 11. APPROVAL CONDITION - Glazing panel specification [Pre-Occupation Condition]

The windows in the side elevation of the building, at first and second floor level hereby approved [serving the bedrooms of two flats [flats 7 and 9] shall be glazed in obscure glass and shall only have a top light opening above 1.7m from the floor height of the rooms to which the application relates. The windows 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.

#### 12. 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.

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

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

Reason:

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

#### 14. 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.

15. 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)

And at no time on Saturdays, 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.

16. 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).

17. 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).

18. 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 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.'

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

Reason:

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

20. APPROVAL CONDITION, Refuse & Recycling [Pre-Occupation Condition]  
Before the occupation of the development the approved facilities to be provided for the storage, removal and recycling of refuse from the premises shall be constructed in accordance with the approved plans, and such facilities shall be permanently maintained and retained for that purpose. Material details shall be agreed under the condition titled 'Details of building materials to be used'.

Reason:

In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety

21. APPROVAL CONDITION, Cycle Storage [Pre-Occupation Condition]  
Before the building is first occupied the hereby approved cycle storage facilities shall be provided on site in accordance with the approved plans. The approved cycle storage facilities shall be retained whilst the building is used for residential purposes. Material details shall be agreed under the condition titled 'Details of building materials to be used'.

Reason:

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

22. APPROVAL CONDITION - Material Storage (Pre-Commencement Condition)  
No work shall be carried out on site unless and until provision is available within the site 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.

23. 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.

24. APPROVAL CONDITION – Parking & Visibility splays [Performance condition]

A minimum of 5 on-site parking spaces shall be available to residents of the development (in accordance with the approved drawings) prior to the first occupation of the development. No more than 1 space per dwelling shall be allocated. The pedestrian visibility splays as shown in the site plan (drawing no. MJ/WC/PSP 3; REV B) must be provided prior to the commencement of development and retained whilst the car parking spaces are in use. The maximum height of any feature of the development (including vegetation) within the visibility splays must not exceed 600mm in height.

Reason:

IN the interests of highways safety.

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

The external amenity spaces serving the development hereby approved, and pedestrian access to it, shall be made available prior to the first occupation of the development hereby permitted and shall be retained with access to them at all times. The gardens serving the houses shall be private to the occupants of the houses, and the garden provided for the occupants of the flats shall be a communal space. Both of which shall be made available prior to the occupation of the associated dwelling.

Reason:

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

**26. APPROVAL CONDITION – Drainage & Sewerage Infrastructure**

No development shall commence (excluding the demolition and site preparation phase) until details of the proposed means of foul sewerage and surface water drainage have been submitted to, and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall be constructed in accordance with the agreed details prior to the first occupation of the development.

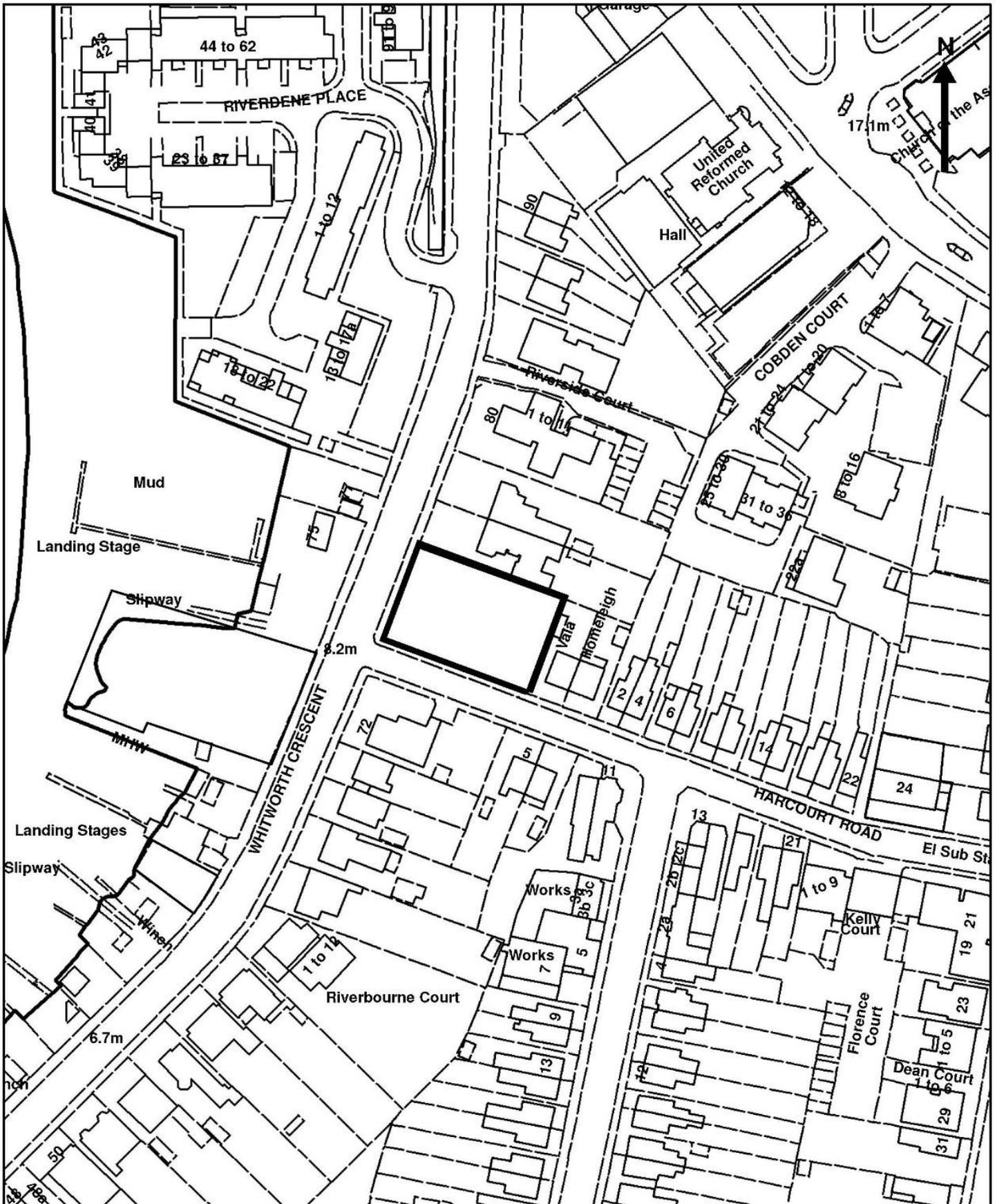
Reason:

As further capacity maybe required to accommodate the proposed intensification of development.

**Note to Applicant - Southern Water - Informative**

The applicant is advised to note the comments from Southern Water (dated 19<sup>th</sup> May 2015) in relation to this application. In particular they advise that a formal application for connection to the public water supply and a formal agreement to provide the necessary sewerage infrastructure are required in order to service this development. Please contact Southern Water, Sparrowgate House, Sparrowgate, Otterbourne, Hampshire SO21 2SW – Tel. 0330 303 0119.

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