

Planning and Rights of Way Panel

Tuesday, 22nd June 2010
at 9.30 am

PLEASE NOTE TIME OF MEETING

Conference Room 3 - Civic Centre

This meeting is open to the public

Members

Councillor Fitzhenry (Chair)
Councillor Jones (Vice-Chair)
Councillor Letts
Councillor Mead
Councillor Osmond
Councillor Slade
Councillor Thomas

Contacts

Democratic Support Officer
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PUBLIC INFORMATION

Terms of Reference

The Panel deals with various planning and rights of way functions. It determines planning applications and is consulted on proposals for the draft development plan.

Public Representations

At the discretion of the Chair, members of the public may address the meeting about any report on the agenda for the meeting in which they have a relevant interest.

Members of the public in attendance at the meeting are advised of the process to be followed.

Southampton City Council's Six Priorities

- Providing good value, high quality services
- Getting the City working
- Investing in education and training
- Keeping people safe
- Keeping the City clean and green
- Looking after people

Smoking policy – The Council operates a no-smoking policy in all civic buildings

Mobile Telephones – Please turn off your mobile telephone whilst in the meeting.

Fire Procedure – In the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

Access – Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

Dates of Meetings: Municipal Year 2010/11

2010	2011
25 May 2010	18 January 2011
22 June	15 February
20 July	15 March
17 August	12 April
31 August	
28 September	
26 October	
23 November	
21 December	

CONDUCT OF MEETING

Terms of Reference

The terms of reference of the Planning and Rights of Way Panel are contained in Part 3 (Schedule 2) of the Council's Constitution

Business to be discussed

Only those items listed on the attached agenda may be considered at this meeting.

Rules of Procedure

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

Quorum

The minimum number of appointed Members required to be in attendance to hold the meeting is three.

Disclosure of Interests

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "personal" or "prejudicial" interests they may have in relation to matters for consideration on this Agenda.

Personal Interests

A Member must regard himself or herself as having a personal interest in any matter:

- (i) if the matter relates to an interest in the Member's register of interests; or
- (ii) if a decision upon a matter might reasonably be regarded as affecting to a greater extent than other Council Tax payers, ratepayers and inhabitants of the District, the wellbeing or financial position of himself or herself, a relative or a friend or:-
 - any employment or business carried on by such person;
 - any person who employs or has appointed such a person, any firm in which such a person is a partner, or any company of which such a person is a director;
 - any corporate body in which such a person has a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
 - any body listed in Article 14(a) to (e) in which such a person holds a position of general control or management.

A Member must disclose a personal interest.

/Continued...

Prejudicial Interests

Having identified a personal interest, a Member must consider whether a member of the public with knowledge of the relevant facts would reasonably think that the interest was so significant and particular that it could prejudice that Member's judgement of the public interest. If that is the case, the interest must be regarded as "prejudicial" and the Member must disclose the interest and withdraw from the meeting room during discussion on the item.

It should be noted that a prejudicial interest may apply to part or the whole of an item.

Where there are a series of inter-related financial or resource matters, with a limited resource available, under consideration a prejudicial interest in one matter relating to that resource may lead to a member being excluded from considering the other matters relating to that same limited resource.

There are some limited exceptions.

Note: Members are encouraged to seek advice from the Monitoring Officer or his staff in Democratic Services if they have any problems or concerns in relation to the above.

Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

Agendas and papers are available via the Council's Website

1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

To note any changes in membership of the Panel made in accordance with Council Procedure Rule 4.3.

2 DISCLOSURE OF PERSONAL AND PREJUDICIAL INTERESTS

In accordance with the Local Government Act 2000, and the Council's Code of Conduct adopted on 16th May 2007, Members to disclose any personal or prejudicial interests in any matter included on the agenda for this meeting.

NOTE: Members are reminded that, where applicable, they must complete the appropriate form recording details of any such interests and hand it to the Panel Administrator prior to the commencement of this meeting.

3 STATEMENT FROM THE CHAIR

4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)

To approve and sign as a correct record the Minutes of the meeting held on 25th May 2010 and to deal with any matters arising, attached.

CONSIDERATION OF PLANNING APPLICATIONS

ITEMS TO BE HEARD BETWEEN 9:30 AM TO 10:00 AM

5 20 - 26 COLLEGE STREET AND 29 - 35 RICHMOND STREET - 10/00581/MMA

Report of the Head of Planning and Sustainability recommending delegated authority be granted in respect of an application for a proposed development at the above address, attached.

ITEMS TO BE HEARD BETWEEN 10:00 AM TO 10:30AM

6 33 DOVER STREET - 10/00435/FUL

Report of the Head of Planning and Sustainability recommending conditional approval be granted in respect of an application for a proposed development at the above address, attached.

ITEMS TO BE HEARD BETWEEN 10:30 AM TO 11:30 AM

7 195 - 207 COXFORD ROAD - 10/00471/FUL

Report of the Head of Planning and Sustainability recommending approval be refused in respect of an application for a proposed development at the above address, attached.

ITEMS TO BE HEARD BETWEEN 11:30 AM TO 12 NOON

8 51 HIGH ROAD - 10/00181/OUT

Report of the Head of Planning and Sustainability recommending conditional approval be granted, subject to no additional or adversary consultation comments being received in relation to the proposal, in respect of an application for a proposed development at the above address, attached.

ITEMS TO BE HEARD BETWEEN 12 NOON AND 12:30 PM

9 ST FRANCIS OF ASSISI CHURCH, MONTAGUE AVENUE - 10/00354/FUL

Report of the Head of Planning and Sustainability recommending delegated authority be granted in respect of an application for a proposed development at the above address, attached.

ITEMS TO BE HEARD BETWEEN 12:30 PM AND 1:00 PM

10 FLEMING ARMS, WIDE LANE - 10/00399/FUL

Report of the Head of Planning and Sustainability recommending delegated authority be granted in respect of an application for a proposed development at the above address, attached.

ITEMS TO BE HEARD BETWEEN 1:00 PM TO 1:30 PM

11 FLEMING ARMS, WIDE LANE - 10/00400/LBC

Report of the Head of Planning and Sustainability recommending conditional approval be granted in respect of an application for a proposed development at the above address, attached.

ITEMS TO BE HEARD BETWEEN 2:30 PM TO 3:00 PM

12 LAND TO REAR OF 104-106A EAST STREET - 10/00553/FUL

Report of the Head of Planning and Sustainability recommending delegated authority be granted in respect of an application for a proposed development at the above address, attached.

Monday, 14 June 2010

SOLICITOR TO THE COUNCIL

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PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 25 May 2010

Present: Councillors Fitzhenry (Chair), Jones, Letts, Norris, Osmond, Slade and Thomas

Apologies: Councillor Mead

1. **ELECTION OF VICE-CHAIR**

RESOLVED that Councillor Jones be elected Vice-Chair for the Municipal Year 2010/2011.

2. **APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)**

The Panel noted that Councillor Norris was in attendance as a nominated substitute for Councillor Mead in accordance with Council Procedure Rule 4.3.

3. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED that the Minutes of the meeting held on 13th April 2010 be approved and signed as a correct record.

CONSIDERATION OF PLANNING APPLICATIONS

Copy of all reports circulated with the agenda and appended to the signed minutes.

4. **LAND TO THE REAR OF 429 SHIRLEY ROAD - 10/00283/FUL**

Redevelopment of the site. Erection of a part 2-storey and part 3-storey building to provide 10 flats (1x one bedroom, 6 x two bedroom and 3 x three bedroom) with associated works

Mr Sennitt (Applicant) was present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO DELEGATE AUTHORITY TO THE HEAD OF PLANNING AND SUSTAINABILITY TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 LEGAL AGREEMENT WAS CARRIED UNANIMOUSLY.

RESOLVED

- (i) that authority be delegated to the Head of Planning and Sustainability to grant conditional planning approval subject to:-
 - a) the conditions in the report and the amended conditions below;
 - b) the applicant entering into a Section 106 Legal Agreement to secure:

1. a financial contribution towards the provision of public open space and equipment in accordance with policy CLT5 and IMP1 of the adopted City of Southampton Local Plan and applicable SPG;
 2. a financial contribution towards the provision of a new children's play area and equipment in accordance with policy CLT6 and IMP1 the adopted City of Southampton Local Plan and applicable SPG;
 3. a financial contribution towards site specific transport contributions for highway improvement in the vicinity of the site in accordance with IMP1 the adopted City of Southampton Local Plan and appropriate SPG to encourage sustainability in travel through the use of alternative modes of transport to the private car;
 4. a financial contribution towards strategic transport contributions for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG;
 5. a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer;
 6. a refuse management plan to outline the methods of storage and waste collection of refuse from the land in accordance with policy SDP1 of the development plan and appropriate SPG; and
 7. an affordable housing provision in accordance with appropriate SPG.
- (ii) that the Head of Planning and Sustainability be authorised to refuse permission should the Section 106 Agreement not be completed by 25th June 2010 on the ground of failure to secure the provisions of the Section 106 Agreement.

Amended Conditions

12 - Renewable Energy - Micro-Renewables

An assessment of the development's total energy demand and a feasibility study for the inclusion of renewable energy technologies on the site, that will achieve a reduction in CO2 emissions [of at least 20%] must be conducted. Plans for the incorporation of renewable energy technologies to the scale that is demonstrated to be feasible by the study, and that will reduce the CO2 emissions of the development [by at least 20%] must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent. Renewable technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

REASON:

To reduce the impact of the development on climate change and finite energy resources and to comply with adopted policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010). Also to comply with policy NRM11 of the Regional Spatial Strategy for the South East of England adopted version (May 2009).

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The site is part of a defined shopping centre (secondary retail frontage). Whereas no retail use has been proposed for the ground floor of the new building, it is recognised that the main focus for retail activity is Shirley Road and the immediate return into Shirley Avenue. Those elements are outside the application site. Less retail (storage) space on the application site is not considered harmful to the overall vitality and viability of the entire defined shopping centre. This technical failure to meet policy REI4 is therefore not considered to justify a refusal. Other material considerations including the design, impact on the residential amenity of neighbouring dwellings and highway safety issues have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Saved Policies - SDP1(i), SDP5, SDP7 (iv) (v), SDP9 (v) H2 (ii) (iii) (vii), CLT5, CLT6 and REI4 of the City of Southampton Local Plan Review (March 2006). CS5, CS13 (11) (12), CS15, CS16, CS19, CS20, CS25 of the adopted Core Strategy (January 2010).

5. 59 AVENUE ROAD - 10/00311/FUL

Alterations to existing building including new windows and doors and change of use to provide 12 flats (9 x studio flats, 2 x one bedroom flats and 1 x three-bedroom flat) with associated refuse store.

Mr Holmes (Agent) was present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO DELEGATE AUTHORITY TO THE HEAD OF PLANNING AND SUSTAINABILITY TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 LEGAL AGREEMENT WAS CARRIED UNANIMOUSLY

RESOLVED

- (i) that authority be delegated to the Head of Planning and Sustainability to grant conditional planning approval subject to:-
 - a. the conditions in the report, the amended and additional conditions below;
 - b. the applicant entering into a Section 106 Legal Agreement to secure:-
 1. a financial contribution towards the provision of public open space and equipment in accordance with policy CLT5 and IMP1 of the adopted City of Southampton Local Plan and applicable SPG;
 2. a financial contribution towards the provision of a new children's play area and equipment in accordance with policy CLT6 and IMP1 the adopted City of Southampton Local Plan and applicable SPG;
 3. a financial contribution towards site specific transport contributions for highway improvement in the vicinity of the site in

accordance with IMP1 the adopted City of Southampton Local Plan and appropriate SPG to encourage sustainability in travel through the use of alternative modes of transport to the private car;

4. a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer; and
 5. the local planning authority will not seek an affordable housing contribution subject to the approved works being carried out, and all units being ready for occupation, within 18 months of the date of the decision. If the units are not available for occupation by this date, an affordable housing contribution will have to be paid or a subsequent viability assessment submitted, at the cost of the developer, to determine what amount could be reasonably sought.
- (ii) that the Head of Planning and Sustainability be authorised to refuse permission should the Section 106 Agreement not be completed by 25th June 2010 on the ground of failure to secure the provisions of the Section 106 Agreement.

Amended Conditions

1 - 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).

7 - Bat Inspection

Prior to the development taking place, the building must be inspected for the presence of Bats. If Bats are discovered within the building work must be stopped, the local planning authority informed and advice sought from Natural England on how to proceed. Development must not proceed until the developer has written confirmation from the local planning authority that the works can proceed. If Bats are not discovered within the building this must be put in writing to the local planning authority prior to the commencement of works.

REASON:

For the safeguarding of species protected by The Wildlife and Countryside Act 1981 (as amended) and the conservation of biodiversity as the site is potentially of ecological interest.

Additional Conditions

16 – Front boundary wall

The front boundary wall as shown in approved drawings C10/29.13 Rev B and C10/29.12 Rev B shall be built prior to the occupation of the dwellings hereby approved and thereafter retained at all times.

REASON:

To enable the local planning authority to control the development in the interests of visual amenity and the prevention of off road car parking.

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including the loss of office accommodation, the impact on the residential amenity of neighbouring dwellings and highway safety issues 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. Objections regarding over intensive use of the site, where the quality of living accommodation proposed is of an acceptable standard, have been carefully considered. The proposals are considered to be an appropriate re-use of an existing building. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Saved Policies - SDP1(i), SDP5, SDP7 (iv) (v), SDP9 (v) H2 (ii) (iii) (vii), H5, CLT5, CLT6, of the City of Southampton Local Plan Review (March 2006). CS5, CS13 (11) (12), CS15, CS16, CS19, CS20 of the adopted Core Strategy (January 2010).

6. 20-24 ORCHARD PLACE - 10/00242/FUL

Renewal of 06/01681/TEMP for continued use of land for parking 24 cars for a further 3 years (until 31.03.2013)

Mr Barker (Applicant) was present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO GRANT CONDITIONAL TEMPORARY PLANNING PERMISSION UNTIL 31.03.2013 WAS CARRIED UNANIMOUSLY

RESOLVED that temporary planning approval be granted subject to the conditions in the report.

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including surrounding character and amenity have been considered and are not judged to have sufficient weight to justify a refusal of the application. Where applicable, conditions have been applied in order to satisfy these matters. As the City Centre Action Plan is not due to be adopted until 2013 and given that this is an existing situation having a neutral effect on the amenities of the area - introducing some activity and natural surveillance to the area - it is considered unreasonable to object to the principle of the proposal for a further temporary period. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus temporary permission until 31 March 2013 should therefore be granted.

Policies - SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11 and SDP17 of the City of Southampton Local Plan Review (March 2006); and CS18, CS19 and CS20 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

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Agenda Annex

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 22 JUNE 2010

PLEASE NOTE: THE PANEL, SHOULD IT BE REQUIRED, WILL BREAK FOR LUNCH AT APPROXIMATELY 1.30 PM FOR ONE HOUR

Application Number	Officer	Recommendation	Type	PSA	Site Address
<u>BETWEEN 9.30 A.M. AND 10.00 A.M.</u>					
10/00581/MMA	SL	DEL	Q13	5	20-26 College St. and 29-35 Richmond St.
<u>BETWEEN 10.00 A.M. AND 10.30 A.M</u>					
10/00435/FUL	AA	DEL	Q21	5	33 Dover Street
<u>BETWEEN 10.30 A.M. AND 11.30 A.M</u>					
10/00471/FUL	BG	DEL	Q7	15	195 - 207 Coxford Rd
<u>BETWEEN 11.30 A.M. AND 12.00 NOON</u>					
10/ 00181/OUT	AG	DEL	Q13	5	51 High Road
<u>BETWEEN 12.00 NOON AND 12.30 P.M</u>					
10/00354/FUL	AG	DEL	Q7	15	St Francis of Assisi Church, Montague Ave.
<u>BETWEEN 12.30 P.M. AND 1.00 P.M</u>					
10/00399/FUL	JT	DEL	Q12	15	Fleming Arms, Wide Lane
<u>BETWEEN 1.00 P.M. AND 1.30 P.M</u>					
10/00400/LBC	JT	DEL	Q23	5	Fleming Arms, Wide Lane
<u>LUNCH BREAK</u>					
<u>BETWEEN 2.30 P.M. AND 3.00 P.M</u>					
10/00553	BG	DEL	Q7	15	Land to Rear of 104-106A East Street

Abbreviations:

PSA – Public Speaking Allowance; CAP - Approve with Conditions: DEL - Delegate to Officers: PER - Approve without Conditions: REF – Refusal: TEMP – Temporary Consent

AA – Andrew Amery, AG - Andrew Gregory, ARL – Anna Lee, AW - Alan Watts, BG- Bryony Giles, DJR - David Randal, GG – Gavin Grayer, JT - Jenna Turner, KC – Karl Collymore, LD - Luan Dray, MP- Mathew Pidgeon, MT- Melanie Tapping, SH- Stephen Harrison, SL - Steve Lawrence, SB – Stuart Brooks, RP – Richard Plume, RT- Roger Taylor,

Southampton City Council - Planning and Rights of Way Panel

Local Government (Access to Information) Act 1985 Index of Documents referred to in the preparation of reports on Planning Applications: Background Papers

1. Documents specifically related to the application
 - (a) Application forms, plans, supporting documents, reports and covering letters
 - (b) Relevant planning history
 - (c) Response to consultation requests
 - (d) Representations made by interested parties

2. Statutory Plans
 - (a) City of Southampton Local Development Framework – Core Strategy
 - (b) City of Southampton Local Plan Review (Adopted March 2006) saved policies
 - (c) Local Transport Plan 2006 – 2011 (June 2006)
 - (d) Hampshire County Structure Plan 1996-2011 (review) - the Joint Structure Plan for the counties of Hampshire, Portsmouth and Southampton 2000.
 - (e) Hampshire, Portsmouth and Southampton Minerals and Waste Local Plan 1998.

3. Statutory Plans in Preparation

4. Policies and Briefs published and adopted by Southampton City Council
 - (a) Greening the City - (Shoreburs; Lordsdale; Weston; Rollesbrook Valley; Bassett Wood and Lordswood Greenways) - 1985-1995.
 - (c) Women in the Planned Environment (1994)
 - (d) Advertisement Control Brief and Strategy (1991)
 - (e) Nature Conservation Strategy (1992)
 - (g) Economic Development Strategy (1996)
 - (h) Banister Park (1991)
 - (i) Bassett Avenue (1982)
 - (k) Howard Road (1991)
 - (l) Lower Freemantle (1981)
 - (m) Mid Freemantle (1982)
 - (n) Westridge Road (1989)
 - (o) Westwood Park (1981)
 - (p) Test Lane (1984)
 - (q) Northam Road Area Improvement Strategy (1987)
 - (r) Houses in Multiple Occupation (1990)
 - (s) Residential Standards (1989)
 - (u) Vyse Lane/58 French Street (1990)
 - (v) Tauntons College Development Guidelines (1993)
 - (w) Old Woolston Development Control Brief (1974)
 - (x) Cranbury Place (1988)
 - (y) Carlton Crescent (1988)
 - (z) Old Town (1974)

 - (aa) Oxford Street (1982)
 - (ab) The Avenue (1988)

- (ac) Bassett Green Village (1987)
- (ad) Old Woolston and St Annes Road (1988)
- (ae) Itchen Valley (1993)
- (af) Itchen Valley Strategy (1993)
- (ai) Portswood Residents' Gardens Conservation Area Character Appraisal (1999)
- (ak) Land between Aldermoor Road and Worston Road Development Brief (1997)
- (al) The Bevois Corridor Urban Design Framework (1998)
- (am) Southampton City Centre Urban Design Strategy (2000)
- (an) St Mary's Place Development Brief (2001)
- (ao) Ascupart Street Development Brief (2001)
- (ap) Design Guidance for the Uplands Estate (Highfield) Conservation Area 1993
- (aq) Design Guidance for the Ethelburt Avenue (Bassett Green Estate) Conservation Area (1993)
- (ar) Canute Road Conservation Area Character Appraisal (1996)
- (as) The Avenue Conservation Area Character Appraisal (1997)
- (at) St James Road Conservation Area Character Appraisal (1996)
- (au) Old Town Development Strategy (2004)

5. Documents relating to Highways and Traffic

- (a) Hampshire C.C. - Movement and Access in Residential Areas
- (b) Hampshire C.C. - Safety Audit Handbook
- (c) Southampton C.C. - Cycling Plan (June 2000)
- (d) Southampton C.C. - Access for All (March 1995)
- (e) Institute of Highways and Transportation - Transport in the Urban Environment
- (f) I.H.T. - Traffic Impact Assessment Guidelines
- (g) Freight Transport Association - Design for deliveries
- (h) DETR Traffic Advisory Leaflets (various)

6. Planning related Government Circulars in most common use

- | | | |
|-----|---|-------|
| (a) | Planning Obligations | 1/97 |
| (b) | Planning Controls over Hazardous Uses | 11/92 |
| (c) | The Use of conditions in planning permissions | 11/95 |
| (d) | Planning out Crime | 5/94 |
| (e) | Environmental Impact Assessment | 2/99 |
| (f) | Development and Flood Risk | 30/92 |
| (g) | Planning Controls over Demolition | 10/95 |
| (h) | Planning and Affordable Housing | 6/98 |
| (i) | Planning and the Historic Environment | 14/97 |
| (j) | Prevention of Dereliction through the Planning System | 2/98 |
| (k) | Air Quality and Land Use Planning | 10/97 |
| (l) | Town and Country Planning General Regulations | 19/92 |
| (m) | Planning and Affordable Housing | 6/98 |

7. Government Policy Planning Advice

- (a) PPS1 Delivering Sustainable Development (February 2005)
- (b) PPG2 Green Belts (January 1995 - Amended March 2001)
- (c) PPS3 Housing (November 2006)
- (d) PPG4 Industrial, Commercial Development and Small Firms (November 1992)

- (e) PPG5 Simplified Planning Zones (November 1992)
- (e) PPS6 Planning for Town Centres (March 2005)
- PPS7 Sustainable Development in Rural Areas (August 2004)
- (f) PPG8 Telecommunications (August 2001)
- (g) PPS9 Biodiversity and Geological Conservation (August 2005)
- (h) PPS10 Planning for Sustainable Waste Management (July 2005)
- (i) PPS11 Regional Spatial Strategies (September 2004)
- (j) PPS12 Local Development Frameworks (September 2004)
- (k) PPG13 Transport (March 2001)
- (l) PPG14 Development on Unstable Land (1990)
- (m) PPG15 Planning and the Historic Environment (September 1994)
- (n) PPG16 Archaeology and Planning (November 1990)
- (o) PPG17 Planning for Open Space, Sport and Recreation (July 2002)
- (p) PPG18 Enforcing Planning Control (December 1991)
- (q) PPG19 Outdoor Advertising Control (March 1992)
- (r) PPG20 Coastal Planning (September 1992)
- (s) PPG21 Tourism (1992)
- (t) PPS22 Renewable Energy (August 2004)
- (u) PPS23 Planning and Pollution Control (November 2004)
- (v) PPG24 Planning and Noise (September 1994)
- (w) PPG25 Development and Flood Risk (July 2001)
- (x) Regional Planning Guidance for the South East (July 2004)

8. Other Published Documents

- (a) Planning for Daylight and Sunlight - DOE
- (b) Coast and Countryside Conservation Policy - HCC
- (c) The influence of trees on house foundations in clay soils - BREDK
- (d) Survey and Analysis - Landscape and Development HCC
- (e) Root Damage to Trees - siting of dwellings and special precautions - Practice
Note 3 NHDC
- (f) Shopping Policies in South Hampshire - HCC
- (h) Buildings at Risk Register SCC (1998)
- (i) Southampton City Safety Audit (1998)
- (j) Urban Capacity Study 2005 – 2001 (March 2006)

9. Other Statutes

- a) Crime and Disorder Act 1998
- b) Human Rights Act 1998

Partially Revised: 29.01.2010

Agenda Item 5

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 22 June 2010
 Planning Application Report of the Head of Division

Application address	20 - 26 College Street And 29 - 35 Richmond Street		
Proposed development:	Minor material amendment sought to consent 06/00246/FUL - (Redevelopment of the site to provide 90 flats (45 x one-bedroom and 45 x two-bedroom flats), 1220 square metres of commercial floorspace within buildings ranging in height from 6 to 8 storeys and 43 car parking spaces with vehicular access from Richmond Street and College Street) - to alter development mix on 1st floor, putting 7No. flats (2x1-bed and 5x2-bed) in place of 488 square metres of class B1 office floor space.		
Application number	10/00581/MMA	Application type	Full Detailed
Case officer	Steve Lawrence	Application category	Q13 - Minor Dwellings

Recommendation Summary	Delegate to the Head of Planning & Sustainability to grant planning permission subject to criteria listed in report.
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Reason for Panel consideration	Departure also requiring completion of legal agreement under Section 106 of the 1990 Act
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Applicant: Crest Nicholson (South East) Ltd	Agent: Mr Julian Goodban GL Hearn
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Date of receipt	29/04/2010	City Ward	Bargate
Date of registration	29/04/2010	Ward members	Cllr P Damani
Publicity expiry date	8.07.2010		Cllr A V Willacy
Date to determine by	24/06/2010 OUT OF TIME		Cllr S Bogle

Site area	488 sq.m B1 approved (overall site 0.23 ha)	Usable private balcony area	shown: 0m ² , albeit access to two separate (total 813m ²) communal internal amenity decks 8.4m ² per unit overall (compared to 9m ² as approved, albeit 70 approved units also enjoy balconies).
Site coverage (developed area)	100%		
Density - whole site	421 d.p.h (overall, 391 as approved)		

Residential mix	nos	size sqm	Other land uses	class	size sqm
Studio / 1-bedroom	2	47 sq.m	Commercial use	-	-
2-bedroom	5	57 – 75sq.m	Retail use	-	-
Policy designation	- Class B1 allocation under LPR Policy REI 11 (vi)				

Accessibility zone	Band 6	Policy parking max	43 spaces (as approved)
Parking Permit Zone	no	existing site parking	0 spaces
Cyclist facilities	yes	car parking provision	As approved
motor & bicycles	7 cycles	disabled parking	As approved

Key submitted documents supporting application			
1	Agent's letter	2	Viability Statement
Appendix attached			
1	Relevant Planning Policy		

Recommendation in full

Delegate the authority to the Head of Planning & Sustainability to grant planning permission, subject to the applicant entering into a Section 106 planning agreement secure:-

- (i) A financial contribution towards the provision of public open space in accordance with policy CLT5 & IMP1 of the adopted City of Southampton Local Plan and applicable SPG;
- (ii) A financial contribution towards the provision of a new children's play area and equipment in accordance with policy CLT6 & IMP1 the adopted City of Southampton Local Plan and applicable SPG;
- (iii) Provision of affordable housing in accordance with appropriate SPG;
- (iv) A financial contribution towards site specific transport contributions for highway improvement in the vicinity of the site in accordance with appropriate SPG to encourage sustainability in travel through the use of alternative modes of transport to the private car;
- (v) Adherence to the previously submitted Travel Plan;
- (vi) Details outlining a waste management scheme for the flats;
- (vii) Dedication of land to public use to enable widening of footways and an undertaking to enter into Section 278 Agreement;
- (viii) A financial contribution towards strategic transport contributions for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG;
- (ix) A financial contribution towards public realm improvements in accordance with policy;
- (x) A financial contribution to the provision of Public Art in accordance with policy;
- (xi) Obligations relating to resource conservation measures to comply with policy SDP13 of the Local Plan;
- (xii) An undertaking to ensure that the commercial units are completed (shell and core finish) before first habitation of the flats;
- (xiii) A highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.

or

That in the event that the legal agreement is not been completed by 9 July 2010 that the Head of Planning & Sustainability be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Agreement.

BACKGROUND

On 24 April 2006, under reference 06/00246/FUL, the Planning and Rights of Way Panel delegated authority to the Development Control Manager to grant planning permission, subject to signing a S.106 legal agreement to secure various matters, for:-

Demolition of the existing buildings. Redevelopment of the site to provide 90 flats (45 x one-bedroom and 45 x two-bedroom flats), 1220 square metres of commercial floorspace within buildings ranging in height from 6 to 8 storeys and 43 car parking spaces with vehicular access from Richmond Street and College Street.

The S.106 was signed and a decision notice was issued. Upon the submission of further details, planning conditions were largely discharged/approved (subject to implementation) by the local planning authority in a letter dated 8 August 2008.

Existing buildings on site were then demolished and access and some drainage works associated with the approved development were commenced. A deed of variation to the S.106 was signed on 6 July 2009. This effectively altered the trigger for payment of the agreed contributions from commencement to first occupation.

Notwithstanding that, the owners/applicant has found difficulty in the current recession to implement this mixed use scheme. Two meetings have taken place with officers to explore whether the mix and precise configuration of the scheme might be altered to allow implementation.

The Government has recently introduced a new type of planning application, whereby a Minor Material Amendment might be sought to a consent already granted. The Regulations and guidance make it clear that this can also relate to the terms of any previously imposed planning condition.

It is also clear that if a Local Planning Authority is minded to support such an application, the decision it issues amounts to issuing a fresh planning permission in law.

One key aspect here relates to the mix of the development. The applicant has carried out an assessment regarding the viability of providing B1 office floor space at this site. It concludes that the scheme would be unviable if the current mix was implemented and office space on the first floor would not be likely to be occupied.

7 further dwellings in place of 488m² of office space are therefore proposed instead of the approved mix for the first floor.

Site and surrounding context

The 0.23 hectare cleared, but overgrown application site, now surrounded by hoarding, was once occupied by three commercial buildings.

The area is characterised by a mix of residential and commercial buildings. The site is framed by a cluster of tall buildings. Mercury Point located to the north of the site is 17 storeys high and Richmond House, which is two buildings along, is 7 storeys high rising to 13 storeys. Oxford House, the abutting property, is two storeys high.

The site is on a prominent corner and is visible from the Oxford Street Conservation Area, whose boundary finishes on the south side of Bernard Street.

There is a large Council owned surface level car park between the application site and Bernard Street. That itself has been the subject of a feasibility exercise by the Council who commissioned Savills to prepare a development Brief. That Brief has yet to be formally adopted, but does include the option of a wider scheme encompassing the application site, Oxford House and Richmond House, should owners of those sites wish to collaborate with the council.

The site itself lies within an area designated for light industry and research and development uses under Policy REI 11(vi) within the Local Plan Review.

Proposal

06/00246/FUL was a full application. Approval was given for the construction of a building ranging between 6 and 8 storeys in height. The proposed height along Threefield Lane would be 6 storeys high rising to 8 on the corner with College Street. The height along both College Street and Richmond Street is approved as 6 storeys rising to 8.

90 flats have been approved: 45 each of one-bed and two-bed.

Two storeys of commercial floorspace (1220m²) have been approved.

The approved development is to be served by 43 car parking spaces accessed via College Street and this area would also be used to house residents' and office occupiers' bicycles and refuse storage.

The commercial floor elevations will be formed of brick piers and narrow windows. The residential element of the scheme will comprise mainly of white render and brick work with timber cladding on the top floor and as corner features with a grey wall panelling system framing these elements.

70 of the flats have their own balcony. All have access to two common amenity spaces. The first internally is at third floor level (635m²). The second, is a rooftop terrace at the sixth floor level (178m²).

The applicant now proposes that all previously approved B1 space on the first floor (essentially the western and southern wings as consented), be instead laid out as 7 additional flats. None of these flats would enjoy a balcony, but would have access to the two common amenity spaces referred to above.

Overall, the B1 space would drop from 1220m² to 732m², purely located on the ground floor. The applicant has confirmed that the B1 space would enjoy use of 4 of the 43 approved car parking spaces.

The applicant has commissioned appropriate professional advice as to a review of market conditions in the city and the availability quantitatively and qualitatively of existing or consented office floor space. For example, the nearby Richmond House is currently 86% vacant, The 'Carnival' company having recently relocated to its new office building in West Quay Road. It is concluded that the prospect of a reliable rental income from providing office accommodation on the first floor is not likely and would adversely affect the viability of the entire project.

The applicant is willing to vary the terms of the previous planning agreement to provide an additional unit of affordable housing (i.e. the development would now contribute 24 in total).

Plot 1.06 on the first floor of the approved building as sought to be varied, is identified as the net additional unit of affordable housing. Because of the alteration in the mix of the development, contributions would also need to be adjusted.

Relevant Planning Policy

The Development Plan for Southampton currently comprises the South East Plan Regional Spatial Strategy (May 2009), the Local Development Framework Core Strategy for Southampton (January 2010) and the "saved" policies from the Local Plan Review for the City of Southampton (March 2006). Those relevant are set out at **Appendix 1**.

Given the site's allocation under REI 11 (vi), the primary consideration is to secure employment generation to assist with the city's economic health. A mixed use scheme has already been accepted on this site as a departure from that zoning and is compliant with Local Plan Review Policy SDP1 (iii).

The Government's considerations of achieving affordable housing and the sustainable use of previously developed land are also relevant.

Sustainability Implications

The previous consent sought to secure a package of resource conservation measures through the S.106 agreement. It is recommended that a similar approach is reiterated here.

Relevant planning history

Under **05/00517/FUL** permission for:-

Demolition of existing buildings and redevelopment of this site to provide 110 flats (17 x 1 bed and 93 x 2 bed flats), 743 square metres of commercial floorspace within buildings ranging in height from 6 -11 storeys and 85 car parking spaces with vehicular access from Richmond Street and College Street.

- was refused 20/06/2005 for a number of reasons, the most relevant here being:-

- Inappropriate commercial floor space in terms of Class B1(b) and B1(c) usage as there was not enough employment generating floor space;
- The proposal would be an overdevelopment of the site in that it would provide a poor quality living environment for the future occupiers of the residential accommodation in terms of privacy and outlook and the inadequate amount and quality of private and communal amenity space to be made available to the occupiers of the residential accommodation; and

- The proposal does not include sufficient detailed information to determine whether or not flood risk matters have been satisfactorily addressed.

Application **06/00246/FUL** was then submitted and successfully addressed the stated reasons for refusal. In particular, 1220m² of B1 space was proposed in place of the 743 m² previously proposed. Conditional permission was granted 23/06/2006.

It should be noted that PPG25 was in place at the time of determining 06/00246/FUL. PPS 25 has now replaced PPG25.

Under application **10/00208/NMA** - Non-material amendments were sought to permission 06/00246/FUL comprising changes to the internal arrangement and external appearance of the approved building and an update of Condition 3 relating to the approved planning drawings. Quantum of Development remains the same – no objection 23.03.2010.

Under application **10/00516/NMA** - Non-material amendments were sought to consent 06/00246/FUL including insertion of door at ground floor to north elevation, adjustments to layout and number of commercial units including removal of some stairwells, insertion of lobbies and new storeroom, adjustments to (internal courtyard) south elevation fenestration – no objection 15.6.2010.

Members may wish to be aware that outline planning permission has just been refused under delegated powers at the abutting Oxford House site for:-

Redevelopment of the site. Erection of a part 9-storey and part 12-storey building to provide 63 flats (30 x one bedroom and 33 x two bedroom flats) and 1,138 square metres of office floor space (Class B1) with associated access and parking (Outline application with access, layout and scale for consideration at this stage).

- on 10/05/2010. In summary, the local planning authority's reasoning includes:-

- Impact on the character of the area from a further tall building;
- Harm to residential amenity of those who come to occupy the consented development to the west (06/00246/FUL), restricted outlook from habitable room windows, inadequate useable amenity space, poor access via an undercroft car park and an adverse impact on the development potential of adjoining sites.
- Flood risk
- Mix of accommodation, in particular failing to incorporate any units being capable of occupied as family housing.
- Loss of community-based health care facility
- Failure to secure Section 106 matters.

Consultation Responses and Notification Representations

Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included consulting Planning Policy, Housing Services, Pollution and Safety Team and the Environment Agency.

A press advertisement has belatedly been arranged, even though the proposals still represent a departure from the Development Plan and this aspect of the development has

previously been advertised under application 06/00246/FUL. Any favourable decision would not, however, need to be referred to GoSE.

Summary of Consultation comments

Environment Agency

Under application 06/00246/FUL the EA had commented that as there will be no sleeping accommodation on the ground floor level of the proposed development and as the finished level is above the risk zone (3.45 AOD) as set out in (then) Flood Risk Assessment. No increased risk to people and property was concluded at that time.

Any views received from the EA will be reported at the meeting.

Housing Services

No objection raised, subject to the additional unit of affordable housing being secured through a planning legal agreement.

Planning Consideration Key Issues

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

- i. The principle of altering the approved mix of development, given the site's allocation purely for B1 purposes;
- ii. Flood risk;
- iii. Design, density & impact on established character;
- iv. Residential amenity;
- v. Highways and parking.

The principle of development

The Core Strategy includes a target for 322,000 sq m of new office space, to help promote economic growth in the city centre. Whilst there are a range of potential sites to meet this target, many are longer term options which require further investigation.

It is considered that the reduced office space is realistic and appropriate given the current circumstances of this particular case. This is due to the combination of a number of factors:

- The difference in absolute terms is relatively small
- The secondary nature of the area in office terms
- The scheme still provides new office floorspace, and provides a higher density solution relative to the previous use of the site, so the number of jobs generated are still likely to be broadly equivalent to using the whole site for light industry or warehousing, and in addition the scheme will provide residential units.
- The unsuccessful marketing of the scheme (e.g. no interest expressed)
- Current circumstances (e.g. the recent recession and the significant increase in vacant offices).

Redevelopment for solely light industrial use is unlikely to be viable, therefore a mixed use including offices on the ground floor street frontage is considered acceptable for this city centre site.

Although the proposal is still a departure from the adopted plan and in fact results in less B1 space (732 m²) compared to that refused under 05/00517/FUL (743m²), the proposed alternative scheme is acceptable given current market conditions and the applicant's assessment of overall viability.

The proposed remaining B1 floorspace will attract companies due to the site's accessible location and would still intensify the employment potential of the site in line with the adopted policy, over and above that previously provided by the warehouses that once occupied the site.

There is a justifiable case that a departure from adopted policy would be beneficial and acceptable. This justification is supported by the Council's policy team.

Due to the type of development proposed in terms of its location above commercial units and its city centre position the development is not suitable for family size accommodation and the threshold for Policy CS16 I in any case 10 new dwellings.

Flood risk

The application site currently sits astride Flood Zones 2 and 3a as notified by the Environment Agency, albeit by the year 2115 all but the last 200m west part of the site could be within flood zone 3a. The topographic survey undertaken for 06/00246/FUL records surrounding ground levels at between 2.9-3.9m AOD, rising to the west.

The previous flood risk assessment for 06/00246/FUL modelled that a 1:200 year flood event would impact the site to 2.7m AOD. Parts of the ground floor could be impacted to a shallow depth, but that escape routes to the north and west would not be impacted up to the year 2060.

A further 7 flats are proposed, over and above the consented scheme. None would be a ground floor, but would non-the-less contain sleeping accommodation in a flood risk zone.

A new flood risk assessment has been submitted with the current application. The scheme has been remodelled using year 2115 flood levels, assuming a 100 year lifespan for the new building. Using the Strategic Flood Risk Assessment (SFRA) prepared by Partnership for Urban South Hampshire (June 2008), a 1:200 flood level of 4.2m AOD is predicted. The approved first floor accommodation is 6.85m AOD.

The amended scheme now also proposes to incorporate flood resistant/resilient measures to provide a defence up to the projected year 2115, 1:200 flood event level. Such measures will include the removal/sealing of ground level vents (use of 'Independent Flood Defence Products' Ventguard, Ventseal and Smartbrick are currently being considered) and having anti-flood valves fitted to all drainage runs existing the building.

The applicant's consultant has also recommended the Government advice of 'Improving the flood performance on new buildings – flood resistant construction' is followed, where the new building might include:-

- Sealed service ducts
- Electrical and other plant being located at a raised level
- High level electrical sockets
- Optimising the security of supplies

Whereas a more detailed SFRA is being prepared for Southampton, this is unlikely to be made available before late July 2010.

The safe access arrangements intended for the additional 7 dwellings beyond the year 2060 are:-

- Provision of trained flood wardens on the site
- The applicant signing-up to the EA flood warning direct service
- Preparation of a flood risk management plan for the whole development
- Provision of a safe refuge – the internal amenity deck at 3rd floor level, to disseminate information if a flood event occurred.

The intended strategy for the management plan above is to arrange evacuation prior to the flood event occurring, by giving advance warning of such events, so as to not place undue reliance on the emergency services. By applying the plan to the whole development, the applicant agrees a betterment on the existing consented arrangements.

The approach set out in PPS25 is to first seek to develop sites for new housing in Flood Zone 1 (i.e. no risk of flood) and to develop sites in Flood Zone 3 last and only then where certain criteria are met.

Local planning authorities should apply the sequential approach as part of the identification of land for development in areas at risk of flooding.

If there is no reasonably available site in Flood Zone 1, the flood vulnerability of the proposed development (see Table D.2, Annex D) can be taken into account in locating development in Flood Zone 2 and then Flood Zone 3. Within each Flood Zone new development should be directed to sites at the lowest probability of flooding from all sources.

If, following application of the Sequential Test in Annex D, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones of lower probability of flooding, the Exception Test can be applied. It is only appropriate for use when there are large areas in Flood Zones 2 and 3, where the Sequential Test alone cannot deliver acceptable sites, but where some continuing development is necessary for wider sustainable development reasons, taking into account the need to avoid social or economic blight.

Only when sites are not reasonably available to a developer should flood zone 3 be considered and development only entertained if a number of criteria have been met. All the three elements (see para. D.9, Annex D) of the test will have to be passed for development to be permitted. For the Exception Test to be passed:

a) it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a strategic flood risk assessment where one has been prepared. The benefits of the development should contribute to the Core Strategy's Sustainability Appraisal;

b) the development should be on developable, previously-developed land; and,

c) a flood risk assessment must demonstrate that the development will be safe, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Officers are satisfied that the sequential test has been applied and that there are no other reasonably available sites open to the applicant to locate the proposed development or improve the viability of the consented scheme. Officers are also satisfied that all three

elements of the exception test apply in this case. Any further written views from the Environment Agency will be reported at the meeting. Being a statutory consultee under legislation, the Environment Agency does have the power to ask GoSE to call the application in for the Secretary of State's own determination.

Density, design & impact on established character

The city centre minimum density is 100 dwellings per hectare this alternative scheme's density is 421 dwellings per hectare (compared to 391 as consented). The density is appropriate when assessing the scheme against other recently approved developments within the vicinity.

In terms of the design aspect of the build, the scale and bulk is identical to that already consented. Therefore, the development still fits harmoniously with the other buildings within the vicinity, including lower level buildings within the conservation area, some distance away to the south.

The proposal provides a justifiable case to approve a departure from the local plan due to the current state of the site and its location. The scheme complies with Central Government's Guidance on providing high density mixed use developments on brown field sites.

Residential amenity

The original scheme of 110 dwellings was refused for inadequate quality of amenity space and the impact of this amenity on the adjacent flats facing into this plaza area. The main amenity area for the scheme is located on the third floor. There is also a second roof top amenity plaza area on the sixth floor which comprises of shrub planters and sheltered canopies.

The main plaza area consists of raised water features, raised deck areas, raised planters and a BBQ area. This area has been well thought out and has been designed to be linked with the indoors.

Whereas a small reduction in the amount of space available per dwelling would result from the increased density - 8.4m² per unit overall (compared to 9m² as approved) – this is not considered so detrimental to justify the refusal of planning permission and an additional contribution towards improving public open space locally would result from the S.106.

Highways and Parking

Given the site's high accessibility location a car free scheme accords with policy SDP5 and CS18/CS19.

Appropriate cycle and refuse storage has been provided for future occupants of the site in accordance with policy SDP5 (Appendix 2) of the adopted City of Southampton Local Plan Review, CS19 of the adopted Core Strategy and paragraphs 5.3 and 9.22 – 9.2.6 of the Residential Design Guide.

Conclusion

This application has been assessed as being acceptable to residential amenity and its local context. The application is recommended for conditional approval subject to a S.106 legal agreement being completed.

Corporate Awareness Considerations

The planning assessment made on this planning application proposal has taken into account the relative importance of Council initiatives and corporate aims as considered appropriate to the formulation of the recommendation reached. In particular, the draft development brief prepared for the land to the south of the site would not be compromised by granting planning permission. The recommendation is considered to accord with the wider aims and objectives of the councils agenda.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a), 1(b), 1(c), 2 (c), 2 (d), 2 (e), 4(s), 5 (e), 6(a), 6(c), 6 (f), 6(h), 7 (a), 7(c), 7 (d), 7 (m), 7 (q), 7 (x), 7 (y), 8(a), 9(a) and 9(b)

(SL 7/06/2010 for 22/06/2010 PRow Panel)

RECOMMENDATION: DEL

CONDITIONS for 10/00521/MMA

01. PRE-COMMENCEMENT CONDITION - Site investigation and remediation

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 elements unless specifically excluded, in writing, by the Local Planning Authority.

1. A desk study identifying:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.

4. A verification report on completion of the works set out in (3) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

Any changes to these agreed elements require the express consent of the local planning authority.

REASON

The site may be contaminated due to industrial activities that have taken place onsite. Risk to groundwater and surface water has not yet been established at the site.

02. PRE-COMMENCEMENT CONDITION - Archaeological Works

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 archaeology of the site is properly investigated.

03. PRE-COMMENCEMENT CONDITION - External lighting

A detailed scheme for the lighting of external areas – including the two communal amenity spaces - shall be submitted to and approved by the Local Planning Authority in writing before development commences. The agreed scheme of external lighting shall be fully implemented to the satisfaction of the Local Planning Authority before any of the dwellings hereby approved are first occupied and subsequently maintained to the satisfaction of the Local Planning Authority.

REASON

In the interests of crime prevention and having regard to the site's proximity to Southampton Airport in terms of needing to ensure pilot/public safety.

04. PRE-COMMENCEMENT CONDITION - Bird hazard management plan

Development shall not begin until a method statement has been submitted to and approved in writing by the Local Planning Authority, detailing how the applicant would prevent the nesting, roosting or loafing of hazardous birds, in particular gull on flat/shallow pitched roofs. The method statement shall be implemented as approved.

REASON

To avoid endangering the operation of aircraft through the attraction of birds.

05. PRE-COMMENCEMENT CONDITION - Foul drainage

No development approved by this planning permission shall be commenced until a scheme for the foul drainage has been submitted to and approved in writing by the local planning authority. An assessment of the capacity of the existing foul sewer should be carried out to ensure that there is sufficient capacity to deal with any increase in flow and loading associated with this development. It should be demonstrated that there will be no increase in the frequency of surcharges from the foul sewer as a result of the increased flows from this development. We recommend that the applicant consults the sewerage undertaker Southern Water on this assessment.

REASON

An increase in the loading to the mains foul sewer may result in increased overflows from the Millbrook sewerage catchment. To protect surface water from pollution the receiving sewer should be of sufficient capacity to avoid these increases.

06. PRE-COMMENCEMENT CONDITION - Surface water drainage

No development approved by this planning permission shall be commenced until details for the surface water drainage have been submitted and approved in writing by the local planning authority. Such details should include provision for all surface water drainage from parking areas and areas of hardstanding to be passed through an oil separator designed to have the capacity and details compatible with the site being drained. Roof water should not pass through the separator.

REASON

To protect surface waters and reduce loading on the foul sewer.

07. PERFORMANCE CONDITION - Drainage

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant risk to controlled waters.

REASON

To protect the minor aquifer beneath the site and the surface waters to the south west of the site as SUDS can increase the potential for pollution if located in contaminated ground.

08. PERFORMANCE CONDITION - Piling restriction

Piling or any other foundation designs using penetrative methods will not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant risk to groundwater.

REASON

To protect minor aquifer beneath the site and the surface waters to the south west of the site. If used, piling may provide direct pathways for contaminants to groundwater.

09. PERFORMANCE CONDITION - Details and samples of the materials

The materials schedule attached to the HNW letter dated 6 November 2007 shall be used to implement the development hereby approved.

REASON

In order that the Local Planning Authority can exercise control over the final appearance of the building in the interests of visual amenity.

10. PERFORMANCE CONDITION - Improved daylighting to 3 Courtyard units

The increase in size of the 3 lounge windows in line with the recommendations as set out in submitted 'daylight and sunlight provision in courtyard flats, College Street' dated 14th February 2006 and submitted with application 06/00246/FUL, detailed in the HNW letter dated 21 December 2007, shall be fully implemented as part of the development.

REASON

In the interests of the future occupiers residential amenities, in order to achieve adequate daylighting.

11. PERFORMANCE CONDITION - Office space

The commercial floor space hereby approved shall only be used for B1 uses as defined within the Town and Country Planning Use Classes (Amendment) Order 2005 and there shall be no permitted change to B8.

REASON

In order to safeguard the office space and its employment generating potential within this area of Southampton.

12. PERFORMANCE CONDITION - Communal amenity spaces

The landscaped communal plaza/rooftop areas shown on the previously approved 06/00246/FUL drawings and pedestrian access to them shall be provided and made available prior to the occupation of any of the flats hereby permitted and shall thereafter be retained at all times for the use of all the occupiers of the flats.

REASON

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

13. PERFORMANCE CONDITION - Design of column locations within the car park

The design of column locations within the car park as previously approved by the local planning authority in its letter dated 8 August 2008, in response to the HNW letter and enclosures dated 22 November 2007, shall be fully implemented as part of implementing the development.

REASON

To allow vehicles to manoeuvre into the car park spaces thus preventing vehicles from carrying out multiple manoeuvres when parking, thereby causing congestion and obstruction to traffic on the highway.

14. PERFORMANCE CONDITION - Cycle access and exit route

The cycle access and exit route to the car park shown on HNW drawing 07045 P010 Rev P4, previously approved by the Local Planning Authority in its letter dated 8 August 2008, shall be provided and permanently maintained for that purpose.

REASON

To maintain pedestrian and cycle safety and access.

15. PERFORMANCE CONDITION - Details of the parking, loading, unloading and turning of vehicles

The development hereby permitted shall not be brought into use until the approved details attached to the HNW letter dated 22 November 2007 - set out in drawings prefixed 07045 and numbered

P010 Rev P4, P011 Rev P4 and P012 Rev P4 - for the parking, loading, unloading and turning of vehicles serving the site, have been provided, as previously approved by the local planning authority in its letter dated 8 August 2008. Those measures shall subsequently be retained and reserved for those purposes at all times.

REASON

In the interests of highway safety and to achieve a satisfactory form of development.

16. PERFORMANCE CONDITION - Routeing of construction traffic and on-site arrangements

During the development those details set out in and attached to the HNW letter dated 16 January 2008 relating to the routeing of construction traffic and on site areas for the parking, loading, unloading and turning of vehicles shall be fully observed, as previously approved in the local planning authority's letter dated 8 August 2008. Such areas shall be subsequently retained and reserved for those purposes at all times during the construction period.

REASON

In the interests of highway safety and to achieve a satisfactory form of development.

17. PERFORMANCE CONDITION - Motor cycle parking

Adequate parking facilities for 2 motorcycles to the Local Planning Authority's standards, as previously approved by the local planning authority's letter dated 8 August 2008 in response to the HNW letter dated 22 November 2007 relating to HNW drawing 07045 P011 Rev P4, shall be provided before any part of the development is first brought into use. Such parking shall be permanently maintained for that purpose.

REASON

To encourage motorcycling as a more sustainable form of transport.

18. PERFORMANCE CONDITION - Details of residential bicycle parking

No flat shall first be occupied until secure, covered and enclosed space has been laid out within the site for 97 bicycles to be stored with both wheels on the ground for the benefit of the occupants in accordance with the HNW letter dated 22 November 2007 - set out in drawings prefixed 07045 and numbered P010 Rev P4, P011 Rev P4 and P012 Rev P4 – previously approved by the local planning authority in its letter dated 8 August 2008. The cycle storage shall thereafter be retained and maintained on site for that purpose.

REASON

To encourage cycling as a sustainable form of transport.

19. PERFORMANCE CONDITION - Visitor cycle parking

The building shall not be occupied in full or in part until cycle stands for 10 visitors have been made available for visitors to the residential element of the site and cycle stands for 6 visitors have been made available for visitors to the commercial element of the site in accordance with the HNW letter dated 22 November 2007 - set out in drawings prefixed 07045 and numbered P010 Rev P4 and P011 Rev P4 - previously approved by the local planning authority in its letter dated 8 August 2008. Once provided, those cycle stands shall thereafter be retained on site for that purpose.

REASON

To encourage cycling as a sustainable form of transport.

20. PERFORMANCE CONDITION - Refuse and waste recycling facilities

The refuse storage arrangements including facilities for recycling, set out in the HNW letter and enclosures dated 21 December 2007 and previously approved by the local planning authority in its letter dated 8 August 2008, shall be fully implemented and provided before any part of the building is first brought into use. Once provided those facilities shall be retained on site for that purpose at all times.

REASON

To ensure satisfactory facilities are provided for refuse storage and recycling.

21. PERFORMANCE CONDITION - Minimum clearance to undercrofts

The minimum clearance over the access and undercroft shall shall not be less than 2.5m above the carriageway level before the development hereby approved is first brought into use.

REASON

To provide maintain access and safety for vehicle users, cyclists and pedestrians.

22. PERFORMANCE CONDITION - Gate positioning

Gates shall be set back at least 5.5m from the rear of the footway and shall be shown on a drawing and approved in writing before the development hereby permitted commences and such vehicular egress from the site and shall be provided and permanently maintained for that purpose.

REASON

To maintain pedestrian and cycle safety and access.

23. PERFORMANCE CONDITION - Provision of vehicular sight lines

Sight lines of 2.4m x 35m shown on HNW drawing 07045 P010 Rev P4, previously approved by the local planning authority in its letter dated 8 August 2008, shall be provided before the building is first brought into use. Notwithstanding the provisions of the Town & Country General Development Order 1995 (as amended) no fences, walls or other means of enclosure, including hedges and shrubs, or other structures shall be erected above a height of 0.6 metres above carriageway level within the sight line splay.

REASON

In the interests of highway safety.

24. PERFORMANCE CONDITION - Provision of pedestrian sight lines

Pedestrian sight lines of 2.0m x 2.0m on HNW drawing 07045 P010 Rev P4, previously approved by the local planning authority in its letter dated 8 August 2008, shall be provided before the building is first brought into use. Notwithstanding the provisions of the Town & Country General Development Order 1995 (as amended) no fences, walls or other means of enclosure, including hedges and shrubs, or other structures shall be erected above a height of 0.6 metres above carriageway level within the sight line splay.

REASON

In the interests of highway safety.

25. PERFORMANCE CONDITION - Highways requirement

No doors, windows or other openings are to open out onto the highway.

REASON

In the interests of pedestrian safety.

26. PERFORMANCE CONDITION - Oversailing licence

A licence for the construction of buildings over highways to comply with S177 of the Highways Act 1980 shall be obtained or the over sail of the highway shall be removed to conform to the Local Planning Authority's requirements (and shall be shown on a drawing and approved in writing) before the development hereby permitted commences.

REASON

To maintain pedestrian and cycle safety.

27. PERFORMANCE CONDITION - Construction of access

A dropped kerb vehicle access that maintains pedestrian priority shall be provided at the entrance to and exit from the car park and shall be shown on a drawing and approved in writing prior to first occupation of the development. Such access shall be permanently maintained for that purpose.

REASON

To maintain pedestrian safety and access.

28. PERFORMANCE CONDITION - Stop up redundant access

The existing accesses to the site on Richmond Street and College Street which are no longer required shall be stopped up and abandoned and the footway crossings shall be reinstated immediately after the completion of the new access.

REASON

In the interests of highway safety.

29. PERFORMANCE CONDITION - Provision for the disabled

Adequate disabled facilities to provide suitable access, to all areas of the development that conform to the Local Planning Authority's standards shall be provided within the site before the development hereby permitted commences and such access shall be permanently maintained for that purpose:

REASON

To provide suitable access for the disabled.

30. PERFORMANCE CONDITION - Vehicular gradient maxima

The gradient of the vehicular access shall be no more than 10% to conform to the Local Planning Authority's requirements. Gradients shown on the HNW drawings prefixed 07045 and numbered P028 Rev P3 and P030 Rev P1, as previously approved by the local planning authority in its letter dated 8 August 2008, shall be built out before the development hereby permitted is first brought into use.

REASON

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

31. PERFORMANCE CONDITION - Pedestrian gradient maxima

The gradient of pedestrian access shall be no more than 8% and where possible 5% to conform to the Local Planning Authority's requirements. Gradients shown on the HNW drawings prefixed 07045 and numbered P028 Rev P3 and P030 Rev P1, as previously approved by the local planning authority in its letter dated 8 August 2008, shall be built out before the development hereby permitted is first brought into use.

REASON

To provide safe pedestrian access particularly for the disabled.

32. PERFORMANCE CONDITION - Car parking provision/allocation

Adequate parking facilities for 37 cars including a maximum of 4 spaces for the commercial units to conform to the Local Planning Authority's standards shall be provided in accordance with the approved details attached to the HNW letter dated 22 November 2007 - set out in drawings prefixed 07045 and numbered P010 Rev P4, P011 Rev P4 and P012 Rev P4 - before the building is first brought into use. Such parking shall be permanently maintained for that purpose.

REASON

To prevent obstruction to traffic in neighbouring roads.

33. PERFORMANCE CONDITION - Car parking for the disabled

At least 6 disabled car parking spaces to conform to the Local Planning Authority's standards and the DDA shall be provided in accordance with the approved details attached to the HNW letter dated 22 November 2007 - set out in drawings prefixed 07045 and numbered P010 Rev P4, P011 Rev P4 and P012 Rev P4 – before the building is first brought into use. Such parking shall be permanently maintained for that purpose.

REASON

To provide safe and adequate parking and access facilities for disabled persons.

34. PERFORMANCE CONDITION - Car parking

Before any part of the development hereby approved is occupied, both the 43 on-site parking spaces and a proper vehicle access relating to them shall be provided to the satisfaction of the Local Planning Authority and thereafter retained for that purpose. The residential element of the parking shall not be used for any trade, business or industrial user.

REASON

To ensure provision of vehicular access and parking, to avoid congestion in adjoining areas and to protect the amenities of the area.

35. PERFORMANCE CONDITION – Offices: bicycle parking provision

The office accommodation shall not be occupied in full or in part until secure, covered and enclosed space has been laid out within the site for 18 bicycles to be stored with both wheels on the ground for the benefit of the commercial units, independent of any residential bicycle parking. The areas for bicycle parking shall accord with those previously approved by the local planning authority in its letter dated 8 August 2008, relating to details attached to the HNW letter dated 22 November 2007 - set out in drawings prefixed 07045 and numbered P010 Rev P4, P011 Rev P4 and P012 Rev P4. Once provided that bicycle storage shall thereafter be retained and maintained on site for that purpose.

REASON

To encourage cycling as a sustainable form of transport.

36. PERFORMANCE CONDITION - Acoustic glazing

All windows shall be glazed to the following standard, or other such specification as might be agreed in writing with the local planning authority:-

- Outer pane of glass - 10mm
- Air gap between panes - 12mm
- Inner pane of glass - 6 mm

or, with secondary glazing with a -

- Outer pane of glass - 6mm
- Air gap between panes - 100mm
- Inner pane of glass - 6.4 mm

There must be no trickle vents installed in any case. For ventilation purposes in all cases, provision of acoustically treated 'BBA' (<http://www.bbacerts.co.uk/>) approved mechanically powered ventilation should be the preferred option. However, provision of acoustic trickle vents will be acceptable. Once approved, that glazing shall be installed before any of the flats are first occupied and thereafter retained at all times.

REASON

To protect occupants of those flats from traffic noise from Threefield Lane.

37. PERFORMANCE CONDITION - Clean fill materials

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 no ground contamination risks to human health and the environment are introduced onto the development.

38. PERFORMANCE CONDITION - Unexpected contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

REASON

To protect minor aquifer beneath the site and the surface waters to the south west of the site. There may be areas of the site, which can not be fully characterised by a site investigation and unexpected contamination may be identified.

39. PERFORMANCE CONDITION - Wheel Cleaning

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

REASON

In the interests of highway safety.

40. PERFORMANCE CONDITION - Hours of construction

All works relating to the construction of the development hereby granted, including the works to regrade the levels of the site, demolition and ground preparation prior to building operations shall only take place between the hours of 8am and 6pm on Monday to Friday and 9am to 1pm on Saturdays and at no time on Sundays and Bank Holidays.

REASON

To protect the amenities of occupiers of nearby dwellings during the construction period.

Reason for granting a Minor Material Amendment to Permission 06/00246/FUL

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Although the proposed development does not accord with policy REI11 (vi), particular account has been taken of the quality of the proposed replacement employment floorspace, current market conditions, the overall viability of the scheme and delivery of more affordable housing. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38

(6) of the Planning & Compulsory Purchase Act 2004, a Minor Material Amendment to Permission 06/00246/FUL should therefore be granted.

South East Plan: Regional Spatial Strategy (May 2009)

Policies –

SP2, SP3, SP4, CC1, CC2, CC3, CC4, CC6, CC7, CC8, RE1, RE3, RE6, H1, H2, H3, H4, H5, T1, T2, T4, T5, NRM1, NRM2, NRM4, NRM5, NRM10, W1, W2, BE1, BE6, TC1, TC2, S1, S5, SH1, SH3, SH4, SH5, SH6, SH7 and SH8

City of Southampton Local Plan Review (March 2006)

Policies –

SDP1, SDP4, SDP5, SDP6, SDP7, SDP9, SDP8, SDP10, SDP 11, SDP 12, SDP 13, SDP 16, SDP17, SDP19, SDP22, HE1, HE6, CLT 5, CLT 6, H1, H2, H7, H9, REI 11 (vi) and MSA1

City of Southampton Core Strategy (January 2010)

Policies –

CS1, CS4, CS5, CS6, CS7, CS8, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS22, CS23 and CS25.

Notes to Applicant

1. Please be advised of the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4 'Cranes and Other Construction Issues' available at www.caa.co.uk/srg/aerodrome.

2. Any method statement in respect of a bird hazard management plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs, ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by the BAA Airfield Operations staff. The owner/occupiers must remove any nest or eggs found on the roof. The breeding season for gulls typically runs from March to June. The owner/occupiers must hold appropriate Defra licences before the removal of nests and eggs.

3. A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water's Network Development Team (Wastewater) based in Otterbourne, Hampshire or www.southernwater.co.uk.

4. A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water's Network Development Team (Water) based in Chatham, Kent or www.southernwater.co.uk.

5. Hampshire Constabulary have advised that communal external door and flat access doorsets should be to BS PAS 23-1 1999/BS PAS 24-1 1999 (Doors of Enhanced Security). It is recommended that CCTV cameras be deployed within the post room to deter criminal intrusion and other critical points such as vehicle entry/exit, pedestrian street entrances and the parking areas. In addition each flats should provide audio/visual control of the communal access doorsets.

POLICY CONTEXT**South East Plan: Regional Spatial Strategy (May 2009)**

SP2 – Regional hubs
 SP3 – Urban focus and urban renaissance
 SP4 – Regeneration and social inclusion
 CC1 – Sustainable development
 CC2 – Climate change
 CC3 – Resource use
 CC4 – Sustainable design and construction
 CC6 – Sustainable communities and character of the environment
 CC7 – Infrastructure and implementation
 CC8 – Green infrastructure
 RE1 – Contributing to the UK's long term competitiveness
 RE3 – Employment and land provision
 RE6 – Competitiveness and addressing structural economic weakness
 H1 – Regional housing provision 2006-2026
 H2 – Managing the delivery of the regional housing provision
 H3 – Affordable housing
 H4 – Type and size of new housing
 H5 – Housing design and density
 T1 – Manage and invest (Travel)
 T2 – Mobility management
 T4 – Parking
 T5 – Travel plans and advice
 NRM1 – Sustainable water resources and groundwater quality
 NRM2 – Water quality
 NRM4 – Sustainable flood risk management
 NRM5 – Conservation and improvement of biodiversity
 NRM10 – Noise
 W1 – Waste reduction
 W2 – Sustainable design, construction and demolition
 BE1 – Management for an urban renaissance
 BE6 – Management of the historic environment
 TC1 – Strategic network of town centres
 TC2 – New development and redevelopment in town centres
 S1 – Supporting healthy communities
 S5 – Cultural and sporting activity
 SH1 – Core Policy (For South Hampshire)
 SH3 – Scale, location and type of employment development
 SH4 – Strategy for main town centres
 SH5 – Scale and location of housing development 2006-2026
 SH6 – Affordable housing
 SH7 – Sub-regional transport strategy
 SH8 – Environmental sustainability

City of Southampton Local Plan Review (March 2006)

SDP1 - Quality of Development
 SDP4 – Development access
 SDP5 - Parking
 SDP6 – Urban design principles
 SDP 7 - Context
 SDP8 – Urban Form and Public Space

SDP9 – Scale, massing and appearance
SDP10 – Safety and security
SDP 11 - Accessibility and Movement
SDP 12 - Landscape and biodiversity
SDP 13 – Resource Conservation
SDP 16 – Noise
SDP17 – Lighting
SDP19 – Aerodrome safeguarding
SDP21 – Water quality and drainage
SDP22 – Contaminated land
HE1 – New Development in and affecting the setting of Conservation Areas
HE6 - Archaeology
CLT 5 - Open Space in New Residential Developments
CLT 6 - Provision of Children’s Play Areas
H1 – Housing Supply
H2 – Previously Developed Land
H7 – Residential Environment
H9 – Affordable Housing Requirements
REI 11 – Light Industry
MSA1 – City Centre Design

City of Southampton Local Development Framework Core Strategy (January 2010)

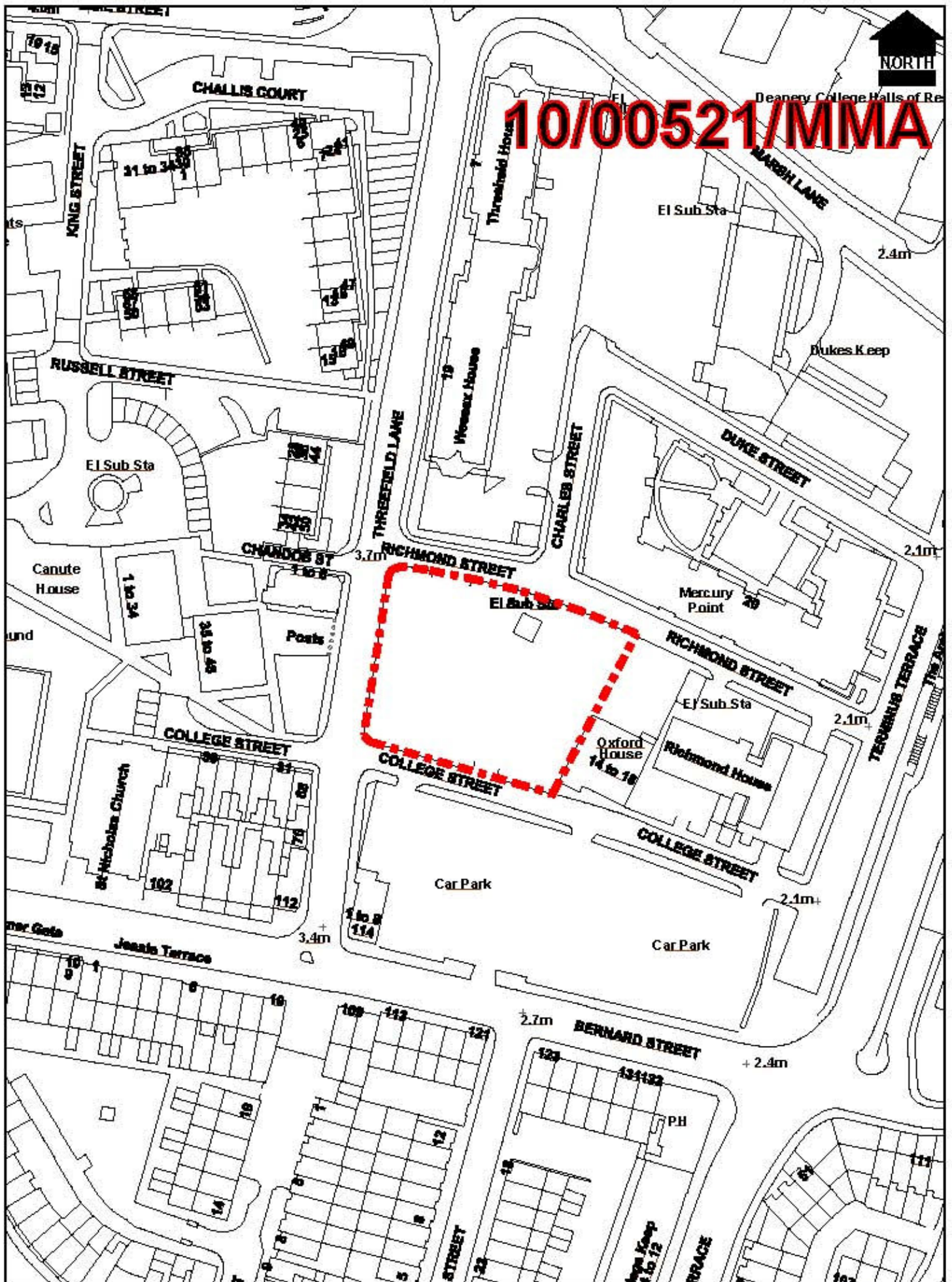
CS1 City centre approach
CS4 Housing delivery
CS5 Housing Density
CS6 Economic growth
CS7 Safeguarding employment sites
CS8 Office location
CS13 Fundamentals of design
CS14 Historic environment
CS15 Affordable housing
CS16 Housing Mix and Type
CS18 Transport: Reduce, manage, invest
CS19 Car and Cycle Parking
CS20 Tackling and adapting to climate change
CS22 Promoting biodiversity
CS23 Flood risk
CS25 The delivery of infrastructure and developer contributions

Supplementary Planning Guidance

Residential Design Guide (September 2006)
Planning Obligations (August 2005)
Development Design Guide
City Centre Urban Design Strategy
City Centre Characterisation Study

Other relevant guidance

PPS1 – Delivering sustainable development
PPS 3 – Housing
PPS4 – Planning for sustainable economic growth
PPS5 – Planning for the historic environment
PPG13 – Transport
PPG17 – Planning for open space, sport and recreation
PPG24 – Planning and noise
PPS25 – Development and flood risk



Scale : 1:1250

Date : 09 June 2010

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Agenda Item 6

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 22 June 2010
 Planning Application Report of the Head of Division

Application address	33 Dover Street SO14 6GG		
Proposed development	Part two storey, part single storey replacement rear extension and raising of roof to provide additional living accommodation.		
Applicant	Mr R Singh	Agent	Mr B Ryves 1-3 Lyon Street, Southampton, So14 0Ld

Application number	10/00435/FUL	Application type	FUL
Case officer	Stuart Brooks	Application category	

Recommendation Summary	Conditional approval
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Reason for Panel consideration	Panel request by Ward Councillor, meeting the agreed referral protocol
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Date of receipt	13/04/2010	City Ward	Bevois
Date of registration	13/04/2010	Ward members	Cllr Derek Burke
Publicity expiry date	13/05/2010		Cllr Jacqui Rayment
Date to determine by	08/06/2010 OUT OF TIME		Cllr Stephen Barnes-Andrew

Site area	0.006 ha	Usable amenity area	shown: 17.1 sq.m.
Density - whole site	n/a	Landscaped areas	shown: n/a
Site coverage (developed area)	9 sq. m.	Site coverage	15%

Accessibility zone	Medium (Band 3)	Parking Permit Zone	Yes
Car parking provision	Proposed: Zero	Existing: Zero	Policy maximum: 1
Motor cycles / Bicycles	Proposed: Zero	Zero	n/a

Key submitted documents supporting application			
Design and Access Statement			
Appendix attached			
1	Local Plan Policy schedule		

Recommendation in full

Approval subject to conditions.

Proposed Development & Surrounding Context

This application seeks permission for the erection of a part two storey, and part single storey replacement rear extension, and raising the height of the roof ridge to provide one additional bedroom in the roof space.

The application site contains a 2 bedroom two storey terraced dwelling. The property is located in a residential street with mainly two storey dwellings and 3 storey modern infill in places in a similar style and character.

In particular, there is no predominant roofline that runs along the terrace in the street, as there is a significant variation in height of the main roofline of the dwellings along either side of the street, more so for the properties 5 to 45 Dover Street.

The property itself abuts a modern 2 storey residential development with accommodation in the roof, where there is step downwards in the roofline and profile through to 31 Dover Street.

The property has an existing part single and two storey rear projection that is subservient in size to the main house, running along the edge of the common boundary with the neighbouring property at 31 Dover Street.

The local area is mainly characterised by properties with small gardens.

Relevant Planning History

08/00937/FUL – Refused 15.08.2008

Replacement dwelling including the demolition of existing and erection of 3-bed dwelling with 3 storeys of accommodation.

01. Neighbouring Amenity.

Notwithstanding the adjacent neighbouring properties of 13 Middle Street and 35 – 41 Dover Street the proposal, by means of its excessive scale and proportions, relates poorly to the neighbouring properties (number 31 Dover Street and properties to the rear) and would result in the introduction of an overbearing and dominant structure which would adversely affect the residential amenities currently enjoyed by those neighbouring occupiers. Therefore the scheme is contrary to Policies SDP1, SDP7, SDP9 and H7 of the City of Southampton Local Plan Review (March 2006) and the provisions of the Residential Design Guide (September 2006).

02. Residential Character.

Notwithstanding the adjacent neighbouring properties of 13 Middle Street and 35 – 41 Dover Street the proposed development would appear out of character with the more general and traditional cottage style architectural form which dominates the

local area due to the form of the roof and the depth and design of the building. Thus the development would result in continued erosion of the established pattern of development which is evident within the Inner Avenue residential area, contrary to Policies SDP1, SDP7, SDP9 and H7 of the City of Southampton Local Plan Review (March 2006) and the provisions of the Residential Design Guide (September 2006).

Consultation Responses & Notification Representations

A consultation exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement and erecting a site notice. At the time of writing the report, 7 representations had been received from surrounding residents, including 2 ward councillors.

Summary of Representations made

Comment - The following concerns were raised due to the possibility of the property being converted into a house in multiple occupation:-

- The property will be used for more student accommodation to the detriment of the local street due to the disturbance caused by the anti social behaviour of the students.
- The amount of amenity space is inadequate to serve the occupiers. The size and layout of accommodation and communal facilities for the number of occupiers will be overcrowded.
- No cycle storage proposed.
- Larger occupancy will result in overflowing wheelie bins left out on the street on collection days which leads to vermin infestation and obstruct the highway for users.
- There is insufficient space for additional on street parking caused by increased occupancy, local residents are unable to park vehicles near homes leading to security problems.
- Set a precedent for extensions to HMOs in the local area.

Response

The applicant has confirmed that the property is currently occupied by a single family unit. On April 6th, this type of accommodation would most likely have fallen with a use class C3 dwellinghouse. The applicant has also confirmed that the completed building will continue to be occupied by single family unit under class C3. The assessment of the use as a HMO would be the matter of a separate planning application to be assessed on its own individual merits under the Council's relevant planning policies and guidance when the applicant decides to change the use of the property. Therefore, this application is purely assessed on the merits of the physical changes to the building rather than the use.

Comment - The raising of the roof ridge will result in loss of outlook, sunlight and daylight to the front habitable windows of 33 Dover Street. The raising of the roof height is out of character with the general character of the local street, where the majority are 2 storey cottage style properties.

Response

There are no standards under the Council's planning guidance set out in the Residential Design Guide that defines the minimum front to front separation distances of development between properties across a road. The additional massing of roof will not significantly impinge on the light and outlook enjoyed from the front rooms of 33 Dover Street. Furthermore, there is a significant variation in height of the main roofline of the dwellings along either side of the street and, therefore, the change in roofline height will not be out of keeping with the varied roofscape character of the street.

Comment - The increased height of the extension will significantly reduce the light entering the only windows in the dining room and kitchen and reduce light from the rear bedroom of 31 Dover Street. The rear extension will be built on the existing garden party wall of 31 Dover Street and the occupier has not been informed by the applicant how it will affect their property.

Response

The additional ridge height and massing of the replacement rear extension will not project any further than the rear flank wall of the existing first floor extension. The eaves height of the proposed two storey extension will be taller than the existing eaves level, and the additional roof massing as result of the taller ridge height will slope away from the closest first floor bedroom window at 31 Dover Street and, therefore, not significantly worsen the outlook and light enjoyed by the occupiers. The Local Planning Authority have taken in good faith that the information submitted with the planning application is correct, whereby, the applicant has declared by signing 'Ownership Certificate A' on the planning application that land to be developed is under their control. Party wall agreements are a civil matter that is not controlled under the planning process.

Comment - Overintensification of the existing property characterised as a two bedroom cottage.

Response

The proposed rear and roof extension is subservient to the main house. The addition of one bedroom in the roofspace of the single family house is not considered to be an overintensification.

The original foundations of the 1861 building are not strong enough to carry the weight of the larger roof which will be partly carried by the joint wall between 31 Dover Street.

Response

This is a matter to be assessed under Building Regulations.

Summary of Consultation comments

Highway Officer – No objection raised to the impact on highway safety.

Planning Consideration Key Issues

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

- **The principle of development**
- **The impact on residential amenity**
- **The impact on visual amenity**
- **The impact on highway safety**

The development proposal needs to be assessed in terms of its design, scale and massing within the street scene; its impact on neighbouring residential amenities; and if it is acceptable in terms of highway matters including cycle and refuse storage.

1. Principle of Development

The principle is considered to be acceptable under current national and local planning policy and guidance to extend the footprint and massing of a dwelling to make efficient use of land to provide additional accommodation that is incidental to the enjoyment of a single family house. The applicant has confirmed that the established use falls under class C3 dwellinghouse. Therefore, this application should be purely assessed on the merits of the physical changes to the building rather than speculation on how it might come to be used. That of itself, could require planning permission if a material change of use occurred.

2. The Impact on Residential Amenity

The applicant has scaled down the size to a more modest proposal to that considered under application 08/00937/FUL, which was similar to the design and scale of the neighbouring residential flats recently built at 35 Dover Street.

The scale and layout of the proposed two storey extension massing will replace the existing building with more width towards the blank side wall of 35 Dover Street, and not exceed the rearward depth and eaves level of this part of the existing building.

The additional roof massing as result of the taller ridge height will slope away from the closest first floor bedroom window at 31 Dover Street and, therefore, not significantly worsen the outlook and light enjoyed by the occupiers.

The existing ground floor extension built along the edge of the common boundary currently projects in front and beyond the outlook of the neighbour's dining room and kitchen to be level with the most rearward wall of 31 Dover Street. The additional depth of the ground floor extension massing is not considered to significantly worsen the outlook and light serving the adjacent kitchen and dining room windows.

No further windows should be installed in the south elevation of the extension in the interests of protecting the privacy of the neighbouring occupiers.

The amount of useable private garden space retained by enlarging the ground floor extension will fall below the minimum standard of 50 square metres and 10 metres in length as set out in the Residential Design Guide. However, properties in this part of the city typically have smaller gardens than these minimum standards and, therefore, considered will not to be out of character with the local area.

Local residents have raised concerns to the possibility of the property being converted into a house in multiple occupation. Planning permission will be required to change the use of the C3 dwelling to a house in multiple occupation under class C4. The assessment of the use as a HMO would be the matter of a separate planning application to be assessed on its own individual merits under the Council's relevant planning policies and guidance when/if the applicant decides to change the use of the property.

Amended proposed floor layout plans have been submitted add further assurance that the property will be occupied by a single family unit, showing that there will be a total of 3 bedrooms by providing an additional bedroom in the roofspace.

As such it is not considered that the application affects a C4 HMO. A planning condition is recommended to control the use of the building following the completion of the works to a C3 dwelling.

As such the proposal is considered to have an acceptable impact on residential amenity.

3. The Impact on Visual Amenity

There is a significant variation in height of the main roofline of the dwellings along either side of the street.

The property itself abuts a modern 2 storey residential development with accommodation in the roof, where there is step downwards in the roofline and profile through to 31 Dover Street.

The overall ridge and eaves height will be increased by 300 and 800mm. The proposed change in eaves and roofline height, due to the additional massing and steeper pitch, will appear gradual and sufficiently maintain the balance of proportions of the main house when viewed from the street and, therefore, will be in keeping with the character of the street. Furthermore, the scale and layout of the rear extensions will appear subservient and, therefore, be in keeping with the character and appearance of the main house.

As such the proposal is considered to have an acceptable impact on visual amenity.

4. The Impact on Highway Safety

The Highway Officer has raised no objection to the impact on highway safety. The addition of one bedroom will not materially alter the frequency of motor vehicle trips associated with the use of the property as single family house, or neither the amount of refuse to be collected.

As such the proposal is considered to have an acceptable impact on highway safety.

Summary

The revised proposal has been downscaled to provide a more modest extension to the property and additional family accommodation to make efficient use of previously used land, whilst having due regard for the amenity of neighbouring occupiers and the character of the local area.

CONCLUSION

The details provided by this application are acceptable and the application is, therefore, recommended for conditional planning approval.

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 (c), 2 (e), 4 (s), 6 (c), 7 (a), 7 (c), 7 (m), 8 (a), 9 (a) and 9 (b).

SB 9.6.10 for 22.6.10 PRow Panel

Application 10/00435/FUL – 33 Dover Street

SUGGESTED 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 - Materials [Performance Condition]

The materials and finishes to be used in the construction of the extension hereby permitted shall be in accordance with the approved plans.

Reason:

To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality and satisfactory visual relationship of the new development to the existing.

03. APPROVAL CONDITION - Use

The extension hereby approved shall only be occupied as a single dwellinghouse in accordance with Class C3 of the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010. The development shall not be occupied as an HMO (including by 3 or more unrelated persons sharing the same basic amenities) without first obtaining planning permission for a change of use.

REASON

To ensure that the extension has been assessed correctly in accordance with the details given by the applicant's agent in their email dated 26th May 2010.

04. APPROVAL CONDITION - No other windows or doors other than approved [Permanent Condition]

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

REASON:

To protect the amenities of the adjoining residential properties.

Reason for Granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The scheme has been significantly modified since the refusal of application ref. no. 08/00937/FUL and the development has been reduced in size with the common boundary of 31 Dover Street and the roofline lowered to be in keeping with the character of the street. The extension works will facilitate the building's use as a single dwelling (Class C3) and a planning condition has been used to secure this land use in light of the third party comments received. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 Planning Permission should therefore be granted.

Policies - SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the Council's current adopted Supplementary Planning Guidance (namely the adopted Residential Design Guide SPD (2006)) and adopted Local Development Framework Core Strategy Policy CS13 (2010).

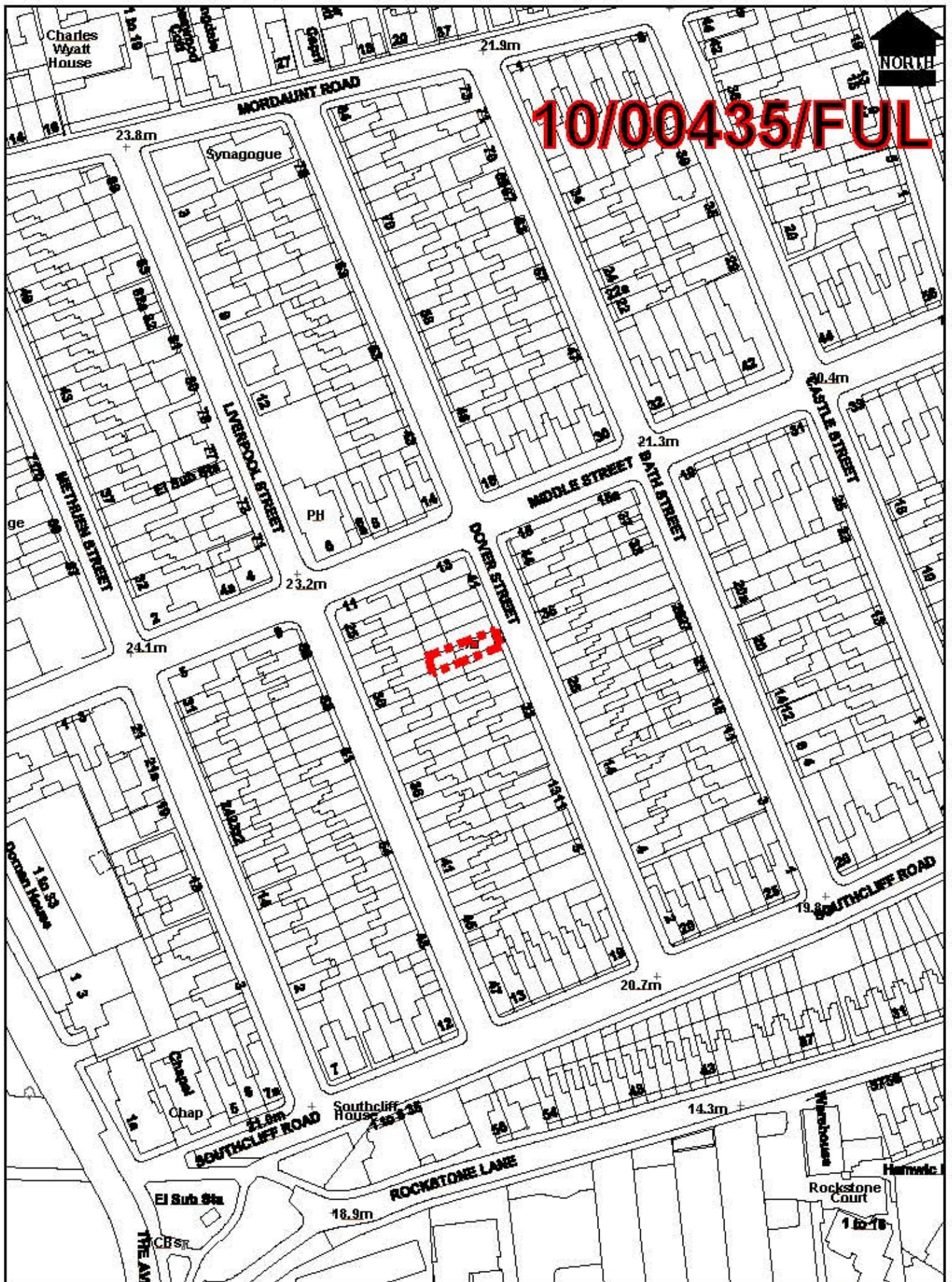
Relevant Planning Policy

Adopted City of Southampton Local Plan Review Policies

SDP1	General Principles
SDP7	Context
SDP9	Scale, Massing and Appearance

Adopted Local Development Framework Core Strategy Development Plan Document

CS13	Fundamentals of Design
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Date : 09 June 2010

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Agenda Item 7

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 22 June 2010
 Planning Application Report of the Head of Division

Application address: 195 - 207 Coxford Road, Southampton, SO16 5JY			
Proposed development: Redevelopment of the site. Erection of three buildings of 3, 4 and 5-storeys to provide 65 flats (22 x one-bedroom and 43 x two-bedroom) with associated access and parking.			
Application number	10/00471/Ful	Application type	Full
Case officer	Andy Amery	Application category	Q7 – Small Scale Major Residential Development

Recommendation Summary	Refuse for failure to achieve minimum sustainability standards and to enter into a s106 agreement.
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Reason for Panel consideration	Major Development and site history.
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Applicant: BDW Southampton	Agent: AAP Architecture
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Date of receipt	26.04.2010	City Ward	Coxford
Date of registration	27.04.2010		Cllr Walker
Publicity expiry date	03.06.2010		Cllr Thomas
Date to determine by	26.07.2010 IN TIME		Cllr Morrell

Site area	0.35ha		
Site coverage (developed area)			
Density - whole site	186 d.p.h		

Residential mix	numbers	size sqm	Other land uses	class	size sqm
Studio / 1-bedroom	22	Approx 45sq m	Commercial use		
2-bedroom	43	Approx 63 sq m	Retail use		
3-bedroom			Leisure use		
other			other		

accessibility zone	3	medium Band	policy parking max	43 spaces
parking permit zone	yes		existing site parking	n/a
cyclist facilities	yes		car parking provision	35 spaces
motor & bicycles	cycles		disabled parking	4 spaces

Key submitted documents supporting application			
1	Design and Access Statement	2	Transport Assessment
3	Sustainability Report		
Appendix attached			
1	Development Plan Policies	2	Planning History
3	Report for 07/01994/Ful reported to 4 March 2008 Panel		

Recommendation in full: Refuse

Background

The site has the benefit of previous planning permissions for 64 and 65 flats dating back to 2007 and 2008 following an initial refusal of an application for 64 units.

The most recent consent, 07/01994/Ful, was considered and approved by the Planning and Rights of Way Panel on 4 March 2008. A copy of that report is attached as Appendix 3. That consent remains valid until 11 March 2011.

Since the consent was issued the original bungalows on the site have been demolished. However, no physical works of construction have begun and the site is currently vacant and surrounded by security fencing.

The applicant has indicated that amendments are required to be made to the scheme in order to allow development to be undertaken for viability reasons.

The main constraint to the existing consent being able to be built out is the significant level of initial construction costs relating to the provision of the approved underground parking beneath Blocks B and C.

The applicant has therefore submitted a fresh application for consideration.

The main changes to the scheme compared to consent 07/01994/Ful can be summarised as follows:

- i. The parking area to serve the development is relocated from beneath Blocks B and C and moved to the rear of the site which originally formed part of the external amenity space.
- ii. The number of parking spaces within the site has been reduced from 41 to 35. This includes four disabled bays and two visitor bays.
- iii. The amenity space to serve the flats has been relocated to the roof top terraces of Blocks B and C.
- iv. Block C has been returned to a five storey block similar in scale to planning consent 06/01601/Ful

- v. The top 'podium' floor on both blocks B and C have been relocated towards the rear of the building thereby increasing the height and massing of the rear and side elevations on that part of the buildings.
- vi. The internal layout of the upper floor units has been re-organised to avoid conflict with the use of the communal roof-top terraces.
- vii. The external appearance of the upper floors have also been amended to avoid conflict with the use of the communal roof-top terraces.

The site and surrounding context

Other than the demolition of the original bungalows having taken place, there have been no alterations to the context of the site.

The site is located on the western side of the City, 1.5km from the nearest 'district' centre (Shirley Town Centre) and 4km from the City centre. It is opposite the General Hospital site and adjacent to the Princess Anne Maternity Hospital. Based on the methodology set out in the Local Plan the area is located in a 'medium' accessibility area, served by between 10-19 buses per hour.

Coxford Road is a busy route serving both the Southampton General Hospital (immediately opposite) and the Princess Anne Maternity Hospital (immediately adjacent to the site). It is used by buses, ambulances, staff and visitors to the hospitals as well as local residents.

The western side of the City is typically characterised by residential suburbs served by small local centres. The town centre of Shirley is 1.5km away. There is now mix of housing type and layout along Coxford Road and surrounding streets with a large area of former two storey council houses to the west and a wider variety of private housing and some flatted developments to the east.

However, in the immediate vicinity of the site the larger scale buildings of both the adjacent Hospitals should be acknowledged. It is within this context of taller buildings which address this section of the street-frontage that the site has previously been considered to be able to accommodate larger scale, higher density residential re-development.

The site itself (0.35 hectares) originally comprised 6 bungalows and a pair of semi-detached houses on the junction of Coxford Road and Vine Road. The bungalows were demolished at around the time of the most recent planning consent and the site is currently vacant and enclosed by security fencing.

Proposed Development

The principle of redeveloping the site with 65 flats in three blocks of 3, 4 and 5 storeys has been previously agreed by the Panel.

The amended scheme retains **Block A** in an identical form and layout to that approved in 2008 and provides 14 flats across three floors. All flats will again be managed by a Housing Association. Block A maintains a separate pedestrian access at the junction of Coxford Road and Vine Road in addition to its own cycle and refuse stores and approximately 200sq m of external amenity space.

The changes to the scheme therefore relate to the taller blocks B and C.

Block B comprises 24 flats over 4 floors. 14 have two bedrooms and 10 have one bedroom.

Approximately 150 sq m of communal roof-top terrace is provided as a result of the need to relocate the originally approved car-parking from below the building to the rear of the site. This area would be restricted to use by the occupiers of Block B.

The top floor has been moved back towards the rear of the building to enable the amenity space to be provided along the building frontage. However, this does result in an increase in the height and massing along the rear elevation in close proximity to the rear of houses in Vine Road.

The overall siting, design and massing however, is very similar that approved previously.

Block C comprises 27 flats over 5 floors. 25 have two bedrooms and 2 have one bedroom.

Approximately 190sq m of communal roof-top terrace is provided as a result of the need to relocate the originally approved car-parking from below the building to the rear of the site. This area would be restricted to use by the occupiers of Block C.

Block C has been returned to a five storey building similar to that approved under planning consent 06/01601/Ful. The principle of a five storey building has been agreed in this location and it is viewed against the backdrop of the Princess Ann Hospital.

The main change to the building is again the 'shuffling' back of the top floor to allow the roof-top amenity space to be provided along the front edge of the building. Similarly to Block B, as a result of this amendment, the visual impact and massing/height of this section of the building is increased. The roof-top

terrace is accessible by the occupiers of Block C only and would have door-coded restricted access.

Relevant Planning Policy

The relevant planning policies are identified in **Appendix 1** to this report.

Policy Assessment

Since the original consideration of development on this site the Council has adopted its Core Strategy in January 2010. The Regional Spatial Strategy: South East Plan was also approved in May 2009.

The relevant policies contained within the Core Strategy are now the most material consideration and must be given the appropriate weight when determining the application.

The Core Strategy and South-East Plan introduce additional requirements for sustainable development, affordable housing and family housing than were not in place when determining earlier schemes on the site.

At the same time, the most recent decision to permit development on the site remains a material consideration given that it is an extant consent and the majority of the policies under which that application was considered are 'saved' and therefore remain valid.

Redevelopment for residential development at a higher density than existed previously on the site remains acceptable in principle.

The site is still within a medium accessibility area. The maximum parking provision, given the proposed mix of units is 43 spaces, the provision of 35 spaces is in accordance with the councils adopted policies in what is a permit controlled area.

Some concerns are raised about the lack of unit mix (no larger family type units) and new arrangements for the amenity space. However, most concern is raised to the fact that the scheme falls significantly short of achieving the minimum requirements of Policy CS20 of the Core Strategy – Tackling and adapting to climate change, as supported by relevant Policies of the South East Plan.

Relevant Planning History

The relevant planning history is set out in Appendix 2 to this report.

Consultation Responses and Notification Representations

A publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement as appropriate and erecting a site notice. At the time of writing the report 3 representations had been received from surrounding residents opposing the development.

Summary of Representations made

Increased traffic generation
Lack of car parking
Scale and design of buildings is out of character
Impact on neighbours including loss of privacy and light.

Summary of Consultation comments

15 City Council and external consultees were contacted seeking comments on the application.

At the time of writing the report comments had only been received from:

Sustainability : Object to the proposals on the grounds that the scheme falls significantly below the minimum requirements for residential development as set out in policy CS20 of the Core Strategy.

Housing: Given the changes to the affordable housing requirements it has been agreed to accept a combination of the 14 flats comprising Block A and a further off-site contribution which would equate to the site delivering affordable housing in compliance with Policy CS15 of the Core Strategy.

BAA: Request a condition be imposed to secure a bird hazard management plan.

Environmental Health – Contamination: Request a condition be imposed to require that the site be assessed for land contamination risks and, where appropriate, remediated to ensure the long term safety of the site.

Architects Panel: No objections to the scale or massing of the buildings given the site's context. Need conditions to control detailing on elevations and restrict use of roof terrace after 10pm. Most concern relates to the visual appearance of the ramped access arrangements leading to Block B.

Comments from Highways, Southern Water, Environment Agency, Landscaping, Planning Policy, the Police and Ecology had not been received at the time of writing the report. Any additional comments received will be the subject of a verbal update at the Panel meeting.

Planning Consideration Key Issues

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

Impact on adjoining occupiers.
Sustainability
Car Parking
Scale, Massing and Context of the Character of the Area.
Provision of Amenity Space

Consideration of Key Issues

Impact on adjacent occupiers.

The nearest residential properties are to the north-west of the site in Vine Road. Nos 117 & 119 Vine Road back directly onto the site and would be most affected but other properties in Vine Road would also be impacted upon.

As already stated Block A is identical to that previously approved under 07/01994/Ful. The impact this element of the development has on neighbouring amenity has already been judged to be acceptable and there have been no changes to policies or standards to justify a different decision. Effectively Block A is designed to be a part two part three storey building. It remains two storey adjacent to the boundary with houses in Vine Road but rises to 3 storey along the Coxford Road frontage to provide an appropriately scaled building along the Coxford Road frontage viewed alongside Blocks B and C.

As Block A is to the south of these houses and their rear gardens, and due to the change in levels on the road which means the site is at a higher level than the adjacent houses, there will be some overshadowing for part of the morning and early afternoon from Block A. The provision of landscaping along the shared boundary between Block A and 119 Vine Road will reduce this impact. Window positions and lack of balconies on elevations facing houses in Vine Road eliminate issues of harm to privacy and over-looking.

Block B is no longer 'set in' at the rear of the building and this does increase the visual impact when seen from the rear gardens and windows of 113 -119 Vine Road. Due to this block being to the east of these houses there will be no overshadowing or loss of light suffered by these properties as a result of Block B from late morning onwards although there will be some impact during the morning period. The position of windows and the layout of external spaces, including terraces and balconies has again been designed to address earlier concerns of over-looking and loss of privacy.

However, the additional height and massing at the rear of the block in such close proximity to the houses in Vine Road does cause concern with regard to the creation of an unduly over-bearing impact and sense of enclosure when viewed from these properties.

The main changes are to **Block C** are the re-introduction of the fourth floor, which gives it a similar massing to that approved under 06/01601/Ful. The rear elevation of Block C has retained its design to avoid overlooking of the adjacent Princess Anne Maternity Hospital.

However, the introduction of the roof terrace has a similar implication to that on Block B in that the rear-most element of the building is increased in height and massing. Whilst further away from the house houses in Vine Road and effectively 'hidden' by Block B from the nearest houses in Vine Road, this element will add to the continuous height and massing along the rear elevation and the sense of enclosure created.

Scale, Massing and Context of the Character of the Area

The design approach has again been supported by the Architects Panel subject to the imposition of conditions requiring certain detailing to be shown and provided at a clearer scale.

The height, scale and massing of Blocks B and C relate to the context established along this section of Coxford Road by the large scale hospital buildings. The contemporary design also responds to recent developments within the General Hospital grounds immediately opposite the site.

However, unlike the earlier schemes, where some of the overall massing had been taken out of the larger blocks by recessing the upper floors, this opportunity at the rear of the building has been lost due to accommodating the roof-top terraces.

The impact in the street scene, is again considered acceptable. However, concerns are raised about the additional impact on the occupiers of Vine Road.

Sustainability

Since the consideration of the earlier proposals the Core Strategy has been adopted, in January 2010.

Policy CS20 states that (from adoption) all residential development achieves at least Code Level 3 of the Code for Sustainable Homes.

Block A, will be managed by a Housing Association and as such has previously been designed to achieve the Code 3 rating required to be achieved by all new schemes managed by them.

However, it is clear from the submitted sustainability statement, that whilst additional measures have been introduced since the earlier schemes were approved, Blocks B and C fall significantly short of the Code 3 rating.

There is therefore an objection to the scheme on sustainability grounds.

A member of the sustainability team will be available to take questions on this issue at the Panel.

Layout and parking issues

The fundamental reason for the new application is due to the accepted constraints of the costs of providing the parking beneath the buildings.

The revised layout therefore proposes a much more limited use of under-croft parking beneath the very rear-most sections of Blocks B and C. This can be achieved by using the natural slope of the site to minimise excavation. 14 spaces, including 4 disabled bays are provided in this area.

A further 19 spaces are now shown to be provided to the rear of the site in what was originally intended to be the communal amenity space to serve the occupiers of Blocks B and C. These spaces are broken up with tree planting which is designed to be viewed from the street between the buildings and would be expected to be a tree of some significance to act as a back-drop to the scheme. The area between the parking spaces and the boundaries of the site are also shown to have strengthened planting to act as a screen to neighbours and a softening to the setting and visual impact of the building.

Two further spaces for visitors will be provided.

The main concern about the re-location of the parking spaces is the additional activity and potential disturbance this would introduce to the rear of houses in Vine Road.

Parking is again provided below the maximum standards (35 spaces proposed compared to a maximum of 43). However, cycle storage is provided to the maximum adopted standards. Therefore notwithstanding that there is less than one parking space per unit and local concerns have been raised as the impact this will have no objection had been raised at the time of writing the report.

Any comments received from the Highways Officers prior to the Panel meeting will be reported verbally to the Panel.

Provision of Amenity Space

The relocation of the amenity space to serve Blocks B and C from the rear of the site to roof top terraces is a significant amendment to the proposals.

The original amenity space was judged to be acceptable notwithstanding the quantum of space was below adopted standards.

In review, that space would also have been in the shadow of both blocks of flats for long periods of the day and would have been somewhat removed from the individual flats themselves.

The roof top terraces have qualitative advantages of gaining sunlight throughout the day and being accessible to occupiers of each block only. The space is therefore considered to be more likely to be utilised than the previously consented schemes.

The layout of the flats on the upper floors have been amended to avoid privacy and disturbance issues and access to the terrace would have to be restricted to daylight hours, albeit a planning condition to that effect would be extremely difficult to enforce and involve an intolerable level of supervision.

However, on balance, notwithstanding the shortfall on quantum of amenity space, the function and quality of the space is considered to be a better arrangement than that originally approved.

Summary

The scheme is largely similar to that previously approved in terms of numbers, scale, massing, height and design.

There has been no objection to the reduction in numbers of parking spaces or the relocation of those spaces to the rear of the buildings.

Amenity space, whilst not conventional, has improved functional and qualitative elements compared to that which has previously been approved.

The additional tree planting to the rear of the site will provide some element of screening and an appropriate long term back drop to the development.

Affordable housing is confirmed to be provided to the standards of the adopted Core Strategy via a s106 agreement.

Whilst the mix fails to provide family housing in accordance with the adopted standards of CS16 and is above the densities recommended by Policy CS4 it is considered that the size and shape of the plot, combined with recently approved

applications on this site under policies which still have significant weight, on those particular matters it would be unreasonable to request a whole-scale re-design of the scheme.

Conclusion

Whilst the amended scheme is considered to accord with the council's adopted policies in most respects, the failure to achieve an acceptably sustainable development is contrary to Policy CS20 of the Core Strategy and should primarily be refused for this reason.

RECOMMENDATION – REFUSE

1. Reason for Refusal – Unsustainable Development

Based upon the information submitted the proposed development, by reason of its carbon dioxide emissions and energy use, would be detrimental to addressing the causes of climate change and its impacts, the affordability of the homes for future occupiers and energy security.

The development would prove contrary to Policies CC1, CC2, CC3, CC4, NRM 11 and SH8 of the South East Plan: Regional Spatial Strategy (May 2009), Policy CS20 of the Core Strategy (January 2010) and Policy SDP13 of the Local Plan (2006).

2. Reason for Refusal – Impact on Neighbours due to the additional height and massing of the rear elements of Blocks B and C.

The revised scheme introduces additional height and massing to the rear-most sections of Blocks B and C which would create an unduly over-bearing impact when viewed from the rear habitable windows of houses in Vine Road and as such would cause harm to the existing level of amenity enjoyed by the occupiers of those houses contrary to Policies SDP1 and SDP 9 of the City of Southampton Local Plan Review 2006 and CS 13 of the Core Strategy 2010.

3. Reason for Refusal – S.106

In the absence of a completed S.106 Legal Agreement the proposals fail to mitigate against their direct impact and do not, therefore, satisfy the provisions of policy CS 25 of the Local Development Framework Core Strategy Development Plan Document 2010 as supported by the Council's Supplementary Planning Guidance on Planning Obligations (August 2005 as amended) in that the following requirements have not been secured:

- A) Measures to satisfy the public open space requirements of the development.

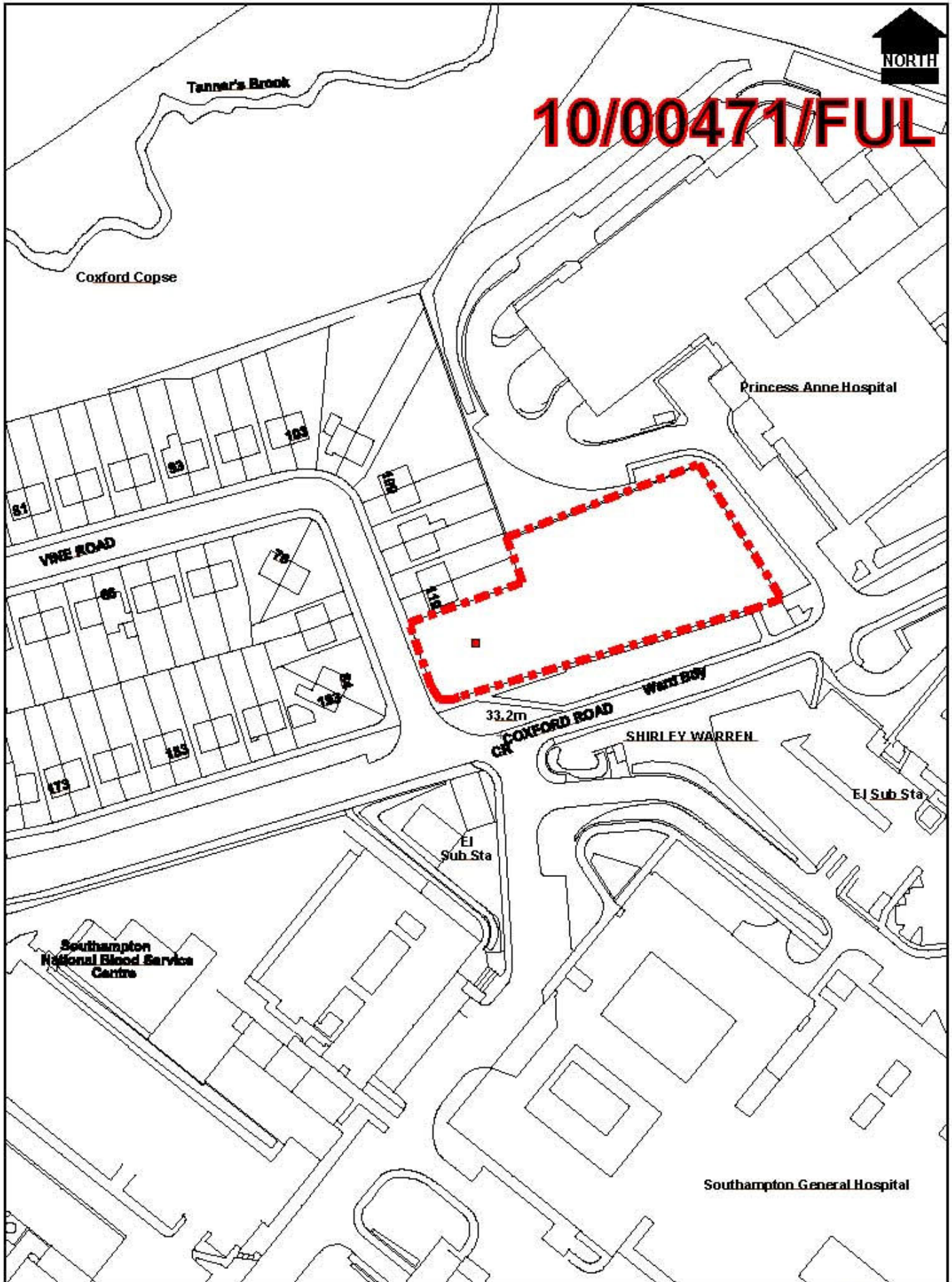
- B) Measures to satisfy the provision and maintenance of play space.
- C) Measures to satisfy the site specific transport of the development such as necessary improvements to public transport facilities and pavements in the vicinity of the site.
- D) Measures to support strategic transportation initiatives.
- E) Measures to satisfy the provision of public art.
- F) Measures to satisfy the provision of affordable housing.
- G) Measures to deliver a Training and Employment Management Plan.
- H) A Highway Condition survey the application fails to demonstrate how the development will mitigate against its impacts during the construction phase

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 (c), 2 (e), 4(s), 5 (e), 6(a), 6(c), 6(h), 7 (a), 7(c), 7 (m), 7 (q), 7 (w), 7 (x), 7 (z), 8(a), 9(a) and 9(b) PPS5 – Planning and the historic environment

AA 07.06.10 for 22.06.10 PROW Panel



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Date : 09 June 2010

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Appendix 1

Relevant Core Strategy Policies

CS 4	Housing Delivery
CS 5	Housing Density
CS 13	Fundamentals of Design
CS 15	Affordable Housing
CS 16	Housing Type and Mix
CS 18	Transport: reduce-manage-invest
CS 19	Car and Cycle Parking
CS 20	Tackling and adapting to Climate Change
CS 25	The delivery of Infrastructure and developer contributions.

Relevant 'saved' Policies of the City of Southampton Local Plan 2006

City of Southampton Local Plan Review March 2006

SDP1	General Principles
SDP4	Development Access
SDP5	Car Parking
SDP6	Urban Design Principles
SDP7	Context
SDP9	Scale, Massing and Appearance
SDP10	Safety and Security
SDP12	Landscape and Biodiversity
SDP13	Resource Conservation
SDP21	Water Quality and Drainage
H1	Housing Supply
H2	Previously Developed Land
H7	Residential Environment
CLT3	Protection of Open Spaces
CLT5	Open Space
CLT6	Children's Play Space

Supplementary Planning Guidance

Planning Obligations: Provision of community infrastructure and affordable housing.
August 2005.

Supplementary Planning Document

Residential Design Guide September 2006.

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Appendix 2

Relevant Planning History

06/00802/FUL 64 Flats in three blocks of flats. Refused 22.08.06

Appeal Lodged on 30 October 2006 but withdrawn by applicants.

06/01601/Ful 64 Flats in three blocks of two, four and five storeys.

Resolved to grant by Panel 30.01.07 Decision Issued 20.02.08.

07/01994/Ful 65 Flats in blocks of 3, 4 and 4 storeys with 41 parking spaces.

Resolved to grant by Panel 04.03.2008. Decision Issued 11.03.2008.

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APPLICATION TYPE: Full Application
APPLICATION NO: 07/01994FUL
APPLICANT: Key Care Projects and Raglan Housing Association
AGENT: The Luken Beck Partnership
SITE ADDRESS: 195-207 Coxford Road & 121 Vine Road
PROPOSAL: Demolition of 8 existing dwellings and construction of three buildings (3, 4 and 4 storeys) to provide 65 flats (41 x 2 bed' and 24 one-bed') with 41 parking spaces

RECOMMENDATION: Delegate authority to the Development Control Manager to grant planning permission subject to:

1. The applicant entering into a S106 legal agreement to secure:

- i. Provision of affordable housing in accordance with Policies H9 and H11 of the City of Southampton Local Plan March 2006.
 - ii. A financial contribution towards the provision and maintenance of open space required by the development in accordance with policies CLT5 and IMP1 of the City of Southampton Local Plan March 2006 and the adopted guidance on Planning Obligation August 2005.
 - iii. A financial contribution towards the provision and maintenance of play space required by the development in line with policies CLT6 and IMP1 of the City of Southampton Local Plan March 2006 and adopted guidance on Planning Obligations August 2005.
 - iv. A financial contribution towards site specific transport contributions for highway improvements in the vicinity of the site towards measures to encourage the use of alternative modes of transport to the private car in accordance with policies SDP3, SDP4 and IMP1 of the City of Southampton Local Plan March 2006, the Local Transport Plan and the adopted guidance relating to Planning Obligations August 2005.
 - v. A financial contribution towards strategic transport contributions for highway network improvements in line with SDP3 and IMP1 of the City of Southampton Local Plan March 2006, the Local Transport Plan and the adopted guidance on Planning Obligations August 2005.
 - vi. Submission of a highways condition survey.
-

REPORT

BACKGROUND

The application is an amended version of a scheme for 64 flats approved by the Panel on 30 January 2007 (07/01994/Ful).

The main changes to the scheme are as follows:

- i. Deletion of one floor of accommodation from Block C reducing the height of the building from 5 to 4 storeys in height.
- ii. Additional storey to part of Block A create a part two storey part three storey block.
- iii. Elevation changes to Block B to delete recess at second floor level (but retaining recess at third floor level).
 - iv. Re-organisation of the pedestrian access routes to the site frontage
 - v. Re-design and re-positioning of refuse stores to serve the blocks.
 - vi. One additional flat across the whole site and a change in mix of units **from** 42 x 2 bed & 22 x 1 bed **to** 41 x 2 bed & 24 x 1 bed flats.

There have been no material changes to planning policies or adopted guidance since the consideration of the original proposal for 64 units

SITE AND SURROUNDS

Other than the demolition of the original bungalows having taken place, there have been no alterations to the context of the site.

The site is located on the western side of the City, 1.5km from the nearest 'district' centre (Shirley Town Centre) and 4km from the City centre. It is opposite the General Hospital site and adjacent to the Princess Anne Maternity Hospital. Based on the methodology set out in the Local Plan the area is located in a 'medium' accessibility area, served by between 10-19 buses per hour.

Coxford Road is a busy route serving both the Southampton General Hospital (immediately opposite) and the Princess Anne Maternity Hospital (immediately adjacent to the site). It is used by buses, ambulances, staff and visitors to the hospitals as well as local residents.

The western side of the City is typically characterised by residential suburbs served by small local centres. The town centre of Shirley is 1.5km away. There is now mix of housing type and layout along Coxford Road and surrounding streets with a large area of former two storey council houses to the west and a wider variety of private housing and some flatted developments to the east. However, in the immediate vicinity of the site the larger scale buildings of the Hospitals should be acknowledged and it is within this context that the site is considered to have potential scope for

larger scale re-development, despite the majority of the site currently being occupied by bungalows.

The site itself (0.35 hectares) originally comprised 6 bungalows and a pair of semi-detached houses on the junction of Coxford Road and Vine Road. These have recently been demolished and the site is enclosed by security fencing. There is a landscaped amenity strip which sits behind the public highway at this junction over which an informal path runs. This land is in council ownership and has, in principle been agreed to be transferred to the site should a permission be granted. It is confirmed that this path is not a statutory 'right of way' but any highway rights would need to be extinguished in accordance with the appropriate planning procedures, should a consent be granted.

APPLICATION DETAILS

The application is similar to that approved by Panel in January 2007. The material amendments to the number of units, mix of units, scale, height and massing of the blocks, design of the blocks and site layout have been summarised in the 'background' section of this report.

The amended application now seeks construction of 65 flats (41 x 2 bed' and 24 x 1 bed').

Block A at the junction of Vine Road and Coxford Road is a part two storey part three storey block of 14 flats compared to 12 flats previously..

Block B (central block) is a four storey block of 24 flats (22 previously). The third floor is recessed to reduce the scale and massing of the building.

Block C is now a four storey block of 27 flats (previously 30 flats in a five storey block). Again, the third floor is recessed to reduce the scale and massing of the building.

A total of 41 car parking spaces are provided 34 of which are within the secure and covered basement areas beneath blocks B and C. The basement provides lift access to all levels of accommodation in Blocks B and C. An access door from the basement area below Block B links to a pedestrian path serving Block A to allow access for occupiers of this block to secure and covered cycle storage.

Refuse storage is now shown to be accommodated in three separate structures serving each block. Block A would have refuse collected from Vine Road whilst the refuse stores for Blocks B & C are close to the Coxford Road frontage.

The siting, design and accessibility of this aspect of the scheme has been improved compared to the approved scheme. Additionally, due to the changes in levels across the site, pedestrian routes to and from the store and from the main entrances of each block to the road frontage have been redesigned. The layout of the paths are simplified and give access at an appropriate gradient to each of the blocks.

Approximately 18sq m of external communal amenity space is provided for each flat as previously.

RELEVANT PLANNING HISTORY

06/00802/FUL 64 Flats in three blocks of flats. Refused 22.08.06

Appeal Lodged on 30 October 2006 but withdrawn by applicants.

06/01601/Ful 64 Flats in three blocks of two, four and five storeys.

Resolved to grant by Panel 30.01.07 Decision Issued 20.02.08.

PLANNING POLICY

The relevant planning policies are identified in Appendix 1 to this report.

Policy Assessment

Redevelopment for residential development at a higher density than exists presently on the site is acceptable in principle.

The site is within a medium accessibility area. The maximum parking provision, given the proposed mix of units is 43 spaces, the provision of 41 spaces is in accordance with the councils adopted policies.

Some concerns are raised about the high density, lack of unit mix (no larger family type units) and level of amenity space.

However, the scheme would help meet overall city wide housing targets.

No specific objection is raised on policy grounds.

CONSULTATION AND NOTIFICATION

A consultation exercise in line with department procedures was undertaken which included notifying adjoining landowners, placing a press advertisement and erecting site notices. A total of 9 surrounding neighbours were notified of the application in addition to the ward members. The adjacent hospital trusts were also consulted.

No letters of representations have been received.

Highway Development Control – Confirm that the site is within a medium accessibility area and therefore 43 parking spaces is the **maximum** the development can provide. The application is accompanied by a detailed transport assessment as required by Policy SDP6. Amendments have been made to the scheme to address the highways reasons for refusal on the original application, in particular, the deletion of the vehicular access serving Block A and a redesign of the main access. . No objections are raised to the proposals

Environmental Health (Contamination) - confirm that a land contamination site assessment should be carried out given the likelihood of some contamination in this area in the past.

Play Services Officer – confirms that a contribution to play space provision in line with Local Plan policies be provided for improvements to the Portsdown Recreation ground.

Architects Panel – consider the amended scheme to remain attractive in urban design terms and whilst a preference for the original, taller, Block C was stated, the Panel continue to support the application.

Hampshire Constabulary Architectural Liaison Officer – raises no objections to the nature of the use or the proposed layout of the site following amendments made to the scheme on the advice of the Liaison Officer.

Southern Water – have re-issued a holding objection on the grounds of insufficient capacity of the existing pipe-work in this area, the recommendation contains a clause to resolve this. This matter was resolved between the applicants and Southern Water prior to issuing the original consent. A verbal update will be given on progress on this matter at the Panel meeting.

Sustainability - initially raised concerns that insufficient energy/resource conservation measures had been incorporated into the development. However, the applicant has been in open dialogue with the councils' sustainability officer and it is indicated that a very positive package of measures, which will fully satisfy SDP13, will be delivered.

PLANNING CONSIDERATIONS

The principle of the scheme has been previously agreed. The amended scheme remains for Full Permission

Unusually, the most material change to the proposals is a reduction in the height, scale and massing of the overall built form with the deletion of a floor of accommodation from Block C. This alteration is not considered to detract from the quality of the development and would arguably have less of an impact on the character of the area.

Notwithstanding the reduced massing on Block C the additional storey to part of Block A provides two additional units in that block. The portion of the roof on which the additional storey is provided is limited to the front corner along Coxford Road and therefore away from the junction with Vine Road and the adjacent houses in Vine Road. It is not considered that the additional height on this block will have any materially greater impact on the residents of Vine Road and in Urban design terms provides a visual step up towards the taller blocks B and C.

As previously, the development should be assessed in terms of the relationship of the scale of residential development proposed on the site to the nearby residential land uses but also to the Hospital buildings which form three of its boundaries; the likely impact of the scale of development on the adjacent occupiers, particularly by reason of over-shadowing, visual impact and privacy in addition to the intensification

of the use of the site; and if it continues to be acceptable in terms of parking and highway matters including cycle and refuse storage, and the provision of amenity space.

Impact on adjacent occupiers, including the Hospital buildings.

The nearest residential properties are to the north-west of the site in Vine Road. Nos 117 & 119 Vine Road back directly onto the site and would be most affected but other properties in Vine Road would also be impacted upon.

As already stated Block A has now been designed to be part two part three storey in height rather than just two storey. It remains two storey adjacent to the boundary with other two storey houses in Vine Road but rises to 3 storey along the Coxford Road frontage to provide an appropriately scaled building along the Coxford Road frontage viewed alongside Blocks B and C. As Block A is to the south of these houses and their rear gardens, and due to the change in levels on the road which means the site is at a higher level than the adjacent houses, there will be some overshadowing for part of the morning and early afternoon from Block A. The provision of additional landscaping along the shared boundary between Block A and 119 Vine Road will reduce this impact. Window positions and lack of balconies on elevations facing houses in Vine Road eliminate issues of harm to privacy and over-looking.

Block B continues to be 'set in' at the rear of the building to reduce the visual impact when seen from the rear gardens and windows of 113 -119 Vine Road. There will be no overshadowing or loss of light suffered by these properties as a result of Block B from late morning onwards although there will be some impact during the morning period. The position of windows and the layout of external spaces, including terraces and balconies has been re-designed to address earlier concerns of over-looking and loss of privacy.

The main changes are to Block C with the removal of the fourth floor, which gives it a similar massing to Block B. The rear elevation of Block C was redesigned on the original approval to address strong objections raised to the original proposals by the Hospitals trust. Immediately to the rear of the site is the Princess Anne Maternity Hospital. Concerns had been raised with regard to the potentially sensitive relationship between the windows and balconies on the rear of Block C and windows to wards and delivery rooms within the hospital. Those amendments were a result of meetings between the two parties and have been retained in this scheme. The Hospital Trust has confirmed in writing that their original objections have been fully addressed.

Architectural appearance

The design approach has again been supported by the Architects Panel and the City Design Team .

The height, scale and massing of Blocks B and C relate to the context established along this section of Coxford Road by the large scale hospital buildings. The contemporary design also responds to recent developments within the General Hospital grounds immediately opposite the site.

Some of the overall massing has been taken out of the larger blocks by recessing the upper floors and the removal of an entire floor from Block C. The impact in the street scene, is again considered acceptable.

Highway and parking issues

Parking is provided just below the maximum standards (41 spaces to maximum of 43) and cycle storage is provided to the maximum adopted standards. Therefore notwithstanding that there is less than one parking space per unit no objection is raised.

Other Matters

The siting of individual refuse stores to serve each block has helped simplify the pedestrian routes on the site with the deletion of large areas of ramps and retaining walls. This is considered to improve the site frontage.

The full package of measures towards energy/resource conservation need to be worked up in detail and incorporated into the development. However, there has been a very positive response from the applicant on this matter and discussions with the Sustainability team continue.

Amenity space is marginally below the adopted standards. However, the space provided is accessible and functional and is not considered to give rise to an unacceptably poor living environment for future occupiers.

Conclusion

The amended scheme continues to accord with the councils adopted policies and is recommended for approval.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a), 1(b), 2(c), 3(a), 4(s), 6(a), 6(c), 6(f), 6(h), 7(c), 8(a), 9(a), 9(b) and Local Plan Review (March 2006)

AA for 30.01.07 PROWP

Appendix 1

Relevant Policies of the City of Southampton Local Plan 2006

City of Southampton Local Plan Review March 2006

SDP1	General Principles
SDP2	Integrating Transport and Development
SDP3	Travel Demands
SDP4	Development Access
SDP5	Car Parking
SDP6	Urban Design Principles
SDP7	Context
SDP9	Scale, Massing and Appearance
SDP10	Safety and Security
SDP12	Landscape and Biodiversity
SDP13	Resource Conservation
SDP21	Water Quality and Drainage
H1	Housing Supply
H2	Previously Developed Land
H7	Residential Environment
H8	Housing Density
H9	Affordable Housing
H11	Location of Affordable Housing
H12	Housing Mix
CLT3	Protection of Open Spaces
CLT5	Open Space
CLT6	Children's Play Space
IMP1	Provision of Infrastructure

Supplementary Planning Guidance

Planning Obligations: Provision of community infrastructure and affordable housing. August 2005.

Supplementary Planning Document

Residential Design Guide September 2006.

RECOMMENDATION: DEL

CONDITIONS for 07/01994/Ful

01. Standard 3 Years

The development 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. Approved Plans

The development hereby approved shall be implemented, with the exception of details of refuse storage and energy conservation (sustainability), solely in accordance with drawings and reports received by the Local Planning Authority on the following dates:

10 January 2007. Site Plan numbered 7096 - 400 C. Street Scene/Block and Location Plans numbered 7096 - 401 C.

19 December 2006. Car Park Layout (including cycle storage) numbered 7096 - 408 A.

31 October 2006. Elevations Block B numbered 7096 - 402. Elevations Block C numbered 7096 - 403. Elevations Block A numbered 7096 - 404. Floor Plans Block B numbered 7096 - 405. Floor Plans Block C numbered 7096 - 406. Floor Plans Block A numbered 7096 - 407. Sections A-A _ B-B numbered 7096 -409. Car Park Layout/Site Plan numbered 7096 - 410.

AND associated documents:

Arboricultural Report received 31 October 2006

Transport Assessment received 31 October 2006

Design and Access Statement (not including Sustainability section) received 31 October 2006

AND any details required pursuant to a condition of this consent or as may be amended and accepted in writing by the Local Planning Authority.

REASON

To define the consent and for the avoidance of doubt.

03. Drainage

The agreed surface and foul water drainage systems shall be installed in accordance with the approved details.

REASON

To ensure adequate capacity exists to deal with foul and surface water drainage without creating risk of additional flooding on or off the site.

04. Energy/Resource Conservation Measures

Prior to development commencing full details of resource/energy conservation measures to be incorporated into the development shall be submitted to and agreed in writing with the Local Planning Authority.

REASON

To ensure the development complies with the Local Planning Authority's policies and targets on sustainable development.

05. Details of Materials

Full details of the manufacturers, types and colours of the external materials to be used, including samples if required, shall be submitted to and approved by the Local Planning Authority before development commences.

REASON

In order to control the appearance of the development in the interests of visual amenity.

06. Hardsurfacing Details

Samples of the external surface materials to be used on the site, including vehicular access road, pedestrian paths and hard-landscaping areas together with confirmation of the gradients of the pedestrian and vehicular routes and the design of any required ambulant disabled handrails shall be submitted to and agreed in writing with the Local Planning Authority prior to development commencing.

REASON

In the interests of the visual amenities of the site and to ensure good accessibility is achieved throughout the development.

07. Bird Plan

Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of:

Management of any roofs on buildings within the site which may be attractive to nesting birds

The Bird Hazard Management Plan shall be implemented as approved upon completion of the roofs. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

REASON

It is necessary to manage the roofs in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Southampton Airport.

08. Demolition Material Removal

The existing buildings and structures on the site shall be demolished and all resultant materials removed from the site before the development hereby approved commences unless otherwise agreed in writing with the Local Planning Authority.

REASON

In the interests of the visual amenities of the site and local area.

09. Contractor's Area

Detailed plans specifying the areas to be used for the contractors vehicle parking, plant and equipment, storage of building materials and any excavated material, huts and all working associated with the development of the site shall be submitted to and approved in writing with the Local Planning Authority prior to development commencing.

REASON

To minimise the impact of the development during the construction phase.

Wheel Cleaning

10. During the period of preparation of the site, including demolition, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on site and no lorry or other vehicles shall leave the site until its' wheels have been cleaned sufficiently to prevent mud being carried onto the highway.

REASON

In the interests of highway safety.

11. Means of Enclosure

No development shall be commenced until details of all means of enclosure on the site have been submitted to and approved by the Local Planning Authority. Such detailed scheme shall be implemented before the development is brought into use. The means of enclosure shall subsequently be retained to the satisfaction of the Local Planning Authority.

REASON

In the interests of the visual amenities of the area and to protect the amenities and privacy of occupiers of neighbouring properties.

12. Access - Stopped Up

Any existing access to the site shall be stopped up and abandoned and footway and verge crossings shall be reinstated immediately after completion of the new access.

REASON

In the interests of highway safety.

13. Car Parking

The car parking area and all access roads shown on the approved drawing shall be laid out and surfaced before the use hereby permitted commences and shall thereafter be kept clear and maintained at all times for that purpose.

REASON

To prevent obstruction to traffic in neighbouring roads.

14. Bicycle Storage

The building shall not be occupied in full or in part until secure, covered space has been laid out within the site for 64 bicycles to be stored for the benefit of the occupants in accordance with the approved plans. The cycle storage hereby approved shall thereafter be retained on site for that purpose.

REASON

To encourage cycling as a sustainable form of transport.

14. Bicycle Stands

The building shall not be occupied in full or in part until 2cycle stands have been made available for visitors adjacent to the entrance of each of the three buildings. The cycle stands hereby approved shall thereafter be retained on site for that purpose.

REASON

To encourage cycling as a sustainable form of transport.

16. Landscaping - Detailed Scheme

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 by the Local Planning Authority before the commencement of any site works. Any trees, shrubs, seeded or turfed areas which, within a period of 5 years from the date of planting die, fail to establish, are removed or become damaged or diseased, 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 scheme shall be carried out before .

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.

17. No Burning of Materials

No burning of any materials including cleared shrubs and trees shall take place on the site unless otherwise agreed in writing by the Local Planning Authority.

REASON

To protect the existing trees on the site or on adjoining land from damage.

18. Safeguard Trees

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. 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.

REASON

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

19. No Storage of Materials Adjacent Trees

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

REASON

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

20. Erection of Protective Fencing

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. 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.

21. Replacement Trees

Any trees to be felled pursuant to this decision notice will be replaced with species of trees to be agreed in writing with the Local Planning Authority at a ratio of two replacement trees for every single tree removed. The trees will be planted within the site or at a place agreed in writing with the Local Planning Authority. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting. The replacement planting shall be carried out within the next planting season (between November and March) following the completion of construction. If the trees, within a period of 5 years from the date of planting die, fail to establish, are removed or become damaged or diseased, they will be replaced by the Developer or Person Responsible for the upkeep of the land in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

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.

22. Soundproofing - Protection from Traffic

The development hereby approved must make provision for soundproofing so as to protect the occupants of the dwelling units from traffic noise from the adjoining highway, to a standard and to details that must be submitted to and agreed by the Local Planning Authority in writing before development commences. The soundproofing agreed by the Local Planning Authority pursuant to this condition must be implemented before any of the dwelling units are first occupied.

REASON

To protect the occupiers of the residential development from excessive traffic noise.

23. Contamination

No development shall take place until the developer has carried out adequate investigations to determine the presence and degree of contamination on the site and assessed the risks to human health and the wider environment. If any unacceptable risk or risks are identified a detailed remediation scheme must be devised to ensure the long-term safety of the site. Copies of the above documents shall be submitted to the Local Planning Authority for their approval. No works other than investigative works shall be carried out on site prior to the receipt of written confirmation from the Local Planning Authority. The approved remediation scheme shall be fully implemented and adhered to. Any amendments to the remediation scheme relevant to the risk associated with the contamination shall be submitted to the Local Planning Authority for prior approval in writing. On completion of the remediation works and, prior to occupation of any properties on the development, the developer and /or his approved agent shall submit written confirmation that the works have been completed in full and in accordance with the approved scheme. The presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of the Local Planning Authority and an investigation and management scheme implemented to their satisfaction.

REASON

To identify unacceptable risks to human health and the environment and ensure remediation of the site is to an appropriate standard.

24. Hours of Construction

All works relating to the construction of the development hereby granted, including the works to regrade the levels of the site, demolition and ground preparation prior to building operations shall only take place between the hours of 8am and 6pm on Monday to Friday and 9am to 1pm on Saturdays and at no time on Sundays and Bank Holidays.

REASON

To protect the amenities of occupiers of nearby dwellings during the construction period.

25. Lighting

A detailed scheme for the lighting of external areas and the undercroft parking and cycle storage areas shall be submitted to and approved by the Local Planning Authority prior to development commencing.

REASON

In the interests of the visual amenities of the site and the amenities of adjacent occupiers and future residents.

26. TV Reception

The applicant shall undertake an analysis of the impact the proposals would have on the television reception of properties in the immediate vicinity of the site, in particular Vine Road. The findings and recommendations of the should be set out in a written report which shall be submitted to the Local Planning Authority prior to development commencing. Any recommendations or mitigation measures recommended in the report shall be carried out prior to first occupation of any of the units.

REASON

To ensure the development complies with guidance set out in PPG8.

27. Refuse Stores

The agreed refuse stores shall be provided prior to first occupation.

REASON

To ensure waste is properly stored.

REASON FOR GRANTING PLANNING PERMISSION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 planning permission should therefore be granted.

City of Southampton Local Plan March 2006

SDP1, SDP2, SDP3, SDP4, SDP5, SDP6, SDP7, SDP9, SDP10, SDP11, SDP13, CLT4, CLT5, CLT6, H1, H2, H3, H7, H8, H9, H10, H11.

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Agenda Item 8

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 22nd June 2010
 Planning Application Report of the Head of Division

Application address	51 High Road		
Proposed development:	Erection of a part 3-storey, part 2-storey building to provide 3 x 3-bed and 2 x 2-bed flats with associated parking and refuse/cycle storage following demolition of existing building. Outline application seeking consideration of access, appearance, layout and scale only (details of landscaping to be reserved) (Departure From Local Plan).		
Application number	10/ 00181/OUT	Application type	Full Detailed
Case officer	Bryony Giles	Application category	Q13 - Minor Dwellings

Recommendation Summary	Delegate to the Head of Planning & Sustainability to conditionally approve subject to no additional or adversary consultation comments being received in relation to the proposal.
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Reason for Panel consideration	Departure from the Development Plan.
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Applicant: Mr Richard Mandair	Agent: Concept Design & Planning LLP
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Date of receipt	25.02.2010	City Ward	Swaythling
Date of registration	25.02.2010	Ward members	Cllr Odgers
Publicity expiry date	24.06.2010 (re -advertised)		Cllr Osmond
Date to determine by	22.04.2010 OUT OF TIME		Cllr Turner

Site area	600sq.m (0.06 ha)	Usable amenity area	shown: 152m2
Site coverage (developed area)		Landscaped areas	shown: 51m2
Density - whole site	83 d.p.h		

Residential mix	nos	size sqm	Other land uses	class	size sqm
Studio / 1-bedroom	-	-	Commercial use	-	-
2-bedroom	2	55 sqm – 58 sqm	Retail use	-	-
3-bedroom	3	79 sqm - 58sqm	Leisure use	-	-
other	N/A	-	other	-	-
Policy designation	REI 6 (Local Centres)				

Accessibility zone	Medium (Band 3)	Policy parking max	4 spaces
Parking Permit Zone	no	existing site parking	8-10 spaces
Cyclist facilities	no	car parking provision	5 spaces
motor & bicycles	-	disabled parking	0 spaces

Key submitted documents supporting application			
1	Design and Access Statement		
Appendix attached			
1	Relevant Planning Policy	2	Justification report into the loss of Class A use within Swaythling Local Centre

Recommendation in full

Delegate to the Head of Planning & Sustainability to conditionally approve subject to no additional or adversary consultation comments being received in relation to the proposal.

Background

The application is referred to panel as it represents a departure from the Local Plan Review (March 2006). The site forms part of the Swaythling Local Centre as defined under policy REI 6 of the adopted local plan.

Site and surroundings

The application site relates to an existing two storey end of terraced building located on the edge of the Swaythling district centre. The property is currently occupied by a restaurant, with residential accommodation above. To the north, the property is bounded by residential dwellings.

To the west (rear of the site) there is a single storey workshop which has been in use for light industrial purposes since the early 1950's. The workshop is accessed via a narrow access road adjacent to 344 Burgess Road. Beyond the workshop there are allotments.

To the north and east of the site is bounded by the defined Swaythling local centre containing a mixture of shops, café's and takeaways. The majority of premises have residential accommodation at first floor level.

The rear of the site is given entirely over to hard standing which is currently used as a car park for both staff and patron's of the restaurant. The parking area is not formalised and approximately 8 - 10 cars can park within the space at any one time. The parking area is accessed from High Road.

Located within a medium accessibility area, the property is within a short walking distance from regular bus routes that run both into and out of the city, and Riverside Park.

Proposal

Planning permission is sought for the erection of a part 3-storey, part 2-storey building to provide 3 x 3 bed and 2 x 2 bed flats with associated parking and refuse/cycle storage following demolition of existing building. The application submitted is an outline application seeking consideration of access, appearance, layout and scale. Landscaping details are to be reserved.

The proposal yields a residential density of 83 dwellings per hectare. The footprint of the proposed building occupies 26% of the site with the 74% remaining available for parking and private amenity areas. The footprint of the existing building currently occupies 20% of the site.

The two storey building with accommodation in the roof space will be formed of facing brick with slate roof tiles. The front elevation is well articulated with a double bay frontage. Its key design features and the proportions of the building mimic the existing style of residential houses within the High Road street scene.

All of the proposed dwellings will have access to private amenity space. The proposed ground floor 3 bed unit has direct access to a private amenity area of 24m² in accordance with the defined definition of a family home, and in line with amenity space standards. All other flats are provided with their own area of private amenity space, which will be

sectioned off with a low boundary treatment and can be directly accessed within the curtilage of the building.

Five car parking spaces are provided to the rear of the site. As is a purpose built refuse store.

The site's frontage is to be landscaped and a low boundary wall reinstated to provide a defensible space between the highway and front bedrooms/living room windows.

The proposal to redevelop the site for solely residential use would be contrary to the adopted development plan, namely Policy CS3 of the Core Strategy and Policy REI6 of the Local Plan Review.

Relevant Planning Policy

LDF Core Strategy - Planning Southampton to 2026

Following the receipt of the Inspector's Report from the Examination into the Southampton Core Strategy Development Plan Document (13/10/2009) and its consideration and adoption by the Council (20/01/2010) the policies of the LDF Core Strategy, and those "saved" from the Local Plan Review, form the planning policy framework against which this application should be determined.

The relevant CS policies and the "saved" policies from the Local Plan Review are set out at **Appendix 1**. In particular, the adopted LDF Core Strategy Policy CS13 (Fundamentals of Design), as supported by Local Plan Policy SDP1 (i), is relevant in the determination of this application, as are policies CS5 of the adopted Core Strategy and saved policy REI 6 of the adopted Local Plan Review.

Policy SDP1(i) requires planning permission to only be granted for development which does not unacceptably affect the health, safety and amenity of the city and its citizens.

Policy CS13 (11) expands on this requiring urban form and scale to be considered and advocates the need to make higher densities work, being of an appropriate scale, massing and appearance.

Policy CS5 advocates that intensification and higher densities will be appropriate in some areas of the city in order to make best use of land, to support a range of local services and infrastructure and to create a residential environment with a mix of housing including smaller units and affordable housing. At all densities, residential development should be high quality, energy efficient and in line with best practice in sustainability and should maximise outdoor space, for example by providing gardens, roof terraces or balconies.

Policy REI 6 refers to the city's defined local centres and seeks to retain their role in serving the daily needs of the local population.

Sustainability Implications

Developments are expected to meet high sustainable construction standards in accordance with the Development Plan for Southampton. The design and access statement with the application states that while the proposal will meet Code for Sustainable Homes Level 3 in relation to water consumption, the new building will only meet the equivalent of Level 1 Carbon Emissions for the Code of Sustainable homes. In accordance with policy CS20, any new development of unit and above is required to meet Level 3 of the Code for Sustainable Homes and provide a 20% reduction in CO2 through renewable or low carbon sources.

On this basis, the Council's sustainability team have raised an objection to the application but agreed that subject to the developer agreeing to the imposition of conditions requiring the development to meet Code for Sustainable Homes Level 3 and provide a 20% reduction in CO2 through renewable energy or low carbon sources the reasons for this objection would have been overcome.

The applicant has confirmed this is an acceptable approach.

Relevant Planning History

Originally a shop with residential accommodation above, the ground floor of the property received planning permission in 1973 for a change of use to restaurant seating 28 people. In 1983, the shop frontage was infilled resulting in a rendered front wall with single entrance. Its current appearance is unchanged.

Consultation Responses and Notification Representations

Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement and erecting a site notice.

Given the need to re-advertise the application as a departure from the local plan the overall consultation period does not expire until 24.06.2010. However, at the time of writing the report 1 objection had been received from neighbouring residents.

Planning related comments can be summarised as follows:

The terrace was built as a row of shops and should remain so.

Response

See planning considerations below.

The property will extend further up the garden and in some cases be closer to 55 High Road resulting in loss of light to habitable rooms and in the garden.

Response

See planning considerations below.

There is concern with regard to the making good of the exposed walls and chimneys of 55 High Road.

Response

Should planning permission be granted, the developer will be required to enter into a party wall agreement with 55 High Road to ensure that there will be no damage to neighbouring dwellings or that adverse structural implications occur as a result of the development. Liability is with the developer.

There is a right of way which runs between 49 and 51 High Road to the back cut which links to Burgess Road. If residents' cars are moving in and out of here, this will be very dangerous.

Response

There are no council records that indicate this is a public right of way. The site is privately owned and as such, if others do have a right of way over this land their rights for it to be maintained as such must be considered under civil law. It is not a material planning consideration.

Summary of Consultation comments

SCC Planning Policy

The proposal to redevelop the site for solely residential use would be contrary to the Development Plan, namely Policy CS 3 of the Core Strategy and Policy REI 6 of the Local Plan Review. It is recognised that occupancy levels within the centre are historically low.

The site's position on the edge of the centre would not harm the defined local centre if developed solely for residential purposes and the proposed design would be an improvement on the existing situation. No objection is raised.

SCC Highways

In order to comply with Highway Safety standards it has been necessary for the design of the building to be revised. The width of the building has been reduced by 0.8m to enable a 3.1m access to be provided allowing a designated footpath adjacent to the vehicular access. A 6m x 4.5m entrance to the driveway is also provided to ensure that cars are able to pass one another if entering and leaving at the same time.

The revised plans reinstate the front boundary wall and provide a front garden while providing appropriate visibility splays to the front to the site.

There is no objection to the application on highways grounds.

SCC Sustainability

The Council's sustainability team have raised an objection to the application but agreed that subject to the developer agreeing to the imposition of conditions requiring the development to meet Code for Sustainable Homes Level 3 and provide a 20% reduction in CO2 through renewable energy or low carbon sources the reasons for this objection would have been overcome.

SCC Environmental Health (Pollution & Safety)

No objection raised subject to controlling the hours of construction on site, soundproofing, a waste management plan containing full details of measures to reduce the wastage of materials and promote the recycling of materials during the construction process is submitted and bonfires are prohibited on site.

SCC Ecologist

No objection.

Southern Water

No objections raised subject to the imposition of conditions requiring the developer to submit details relating to the protection of the public sewers, details of foul sewerage disposal and means of surface water disposal.

Planning Consideration Key Issues

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

- i. The principle of development;
- ii. Design, density & impact on established character;
- iii. Residential amenity;
- iv. Highways and parking;

The Principle of Development

The site is part of a defined local shopping centre. Whereas no customer service based use has been proposed for the ground floor of the new building, it is recognised that there are a number of vacant units within local centre and that recent trends have moved away from the area being used as a local shopping centre in favour of an increased number of takeaways and café uses.

Within the Swaythling local centre occupancy of shop units has been historically lower than city wide averages, even before the recession. The location of the application site directly adjacent to the boundary of the centre would continue to provide a natural break between the commercial and residential elements of this part of Swaythling local centre and thus would ensure the centre continues to be clearly defined. Due to vacant units being present within the Swaythling local centre the opportunity for new business to locate here, should the wish to do so, is available.

This technical failure to meet policy CS3 of the Core Strategy and REI 6 of the Local Plan Review is therefore not considered to justify a refusal. Also, policy CS3 does not contain any specific prohibition of non-retail uses at ground floor level but rather focuses on how proposals would affect the vitality and viability of the defined local centre as a whole.

The loss of a restaurant within the centre will not result in the loss of a shop, which now has no display window, and facilities for 'day to day' needs of the local people as referred to in Policy CS3 paragraph 4.5.7 of the adopted Core Strategy.

As such, it is judged that the principle of redeveloping the site solely for residential use would not adversely harm the function of the local centre or detract from its character.

Density, design & impact on established character

The development meets the prescribed density levels as set out in policy CS5 of the adopted Core Strategy.

In design terms, the application site currently represents a poor relationship with High Road. The use of brick on what might otherwise be a glazed shop front does not allow pedestrians to observe any activity within the premises to the same degree as what one might expect within a restaurant in a local centre. This is not the case for other premises within the local centre.

The design of the building picks up on the key features of neighbouring residential dwellings 47-49 High Road. The proposed building height sits at a slightly lower level than 47-49 High Road to provide a transition between 55 and 49 High Road, while better mimicking the heights of property 45 High Road onwards. Sash style windows are proposed to match those of neighbouring dwellings.

The development has been designed to address High Road with access to a ground floor flat providing and active frontage to the scheme. Sufficient measures have been taken to ensure that entrances are safe and well surveilled.

A landscaped front garden, with low boundary wall is proposed to the front of the site to provide a defensible space between ground floor habitable rooms on the front elevation

and the highway. Its design is in keeping with the character of neighbouring residential dwellings.

To the rear, the development is formed of part single, part two and part three storey building heights. The building is stepped in form to keep the overall bulk of the building to a minimum and its mass stepped away from the boundaries with the neighbouring dwellings.

At a depth of 11.5m, the two storey element of the extension is stepped away from the boundary with 55 High Road by 2m as it projects past the rear build line of the property and continues for a depth of approximately 3m.

The single storey extension which forms the remainder of the depth of the building on its northern side, when taken from the ground level of the neighbouring building, has a 2m height to eaves with a hipped roof that pitches away from the boundary. As such, its height to eaves is no greater than the maximum height of a boundary fence allowed under permitted development regulations. The relatively low height and position 2m away from the boundary with 55 High Road mitigates the impact of the proposal on the existing residential amenity of 55 High Road.

The existing access between 49 and 51 High Road has been retained to allow vehicular and pedestrian access to the rear of the site. The 3.1m gap retained between the proposed building and its southern boundary negates any adverse impact on neighbouring dwelling 49 High Road.

The building has been designed with no windows in its north elevation, and secondary (hallway) windows within its southern elevation. As a result, no overlooking or loss of privacy will occur.

Residential accommodation within the Swaythling area is made up of a range of unit sizes and accommodation types. With the majority of properties having traditionally been family houses, some of these properties have now been converted into one and two bedroom accommodation. The houses that remain are either occupied by families, students or private rental properties. The site's close proximity to Southampton University means that there is a demand for a range of unit sizes within this area.

The mix of unit types within this development meets the criteria of policy CS16 of the adopted Core Strategy. The three bed unit on the ground floor is suitable for family occupancy and replaced the existing unit of accommodation that would be considered suitable for family occupation. All other 2 bed and 3 bed units have direct access to private and usable areas of amenity.

The units are all provided with sufficient light and outlook to create an appropriate residential environment for all.

All units have direct access to private and usable garden area that meets the minimum requirements of the residential design guide.

Residential Amenity

The units are all provided with sufficient light and outlook to create an appropriate residential environment for all. The design and layout of the building ensures that privacy and outlook of neighbouring buildings is retained whilst a reduction in the number of cars parked within the rear of the site and reduced areas of hard standing will be an improvement to the rear street scene and improve the sustainable credentials of the site.

All units have direct access to private and usable garden area that exceeds the minimum requirements of the residential design guide.

Refuse and cycle storage is appropriately and conveniently designed into the proposal.

Highways and Parking

The provision of five car parking spaces exceeds the council's maximum standard of 4 spaces for the proposed number of units within a medium accessibility area. However, the site can accommodate this number of units without compromising highway safety or the residential amenity standards of the scheme. Furthermore, there is little opportunity for on road car parking within the surrounding area and as such the amount of parking provided is considered appropriate.

The site provides a shared vehicular and pedestrian access adjacent to the southern boundary of the site. The width of the access and the provision of a passing point for vehicles to the front of the site complies with Highway Safety Standards.

Summary

On balance, the loss of a commercial unit within the local centre, by reason of its siting on the edge of the local centre adjacent to existing residential dwellings, is not considered to be detrimental to the viability and vitality of the Swaythling local Centre.

The development is considered to successfully respond to the design features of the immediate area whilst protecting neighbouring residential amenity. The requirements of the recently adopted Core Strategy are met to provide an appropriate residential environment for future occupiers of the site and provide a mix of residential accommodation for the city.

The support for this application is not intended to convey that we would support similar application in this, or other centres, until such a time that the council has the chance to produce adequate assessments of identified centres, which would inform their future extent as part of the local development framework process.

Conclusion

This application has been assessed as being acceptable to residential amenity and its local context. The application is recommended for conditional approval, subject to their being no further objections to the application.

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 (c), 2 (e), 4 (s), 5 (e), 6(c), 7 (a), 7(c), 7 (m), 7 (x), 7 (z), 8 (a), 9(a), 9 (b) and PPS4

BG 09.06.10 for 22.06.10 PRow Panel

Recommended Conditions - 10/00181/OUT

01. APPROVAL CONDITION - Outline Permission Timing Condition

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

- (i) Written approval of the details of the following awaited reserved matters shall be obtained from the Local Planning Authority prior to any works taking place on the site
The landscaping of the site specifying both the hard, soft treatments and means of enclosures.
- (ii) An application for the approval of the outstanding reserved matters shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission
- (iii) The development hereby permitted shall be begun [either before the expiration of five years from the date of this Outline permission, or] before the expiration of two years from the date of approval of the last application of the reserved matters to be approved [whichever is the latter].

Reason:

To enable the Local Planning Authority to control the development in detail and to comply with Section 91 and Section 92 of the Town and Country Planning Act 1990 (as amended).

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

No development works shall be carried out unless and until a detailed schedule of materials and finishes including samples (if required by the LPA) to be used for external walls, windows, doors and the roof of the proposed buildings has been submitted to and approved in writing by the Local Planning Authority. Details shall include all new glazing, panel tints, stained weatherboarding, drainage goods, and the ground surface treatments formed. 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.

03. APPROVAL CONDITION - Glazing - soundproofing from external traffic noise [Pre-Commencement Condition]

Works pursuant to this permission shall not be commenced until a scheme for protecting the proposed flats and houses from traffic noise from High Road has been submitted to and approved by the local planning authority in writing. Unless otherwise agreed in writing, that scheme shall specify either:-

Outer pane of glass - 10mm

Air gap between panes - 12mm

Inner pane of glass - 6 mm

or, with secondary glazing with a -

Outer pane of glass - 6mm

Air gap between panes - 100mm

Inner pane of glass - 6.4 mm

There must be no trickle vents installed in any case. For ventilation purposes in all cases, provision of acoustically treated 'BBA' approved mechanically powered ventilation should be the preferred option. However, provision of acoustic trickle vents will be acceptable. Once approved, that glazing shall be installed before any of the flats are first occupied and thereafter retained at all times.

Reason:

In order to protect occupiers of the flats from traffic noise.

04. APPROVAL CONDITION - Waste Management Plan [Pre-Occupation Condition]

A waste management plan containing full details of measures to reduce the wastage of materials and promote the recycling of materials during the construction process and in the subsequent use and operation of the development shall be submitted and agreed in writing with the Local Planning Authority prior to the first occupation of the development hereby granted consent. The plan will contain measures to promote the reuse, segregation and composting of wastes produced on site.

Reason:

To ensure that resource consumption is minimised and opportunities for recycling are maximised on site and to comply with policy SDP13 (viii) of the City of Southampton Local (2006).

05. APPROVAL CONDITION - Boundary fence [Pre-Occupation Condition]

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

Reason:

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

06. APPROVAL CONDITION - Code for Sustainable Homes [Pre-Occupation Condition]

Written documentary evidence demonstrating that the development will achieve at minimum Level 3 of the Code for Sustainable Homes 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 certificate as issued by a qualified 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). Also to comply with policy NRM11 of the Regional Spatial Strategy for the South East of England adopted version (May 2009) – CSH has since replaced Eco Homes for new build developments.

07. APPROVAL CONDITION - Renewable Energy - Micro-Renewables (Pre-Commencement Condition)

An assessment of the development's total energy demand and a feasibility study for the inclusion of renewable energy technologies on the site, that will achieve a 20% reduction in CO2 emissions [as required in core strategy policy CS20] must be conducted. Plans for the incorporation of renewable energy technologies to the scale that will reduce the CO2 emissions of the development [as required in core strategy policy CS20] must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent. Renewable technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

REASON:

To reduce the impact of the development on climate change and finite energy resources and to comply with adopted policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010). Also to comply with policy NRM11 of the Regional Spatial Strategy for the South East of England adopted version (May 2009)

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

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

Reason:

To ensure satisfactory drainage provision for the area.

09. APPROVAL CONDITION - Public Sewer protection [Performance Condition]

The developer must advise the Local Planning Authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development.

Reason:

In order to safeguard the public sewer.

10. Approval Condition - Details of refuse and cycle storage [Pre-Commencement condition]

Prior to the commencement of development full elevation details of the refuse and cycle storage hereby approved must be submitted to and approved by the local planning authority in writing. The development must be built in accordance with the agreed plans and thereafter retained for that purpose at all times.

Reason

To enable the local planning authority to retain control over the final appearance of these ancillary buildings.

11. Approval Condition - Amenity Space [Performance Condition]

The amenity space hereby approved must be made available prior to the first occupation of the dwellings and thereafter retained for that purpose at all times.

Reason

To ensure appropriate provision of amenity space for future residents of the site in the interests of residential amenity

12. APPROVAL CONDITION - Bonfires [Performance Condition]

No bonfires are to be allowed on site during the period of demolition, clearance and construction.

Reason:

To protect the amenities of the occupiers of existing nearby properties.

13. 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.

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

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

Reason:

In the interests of highway safety.

Reason for granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The site is part of a defined local centre. Whereas no retail use has been proposed for the ground floor of the new building, it is recognised that there are a number of vacant units within the local centre. The loss of a commercial unit on the application site is not considered harmful to the overall vitality and viability of the entire defined local centre. This technical failure to meet policy REI6 is therefore not considered to justify a refusal. Other material considerations including the design, impact on the residential amenity of neighbouring dwellings and highway safety issues have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Saved Policies - SDP1(i), SDP5, SDP7 (iv) (v), SDP9 (v) H2 (iii) (vii) and REI6 of the City of Southampton Local Plan Review (March 2006).
CS5, CS13 (11) (12), CS15, CS16, CS19, CS20 of the adopted Core Strategy (January 2010).

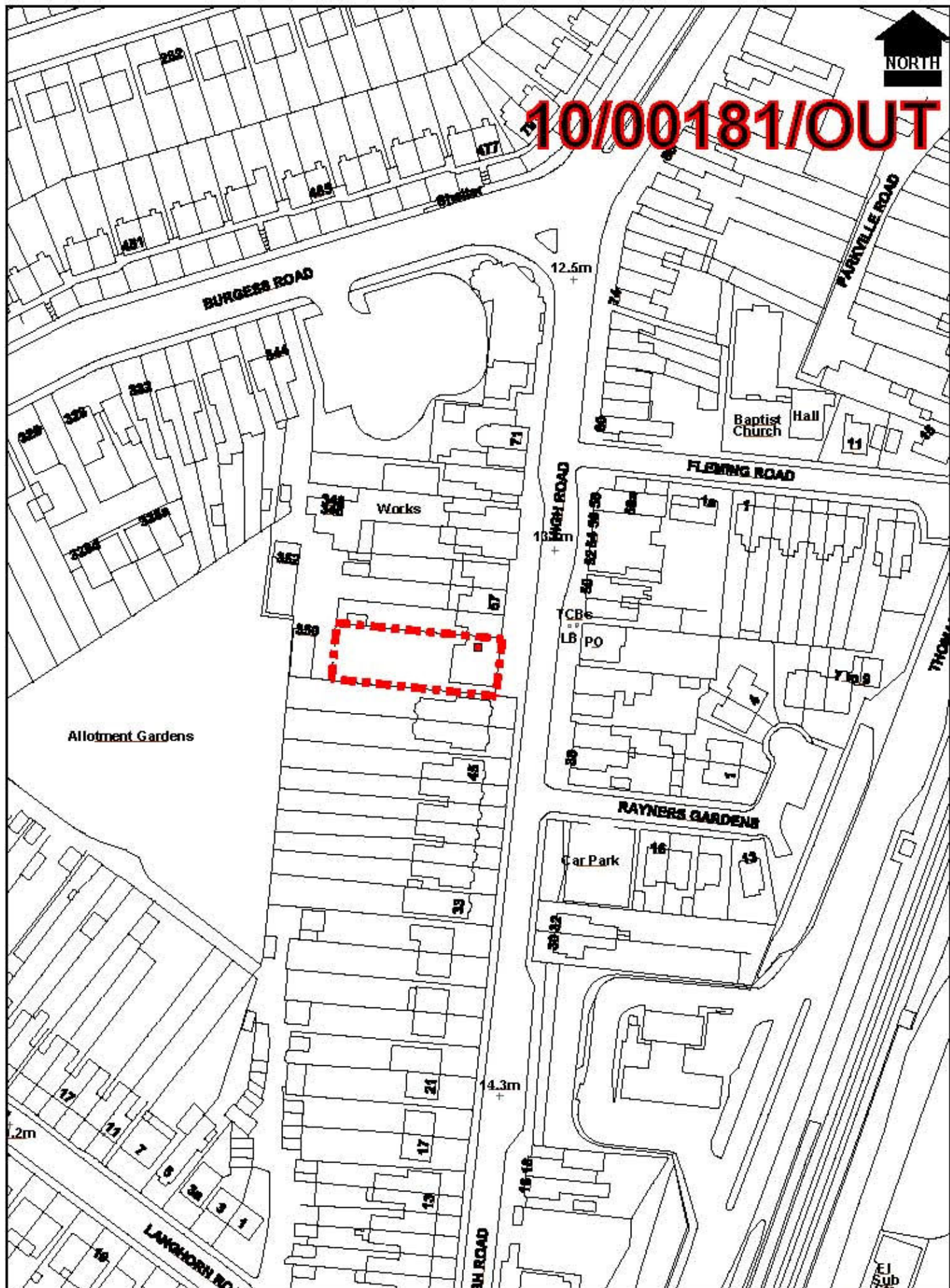
Notes to Applicant –

01. Pre-Commencement Conditions: Your attention is drawn to the pre-commencement conditions above which require the full terms of the condition to be satisfied before development commences. In order to discharge these conditions you are advised that a formal application for condition discharge is required. You should allow approximately 8 weeks, following validation, for a decision to be made on such an application. It is important that you note that if development commences in without the condition having been formally discharged by the Council in writing, any development taking place will be unauthorised in planning terms, invalidating the Planning Permission issued. Furthermore this may result in the Council taking enforcement action against the unauthorised development. If you are in any doubt please contact the Council's Development Control Service.

02. A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for development please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, So23 9EH (01962 858688) or southernwater.co.uk.



10/00181/OUT



Scale: 1:1250

Date: 09 June 2010

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**Application 10/00181/OUT
APPENDIX 1**

POLICY CONTEXT

The application needs to be assessed in the light of the following local planning policies.

City of Southampton Local Plan Review- Adopted Version March 2006

Saved policies

SDP1	Quality of Development
SDP5	Parking
SDP7	Context
SDP9	Scale, massing and appearance
H2	Previously Developed Land
H7	Residential Environment
REI 6	Local Centres

Core Strategy – Adopted Version January 2010

CS3	Town, district and local centres, community hubs and community facilities
CS5	Housing Density
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Cycles and Car parking
CS20	Tackling and Adapting to Climate Change

Supplementary Planning Guidance

Residential Design Guide (September 2006)

Other relevant guidance

PPS1 – Sustainable Development
PPS 3 – Housing

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Justification report into loss of Class A use within Swaythling Local Centre

10/00181/OUT

Following several months of pre-application discussions and site visits, a planning application for the demolition of the existing restaurant and flat above and replace with residential accommodation was submitted on 25th February 2010.

Officer's comments were taken on board and implemented at design stage. However, several issues were flagged during the consultation period that were not advised during pre-application stage.

It has been advised that in order to address the Policy Team comment, a report must be submitted to demonstrate;

- **The justification of a loss of Class A unit**
- **The justification of loss of an active frontage within the centre**

Introduction

The number of empty shops across England and Wales has risen from 4.5 percent to 12 percent a year ago according to a comprehensive researched report by the Local Data Company that covers every area of the country.

Southampton as an area has a vacancy rate of 14 percent; above the national average. The economic climate and recession has a large impact on city areas.

Swaythling has not been immune to this downturn and in recent years, the application site has seen the previous tenants fold. The current tenants have served a break clause to leave the unit by August 2010.

The economic climate cannot be blamed in its entirety for the areas' lack of popularity in recent years;

- The area has excellent transport links into the City Centre
- Out-of-town supermarket developments at Hedge End and Chandlers Ford
- The area has a high population of students

Empty units attract crime and degeneration of the area.

The proposal (10/00181/OUT) seeks to eliminate the inevitable vacancy at 51 High Road, by creating residential accommodation in an area that has high demand for this.

It is clear from our attached plan that other units of same size and use are vacant; 88 High Road is currently advertised to let as vacant and shows no sign of tenancy (see below)



Figures 3 / 4. 88 High Road / 100-102 High Road

100-102 High Road also remains vacant, also in a key location; these sites are a reflection of both the economic climate and fast turn around of the area.

The proposed scheme eliminates the possibility of another site within the immediate area becoming vacant and boarded up.

To refuse a proposal for the sites viability would lead to its vacancy and further detriment to the local centre.

- **Loss of an active frontage**

Policy comments on the potential loss of an active frontage if the scheme is approved.

The current unit gives the appearance of a boarded up unit with its lack of windows. The adjacent units rollers remain closed and this contributes further to a definite inactive frontage.

The proposal seeks to address this by offering a planted frontage, gated access typical to this in the area and a formal residential façade of windows and door.



Figures 5 and 6. Application site frontage

Our street elevations (figures 7 and 8) clearly demonstrate there is no loss of active frontage.

The frontage proposed links to the neighbouring dwelling at 49 High Road. The stone bulk that exists overbears on the pavement and its proximity to the main road does not lend itself to 'street eating'



Figures 7 and 8. Existing and proposed street elevation

Conclusion

The current owner has advised that the tenant have issued a break clause to leave the unit in September. This would certainly lead to its vacancy.

Our submission in February 2010, given an estimated 3 month timescale for determination and further 3 month period for discharge of conditions and building regulation approval guides August as target date for the owner to start works if the proposal is permitted in the first instance.

Should the application be refused, we would seek to go to appeal on the original application rather than re-submit addressing further Policy comments on refusal.

Appeals are a lengthy and costly process and this would lead to the site being vacant whilst any appeal is running.

This proposal enables the site to be generative rather than degenerative for the Local Centre and we would look for this to be recommended for approval.

Agenda Item 9

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 22 June 2010
 Planning Application Report of the Head of Division

Application address St Francis Of Assisi Church, Montague Avenue, Southampton			
Proposed development Redevelopment of the site following demolition of the church and rectory buildings. Erection of 10 two and three-storey houses (6 x three bedroom and 4 x four bedroom) with associated access and parking (Affects a public right of way).			
Application number	10/00354/FUL	Application type	Full
Case officer	Andy Gregory	Application category	Q07 - Smallscale Major Dwellings

Recommendation Summary	Delegate to Head of Planning & Sustainability to grant planning permission subject to criteria listed in report
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Reason for Panel consideration	Major development (small scale) requiring completion of legal agreement under Section 106 of the 1990 Act
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Applicant Orchard Homes Ltd	Agent Tony Oldfield Architects
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Date of receipt	31.03.2010	Ward	Bitterne
Date of registration	31.03.2010	Ward members	Cllr D J Fuller
Publicity expiry	06.05.2010		Cllr Stevens
Date to determine	30.06.2010 IN TIME		Cllr Letts

Site area	0.21 Hectares	Usable amenity area / private gardens	41- 60 square metres		
Site coverage (developed area)	34%				
Density - whole site	46 dph				
Residential mix	numbers	size sqm	Other land uses	class	size sqm
Studio / 1-bedroom	-	-	Commercial use	-	-
2-bedroom	-	-	Retail use	-	-
3-bedroom	6	85 sq m	Leisure use	-	-
4-bedroom	4	102sqm			
Policy designation	Unallocated				

Accessibility zone	Low (Band 2)	Policy parking max	17 spaces
Parking Permit Zone	no	existing site parking	2 spaces
Bicycle parking	10	car parking provision	10 Spaces

Key submitted documents supporting application			
1	Design and Access Statement	2	Transport Statement
3	Ecology Report	4	Tree Report
Appendix attached			
1	Local Plan Policy schedule	2	Decision Notice for 09/01271/FUL

Recommendation in full

Delegate to Head of Planning & Sustainability to grant planning permission subject to the completion of a S106 legal agreement to secure:

- i) Provision of affordable housing in accordance with Policies CS15 and CS25 of the adopted LDF Core Strategy (2010);
- ii) 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);
- iii) 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;
- iv) 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”)
 - Play Space
 - Playing Field;
- 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.

And in the event that the legal agreement is not completed by the 13 week date (30.06.2010) the Head of Planning & Sustainability be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Agreement.

Site and surrounds

The application site comprises a vacant church (C1960's) and rectory located on the eastern side of the City. The buildings are not listed, locally listed or considered of historic significance.

A group of mature trees frames the boundary of the rectory, protected by The Southampton (St Francis Parsonage) Tree Preservation Order 2008.

Vehicular access is taken from Sullivan Road with forecourt parking provided at the front of the site. There are no on-street parking restrictions in place.

The site has open boundaries and a grassed setting. A pedestrian footpath runs through the site, linking to a parade of shop to the north. The surrounding area comprises a mix of estate housing; including 2-storey dwellings to the east, 2-storey flatted block / maisonettes to the south and a 4-storey flatted block to the north. A scout hut and associated curtilidge is situated immediately to the west.

Proposed Development

The application proposes the redevelopment of the site with the erection of two terrace groups providing 10 dwelling houses following the demolition of the existing buildings on site and the removal of a Silver Birch tree along the northern boundary.

Terrace A, located on the western part of the site, comprises 7 houses (4 x 4-bed and 3 x 3-bed) and is part three-storey and part two-storey in scale, stepping up in height towards the northern boundary. The terrace has a curved and stepped footprint, with an east and west facing aspect. Private rear gardens occupy the western part of the site enclosed with 1.8m height close boarded fencing. The terrace has a design incorporating a shallow pitch roof with gable ends, with elevations finished in face brick. The front elevation incorporates porch canopies and integral bin storage (cycle storage is internal) with an open landscaped frontage. The rear elevation of the three-storey element incorporates first-floor balconies.

Terrace B, located on the eastern part of the site, comprises 3 x 3-bed houses which are two-storey in scale. Private rear gardens occupy the eastern part of the site, enclosed by 1.8m height close boarded fencing. The building has a varied shallow pitched roof design with gabled ends, with elevations finished with face brick. Integral bin and bike stores are located to the front. The plots have an open landscaped frontage.

The group of protected trees and pedestrian access is retained through the middle of the site. The forecourt to the front of the site (southern part) is proposed to be remodelled to provide 7 spaces. An additional 3 spaces are provided within the northern part of the site with access onto Montague Avenue.

Relevant Planning Policy

Following the receipt of the Inspector's Report from the Examination into the Southampton Core Strategy Development Plan Document (13/10/2009) and its consideration and adoption by the Council (20/01/2010) the policies of the LDF Core Strategy, and those "saved" from the Local Plan Review, form the planning policy framework against which this application should be determined.

The relevant CS policies the "saved" policies from the Local Plan Review are set out at **Appendix 1**.

There are no site-specific policies which relate to the application.

Sustainability Implications

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 the applicants have submitted a 'Sustainable Development Checklist' to support their application and have been made aware that the development is required to achieve a minimum of level 3 of the Code for Sustainable Homes; which is recommended to be secured through condition. The Council's sustainability team has also advised the applicant that an assessment of the feasibility of incorporating at least 20% micro-renewables will be required, to be secured through condition.

Relevant Planning History

09/01247/FUL

Withdrawn 11.01.2010

Demolition of existing church hall and rectory (affects setting of a right of way).

09/01271/FUL

Refuse 05.02.2010

Re-development of the site following demolition of the church and rectory buildings. Erection of 10 two and three storey houses (5 x three bedroom, 5 x four bedroom) with associated access and parking (affects a public right of way)

The decision notice for application 09/01271/FUL is attached as **Appendix 2**.

Consultation Responses and Notification Representations

A consultation exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (15 April 2010) as appropriate and erecting a site notice (15 April 2010). At the time of writing the report **no representations** had been received.

However it is understood that the Vicar of Sholing is concerned about instances of anti-social behaviour which have been taking place on site.

Summary of Consultation comments

Highway Development Control – No highway objection is raised to the proposal subject to the attached planning conditions and the completion of a S.106 legal agreement. The application site is located within an area defined as having “low” accessibility to public transport and services. The development is not considered to compromise highway safety. The provision of 10 parking spaces to serve the proposed level of development accords with the Council’s maximum parking standards and is considered acceptable having regard to the take of existing on-street parking within the area.

Environmental Health (Land Contamination) – Potentially contaminated site; adequate assessments will need to be carried out on site to determine the likely presence of contaminants. Planning condition recommended.

Southern Water – No objection raised subject to a condition requiring details of foul sewerage and surface water disposal.

BAA Safeguarding – No objection.

SCC Housing Development - As the scheme comprises of 9 dwellings net, the affordable housing requirement from the proposed development is 2 dwellings. In this case the decision is to accept on-site affordable housing. The developer is working with a local Housing Association and has confirmed that this scheme will provide 100% affordable housing. Planning obligations will be used to ensure that the affordable housing will remain at an affordable price for future eligible households, or for the subsidy to be recycled to alternative housing provision.

Trees – No objection raised. In general agreement with the Arboricultural implications assessment and consider the trees shown to be removed as necessary to implement the development. Feel that the number of trees remaining on the site,

off-sets this loss. Attach conditions relating to tree retention and safeguarding.

Ecology – Partly satisfied with the ecology assessment and suggested mitigation recommends further works for bats and reptiles. At the time of writing this report the additional bat and reptile work is being completed and an update will be provided at the Panel.

Sustainability - No objection. Compliance with level 3 of the code for sustainable homes should be secured as a minimum and a feasibility study investigating the incorporation of a minimum of 20% micro-renewables should be secured through condition.

Pollution & Safety– No objection raised subject to conditions restricting hours of work, no bonfires and a site waste management plan.

Rights of Way – No objection raised. It is recommended that any works that encroach onto or across the footpaths will require a temporary Traffic Regulation Order to close the route so that use is unavailable on the grounds of safety for the duration of the works. This will be added as a note to applicant.

Planning Consideration Key Issues

The key issues for consideration in the determination of this planning application by reference to overcoming the previous reasons for refusal are:

- Principle of development;
- Residential design, density and impact on established character;
- The impact on existing residential amenity;
- The quality of residential environment for future occupants; and,
- Whether the travel demands of the development can be met;
- S106 Mitigation against direct impacts.

1. Principle of Development

The re-development of the site for residential purposes is acceptable and accords with policies contained within the development plan. The level of development fits within the density parameters for the site (of between 35 and 50dph) and is in accordance with central government's wishes for more intensive use of brownfield sites for housing delivery. The provision of genuine family housing is welcomed as part of a mix of housing types and fulfils the requirements of policy CS16 of the Core Strategy. 20% affordable housing will be secured as a planning obligation in accordance with CS15 of the Core Strategy.

2. Residential design and impact on established character

A Design and Access Statement has been submitted in accordance with the requirements of saved policy SDP6 of the Local Plan Review and identifies measures to be taken into account when maintaining the character of the area and achieving high standards of design. The proposed design, layout and scale of development is not considered to be adversely harmful to the surrounding pattern of development, having had regard to Central Government's wish to secure appropriate

design that respects its context.

The surrounding area includes a mix of two-storey housing and larger 4- storey buildings. The design, scale and form of the development has sought to respect the established development within Sullivan Road and Montague Avenue.

Terrace A steps up to a three-storey scale adjacent to the northern boundary which provides a transition between the four-storey flatted block to the north and the two-storey scale to the south. This proposal has sought to address the previous reason for refusal (ref 09/01271/FUL) by pulling the three-storey element off the northern boundary to improve the setting of the development and to provide an acceptable separation distance with the adjacent flatted block (12.5m separation across a street). Adequate separation distance is provided from neighbouring two-storey properties to the east.

The proposed design approach responds to the local context and will not be detrimental to the visual amenities of the area. Details of materials will be secured through condition; however an acceptable materials palette is currently proposed.

3. Impact on Residential Amenity

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

The Residential Design Guide SPD advises a back to back separation privacy distance of 21m between two-storey dwellings, which is achieved and exceeded (24m between Terrace B and the dwellings to the east). An acceptable front to front separation distance of 24m is achieved between both terraces. As stated, Terrace A has been pulled off the northern boundary to provide an acceptable separation distance of 12.5metres with the flatted block to the north. The proposed layout maintains adequate day lighting and outlook to adjacent properties. Shadow diagrams have been submitted which demonstrate compliance with the BRE standards and shows that no unreasonable shadowing will occur to neighbouring properties.

4. Residential Standards

All new residential development is expected to provide prospective residents with a good living environment. The established trees on site will restrict sun lighting to the front of the properties, however this is likely to prove beneficial in the event of climate change. The internal layout is compatible with modern living standards. There will be no restriction to sunlight to rear habitable rooms and all habitable rooms will receive adequate outlook and day lighting.

The development provides private gardens and balconies with a combined area ranging between 41-60 square metres per plot. Four of the gardens are below the recommended garden size for a terrace property of 50 square metres contained within the Councils Residential Design Guide SPD. However, on balance with housing delivery, this marginal shortfall is acceptable given the gardens remain acceptable in terms of quality and usability.

5. Highway Issues

The application site is within an area, which is defined as a “low” accessibility zone in the development plan. The level of parking provision proposed needs to be assessed against the parking standards set out in the adopted Local Plan, which are maximums, therefore careful consideration needs to be made of the implications of the proposed number of spaces. The development proposes 10 car parking spaces

for 1:1 provision. This level of provision accords with the maximum standards and is considered acceptable having regard to local and national car parking guidance and the likely car ownership of this accommodation and the existing take-up of on-street car parking within the area.

S.106 Legal Agreement

In the event that the recommendation is supported the applicants have agreed to enter into a S.106 Legal Agreement with the Council in order to secure contributions towards transport and open space improvements that mitigate against the development’s direct impacts. In addition, the proposed level of development triggers the need for a minimum of 2 units to be provided as “affordable” (applying Core Strategy Policy CS15).

Previous Reasons for Refusal

This proposal is considered to address the previous reasons for refusal (ref – 09/01271/FUL) attached as **Appendix 2**, subject to the receipt and agreement of additional information related to protected species and loss of a community facility. The revised layout is now considered to provide an appropriate setting and relationship with the adjacent four-storey flatted block to the north.

Sufficient information has now been provided to demonstrate that species protected by law are not adversely affected, subject to approval from the Councils Ecology Officer (to be reported in an update at the panel meeting).

The church is defined as a community facility in accordance with policy CS3 of the Core Strategy. The applicant has sought to justify the loss of the church on the basis that the congregation has dwindled and is now served by another church within the area. However further information is required to demonstrate that there is no genuine demand for this community facility / community land from the commercial sector, public or community sector; the applicant has indicated that this can be demonstrated and is currently undertaking this work. An update will be provided at the panel meeting. It should be noted that the adjacent community facility / scout hut – outside the application site - is to be retained.

The plans have been amended to include windows in the first-floor of the north elevation of Terrace B, therefore providing surveillance of the northern car parking spaces and accordingly addressing reason for refusal 04 of the previous decision. Finally, the applicant has entered into a S106 agreement as part of this application.

Summary

The previous reasons for refusal (ref –09/01271/FUL) have been addressed. Overall the scheme is acceptable and the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area. On balance the residential environment for

future occupiers is acceptable.

The proposal is consistent with adopted local planning policies. A suitable balance has been achieved between securing additional housing, parking, on-site amenity space and landscaping, whilst ensuring that existing residential amenity is protected.

Conclusion

By securing the matters set out in the recommendations section of this report and the completion of a Section 106 agreement, the proposal would be acceptable. The application is therefore recommended for delegated approval to the Head of Planning & Sustainability.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a), 1(b), 1(c), 3(a), 4(s), 6(a), 6(c), 6(f), 6(h), 7(c), 8(a), 9(a), 9(b), 2(c),
LDF Core Strategy and saved policies from Local Plan (Review)

AG 09.06.10 for 22.06.10 PRow Panel

CONDITIONS for 10/00354/FUL

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

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

Reason:

To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality.

03. APPROVAL CONDITION - Hours of work for Demolition / Clearance / Construction [Performance Condition]

All works relating to the demolition, clearance and construction of the development hereby granted shall only take place between the hours of;

Monday to Friday 08:00 hours to 18:00 hours (8.00am to 6.00pm)

Saturdays 09:00 hours to 13:00 hours (9.00am to 1.00pm)

And at no time on Sundays and recognised public holidays.

Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect the amenities of the occupiers of existing nearby residential properties.

04. APPROVAL CONDITION - Bonfires [Performance Condition]

No bonfires are to be allowed on site during the period of demolition, clearance and construction.

Reason:

To protect the amenities of the occupiers of existing nearby properties.

05. APPROVAL CONDITION - Construction Environment Management Plan (Pre-Commencement Condition)

Prior to the commencement of any development a written construction environment management plan shall be submitted to and approved by the LPA. The plan shall

contain method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to

monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary. All specified measures shall be available and implemented during any processes for which those measures are required.

Reason:

To protect the amenities of the occupiers of existing nearby properties.

06. APPROVAL CONDITION - Code for Sustainable Homes [Pre-Occupation Condition]

Written documentary evidence demonstrating that the development will achieve at minimum Level 3 of the Code for Sustainable Homes 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 certificate as issued by a qualified 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). Also to comply with policy NRM11 of the Regional Spatial Strategy for the South East of England adopted version (May 2009) – CSH has since replaced Eco Homes for new build developments.

07. APPROVAL CONDITION - Renewable Energy - Micro-Renewables (Pre-Commencement Condition)

An assessment of the development's total energy demand and a feasibility study for the inclusion of renewable energy technologies on the site, that will achieve a reduction in CO2 emissions [as required in core strategy policy CS20] must be conducted. Plans for the incorporation of renewable energy technologies to the scale that is demonstrated to be feasible by the study, and that will reduce the CO2 emissions of the development [as required in core strategy policy CS20] must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent. Renewable technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

REASON:

To reduce the impact of the development on climate change and finite energy resources and to comply with adopted policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010). Also to comply with policy NRM11 of the Regional Spatial Strategy for the South East of England adopted version (May 2009)

08. 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.

09. APPROVAL CONDITION - no storage under tree canopy [Performance Condition]

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

Reason:

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

10. APPROVAL CONDITION - Overhanging tree loss [Performance Condition]

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

Reason:

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

11. 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, means of enclosure, lighting 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 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.

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

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

Reason:

To ensure satisfactory drainage provision for the area.

13. APPROVAL CONDITION - Residential - Permitted Development Restriction [Permanent Condition]

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

Class A (enlargement of a dwelling house), including a garage or extensions,
Class B (roof alteration),
Class C (other alteration to the roof),
Class D (porch),
Class E (curtilage structures), including a garage, shed, greenhouse, etc.,
Class F (hard surface area).

REASON:

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

14. APPROVAL CONDITION - No other windows or doors other than approved [Permanent Condition]

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

REASON:

To protect the amenities of the adjoining residential properties.

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

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

REASON:

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

16. APPROVAL CONDITION - Car Parking

Before any dwelling unit hereby approved is occupied, both the on-site car parking and a proper vehicular access relating to it shall be provided to the satisfaction of the Local Planning Authority. The car parking shall thereafter be retained and not used for any trade, business or industrial use.

REASON: To ensure provision of vehicular access and car parking, to avoid congestion in the adjoining area and to protect the amenities of the area.

17. APPROVAL CONDITION - Access stopped up.

Any existing access to the site shall be stopped up and abandoned and footway and verge crossings shall be reinstated immediately after completion of the new access.

REASON: In the interests of highway safety.

18. APPROVAL CONDITION - Wheel cleaning

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

REASON: In the interests of highway safety.

19. APPROVAL CONDITION - Cycle storage

The buildings shall not be occupied in full or in part until secure, covered space has been laid out within the site for a minimum of 1 bicycles to be stored for the benefit of each dwelling in accordance with the plans hereby approved. The cycle storage hereby approved shall thereafter be retained on site for that purpose.

REASON: To encourage cycling as a sustainable form of transport.

20. 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 scheme 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.

21. 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.

22. 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.

REASON FOR GRANTING PERMISSION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Overall the scheme is acceptable and the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area. On balance the residential environment for future occupiers is acceptable. The proposal is consistent with adopted local planning policies. A suitable balance has been achieved between securing additional housing, parking, on-site amenity space and landscaping, whilst ensuring that existing residential amenity is protected. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 Planning Permission should therefore be granted.

Policies CS3, CS4, CS5, CS13, CS15, CS16, CS19, CS20, CS22 and CS25 of the Local Development Framework Core Strategy (January 2010)

Saved Policies SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP12, SDP13, H1, H2 and H7 of the City of Southampton Local Plan Review (March 2006).

Notes to Applicant:

01. Any works that encroach onto or across the footpaths will require a temporary Traffic Regulation Order to close the route so that use is unavailable on the grounds of safety for the duration of the works.

02. The applicant is reminded that no works to the public highway should be undertaken without first obtaining a road opening permit and agreement of the specification of the works. The applicant should contact the Council's Engineering Policy Division of the Directorate of Community Services in this respect.

POLICY CONTEXTLDF Core Strategy - Planning Southampton to 2026 – Adopted January 2010

The LDF Core Strategy now forms part of adopted development plan against which this application should be determined. The following policies are relevant:

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
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 – Adopted Version (March 2006)

Whilst there are no site-specific policies relating to this site within the City of Southampton Local Plan Review - Adopted Version March 2006, the plan contains general policies applicable to this development. This application needs to be assessed in the light of the following local planning “saved” policies:

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Safety & Security
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

Supplementary Planning Guidance

The following SPD/G also forms a material consideration in the determination of this planning application:

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

Other Relevant Guidance

PPS1	Delivering Sustainable Development (2004)
PPS3	Housing (2006)



DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

Town and Country Planning (General Development Procedure) Order 1995

Tony Oldfield Architects Attn Mr Tony Oldfield
5 Freemantle Business Centre
Southampton
Hampshire
SO15 1JR
United Kingdom

In pursuance of its powers under the above Act and Order, Southampton City Council as the Local Planning Authority, hereby gives notice that the application described below has been determined. The decision is:

FULL APPLICATION - REFUSAL

Proposal: Re-development of the site following demolition of the church and rectory buildings. Erection of 10 two and three storey houses (5 x three bedroom, 5 x four bedroom) with associated access and parking (affects a public right of way)

Site Address: St Francis Of Assisi Church Montague Avenue Southampton

Application No: 09/01271/FUL

For the following reasons:

01. REFUSAL REASON - Out of character / Overdevelopment / Un-neighbourly

The proposed development would by reason of the level of site coverage, in particular the proximity of Terrace A / Three-storey development immediately adjacent to the back edge of pavement along the northern boundary, fails to provide an appropriate setting for the development and would be out of keeping with the character and appearance of the surrounding area. This is symptomatic of an overdevelopment of the site. Furthermore, the proposal represents an un-neighbourly form of development by reason of the close proximity of Terrace A to habitable room windows within 77-79 Montague Avenue (Spur Road) leading to loss of light and outlook to 77-79 Montague Avenue to the detriment of the residential amenities those occupiers currently enjoy within the south elevation of the position of Terrace A in relation The proposed development is thereby contrary to saved policies SDP1, SDP7, SDP9, H2 and H7 of the City of Southampton Local Plan Review (March 2006) and policy CS13 of Local Development Framework Core Strategy Development Plan Document (January 2010) and the relevant sections of the Residential Design Guide SPD (September 2006).

02. REFUSAL REASON - Protected species

Insufficient information has been provided to demonstrate that species protected by law, namely bats and slow worms, will not be adversely harmed by the proposal because a bat survey has not been carried out and further surveys are needed to establish if reptiles are present on site. The existing buildings on site have bat roost potential, particularly because the garden of the rectory contains trees and other vegetation which provide suitable foraging habitat whilst the development site lies within 300m of extensive foraging habitat to the south of Botley Road. In addition, the habitat in the garden of the rectory is suitable for slow worm. As such the development is contrary to saved policy NE4 of the City of Southampton Local Plan Review (March 2006), the Wildlife and Countryside Act 1981 and the Conservation Natural Habitats, &c. Regulations 1994.

03. REFUSAL REASON - Loss of community facility

The proposal has failed to demonstrate that the existing church is no longer viable and there are no alternatives within the same neighbourhood. As such the development has failed to demonstrate that loss of this existing community facility should be supported, contrary to policy CS3 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

04. REFUSAL REASON - Safety and Security

The development proposal fails to provide natural surveillance of the associated car parking spaces at the south of the site. As such the design and layout of the proposal fails to reduce the opportunity for crime to occur and people's fear of crime, contrary to saved policy SDP10 of the City of Southampton Local Plan Review (March 2006)

05. REFUSAL REASON - Failure to enter into a Section 106 Agreement

In the absence of a completed S.106 Legal Agreement the proposals fail to mitigate against their direct impact and do not, therefore, satisfy the provisions of policy CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010) as supported by the Council's Supplementary Planning Guidance on Planning Obligations (August 2005 as amended) in the following ways:-

A) Measures to satisfy the public open space requirements of the development have not been secured. As such the development is also contrary to the City of Southampton Local Plan Review Adopted Version March 2006 saved Policy CLT7.

B) Measures to satisfy the play space requirements of the development have not been secured. As such the development is also contrary to the City of Southampton Local Plan Review Adopted Version March 2006 saved Policy CLT6.

C) Measures to support sustainable modes of transport such as necessary improvements to public transport facilities and pavements in the vicinity of the site, the provision of sustainable travel vouchers and a travel plan have not been secured contrary to the City of Southampton Local Plan Review Adopted Version March 2006 saved policies SDP1 and SDP3 and the Local Development Framework Core Strategy Development Plan Document (January 2010) policy CS18

D) Measures to support strategic transportation initiatives have not been secured. As such the development is also contrary to the City of Southampton Local Plan Review Adopted Version March 2006 saved policies SDP1 and SDP3 and the Local Development Framework Core Strategy Development Plan Document (January 2010) policy CS18

(E) In the absence of a Highway Condition survey the application fails to demonstrate how the development will mitigate against its impacts during the construction phase;

(F) Measures to support improvements to the public realm contrary to policy SDP8 of the Local Plan Review and CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010) and;

(G) In the absence of a Waste Management plan to address the arrangements for the removal of refuse and recycling containers to a collection point contrary to policy SDP1 and H7 of the Local Plan.



Paul Nichols
Head of Planning & Sustainability

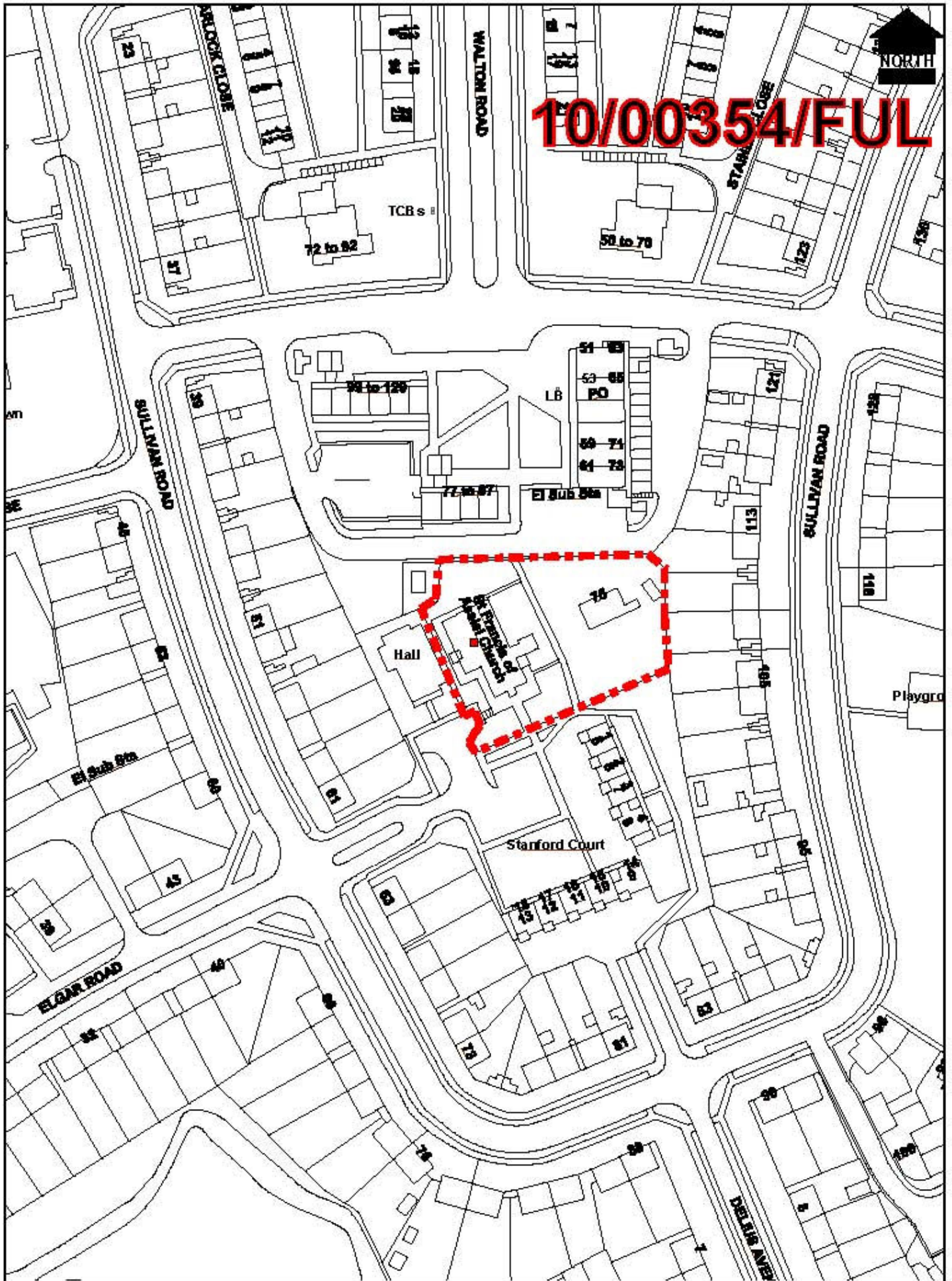
5 February 2010

For any further enquiries please contact:
Andrew Gregory

IMPORTANT NOTE TO APPLICANT

This decision has been made in accordance with the submitted application details and supporting documents and in respect of the following plans and drawings.

Drawing No:	Version:	Description:	Date Received:	Status:
P04		Elevational Plan		Refused
P02		Site Plan		Refused
P03		Floor Plan		Refused
P05		General Plan		Refused
P06		Elevational Plan		Refused
P08		Site Plan		Refused
P09		Other Plans		Refused
P010		Landscaping Plan		Refused



Scale : 1:1250

Date : 09 June 2010

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Agenda Item 10

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 22 June 2010
 Planning Application Report of the Head of Division

Application address: Fleming Arms, Wide Lane, SO18 2QN			
Proposed development Alterations and extensions to the outbuilding at the rear of the site including the erection of a two-storey building to provide 38 hotel bedrooms			
Application number	10/00399/FUL	Application type	FUL
Case officer	Jenna Turner	Application category	Q12 – Major (Smallscale)

Recommendation Summary	Delegate to Head of Planning and Sustainability to grant planning permission subject to criteria listed in report
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Reason for Panel consideration	Major development (small scale) requiring completion of a legal agreement under Section 106 of the 1990 Act
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Applicant Fuller Smith And Turner	Agent Walsingham Planning
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Date of receipt	01/04/2010	City Ward	Swaythling
Date of registration	01/04/2010	Ward members	Cllr Turner
Publicity expiry date	20/05/2010		Cllr Odgers
Date to determine by	01/07/2010		Cllr Osmond

Site area	0.51 ha
Existing Public House (Use Class A4)	228 sq.m
Hotel floorspace proposed (Use Class C1)	1282 sq.m

accessibility zone	Band 3 (Medium)	policy parking max	19 spaces
parking permit zone	no	existing site parking	58 spaces
cyclist facilities	none	car parking provision	38 spaces

Key submitted documents supporting application			
1	Flood Zone Sequential Test	2	BREEAM Preliminary Assessment
3	Biodiversity Statement and Checklist	4	Energy Statement
5	Statement of Community Involvement	6	Sustainability Statement
7	Site Waste Assessment & Management	8	Heritage Statement
9	Transport Assessment	10	Arboricultural Report
11	Ecology Report	12	Flood Risk Assessment
Appendix attached			
1	Local Plan Policy schedule	2	Planning History

Recommendation in full

Delegate to Head of Planning & Sustainability to grant planning permission subject to the applicant entering into a Section 106 Legal Agreement to secure the following:

- a) To implement an agreed series of site specific transport works under S.278 of the Highways Act or a financial contribution towards site specific highway improvements in the vicinity of the site in accordance with policies CS18, CS19 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
- b) A financial contribution towards strategic transport projects for highway network improvements in the wider area in accordance with policies CS18 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
- c) The 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
- d) The submission and implementation within a specified timescale of a Travel Plan, in accordance with Policies CS18, CS19 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended) and;
- e) The submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
- f) A commitment to the delivery of the repair works to the Stable block to be tied to the phasing of the other development works

Or

That the D C Manager be authorised to refuse permission if the Section 106 Agreement has not been completed by 1st July 2010 on the ground of failure to secure the provisions of the Section 106 Agreement.

Background

This application has been submitted in conjunction with an application for Listed Building Consent (LPA reference 10/00400/LBC) and is a resubmission of an application refused last year (**Appendix 2 refers**).

Site and Surrounds

The application site comprises the Grade II Listed 'Fleming Arms' public house which is sited within a large plot, the majority of which is laid out for car parking purposes. The pub itself is an 18th Century 3 storey building, albeit with the 3rd floor accommodation within the roof space. To the rear of the site is a single storey outbuilding structure (originally a stable block associated with the main building) which, in spite of its poor condition is a building of historic

and architectural interest in its own right. The outbuilding has been vacant for a considerable period of time, but was last used as a nightclub (planning permission 1425/65/R2 refers). The structure is in a dilapidated state and currently is protected from the elements by a temporary canopy. Both the main public house building and the stable block have undergone a number of alterations and additions in the past.

The site is bounded by the railway line to the west and to the east of the site is the Monks Brook Greenway and watercourse which is a Site of Importance for Nature Conservation (SINC), as well as the River Itchen Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). The Greenway contains a number of mature trees and vegetation. Beyond the greenway is a 3-storey block of flats which is at a higher level than the application site. The site lies within Flood Zone 3 which is an area of high flood risk.

Development Proposal

The application proposes a hotel extension to be constructed to the rear of the site within the existing car parking area. The proposal also involves an extension to the existing outbuilding and the construction of an additional two-storey block which would be attached to the outbuilding via a glazed link. The outbuilding would be renovated to accommodate three bedrooms and associated storage. The new hotel block would provide 34 bedrooms together with a reception at ground floor. At its highest point, the extension would be 9 metres in height which is a metre lower than the main public house building. The development would be accessed via the existing vehicular access from Wide Lane.

The hotel would comprise a horseshoe style layout around a central car parking area. The building would have a pitched roof design constructed of facing brick, slate roof with elements of tile hanging. The roof accommodation would be served by dormer windows and a lean-to canopy would be provided at single-storey level.

Relevant Planning Policy

LDF Core Strategy - Planning Southampton to 2026

Following receipt of the Inspector's Report from the Examination into the Southampton Core Strategy Development Plan Document (13/10/2009) and its consideration and adoption by the Council (20/01/2010), the policies of the LDF Core Strategy, and those "saved" from the Local Plan Review form the planning policy framework against which this application should be determined.

The relevant CS policies and the "saved" policies from the Local Plan Review are set out at **Appendix 1**. In particular, the adopted LDF Core Strategy Policy CS13 (Fundamentals of Design), as supported by Local Plan Policy SDP1 and CS14 (Historic Environment) supported by Local Plan Policy HE3 are relevant in the determination of this application.

Policy CS13 (3) requires new development to reflect the importance of the city's historic heritage and to have a positive impact on its surroundings. Policy SDP1 requires a high quality design approach to new developments.

Policies CS14 and HE3 specifically seek to protect the character and setting of Listed Buildings.

Sustainability Implications

Major developments are expected to meet high sustainable construction standards in

accordance with the City Council's adopted policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan saved Policy SDP13 the applicant has submitted detailed statements relating to Energy and Sustainability as well as carrying out a BREEAM preliminary assessment which demonstrates that the proposal could achieve BREEAM 'Very Good' standard and a 14% carbon saving.

Relevant Planning History

The planning history of the site is attached in **Appendix 2** to this report. The application is a resubmission of a scheme which was refused last year for reasons relating to flooding and ecology. The building itself has undergone a number of alterations and it should also be noted that Listed Building Consent was approved in 2006 for repair and refurbishment works to the stable block. This consent has not been implemented due to the absence of a viable use for the block.

Consultation Responses & Notification Representations

A consultation exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement and erecting a site notice. At the time of writing the report, **0 representations** had been received from surrounding residents.

Summary of Consultation comments

SCC Historic Environment Officer – No objection. Suggests the imposition of conditions to secure good quality materials together with details of the flood barriers to the public house and stable block.

SCC Ecologist – No objection. The proposed development will not result in the direct loss of habitat. The submitted ecological appraisal has assessed the indirect impacts which may result from the development and a satisfactory mitigation strategy has also been submitted which deals with these impacts. Accordingly no adverse impact on protected species would occur as a result of the development. Conditions are suggested to secure the mitigation strategy, the protection of nesting birds during construction and details of lighting.

SCC Tree Officer – No objection. No objection to the removal of the trees as indicated and suggests conditions to secure replacement tree planting and to secure the recommended tree protection measures.

SCC Archaeology – No objection. Suggests conditions to secure an archaeological investigation to be carried out and a written scheme of investigation to be submitted to the Local Planning Authority.

SCC Environmental Health (Food Safety) – No objection. Suggests a condition to secure a scheme for the prevention of noise disturbance to the hotel from the railway.

SCC Environmental Health (Pollution and Safety) – No objection. Suggests conditions to minimise disturbance during the construction process.

SCC Environmental Health (Contaminated Land) – No objection. Suggests conditions to assess potential land contamination and to secure any necessary mitigation measures.

SCC Highways – At the time of writing, no comment has been received, however, a verbal update will be provided at the meeting.

Environment Agency – No objection. Suggests conditions to secure further flood mitigation measures.

Southern Water – No objection. Suggests a condition to secure details of foul water drainage to be submitted for an approval.

Planning Consideration Key Issues

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

- The principle of development
- The impact on the Listed Building and character of the area
- The impact on flooding and the impact of flood risk to the development
- The impact on ecology
- The relationship of the development with trees

The key issues need to be assessed in light of the planning history of the site, namely whether the reasons for refusing application 09/00018/FUL have been overcome, specifically if the impacts on biodiversity and flood risk has been fully addressed and whether the impact on local infrastructure can be adequately mitigated against.

1. Principle of Development

The proposed development would secure much needed repair works to the Stable Block and bring it back into active use which is a key way in which the upkeep of the building can be secured. Currently, the stable-block in particular appears as an eye-sore as a result of the temporary covering which protects it from the elements and therefore the refurbishment and re-use of this building is welcome. The phasing and completion of the repair works to the stable block can be secured via the Section 106 Agreement.

The site lies within an area of Medium Accessibility for public transport; and therefore benefits from good public transport links to the city centre, university and Southampton Airport. As such the principle of providing a modest sized hotel use in this location is considered to be acceptable in principle and it's ancillary nature to the established pub use is also noted.

2. Scale, Design and Appearance/Impact on Listed Building

The extensive car parking area to the rear of the site provides a poor setting for the Listed Building and as such the introduction of the proposed hotel buildings would be a marked improvement to the current condition of the site. The horseshoe style layout of the development would help to enclose the car parking area which would ensure that the car parking would no longer dominate the setting of the listed building.

The applicants have chosen a traditional and uncomplicated design which would not detract from the character and appearance of the existing buildings on site. The height of the extension would be clearly subordinate to the main public house building to ensure that it does not adversely affect its setting. Historically, outbuildings within the curtilage of a building would be informally positioned and would vary in terms of scale and design. It is considered that the proposed additions would accord with this character. Moreover, the arrangement of buildings would assist the creation of a typical courtyard setting.

A simple glazed link is proposed between the original building and the proposed extension which provides a clear transition between old and new and prevents the two-storey element from appearing overbearing when compared with the stable block. This relationship is also assisted by a recessed two-storey section adjacent to the stable block.

In addition to this, bringing the vacant building back into use and introducing buildings which actively survey the surrounding open space would be positive from a crime prevention perspective.

The application is therefore considered to accord with the relevant development plan policies relating to design and heritage, namely CS13, CS14 and HE3.

3. Impact on Residential Amenity

The lawful use of the stable block is a nightclub and it is considered that a hotel use would be a more harmonious form of development with the residential neighbours. The application proposes a modestly sized hotel and as such it is considered that the level of activity related to the proposed use would not have a significant impact on residential amenity. The application site is sufficiently separate from neighbouring residential properties to ensure that no harmful impact on residential amenity would occur and furthermore, it is likely that the hotel use would benefit from on-site management.

4. Highways and Parking Issues

The development would be served by the existing vehicular access into the site and measures secured via a planning condition would ensure enhancements to the access itself. Whilst the proposal involves the loss of 20 car parking spaces, this would still be in excess of the policy maximum for a Medium Accessibility Area. The application is accompanied by a detailed Transport Assessment which adequately justifies the number of parking spaces proposed. In addition to this, there were no highway objections to the earlier scheme.

5. Floodrisk (previous reason for refusal No.1)

The application site lies within an area of high flood risk and in such locations, PPS25: 'Development and Flood Risk' requires new developments to reduce flood risk where possible and to demonstrate that proposals will not increase flood risk elsewhere. Prior to the submission of the application, further modelling work was carried out relating to the predicted flood water levels together with the completion of an engineering report to assess the adequacy of the existing defences. A series of enhancement measures have been proposed to include the repair of the existing riverside walls and the provision of new sheet piling along the western boundary to enhance the protection of the site. A condition is suggested to secure these measures. The removal of the rear extension to the stable block in this application has also avoided the possibility of impacting on the existing flood defences.

6. Trees and Ecology Issues (previous reason for refusal No. 2)

Since the previous application was refused, the applicants have carried out additional ecological survey work in consultation with the Council's Ecologist. Further surveys in respect of water voles, otter and bats have been carried out with no further ecological interest found adjacent to the application site. The Council's Ecologist and the Environment Agency are now satisfied that a full assessment of the potential impact of the development protected species has been carried out and that no harmful impact to biodiversity will occur. A series of mitigation and enhancement measures are proposed which have been fully informed by the submitted survey information.

In terms of physical changes to the scheme itself, an extension to the rear of the stable block has been omitted from the proposal, and this ensures that there is an adequate buffer between the development and the Monks Brook.

The application proposes the removal of 5 trees which are not subject to Tree Preservation Orders and the Council's Tree Officer has not objected to their removal. The retained trees on and off of the site can be adequately protected during construction.

7. Section 106 Agreement (previous reason for refusal No. 3)

Should the recommendation be supported the applicants have indicated their willingness to enter into a S.106 Legal Agreement with the Council in order to secure the contributions towards items detailed under the recommendation above, that mitigate the development's direct impacts on the local infrastructure.

Summary

The introduction of hotel accommodation to the rear of the site would have a positive impact on the setting of the Listed Building and introduce employment opportunities on this under-used site. The proposal is considered to have addressed the previous reasons for refusal in respect of ecology and flood risk.

CONCLUSION

For the reasons as set out above, subject to securing the suggested measures in the Section 106 Agreement, the proposal is considered to be acceptable.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a) (b) (c) (d), 2 (a) (c) (d) (e), 4 (a) e) (s), 5 (e), 6 (a) (c) (f) (i), 7 (a) (i) (m) (x) (z), 8 (a), 9(a), 9 (b), PPS4 – Sustainable economic growth and PPS5: Planning for the Historic Environment

JT 25.5.10 for 22.6.10 PRow

RECOMMENDATION: DEL

CONDITIONS for 10/00399/FUL

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

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

Reason:

To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality.

03. APPROVAL CONDITION - Flood Defences [pre-commencement conditions]

Prior to the commencement of the development hereby approved, a scheme shall be submitted to the Local Planning Authority for approval in writing detailing measures to defend the site from fluvial flooding. The scheme shall include the following:

1. A continuous hard flood barrier along the railway embankment to the western site boundary together with structural design calculations;
2. A raised strip to prevent the site being outflanked by floodwater
3. Seal external openings from the existing building from the flood water
4. Removable flood barriers to all public house external doors

REASON

To ensure the structural integrity of existing and proposed flood defences thereby reducing the risk of flooding, to ensure safe access and egress to and from the site and to reduce the risk of flooding to the proposed development and future occupants.

04. 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, means of enclosure, lighting 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 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.

05. APPROVAL CONDITION – Landscape Management Plan

Prior to the commencement of development a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to the Local Planning Authority for approval in writing. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority. The scheme shall include the following details of invasive species control and maintenance regimes.

REASON

To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site.

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

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, [as set out in the submitted ... XXX ... with the application] 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.

07. APPROVAL CONDITION - Protection of nesting birds [Performance Condition]

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

REASON

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

08. APPROVAL CONDITION - Lighting [Pre-Commencement Condition]

A written lighting scheme including light scatter diagram with relevant contours shall be submitted to and approved in writing by the Local Planning Authority prior to implementation of the lighting scheme. The scheme must demonstrate compliance with table 1 "Obtrusive Light Limitations for Exterior Lighting Installations", by the Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light 2005. The installation must be maintained in accordance with the agreed written scheme.

Reason:

To protect the amenities of the occupiers of existing nearby residential properties.

09. 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 scheme 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.

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- 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.

12. APPROVAL CONDITION - Tree Protection Measures [performance condition]

Unless otherwise agreed in writing by the Local Planning Authority, the development shall proceed in accordance with the tree protection measures as detailed in the submitted Arboricultural Report (reference TF/AIA/MS/687).

REASON

In the interest of the health of the adjacent trees.

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 - Archaeological work programme [Performance Condition]

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

Reason:

To ensure that the archaeological investigation is completed.

15. APPROVAL CONDITION - Foul Water Disposal [pre-commencement condition]

Prior to the commencement of the development hereby approved details of the means for foul sewerage disposal shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the agreed details.

REASON

To secure a satisfactory form of development

16. APPROVAL CONDITION - Noise mitigation [pre-commencement condition]

Prior to the commencement of the development hereby approved, a written scheme for the prevention of noise disturbance to the hotel rooms from railway noise shall be submitted to the Local Planning Authority for approval in writing. The development shall be implemented in accordance with the approved details and findings and any mitigation measures installed as approved and thereafter retained as approved.

REASON

To ensure the development is not subject to undue noise and disturbance from the adjacent railway.

17. 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.

18. APPROVAL CONDITION – On site management details [pre-occupation condition]

Prior to the development first coming into use details of on-site management arrangements shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the agreed details.

REASON

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

19. APPROVAL CONDITION – Parking and Access [pre-occupation condition]

Prior to the occupation of the development hereby approved both the access to the site and the parking spaces for the development and the existing dwelling shall be provided in accordance with details to be submitted to and approved by the Local Planning Authority in writing. The parking shall be thereafter retained for that purpose.

REASON

To ensure a satisfactory form of development

20. APPROVAL CONDITION - Restricted Use [Performance Condition]

Notwithstanding the Town and Country Planning (Use Classes) Amendment Order 1991, the development hereby approved shall be used only for a C1 hotel and not for any other purpose.

Reason:

For the avoidance of doubt and to enable the Local Planning Authority to retain control over the development in the interests of the amenities of the area.

21. APPROVAL CONDITION - BREEAM Standards (commercial development) [Pre-Occupation Condition]

Written documentary evidence demonstrating that the development has achieved at minimum a rating of Very Good against the BREEAM standard 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 certificate as issued by a qualified BREEAM 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). Also to comply with policy NRM11 of the Regional Spatial Strategy for the South East of England adopted version (May 2009).

22. APPROVAL CONDITION - Renewable Energy (Pre-Commencement Condition)

Prior to development of this proposal commencing full details of the renewable energy systems to be incorporated within the development shall be submitted to and agreed in writing with the Local Planning Authority which shall achieve the agreed target of 14% (insert % target required/agreed as feasible) reduced CO2 emissions as detailed within the agreed submitted energy assessment.

REASON:

To reduce the impact of the development on climate change and finite energy resources and to comply with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010). Also to comply with policy NRM11 of the

23. APPROVAL CONDITION - replacement trees [Performance Condition]

Any trees to be felled pursuant to this decision notice will be replaced with species of trees to be agreed in writing with the Local Planning Authority at a ratio of two replacement trees for every single tree removed. The trees will be planted within the site or at a place agreed in writing with the Local Planning Authority. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting. The replacement planting shall be carried out within the next planting season (between November and March) following the completion of construction. If the trees, within a period of 5 years from the date

of planting die, fail to establish, are removed or become damaged or diseased, they will be replaced by the site owner / site developer or person responsible for the upkeep of the land in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

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.

Reason For Granting Planning 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 application is considered to have fully addressed the reasons for refusing application reference 09/00018/FUL. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - CS3, CS13, CS14, CS18, CS19, CS20, CS22, CS23 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010)

Policies - SDP1, SDP4, SDP5, SDP6, SDP7, SDP9, SDP10, SDP12, SDP13, SDP14, SDP16, SDP17 and SDP22 of the City of Southampton Local Plan Review (March 2006).

Note to Applicant

1. Under the terms of the Water Resources Act 1991, and the Southern Region Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the Monks Brook. Consent is further required under section 109 of the Water Resources Act 1991 for the erection or alteration of any structure designed to contain or divert the floodwaters of any part of a main river.

Relevant Planning Policy

Local Development Framework Core Strategy Development Plan Document Policies

CS3	Town, District and Local Centres
CS13	Fundamentals of Design
CS14	Historic Environment
CS18	Transport
CS19	Car and Cycle Parking
CS20	Tackling and adapting to Climate Change
CS22	Promoting biodiversity and protecting habitats
CS23	Flood Risk
CS25	The delivery of infrastructure and developer contributions

Adopted City of Southampton Local Plan Review Policies

SDP1	General Principles
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Context
SDP9	Scale, Massing and Appearance
SDP10	Safety and Security
SDP12	Landscape and Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
SDP17	Lighting
SDP22	Contaminated Land
NE1	International Sites
NE2	National Sites
NE3	Sites of Local Nature Conservation Importance
NE4	Protected Species
HE3	Listed Buildings
HE6	Archaeological Remains
CLT1	Location of Development

Relevant Planning History

1250/19 Resurfacing for car parking	Conditionally Approved 24.09.63
1312/46 Alterations and additions	Conditionally Approved 02.08.66
1344/52 Double garage	Conditionally Approved 12.02.68
1388/62 Alterations to form store	Conditionally Approved 24.02.70
1425/65R1 Building for store	Conditionally Approved 24.02.70
1425/65/R2 Alterations to form club bar	Conditionally Approved 14.12.71
1473/E31 New Beer store	Conditionally Approved 05.11.74
1524/E23 Extension to beer cellar	Conditionally Approved 17.05.77
1623/E6 Two-storey rear extension	Conditionally Approved 01.02.83
900011/E Infilling of existing canopy to form enclosed entrance lobby and internal alterations	Conditionally Approved 14.02.90
02/01427/FUL New entrance porch and bay window to side elevation	Conditionally Approved 09.12.02
02/01428/LBC Internal and external alterations and construction of porch	Conditionally Approved 12.12.02
04/01916/FUL Partial demolition of flat roofed addition to outbuilding on the north east elevation and alterations to the fenestration of the building	Conditionally Approved 18.02.05
04/01920/LBC Internal and external alterations and repairs to outbuilding and partial demolition of flat roofed addition to north east elevation	Conditionally Approved 18.02.05
06/00479/LBC Re-roofing of detached structure to the north east of the public house building	Conditionally Approved 30.06.06

06/01917/FUL

Conditionally Approved 13.02.07

Reinstatement of flood defence bank and associated works

09/00018/FUL

Refused 08.04.09

Alterations and extensions to the outbuilding at the rear of the site including the erection of a two-storey building to provide 38 hotel bedrooms

Reasons for Refusal:

01.

REFUSAL REASON – Flood Risk

Based upon the information submitted the Local Planning Authority is not satisfied that the development would not be at risk from flooding or increase flood risk elsewhere. In particular, insufficient regard has been had to fluvial flood risk and adequate flood risk management and mitigation measures have not been incorporated into the proposal. In addition to this, the proposal would restrict access to the adjacent river which is likely to hinder future maintenance and improvement works, thereby increasing flood risk. As such the proposal is considered to prove contrary to policies SDP1 (i) and SDP20 (i), (ii) and (iii) of the City of Southampton Local Plan Review March (Adopted Version March 2006) and the guidance contained within PPS25: Development and Flood Risk December 2006.

02.

REFUSAL REASON – Biodiversity Protection and Enhancement

Insufficient survey work has been undertaken to assess the likely impacts on protected species within the adjacent Monks Brook Greenway Site of Importance for Nature Conservation. Accordingly the development could have a detrimental impact on protected species and fails to incorporate any mitigation measures. Furthermore, the absence of a buffer strip between the proposed development and the greenway could adversely affect effectiveness of the river corridor in linking habitat. The development would prove contrary to the provisions of SDP1 (ii), SDP12 (i), NE3 and NE4 of the City of Southampton Local Plan Review (Adopted Version March 2006).

03.

REFUSAL REASON – Failure to complete Section 106 Agreement

In the absence of a completed S.106 Legal Agreement the proposals fail to mitigate against their direct impact and do not, therefore, satisfy the provisions of policy IMP1 of the City of Southampton Local Plan Review Adopted Version March 2006 as supported by the Council's Supplementary Planning Guidance on Planning Obligations (August 2005 as amended) in the following ways:-

- A) Measures to support sustainable modes of transport such as necessary improvements to public transport facilities, site specific access improvements and pavements in the vicinity of the site have not been secured contrary to the City of Southampton Local Plan Review Adopted Version March 2006 policies SDP1, SDP2 and SDP3;
- B) Measures to support strategic transportation initiatives have not been secured. As such the development is also contrary to the City of Southampton Local Plan Review Adopted Version March 2006 policies SDP1, SDP2 and SDP3;
- (C) In the absence of a Highway Condition survey the application fails to demonstrate how the development will mitigate against its impacts during the construction phase;
- (D) In the absence of a training and employment management plans to support local employment initiatives the proposal would prove contrary to SDP1 and IMP1 of the City of

Southampton Local Plan Review (Adopted Version March 2006)

(E) In the absence of a construction phasing plan, the Council is not satisfied that the refurbishment works of the Listed outbuilding would be delivered. The proposal would not, therefore, be in accordance with policy HE3 of the Local Plan Review (Adopted Version March 2006).

09/00029/LBC

Withdrawn 30.06.09

Listed building application for alterations and extensions to the outbuilding at the rear of the site including the erection of a two-storey building to provide 38 hotel bedrooms (Full application 09/0018/FUL).

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Agenda Item 11

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 22 June 2010
 Planning Application Report of the Head of Division

Application address Fleming Arms, Wide Lane, SO18 2QN			
Proposed development Alterations and extensions to the outbuilding at the rear of the site including the erection of a two-storey building to provide 38 hotel bedrooms			
Application number	10/00400/LBC	Application type	FUL
Case officer	Jenna Turner	Application category	Q23 – Listed Building

Recommendation Summary	Conditionally Approve
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Reason for Panel consideration	Application related to a major planning application proposal
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Applicant Fuller Smith And Turner	Agent Walsingham Planning
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Date of receipt	01/04/2010	City Ward	Swaythling
Date of registration	01/04/2010	Ward members	Cllr Turner
Publicity expiry date	20/05/2010		Cllr Odgers
Date to determine by	01/07/2010		Cllr Osmond

Site area	0.51 ha
Existing Public House (Use Class A4)	228 sq.m
Hotel floorspace proposed	1282 sq.m

accessibility zone	Band 3 (Medium)	policy parking max	19 spaces
parking permit zone	no	existing site parking	58 spaces
cyclist facilities	none	car parking provision	38 spaces

Key submitted documents supporting application			
1	Flood Zone Sequential Test	2	BREEAM Preliminary Assessment
3	Biodiversity Statement and Checklist	4	Energy Statement
5	Statement of Community Involvement	6	Sustainability Statement
7	Site Waste Assessment & Management	8	Heritage Statement
9	Transport Assessment	10	Arboricultural Report
11	Ecology Report	12	Flood Risk Assessment
Appendix attached			
1	Local Plan Policy schedule	2	Planning History

Recommendation in full

That the application be approved subject to the suggested planning conditions.

Background

This application has been submitted in conjunction with a full planning application reference 10/00399/FUL.

Proposed Development & Surrounding Context

Site and Surrounds

The application site comprises the Grade II Listed 'Fleming Arms' public house which is sited within a large plot, the majority of which is laid out for car parking purposes. The pub itself is an 18th Century 3 storey building, albeit with the 3rd floor accommodation within the roof space. To the rear of the site is a single storey outbuilding structure (originally a stable block associated with the main building) which, in spite of its poor condition is a building of historic and architectural interest in its own right. The outbuilding has been vacant for a considerable period of time, but was last used as a nightclub (planning permission 1425/65/R2 refers). The structure is in a dilapidated state and currently is protected from the elements by a temporary canopy. Both the main public house building and the stable block have undergone a number of alterations and additions in the past.

The site is bounded by the railway line to the west and to the east of the site is the Monks Brook Greenway and watercourse which is a Site of Importance for Nature Conservation (SINC) as well as the River Itchen Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). The Greenway contains a number of mature trees and vegetation. Beyond the greenway is a 3-storey block of flats which is at a higher level than the application site. The site lies within Flood Zone 3 which is an area of high flood risk.

Development Proposal

The application proposes a hotel extension to be constructed to the rear of the site within the existing car parking area. The proposal also involves an extension to the existing outbuilding and the construction of an additional two-storey block which would be attached to the outbuilding via a glazed link. The outbuilding would be renovated to accommodate three bedrooms and associated storage. The new hotel block would provide 34 bedrooms together with a reception at ground floor. At its highest point, the extension would be 9 metres in height which is a metre lower than the main public house building. The development would be accessed via the existing vehicular access from Wide Lane.

The hotel would comprise a horseshoe style layout around a central car parking area. The building would have a pitched roof design constructed of facing brick, slate roof with elements of tile hanging. The second floor accommodation would be served by dormer windows and a lean-to canopy would be provided at single-storey level.

Relevant Planning Policy

LDF Core Strategy - Planning Southampton to 2026

Following receipt of the Inspector's Report from the Examination into the Southampton Core Strategy Development Plan Document (13/10/2009) and its consideration and adoption by the Council (20/01/2010), the policies of the LDF Core Strategy, and those "saved" from the Local Plan Review form the planning policy framework, form the development plan against which this application should be determined.

The relevant CS policies and the “saved” policies from the Local Plan Review are set out at **Appendix 1**. In particular, the adopted LDF Core Strategy Policy CS13 (Fundamentals of Design), as supported by Local Plan Policy SDP1 and CS14 (Historic Environment) supported by Local Plan Policy HE3 are relevant in the determination of this application.

Policy CS13 (3) requires new development which reflects the importance of the city’s historic heritage and to have a positive impact on its surroundings whilst policy SDP1 requires a high quality design approach to new developments.

Policies CS14 and HE3 specifically seek to protect the character and setting of Listed Buildings.

Relevant Planning History

The history of the site is attached in **Appendix 2** to this report. The application is a resubmission of a scheme which was refused last year for reasons relating to flooding and ecology. The building itself has undergone a number of alterations and it should also be noted that Listed Building Consent was approved in 2006 for repair and refurbishment works to the stable block but this consent has not been implemented due to the absence of a viable use for the block.

Consultation Responses & Notification Representations

A consultation exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement and erecting a site notice. At the time of writing the report, **0 representations** had been received from surrounding residents.

Summary of Consultation comments

SCC Historic Environment Officer – No objection. Suggests the imposition of conditions to secure good quality materials together with details of the flood barriers to the public house and stable block.

SCC Archaeology – No objection. Suggests conditions to secure an archaeological investigation to be carried out and a written scheme of investigation to be submitted to the Local Planning Authority.

Planning Consideration Key Issues

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

- The impact on the setting and fabric of the Listed Building

1. Principle of Development

The proposed development would secure much needed repair works to the Stable Block and bring it back into active use which is a key way in which the upkeep of the building can be secured. Currently, the stable-block in particular appears as an eye-sore as a result of the temporary covering which protects it from the elements and therefore the refurbishment and re-use of this building is welcome.

2. Scale, Design and Appearance/Impact on Listed Building

The extensive car parking area to the rear of the site provides a poor setting for the Listed Building and as such the introduction of the proposed hotel buildings would be a marked improvement to the current condition of the site. The horseshoe style layout of the

development would help to enclose the car parking area which would ensure that the car parking would no longer dominate the setting of the listed building.

The applicants have chosen a traditional and uncomplicated design which would not detract from the character and appearance of the existing buildings on site. The height of the extension would be clearly subordinate to the main public house building to ensure that it does not adversely affect its setting. Historically, outbuildings within the curtilage of a building would be informally positioned and would vary in terms of scale and design. It is considered that the proposed additions would accord with this character. Moreover, the arrangement of buildings would assist the creation of a typical courtyard setting.

A simple glazed link is proposed between the original building and the proposed extension which provides a clear transition between old and new and prevents the two-storey element from appearing overbearing when compared with the stable block. This relationship is also assisted by a recessed two-storey section adjacent to the stable block.

In addition to this, bringing the vacant building back into use and introducing buildings which actively survey the surrounding open space would be positive from a crime prevention perspective.

The application is therefore considered to accord with the relevant development plan policies relating to design and heritage, namely CS13, CS14 and HE3.

Summary

The introduction of hotel accommodation to the rear of the site would have a positive impact on the setting of the Listed Building and introduce employment opportunities on this under-used site.

CONCLUSION

For the reasons as set out above, subject to securing the suggested measures in the suggested conditions, the proposal is considered to be acceptable.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a) (b) (c) (d), 2 (a) (c) (d) (e), 4 (a) e) (s), 5 (e), 6 (a) (c) (f) (i), 7 (a) (i) (m) (x) (z), 8 (a), 9(a), 9 (b), PPS4 – Sustainable economic growth and PPS5: Planning for the Historic Environment

JT 25.5.10 for 22.06.10 PRow Panel

CONDITIONS for 10/00399/FUL

01. APPROVAL CONDITION - Listed Building Commencement Period Condition

The works to which this Listed Building consent relates must be begun not later than three years beginning with the date on which this consent is granted.

Reason:

To conform to the requirements of Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

02. APPROVAL CONDITION - Samples details of building materials to be used [Pre-Commencement Condition]

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

Reason:

To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality.

03. APPROVAL CONDITION - 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.

04. APPROVAL CONDITION - Archaeological work programme [Performance Condition]

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

Reason:

To ensure that the archaeological investigation is completed.

05. APPROVAL CONDITION - Matching alterations [Pre-Commencement Condition]

Notwithstanding the plans hereby approved, any alteration to the Listed Stable block shall be carried out in materials to match the existing structure and shall be agreed in writing by the Local Planning Authority prior to any works taking place.

Reason:

To ensure the appearance of the premises is acceptable.

06. APPROVAL CONDITION – Details of Flood Barriers [Pre-commencement Condition]
Prior to the commencement of the development hereby approved full details of the flood barriers to be installed to the main public house building shall be submitted to the Local Planning Authority for approval in writing. The details shall include the positioning, method of fixture, materials and appearance of the barriers.

REASON

In the interest of the special historic and architectural interest of the Listed Building.

Reason for granting Listed Building Consent

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Nor would it harm the special architectural and historic interest of the Listed Building and other material considerations do not have sufficient weight to justify a refusal of the application. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus listed building consent should therefore be granted.

Policies - SDP1, SDP7, SDP9, HE1, HE3 and CS14 of the City of Southampton Local Plan Review (March 2006).

Policies CS13 and CS14 of the Local Development Framework Core Strategy (January 2010)

Relevant Planning Policy

Local Development Framework Core Strategy Development Plan Document Policies

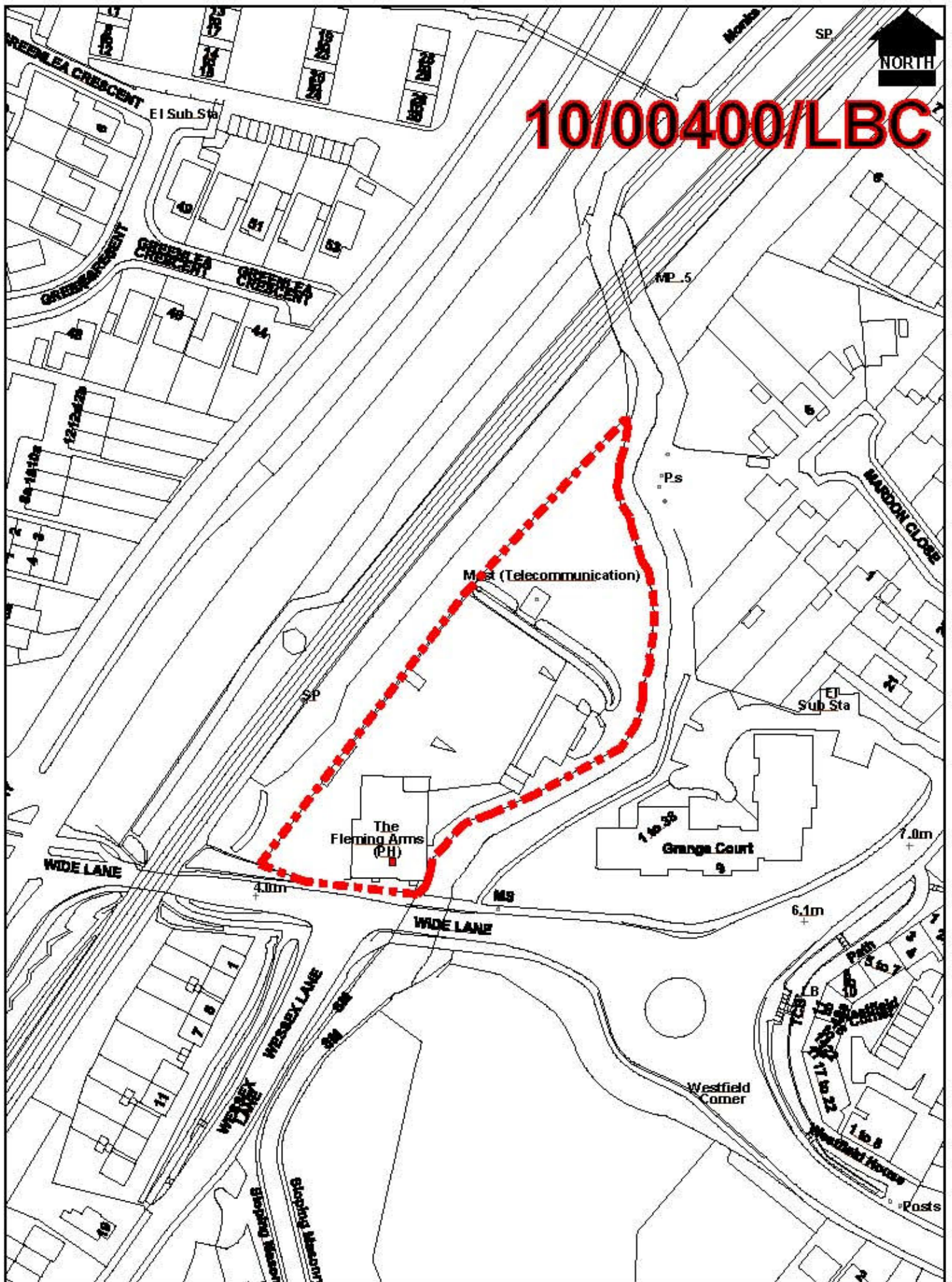
CS13	Fundamentals of Design
CS14	Historic Environment

Adopted City of Southampton Local Plan Review Policies

SDP1	General Principles
SDP6	Urban Design Principles
SDP7	Context
SDP9	Scale, Massing and Appearance
HE3	Listed Buildings
HE6	Archaeological Remains

Relevant Planning History

1250/19 Resurfacing for car parking	Conditionally Approved 24.09.63
1312/46 Alterations and additions	Conditionally Approved 02.08.66
1344/52 Double garage	Conditionally Approved 12.02.68
1388/62 Alterations to form store	Conditionally Approved 24.02.70
1425/65R1 Building for store	Conditionally Approved 24.02.70
1425/65/R2 Alterations to form club bar	Conditionally Approved 14.12.71
1473/E31 New Beer store	Conditionally Approved 05.11.74
1524/E23 Extension to beer cellar	Conditionally Approved 17.05.77
1623/E6 Two-storey rear extension	Conditionally Approved 01.02.83
900011/E Infilling of existing canopy to form enclosed entrance lobby and internal alterations	Conditionally Approved 14.02.90
02/01428/LBC Internal and external alterations and construction of porch	Conditionally Approved 12.12.02
04/01920/LBC Internal and external alterations and repairs to outbuilding and partial demolition of flat roofed addition to north east elevation	Conditionally Approved 18.02.05
06/00479/LBC Re-roofing of detached structure to the north east of the public house building	Conditionally Approved 30.06.06



Scale: 1:1250

Date: 09 June 2010

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Agenda Item 12

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting **22nd June 2010**
 Planning Application Report of the Head of Division

Application address	Land To R/O 104-106A East Street		
Proposed development:	Erection of a five-storey building to provide 14 flats (7 one-bedroom, 7 two-bedroom flats) with associated works		
Application number	10/00553/FUL	Application type	Full Detailed
Case officer	Bryony Giles	Application category	Major Small (Q07)

Recommendation Summary	Delegate to Head of Planning & Sustainability to grant planning permission subject to criteria listed in report.
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Reason for Panel consideration	Major development (small scale) requiring completion of legal agreement under Section 106 of the 1990 Act
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Applicant: Southern Housing Group	Agent: Miller Hughes Associates Limited Bicentennial Building Southern Gate Chichester
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Date of receipt	21.04.2010	City Ward	Bargate
Date of registration	21.04.2010	Ward members	Cllr Bogle
Publicity expiry date	10.06.2010		Cllr Damani
Date to determine by	21 July 2010 In Time		Cllr Willacy

Site area	00.039 ha (390sqm)	Usable amenity area	337sqm
Site coverage (developed area)	294 sqm	Landscaped areas	(split between flats) 90sqm
Density - whole site	359 dph		

Residential mix	nos	size sqm	Other land uses	class	size sqm
Studio / 1-bedroom	7	46.98-51.09	Commercial use	-	-
2-bedroom	7	56.35-61.64	Retail use	-	-
3-bedroom	-	-	Leisure use	-	-
other	-	-	other	-	-
Policy designation	CLT 14				

Accessibility zone	High (Band 6)	Policy parking max	6 spaces
Parking Permit Zone	no	existing site parking	0 spaces
Cyclist facilities	yes	car parking provision	0 spaces
motor & bicycles	21 cycles	disabled parking	

Key submitted documents supporting application			
1	Design and Access Statement	2	Assessment of Noise Levels
3	Level, topographical and elevation surveys	4	Sustainability Check list
5	Structural and drainage design studies	6	Soil investigation
7	Study of low and renewable energy solutions	8	Shadow diagrams
Appendix attached			
1	Planning Policy	2	Planning History

Recommendation in full

Delegate to Head of Planning & Sustainability to grant planning permission subject to the applicant entering into a Section 106 Legal Agreement to secure:

- a A financial contribution towards the relevant elements of public open space required by the development in accordance with policies CS21 & CS25 of the Local Development Framework Core Strategy Development Plan Document – Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended) with regard to ;
 - Amenity Open Space (“open space”)
 - Play Space
 - Playing Field
- b To implement as agreed series of site specific transport works under S.278 of the Highways Act in accordance with policies CS18, CS19 & CS25 of the Local Development Framework Core Strategy Development Plan Document – Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended).
- c A financial contribution towards strategic transport projects for highway network improvements in the wider area in accordance with policies CS18 & Cs25 of the Local Development Framework Core Strategy Development Plan Document – Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended).
- d A highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
- e A financial contribution towards public realm improvements within the city centre as part of the North/South Spine strategy, in accordance with Policies CS13 & CS25 of the Local Development Framework Core Strategy Development Plan Document – Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended).
- f A financial contribution towards the renovation and repair of the Town Wall in accordance with appropriate SPG.
- g A refuse management plan to outline the methods of storage and waste collection of refuse from the land in accordance with policy SDP1 of the development plan and appropriate SPG.
- h The provision of a residents parking bay designated by the council by an order under the Road Traffic Regulation Act 1984 for use by residents of the locality in which the development is situated, and the issuing of residents parking permit to allow residents to park in the residents parking bay.
- i Provision of affordable housing in accordance with Policies CS15, CS16 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended).
- j In the event that the building has not achieved a shell and core finish (to be defined) within 18 months from the date of the decision notice the applicants shall submit an up to date Viability Appraisal for the Council’s consideration. Any increase in the

scheme's report profitability at that time (when taken against the figures reported within the application 10/00553/FUL) shall be reported to the Council with any increase in value being paid to the Council within 6 months of the Council's agreement of the revised viability)or within an alternative timescale to be agreed).

And that in the event that the legal agreement is not been completed by 21st July 2010 that the D C Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Agreement.

Background

In 2006 the council resolved to grant planning permission (Ref: 05/01695/FUL) for the: *"Redevelopment of the site with a five-storey block of 16 flats (10 x 2 bedroom, 6 x 1 bedroom) and associated cycle parking"*.

Following a change in land owner, the scheme was not deemed viable and an entirely new proposal was produced to address the site's challenging constraints as well as being in accordance with current policy and design guidance. Due to the sites constraints and local significance (this is a key city centre site with an important historic context located on the edge of the Old Town North Conservation Area and immediately adjacent to a section of the Town Wall, a scheduled monument) detailed pre-application discussions were held the pre-submission period. The site is documented in the Old Town Development Strategy (April 2002)

On the 27th October 2009 the Planning and Rights of Way Panel resolved to grant planning consent for the erection of a five-storey building to provide 14 flats (7 x one bedroom, 7 x two bedroom flats) with associated works for social rent (Ref: 09/00842/FUL), subject to the applicant entering into a Section 106 agreement with the council. The Section 106 agreement was not completed and on the 3rd November 2009 the application was refused for its failure to comply with policy IMP1 of the adopted Local Plan Review (March 2006).

The current application is identical in design to the refused application submitted in 2009. However, with the application, the applicant has submitted a viability appraisal which sets out why in the current market the requirement to pay Section 106 costs is likely to result in the scheme not being built out, or at the very least being delayed and/or having to be developed for the private housing sector rather than housing for social rent.

The viability appraisal submitted by the applicant concludes that should the scheme be brought forward on the open market the site has a negative value. If brought forward for affordable housing (and therefore helped by grant funding) the input of the grant has a positive impact but the land value is approximately nil assuming no section 106 contributions. The applicant is therefore asking that all S106 contributions be waived for this development, in the interest of bringing an empty site into use and providing affordable housing within the city centre.

An independent assessment of the viability appraisal concludes that the assumptions made within the applicants' appraisal are fair and reasonable and that with no allowance for a profit having been made a private developer would be unlikely to undertake this development unless the units were offered for sale on the open market.

The council acknowledge the importance of bringing forward this site both in terms of its aesthetic improvements to the immediate area and in terms of providing quality affordable housing within the city centre. However, and as with all developments, there is a real need to mitigate against the effects of construction and an increase in the number of people living within an area. It is the local planning authority's view that a level of contribution must be sought, but given the circumstances a reduce contribution is reasonable.

As such, the applicant has been offered a reduction in Section 106 payments subject to the development coming forward for completion within 18 months of the date of the decision. The reduced payments will still require the developer to contribute a certain amount of money to all sections of the heads of terms listed within the above recommendation and will ensure that an appropriate amount of money is contributed towards the renovation and repair of the town wall.

Site and surrounds

The application relates to the redevelopment of a rectangular parcel of land located on the corner of Canal Walk and Back of the Walls. The site was previously occupied by a stonemason's business and is now, following the removal of all buildings on site, in use as a storage area for the construction of a nearby development.

Located on the edge of the Old Town North Conservation area, this level site is accessed via Canal Walk and is bounded to the west by Back of the Walls, a car park serving 104 – 107 East Street to the north and a two storey building occupied by 'a restaurant to its east. To the immediate west of the application site stands the remains of a part of the old (medieval) town walls, this is protected as a scheduled monument.

The character of the area is mixed in terms of land use and architectural styles. A multi-storey car park is located to the south west, with servicing areas for the rear of shop units on East Street and the High Street surrounding it. The traditional red brick building to the north of the site is occupied by flats on its first and second floor, with the flat roofed two storey restaurant to the east of the site comprising of a red brick finish and traditional window proportioning. Directly opposite the site, the vacant land previously occupied by a nightclub has planning permission for the development of a part four-storey and part five-storey block of 36 flats (8 two-bedroom, 27 one-bedroom and 1 studio flats) approved under application 08/01009/FUL.

The site is in highly sustainable location within easy walking distance of the city centre facilities and amenities including the city parks, public transport, shops and services. The site is not located within a floodplain.

Application Details

The development provides residential accommodation for 14 flats (comprising 7 one bedroom flats and 7 two-bedroom flats). The number of units proposed on site triggers a 20% affordable housing requirements under policy CS15 of the adopted Core Strategy. However, the applicant (a registered social landlord) has offered that, subject to market conditions, the site will provide 100% affordable accommodation. Should the development not be brought forward as 100% affordable accommodation, a clause within the S106 will require 20% of the 14 units to be affordable. This equates to 3 of the units proposed.

The proposal provides associated external courtyard at ground level, terraces at upper levels and servicing facilities grouped together along the eastern boundary. It is located with a defined area of high accessibility with good public transport links being found within the surrounding streets.

The Building

The proposed building is a perimeter block development which is stepped in plan to form between three and five storeys of accommodation.

The top floor is set back forming a pavilion set behind a high solid guard feature. On its

southern elevation a mixture of glazing, balconies and projecting bays add depth to the design, providing an active frontage to the street scene, while offering external space for each unit.

As a design feature, and to ensure the proposed development does not adversely affect the scheduled monument to its west, the building has been designed to 'float' above the old town wall. The absence of the ground floor section here allows the rear of the site to be viewed from Canal Walk, allowing views through to the rear of East Street. This not only establishes a connection between the site and its surrounding area, but reduces the overall bulk and massing of the building.

Similarly, the staggered and stepped design of the building reduces its massing and provides appropriate articulation to its elevations.

The building is of modern design with a variety of building materials proposed. The external finishes include render, timber and metal. A textured cement finish for the west elevation has been chosen to act as a backdrop to the texture and colour of the Town wall. The range and quality of the materials to be used has been a key focus of the discussions with the city design team.

A mix of balconies and courtyard areas has been designed into the scheme to ensure that all units have access to a private out door space within the site.

Relevant Planning Policy

LDF Core Strategy - Planning Southampton to 2026

Following receipt of the Inspector's Report from the Examination into the Southampton Core Strategy Development Plan Document (13/10/2009) and its consideration and adoption by the Council (20/01/2010), the policies of the LDF Core Strategy, and those "saved" from the Local Plan Review form the planning policy framework, against which this application should be determined.

The relevant CS policies and the "saved" policies from the Local Plan Review are set out at **Appendix 1**. In particular, the adopted LDF Core Strategy Policy CS13 (Fundamentals of Design), as supported by Local Plan Policy SDP1 are relevant in the determination of this application, as are policies CS5, CS14, CS15, CS16, CS20, CS25 of the adopted Core Strategy.

Policy SDP1(i) requires planning permission to only be granted for development which does not unacceptably affect the health, safety and amenity of the city and its citizens.

Policy CS5 advocates that intensification and higher densities will be appropriate in some areas of the city in order to make best use of land, to support a range of local services and infrastructure and to create a residential environment with a mix of housing including smaller units and affordable housing. At all densities, residential development should be high quality, energy efficient and in line with best practice in sustainability and should maximise outdoor space, for example by providing gardens, roof terraces or balconies.

Policy CS13 (11) expands on this requiring urban form and scale to be considered and advocates the need to make higher densities work, being of an appropriate scale, massing and appearance.

Policy CS14 seeks to safeguard against inappropriate development and enhance important historical assets. Particular reference is made to the medieval walled town as a primary aim for protection.

Policy CS15 requires 20% affordable housing to be provide on site, while policy CS16 seeks to ensure a mix of housing types in order to ensure balanced and sustainable communities.

Policy CS25 states that development will only be permitted if necessary infrastructure, services and facilities are available or will be provided through financial contributions and brought forward at the appropriate time.

Sustainability Implications

Major developments are expected to meet high sustainable construction standards in accordance with the City Council's adopted policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan saved Policy SDP13 the applicant has submitted a 'Sustainable Development Checklist' to support their application and have made a commitment to achieving a Code for Sustainable Homes Level 3.

Relevant Planning History

Planning application 05/01695/FUL for the Redevelopment of the site with a five-storey block of 16 flats (10 two-bedroom, 6 one-bedroom) and associated cycle parking. Details attached as **Appendix 2**.

09/00842/FUL - Erection of a five-storey building to provide 14 flats (7 x one bedroom, 7 x two bedroom flats) with associated works – REF – 03.11.2009.

Reason for refusal: Section 106 Legal Agreement

In the absence of a completed S.106 Legal Agreement the proposals fail to mitigate against their direct impact and do not, therefore, satisfy the provisions of policy IMP1 of the City of Southampton Local Plan Review Adopted Version March 2006 as supported by the Council's Supplementary Planning Guidance on Planning Obligations (August 2005 as amended) in the following ways:-

- A) Measures to satisfy the public open space requirements of the development have not been secured. As such the development is also contrary to the City of Southampton Local Plan Review Adopted Version March 2006 Policy CLT5.
- B) Measures to satisfy the provision and maintenance of play space required by the development in line with policies CLT6 and IMP1 of the City of Southampton Local Plan March 2006 and adopted guidance on Planning Obligations August 2005.
- C) Measures to support sustainable modes of transport such as necessary improvements to public transport facilities and pavements in the vicinity of the site have not been secured contrary to the City of Southampton Local Plan Review Adopted Version March 2006 policies SDP1, SDP2 and SDP3;
- D) Measures to support strategic transportation initiatives have not been secured. As such the development is also contrary to the City of Southampton Local Plan Review Adopted Version March 2006 policies SDP1, SDP2 and SDP3;
- E) Measures to satisfy the provision of vehicular access to the site required by the development in line with policies SDP1, SDP3, SDP4 and IMP1 of the City of Southampton Local Plan March 2006.
- F) Measures to satisfy the public realm contributions of the development have not been sought in accordance with the appropriate SPG.

G) Measures to satisfy contributions towards the renovation and repair of the Town Wall have not been sought in accordance with the appropriate SPG.

H) Measures to support a refuse management plan to outline the methods of storage and waste collection of refuse from the land in line with policy SDP1 of the City of Southampton Local Plan March 2006.

I) Measures to satisfy obligations relating to resource conservation measures to comply with policy SDP13 of the City of Southampton Local Plan March 2006 have not been sort.

J) In the absence of a Highway Condition survey the application fails to demonstrate how the development will mitigate against its impacts during the construction phase; and

Section 106A Informative

The applicant is advised that the reason for refusal could be overcome following the completion of a S.106 Legal Agreement to support an acceptable scheme.

Consultation Responses and Notification Representations

A publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement as appropriate and erecting a site notice. At the time of writing the report 1 representation had been received from surrounding residents objecting to the application.

Summary of representations

The proposed construction works will cause an inconvenience to neighbouring business at 81-82 and 79 Canal Walk and will result in a down turn in trade, which will be detrimental to the lives of those who own the business and work there.

Response

As with all redevelopment sites within the city centre, including that recently having been undertaken immediately opposite the site, it is recognised that construction does cause a temporary nuisance to those living, working and visiting the locality. It is wholly appropriate to impose conditions to mitigate disturbance and issues such as hours of construction, noise and dust suppression measures, the storage of materials and the parking of construction vehicles can be controlled with a planning condition to secure a 'Demolition and Construction Management Plan'.

Summary of Consultation comments

SCC Archaeologist - The site is of high archaeological importance being located adjacent to the Town Walls and partly over the line of the former ditch that ran alongside the original walls. If the planning application is approved, two conditions should be attached to ensure that (in accordance with Policy HE6 of the Local Plan) the archaeology is investigated recorded and published. These are: M001 and M005.

SCC Conservation Officer – No objections to the proposal.

SCC Highways DC – A car free scheme, the development's servicing requirements and all highway safety issues are considered to accord with policy. No objection raised subject to the attached planning conditions and S.106 clauses.

SCC Environmental Health – No objections raised subject to the imposition of conditions restricting the hours of construction and bonfires on site.

SCC Land Contamination – No objection raised subject to the imposition of conditions land Contamination investigation and remediation.

SCC Sustainability - Code level 3 supported. The imposition of condition ensuring compliance with Code for Sustainable homes level 3, sustainable drainage systems, renewable energy (Micro-renewables).

SCC City Design - City design have been involved in pre-application discussions on the site and are supportive of the proposed scheme.

English Heritage – No objection in principle, subject to approval of detailed design/materials for that part of the new building seen in context with the historic town wall, appropriate provision for the protection of the scheduled monument during construction, and for an appropriate level of archaeological mitigation for piling and ground works entailed in construction.

SCC Play Services – Offsite contribution for Threefield Lane Play area required as part of the S.106.

BAA – No objection to the proposal

Southern Water – The applicant has submitted a build over application to resolve the issue of building over an existing public sewer. Provided the works are carried out at the expense of the developer, Southern Water have raised no objection to the application subject to the imposition of appropriate conditions to ensure measures are undertaken to divert the public sewers, prior to the commencement of the development.

Architects Panel comments made for previous application -

- A strong scheme, perhaps not to all taste but the contemporary design is welcomed.
- Cantilever of upper floors respects integrity of historic town wall.
- One unit on the top floor has a very limited roof terrace.
- Notwithstanding the set back of the fifth floor, some aspects of this floor appear overbearing and out of scale with the surroundings. Removal of the top floor would improve the scheme.

KEY ISSUES

The key issues in the determination of this application are:

- i. The principle of residential development in this location
- ii. The design approach and its impact on the existing character of the street;
- iii. The impact of the development on an ancient scheduled monument (town walls)
- iv. The impact on existing and future residential amenity
- v. The requirement for a S106 agreement

Planning Considerations

The proposed scheme has to be assessed in terms of the Key Issues (identified above) together with whether the proposed development is acceptable in terms of the provisions of the Local Plan and the Council’s supplementary planning guidance.

The principle of residential development

The principle of redevelopment has been assessed as acceptable against the relevant policies of the adopted Core Strategy (January 2010) and the ‘saved’ Local Plan policies as

highlighted above. The Planning and Rights of Way Panel's resolution to approve application 09/ 00842/FUL and the council's favourable determination of the previous application 05/01695/FUL are also material considerations that should be afforded significant weight in the determination of this application.

The design approach and its impact on the established character;

This application proposes a development that maximises the potential of this previously developed land. The proposed density accords with the minimum density requirements identified by adopted Core Strategy policy CS5 (Housing Density) and paragraph 3.2.5 of the Residential Design Guide.

In June 2006 planning permission was granted for a five storey block of 16 flats on this site. The design of the approved building is similar in approach to the proposed scheme, but is not as well articulated, has limited amenity space and would appear greater in mass and height than the proposed building if built.

The proposed design makes efficient use of the site while avoiding overdevelopment. The primary access is in a prominent and easy to identify location on the corner of the site. Sufficient measures have been taken to ensure that entrances are safe and well surveyed. However, in response to comments made by the Hampshire Constabulary conditions requiring additional security controls on the building will be imposed.

Views of the site are limited to short range views; from East Street, Canal Walk and Back of the Walls. However, the design responds well to these offering a positive aspect to each view opportunity. The step up of the building from three to five storey's (with the fifth storey being significantly recessed) ensures the development does not dominate the street scene or appear overbearing in relation to neighbouring buildings. This, coupled with the highly articulated front elevation, reduces the overall bulk and massing of the building resulting in a design that responds to the context of the surrounding area.

The design also acknowledges that the rear elevation will be visible from East Street and has ensured that this has received as much design attention as the other more prominent edges.

Whilst it is appreciated that the introduction of a 5 storey building will have an impact on the existing amenity of neighbouring properties, it is judged that this impact will not be harmful. The proposed scheme is an improvement on the approved and will go a long way in improving the character and appearance of this area which at present appears rundown and inactive.

The contemporary nature of the design approach and the contrast between the design of each elevation reinforces the historic alignment of the Old Town Walls that run perpendicular to the site and will improve the character and appearance of the built environment.

It is considered that the proposed development will be a positive improvement to the visual aesthetic of the surrounding area and therefore complies with policy CS13 of the Core Strategy (January 2010) and saved policies SDP1, SDP7, SDP8 and SDP9 of the City of Southampton Local Plan Review (March 2006).

The impact of the development on an ancient scheduled monument

The proposal specifies that no building foundations should encroach within 4m of the scheduled wall, therefore providing a minimally satisfactory stand-off which will allow the monument to be retained as a spatially distinct feature.

Proposals further entail the cantilevering of the second floor of the apartment block to support upper floors above what would effectively comprise a double height undercroft. Upper floors would therefore be projected to a line approximately equivalent to that represented by the wall and would display clearance above the wall of approximately 2.5m. Consequently, although not directly affected by the proposed development, the scheduled monument would be visually show-cased within an imposing new structure. The use of the flat panel technique to extend the impression of “wall” along the historic edge of the town wall is an innovative one and is supported.

A very simple finish to this elevation will complement and contrast with the highly-textured appearance of the remaining section of the Old Town Walls beneath. The integration of the medieval wall offset by a modern elevation allows the emphasis of the monument as an historic feature within the street scene.

The proposed development offers a valuable opportunity for the conservation, presentation and public interpretation of the scheduled section of wall. Is it considered that, subject to the compliance with necessary conditions, the application addresses the provisions of policies CS14, SDP1 and HE6 of the development plan and the Old Town Development Strategy.

The impact on existing residential amenity

On average there is 24sqm of amenity space available per unit. While this is not split evenly, each unit has access to a balcony and/or roof terrace plus the use of the communal courtyard areas. Given the site’s city centre location the amount of amenity space provided accords with policy and will provide a reasonable standard of residential environment for future occupants of the site.

Privacy and outlook distances are successfully achieved. The proposed roof terraces and balconies have been sensitively designed so as not to overlook any existing neighbours or units within the building itself. The use of tall vertical windows with coloured glazing in the northern (rear) elevation allows light into the units without direct overlooking of the property to the north.

Shadow diagrams indicate that an acceptable level of natural light and outlook would be maintained to the 4 flats at 104a -106 East Street.

Given the site’s high accessibility location a car free scheme accords with policy SDP5 (Appendix 1).

Appropriate cycle and refuse storage has been provided for future occupants of the site. For the previous application (09/00842/FUL) Hampshire Constabulary requested that the visitors’ cycle storage spaces are enclosed within a storage unit which is secure and lockable. These concerns are recognised, however, it is considered that by introducing a store in this location the design of the courtyard will be compromised, as will views of the Old Town Wall as seen from the street. The entrance point to the development is gated and will be secure and sufficient provision has been made for secure long stay cycle storage for occupants of the building.

It is not considered that the proposed development will lead to any adverse impact on the surrounding properties in terms of overshadowing, loss of outlook or loss of privacy. As such the application is again considered to address the requirements of adopted Core Strategy policies CS13 and CS14 and ‘saved’ Local Plan policies SDP1(i), SDP7(v) and SDP9(v) as supported by the relevant sections of the Council’s approved Residential Design Guide SPD (2006).

The requirement for a S106 agreement

The council has considered the viability appraisal submitted with the application. A reduced S.106 contribution has been sought on the basis of this viability assessment. In the event that the recommendation is supported the applicant would be required to enter into a S106 agreement with the council based on the revised level of contribution in order to secure the planning permission.

Summary

The final design of this development is considered to respond successfully to a constrained city centre site, using contemporary design techniques in proximity to a high profile heritage feature (old town walls) it will make a positive contribution to the built environment.

The previous conditions recommended for application 09/00842/FUL are to be re-imposed with additional conditions added in accordance with updated consultation responses and the adoption of the Core Strategy.

Conclusion

The application is recommended for conditional approval subject to a S.106 legal agreement being completed.

Corporate Awareness Considerations

The planning assessment made on this planning application proposal has taken into account the relative importance of Council initiatives and corporate aims as considered appropriate to the formulation of the recommendation reached. The recommendation is considered to accord with the wider aims and objectives of the councils agenda.

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 (c), 2 (e), 4(s), 4 (am), 4(au), 5 (e), 6(a), 6(c), 6(h), 7 (a), 7(c), 7 (m), 7 (q), 7 (w), 7 (x), 7 (z), 8(a), 9(a), 9(b) and PPS5 – Planning and the historic environment

BG 08.06.2010 for 22.06.2010 PROW Panel

RECOMMENDATION: DEL

CONDITIONS for 10/00553/FUL

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 & samples of building materials to be used [Pre-Commencement Condition]

No development works shall be carried out unless and until a detailed schedule of materials and finishes including samples (if required by the LPA) to be used for external walls and the roof of the proposed buildings has been submitted to and approved in writing by the Local Planning Authority. Details shall include all new glazing, panel tints, stained weatherboarding, drainage goods, the ground surface treatments formed and details of the water catch tray to be located on the west elevation of the building. 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.

03. 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, means of enclosure, lighting and treatment of hard surfaced areas, shall be submitted to and approved in writing by the Local Planning Authority.

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 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.

04. APPROVAL CONDITION - Archaeological work programme [Performance Condition]

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

Reason:

To ensure that the archaeological investigation is completed.

05. 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.

06. 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.

07. 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.

08. 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.

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 - 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 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 certificate as issued by a qualified 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

11. APPROVAL CONDITION – Sustainable Drainage Systems (Pre-Occupation Condition)

Prior to the commencement of development a feasibility study demonstrating an assessment of the potential for the creation of a sustainable drainage system on site shall be carried out and submitted to the Local Planning Authority. Any measures shown to be feasible shall be verified in writing by the Local Planning Authority and implemented prior to first occupation of the development hereby granted consent. If the study demonstrates the site has the capacity for the implementation of a sustainable drainage system, a specification shall be agreed in writing with the Local Planning Authority. A sustainable drainage system to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter. In the development hereby granted consent, peak run-off rates and annual volumes of run-off shall be no greater than the previous conditions for the site.

REASON:

To conserve valuable water resources, in compliance with and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010) and to prevent an increase in surface run-off and reduce flood risk.

12. APPROVAL CONDITION – Renewable Energy - Micro-Renewables (Pre-Commencement Condition)

An assessment of the development's total energy demand and a feasibility study for the inclusion of renewable energy technologies on the site, that will achieve a reduction in CO2 emissions of 15% must be conducted. Plans for the incorporation of renewable energy technologies to the scale that is demonstrated to be feasible by the study, and that will reduce the CO2 emissions of the development of 15% be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent. Renewable technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

REASON:

To reduce the impact of the development on climate change and finite energy resources and to comply with adopted policy CS20 of the Local Development Framework

13. APPROVAL CONDITION - Access Control

The following standards in relation to enhance security must be met;

- The outer communal doorsets, patio doors and flat entry doorsets must be to BS PAS 23-1 1999/BS PAS 24-1 1999: Doors of Enhanced Security.
- The ground floor windows within the development should be to BS 7950 1997; windows of enhanced security and laminated on the inner pane.
- The flats must be provided with audio/visual control of visitors through the communal access doorset.

Details of the specified measures must be submitted to and agreed in writing by the local planning authority prior to the occupation of the units hereby approved.

Reason

To help resist criminal intrusion and to reduce the fear of crime.

14. APPROVAL CONDITION - Cycle store materials [Pre-commencement Condition]

The cycle store hereby approved must be built in brick and secured by a solid wooden door (44mm thick) hung with a hardwood framing on captive pin security hinges with hinge bolts and locked by a 5 lever mortice deadlock to BS 3621:2004. Furthermore, details of the illumination of the store must be submitted for consideration by the local planning authority and agreed in writing prior to the development of the cycle store. The cycle store must be retained and maintained in these materials at all times.

Reason

To help resist criminal intrusion and to reduce the fear of crime.

15. APPROVAL CONDITION - Provision of on-site facilities for future occupiers (Performance Condition)

The amenity space areas, refuse store and cycle store shown on the approved plans shall be provided in full with proper access to them prior to first occupation of any of the units hereby approved and thereafter permanently retained for the benefit of the occupiers of the flats.

REASON

In the interests of the amenities of future occupiers.

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

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

Reason:

In the interests of highway safety.

17. APPROVAL CONDITION - Construction traffic access/ egress arrangements (Pre-Commencement Condition)

Prior to works commencing on the site details of the means of access for construction (and demolition) of the structures on the site shall be submitted to and agreed with the Local Planning Authority. Such details shall indicate any areas of equipment and material storage during the work period and any measures to limit the possible nuisance effects on surrounding and neighbouring residential and business properties.

Reason:

In order to protect the residential amenity of nearby properties.

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

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

Reason:

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

19. APPROVAL CONDITION - Construction Environment Management Plan (Pre-Commencement Condition)

Prior to the commencement of any development a written construction environment management plan shall be submitted to and approved by the LPA. The plan shall contain method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary. All specified measures shall be available and implemented during any processes for which those measures are required.

Reason:

To protect the amenities of the occupiers of existing nearby properties.

20. APPROVAL CONDITION – Diversion of Public Sewer (Pre-Commencement Condition)

Prior to the commencement of any development the developer must advise the local authority in writing, and in consultation with Southern Water, of the measures which will be undertaken to divert the public sewers. Once agreed the scheme shall be implemented in accordance with the agreed details and thereafter maintained.

Reason:

To ensure the protection and maintenance of the public sewer.

21. Approval Condition – Foul and Surface Water Disposal - [Pre-commencement condition]

Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved by the local planning authority. Once approved the development shall be implemented in accordance with the agreed details and thereafter retained and maintained at all times.

Reason

To ensure appropriate connection with the foul drainage system and drainage provision.

22.

APPROVAL CONDITION - Material Storage adjacent to the Town Wall (Performance Condition)

No storage of goods including temporary contractors buildings, plant and stacks of materials and equipment associated with the development shall be stored within 4m of the Town Wall, an scheduled monument.

To preserve the scheduled monument in the interest of historic conservation.

23. 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.

24. APPROVAL CONDITION - Bonfires [Performance Condition]

No bonfires are to be allowed on site during the period of demolition, clearance and construction.

Reason:

To protect the amenities of the occupiers of existing nearby properties.

Reason for granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including the impact of the proposed development on the adjacent scheduled monument and the surrounding commercial uses have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies – CS4, CS5, CS13, CS14, CS15, CS16, CS19, CS20, CS25 of the adopted Core Strategy (January 2010) and SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, H1, HE1, HE6 and of the City of Southampton Local Plan Review (March 2006).

Notes to Applicant

1. Pre-Commencement Conditions: Your attention is drawn to the pre-commencement conditions above which require the full terms of the condition to be satisfied before development commences. In order to discharge these conditions you are advised that a formal application for condition discharge is required. You should allow approximately 8 weeks, following validation, for a decision to be made on such an application. It is important that you note that if development commences in without the condition having been formally discharged by the Council in writing, any development taking place will be unauthorised in planning terms, invalidating the Planning Permission issued. Furthermore this may result in the Council taking enforcement action against the unauthorised development. If you are in any doubt please contact the Council's Development Control Service.

2. A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for development please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, So23 9EH (01962 858688) or southernwater.co.uk.

POLICY CONTEXT

The application needs to be assessed in the light of the following local planning policies.

City of Southampton Local Plan Review- Adopted Version March 2006

SDP1	Quality of Development
SDP3	Travel Demands
SDP4	Development Access
SDP5	Parking
SDP7	Context
SDP9	Scale, massing and appearance
SDP10	Safety and security
H1 (iii)	Housing Supply
HE1	New Development in Conservation Areas
HE6	Archaeological Remains
CLT 5	Open Space
CLT6	Children's play space
IMP1	Provision of Infrastructure

Core Strategy Adopted Version January 2010

- CS4 - Housing Delivery
- CS5 - Housing Density
- CS13 – Fundamentals of Design
- CS14 - Historic Environment
- CS15 - Affordable Housing
- CS16 - Housing Mix and Type
- CS19 – Car & Cycle Parking
- CS20 - Tackling and Adapting to Climate Change
- CS25 - The delivery of infrastructure and Developer Contributions

Supplementary Planning Guidance

- Residential Design Guide (Consultation Draft, April 2006)
- Planning Obligations (August 2005)
- Old Town Development Strategy

Other relevant guidance

- PPS1 – Sustainable Development
- PPS 3 – Housing
- PPS 5 – Historic Environment

PLANNING HISTORY

09/00842/FUL - Erection of a five-storey building to provide 14 flats (7 x one bedroom, 7 x two bedroom flats) with associated works – Refused. 3rd November 2009.

Reason for refusal:-

Section 106 Legal Agreement

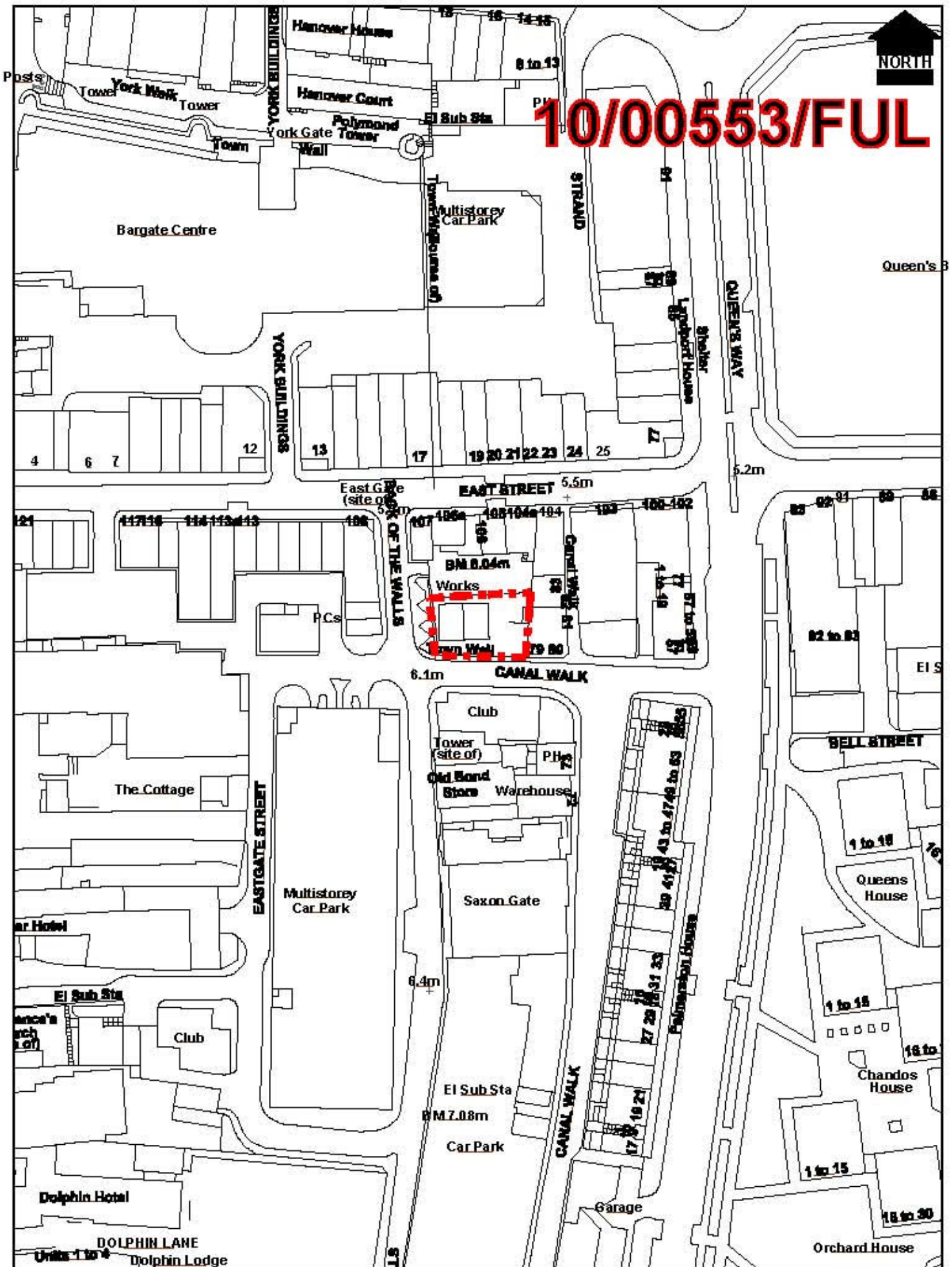
In the absence of a completed S.106 Legal Agreement the proposals fail to mitigate against their direct impact and do not, therefore, satisfy the provisions of policy IMP1 of the City of Southampton Local Plan Review Adopted Version March 2006 as supported by the Council's Supplementary Planning Guidance on Planning Obligations (August 2005 as amended) in the following ways:-

- A) Measures to satisfy the public open space requirements of the development have not been secured. As such the development is also contrary to the City of Southampton Local Plan Review Adopted Version March 2006 Policy CLT5.
- B) Measures to satisfy the provision and maintenance of play space required by the development in line with policies CLT6 and IMP1 of the City of Southampton Local Plan March 2006 and adopted guidance on Planning Obligations August 2005.
- C) Measures to support sustainable modes of transport such as necessary improvements to public transport facilities and pavements in the vicinity of the site have not been secured contrary to the City of Southampton Local Plan Review Adopted Version March 2006 policies SDP1, SDP2 and SDP3;
- D) Measures to support strategic transportation initiatives have not been secured. As such the development is also contrary to the City of Southampton Local Plan Review Adopted Version March 2006 policies SDP1, SDP2 and SDP3;
- E) Measures to satisfy the provision of vehicular access to the site required by the development in line with policies SDP1, SDP3, SDP4 and IMP1 of the City of Southampton Local Plan March 2006.
- F) Measures to satisfy the public realm contributions of the development have not been sought in accordance with the appropriate SPG.
- G) Measures to satisfy contributions towards the renovation and repair of the Town Wall have not been sought in accordance with the appropriate SPG.
- H) Measures to support a refuse management plan to outline the methods of storage and waste collection of refuse from the land in line with policy SDP1 of the City of Southampton Local Plan March 2006.
- I) Measures to satisfy obligations relating to resource conservation measures to comply with policy SDP13 of the City of Southampton Local Plan March 2006 have not been sort.
- J) In the absence of a Highway Condition survey the application fails to demonstrate how the development will mitigate against its impacts during the construction phase; and

Section 106A Informative

The applicant is advised that the reason for refusal could be overcome following the completion of a S.106 Legal Agreement to support an acceptable scheme.

05/01695/FUL - Redevelopment of the site with a five-storey block of 16 flats (10 x 2 bedroom, 6 x 1 bedroom) and associated cycle parking – Approved – June 2006.



Scale : 1:125

Date : 14 October 2009

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