

**Planning, Transport & Sustainability Division
 Planning and Rights of Way Panel (WEST) 6 October 2015
 Planning Application Report of the Planning and Development Manager**

Application address: 66 Devonshire Road			
Proposed development: Erection of a 3-storey building containing 5 flats (3x 2-bed, 2x 1-bed) with associated parking and cycle/refuse storage, following demolition of existing building (resubmission 14/01626/FUL)			
Application number	15/01273/FUL	Application type	FUL
Case officer	Laura Grimason	Public speaking time	5 minutes
Last date for determination:	30/10/2015	Ward	Bargate
Reason for Panel Referral:	Request by Ward Member and five or more letters of objection have been received	Ward Councillors	Cllr Bogle Cllr Noon Cllr Tucker
Referred by:	Cllr Bogle and Cllr Noon	Reason:	Overlooking of neighbouring properties, impact on local character, overdevelopment of the site, excessive scale, loss of amenity and loss of trees.

Applicant: Golden Angel Ltd	Agent: Ashplan
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report.
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Community Infrastructure Levy Liable	Yes
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with the development plan as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning

Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). Policies - SDP1, SDP5, SDP6, SDP7 SDP8, SDP9, SDP10, H1, H7, of the City of Southampton Local Plan Review (as amended 2015) and CS4, CS5, CS13, CS18, CS19, CS20, CS22 of the Local Development Framework Core Strategy Development Plan Document (as amended 2015).

Appendix attached	
1	Development Plan Policies
2	Planning History

Recommendation in Full

Delegate to the Planning and Development Manager to grant planning permission subject to securing a contribution to the Solent Disturbance Mitigation Project.

1. The site and its context

- 1.1 The application site is a two storey, detached dwellinghouse located on a prominent corner plot at the junction of Devonshire Road and Handel Road. Two storey projecting bay windows and decorative gables are present to both the front and side elevations and are characteristic features of the properties within the surrounding area. This property is served by a small front garden bounded by a low brick wall. To the rear, the curtilage is entirely given over to hard-surfacing with no garden area and a standalone garage and associated parking area served by an existing dropped kerb along Handel Road.
- 1.2 This property is located within a predominantly residential area however there are some office uses in the vicinity. Properties on this side of Handel Road and Devonshire Avenue tend to comprise two storey, detached or semi-detached dwellings of a similar style to that of the application site. Opposite the site, on the corner of Handel Road and Devonshire Road is a large, relatively modern residential development comprising 108 units in a series of blocks ranging from 3 to 8 storeys in height. Directly opposite the site, Grosvenor Mansions, Devonshire Mansions and Oakville Mansion are all 4 storeys in height.
- 1.3 The existing property is occupied as a Class C4 HMO, although it is not clear from the available evidence whether this is an established use, that is immune from Enforcement Action.

2. Proposal

- 2.1 Permission is sought for the demolition of the existing building and the subsequent construction of a 3 storey building comprising 5 flats (3 x 2-bed, 2 x 1-bed) with associated parking and cycle/refuse storage.
- 2.2 At ground floor level, a 2 bedroom unit would be established (labelled as 'Flat 1' on the submitted plans). This would comprise 2 bedrooms, a study, living room kitchen and bathroom. This would be accessed via the front porch and would have an internal floorspace of approximately 80 sq m. In the interests of privacy for future occupiers, this unit would be served by its own small amenity area to the rear of approximately 10 sq m. The upper floors comprise 2 flats per floor which range between 41 to 47 sq.m in floor area.

- 2.3 Refuse storage for 2 x 1100 litre euro bins would be provided within an integral refuse store accessed from the front of the property. This would be served by timber vertically boarded doors. Cycle storage would be provided within an integral cycle store accessed from the rear of the property. This would provide sufficient space for the storage of 5 cycles.
- 2.4 The 5 proposed units would be served by a shared amenity area to the rear measuring approximately 75 sq m. Boundary treatment facing both Devonshire Road and Handel Road would comprise a 0.6m high dwarf wall with vegetation above. The part 1.7m / part 0.9m high brick wall between the application site and no.64 Devonshire Road would be retained.
- 2.5 5 car parking spaces would be provided to serve the proposed development. 1 of these would be located within the undercroft to the rear, 1 would be adjacent to this undercroft 3 would be located within a paved area to the rear of the property, adjacent to the boundary of the property with no.1 Handel Road.

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**. The site is not identified for development within the Development Plan but lies within an area of High Accessibility to Public Transport (Public Transport Accessibility Level 6)
- 3.2 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 2014, an application (ref.14/01626/FUL) was refused planning permission for the erection of a 4 storey building containing 5 flats (1 x 1-bed, 1 x 2-bed, 1 x 4-bed and 2 x 4-bed maisonettes, with associated bin and cycle stores and parking for 2 cars, following demolition of existing building. This was refused using the Planning and Development Manager’s Delegated Powers. The full reasons for refusal are set out in **Appendix 2** of this report, together with a summary of the key differences between the previous scheme and the current proposal. There have been no other recent, or directly relevant, applications relating to this property.

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 and erecting a site notice (19/06/2015). At the time of writing the report **20** representations (19 objecting and 1 supporting) have been received from surrounding residents. Panel referral requests have also been received from Councillor Bogle and Councillor Noon. The following is a

summary of the points raised by objectors:

- 5.1.1 Comment: The proposal would result in the loss of an established building which should be preserved rather than demolished. A more efficient use of the site would be to convert the existing building.

Response: The building is not Listed or located within a Conservation Area and as such, there is no policy requirement for the building to be retained. As such, the Local Planning Authority are required to assess the planning merits of the scheme which has been submitted.

- 5.1.2 Comment: The proposed development would, due to its excessive scale, be out of keeping with the character of the area. A taller building is not appropriate on this prominent corner plot.

Response: The scale and massing of the proposed building has been significantly reduced from the previous scheme. It is now considered to be of a scale which would be appropriate for this location. It would be sited appropriately and would have a high quality design which would establish an additional landmark in this location. Whilst it is taller than the immediate neighbouring properties along both Handel and Devonshire Road, it is located within a wider area characterised by a range of building heights up to a maximum of 8 storeys. Furthermore, it would be located on a prominent corner plot where the Council's Residential Design Guidance Supplementary Planning Document confirms that taller buildings can be acceptable.

- 5.1.3 Comment: The proposed vehicle access is located in a hazardous position along a very busy road.

Response: The City Council's Highways team have raised no objection to the scheme based on highways safety issues. The proposed vehicle access would be sited appropriately and would have adequate sightlines to ensure that vehicles leaving the site would benefit from good visibility. There is sufficient space on site to turn a vehicle and there is therefore, no reason why any vehicles should reverse out of the site onto the public highway.

- 5.1.4 Comment: The proposed building is out of keeping with the surrounding architecture.

Response: Extensive negotiation with the applicant has taken place to amend the design of the proposed building. As a result, a high quality design has been secured. This would contain a number of features which would be in keeping with the neighbouring buildings (bay windows, decorative gables etc.). It would also be constructed using high quality materials in keeping with the wider streetscene.

- 5.1.5 Comment: The proposed increase in occupancy would give rise to additional noise and disturbance for neighbouring residents detrimental to residential amenity.

Response: The proposed flats are not considered to give rise to a level of activity that would result in additional noise and disturbance for neighbouring residents. The scheme proposes a mix of self-contained 1 and 2 bedroom flats

which would each be occupied by a relatively low number of people.

- 5.1.6 Comment: There is insufficient space available on site to accommodate the proposed development.

Response: The application site is relatively spacious and provides sufficient room to accommodate the proposed 3 storey building. The footprint of the proposed building does not differ greatly from that of the existing building with the additional accommodation provided at second floor level. In light of this, it is considered that there is sufficient room to comfortably accommodate both the built form and the associated amenity space / car parking.

- 5.1.7 Comment: Residents will be disturbed by noise arising during demolition and construction.

Response: Planning conditions are recommended to manage the construction and demolition process and to control the hours that this work takes place.

- 5.1.8 Comment: The proposal would be detrimental to residential amenity of neighbouring residents by virtue of loss of light, overlooking and loss of privacy. A shadow diagram has not been produced by the applicant to suggest otherwise.

Response: Given the retention of separation distances from neighbouring properties to the rear, that exceed the Council's guidelines, it is not considered that the proposed building would give rise to any overlooking, overshadowing or loss of light for the properties located to the rear. With regards to the neighbouring properties along Devonshire Road, the proposed building would not project beyond the rear elevations of these neighbouring properties. For this reason, it is not considered that the proposed building would have an adverse impact on these properties. The existing windows within the side elevation of the neighbouring property at no.64 Devonshire Road are already compromised by the existing building and this proposal is not therefore, considered to worsen this existing arrangement.

- 5.1.9 Comment: The proposal would exacerbate parking pressure in an area already under significant parking stress.

Response: 5 parking spaces are proposed – 1 for each unit. This meets the maximum parking standard as outlined in the Parking Standards SPD. Furthermore, the application site is located within an area which benefits from excellent access to public transport services and local facilities, since the site is within walking distance of the city centre.

- 5.1.10 Comment: There is already an excess of flats in this location. Introducing 5 additional flats would place additional pressure on public services including refuse collection.

Response: The Council's adopted Development Plan policies support the development of previously developed sites in accessible locations to provide further housing. The proposal is entirely consistent with this. If approved, the development would be liable to pay the Council's Community Infrastructure Levy to mitigate the impacts of the development on local infrastructure. With regards to refuse storage, 2 x 1100 litre euro bins would be provided for

residents. This is considered to be an appropriate mode of refuse storage as it would minimise the number of bins at the property, reducing visible clutter at the property and making it easier for refuse to be collected from the property on collection day.

- 5.1.11 Comment: This proposal would be detrimental to the Solent Special Protection Areas.

Response: The applicant has indicated that they are willing to provide the required contribution to the Solent Disturbance Mitigation Project. The recommendation is for delegated authority to grant permission on receipt of this payment.

- 5.1.12 Comment: This proposal would potentially result in the removal of a number of mature trees from the rear garden of the adjoining property of no.64 Devonshire Road to the detriment of the residential amenities of the residential dwellings located to the rear of the application site. These also provide habitats for wildlife.

Response: There are no protected trees on site and the Local Planning Authority do not therefore, have any control over the removal of any trees on site. A landscaping condition is proposed to ensure adequate landscaping is provided on site. As such, the Council's Tree Team have raised no objection to the scheme.

- 5.1.13 Comment: The Biodiversity Checklist is incorrectly labelled as no.15 Devonshire Road.

Response: This was identified as a typographical error at an earlier stage and the applicant has since provided a correct document.

- 5.1.14 The comment in support of the application states that the scheme is an improvement on the previously refused application.

Consultation Responses

- 5.2 **SCC Highways** – No objection subject to conditions to secure details of cycle parking and front boundary treatment. The proposed parking layout does address the previous concerns on the lack of turning. The site currently benefits from a vehicular access and does have what appears to be a small parking area beside the garage. The proposed development will likely have some additional trips but overall, is it considered to be a betterment in terms of highway safety due to the improved layout.

- 5.3 **SCC Urban Design** – Initially raised concerns with detailed aspects of the design. The scheme has been amended to address the points.

- 5.4 **SCC Sustainability Team** – No objection subject to conditions to secure energy and water savings.

- 5.5 **SCC Trees Team** – No objection. There is one small tree on site at the present time. Suggests a condition to secure a landscape plan.

- 5.6 **SCC Heritage** – There are no archaeological implications with this development.
- 5.7 **SCC CIL Officer** – The development is CIL liable as there is a net gain of residential units. The charge will be levied at £70 per sq m on the Gross Internal Area of the new units.
- 5.8 **Southern Water** – No objection. Suggests an informative is attached to the permission to make the developer aware of the requirements to connect to the public sewerage system.
- 5.9 **SCC Ecology** – No objection. The site has low biodiversity value which is limited to the garden area at the front of the house. A phase 1 bat survey submitted in support of the planning application didn't find any evidence of bat activity within the building. It confirmed that the building has low to negligible roost potential and that no further surveys are required. The proposed development will retain part of the existing garden and provide an additional, larger, area of landscaped amenity space to the rear. As a consequence, the current biodiversity value of the site will be maintained.

6. **Planning Consideration Key Issues**

6.1 The determining issues for this proposal relate to:

- (i) The principle of development;
- (ii) The quality of residential environment for future occupiers;
- (iii) Design;
- (iv) Effect on residential amenity;
- (v) Highways, parking and servicing impact and;
- (vi) Impact on designated habitats.

6.2 Principle of Development

6.2.1 Core Strategy Policy CS4 (Housing Delivery) states that: 'An additional 16,000 homes will be provided within the City of Southampton between 2006 and 2026. This proposal would make good use of previously developed land on the edge of the city centre to provide 4 much needed additional homes and is, therefore, considered to be acceptable in principle.

6.2.2 Core Strategy Policy CS5 (Housing Density) outlines density levels for new residential development which will be acceptable in different parts of the city. This property is located within an area of high accessibility (Band 6) to Public Transport. As such, the proposed density of 135 dph is considered to be appropriate and in line with Core Strategy policy CS5.

6.2.3 Core Strategy Policy CS16 defines a family dwelling as one which contains 3 or more bedrooms and has direct access to private and useable amenity space which meets the Council's guidelines. Since the application property currently does not have access to private and useable amenity space, it does not, therefore meet the Council's definition of the family dwelling. The proposal is, therefore, in accordance with Core Strategy Policy CS16.

6.3 Quality of the Residential Environment

6.3.1 The proposed units would be of an adequate size to provide a high quality standard of residential accommodation for future occupiers. Habitable room windows (serving bedrooms, living and dining areas) within all of the proposed flats would benefit from sufficient access to light and outlook and all units would benefit from good levels of privacy. With regards to privacy, a small area of defensible space to the rear of Flat 1 has been incorporated during the lifetime of this application to ensure that bedroom 2 of this unit is sufficiently private.

6.3.2 A shared amenity area measuring approximately 75 sq m would be established to the rear of the property. A private amenity area of approximately 10 sq m would also be established for the sole use of Flat 1. In total, approximately 85 sqm of amenity space would be provided. Whilst it is acknowledged that this is slightly lower than the 100 sqm requirement outlined in the Residential Design Guide, the space would be private, useable and good quality. Furthermore, it would be an improvement on the existing situation which offers no garden for residents. In addition to this, it is important to note that the Residential Design Guide advises that the garden standards should be employed flexibly, particularly within more central parts of the city, such as this. The application site is located in close proximity to city centre parks (the nearest one being Watts Park approximately 126 m away) meaning that future residents would have access to additional amenity space if required. In light of this, it is considered that the amount of amenity space proposed is acceptable.

6.3.3 In light of the issues discussed above, this scheme is considered to have successfully overcome the previous reason for refusal (application ref.14/01626/FUL) relating to a poor residential environment. The proposed scheme would provide high quality living accommodation with good access to light and outlook and acceptable amenity space to the rear.

6.4 Design

6.4.1 The scale, massing and design of the proposal has changed significantly from the previous refused application. In addition to this, extensive negotiation has taken place during the lifetime of the application with regards to the design of the proposed building and has included the following amendments:

- The addition of a square bay window to the southern elevation (fronting Handel Road).
- The installation of high quality timber vertically boarded doors to the refuse store.
- The infilling of the side wall of the car port to obscure this from view when looking from Handel Road and the installation of a 'dummy' window.
- The addition of dual pitched canopies over first floor windows within all elevations.
- The replacement of a gable with a hip to the southern elevation.

6.4.2 In terms of scale, the proposed building would occupy a prominent plot at the corner of Devonshire Road and Handel Road. Building heights within the surrounding area range from 2 to 8 storeys which includes taller buildings on

the opposite side of these two roads. Notably, on the opposite side of Handel Road, there are several flatted blocks of 4 storeys in height (Devonshire Mansions and Oakville Mansions) and to the corner of Devonshire Road and Henstead Road 3-storey development lies next to 2-storey development. As such, the three storey scale would not appear out-of-character.

- 6.4.3 Furthermore, it is well established design practice in the city that slightly taller buildings can be accommodated on corner locations and at the end of streets since paragraph 3.6.10 of the Residential Design Guide states that: 'Taller buildings may be considered at street corners'. It is considered that there is sufficient space on site to accommodate the proposed 3 storey building in this location. Furthermore, the reduction of the height from 4-storeys, as originally proposed, its high quality design, achieved following extensive negotiation with the applicant, combined with its appropriate siting would ensure that it would relate appropriately with the wider streetscene, establishing an attractive landmark in this location.
- 6.4.4 The front elevation of the proposed building would incorporate a decorative front gable above a 3 storey curved bay feature, similar to existing features at neighbouring properties along Devonshire Road. Pitched roof dormers would introduce additional features of interest which would break up the bulk of the front roofslope and the proposed vertically boarded bin store doors would have a high quality appearance appropriate for this prominent location. Overall, it is considered the fenestration of the front elevation is of an acceptable design for this location. An appropriate set back from Devonshire Road would also be retained maintaining the established building line and resulting in a sympathetic relationship with the wider streetscene. This would be reinforced with a low boundary wall, sympathetic to the character of the area.
- 6.4.5 The side elevation of the proposed building would front Handel Road. This would have the same prominence as the front elevation given its location at the junction of Devonshire Road and Handel Road. The addition of a 3 storey, square bay feature to this side elevation would introduce an additional feature of interest in this location which would be in keeping with similar features at neighbouring properties along Handel Road. The addition of pitched roof dormers above first floor windows would again, break up the bulk of the side roofslope, softening its overall appearance. It is considered that the fenestration of the side elevation is of an acceptable design for this location. The submitted information indicates that high quality materials will be used and a condition is suggested to secure this. Overall, the submitted information indicates that high quality materials will be used and a condition is suggested to secure this.
- 6.4.6 This scheme has significantly reduced the scale of the proposed building compared to the scheme which was previously refused (ref.14/0162/FUL). Through extensive negotiation, a high quality design has been achieved which is considered to be sufficient to overcome the previous reason for refusal.

6.5 Residential Amenity

- 6.5.1 The closest residential property to the application site is located at no.64 Devonshire Road. This is a 2 storey, detached property which has a series of windows facing the application site. The footprint of the proposed building

closely follows the footprint of the existing building on site and care has been taken to set back the rear elevation of the proposed building the neighbouring property at no.64 Devonshire Road by approximately 1.7m. An acceptable separation distance would remain between the proposed building and the rear garden of this neighbouring property to ensure that no overbearing impact would occur as a result of the additional building bulk at first and second floor levels.

- 6.5.2 At first floor level within the side elevation of no. 64 there is an obscure glazed window which does not appear to serve a habitable room and which already faces the side elevation of the existing building. In light of this, it is not considered that the proposed development would have an adverse impact on the room served by this window. At ground floor level within the side elevation there is an obscure glazed window which appears to serve a habitable room. Outlook from and access to light for this window are already compromised by the existing building at no.66 Devonshire Road and it is not therefore, considered that the proposed scheme would worsen this arrangement, since the proposed building would be no closer, nor would project further to the rear at this point.
- 6.5.3 Also at first floor level but within the rear elevation and facing out onto an existing light well is a clear glazed window which appears to serve a habitable room. Outlook from and access to light for this window are already compromised by the existing building at no.66 Devonshire Road and it is not therefore, considered that the proposed scheme would worsen this arrangement. Similarly, at ground floor level on the rear elevation is an obscurely glazed window which appears to serve a habitable room but again the proposed development would not result in a significantly greater impact on this window. 3 new windows are proposed within the side elevation facing no.64 Devonshire Avenue, however these serve non-habitable rooms and so a condition is suggested to ensure that they are fixed shut and obscurely glazed.
- 6.5.4 The side elevation of no.1 Handel Road is located to the rear of the application site. A separation distance of between approximately 13 and 15m would remain between habitable room windows at first and second floor level and the side elevation of this neighbouring property. This exceeds the separation standards set out in the Residential Design Guide and is considered to be sufficient to overcome issues relating to overlooking and inter-looking. As such, no adverse impact on this neighbouring property is considered likely to occur.
- 6.5.5 Overall, the scale of the proposed building has been reduced significantly compared to the previously refused scheme. As such, it is now considered to have an acceptable relationship with neighbouring properties and would not give rise to any additional harm to residential amenity. The previous reason for refusal relating to residential amenity (ref.14/01626/FUL) has therefore, been overcome.

6.6 Highways, Parking and Servicing

- 6.6.1 The Parking Standard SPD outlines maximum car parking requirements for new residential development. This property is identified as being within the highest accessibility area of the city given its proximity to Southampton Central Railway Station. As such, a maximum parking standard of 1 car parking space

per unit would apply (a total of 5). 5 parking spaces are proposed and the amount of parking proposed is considered to be acceptable for this development. As a result, future residents would benefit from excellent access to public transport facilities and local services.

- 6.6.2 Adequate sightlines would be provided through the construction of a boundary wall adjacent to the proposed access no greater than 0.6m in height. As such, it is considered that vehicles would be able to enter and exit the proposed parking area in a safe manner, causing no additional harm to pedestrian or vehicular movements in this location. Furthermore, adequate space would be provided for on-site turning to enable vehicles to both enter and leave the proposed car parking area in a forward gear. There is an existing garage and parking area on site at the current time with space to accommodate 3 vehicles. The proposed increase of 2 vehicles is not considered to be detrimental to highways safety. The creation of a formal parking area with an improved layout is considered to constitute a betterment on the existing arrangement. This is supported by the City Council's Highways team.
- 6.6.3 The submitted plans indicate that cycle storage would be provided in an integral cycle store accessed from the rear elevation. This is considered to be an appropriate arrangement and would accommodate sufficient cycles to meet the Council's adopted standards. Refuse storage would be provided in an integral store accessed from the front elevation. This would provide sufficient space to accommodate 2 x 1100 litre euro bins for use by occupiers of all units. These bins would also be located within 10m of the public highway for ease of collection on collection days. This is considered to be an appropriate arrangement which would limit the potential for bins being stored within the front garden area and which would be in accordance with the standards outlined in Part 9 (Waste Management) of the Residential Design Guide.
- 6.6.4 The proposed parking area is a significant improvement on the one which was previously refused under ref.14/01626/FUL. The proposed parking area would significantly improve the existing arrangement and would be considered acceptable in terms of highways safety. As such, this previous reason for refusal has successfully been overcome.
- 6.7 Habitats and Nature Conservation
- 6.7.1 A Phase 1 Bat Survey has been submitted alongside this application. This survey has demonstrated that there is negligible roost potential and as such, no further surveys are required. This scheme has therefore, overcome the previous reason for refusal relating to the absence of a bat survey.
- 6.7.2 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that

current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution of £172 per unit has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. This application has complied with the requirements of the SDMP and meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

- 6.7.3 The applicant failed to provide the required mitigation for the Solent Disturbance Mitigation Project for the previous scheme. This time around, they have indicated that they are willing to pay this and the recommendation that is presented is for delegated authority to grant planning permission subject to the receipt of this contribution. This reason for refusal has subsequently, been overcome.

7. Summary

- 7.1 In light of the issues discussed in this report, this proposal is considered to have successfully overcome the reasons for the refusal of the previous application. The proposed building would be of a high quality design and of a scale which would be appropriate for this site. It would provide much needed new homes within the city within a sustainable location with excellent accessibility whilst providing genuine amenity space and sufficient on-site car parking.

8. Conclusion

- 8.1 This application is recommended for delegated authority to grant approval upon receipt of a contribution to the Solent Disturbance Mitigation Project.

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

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

LG for 06/10/15 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: Materials [Pre-commencement condition]

Development shall not commence and until a detailed schedule of materials and finishes including samples (if required by the LPA) to be used for the following have been submitted:

- (a) External walls including brick and render.
- (b) Roof.
- (c) Porous paving materials for the parking area.
- (d) Paving materials for all other paved areas.

Unless details change no further samples will be required for the following as these has already been agreed with the Local Planning Authority:

- (a) Concrete angled ridge and hip tiles in slate grey.
- (b) Stone cills for windows.
- (c) Stone header course over windows.
- (d) White PVCU windows.
- (e) Lead flat roof over bin store and square bay feature on the southern elevation.
- (f) Stone feature course to square bay feature on the southern elevation.
- (g) Stained vertically boarded bin store doors
- (h) White painted timber vertical rails to gables.
- (i) Stone feature course over windows of bay feature on the eastern elevation.
- (j) White painted timber fascia / soffit boards.
- (k) White PVCU french doors to western elevation.
- (l) Natural slate cantilevered pitched roof over rear carport.

Development shall be implemented only in accordance with the agreed details.

Reason:

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

4. APPROVAL CONDITION: Landscaping detailed plan [Pre-Commencement Condition]

Before the commencement of any site works a detailed landscaping scheme and implementation timetable, which clearly indicates the numbers, planting densities, types, planting size and species of trees and shrubs to be planted, and treatment of hard surfaced areas, shall be submitted to and approved in writing by the Local Planning Authority.

The landscaping scheme shall specify all trees to be retained and to be lost and shall provide an accurate tree survey with full justification for the retention of trees or their loss. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise) to ensure a suitable environment is provided on the site.

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 landscaping scheme shall include a brick boundary treatment surrounding the shared amenity area to replace the close boarded fence specified on the approved plans.

The approved scheme 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.

5. APPROVAL CONDITION – Refuse and Cycle Storage [Pre-Occupation Condition]

The cycle and refuse storage shall be provided in accordance with the plans hereby approved, before the dwellings, to which the facilities relate, are occupied. The storage shall thereafter be retained and made available for that purpose.

Reason:

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

6. APPROVAL CONDITION: Sightlines [Performance condition]

The front boundary treatments (planting, fencing or walls) fronting Devonshire Road and Handel Road shall not at any time, exceed 0.6m in height.

Reason:

To ensure adequate sightlines are retained to serve the vehicle access.

7. APPROVAL CONDITION: Parking layout [Pre-occupation condition]

Prior to occupation, the parking spaces hereby approved shall be fully marked out and retained thereafter unless otherwise agreed in writing by the Local Planning Authority. A minimum distance of 6m between the parking spaces shall be retained and the turning area hereby approved shall be kept clear at all times to facilitate on-site turning unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of highways safety.

8. 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).

9. 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).

10. APPROVAL CONDITION – Obscure Glazing [performance condition]

The windows located on the north side elevation of the building hereby approved, facing 64 Devonshire Road, shall be fixed shut and obscurely glazed up to a height of 1.7 metres from the internal floor level and permanently maintained in this manner.

Reason:

To avoid overlooking of neighbouring sites in the interests of privacy.

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 - 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.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats

City of Southampton Local Plan Review – (as 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
H1	Housing Supply
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

COMPARISON OF REFUSED (14/01626/FUL) AND CURRENT SCHEME

	Refused scheme	Proposed scheme
Building footprint	155 sq. m	123 sq. m
Number of bedrooms	15	8
Number of HMOs	1	0
Density	135	135
Height	4 storeys – 14 metres	3 storeys – 10 metres
Amenity space	66 sq. m rear garden	75 sq. m and 10 sq. m private area for Flat 1. Total: 85 sq. m.
Car parking	2 spaces.	5 spaces
Cycle parking	5 spaces	5 spaces

Reasons for refusal of planning application 14/01626/FUL**REASON FOR REFUSAL: Inappropriate Design**

The proposed development would, by virtue of its excessive scale, bulk and massing on such a prominent corner plot, represent a form of development which would be out of context and at odds with the prevailing character of its immediate surroundings. The proposed scheme would constitute an un-neighbourly and over-intensive form of development and would therefore, be contrary to saved policies SDP1(i), SDP7(iii)/(iv), SDP9(i) and H2(iii)/(vii) of the City of Southampton Local Plan Review and Core Strategy policy CS13 as supported by the guidance as set out in paragraph 3.7.7, 3.7.8, 3.7.11 and 3.10.7 of the Council's approved Residential Design Guide SPD.

REASON FOR REFUSAL - Residential Amenity

The proposed 4 storey building would, due to its excessive scale and bulk built so close to the common boundary, have an overbearing and un-neighbourly relationship with the adjoining property at no.64 Devonshire Road resulting in an increased sense of enclosure and a loss of light for the property itself and its associated rear garden. This proposal is therefore, considered to have an unacceptable impact on the residential amenities of the adjoining occupiers and is contrary to saved policies SDP1(i) of the City of Southampton Local Plan Review as supported by the guidance set out in Section 2 of the Council's Residential Design Guide Supplementary Planning Document.

REASON FOR REFUSAL - Overconcentration of HMOs

The proposed creation of 2 additional HMOs would exacerbate what is already considered to be an excessive concentration of HMOs within the immediate area and will result in an adverse impact on the overall character and amenity of the area surrounding the application site in terms of the mix and balance of households in the local community. Therefore, the proposal will be contrary to saved policies SDP1(i) and H4(ii) of the City of Southampton Local Plan Review (Adopted March 2006) and policy CS16 of the City of Southampton Local Development Framework Core Strategy Development Plan Document (Adopted January 2010) as supported by section 6.5 of the Houses in Multiple Occupation Supplementary Planning Document (Approved March 2012).

REASON FOR REFUSAL - Poor Residential Environment

The layout of the proposed development would, due to its contrived arrangement, fail to provide an attractive and acceptable living environment for future occupiers. Specifically, this would be by virtue of; a) the poor relationship between the bedroom window of Flat 1 and the proposed rear entrance resulting in an unacceptable level of privacy for future occupiers of this unit; b) the lack of an acceptable outlook from the bedroom of Flat 1; c) the lack of an acceptable outlook and poor access to light for bedroom 2 of Flat 4; and d) an insufficient amount of amenity space for the number of people the development could potentially accommodate. This proposal is therefore, contrary to both saved Policy SDP1(i) of the City of Southampton Local Plan Review and paragraphs 2.2.1, 2.3.12, Section 4.4 of the Residential Design Guide SPD.

REASON FOR REFUSAL - Highways Safety

The proposed parking spaces would, due to their inappropriate siting, fail to provide sufficient room for the on-site manoeuvre of vehicles resulting in a lack of intervisibility between drivers, pedestrians and cyclists and creating a hazard for users of the public highway. This proposal would have an unacceptable impact on highways safety which is considered to be symptomatic of overdevelopment. Subsequently, this proposal would be contrary to saved policies SDP1(i), SDP10(ii)/(iii), H2(iii) and H7(vi) of the City of Southampton Local Plan Review, Core Strategy policies CS18 and CS19 as supported by Section 5 of the Council's approved Residential Design Guide SPD.

REASON FOR REFUSAL - Inadequate Cycle Storage

The proposed scheme fails to incorporate a safe, convenient or appropriate means of cycle storage for future occupants of the proposed flats. Failure to provide adequate cycle storage facilities would be harmful to the safety, amenity and living environment of future occupants and this proposal would therefore, be contrary to saved policies SDP1(i) and SDP10(ii) of the City of Southampton Local Plan Review; Southampton Core Strategy policy CS19, Chapter 5 of the Parking SPD and Chapter 7 of the HMO SPD.

REASON FOR REFUSAL - Inadequate Refuse Storage

The proposed scheme fails to incorporate a safe, convenient or appropriate means of refuse storage for future occupants of the proposed flats. This proposal would therefore, be contrary to saved policies SDP1(i) and SDP10(iii) of the City of Southampton Local Plan Review and Section 9.4 of the Residential Design Guide SPD.

REASON FOR REFUSAL - Bat Survey

In the absence of a Phase 1 Bat Survey, the applicant has failed to comply with the requirements of the Conservation of Habitats and Species Regulations 2010.

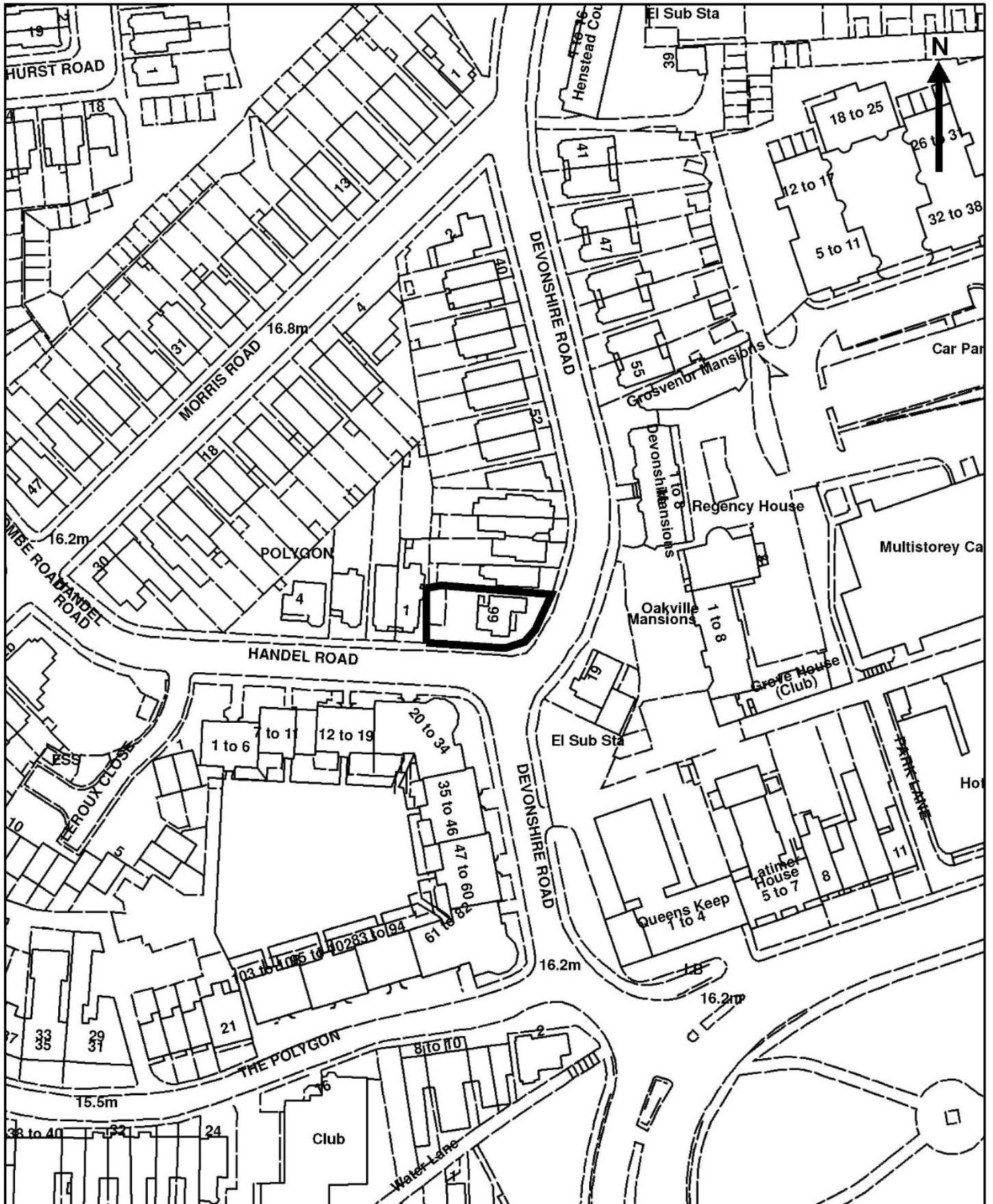
REASON FOR REFUSAL - SPA Mitigation

In the absence of either a scheme of works or a completed Section 106 legal agreement or unilateral undertaking to support the development the application fails to mitigate against its wider direct impact with regards to the additional pressure that further residential development will place upon the Special Protection Areas of the Solent Coastline. Failure to secure mitigation towards the 'Solent Disturbance Mitigation Project' in order to mitigate

the adverse impact of new residential development (within 5.6km of the Solent coastline) on internationally protected birds and habitat is contrary to Policy CS22 of the Council's adopted LDF Core Strategy as supported by the Habitats Regulations.

In 1966, conditional permission (ref.1321/P38) was granted for the use of two ground floor rooms as offices and for the conversion of the remainder of the building into flatlets.

15/01273/FUL



Scale: 1:1,250

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