

**Southampton City Planning & Sustainability**  
**Planning and Rights of Way Panel meeting 14 February 2012**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 39 Archers Road			
<b>Proposed development:</b> Redevelopment of the site. Demolition of the existing building and erection of a part 3-storey, part 4-storey and part 5-storey building to provide 20 flats (7 x 1-bedroom, 7 x 2-bedroom and 6 x 3-bedroom) with associated storage and parking.			
<b>Application number</b>	11/01336/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Jenna Turner	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	13.12.11	<b>Ward</b>	Freemantle
<b>Reason for Panel Referral:</b>	Referred by the Planning & Development Manager due to wider interest	<b>Ward Councillors</b>	Councillor Parnell Councillor Moulton Councillor Ball

<b>Applicant:</b> Oakdene Construction Ltd	<b>Agent:</b> Tony Oldfield Architects
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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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**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set out on the attached sheet. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on the 14.02.12 do not have sufficient weight to justify a refusal of the application. The proposal would be in keeping with the site and surrounding properties and would not have a harmful impact on the amenities of the neighbouring properties. Where appropriate planning conditions have been imposed to mitigate any harm identified. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Planning Permission should therefore be granted taking account of the following planning policies:

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, H1, H2, and H7 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS4, CS5, CS13, CS16, CS19, and CS20 and the Council’s current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS1 (Delivering Sustainable Development), PPS3 (Housing 2011) and PPG13 (Transport 2011) are also relevant to the determination of this planning application.

<b>Appendix attached</b>			
1	Development Plan Policies	2	Relevant Planning History

**Recommendation in Full**

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

- i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
  - ii. A financial contribution towards strategic transport projects for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
  - iii. Financial contributions towards the relevant elements of public open space required by the development in line with policies CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);  
Amenity Open Space ("open space")  
Playing Field;
  - iv. The provision of 35% of the net gain affordable housing in accordance with adopted LDF Core Strategy Policy CS15 and that the scheme is realised to shell and core within 24 months;
  - v. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
2. That the Planning and Development Manager be given delegated authority to add or vary any of the attached planning conditions and relevant parts of the Section 106 agreement.
  3. In the event that the legal agreement is not completed within two months of the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

## **1.0 The site and its context**

- 1.1 The application site currently comprises a three-storey Victorian property located on the corner of Archers Road and Northlands Road. The site is currently vacant but was last used as a health care clinic. There is an existing vehicular access from Northlands Road and a green landscaped area to the front of the building which is a lower level than Archers Road.
- 1.2 The surrounding area is predominantly residential in nature and comprises a high proportion of flatted developments. The site is neighboured to the north and east by three-storey, flat-roof blocks of flats. Opposite the site is the ten-storey Overdell Court. The site also lies broadly opposite the former Dell Site which contains four-storey flatted blocks.

## **2.0 Proposal**

- 2.1 The application seeks planning permission for the demolition of the existing health clinic building and the construction of a block of 20 flats which provide a mix of 1, 2 and 3 bedroom accommodation. In total, 6 genuine family units with access to private amenity space is proposed.
- 2.2 The main entrance to the building is from Northlands Road. The development incorporates staggers to its building line on the street frontages.

- 2.3 The building ranges between 3 and 5 storeys in height and has been designed to take advantage of the change in levels across the site to provide basement level accommodation. The top floor of accommodation is set back from the parapets.
- 2.4 The building has a contemporary design approach. It has a flat roof design and the elevations would be constructed using a buff facing brick, over an engineering brick plinth with elements of cladding to the top floor.
- 2.5 Amenity space is provided in the form of private balconies, roof terraces and communal ground floor space to the front of the building. A total of 592 sq.m of amenity space would be provided which equates to approximately 29 sq.m per flat.
- 2.6 A total of ten car parking spaces would be provided to the rear of the site, utilising the existing access from Northlands Road. Integral storage is provided for cycle and refuse.

### **3.0 Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The site is not allocated for a specific use within the Development Plan but lies within Public Transport Accessibility Levels 5 and 6. Major developments are expected to meet high sustainable construction standards in accordance with the City Council’s adopted and emerging policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The policies of the South East Plan, Southampton’s Core Strategy and Local Plan Review have been taken into account in the consideration of this application. The Core Strategy is in general conformity with the South East Plan, and it is not considered that the policies in the South East Plan either conflict with or add particular weight to the policies in the Core Strategy for this application. Consequently only the local statutory development plan policies (Core Strategy and Local Plan Review) have been cited in this report.

### **4.0 Relevant Planning History**

- 4.1 A schedule of the relevant planning history for the site is included in **Appendix 2**. The Council has previously refused flatted development on the site and **Appendix 2** explains how the current scheme differs from those previously rejected.

### **5.0 Consultation Responses and Notification Representations**

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (13.10.11) and erecting a site notice (03.10.11). At the time of writing the report **9** representations have been received from surrounding residents. The following is a summary of the points raised:
- 5.2 ***The level of car parking proposed is insufficient to serve the proposed number of flats. This would result in additional overspill car parking on Northlands Road, which could have a harmful impact on road safety.***
- 5.3 **Response**  
The recently adopted Parking Standards Supplementary Planning Document permits a maximum of 33 car parking spaces to serve the proposed development. That said, there is no minimum level of parking provision required and as such the proposed 10 spaces accords with saved policy SDP5 of the Local Plan. The site

is within walking distance of the central train station and the shops and facilities within the Bedford Place area. As such, the level of car parking proposed is considered to be acceptable. The Highways Team have not raised concerns regarding the level of parking provision or the impact that any overspill car parking would have on highway safety.

5.4 ***The more intensive use of the access from Northlands Road is likely to conflict with cars queuing at the junction with Archers Road.***

5.5 **Response**

The visibility from the proposed access is acceptable and the presence of queuing cars would not create a highway safety issue for vehicles entering or leaving the site.

5.6 ***The colour of the materials to be used in the development does not reflect the character of the area.***

5.7 **Response**

Amended plans have been received which indicate a more neutral palette of materials and are considered to be more sympathetic to the surrounding development. A condition is recommended, which requires full details of the materials to be used including the requirement of samples to be reviewed by officers.

5.8 ***The proposal would result in a loss of light to the kitchen windows located within the west-facing elevation of the neighbouring 37 Archers Road.***

5.9 **Response**

The proposed building would be approximately 1 metre taller than the ridge height of the existing building and the same depth along the boundary with 37 Archers Road. The proposed building would be positioned further off of the boundary with the neighbour by 1 metre than the existing building. As such, it is considered that whilst the development would have an impact on the neighbouring habitable kitchen windows, this would not be significantly greater than the existing situation.

5.10 ***The development would result in overlooking of the neighbouring flats at 37 Archers Road.***

5.11 **Response**

There are no primary habitable room windows proposed on the east-facing elevation of the proposed building. A condition is suggested to ensure that any windows on this elevation are obscurely glazed and fixed shut up to a height of 1.7 metres from the internal floor level to avoid overlooking from the windows. In addition to this, a condition is also suggested requiring privacy screens to the side of the north and south facing balconies and roof terraces nearest to the boundary with 37 Archers Road.

5.12 ***The five-storey height of the proposed building is out of keeping with the area.***

5.13 **Response**

Whilst five levels of accommodation is proposed, the design makes use of the change in levels across the site to provide a basement level, meaning that when viewed from the street the development would have a four-storey massing. The development steps up from three-storeys on the Northlands Road frontage to the five-storey height on the corner with Archers Road. As such, it is considered that the height would appear acceptable in visual terms.

5.14 ***The proposed massing of the building would appear excessive.***

5.15 **Response**

The proposed building is designed with a deep recessed section to the Northlands Road frontage which provides a clear break in the massing of this elevation. Similarly, the Archers Road frontage of the building has a staggered building line which would successfully articulate this elevation. In addition to this, the use of

materials and the variation in building height also helps to break up the elevations of the building and prevent it from appearing overly bulky when viewed from the street and neighbouring properties.

#### 5.16 **Consultee Responses**

5.17 **SCC Highways** - No objection. Having regard to the location of the site in relation to the city centre, the level of parking proposed is considered to be acceptable. Suggests conditions to secure details of the access and to manage the construction process.

5.18 **SCC - Planning Policy** - No objection.

5.19 **SCC Sustainability Team** – No objection. Suggests conditions to secure sustainability measures.

5.20 **SCC Architect's Panel** – No objection. Raise some concerns with depth of the south-facing balconies in terms of how this would appear and affect the internal accommodation of the proposed building.

5.21 **SCC Environmental Health (Pollution & Safety)** - No objection. Suggests conditions to ensure that the demolition process does not cause harm to residential amenity and to manage the construction process.

5.22 **SCC Environmental Health (Contaminated Land)** - No objection. Suggests conditions to investigation the site for contamination and to secure any remediation.

5.23 **SCC Ecology** – No objection. The application has satisfactorily addressed biodiversity issues. Suggests a condition to secure ecological mitigation measures.

5.24 **SCC - Archaeology** - No objection. Suggests conditions to secure an archaeological investigation and scheme of work.

5.25 **Southern Water** – No objection. Suggests conditions to secure details of surface water and foul water disposal.

#### 6.0 **Planning Consideration Key Issues**

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

- i. The principle of development;
- ii. The design of the proposal together with the impact on the character of the area;
- iii. The impact on the amenities of neighbours of the site;
- iv. The quality of the residential environment proposed;
- v. Parking and highways and;
- vi. Mitigation of Direct Local Impacts and Affordable Housing.

The application needs to be assessed in light of the above key issues and the planning history of the site.

#### 6.2 **Principle of Development**

6.2.1 The application site is previously developed land which is not safeguarded for commercial or a health care use in the Development Plan and, as such, the principle of redevelopment to provide residential accommodation is acceptable. The application proposes a genuine mix of accommodation including the required 6 family housing units.

6.2.2 Saved Local Plan policies support the redevelopment of vacant and underused commercial sites to provide residential accommodation. The application proposes a residential density of 142 dwellings per hectare and this accords with Core Strategy Policy CS5, which recommends densities of over 100 dwellings per hectares within the area of the application site.

### 6.3 Character and Design

- 6.3.1 In terms of the proposed layout, the development would result in less than 50% of the site being occupied by building and hardsurfacing. Furthermore, the applicants have demonstrated that the proposed degree of site coverage is not unusual within the vicinity of the site. The proposed building is set off the boundary with Northlands Road by between 3 and 5 metres, and the layout incorporates tree planting along this frontage to soften the appearance of the development. Similarly, the building is set back by between 12 and 20 metres from the front boundary of the site with Archers Road.
- 6.3.2 The existing properties at No.'s 37 and 39 Archers Road are somewhat unusual in their degree of set back from the front boundary with Archers Road. The layout of the building is designed to step forward gradually from the set back position of 37 Archers Road, which would enable the development to respond better to the wider context in Archers Road. That said, the development still provides a substantial soft landscape frontage to Archers Road and the stepped front elevation ensures that the building would not appear awkward in relation to the set back neighbouring development of 37 Archers Road.
- 6.3.3 Five levels of accommodation are proposed however, by incorporating basement level accommodation, the scheme would instead have a four-storey appearance within the street. In addition to this, the top floor of accommodation is set back from the parapet allowing the design to successfully step up from three-storeys on the Northlands Road frontage. The additional height of the building would provide a focus to this prominent corner location. Furthermore, as the surrounding area contains development of three and more storeys in height, it is not considered that the proposed height would appear unsympathetic with the character of the area. Saved Local Plan Policy SDP9 defines five-storey development as tall buildings and accepts the principle of tall buildings on corner site.
- 6.3.4 The elevations of the building are well articulated, with clear breaks in the massing and the building is designed to address both street frontages. The proposed building would have a contemporary appearance but, having regard to the variation in architectural styles within the area, the design approach is considered to be acceptable.

### 6.4 Residential Amenity

- 6.4.1 The main consideration in this respect is the relationship of the proposed building with the neighbouring block of flats at 37 Archers Road and in particular, the impact on kitchen windows directly facing onto the application site. In terms of overlooking, there are no primary habitable room windows located on the east-facing elevation of the proposed development and a condition is suggested to ensure any windows on this elevation are fixed shut and obscurely glazed up to a height of 1.7 metres from the internal floor level.
- 6.4.2 Where the proposed building lies adjacent to the boundary with 37 Archers Road, the depth of the building is reduced to correspond to that of the existing building. In addition to this, whilst the proposed building is taller than the existing, it is positioned 1 metre off of the boundary with the neighbouring property. As such, it is not considered that the proposal would have a significantly worse impact on the outlook, daylight and shading to the kitchen room windows on the west side elevation of the neighbouring property, which are already compromised in any event.
- 6.4.3 In addition to this, the development has also been designed to avoid affecting the principal habitable room windows within the north and south facing elevations of 37 Archers Road by reducing the depth and massing of the building adjacent to the eastern site boundary. As such, the proposal would accord with the 45 Degree

Test as set out in the Residential Design Guide.

## 6.5 Residential Environment

- 6.5.1 The level of amenity space proposed accords with the standards as set out in the Residential Design Guide. The submitted site sections demonstrate that since the communal amenity space is at a lower level to the adjacent highway, it would be suitably private. It is also proposed to retain and enhance the existing soft planting adjacent to the front and west-side site boundaries. Whilst the amenity space provided would be subject to some disturbance from road traffic noise, the space would be south-facing, relate well to the dwellings and provide a useable area. On balance, the amenity space is therefore considered to be acceptable.
- 6.5.2 The outlook from habitable rooms is considered to be acceptable and in particular, the basement units have fully above-ground windows and would be unaffected by retaining walls or structures. Whilst the Architects Panels raised some concern with the impact of the proposed balconies to the south of the building on the proposed internal living space, since these units have a southerly aspect, the internal quality is considered to be acceptable.
- 6.5.3 The development incorporates integral cycle and refuse storage, which is conveniently located in relation to the flats.

## 6.6 Parking and Highways

- 6.6.1 Saved Local Plan policy SDP5 confirms that car parking is a key determinant in the choice of the mode of travel and therefore the provision of ten off-road car parking spaces would comply with current planning guidance in the form of PPG13: 'Transport', PPS1 'Delivering Sustainable Development' and PPS3 'Housing, which emphasises the need to reduce car dependence. Furthermore, the level of parking proposed accords with the Council's adopted maximum car parking standards as set out in saved Local Plan policy SDP5 and the Parking Standards SPD.
- 6.6.2 There is sufficient space on site to enable vehicles to turn and so enter and leave the site in a forward gear. The Highways Team considers that were the development to generate any overspill parking, that this would not be harmful to highway safety. In addition to this, the vehicular access into the site is judged to be acceptable in highway safety terms.

## 6.7 Section 106 and Affordable Housing

- 6.7.1 The development triggers the need for a S.106 Legal Agreement to secure appropriate off-site contributions towards open space and highway infrastructure improvements in accordance with Core Strategy Policy CS25. The applicants have confirmed their willingness to enter into the necessary obligations to mitigate against the scheme's direct local impacts.
- 6.7.2 Core Strategy policy CS15 requires the provision of 35% affordable housing on sites where there would be a net gain of 15 or more units. This policy however, builds in flexibility to ensure that issues of viability do not stifle development in difficult economic times. A viability appraisal of the proposal has been submitted with the application and it is proposed to make a reduced contribution towards affordable housing to be provided off-site. The submitted viability assessment has been independently tested by the Council and it is agreed that the provision of 35% affordable housing would make the scheme non-viable on a commercial basis.
- 6.7.3 The delivery of Affordable Housing needs to be balanced against other material consideration, such as the delivery of housing (the employment associated with this) during difficult economic circumstances. However, since the submitted viability appraisal reflects the current market conditions, a usual three year planning permission would not necessarily meet this aim. As such, it is recommended that the S.106 Legal Agreement includes a clause (as set out

above) that ensure the scheme is realised to shell and core within 24 months.

## **7.0 Summary**

7.1 The proposal development makes good use of previously developed land to provide a genuine mix of accommodation and successfully responds to the constraints of the site without compromising the existing residential amenity of neighbouring dwellings.

## **8.0 Conclusion**

Subject to the imposition of the suggested conditions attached to this report, the proposal would be acceptable. The application is therefore recommended for approval.

### **Local Government (Access to Information) Act 1985**

#### **Documents used in the preparation of this report Background Papers**

1 (a), (b), (c), (d), 2 (b), (c), (d), 4 (f), 6 (a), (c), (f), (i), 7 (a), (b), (e), (k), (m), (t)

**JT for 14/02/12 PROW Panel**

### **PLANNING CONDITIONS**

#### **01. APPROVAL CONDITION - Full Permission Timing Condition - Physical works**

The development works hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

Reason:

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

#### **02. APPROVAL CONDITION - 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.

#### **03. 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 to and



approved in writing by the Local Planning Authority, which includes:

- i. proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise);
- iv. details of any proposed boundary treatment, including retaining walls; 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.

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

#### **04. APPROVAL CONDITION - Ecological Mitigation Statement [Pre-Commencement Condition]**

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

Reason:

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

#### **05. APPROVAL CONDITION - Demolition Statement [Pre-Commencement Condition]**

Precise details of the method and programming of the demolition of the existing property shall be submitted to and approved by in writing by the Local Planning Authority prior to the implementation of the scheme. The statement shall include measures for the suppression of dust during the demolition works. The agreed scheme shall be carried out to the details as specified in the demolition programme unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of the amenity of adjacent residential properties.

**06. 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.

**07. 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.

**08. 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.

#### **09. 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.

#### **10. 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.

#### **11. APPROVAL CONDITION - Sustainability statement implementation [Pre-Occupation Condition]**

Prior to the first occupation of the development hereby granted consent, the approved sustainability measures shall be implemented unless otherwise agreed in writing by the Local Planning Authority.

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).

**12. APPROVAL CONDITION - Code for Sustainable Homes Residential Development [Pre-Occupation Condition]**

Written documentary evidence demonstrating that the development will achieve at minimum Level 3 of the Code for Sustainable Homes, including at least 15% in category Ene1, shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted, unless an otherwise agreed timeframe is agreed in writing by the LPA. The evidence shall take the form of a post construction assessment and certificate as issued by a legitimate Code For Sustainable Homes certification body.

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).

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

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

Reason:

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

**14. APPROVAL CONDITION – Archaeology Written Scheme of Investigation [Performance Condition]**

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

Reason:

To ensure that the archaeological investigation is completed.

**15. APPROVAL CONDITION – Archaeological damage-assessment [Pre-Commencement Condition]**

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

Reason:

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

**16. APPROVAL CONDITION - Construction Method Statement [Pre-commencement condition]**

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement (CMS) for the development. The CMS shall include details of: (a) parking of vehicles of site personnel, operatives and visitors; (b) loading and

unloading of plant and materials; (c) storage of plant and materials, including cement mixing and washings, used in constructing the development; (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary; (e) measures to be used for the suppression of dust and dirt throughout the course of construction; (f) details of construction vehicles wheel cleaning; and, (g) details of how noise emanating from the site during construction will be mitigated. The approved CMS shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

Reason:

In the interest of health and safety, protecting the amenity of local land uses, neighbouring residents, the character of the area and highway safety.

**17. APPROVAL CONDITION - Amenity Space Access [performance condition]**

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

Reason:

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

**18. APPROVAL CONDITION - Cycle Storage [performance condition]**

Cycle storage shall be laid out with a level approach prior to the first occupation of the development hereby approved in accordance with the plans hereby approved. The cycle storage shall be thereafter retained.

REASON:

In the interests of the visual appearance of the building and the area in general and to promote alternative modes of travel to the private car.

**19. APPROVAL CONDITION - Refuse & Recycling Bin Storage [Performance condition]**

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

Reason:

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

**20. APPROVAL CONDITION – Vehicular Access Details [performance condition]**

The vehicular access to the development hereby approved shall be no less than 4.5 metres wide and must retain that width for the first 6 metres into the site.

Reason:

In the interests of highway safety

**21. APPROVAL CONDITION - Sightlines specification [Pre-Commencement Condition]**

Notwithstanding the plans hereby approved, within 2 metres of the vehicular access into the site, the planting and boundary treatment on the northern boundary shall be no higher than 600mm in height and thereafter retained as such.

Reason:

To provide safe access to the development and to prevent congestion on the highway.

**22. APPROVAL CONDITION - Foul and Surface Water Disposal [pre-commencement condition]**

Prior to the commencement of the development hereby approved, full details of means for foul and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details.

Reason:

To secure a satisfactory form of development.

**23. APPROVAL CONDITION - Obscure Glazed Windows [performance condition]**

Before the development first comes into occupation, the windows on the east-facing side elevation of the development hereby approved shall not obscurely glazed and non-opening up to a height of 1.7 metres from the internal floor level. The windows shall be thereafter retained in this manner.

Reason:

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

**24. APPROVAL CONDITION - Balcony Privacy Screens [pre-commencement condition]**

Prior to the commencement of the development hereby approved, full detail of privacy screens to the east sides of balconies and roof terraces positioned adjacent to the boundary with 37 Archers Road, shall be submitted to and approved in writing by the Local Planning Authority. The screens shall be installed in accordance with the agreed details before the development first comes into occupation and thereafter retained as approved.

Reason:

In the interests of the privacy of the neighbouring occupiers.

**25. 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.

**POLICY CONTEXT**

Core Strategy - (January 2010)

CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
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
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
NE4	Protected Species
HE6	Archaeological Remains
CLT6	Provision of Children's Play Areas
CLT7	Provision of New Public Open Space
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment
TI2	Vehicular Access

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
Planning Obligations (Adopted - August 2005 and amended November 2006)  
Parking Standards (September 2011)

Other Relevant Guidance

PPS1 Delivering Sustainable Development (February 2005)  
PPS3 Housing (June 2011)  
PPS9 Biodiversity and Geological Conservation (August 2005)  
PPG13 Transport (January 2011)  
PPS22 Renewable Energy (August 2004)

**Relevant Planning History**

**1307/48**

**Conditionally Approved 26.04.66**

**Alterations and additions to form surgery**

**07/00716/FUL**

**Refused 10.08.07**

**Redevelopment of the site. Demolition of the existing building and erection of a 4-storey block of 14 flats with associated parking (Major Application).**

The reasons for refusal and a analysis of the differences with the current scheme is detailed as follows:

01.

The proposed flatted development fails to respond to the its immediate context with regard to scale and massing, and would result in overdevelopment of the site in terms of the amount of hardstanding proposed including the footprint of the building and the area of car parking. The development exceeds the maximum 50% site coverage guidance. As such the development would result in a development that harms the viusal amenity of the area contrary to the provisions of Policies SDP1, SDP7, SDP9 & H7 of the City of Southampton Local Plan Review - Adopted Version March 2006 and guidance set out in the Residential Design Guide (2006).

**Scale:** The 2007 scheme was of uniform 4-storey height (11.9 m). The current application proposes a building which steps up from 3-storeys on Northlands Road and uses the change in levels of achieve basement accommodation. The proposed top floor would also be set back. From street level, the proposed building is less tall than the refused scheme (ranging from 7.8m to 11.4m in height).

**Massing:** As stated above, the 2007 scheme had a uniform ridge height where as the current scheme graduates the height which reduces the perceived massing. The current proposal also incorporates significantly more pronounced recessed elements to the building than this refused proposal.

**Site Coverage:** The current application proposes less than 50% site coverage. The car parking area is reduced in area and soft landscaping introduced. The current proposal also incorporates tree planting to the Northlands Road frontage. The scheme incorporates elements of green roof to areas to flat roof. In addition to this, the applicants have demonstrated that the proposed site coverage is not unusual within the surrounding area. Moreover, the improvements to the scale and massing of the development help to ensure that the level of development proposed would not appear excessive.

02. Notwithstanding the above the siting of the amenity space along the busy adjacent road frontages would result in the area being subject to noise, disturbance, pollution and lack of privacy and as such likely to be a deterrent to its use and is unlikely to offer a quality living environment for future occupiers contrary to the provisions of Policy SDP1 of the City of Southampton Local Plan Review - Adopted Version March 2006 and guidance set out in the Residential Design Guide (2006).

**Amenity Space:** The refused scheme relied solely on the communal area to the front of



the building as amenity space, where as the proposed scheme incorporates private balconies and roof terraces. The submitted sections demonstrate that the submitted that the communal amenity space would be suitably private. Furthermore, the issue relating to noise disturbance and pollution to amenity space has been tested at appeal for a similar arrangement (238 Weston Lane) and found not be justify the refusal of planning permission.

03. The development by virtue of the proposed windows on the east elevation would result in overlooking into the windows of the side elevation of the adjacent flats at Glyn Court to the detriment of the private amenities of adjoining occupiers. Additionally, due to the proximity of the proposed side elevation to Glyn Court (6m) the outlook from the proposed windows on that elevation would fail to comply with the Council's approved outlook distances. As such the proposed development proves contrary to SDP1, SDP7, SDP9 and H7 of the City of Southampton local Plan Review and the guidance set out within the Residential Design Guide (2006).

**Privacy:**

There are no primary habitable room windows proposed on the east facing elevation of the current proposal, when compared with the refused scheme which had 8 habitable rooms solely relying on windows directly looking onto the boundary with 37 Archers Road.

**Outlook:**

Adjacent to the neighbouring property at 37 Archers Road, the height of the proposed building has been reduced by approx 900mm and the top floor set back from the parapet when compared with the refused scheme. As discussed in section 6.4 above, the relationship with the neighbouring development is therefore considered to be acceptable.

04. The proposed location of the bin and cycle storage would result in an over-dominant and incongruous feature within the street scene. In addition, the size of the storage facility is not sufficient for the number of flats and is located too far away in terms of the carry distance for the residents of the proposed flats to deposit their waste. As such the proposed development is contrary to SDP1, SDP7 and H7 of the City of Southampton Local Plan Review and the guidance set out in the Residential Design Guide.

**Cycle and Refuse Storage:** The current application proposes integral cycle and refuse storage.

05. The proposals fail to satisfy the provisions of policy IMP1 of the City of Southampton Local Plan Review - Adopted Version March 2006 and the provisions of the Council's Supplementary Planning Guidance on Planning Obligations (November 2006) in the following ways:-

- a) Measures to satisfy the public open space and play space requirements of the development. As such the development is contrary to Policies CLT5 and CLT6 of the City of Southampton Local Plan Review - Adopted Version March 2006.
- b) Measures to support sustainable modes of transport such as necessary improvements to public transport facilities and pavements in the vicinity of the site contrary to policies SDP1, SDP2 and SDP3 of the City of Southampton Local Plan Review - Adopted Version March 2006.
- c) Measures to support strategic transportation initiatives.

**Section 106 Agreement:** The application proposed would also require a section 106 agreement to mitigate against the direct local impacts of the development and the

applicants have indicated their willingness to enter into such an agreement.

**08/00383/FUL**

**Refused 11.06.08**

**Redevelopment of the site. Demolition of the existing building and erection of a 4-storey block of 11 x 2 bedroom flats with associated parking.**

The reasons for refusal and a analysis of the differences with the current scheme is detailed as follows:

#### 01.Excessive footprint

The proposed flatted development fails to respond to the its immediate context with regard to scale and massing, and would result in overdevelopment of the site in terms of the amount of hardstanding proposed including the footprint of the building and the area of car parking. The development exceeds the maximum 50% site coverage guidance. As such the development would result in a development that harms the viusal amenity of the area contrary to the provisions of Policies SDP1, SDP7, SDP9 & H7 of the City of Southampton Local Plan Review - Adopted Version March 2006 and guidance set out in the Residential Design Guide (2006).

**Scale:** The 2008 scheme proposed a building of a identical height to the 2007 application. Again, the building had a uniform 4-storey height (11.9 m). The current application proposes a building which steps up from 3-storeys on Northlands Road and uses the change in levels of achieve basement accommodation. The proposed top floor would also be set back. From street level, the proposed building is less tall than the refused scheme (ranging from 7.8m to 11.4m in height).

**Massing:** When viewed from the street, the 2008 application offered no improvements to the massing of the building when compared with the 2007 refusal. As detailed above, the current application incorporates a graduation in height which reduces the perceived massing and also incorporates significant recesses to the building when compared with the refused application.

**Site Coverage:** The current application proposes a reduced car parking area when compared with the refused scheme and also internalises cycle and refuse storage, which the 2008 application proposed in a separate store to the rear of the site. As stated above the current proposal also incorporates tree planting to the Northlands Road frontage and areas of green roof, which helps to reduce the perceived amount of development on the site.

#### 02. Insufficient Amenity Area

Notwithstanding the above the siting of the amenity space along the busy adjacent road frontages would result in the area being subject to noise, disturbance, pollution and lack of privacy and as such likely to be a deterrent to its use and is unlikely to offer a quality living environment for future occupiers contrary to the provisions of Policy SDP1 of the City of Southampton Local Plan Review - Adopted Version March 2006 and guidance set out in the Residential Design Guide (2006).

**Amenity Space:** The 2008 application again mainly relied on the communal area to the front of the site to provide amenity space. The current application by contrast incorporates private balconies and roof terraces, above road level.

### 03. S106

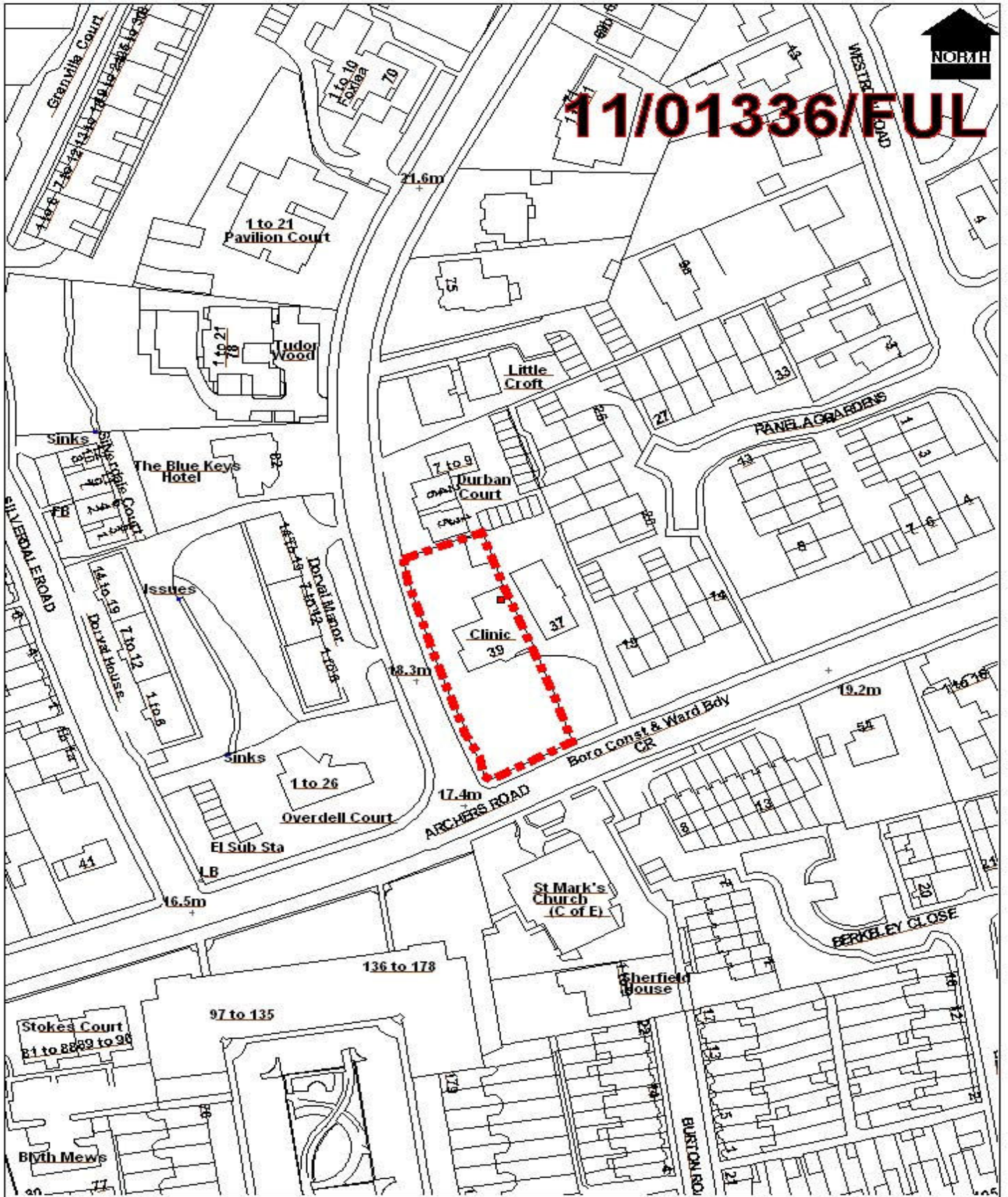
The proposals fail to satisfy the provisions of policy IMP1 of the City of Southampton Local Plan Review - Adopted Version March 2006 and the provisions of the Council's Supplementary Planning Guidance on Planning Obligations (November 2006) in the following ways:-

a) Measures to satisfy the public open space and play space requirements of the development. As such the development is contrary to Policies CLT5 and CLT6 of the City of Southampton Local Plan Review - Adopted Version March 2006.

b) Measures to support sustainable modes of transport such as necessary improvements to public transport facilities and pavements in the vicinity of the site contrary to policies SDP1, SDP2 and SDP3 of the City of Southampton Local Plan Review - Adopted Version March 2006.

c) Measures to support strategic transportation initiatives.

**Section 106 Agreement:** The application proposed would also require a section 106 agreement to mitigate against the direct local impacts of the development and the applicants have indicated their willingness to enter into such an agreement.



Scale : 1:1250

Date :01 February 2012

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