

Planning and Rights of Way Panel

Tuesday, 20th July 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

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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 22nd June 2010 and to deal with any matters arising, attached.

CONSIDERATION OF PLANNING APPLICATIONS

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

5 195 - 207 COXFORD ROAD, SOUTHAMPTON, SO16 5JY

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 10:30 AM TO 11:00 AM

6 50-52 BEVOIS VALLEY ROAD, SOUTHAMPTON

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 11:00 AM TO 11:30 AM

7 16 BASSETT HEATH AVENUE, SOUTHAMPTON - 10/00059/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 11:30 AM TO 12:00 NOON

8 LAND REAR OF 16 BASSETT HEATH AVENUE, SOUTHAMPTON

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 12:00 NOON TO 1:00 PM

9 OASIS ACADEMY, THE GROVE, SOUTHAMPTON

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 2:00 PM TO 2:30 PM

10 LAND TO THE REAR OF THE DUCHESS OF WELLINGTON, WOLSELEY ROAD, SOUTHAMPTON

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 AND 3.30 PM

11 165 ST MARY STREET AND THE FORMER CHANTRY HALL SITE, CHAPEL ROAD, SOUTHAMPTON

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 3:30 PM TO 4:00 PM

12 4 HARTLEY AVENUE, SOUTHAMPTON

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 4:00 PM TO 4:30 PM

13 6 HARTLEY AVENUE, SOUTHAMPTON

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 4:30 PM TO 5:00 PM

14 97 REGENTS PARK ROAD, SOUTHAMPTON

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.

MAIN AGENDA ITEMS

15 ZAZEN DEVELOPMENTS LTD - ROEBUCK HOUSE, 24-28 BEDFORD PLACE

Report of the Head of Planning and Sustainability seeking authorisation to vary the terms of the section 106 agreement, attached.

Monday, 12 July 2010

SOLICITOR TO THE COUNCIL

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PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 22 JUNE 2010

Present: Fitzhenry (Except Minute Item 11) (Chair), Jones (Vice-Chair), Letts (Except for Minute Items 13 and 14), Mead, Osmond (Except Minute Items 13 and 14), Slade (Except Minute Items 11, 13, 14 and 15) and Thomas

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

RESOLVED that the Minutes of the meeting held on 25th May 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.

8. **20 - 26 COLLEGE STREET AND 29 - 35 RICHMOND STREET - 10/00581/MMA**

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 7 flats (2 x 1-bed and 5 x 2-bed) in place of 488 square metres of class B1 office floor space.

Ms Bourke (Environment Agency) was present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE AMENDED OFFICER RECOMMENDATION 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 Environment Agency confirming in writing that they have removed their written holding objection relating to flood risk matters;
 - b. the conditions in the report;
 - c. the applicant entering into a Section 106 Legal Agreement to secure:
 - 1. a financial contribution towards the provision of public open space 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. provision of affordable housing in accordance with appropriate SPG;
 4. site specific transport obligation for highway improvements 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;
 5. adherence to the previously submitted Travel Plan;
 6. details outlining a waste management scheme for the flats;
 7. dedication of land to public use to enable widening of footways and an undertaking to enter into Section 278 Agreement;
 8. 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;
 9. a financial contribution towards public realm improvements in accordance with policy;
 10. a financial contribution to the provision of Public Art in accordance with policy;
 11. obligations relating to water, energy and waste management conservation measures to achieve a minimum of Code Level 3 of the Code for Sustainable Homes for all 97 flats within the development, to comply with policy SDP13 of the City of Southampton Local Plan Review (March 2006) and Policy CS20 of the City of Southampton Core Strategy (January 2010);
 12. an undertaking to ensure that the commercial units are completed (shell and core finish) before first habitation of the flats;
 13. a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer; and
 14. the submission, agreement and implementation of a flood risk management plan.
- (ii) that the Head of Planning and Sustainability be authorised to refuse permission should the Section 106 Agreement not be completed by 9th July 2010, on the grounds of failure to secure the provisions of the Section 106 Agreement.

REASONS FOR THE DECISION

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 RE11 (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.

9. **33 DOVER STREET - 10/00435/FUL**

Part two storey, part single storey replacement rear extension and raising of roof to provide additional living accommodation to existing C3 dwelling house (amended description).

Mr Burt (Local Resident) and Mrs Lear (Local Landlord) were present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO GRANT CONDITIONAL PLANNING PERMISSION WAS CARRIED UNANIMOUSLY.

RESOLVED that planning approval be granted subject to the conditions in the report and the amended and additional conditions set out below.

Amended Conditions:

Condition 3 – Use
Condition removed.

REASON:

The change of use specified would be development requiring planning permission, therefore such a condition would not meet the basic Circular 11/95 test of 'need'.

Additional Conditions:

5 - Permitted Development Restriction

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 extensions,

Class B (roof alteration, including dormer window),

Class C (other alteration to the roof),

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

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.

6 - Glazing panel specification

The window in the first floor rear elevation of the building hereby approved [to the room indicated as bedroom 2] shall be glazed in obscure glass and shall only have a top light opening (cill level 1.7 metres above internal finished floor level). The window as specified shall be installed before the development hereby permitted is first occupied and shall be permanently maintained in that form.

REASON:

To protect the privacy enjoyed by the occupiers of the adjoining property.

REASONS FOR THE DECISION

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).

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

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.

RESOLVED that consideration of this item be deferred to the Panel meeting scheduled for 20 July 2010.

REASONS FOR THE DECISION

To allow further negotiations on improving the Code Level rating to be achieved on Blocks B and C in the interests of sustainable development'

11. 51 HIGH ROAD - 10/00181/OUT

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).

Mr Wiles (Agent) and Mr and Mrs Vardy (Local Residents) were present and with the consent of the Chair, addressed the meeting.

NOTE: Councillors Fitzhenry (Chair) and Slade declared a prejudicial interest in this item and withdrew from the meeting.

COUNCILLOR JONES IN THE CHAIR

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 NO ADDITIONAL OR ADVERSE CONSULTATION COMMENTS RAISING NEW MATTERS BEING RECEIVED IN RELATION TO THE PROPOSAL WAS CARRIED UNANIMOUSLY

RESOLVED that authority be delegated to the Head of Planning and Sustainability to grant conditional planning approval subject to the conditions in the report and the amended / additional conditions below.

Amended Conditions:

1 - 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 reserved landscaping of the site specifying both the hard, soft treatments and means of enclosures (RESERVED MATTER).
- (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).

9 - Public Sewer diversion

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

REASON:

In order to safeguard the public sewer.

Additional Conditions:

15 – Making good flank wall of 55 High Road

Prior to the commencement of the development, details of a scheme to make good, structurally sound and weather proof the exposed wall of 55 High Road shall be submitted to the local planning authority and agreed in writing. The development shall proceed in accordance with the agreed details and thereafter be retained.

REASON:

To ensure the structural integrity of, and to secure a good level of amenity for, 55 High Road.

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 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 sufficient 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).

12. **ST FRANCIS OF ASSISI CHURCH, MONTAGUE AVENUE - 10/00354/FUL**

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).

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

COUNCILLOR FITZHENRY IN THE CHAIR

UPON BEING PUT TO THE VOTE THE AMENDED 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 condition below;
 - b) the applicant entering into a Section 106 Legal Agreement to secure:
 1. Provision of affordable housing in accordance with Policies CS15 and CS25 of the adopted LDF Core Strategy (2010);
 2. Implementation of an agreed series of site specific transport works under S.278 of the Highways Act in accordance with policies CS18, CS19 and 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);
 3. 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;
 4. 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;
 5. 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.
- (ii) that the Head of Planning and Sustainability be authorised to refuse permission should the Section 106 Agreement not be completed by 30th June 2010 on the grounds of failure to secure the provisions of the Section 106 Agreement.

Amended Conditions:

23 - Lighting

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.

REASONS FOR THE DECISION

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).

13. **FLEMING ARMS, WIDE LANE - 10/00399/FUL**

Alterations and extensions to the outbuilding at the rear of the site including the erection of a two-storey building to provide 37 hotel bedrooms.

Mr Brooker (Applicant) and Councillor Osmond (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

NOTE: Councillor Osmond declared a prejudicial interest in this item and withdrew from the meeting.

UPON BEING PUT TO THE VOTE THE AMENDED OFFICER RECOMMENDATION 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 and additional conditions below;
 - b) the applicant entering into a Section 106 Legal Agreement to secure:
 - 1. Implementation of 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 and 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);
 - 2. implementation of an agreed series of site specific transport works under S.278 of the Highways Act in accordance with policies CS18, CS19 and 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);

3. 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;
 4. The submission and implementation within a specified timescale of a Travel Plan, in accordance with Policies CS18, CS19 and 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);
 5. The submission of a Training and Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 and 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
 6. A commitment to the delivery of the repair works to the Stable block to be tied to the phasing of the other development works.
- (ii) that the Head of Planning and Sustainability be authorised to refuse permission should the Section 106 Agreement not be completed by 1st July 2010 on the ground of failure to secure the provisions of the Section 106 Agreement.

Amended Conditions

6 - Ecological Mitigation Statement

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 Ecology Report submitted 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.

22 - Renewable Energy

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. The details should include the full specification of the air source heat pumps which shall achieve the agreed target of 10% 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 Regional Spatial Strategy for the South East of England adopted version (May 2009).

Additional Conditions

24 - Energy Efficiency Measures

A comprehensive energy assessment for the property should be submitted to the Local Planning Authority prior to the commencement of the development. The energy assessment shall inform an energy management plan including measures and techniques to minimise energy consumption during the lifetime of the development. The plan shall state the percentage improvement over Target Emission Rate (TER) as determined by the 2006 Building Regulation Standards of 30% and contain clear targets. The energy management plan shall be submitted to the Local Planning Authority and approved in writing prior to the commencement of the development hereby granted consent.

REASON

To minimise energy consumption 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. 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 would not harm the special architectural and historic interest of the Listed Building. 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 Section 16 of the Listed Building Act 1990 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) SDP1, SDP4, SDP5, SDP6, SDP7, SDP9, SDP10, SDP12, SDP13, SDP14, SDP16, SDP17 and SDP22 of the City of Southampton Local Plan Review (March 2006).

14. **FLEMING ARMS, WIDE LANE - 10/00400/LBC**

Alterations and extensions to the outbuilding at the rear of the site including the erection of a two-storey building to provide 37 hotel bedrooms.

NOTE: Councillor Osmond declared a prejudicial interest in this item and withdrew from the meeting.

RESOLVED that listed building consent be granted 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. 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 Section 16 of the Listed Building Act 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).

15. **LAND TO REAR OF 104-106A EAST STREET - 10/00553/FUL**

Erection of a five-storey building to provide 14 flats (7x one-bedroom and 7x two-bedroom) with associated works.

Mr Mariavatis (Local Business Proprietor) 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 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;
 - 2. 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);
 - 3. 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).

4. A highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer;
5. 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);
6. A financial contribution towards the renovation and repair of the Town Wall in accordance with appropriate SPG;
7. 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;
8. 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
9. 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); and
10. 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).

- (ii) that the Head of Planning and Sustainability be authorised to refuse permission should the Section 106 Agreement not be completed by 21st July 2010 on the ground of failure to secure the provisions of the Section 106 Agreement.

Amended Conditions

19 - Construction Environment Management Plan

Prior to the commencement of any development a written construction environment management plan, which shall include details of consultation with the owners of neighbouring properties, 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.

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 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).

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Agenda Annex

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 20 JULY 2010

PLEASE NOTE: THE PANEL, SHOULD IT BE REQUIRED, WILL BREAK FOR LUNCH

Agenda Item Number	Officer	Recommendation	Type	PSA	Application Number / Site Address
<u>BETWEEN 9.30 AM AND 10.30 AM</u>					
5	AA	DEL	Full	15	10/00471/FUL - 195-207 Coxford Road,
<u>BETWEEN 10.30 AM AND 11.00AM</u>					
6	SH	DEL	Out	15	10/00426/OUT - 50-52 Bevois Valley Road.
<u>BETWEEN 11.00 AM AND 11.30AM</u>					
7	AA	CAP	Full	5	10/00059/FUL - 16 Bassett Heath Avenue
<u>BETWEEN 11.30 AM AND 12 NOON</u>					
8	AA	REF	Full	5	10/00061/FUL - Land rear of 16 Bassett Heath Avenue
<u>BETWEEN 12 NOON AND 1PM</u>					
9	JT	DEL	R3CFL	15	10/00522/R3CFL - Oasis Academy
<u>BETWEEN 2.00 PM AND 2.30 PM</u>					
10	JT	DEL	Full	5	10/00518/FUL - Land to rear of 4 Wolseley Road
<u>BETWEEN 2.30 PM AND 3.30 PM</u>					
11	RP	DEL	Out	15	10/00335/OUT -165 St Mary's Street and Chantry Hall
<u>BETWEEN 3.30 PM AND 4.00 PM</u>					
12	AA	CAP	Full	5	10/00497/FUL.- 4 Hartley Avenue
<u>BETWEEN 4.00 PM AND 4.30 PM</u>					
13	AA	CAP	Full	5	10/00566/FUL - 6 Hartley Avenue
<u>BETWEEN 4.30 PM AND 5.00 PM</u>					
14	AA	REF	Full	5	10/00581/FUL - 97 Regents Park Road

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)
- 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 20th July 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 residential development

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 legal agreement under Section 106 of the 1990 Act
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Applicant: BDW Southampton	Agent: AAP Architecture
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Date of receipt	04.05.2010	City Ward	Coxford
Date of registration	04.05.2010		Cllr Walker
Publicity expiry date	10.06.2010		Cllr Thomas
Date to determine by	03.08.2010 IN TIME		Cllr Morrell

Site area	0.35 hectares		
Site coverage (developed area)			
Density - whole site	186dph		

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

accessibility zone	Medium (Band 4)	policy parking max	43 spaces - Residential
parking permit zone	yes	existing site parking	N/A
cyclist facilities	yes	car parking provision	35 spaces
motor & bicycles	0 motor / 65 cycles	disabled parking	4 spaces

Key submitted documents supporting application			
1	Design & Access Statement	2	Sustainability Report
3	Transport Assessment	4	
Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Delegate to the Head of Planning & Sustainability to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:

- i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
 - ii. A financial contribution towards strategic transport projects for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
 - iii. Financial contributions towards the relevant elements of public open space required by the development in line with policies CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
 - 1 Amenity Open Space (“open space”)
 - 2 Play Space
 - 3 Playing Field;
 - iv. Provision of Affordable Housing in accordance with Policy CS15 of the adopted LDF Core Strategy (2010)
 - 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.
 - vi The provision of Public Art
- In the event that the legal agreement is not completed by 26TH July 2010 the Head of Planning & Sustainability be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

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. The external appearance of the upper floors have also been amended to avoid conflict with the use of the communal roof-top terraces.

Proposed Development 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.

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 policies are set out at **Appendix 1**.

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.

The Council's Sustainability Team has removed their initial objection to the proposal following a commitment by the developer to achieve a minimum of Code Level 3 (or its BREEAM equivalent) and a 20% reduction in CO2 emissions through the use of micro-renewables on Block A and to upgrade Blocks B and C from their currently approved zero rating to achieve a minimum of Code Level 2. This can be secured with a planning condition.

Policy Assessment

Since the original consideration of development on this site the Council has adopted its Core Strategy in January 2010.

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 introduces 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 council's 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 the failure to achieve Code Level 3 on all units/blocks.

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.

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 : Originally objected to the proposals on the grounds that the scheme fell significantly below the minimum requirements for residential development as set out in policy CS20 of the Core Strategy. However, further negotiations have achieved additional sustainable measures upgrading Blocks B

and C from their currently approved status of not achieving Code Level 1 to now achieving Code Level 2 on these blocks. Block A has been designed to achieve Code Level 3. Whilst not compliant with recently adopted policy, taking into account the currently approved scheme fails to achieve any Code rating, it is considered that this compromise position delivers a much more sustainable solution than could be built.

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 sites 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

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.

The building has been upgraded from a zero rating to be able to deliver a minimum of Code Level 2.

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.

The building has been upgraded from a zero rating to be able to deliver a minimum of Code Level 2.

.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. 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 additional visual 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. However, this block is further away from the houses in Vine Road and effectively 'hidden' by Block B from the nearest houses in Vine Road, and whilst this element will add to the continuous height and massing along the rear elevation and the sense of enclosure created it is not considered to have a materially greater impact than the approved scheme.

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. The applicant has submitted shadow diagrams which demonstrate that for the significant proportion of the day, adjacent residential occupiers will not be over-shadowed. Whilst there will be an increased element of visual impact as identified above that in itself is not considered to have a materially greater impact than that of the approved scheme.

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 still fall short of the Code 3 rating. However,

There is therefore on balance the scheme on sustainability grounds, whilst not policy compliant, is considered to have demonstrated sufficient betterment over the previously approved scheme for a compromise to be agreed.

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.

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.

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

The amended scheme is considered to accord with the councils adopted policies in most respects. The failure to achieve an acceptably sustainable development is contrary to Policy CS20 of the Core Strategy however this should be balanced against the additional sustainability measures introduced since the previous approval which will deliver a more sustainable development than has been approved and could still be built.

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), The policies of the Core Strategy 2010 and the saved policies of the City Plan Review (Adopted Version) 2006.

AA 07.06.10 for 22.07.10 PROW Panel

SUGGESTED PLANNING CONDITIONS

01. APPROVAL CONDITION – Full Permission Timing Condition

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. APPROVAL CONDITION - Details of building materials to be used

Notwithstanding the details shown on the approved drawings no development works (excluding the demolition phase) shall be carried out unless and until a schedule of materials and finishes (including full details of the manufacturers, types and colours of the external materials) to be used for external walls, windows and the roof of the proposed buildings has been submitted to and approved in writing by the Local Planning Authority.

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 – Sustainable Drainage Systems

A feasibility study demonstrating an assessment of the potential for the creation of a sustainable drainage system on site shall be carried out and verified in writing by the Local Planning Authority 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 and maintained 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 policy SDP13 (vii) of the City of Southampton Local (2006) and to protect the quality of surface run-off and prevent pollution of water resources and comply with SDP21 (ii) of the City of Southampton Local Plan (2006). To prevent an increase in surface run-off and reduce flood risk in compliance with SDP21 (i) of the City of Southampton Local Plan (2006) and Code for Sustainable Homes: Category 4 - Surface Water Run-off.

04. APPROVAL CONDITION - Code for Sustainable Homes

Written documentary evidence demonstrating that Block A on the development will achieve a minimum level 3 standard in the Code for Sustainable Homes (or equivalent ratings using an alternative recognised assessment method) and Blocks B and C on the development will achieve a minimum level 2 standard in the Code for Sustainable Homes (or equivalent ratings using an alternative recognised assessment method shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted consent unless otherwise agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and verified in writing for each unit prior to its first occupation.

REASON:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy SDP13 of the City of Southampton Local Plan (2006) as supported by Core Strategy Policy CS20.

05. APPROVAL CONDITION – 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 10%] 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 10%] must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development (excluding the demolition phase) 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).

06. Approval Condition - 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. Approval Condition - Bird Hazard Management 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. Approval Condition - Demolition Material Removal

Any resultant materials from the demolition of the former buildings and structures on the site shall be 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. Approval Condition - 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.

10 Approval Condition - Wheel Cleaning

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 e 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. Approval Condition - 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. 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.

13. Approval Condition - 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. Approval Condition - 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 65 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.

15. Approval Condition - 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. Approval Condition - 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 APPROVAL CONDITION - Land Contamination investigation and remediation

Prior to the commencement of development (excluding the demolition phase) 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

18.. APPROVAL CONDITION - Use of uncontaminated soils and fill

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.

18 APPROVAL CONDITION - Unsuspected Contamination

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

18. Approval Condition - 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

19. APPROVAL CONDITION – Secured By Design

Unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of development (excluding the demolition phase) the development shall attain a “Secured By Design” accreditation from Hampshire Constabulary with the necessary measures, including an audio-visual access control to the main entrances, being properly installed prior to the first occupation of any of the residential units hereby approved.

REASON

In the interests of reducing crime to an otherwise vulnerable development as requested by Hampshire Constabulary in their response to the planning application.

20. Approval Condition - 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. Approval Condition - Additional Details of Design

Prior to any development commencing the following additional details at no less than 1:20 scale shall be submitted in writing for the written approval of the Local Planning Authority:-

The profile of the roof overhang on all blocks
The detail of the balustrade around the roof top amenity spaces
The depth of window reveals to all blocks
The detail of the handrail to the ramped access serving Block B.

REASON

In the interests of the quality of design and the character of the area.

22. Approval Condition - 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. APPROVAL CONDITION - Amenity Space Access

The external roof-top amenity space serving Blocks B and C of the development hereby approved, and pedestrian access to it, shall be made available prior to the first occupation of residential flats hereby approved and shall be retained with access to it between the hours of 0700 and 2300 for the use of the residents to this scheme.

REASON:

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

24. Approval 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.

25. Approval Condition - 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. Approval Condition - 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. Approval Condition - 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 such as the level of sustainability achieved, the mix of housing units, the level of car parking provided, the provision of amenity space and the impact on nearby residents 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.

S.106 Legal Agreement Informative

A Section 106 agreement relates to this site which includes a requirement for contributions towards: highways (site specific and strategic) and play/open space. A full copy of the S106 legal agreement is available on the Public Register held at Southampton City Council.

Note to Applicant – 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.

Note to Applicant – Performance Conditions

Your attention is drawn to the performance conditions above which relate to the development approved in perpetuity. Such conditions are designed to run for the whole life of the development and are therefore not suitable to be sought for discharge. If you are in any doubt please contact the Council's Development Control Service.

Note to Applicant – Cranes Informative

Given the nature of the proposed development it is possible that a crane may be required during its construction. The applicant's attention is therefore drawn to the requirement within British Standard Code of Practice for the safe use of cranes, and 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

POLICY CONTEXT

LDF Core Strategy - Planning Southampton to 2026

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
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	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP15	Air Quality
SDP16	Noise
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment
H13	New Student Accommodation
REI6	Local Centres

Supplementary Planning Guidance

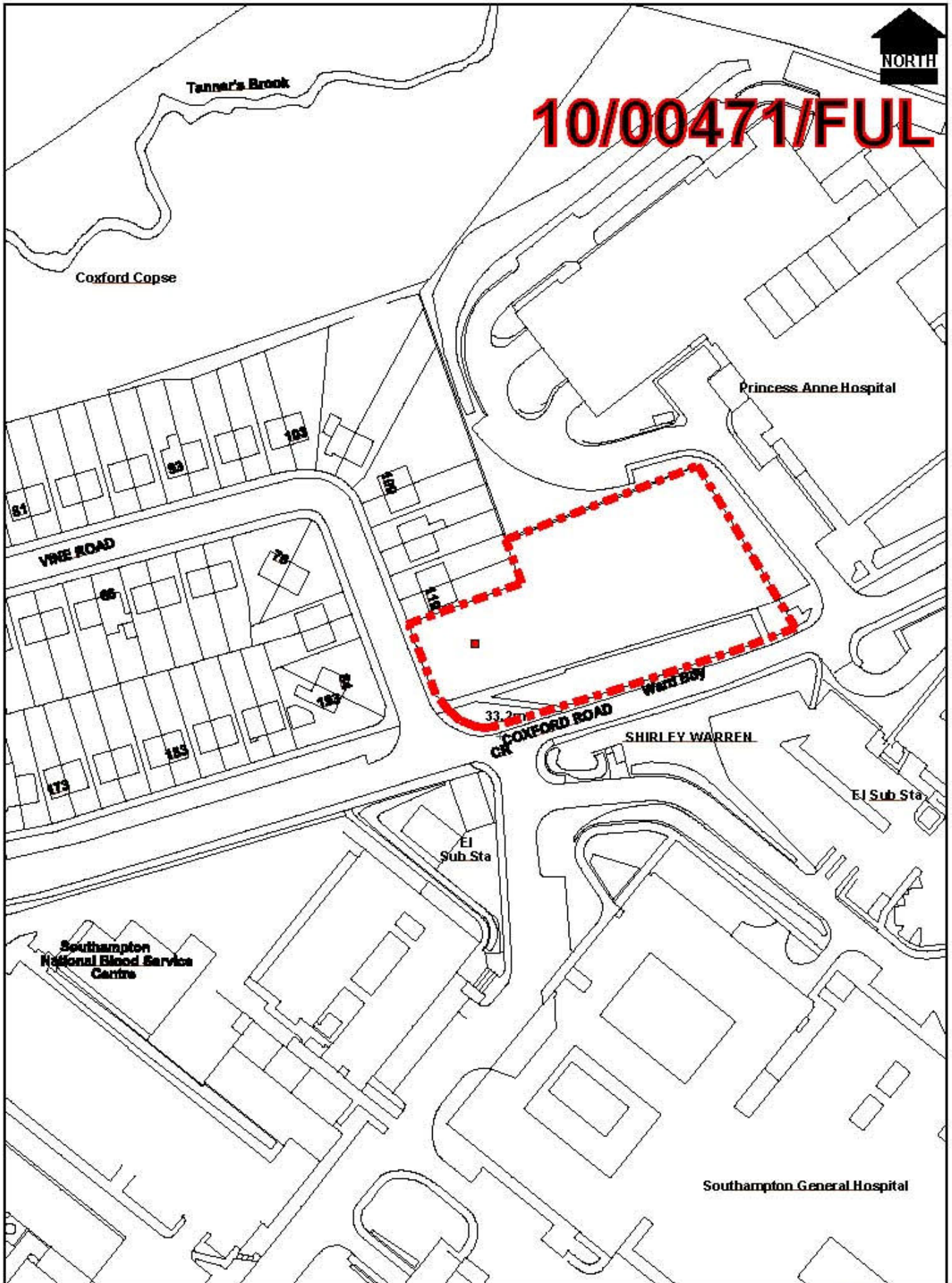
The following SPD/G also forms a material consideration in the determination of this planning application:

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 (2010)
PPG13	Transport (2001)
PPG24	Planning & Noise (2004)



Scale : 1:1250

Date : 07 July 2010

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Agenda Item 6

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 20th July 2010
 Planning Application Report of the Head of Division

Application address: 50-52 Bevois Valley Road, Southampton			
Proposed development: Demolition of part of the two storey building and the rear warehouse building. Erection of a new two storey building and conversion of existing first floor to provide a total of 13 studio flats for students with change of use of the ground floor to a shop, restaurant or hot food take-away (Class A1, A3 or A5) with replacement roller shutter. Outline application seeking approval for Access, Layout, Appearance and Scale only			
Application number	10/00426/OUT	Application type	Outline (LDD 3.8.10)
Case officer	Stephen Harrison	Public speaking time	15 minutes

Applicant: Mr. D. Price	Agent: Concept Design & Planning
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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 Granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The proposed mixed-use development maximises the use of this previously developed land with an attractively designed building that requires the demolition of the existing warehouse building. In visual terms the proposals will bring improvements to the streetscene, and the additional residential accommodation will provide vitality to the Local Centre. As the application is for student accommodation exceptions in the Council's planning standards and guidance relating to affordable housing, family housing, residential mix and on-site external amenity space are considered appropriate to secure the delivery of the proposal and meet an identified need. The S.106 Legal Agreement will include an occupancy restriction which is necessary to make the scheme compliant with the current development plan. 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.

"Saved" Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, SDP15, SDP16, H1, H2, H7, H13 and REI6 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS4, CS5, CS13, CS15, CS16, CS19, CS20 and CS25 and the Council's current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS1 (Delivering Sustainable Development), PPS3 (Housing 2010), PPG13 (Transport) and PPG24 (Planning & Noise) are also relevant to the determination of this planning application.

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Delegate to the Head of Planning & Sustainability to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:

- i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
- ii. A financial contribution towards strategic transport projects for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
- iii. Financial contributions towards the relevant elements of public open space required by the development in line with policies CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
 - Amenity Open Space (“open space”)
 - Playing Field;
- iv. In lieu of an affordable housing contribution an undertaking by the developer that only students in full time education be permitted to occupy the studio flats;
- 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.

In the event that the legal agreement is not completed by *3rd August 2010* the Head of Planning & Sustainability be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

1. The site and its context

1.1 This application relates to an existing two storey retail unit (0.04 ha site area) forming a terrace of similar buildings as part of the Bevois Valley Local Centre, which includes the “Shooting Star” public house to the south. The existing building is occupied by “Commercial Kitchen Equipment”. To the side of the retail unit is an existing area of hard-standing that provides vehicular access to an ancillary warehouse to the rear and pedestrian access, via an external fire escape, to a first floor flat. There is one on-site parking space.

1.2 Bevois Valley Road, including the application site, is partly designated as an Air Quality Management Area (AQMA). Furthermore, the applicant’s ‘Noise Assessment’ has confirmed that the site rear of the site falls within a noise exposure Category B. The Bevois Valley Road frontage falls within a night time noise exposure Category C.

2. Proposal

2.1 Outline planning permission is sought for the part-redevelopment of the site following the demolition of the existing warehouse building, and its replacement with 11 studio flats and 92% site coverage, without any car parking, but secure cycle storage for 13 bicycles. A further 2 studio flats are provided within the first floor of the retained Bevois Valley Road frontage block of 62m², following the removal of the existing external

staircase. This gives an overall density of 325 d/ha. The 13 flats are identified as specialist housing for students. All flats are single aspect and range between 15-20m². With the exception of the external courtyard there are no communal facilities provided to serve the occupiers.

2.2 A commercial operator is retained on the ground floor and a flexible change of use is sought for this unit.

2.3 A modern design approach and palette of materials is proposed. The two storey replacement building is finished with a flat roof and a maximum height of 5.8 metres. No accommodation is proposed in the roofspace.

2.4 Details of Access, Appearance, Layout and Scale are provided for consideration at this stage and Landscaping is to be reserved pending the outcome of this application. The applicant has submitted a 'Sustainable Development Checklist' to support their application. The application is supported by a 'Statement of Community Involvement', which details how the applicants engaged with the local community prior to the formal planning submission.

2.5 Access to the units is from the side of the retained commercial unit via a lockable gate. A communal garden is provided in the form of an inner courtyard (33sq.m, excluding the footpath) and 10 of the flats have access to a private balcony (1.5sq.m). All residents have access to a secure covered refuse and cycle store.

3.0 Relevant Planning Policy

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

3.2 Major developments are expected to meet high sustainable construction standards in accordance with the City Council's adopted and emerging policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13.

3.3 Policy H13 seeks to ensure that the growth of the city's Universities is co-ordinated with the provision of student accommodation.

4.0 Relevant Planning History

00/01500/FUL Proposed development of two bedroom flat above existing shop with construction of warehouse unit to the rear. (Approved 27.03.2001)

Note:

This permission limited the use of the site and deliveries to 8am and 6pm (Mon to Sat)

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (20.05.10) and erecting a site notice (20.05.10). At the time of writing the report 0 representations have been received from surrounding residents.

5.2 **SCC Highways** - No objections, subject to securing off-site highway improvement works. The site is in an area defined as having "medium" accessibility to public transport

links and local facilities. A car free scheme to serve the student accommodation is acceptable, and the relatively low key nature of the proposals will not result in any highway safety concerns. Secure refuse and cycle storage is detailed on the plans and can be secured with the attached planning conditions.

5.3 **SCC Housing** – As student accommodation is proposed, no affordable housing is required. However, a restriction, via the S.106, to restrict occupation to students only is imposed to ensure units remain available for students at all times and that a management company is put in place by the developer.

5.4 **SCC Sustainability Team** - The Team has removed its initial objection to the proposal following a commitment by the developer to achieve a minimum of Code Level 3 (or its BREEAM equivalent) and a 20% reduction in CO2 emissions through the use of micro-renewables, possibly in the form of solar panels on the proposed flat roof. This can be secured with the attached planning condition.

5.5 **SCC Architect's Panel** - The Panel recognises the single aspect nature of the development with no communal facilities. It was generally felt to be a strong design brief for student accommodation. The development proposals need not prejudice the redevelopment of neighbouring sites. The proposed timber cladding could be replaced with a more robust solution whilst maintaining the horizontality of the project. Generally supportive of the scheme.

5.6 **SCC Environmental Health (Pollution & Safety)** - No objection. The site is within an Air Quality Management Area and passive ventilation of the frontage units would not protect the future occupiers of the flats from fumes and odours and other emissions present in the location. A planning condition is required to secure details of the mechanical ventilation system to be installed to serve the flats which front onto Bevois Valley Road. Conditions are also requested in relation to the prohibition of bonfires during construction, acoustic glazing specification and hours of construction.

5.7 **SCC Environmental Health (Food Safety)** - No objection.

5.8 **SCC Environmental Health (Contaminated Land)** - As the site is adjacent to a depot and builder's yard there is potential for land contamination issues. A desk-top study should be secured with a planning condition.

5.9 **SCC Ecology** – No objection. The rear building appears to be unsuitable for bat roosts whilst the roof of the shop is in good condition. This, combined with a lack of suitable habitat in the surrounding area, means that the buildings have a low potential for bat roosts. The built up nature of the remainder of the site means that there is little likelihood of any other biodiversity being lost.

5.10 **BAA** - No objection.

5.11 **Hampshire Constabulary** - No objection. It is noted that the applicant would be willing to take on board the 'Secure by Design' principles. Student accommodation is one of the most targeted property types as, generally, security is poor. For this reason it is justified to request a condition that Secured by Design is achieved on the building. The recess between the shop and flat 5 should be designed out, and the front gate should be accessed controlled with audio-visual access control from the gate to the flats. The gate should also be self closing and self locking.

Response

The proposed recess identified in these comments works in design terms to break the existing frontage building from the proposed extension, and provides a good location for

any extraction equipment that may be provided to serve an A3 or A5 operator. The requirements for a Secured by Design accreditation and enhanced point of entrance can be conditioned and are considered to be sufficient without seeking further design changes.

5.12 **Southern Water** – A public sewer crosses the site. The exact location needs to be determined. It might be possible to divert it (at the applicant's expense). No objections, subject to the attached planning condition.

6.0 Planning Consideration Key Issues

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

- i. The principle of development;
- ii. Design, Density & Impact on Established Character;
- iii. Residential Amenity;
- iv. Highways and Parking;
- v. Whether or not the scheme mitigates sufficiently against its direct local impacts.

6.2 Principle of Development

6.2.1 The application seeks to provide accommodation to serve the City's growing student population and should be assessed, principally, against "saved" Local Plan Review Policy H13.

6.2.2 The re-use of this previously developed land with a mixed-use proposal is consistent with the requirements of Local Plan Review "saved" Policy H2, Core Strategy Policy CS5 and the recent Government guidance contained in PPS3 (2010).

6.2.3 Core Strategy Policy CS16 requires that schemes of 10 or more dwellings provides at least 30% of the units as "family homes" with at least 3 bedrooms and access to private amenity space. An exception is made for "specialist" housing schemes including purpose built student accommodation. The S.106 legal agreement can control the ongoing use of the building to ensure compliance with this policy. Furthermore, the provision of purpose built student accommodation reduces the pressure, in part, on the City's existing family housing stock to be converted to Class C4 Houses in Multiple Occupation.

6.2.4 The Local Plan Review seeks to retain a commercial and active street frontage within the Bevois Valley Road Local Centre and the current proposals are consistent with these aspirations (Policy REI6 refers). The policy recognises that these areas require investment. A flexible mix of potential uses is proposed to improve the chances of the applicant securing a tenant and this can be secured with a planning condition.

6.2.5 The principle of redevelopment is, therefore, accepted by the current development plan policies listed above.

6.3 Design & Density

6.3.1 The application site forms part of the Bevois Valley Local Centre and looks to maintain the commercial activity at street level, whilst maximising the use of the ancillary land to the rear to provide student residential accommodation. In streetscene terms there will be little impact as the existing building is to be retained and refurbished. The existing solid roller shutter is to be replaced with a more sympathetic shutter. To the rear of this frontage a modern mews style development is proposed that fronts a small courtyard.

6.3.2 A modern palette of materials is proposed, including a mixture of timber cladding and through coloured render. Further details can be secured with the attached planning condition. In design terms the removal of the existing warehouse building, and its functional architecture, with a purpose built residential block is a good solution for this site and will bring added vitality to the Local Centre.

6.3.3 The proposed level of development, at 325 dwellings per hectare, is well in excess of the Council's current guidance (of between 50 and 100 dph for areas of medium accessibility) and the requirements of LDF Core Strategy Policy CS5. However, it should be noted that the proposal is for small bedsits serving a specific demand and not for more traditional private market housing. In good planning terms the consideration of density should not be the prime determination factor for an otherwise acceptable proposal.

6.3.4 Density should only be taken as a final test as to the appropriateness of a scheme; and where a scheme's layout and design is considered to be appropriate for its context (as is the case here) it is these assessments rather than an arbitrary density figure that should prevail. In this case, it is accepted that to provide a viable proposal that delivers additional student housing a higher density scheme will need to be employed.

6.3.5 This scheme responds well to its context. It is considered that the proposed footprint and quantum of development is acceptable and would help to regenerate the area.

6.3.6 The current scheme assists the Council in meeting its housing requirements and it is considered that the application accords in broad terms with Local Plan design policies SDP1, SDP7, H7 and H13 as supported by Core Strategy Policy CS13. The Council's Architect's Panel are supportive of the application.

6.4 Residential Amenity

6.4.1 Given the siting of the proposed buildings within a commercial context 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 a significant loss of privacy or amenity.

6.4.2 The accommodation on offer is basic in its layout with 13 bedsits offering a living space with cooking facilities and an en-suite washing facilities. These units are all single aspect, and the 10 units served by a private balcony have a northerly outlook towards the neighbour with a separation distance of 6 metres from this boundary wall. A small communal courtyard is provided to soften this outlook, however, the scheme does not comply with the external space standards of the Council's approved Residential Design Guide SPD (2006); namely paragraph 2.3.14 and section 4.4.

6.4.3 That said, these units are not for private market accommodation and will serve a student need. As such, an exception to these requirements can be afforded, especially as students often have good access to social and sporting groups (and the University's formal sports pitches). The provision of a private balcony to 10 of the flats will provide added amenity for these residents.

6.4.4 PPG24 offers the caveat that Noise Exposure Category C sites, as is the case here along the road frontage, should not normally be developed if alternative quieter sites are available. The number of sites conveniently located to serve the nearby University campus is limited. Environmental Health Officers are content that a satisfactory noise environment could be created in all of the flats, including the 2 fronting Bevois Valley Road that are affected by existing traffic noise, and the scheme is considered to be compliant with the Local Plan Review Policy SDP16 subject to the attached planning conditions.

6.4.5 Given the specialist form of housing proposed a relaxation in the Council's amenity standards (as set out in adopted Local Plan policies SDP1(i), SDP7(v) and SDP9(v) and supported by the relevant sections of the Council's approved Residential Design Guide SPD) is recommended.

6.5 Highways and Parking

6.5.1 Car parking is a key determinant in the choice of mode of travel. The Local Plan aims to reduce reliance on the private car and encourage alternative modes of transportation such as public transport, walking and cycling.

6.5.2 Applying the Council's adopted maximum standards (of 0.5 spaces per one bedroom units and 0.75 spaces per 20sq.m of retail space), as set out in Local Plan Policy SDP5 and LDF Core Strategy Policy CS19, the Plan suggests that the proposed development should be supported by no more than 9 car parking spaces.

6.5.3 A car free scheme is, however, proposed. This is deemed to be acceptable given the existing and proposed site constraints, and the site's proximity to the University and the Local Centre (and its associated public transport links). Furthermore, cycle storage is to be provided in a lockable store in the courtyard on a 1:1 basis.

6.5.4 The Council's Highways Officer has raised no objection to the proposal subject to the attached planning conditions. No additional restrictions relating to car ownership or to the phasing of arrivals/departures are deemed necessary in this instance given the site location and the limited quantum of development proposed.

6.6 S.106 Legal Agreement

6.6.1 A development of this scale triggers the need for a S.106 Legal Agreement to secure appropriate off-site contributions towards open space and highway infrastructure improvements in accordance with Core Strategy Policy CS25. The applicants have confirmed their willingness to enter into the necessary obligations to mitigate against the scheme's direct local impacts.

6.6.2 A development of this scale would also trigger the need for 20% affordable housing in accordance with Core Strategy Policy CS15. However, as the proposal is for student accommodation no affordable housing requirement is required. The S.106 legal agreement will include a restriction that occupiers of the flats will be in full time education in accordance with Local Plan Review Policy H13(v).

7.0 Summary

7.1 The proposed mixed-use development maximises the use of this previously developed land with an attractively designed building that promotes the demolition of the existing warehouse building.

7.2 In visual terms the proposals will bring improvements to the streetscene, and the additional residential accommodation will provide vitality to the Local Centre.

7.3 As the application is for student accommodation exceptions in the Council's planning standards and guidance relating to affordable housing, family housing, residential mix and on-site external amenity space are considered appropriate to secure the delivery of the proposal and meet an identified need. The S.106 Legal Agreement will include an occupancy restriction which is necessary to make the scheme compliant with the current development plan.

8.0 Conclusion

8.1 This application has been assessed as being acceptable to residential amenity and its local context. The application is recommended for conditional approval, subject to the completion of the aforementioned S.106 Legal Agreement at the land transfer stage.

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), 6(a), 6(c), 6(d), 6(h), 6(g), 6(k), 7(a), 7(m), 7(v), 8(a), 9(a), 9(b) and PPS3 (2010)

SH for 20.07.10 PROW Panel

PLANNING CONDITIONS

1. 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 and the Scale, Massing and Bulk of the structure is approved subject to:

- (i) Written approval of the Local Planning Authority being obtained for the Landscaping of the site specifying both the hard and soft treatments, external lighting and means of enclosures prior to any works taking place on the site (RESERVED MATTER);
- (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; and,
- (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 reserved matter 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).

2. APPROVAL CONDITION - Landscaping

The detailed landscaping scheme required by Condition 1 above shall clearly indicate the numbers, planting densities, types, planting size and species of trees and shrubs to be planted, treatment of hard surfaced areas and include an implementation timetable.

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.

3. APPROVAL CONDITION - Details of building materials to be used

Notwithstanding the details shown on the approved drawings no development works (excluding the demolition phase) shall be carried out unless and until a schedule of materials and finishes (including full details of the manufacturers, types and colours of the external materials) to be used for external walls, windows and the roof of the proposed buildings has been submitted to and approved in writing by the Local Planning Authority.

REASON:

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

4. APPROVAL CONDITION - Bollards

The bollards shown on the approved amended plan ref: C10/27/06 Rev B shall be installed at 1.5m c/c (as shown) and to a minimum height of 800mm prior to the first occupation of the development. These bollards shall be retained during the lifetime of the development.

REASON:

In order to restrict parking to this part of the site whilst maintaining free and unfettered access to the refuse store and the development itself.

5. APPROVAL CONDITION - Refuse and Cycle Storage

Bin and cycle storage shall be laid out with a level approach (not in excess of 1:10) prior to the first occupation of the development hereby approved in accordance with the approved plans. The refuse facilities shall include accommodation for the separation of waste to enable recycling with doors hinged to open outwards. The approved storage shall be retained whilst the development is used for residential purposes, with bins kept in their allotted stores on non collection days.

REASON:

In the interests of highway safety and visual amenity and to encourage recycling.

6. APPROVAL CONDITION – Refuse Management Plan

A refuse management plan for the ground floor commercial unit shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of this unit by a new tenant (following the existing occupation of the unit by “Commercial Kitchen Equipment”). A litter bin shall be provided on the site within the customer area of the floor space and made available for use of patrons of any A5 hot food takeaway hereby approved during trading hours.

REASON:

As no details are provided to explain how the commercial refuse will be managed and to ensure that the residential refuse capacity is retained for the flats.

7. APPROVAL CONDITION – Secured By Design

Unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of development (excluding the demolition phase) the development shall attain a “Secured By Design” accreditation from Hampshire Constabulary with the necessary measures, including an audio-visual access control to the main gate and a self-closing and self-locking gate, being properly installed prior to the first occupation of any of the residential units hereby approved.

REASON

In the interests of reducing crime to an otherwise vulnerable development as requested by Hampshire Constabulary in their response to the planning application.

8. APPROVAL CONDITION – Management of Student Accommodation

Notwithstanding the details already submitted a “Site Management Plan” for the day-to-day running of the residential units shall have been agreed in writing by the Local Planning Authority (in consultation with Hampshire Constabulary and SCC Housing Solutions) prior to the first occupation of the residential part of the development hereby approved. The agreed details shall apply during the lifetime of the development.

REASON:

In the interests of reducing crime to an otherwise vulnerable development and to ensure that the student accommodation approved does not cause undue problems for existing residential neighbours.

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

The external amenity space serving the development hereby approved, and pedestrian access to it, shall be made available prior to the first occupation of residential flats hereby approved and shall be retained with access to it at all times for the use of the residents to this scheme.

REASON:

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

10. APPROVAL CONDITION – Hours of work for Demolition / Construction

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 LPA.

REASON:

To protect the amenities of the occupiers of existing nearby residential properties living along Bevois Valley Road and Earl’s Road.

11. 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.

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 – Mechanical Ventilation to frontage Residential

Prior to the commencement of development (excluding the demolition phase) full details of the mechanical ventilation system to be installed to serve the flats which front onto Bevois Valley Road shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed in full working order prior to first occupation of any of these units and thereafter maintained in that condition. The intake to the ventilation system shall be to the rear of the building and not from the Bevois Valley Road frontage.

REASON:

The site is located within an Air Quality Management Area and passive ventilation of the frontage units would not protect the future occupiers of the flats from fumes and odours and other emissions present in the location.

14. APPROVAL CONDITION – Glazing - soundproofing from external traffic noise

Notwithstanding the submitted Noise Report Works pursuant to this permission shall not be commenced (excluding the demolition phase) until a scheme for protecting the proposed flats and houses from traffic noise from Bevois Valley Road has been submitted to and approved by the local planning authority in writing. Unless otherwise agreed in writing, that scheme shall, for these affected units, 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.

15. APPROVAL CONDITION – Sustainable Drainage Systems

A feasibility study demonstrating an assessment of the potential for the creation of a sustainable drainage system on site shall be carried out and verified in writing by the Local Planning Authority 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 and maintained 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 policy SDP13 (vii) of the City of Southampton Local (2006) and to protect the quality of surface run-off and prevent pollution of water resources and comply with SDP21 (ii) of the City of Southampton Local Plan (2006). To prevent an increase in surface run-off and reduce flood risk in compliance with SDP21 (i) of the City of Southampton Local Plan (2006) and Code for Sustainable Homes: Category 4 - Surface Water Run-off.

16. APPROVAL CONDITION - Code for Sustainable Homes

Written documentary evidence demonstrating that the development will achieve a minimum level 3 standard in the Code for Sustainable Homes (or equivalent ratings using an alternative recognised assessment method), shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted consent unless otherwise agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and verified in writing for each unit prior to its first occupation.

REASON:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy SDP13 of the City of Southampton Local Plan (2006) as supported by Core Strategy Policy CS20.

17. APPROVAL CONDITION – 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 (excluding the demolition phase) 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).

18. APPROVAL CONDITION - Land Contamination investigation and remediation

Prior to the commencement of development (excluding the demolition phase) 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.

19. APPROVAL CONDITION - Use of uncontaminated soils and fill

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.

20. APPROVAL CONDITION - Unsuspected Contamination

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

21. APPROVAL CONDITION – A1/A3/A5 Floorspace

The "dual A1 (retail) and/or A3 (restaurant) and/or A5 (takeaway) use" hereby permitted for the development shall, under Class E, Part 3, Schedule 2 of the Town and County Planning (General Permitted Development) Order 1995 (as may be subsequently amended), be for a limited period of 10 years only from the date of this Decision Notice. The unit shall remain as the prevailing use at that time as hereby agreed in writing by the Local Planning Authority.

Reason:

In order to provide greater flexibility to the development and to clarify the lawful use hereby permitted and the specific criteria relating to this use.

22. APPROVAL CONDITION - Hours of Use - food/drink establishments

The food and drink uses/drinking establishments hereby permitted shall not operate (meaning that customers shall not be present on the premises, no preparation, sale or delivery of food or drink for consumption on or off the premises) outside the following hours:

Monday to Sunday 08:00 hours (8:00am) to 23:00 (11pm)

Unless otherwise agreed in writing by the Local Planning Authority. A notice to this effect shall be displayed at all times on the premises so as to be visible from the outside.

Reason:

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

23. APPROVAL CONDITION – Roller Shutter

The replacement external roller shutter hereby approved as shown on amended plan ref: C10/27.11 Rev B shall be fitted prior to the first occupation of the development hereby approved and retained in good working order thereafter. Unless otherwise agreed in writing by the Local Planning Authority the roller shutter hereby approved on the Bevois Valley Road frontage shall be kept fully open, at least, between the hours of 09:00 (9am) and 17:30 (5:30pm) from Monday to Sunday (regardless of the trading hours).

REASON:

In order to ensure that the existing solid shutter is replaced in the interests of visual amenity.

24. APPROVAL CONDITION – Extract Ventilation – control of noise, fumes and odour

Full details of any external extraction or ventilation equipment shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. In addition to the proposed design any submission shall include a written scheme for the control of noise, fumes and odours from extractor fans and other equipment. The development shall be implemented in accordance with the approved details and findings.

REASON:

To protect the amenities of the occupiers of existing nearby properties

Notes to Applicant

Southern Water – Public Sewerage - Informative

A formal application for connection to the public sewerage is required in order to service this development. Please contact Atkins Ltd, Angle St James House, 39a Southgate Street, Winchester So23 9EH (tel. 01962 858688) or www.southernwater.co.uk

S.106 Legal Agreement Informative

A Section 106 agreement relates to this site which includes a requirement for contributions towards: highways (site specific and strategic) and play/open space. A full copy of the S106 legal agreement is available on the Public Register held at Southampton City Council.

Note to Applicant – 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.

Note to Applicant – Performance Conditions

Your attention is drawn to the performance conditions above which relate to the development approved in perpetuity. Such conditions are designed to run for the whole life of the development and are therefore not suitable to be sought for discharge. If you are in any doubt please contact the Council's Development Control Service.

Note to Applicant – Cranes Informative

Given the nature of the proposed development it is possible that a crane may be required during its construction. The applicant's attention is therefore drawn to the requirement within British Standard Code of Practice for the safe use of cranes, and 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

Note to Applicant – Lighting Informative

The development is close to the aerodrome and the approach to the runway. The applicant's attention is drawn to the need to carefully design lighting proposals. This is further explained in Advice Note 2 'Lighting near Aerodromes' available at www.caa.co.uk/srg/aerodrome

POLICY CONTEXT

Core Strategy - (January 2010)

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
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP15	Air Quality
SDP16	Noise
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment
H13	New Student Accommodation
REI6	Local Centres

Supplementary Planning Guidance

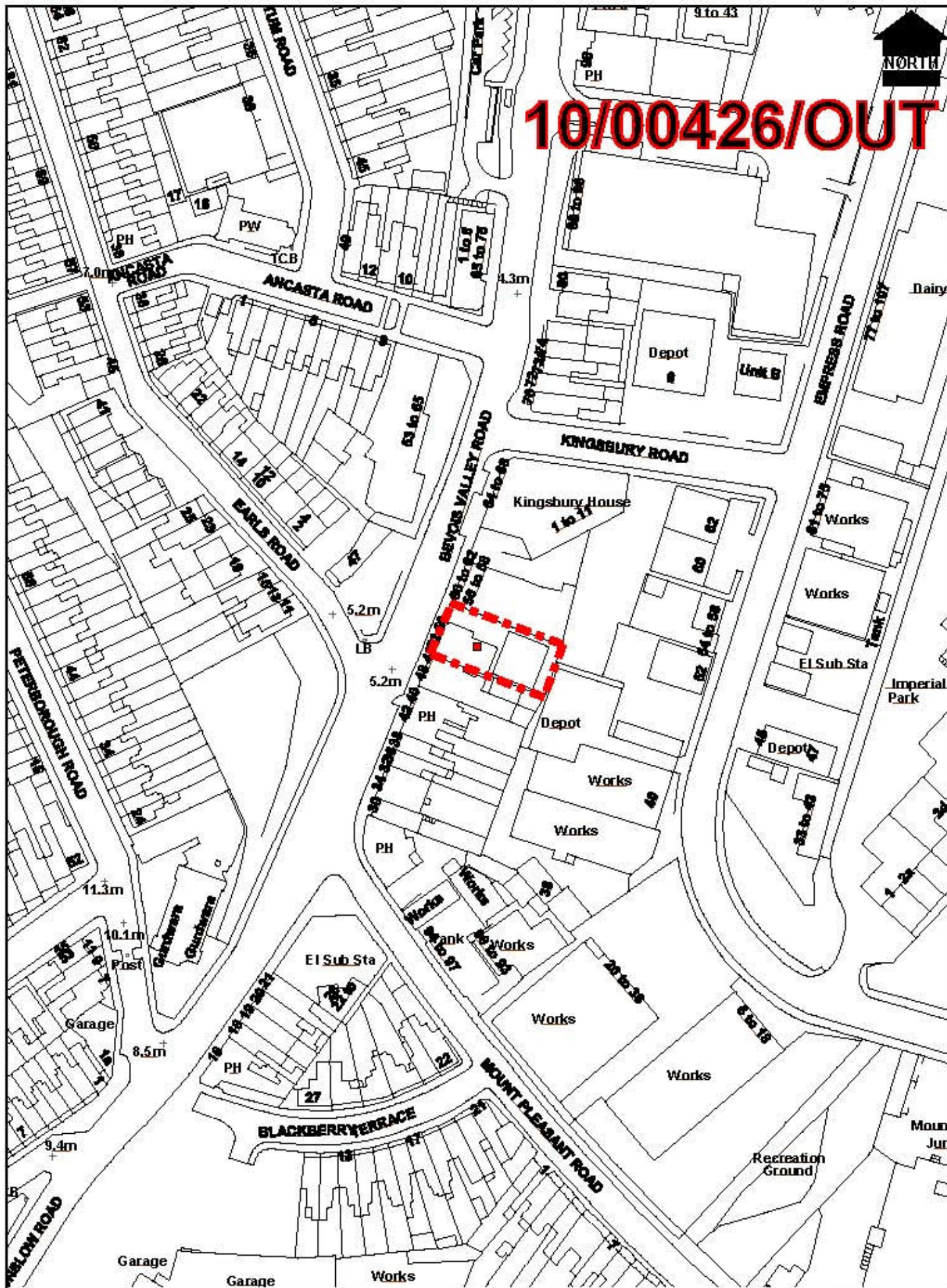
Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - August 2005 and amended November 2006)

Other Relevant Guidance

PPS1	Delivering Sustainable Development (2004)
PPS3	Housing (2010)
PPG13	Transport (2001)
PPG17	Planning for Open Space, Sport & Recreation
PPS23	Planning & Pollution Control
PPG24	Planning & Noise (2004)



10/00426/OUT



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Date : 07 July 2010

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Agenda Item 7

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 20th July 2010
Planning Application Report of the Head of Division

Application address: 16 Bassett Heath Avenue, Southampton.			
Proposed development: Conversion of existing house in multiple occupation (HMO) for 8 people into 7 x 1-bed flats with associated parking and cycle/refuse storage (submitted in conjunction with 10/00061/FUL)			
Application number	10/00059/Ful	Application type	Full
Case officer	Andy Amery	Public speaking time	5 minutes

Applicant: Mrs Surinder Kaur	Agent: Roderick Moore
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Recommendation Summary	That planning permission be granted subject to the conditions set out within the report.
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Reason for Granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The development provides amenity space, car parking, refuse and cycle storage to the standards required by adopted policies and the Residential Design Guide. The property is currently a HMO for 8 persons and is therefore not a C3 or C4 dwellinghouse but a Sui Generis Use. The proposals do not therefore result in the loss of a family dwelling. The level of occupation is unlikely to be higher than currently exists and therefore levels of activity and potential disturbance are not considered to compromise the existing level of amenity enjoyed by surrounding occupiers. 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.

“Saved” Policies – SDP1, SDP5, SDP7, SDP9, H1, and H7, of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS4, CS5, CS13, CS16 and CS19, and the Council’s current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS1 (Delivering Sustainable Development), PPS3 (Housing 2010), PPG13 (Transport) and PPG24 (Planning & Noise) are also relevant to the determination of this planning application.

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

That planning permission be granted subject to the conditions set out in this report.

1. The site and its context

1.1 This application relates to an existing two storey property with an existing authorised use as a HMO for 8 people following the granting of a Lawful Development Certificate in 2006. The property is currently being extended to provide additional floor-space at ground and first floor level.

1.2 The site is located on the north side of Bassett Heath Avenue in an area typically characterised by detached family houses in an attractive low density residential area . The site however is not typical of the area.

1.3 There is an long and complicated planning history on the site which has been the subject of enforcement notices, planning appeals and lawful devilmnt certificates over any years. The site is currently more akin to a building site that a typical residential property and garden.

2. Proposal

2.1 The application seeks to convert the existing property from a HMO for 8 persons into seven self-contained one-bedroom flats.

2.2 The works will be contained within the existing building, as extended, without the need for further external changes.

2.3 Internal alterations to the existing layout are proposed to ensure each flat has natural daylight and outlook from habitable room windows. The floorspace of each flat varies between 36 and 48 sq .

2.4 Externally, seven parking spaces are provided on the existing hardstanding to the site frontage together with a refuse store located within 10m of the collection point in Bassett Heath Avenue.

2.5 To the rear of the site, approximately 140 sq m of amenity space is shown to be provided for future occupiers. This space also includes a cycle store for 7 cycles to be used by future occupiers.

2.6 It should be noted that the very rear of the site contains an outbuilding which is the subject of a separate application to be considered by the Panel and has been the subject of it's own considerable planning history. The combined proposals therefore seek to sub-divide the existing planning unit to create 7 flats on the main building along the street frontage and a wholly separate 3-bedroom dwelling on land at the rear.

3.0 Relevant Planning Policy

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

4.0 Relevant Planning History

The site has a lengthy and complex history as is set out below.

860279/W: ERECTION OF PART TWO STOREY AND PART SINGLE STOREY REAR EXTENSION. Conditionally Approved 25.06.1986

870496/W: ERECTION OF DETACHED TWO STOREY GARAGE.
Refused 25.11.1987

881724/W: CHANGE OF USE FROM SINGLE DWELLING TO REST HOME FOR THE ELDERLY. Approve with Conditions 02.11.1988

930558/W: CHANGE OF USE OF BUILDING AT REAR OF PROPERTY TO STAFF ACCOMMODATION. Refused 28.09.1993

An enforcement notice was subsequently served against the use of this property as a dwelling. An initial appeal was withdrawn and the Notice subsequently came into effect.

931024/W: CHANGE OF USE FROM SINGLE DWELLING TO REST HOME FOR THE ELDERLY - RENEWAL OF PLANNING PERMISSION 881724/22951/W PRIOR TO EXPIRY.
Conditionally Approved 03.11.1993

940328/W: ERECTION OF A 2 STOREY REAR EXTENSION WITH THE INSTALLATION OF AN EXTERNAL FIRE ESCAPE STAIRCASE Refused 13.05.1994

941113/W: ERECTION OF 2 STOREY REAR AND SIDE EXTENSIONS
Refused 22.11.1994 Appeal Dismissed 16.08.1995

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951324/W: ERECTION OF SINGLE STOREY AND 2 STOREY EXTENSIONS WITH EXTERNAL STAIRCASE
Approve with Conditions 21.02.1996

03/01331/LDCE: To establish lawful use of premises as a house in multiple occupation for 8 people. Approved 23.09.2004

06/01663/FUL: Two storey rear/side extensions and first floor extension to east elevation. Refused 02.01.2007. Appeal Dismissed 06.07.2007

07/01914/FUL: Erection of part two-storey and part one-storey extension to existing HMO to accommodate a maximum of 9 people. Refused 07.03.2008

08/01376/ELDC: Certificate of lawfulness for the existing use of the rear-most detached out-building as managers accommodation ancillary to the use of the main front building as a house in multiple occupation.
Refused 10.12.2008 Appeal Dismissed 16.10.2009

08/01482/FUL: Single storey rear extension and part 2-storey part single storey side extension (amendment of consent 05/01381/FUL)
Refused 07.01.2009 Appeal Allowed 19.06.2009

In summary the current situation is that the main property has a lawful use as a HMO for up to 8 people. The current building works on the building relate to an extension allowed on appeal in June 2009.

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners. At the time of writing the report 9 representations have been received from surrounding residents.

5.1.1 The site is already over-developed and an eye-sore these proposals represent a gross over-development of the site.

Response: The authorised use of the property is a HMO for 8 people The property is currently being extended in accordance with plans allowed on appeal. The proposals do not seek to make any external changes to the property or add volume to what has already been approved. The conversion to 7 flats does not result in the loss of a family dwelling or the loss of garden space. Amenity space, car parking refuse and cycle storage are all provided in accordance with adopted standards. The proposals do not therefore exhibit any features normally associated with over-development. The rear of the site in particular is more akin to a building site with large quantities of materials generally stored in the open. Any consent would require this material to be removed in order to allow the amenity space to be provided as a useable and functional space for future occupiers.

5.1.2 Car Parking is totally inadequate.

Response: The site is located in a low accessibility area where the maximum parking provision for one bedroom flats is one space per unit. This has been provided on site. The low level on on-road parking does not provide any justification for parking to be provided in excess of the maximum standards.

5.1.3 Up to 19 persons are already living at the site.

Response:

Recent site visits and other Council records indicate up to 7 people are currently living at them main property with internal building works still continuing. The rear building has been recently vacated. There is no evidence of the currently authorised limit of 8 people living in the property being exceeded.

5.1.4 Refuse stores will not be able to cope with the level of occupation

Response:

The refuse storage facilities are designed to accommodate the volume of refuse generated by 7 one-bedroom flats. Subject to final design details of these facilities to ensure security and visual amenity refuse facilities can be provided to the required standards within the site.

5.1.5 The site is not located close to amenities such as shops and schools and doctors which will mean greater reliance on the car and a significant increase in traffic.

Response:

The site is located within a low accessibility area and the level of parking provision which is the maximum allowable for the number and size of units reflects this.

5.1.6 The applicant has a long history of flagrantly breaching planning controls.

Response:

The site has a very complex planning history as has been set out above and has been the subject of enforcement notices in the past which have required regularisation of breaches of planning control. At the present time the requirements of those enforcement notices have been complied with.

5.1.7 The introduction of 7 flats into an area of detached family houses will be totally out of character with the area.

Response:

The area is characterised by detached family dwellings in what is a low density and attractive residential area. The introduction of flats is at odds with that over-riding character but not necessarily contrary to policy. As the existing property is not a family dwelling but a HMO for up to 8 people the application should be judged on whether the potential increase in occupancy levels would have an adverse impact on neighbours and the character of the area and whether the site can provide all the facilities required to serve this number of units in accordance with the council's adopted standards.

5.1.8 Highway safety will be compromised by the additional traffic generation.

Response:

The highway officers have assessed the potential impact of the development and raise no objection to the proposals on highway safety grounds.

5.1.9 Each flat is likely to be occupied by more than one person and therefore the increase in occupation will impact on amenity and privacy of adjacent and nearby residents.

Response: The level of occupancy of each flat could vary and could be greater than the currently imposed limit of 8 people in the HMO. The units, whilst generous in size for modern one bedroom flats, do not lend themselves to high occupancy levels in terms of their general layout. The council has identified likely occupancy rates for different unit types. This equates to one person per unit in a bedroom in a HMO and 1.4 people in a one bedroom flat. The council's own standards therefore indicate that the level of occupancy of the building could increase from 8 to 10. It is not considered that this increase in occupancy would result in a materially greater impact on the amenity of nearby residents or the character of the area.

5.2 SCC Highways - No objections subject to a condition requiring the re-location of the parking space adjacent to the refuse store to ensure cars enter and leave the site in a forward gear and full details being provided of the refuse store. These matters can be secured by condition.

5.4 SCC Sustainability Team - Please note that conversions cannot be assessed via the Code for Sustainable Homes (CSH) and therefore a condition relating to the code is not reasonable.

However the applicant is still required to demonstrate how energy efficiency shall be improved and whether or not renewable energy will be able to be incorporated in the development.

Furthermore the development should improve water efficiency in accordance with CS20 2.b.

In which case the following conditions are recommended to ensure that CS20 is complied with:

Water Conservation (Pre-Occupation Condition), Renewable Energy - Micro-Renewables, Renewable Energy - Micro-Renewables.

6.0 Planning Consideration Key Issues

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

- i. The principle of development;
- ii. Impact on Established Character;
- iii. Residential Amenity;
- iv. Highways and Parking;

6.2 Principle of Development

6.2.1 The application seeks to convert a HMO for 8 people into 7 self-contained one-bedroom flats. As such the proposals do not result in the loss of an existing family dwelling nor do they represent 'garden grab'. The acceptability in principle therefore must be judged on the schemes ability to satisfy the residential standards for flatted development without harming the character of the area or the amenity of adjacent occupiers.

6.3 Impact on Established Character

6.3.1 The application does not seek any additional external alterations beyond those already allowed on appeal by the Planning Inspector when allowing the recent extension to the property. As such, in visual terms the property will appear the same as it currently does. The site frontage is already totally covered by hardstanding which is used by the occupiers of the HMO as parking. The application will formalise the parking arrangements in terms of the layout of the frontage but gain will appear little changed from the current use of the property.

6.3.2 The occupation of seven one-bedroom flats compared to 8 bedsits would, if measured against the councils standards of typical occupancy (1 per bed-sit and 1.4 per one bedroom flat) potentially increase the number of people living in the premises from 8 to 10 people. This is not considered to represent such a significant increase in occupation to be able to demonstrate the increase in activity, disturbance and loss of privacy expressed by local residents.

6.3.3 The impact on the character of the area is not therefore considered to be greatly different from that currently experienced other than that in approving the scheme conditions could be imposed requiring the removal of all extraneous materials from the front and rear of the site to enable the car parking and amenity spaces to be properly laid out. This would in fact represent a significant improvement to the visual qualities of the site compared to it's present condition.

6.4 Residential Amenity

6.4.1 The scheme provides the quantum of amenity space, car-parking, refuse and cycle storage required by the Councils adopted standards to serve 7 one-bedroom flats. In addition each flat benefits from natural light and outlook. In this regard it displays no characteristics of over-development and subject to the removal of the large quantities of material from the rear of the site would provide future occupiers with an appropriate living environment.

6.4.2 As already stated above, the occupation of seven one-bedroom flats compared to 8 bedsits would potentially increase the number of people living in the premises from 8 to 10 people. This is not considered to represent such a significant increase in occupation to be able to demonstrate the increase in activity, disturbance and loss of privacy expressed by local residents.

6.5 Highways and Parking

6.5.1 Car parking is provide at a rate of 1 space per unit. Notwithstanding the site is located in a low accessibility area this is the maximum parking provision allowed under the Council's adopted standards. Given the character of the area and high levels of off-road parking, on-road parking is not such a problem in this location to justify parking in excess of the maximum standards.

6.5.2 Subject to the relocation of on of the parking spaces to encourage all cars to enter and leave in a forward gear there is not considered to be a threat to highway safety.

7.0 Summary

7.1 The proposed development achieves the required standards for flatted development.

7.2 In visual terms the proposals will not result in any changes to the building but will remove the large quantities of materials that have built up on the site during a number of building programmes that have taken place over a number of years. The potential for increased occupancy rates is limited given the size and layout of the units and therefore it flats is unlikely to result in harm to the character and amenities of the area.

8.0 Conclusion

8.1 Notwithstanding the history of the site and the previous breaches of planning control, the application must be judged on it's merits and whether it satisfies the requirements of the development plan.

8.2 The proposals are considered to meet these requirements and as such are recommended for approval

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), 6(a), 6(c), 6(d), 6(h), 6(g), 6(k), 7(a), 7(m), 7(v), 8(a), 9(a), 9(b) and PPS3 (2010)

SH for 20.07.10 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Full Permission Timing Condition - Change of use

The use 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 - No other windows or doors other than approved [Performance Condition]

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

Reason:

To protect the amenities of the adjoining residential properties.

03. APPROVAL CONDITION - Refuse and Cycle Storage

Prior to first occupation of any of the flats hereby approved full elevational details of the cycle and refuse store shall be submitted to and agreed in writing with the Local Planning Authority. The Bin and cycle storage shall thereafter be laid out with a level approach (not in excess of 1:10) prior to the first occupation of the flats hereby approved in accordance with the approved plans. The refuse facilities shall include accommodation for the separation of waste to enable recycling with doors hinged to open outwards. The approved storage shall be retained whilst the development is used for residential purposes, with bins kept in their allotted stores on non collection days.

REASON:

In the interests of highway safety and visual amenity and to encourage recycling.

04. Approval condition - Amenity Space

The amenity space shown on the approved plans shall be cleared of all building materials and made available for use by occupiers of all flats prior to first occupation of any of the approved flat units. The amenity space shall thereafter be permanently maintained in a useable condition with access to it for occupiers of each flat unit.

REASON

To ensure the occupiers of the flats have access to a useable amenity in the interests of their amenities and the amenities of adjacent occupiers.

05. APPROVAL CONDITION - Water Conservation [Pre-Occupation Condition]

Unless otherwise agreed in writing by the Local Planning Authority, prior to the occupation of the dwellings hereby approved water conserving appliances shall be installed, details of which shall be

submitted to and approved by the Local Planning Authority in writing prior to the commencement of development. Such details shall include specification of facilities such as low flow or dual flush toilets, spray taps to hand basins and shower units which utilise a maximum of 9 litres of water per minute.

REASON:

In the interests of water conservation

06. 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)

The condition shall need to be adjusted depending on the development type. Please refer to Policy CS20.

07. 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.

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS19	Car & Cycle Parking

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP13	Resource Conservation
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

Supplementary Planning Guidance

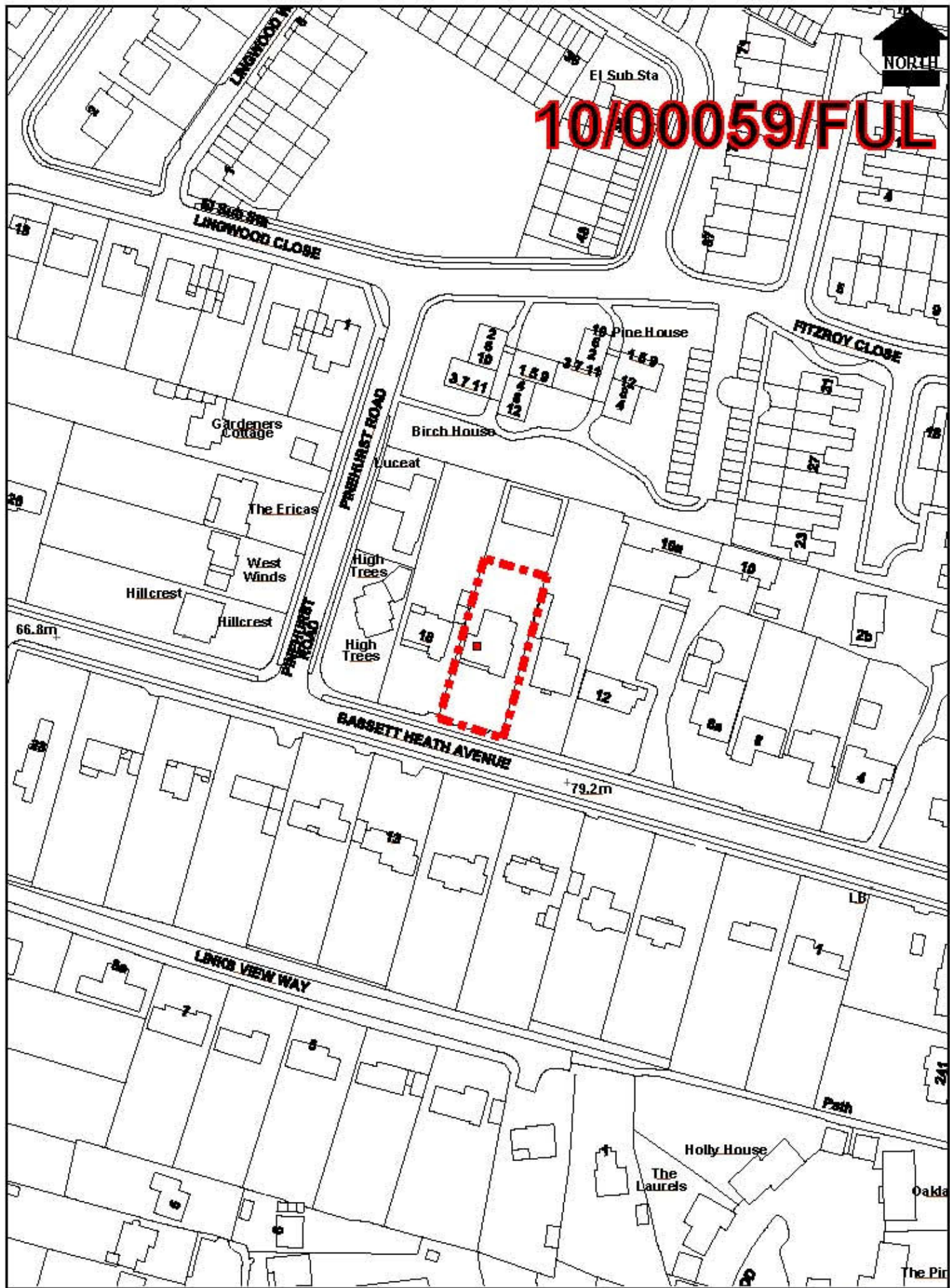
Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

PPS1	Delivering Sustainable Development (2004)
PPS3	Housing (2010)



10/00059/FUL



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Date : 07 July 2010

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Agenda Item 8

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 20th July 2010
Planning Application Report of the Head of Division

Application address: Land rear of 16 Bassett Heath Avenue, Southampton.			
Proposed development: Erection of a 3-bed bungalow with associated parking and refuse/cycle storage (submitted in conjunction with 10/00059/FUL (retrospective))			
Application number	10/00061/Ful	Application type	Full
Case officer	Andy Amery	Public speaking time	5 minutes

Applicant: Mrs Surinder Kaur	Agent: Roderick Moore
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Recommendation Summary	Refuse
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Reasons for Refusal

The use of the building as a dwellinghouse is an unneighbourly form of development causing a loss of amenity and privacy for the residents of the adjoining properties by reason of disturbance from the increased residential activity associated with it in the rear garden of 16 Bassett Heath Avenue SDP1 and H7 of the City of Southampton Local Plan Review 2006.

The proposal, due to the excessive carry distance from the property to the refuse store, fails to provide convenient refuse facilities to serve the development contrary to Section 9.3 of the Residential Design Guide.

The proposal, given the internal layout of the building appears to allow for a 4 bedroom bungalow to be provided, provides car parking to serve a family sized unit at half the maximum standard allowed for a low accessibility area. As such the proposal could result in additional on-road parking which would be harmful to the open character and appearance of the roads in this area.

Appendix attached			
1	Development Plan Policies	3	Appeal Decision for 08/01376/ELDC
2	Enforcement Notice dated July 1993		

Recommendation in Full

That planning permission be Refused.

1. The site and its context

1.1 The site is to the rear of the main property at 16 Bassett Heath Avenue and if anything has an even more complicated history than the main property. It is a detached single storey building originally built under permitted development rights in approximately 1988 as an ancillary structure to what was then a family dwelling at 16 Bassett Heath Avenue.

1.2 However, in July 1993 an enforcement notice was served against the use of the outbuilding as a dwelling. An appeal against the notice was withdrawn and it came into effect on 5 July 1993.

1.3 More recently, in 2008, an application was submitted by the applicant claiming lawful use of the property as ancillary accommodation in association with the management of the front building as a HMO. Following a public Inquiry it was determined by the Inspector that the property had been being used as a dwellinghouse and as an enforcement notice had already been served prohibiting such a use it was not possible to issue a lawful development certificate for it. A copy of this decision and the enforcement notice are attached as appendices to the report.

2. Proposal

2.1 The application seeks to use the existing outbuilding as a self-contained 3 but potentially 4 bedroom bungalow with it's own amenity space and parking area.

2.2 Vehicular and pedestrian access to the property would be via a shared access with the main property which is proposed to be converted into 7 flats. However, the property would have it's own driveway which runs almost the full length of the eastern boundary immediately adjacent to 14 Bassett Heath Avenue.

2.3 The rear garden would be fenced off to provide a distinct curtilage for the property the useable space for which would measure approximately 80sq m.

2.4 Within this space a separate cycle store is provided in addition to a single parking space. However the carry distance from the property to the shared refuse store is 44m which exceeds the normal 30m carry distance.

2.5 It should be noted that the front of the site the main property which is the subject of a separate application to be considered by the Panel has been the subject of it's own considerable planning history. The combined proposals therefore seek to sub-divide the existing planning unit to create 7 flats on the main building along the street frontage and a wholly separate 3-bedroom dwelling on land at the rear.

3.0 Relevant Planning Policy

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

4.0 Relevant Planning History

The site has a lengthy and complex history as is set out below.

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930558/W: CHANGE OF USE OF BUILDING AT REAR OF PROPERTY TO STAFF ACCOMMODATION. Refused 28.09.1993

An enforcement notice was subsequently served against the use of this property as a dwelling. An initial appeal was withdrawn and the Notice subsequently came into effect.

931024/W: CHANGE OF USE FROM SINGLE DWELLING TO REST HOME FOR THE ELDERLY - RENEWAL OF PLANNING PERMISSION 881724/22951/W PRIOR TO EXPIRY.
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951324/W: ERECTION OF SINGLE STOREY AND 2 STOREY EXTENSIONS WITH EXTERNAL STAIRCASE
Approve with Conditions 21.02.1996

03/01331/LDCE: To establish lawful use of premises as a house in multiple occupation for 8 people. Approved 23.09.2004

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07/01914/FUL: Erection of part two-storey and part one-storey extension to existing HMO to accommodate a maximum of 9 people. Refused 07.03.2008

**08/01376/ELDC: Certificate of lawfulness for the existing use of the rear-most detached out-building as managers accommodation ancillary to the use of the main front building as a house in multiple occupation.
Refused 10.12.2008 Appeal Dismissed 16.10.2009**

08/01482/FUL: Single storey rear extension and part 2-storey part single storey side extension (amendment of consent 05/01381/FUL)
Refused 07.01.2009 Appeal Allowed 19.06.2009

In summary the current situation is that the outbuilding has been recently vacated following the appeal decision in the Councils favour. However, whilst the Council has the ability to determine applications for it's future use the building itself is lawful.

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners. At the time of writing the report 9 representations have been received from surrounding residents.

5.1.1 The site is already over-developed and an eye-sore these proposals represent a gross over-development of the site.

Response: The outbuilding exists and is lawful and therefore the footprint it occupies on the site will not alter whether it is occupied or not. The proposal could not therefore be easily argued to represent over-development as would be the case if this were a new build on the rear garden. At the present time it is agreed the rear of the site in particular is more akin to a building site with large quantities of materials generally stored in the open. Any consent would require this material to be removed in order to allow the amenity space to be provided as a useable and functional space for future occupiers.

5.1.2 The additional occupation will result in loss of privacy and amenity for adjacent occupiers

Response: This was the basis for the original serving of the enforcement notice and remains a valid concern. Activity associated with a separate dwelling in a backland location in what is still part of the garden of 16 Bassett Heath Avenue would have an impact on adjoining occupiers including occupiers of the main building.

5.1.3 Parking is totally inadequate for the bungalow given its low accessibility location. The site is not located close to amenities such as shops and schools and doctors which will mean greater reliance on the car and a significant increase in traffic.

Response:

The maximum level of parking for a 3 bedroom bungalow is 1.5 spaces. However, it is clear from the layout that the 'store' is the same size and layout as other 'bedrooms' and could easily be used as such without any planning control. It therefore seems reasonable to assess parking requirements against the occupation of the property as a 4 bedroom bungalow. The maximum number of spaces would then be 2. As only one space is provided a 50% provision seems unduly low given the location of the site and the higher reliance on the car needed for everyday journeys. Additional on-road parking as a result to provide the maximum on site requirement would be to the detriment of the currently open and relatively car free roads the area benefits from.

5.1.6 The applicant has a long history of flagrantly breaching planning controls.

Response:

The site has a very complex planning history as has been set out above and has been the subject of enforcement notices in the past which have required regularisation of breaches of planning control. At the present time the requirements of those enforcement notices have been complied with although monitoring of the use of the rear building needs to be maintained.

5.1.7 Highway safety will be compromised by the additional traffic generation.

Response:

The highway officers have assessed the potential impact of the development and raise no objection to the proposals on highway safety grounds.

5.2 SCC Highways - No objections.

6.0 Planning Consideration Key Issues

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

- i. The principle of development;
- ii. Impact on Established Character;
- iii. Residential Amenity;
- iv. Highways and Parking;

6.2 Principle of Development

6.2.1 The application seeks to convert an existing outbuilding into family dwellinghouse. The principle has been considered previously and rejected on the grounds of amenity. In addition more recently adopted requirements in terms of sustainable design, refuse storage and collection and car parking need to be considered. It is not considered the proposals represent 'garden grab' in the sense PPS3 seeks to prevent as it involves the conversion of an existing building to which no external alterations are proposed. Notwithstanding the generally supportive policies to the provision of family housing, it is not considered that the principle of a detached and self contained dwelling in this location is acceptable.

6.3 Impact on Established Character

6.3.1 The application does not seek any additional external alterations and therefore the building would remain as it currently stands but with the additional of the new boundary treatment separating it from the main property and the provision of a parking space and cycle store. The building is not readily visible from public areas and therefore the impact on the character of the area is limited to the private and general amenity of immediate neighbours and the potential from additional on-road parking due to the failure to achieve the maximum parking standards on site.

6.4 Residential Amenity

6.4.1 The proposals will introduce additional activity in a backland position in immediate proximity to neighbouring gardens. This is not a characteristic typically associated with this area of the city and would be detrimental to adjoining occupiers.

6.5 Highways and Parking

6.5.1 A single parking space is provide. This is below the maximum permissible in a low accessibility area and given the potential number of bedrooms within the family unit is likely to require occupiers or visitors to park in the road rather than within the site.

7.0 Summary

7.1 The use of the outbuilding as separate dwelling would be detrimental to the amenities of adjacent occupiers. Furthermore, the proposal fails to adequately provide measures relating to refuse storage and car parking to the standards set out in the Councils adopted policies.

8.0 Conclusion

8.1 The application should be refused.

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), 6(a), 6(c), 6(d), 6(h), 6(g), 6(k), 7(a), 7(m), 7(v), 8(a), 9(a), 9(b) and PPS3 (2010)

AA for 20.07.10 PROW Panel

REASONS FOR REFUSAL

01. The use of the building as a dwellinghouse is an unneighbourly form of development causing a loss of amenity and privacy for the residents of the adjoining properties by reason of disturbance from the increased residential activity associated with it in the rear garden of 16 Bassett Heath Avenue SDP1 and H7 of the City of Southampton Local Plan Review 2006.

02. The proposal, due to the excessive carry distance from the property to the refuse store, fails to provide convenient refuse facilities to serve the development contrary to Section 9.3 of the Residential Design Guide.

03. The proposal, given the internal layout of the building appears to allow for a 4 bedroom bungalow to be provided, provides car parking to serve a family sized unit at half the maximum standard allowed for a low accessibility area. As such the proposal could result in additional on-road parking which would be harmful to the open character and appearance of the roads in this area.

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS19	Car & Cycle Parking

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP13	Resource Conservation
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

PPS1	Delivering Sustainable Development (2004)
PPS3	Housing (2010)

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Doc 3
Appendix 2
Appendix 2

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

(as amended by the Planning and Compensation Act 1991)

ENFORCEMENT NOTICE

ISSUED BY SOUTHAMPTON CITY COUNCIL

1. **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to them that there has been a breach of planning control, under section 171A(1)(a) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations.

2. **THE LAND AFFECTED**

The buildings and associated land at 16 Bassett Heath Avenue, Bassett, Southampton ("the land"), shown edged red on the attached plan.

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

Without planning permission the change of use of the building on the land, the approximate position of which is shown hatched black on the plan attached, to use as a dwellinghouse.

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last four years. It is considered expedient to take enforcement action in this instance for the following reasons:-

1. The use of the building as a dwellinghouse is an unneighbourly form of development causing a loss of amenity and privacy for the residents of the adjoining properties by reason of disturbance from the increased residential activity associated with it in the rear garden of 16 Bassett Heath Avenue.
2. The use of the building as a dwellinghouse represents an erosion of the character of the residential area.

Note for Information Only

The Council may be prepared to extend the period required for compliance with this Notice in accordance with Section 178(7) of the Town and Country Planning Act 1990 where they are satisfied that a further period of time will be needed for the premises to be lawfully returned to occupation as a single dwellinghouse.

Jeffrey A. Pattison

5. WHAT YOU ARE REQUIRED TO DO

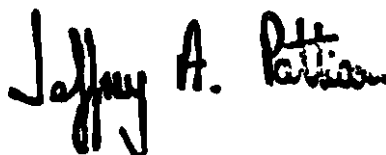
- (i) Stop using the building on the land as a dwellinghouse.

Time for compliance: 56 days after this notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

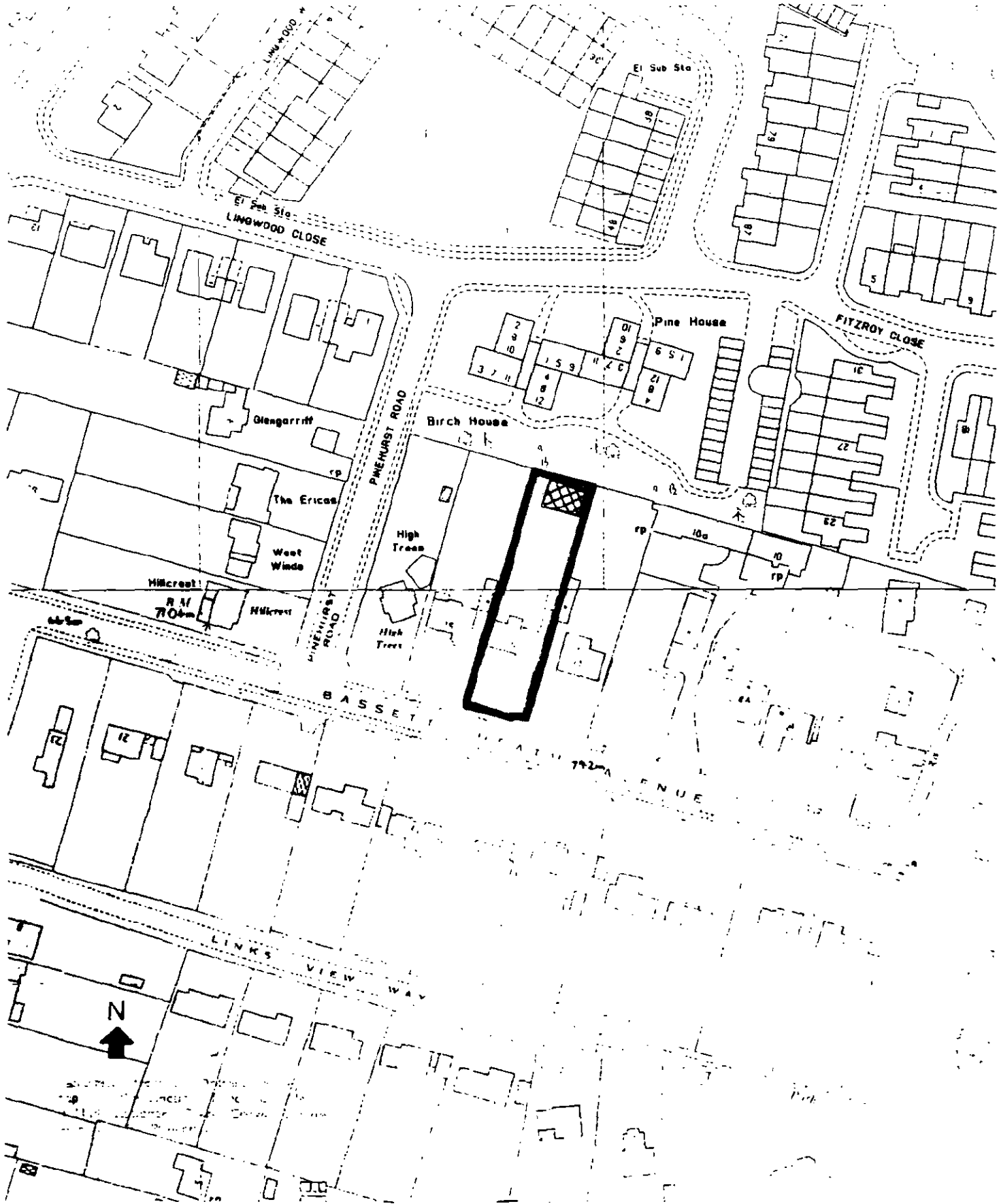
This notice takes effect on 5th July 1993 unless an appeal is made against it beforehand.

Dated 3rd day of June 1993



Signed.
Head of Legal and Democratic Services
on behalf of

Southampton City Council
Civic Centre
Southampton
SO1 OPL



D. I. Wark MRTI ARIBA
 Director of Strategy and Development
 Southampton City Council
 Civic Centre
 Southampton SO9 4WY
 Tel: 0703 223855

Plan No. 7461
 Scale 1:1250
 Date APRIL 93
 Drawn SB

ENFORCEMENT NOTICE
 16 BASSETT HEATH AVE

Jeffrey A. Pattison

Doc 3

TOWN AND COUNTRY PLANNING ACT
1990 (as amended by the Planning and
Compensation Act 1991)

ENFORCEMENT NOTICE

Jeffrey A. Pattison

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before 5th July 1993. The enclosed booklet "Enforcement Appeals - A Guide to Procedure" sets out your rights. Read it carefully. You may use the enclosed appeal forms. One is for you to send to the Secretary of State if you decide to appeal. The other is for you to keep as a duplicate for your own records. You should also send the Secretary of State the spare copy of this enforcement notice which is enclosed.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on 5th July 1993 and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period/s specified in the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

Jeffrey A. Pattison

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Appeal Decision

Inquiry held on 23 September 2009

Site visit made on the same date

by **Gloria McFarlane LLB(Hons)**
BA(Hons) Solicitor (Non-practising)

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
16 October 2009

Appeal Ref: APP/D1780/X/09/2097252

16 Bassett Heath Avenue, Southampton, SO16 7FY

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mrs S Kaur against the decision of Southampton City Council.
- The application Ref 08/01376/ELDC, dated 2 October 2008, was refused by notice dated 10 December 2008.
- The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
- The use for which a certificate of lawful use or development is sought is "use of building as managers accommodation ancillary to the use of the main house as an HMO".

Summary of Decision: The appeal is dismissed.

Application for costs

1. At the Inquiry an application for costs was made by the Council against the Appellant. This application is the subject of a separate Decision.

Procedural Matter

2. All oral evidence was given to the Inquiry either under oath or by the witness having made an affirmation.

The Appellant's case – Main points

3. The building is the rearmost of a number of outbuildings within the curtilage of 16 Bassett Heath Avenue. It shares the outside space and the parking area and there is no separate planning unit. It was completed in 1988 under permitted rights of the main house. The building was let independently and an enforcement notice issued on 3 June 1993 prohibited its use as a dwellinghouse. An appeal against that notice was withdrawn on the basis that the Council accepted that its occupation was ancillary to the main house. By 1998 the Appellant was letting the main house which had effectively become a house in multiple occupation (HMO) with the Appellant and her family living in the building.
4. There is no application for an independent unit. The Appellant and her family, as managers of the main house, have occupied the building for more than ten years.

The Council's case – Main points

5. An enforcement notice served was served on 3 June 1993 prohibiting the use of the building as a dwellinghouse. The notice came into effect on 5 July 1993 and was not complied with within the 56 day period for compliance and the use of the land as a dwellinghouse is therefore not capable of becoming lawful.
6. In the alternative, the Appellant has failed to establish the use of the building as managers accommodation ancillary to the main house for the requisite period.

Appraisal

7. The onus of proof in a LDC application is firmly on the Appellant. The Council need not go to great lengths to show that the use specified in the application is, or is not, lawful¹. The test of the evidence is 'on the balance of probability'. The Appellant's own evidence does not need to be corroborated by independent evidence. If the Council has no evidence of its own, or from others, to contradict or otherwise make the Appellant's version of events less than probable, there is no good reason to refuse the appeal, provided the Appellant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate².
8. In this case the Appellant therefore has to prove, on the balance of probability, that the use of the building as managers accommodation ancillary to the use of the main house as an HMO has continued without any material interruption for a period of ten years before the application was made, that is, from or before 2 October 1998.

The enforcement notice issued in 1993

9. The building was constructed under permitted development rights in 1988 as a double garage³. The breach of planning control alleged in the enforcement notice⁴ was the change of use of the building to use as a dwellinghouse. The land that was the subject of the notice, and therefore the planning unit, was the whole of the property known as 16 Bassett Heath Avenue. An appeal against the notice was withdrawn on the basis that family members were occupying the building ancillary to the main front building⁵. It appears that the main house may not have been a single family dwelling at the time as students had begun to occupy at least part of the main building by 19 October 1993⁶ and in a statutory declaration in respect of a LDC application relating to the use of the main house the Appellant says that the main house had been let to nine tenants since 1986⁷.
10. Whatever the Appellant's reasons may have been for withdrawing the appeal and whether the Council acted wisely in accepting those reasons is now a matter of speculation. The facts are that the appeal was withdrawn, the notice became effective, it is extant and its status is no longer challengeable.

¹ Paragraph 8.12 of Circular 10/97 Enforcing Planning Control : Legislative Provisions and Procedural Requirements

² Paragraph 8.15 of Circular 10/97

³ Statement of Common Ground paragraph 3.2

⁴ Document 3 to Mr Lawrence's Proof

⁵ Statement of Common Ground paragraph 3.2

⁶ Statement of Common Ground paragraph 3.2

⁷ Document 11 to Mr Lawrence's proof paragraph 5

Whatever the use of the building may have been since 1993/4, and the Appellant concedes that at some time in the 1990s it was let to tenants for a year, no further action has been taken by the Council in respect of the use of the building.

11. It is an established principle that an enforcement notice must tell the recipient what he has done wrong and what he needs to do to put it right. The notice prohibits the use of the building as a dwelling; it is not concerned with the status of the building because the prohibited use is 'as a dwelling' and there is no qualification of this in any way by words such as 'separate' or 'ancillary'. There is no dispute that the building has the characteristics of a dwelling⁸ and that it has been used by the Appellant and her children as a dwelling. I therefore consider that the current use of the building is in contravention of the notice.
12. The Appellant also submitted that the building is not a separate planning unit, independent of the main house because the Appellant treats the whole site as one unit. It appears that no plan was attached to the application for the LDC but a plan was attached to the Council's decision which shows the relevant land to be the whole of 16 Bassett Heath Avenue. The planning unit for the enforcement notice and the LDC are one and the same and there can therefore be no argument that the building is a separate planning unit. The enforcement notice relates to the whole site and prohibits the use of the building as a dwelling which, using the ordinary meaning of the word, it is and there is no dispute about this. I do not find any merit in the Appellant's submissions in this respect.
13. I therefore consider that the use of the building as managers accommodation ancillary to the use of the main house as an HMO is not lawful because it constitutes a contravention of a requirement of an enforcement notice that is in force⁹.

Managers accommodation ancillary to the use of the main house as an HMO

14. It may be that I am wrong in my finding above. I will therefore consider the Appellant's contention that the use of the building is ancillary to the main house. Whether a use of land is ancillary or incidental is a matter of fact and degree and evidence was presented and submissions were made in respect of this aspect of the appeal.
15. The main house has a lawful use as an HMO for eight people following an application for a LDC dated 19 September 2003 which was granted on 23 September 2004¹⁰. The plan accompanying that application is in relation to the whole of 16 Bassett Heath Avenue but it does not show the footprint of the building¹¹. The Appellant makes no mention of the building in her statutory declaration in support of the application¹². I appreciate that the application was in respect of the main house but I find the omission of the building as the place in which the Appellant and her children were living to be surprising.

⁸ Statement of Common Ground paragraph 5.1

⁹ S.191(2) of the 1990 Act

¹⁰ Ref 03/01331/LDCE

¹¹ Document 2 and Statement of Common Ground paragraph 3.4

¹² Document 11 to Mr Lawrence's proof

16. The Appellant bought the appeal property in about 1985 with her then husband, Mr S Singh. In about 1992 they separated and Mr S Singh moved out, although the property remains in joint names. Mr S Singh has lived at three different addresses since that time and their son, Mr G Singh who is now 24 years old, lives with him. Their daughter, Ms N Ghag who is now 38 years old, lives with the Appellant at the building.
17. The principal reasons why the Appellant says that the building is ancillary to the main house include the following: All services, that is, water, gas and electricity, are shared by the main house and the building. When the children were ill, which unfortunately appears to have been quite frequently, Mr S Singh would occasionally stay overnight in the building, or more often in the main house, to care for them when the Appellant was working. Visiting family and friends would stay in the main house. There is only one postal address for both the main house and the building. The main house and the building share amenity and parking space. The Appellant is responsible for cleaning the communal parts of the main house and the rooms when tenants leave. The Appellant and her daughter deal with all the bills and other administrative matters for the main house and there is office space in the building where these tasks are undertaken.
18. However, the evidence to the Inquiry also included the following: The bills for water and gas provided by the Appellant were dated February 2009 and August 2009, that is, outside the period with which I am concerned in this appeal. Although addressed to the Appellant at 16 Bassett Heath Avenue only the water bill said it related to that property and there was no indication whether it was for the main house and/or the building. I have no reason to believe that Mr S Singh did not stay overnight to care for his children on occasions but the Appellant's evidence was that she did not work during the night until two/three years ago. No evidence other than that of the immediate family was provided about extended family and friends staying. Whilst the Appellant is responsible for cleaning rooms when tenants leave I noted on my visit that there appeared to be no communal rooms and given that Mr S Singh and the extended family and friends were sleeping in what was alleged to be the lounge, it seems to me unlikely that there was any communal space. The Appellant instructed agents to find tenants for the main house, the agents drew up the tenancy agreement and made arrangements for the payment of rent. Mr S Singh comes to the house daily and undertakes work to the main house himself or instructs builders etc. as necessary. On my visit it was Mr S Singh who showed me around and who had the master keys to the rooms. At the time of my visit the office in the building consisted of a small desk with a laptop computer and printer in what appeared to me to be a storage room; this room was shown in photographs taken by Mr Grayer in November 2008 and at that time it did not have the equipment I saw but appeared to be almost completely full of stored items.
19. I appreciate that the Appellant has limited English, both written and spoken, but her evidence was confused and confusing and I consider at times, evasive. I was also not persuaded by Mr S Singh's evidence which was lacking in clarity and also, at times, evasive.

20. I was referred to the cases of *Whitehead*¹³ and *Uttlesford District Council*¹⁴ but the facts of those cases are different from this case in a number of respects including in those cases the main houses were family dwellings, not HMOs.
21. I find as a matter of fact and degree for the reasons given above and all other matters raised that the use of the building as managers accommodation ancillary to the use of the main house as an HMO has not been proved on the balance of probability by the Appellant.

Conclusions

22. I have found above that the use of the building as managers accommodation ancillary to the use of the main house as an HMO is in contravention of an enforcement notice. I have also found, in the alternative and in addition, that the use of the building as managers accommodation ancillary to the use of the main house as an HMO has not been proved on the balance of probability by the Appellant.
23. For the reasons given above I therefore conclude that the Council's refusal to grant a certificate of lawful use or development in respect of the use of the building as managers accommodation ancillary to the use of the main house as an HMO was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

Formal Decision

24. I dismiss the appeal.

Gloria McFarlane

Inspector

¹³ *Whitehead v SSE and Mole Valley District Council* [1992] JPL 561 – Doc 4

¹⁴ *Uttlesford DC v SSE and White* [1992] JPL 171 – Document 6 to Mr Lawrence's proof

APPEARANCES

FOR THE APPELLANT

Mrs Julia Barrett Planning Law Consultant
LLB

She called

Mrs S Kaur Appellant
Mr S Singh Appellant's former husband
Mr G Singh Appellant's son
Ms N K Ghag Appellant's daughter

FOR THE LOCAL PLANNING AUTHORITY

Mr S Whale Counsel, instructed by the Solicitor to Southampton
City Council

He called

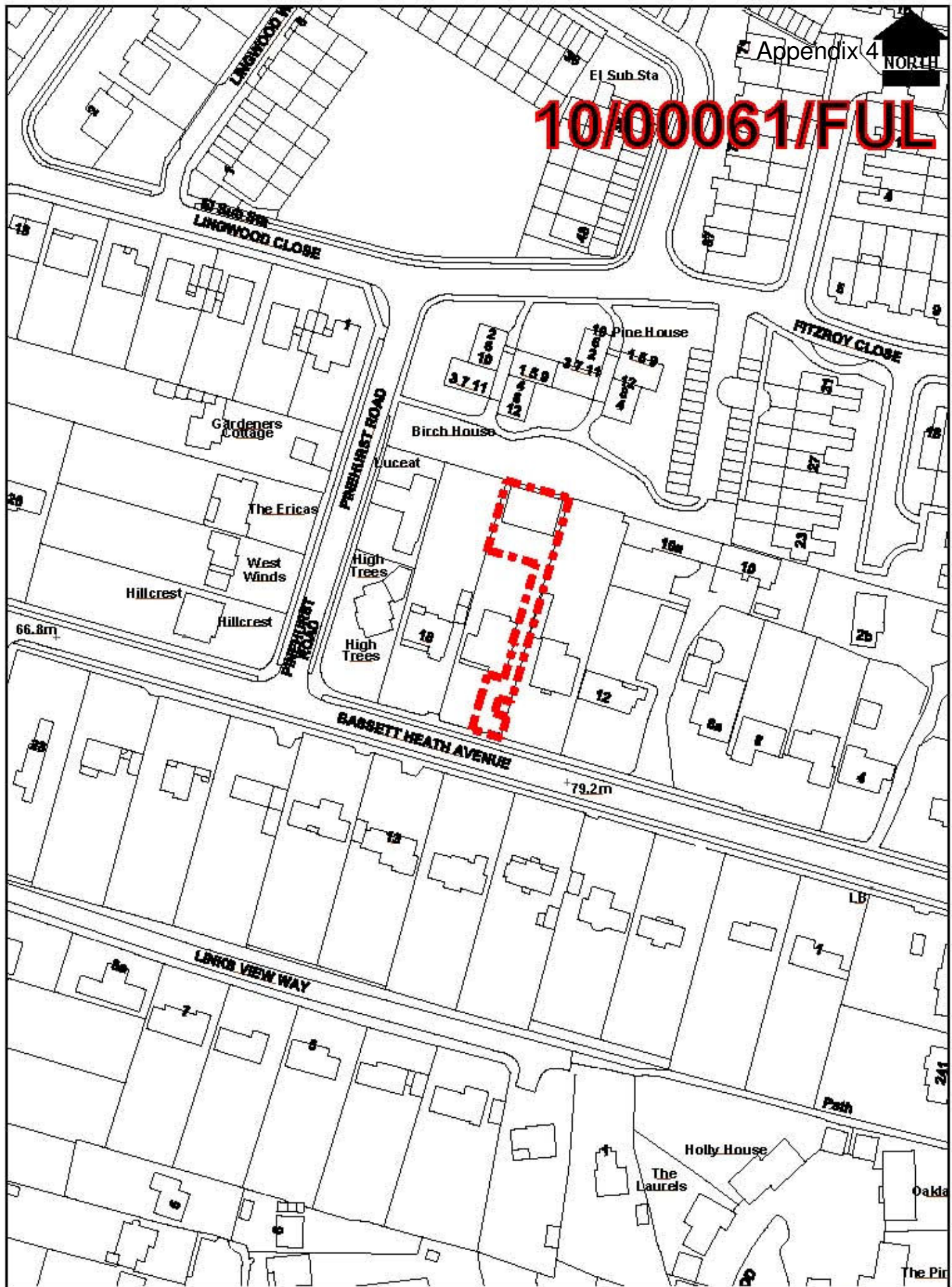
Mr S Lawrence Planning Officer, Team Leader, Southampton City Council
Dip TP MRTPI

Mr G Grayer Planning Enforcement Officer, Southampton City Council

DOCUMENTS AND PLANS SUBMITTED AT THE INQUIRY

- Document 1 - Copy of the Council's letter of notification and list of persons notified
- Document 2 - Copy of plan attached to LDC application ref 03/01331/LDCE, submitted by the Council
- Document 3 - Plan of the building and photographs, submitted by the Council
- Document 4 - *Whitehead v SSE and Mole Valley District Council [1992] JPL 561*, submitted by Mrs Barrett
- Document 5 - Statement of Common Ground

10/00061/FUL



Scale : 1:1250

Date : 07 July 2010

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Agenda Item 9

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 20th July 2010
Planning Application Report of the Head of Division

Application address: Oasis Academy, The Grove, Southampton			
Proposed development: Re-development of the site to provide a new 3-storey school building, a floodlit multi use games area with new vehicular access from Ashley Crescent and associated car parking and repositioning of sub-station			
Application number	10/00522/R3CFL	Application type	Q12 small scale major
Case officer	Jenna Turner	Public speaking time	15 minutes

Applicant: Southampton City Council	Agent: Turley Associates
--	---------------------------------

Recommendation Summary	Delegate to the Head of Planning and Sustainability to grant planning permission subject to criteria listed in report
-------------------------------	--

Reason for Granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set on the attached sheet. Other material considerations do not have sufficient weight to justify a refusal of the application. Whilst the application includes an area of land allocated for industrial purposes, the majority of the site would be retained for industrial purposes and the application would not compromise the site's ability to provide an industrial use. Where appropriate planning conditions have been imposed to mitigate any harm identified. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Planning Permission should therefore be granted having account of the following planning policies:

"Saved" Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, SDP15, SDP16, and REI10 (i) of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS11, CS13, CS19, CS20 and CS25 and the Council's current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS1 (Delivering Sustainable Development), PPG13 (Transport) and PPG24 (Planning & Noise) are also relevant to the determination of this planning application.

Appendix attached	
1. Development Plan Policies	2. Relevant Planning History

Recommendation in Full

Delegate to the Head of Planning & Sustainability to grant planning permission subject to the completion of a Unilateral Undertaking to secure:

- i. An 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).

- ii. Any further planning conditions recommended by the Environment Agency and BAA on receipt of their consultation response.

1. Procedural Context

Councils Own Development

1.1 The proposed scheme is a Regulation 3 application for Planning Permission. A Regulation 3 application relates to proposals made by the Local Authority for development that it wishes to undertake as part of its remit as a public sector service provider.

1.2 It is general practice that following the proper assessment of the planning merits of the proposal, that Regulation 3 applications should be either approved if considered acceptable, or the application should be requested to be withdrawn if not considered acceptable for justifiable planning reasons that would normally result in a refusal.

2. Background

2.1 The application has been submitted in the context of the City Council's wider objectives of achieving improved educational and attendance within the city. The proposed school is part of the Academies programme which seeks to tackle disadvantage and educational underachievement in areas which historically have a lower level of educational attainment. At present the Mayfield Academy operates across the two sites of Grove Park and Woolston and the proposal would enable the Academy to operate from a single campus.

3. The site and its context

3.1 The application site comprises the existing school buildings and associated playing fields and grounds. The site has been historically used for educational purposes and has been extended and altered over the years meaning that there is a mishmash of buildings which vary in age, design and quality and range between 1 and 3 storeys in height. The existing school buildings are concentrated to the west of the site, with pedestrian and vehicular access taken from The Grove. To the south western corner of the site is a mature woodland area which lies adjacent to the Weston Greenway Site of Importance for Nature Conservation (SINC). The Weston Greenway is part of the strategic gap between Southampton and Netley.

3.2 The surrounding area is a mixed residential and commercial character. Three sides of the application site abut residential properties and the Ashley Crescent industrial area is situated beyond the north-eastern site boundary.

4. Proposal

4.1 The application seeks the construction of a new Academy building of approximately 7,030 sq.m in area. A new vehicular access would be provided from Ashley Crescent, leaving the access from The Grove for use by pedestrians and cyclists only. The existing sports hall would be retained following its extension and refurbishment. A new floodlit Multi Use Games Area (MUGA) and new grass playing pitch would be provided to the north of the site adjacent to the new access road. The existing playing pitches would be re-provided on site. The proposal would also make provision for further informal hard and soft play areas.

4.2 Currently the site accommodates 454 pupils with a further 390 pupils accommodated within the Woolston school which is approximately 1km from the site. The proposal would enable the consolidation of the two sites and provide accommodation for 900 pupils between the ages of 11 and 16.

4.3 The three storey proposed building which would be located to the east of the existing buildings, would have a contemporary design appearance. The building has a flat roof with rendered elevations over an engineering brick plinth. The elevations are articulated by the fenestration and coloured glazed panels. The main entrance would be within the west elevation of the building and emphasised by a large section of curtain wall glazing which incorporates coloured brise soleil, vertically aligned. The entrance opens onto a hard and soft landscaped pedestrian plaza which provides opportunities for informal seating. Internally, the entrance leads into the reception and a central Agora; which is a multi-functional triple height space which benefits from natural lighting from a large roof light. The three floors of learning space are arranged around the central Agora.

4.4 The east elevation of the building is articulated by the projection of the conference hall which is a two-storey section of building with an external teaching area on its roof. The rear of the site provides further opportunities for external teaching areas including an amphitheatre and learning pods within a biodiversity area to the edge of the mature woodland.

4.5 The existing parking area would be remodelled and extended to provide a total of 64 car parking spaces which is an increase in 26 spaces when compared to the existing situation. A coach drop-off point would be provided adjacent to the car parking area and a service and delivery area would also be provided to the north of the building. Long and short stay cycle facilities would be provided adjacent to the central plaza providing space for 235 cycles.

4.6 In terms of the construction phasing, the new school building would be constructed to the east of the existing buildings, meaning that the existing school buildings can remain in use during the construction process. Apart from the sports hall, the remaining school buildings would be demolished following the completion of the development. The new vehicular access from Ashley Crescent will be provided first for use by construction traffic.

5.0 Relevant Planning Policy

5.1 The Development Plan for Southampton currently comprises the South-East Plan: Regional Spatial Strategy (May 2009), the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.

5.2 The South-East Plan recognises the need to improve education and skills to strengthen the region’s economy. The application site encompasses part of 512 Portsmouth Road which lies within the Ashley Crescent Industrial Area which is safeguarded through policy RE10 of the Local Plan for industrial purposes. The existing playing pitches are also designated under Local Plan Policy CLT3. Policy CS21 seeks to protect existing open space from development. Core Strategy Policy CS11 supports the development of new educational facilities on school sites and encourages wider community use of those facilities outside of school hours.

5.3 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.

6.0 Relevant Planning History

The school has been subject to various alterations and extensions. More recent applications include the provision of a floodlit MUGA in 2007 which was refused for ecology grounds and the siting of a modular building to provide additional classroom space in 2008. The sports hall was granted planning permission in 2003 and the hours of use were restricted by planning condition to between 08:00 and 22:00 on a daily basis. A list of the relevant applications is included in **Appendix 2**.

7.0 Consultation Responses and Notification Representations

7.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (10.06.10) and erecting a site notice (27.05.10). At the time of writing the report 0 representations have been received from surrounding residents.

7.2 **SCC Highways** – No objection. Subject to a Traffic Regulation Order to secure improvement works to the Ashley Crescent junction and the imposition of conditions to secure the details of the new access and ensuring details of the pedestrian access into the site.

7.3 **SCC Policy** – No objection

7.4 **SCC Sustainability Team** – No objection. The submitted sustainability statement and supporting information provide a good level of detail. Conditions are suggested to secure the suggested sustainability measures.

7.5 **SCC Environmental Health (Pollution & Safety)** – At the time of writing no formal comments have been received from Environmental Health but a verbal update will be provided at the meeting.

7.6 **SCC Ecology** – No objection. The proposal will not have a direct impact on any of the semi-natural habitat to be found on the site. Conditions are suggested to secure bat emergence checks prior to demolition of buildings and tree works being carried out.

7.7 **SCC Trees** - No objection. Suggests it would be preferable for the Cedar adjacent to the parking area to be retained but suggests that if this is not possible that it should be replaced by trees which will have a similar future amenity value.

7.8 **Sport England** – No objection. The Sports Hall will be retained throughout the construction process and the reinstated playing fields will be larger and provide an increased range of pitch layouts. Conditions are suggested to secure the quality of the playing fields and controlling the hours of use that floodlights should be used.

7.9 **Southern Water** – No objection. Foul and surface water disposal can be provided and conditions are suggested to require the details of the proposed means of foul sewerage and surface water disposal to be submitted for agreement.

7.10 **Hampshire Constabulary** – No objection. Suggests condition relating to the glazing specification, the external sports store and to prevent any further accesses are formed onto The Grove.

8.0 Planning Consideration Key Issues

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

- i. The principle of development;
- ii. Sports pitch re-provision and phasing;
- iii. The acceptability of the design;
- iv. Impacts on residential amenity;
- v. Highways and parking issues;
- vi. The relationship with trees and ecology; and,
- vii. The sustainability of the proposal

8.2 Principle of Development

8.2.1 The proposed access into the site would be achieved by incorporating part of 512 Portsmouth Road which lies within the Ashley Crescent Industrial Area and is safeguarded by REI10 of the Local Plan for industrial purposes. The new access would equate to approximately 20% of the overall site area for 512 Portsmouth Road and would not preclude an industrial use being delivered on the site in the future. As such the proposal is considered to be consistent with the aims and intentions of policy REI10 of the Local Plan.

8.2.2 The site is currently in educational use (Use Class D1) and the redevelopment proposals to provide enhanced educational facilities is in accordance with Policy CS11 (An Educated City) of the adopted LDF Core Strategy (2010). Whilst the number of pupils accommodated by the site would increase from the existing situation, the floorspace of the proposed building is less than which currently exists, meaning the proposal would represent a more efficient use of the site. The development is designed to enable use by the wider community outside of school hours in accordance with policy CS11.

8.3 Sports Pitch Re-Provision & Phasing

8.3.1 As part of this application for the replacement school, the applicant needs to satisfy the Local Planning Authority that the redevelopment can be undertaken without compromising the school's ability to provide continuous education provision, including access to external play space to serve the needs of the pupils. LDF Core Strategy Policy CS21 (Protecting and Enhancing Open Space) seeks to retain the quantity, and improve the quality, of existing open space provision. There is a presumption against developing existing school playing pitches unless alternative provision of equal (if not better) space is provided.

8.3.2 The existing on-site sports pitches includes a Multi Use Games Area, athletics track, cricket pitch, two football pitches as well as track and field elements which have a combined area of 31,139 sq.m. Once the new school is completed and the existing school buildings are demolished, the proposal would re-provide the existing sports pitch provision and include an additional football pitch thereby resulting in a net increase in playing pitch provision to a total of 31,518 sq.m in area. The playing pitches to the south of the site and the existing sports hall would continue to be available throughout the construction process. As such the proposal is compliant with policy CS21 by improving both the quantity and quality of the sports pitch facilities and Sport England raise no objection to the proposal.

8.4 Design

8.4.1 The proposed building has a similar scale to the existing main school building on site, although the massing of the replacement school is much improved when compared to

the existing complex of buildings. The new Academy building will have a simple rectangular form and is given a vibrant appearance through the use of glazed panels which reflects the Oasis identity with a colour palette inspired by the school logo. The pedestrian access to the building will have landscaping and lighting enhancements and will open up into the pedestrian plaza in front of the main entrance. Arrivals to the site either by car, foot, cycle or coach are directed to the main entrance through this central plaza space. This activity would create a vibrant area of open space with a high quality appearance achieved through the landscape treatment and the backdrop of the new Academy building.

8.4.2 The entrance to the building itself would be framed by the central curtain glazed section which incorporates vertical brise soleil treated in the same colour palette as the other glazed sections of building. The elevational treatment combined with the scale and form of the building would present strong but welcoming entrance to the site. A similar articulation of the rear elevation is achieved by the two-storey conference room projection. The external areas that are designed to encourage outdoor learning, dining and informal recreation and play would ensure that the rear of the site also has a strong vibrancy of activity.

8.4.3 The retained sports hall will be re-clad and treated to appear sympathetic to the new school building to ensure the development appears cohesive when compared with the existing mishmash of buildings on the site.

8.5 Residential Amenity

8.5.1 There is an additional 30 metres separation between the proposed building and its residential neighbours to the west when compared with the existing situation. The proposed building would also be no closer to the residential properties to the north of the site than the retained sports hall. The proposed building also has a much efficient footprint when compared with the existing complex of buildings and the overall scale of the building is just 1.5 metres greater than the tallest building on site at present. As such, it is considered that the physical impact of the building on the residential neighbours, would be improved in comparison to the existing situation.

8.5.2 Whilst the site would accommodate an increased number of pupils, a key way in which the impact of this is mitigated is through the creation of the new vehicular entrance to the site from Ashley Crescent. This takes the vehicular movements associated with the school away from the residential properties in The Grove which can have a disruptive impact on residential amenity, particularly when larger vehicles such as coaches access the site.

8.5.3 A key consideration in terms of residential amenity is the impact of the repositioned Multi Use Games Area on residential amenity. The new MUGA would be positioned approximately 20 metres closer to the residential properties to the north of the site than the existing MUGA. The inclusion of flood-lighting also means that it can be used for longer periods of time. The submitted acoustic report suggests that there could be an increased noise impact on residential properties particularly after 20:00 in the evenings and suggests that careful management of MUGA could minimise the disturbance to neighbouring properties. A planning condition is therefore suggested to secure a management plan and to ensure that the floodlights are not used after 22:00 to prevent undue disturbance to nearby properties and gardens.

8.5.4 The MUGA would not only provide an improved facility for the school but would also provide a valuable community facility for use outside of school hours. There is a separation

distance of 10 metres between the MUGA and the boundary and the residential properties to the north of the site and there would be the intervening access road and new landscape planting as a buffer between the uses. On balance, having regard to the benefits of the proposal and the mechanisms of control that can be introduced through planning conditions, the proposal is considered acceptable in this respect.

8.6 Highways and Parking

8.6.1 The planning application is accompanied by a detailed Transport Statement and Travel Plan. The introduction of the new vehicular access from Ashley Crescent represents a significant improvement in highway safety terms since it will remove vehicle movements from The Grove onto the mini roundabout on Portsmouth Road. It is recommended that a series of improvement works are carried out to the junction of Ashley Crescent with Portsmouth Road, prior to the access coming into use. The segregation of pedestrian and vehicular movements is also an improvement in highway safety terms. The pedestrian access would retain the potential to be used by emergency service vehicles.

8.6.2 The increased on-site car parking would serve staff only and complies with the adopted car parking standards for this area of medium accessibility to public transport. The quantity and quality of the cycle storage provision has also been improved and is located conveniently adjacent to the entrance to the school building, which would benefit from natural surveillance. The submitted travel plan demonstrates that more sustainable modes of transport to the school will be actively promoted.

8.7 Trees and Ecology

8.7.1 In terms of ecology, the submitted surveys demonstrate that the proposed development works would not have an impact on the habitats of protected species. Further survey work is recommended in relation to emergence checks for bats for certain buildings to be removed and prior to the removal of trees. A planning condition is suggested to secure this.

8.7.2 There are no protected trees on site although many significant mature trees which are a material planning consideration. The majority of the trees on site are located within the woodland area to the south-east corner of the site and these will be unaffected by the development. The proposal will however result in the loss of one significant mature tree due to its relationship to the site access. A condition is suggested to provide a replacement tree that can have an equivalent amenity impact in the future.

8.8 Sustainability

8.8.1 The application is accompanied by a BREEAM pre-assessment report which demonstrates that the proposal can achieve a BREEAM rating of 'Very Good'. A planning condition is suggested to secure this. The proposal incorporates on-site Combine Heat and Power as well as a solar electric array on the roof.

9.0 Summary

9.1 The application proposes a high-quality design solution to the improvement of the educational and community facilities that the site delivers. The scheme would deliver an improved quantity and quality of the sports pitches available. The proposal would represent an improvement in highway safety terms and the design and layout of the site would minimise the impact on residential amenity.

10.0 Conclusion

10.1 This application has been assessed as being acceptable to residential amenity and its local context. The application is recommended for conditional approval, subject to the completion of the aforementioned S.106 Legal Agreement at the land transfer stage.

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), 6(a), 6(c), 6(d), 6(h), 6(g), 6(k), 7(a), 7(m), 7(v), 8(a), 9(a), 9(b)

JT for 20.07.10 PROW Panel

PLANNING CONDITIONS

1. APPROVAL CONDITION - Full Permission Timing Condition - Physical works

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

Reason:

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

2. APPROVAL CONDITION - Details of building materials to be used

Notwithstanding the details shown on the approved drawings no development works shall be carried out unless and until a schedule of materials and finishes (including full details of the manufacturers, types and colours of the external materials) to be used for external walls, windows and the roof of the proposed buildings has been submitted to and approved in writing by the Local Planning Authority.

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.

3. APPROVAL CONDITION – Hours of work for Demolition / Construction

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 LPA.

REASON:

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

4. 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.

5. APPROVAL CONDITION – Sustainability statement implementation [pre-commencement condition]

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

REASON

To minimise overall demand for resources

6. APPROVAL CONDITION – BREEAM Standards [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 Local Planning Authority. 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

7. APPROVAL CONDITION – Renewable Energy [pre-commencement condition]

Prior to the commencement of development full details of the renewable energy systems to be incorporated within the development shall be submitted to and agreed in writing by the Local Planning Authority. The details should include the full specification of the photo voltaic cells which shall achieve the agreed target of 20% reduced carbon dioxide emissions as detailed within the agreed submitted energy assessment.

Reason

To reduce the impact of the development on climate change and finite energy resources

8. APPROVAL CONDITION - Use of uncontaminated soils and fill

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.

9. APPROVAL CONDITION - Unsuspected Contamination

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 – Floodlight System [pre-commencement condition]

No floodlights shall be installed on the site until full details of the 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 details shall include details of an automatic cut off switch - sensitive to British summertime variations - that will control the floodlights. The installation must be maintained in accordance with the agreed written scheme. Within one month of the floodlighting being installed, the developer shall submit a report to the local planning authority, from a competent lighting engineer, to verify that the predicted lux intensity figures and the limited light spillage contours shown on the last two pages of that report (or any subsequent alternative report agreed in writing with the local planning authority), have been met and shall if necessary arrange to adjust the rotation and inclination of each luminaire, such that the predicted figures are then met. Once installed, or adjusted as necessary, the luminaires shall be maintained and fixed in that position at all times.

REASON:

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

11. APPROVAL CONDITION - Floodlight illumination restriction [performance condition]

The floodlit Multi Use Games Area hereby approved shall not be used after 22:00 on Weekdays and 20:00 on Saturdays, Sundays and Public Holidays.

REASON

To safeguard the amenity of nearby residential properties from light spillage, light glow, and activity generated noise, having regard to the advice of Planning Policy Guidance Note No. 24 (Planning and noise).

12. APPROVAL CONDITION - No amplified system [performance condition]

There shall be no installation or use of a personal address system or tannoy equipment or other sound amplification machinery for external broadcast outside of the college building at any time unless agreed in writing by the Local Planning Authority for temporary, seasonal, or permanent use.

REASON

To protect the residential amenities of adjacent residents.

13. APPROVAL CONDITION – Construction method statement [pre-commencement condition]

Before development commences a statement setting out the management of construction operations shall be submitted to and approved by the Local Planning Authority. The statement shall include detailed plans specifying the areas to be used for contractor's vehicle parking and plant; storage of building materials, and any excavated material, huts and all working areas required for the construction of the development hereby permitted. No deliveries of construction materials or equipment or removal of demolition materials shall take place between the following times Mondays to Fridays - 08.30 to 09.15 hours and 14.30 to 15.30 hours. The statement shall set out the means by which the construction operations shall be managed to conform to these requirements and the arrangements for complaints about the construction operation to be received, recorded and resolved. The development shall be implemented in accordance with the agreed statement.

REASON

To protect the amenities of neighbours and the wider environment, to ensure adequate access and servicing (including a refuse cart) can be maintained to the existing adjacent housing and ensure that no undue associated congestion occurs on the surrounding roads.

14. APPROVAL CONDITION – Demolition Phasing [pre-commencement condition]

With the exception of the sports hall, the existing school buildings shall be demolished in accordance with a phasing programme to be agreed in writing with the local planning authority before the development commences. All resultant materials shall be removed from the site before the development hereby approved is first brought into use, unless otherwise agreed in writing by the Local Planning Authority.

REASON

To secure a satisfactory comprehensive form of development and to safeguard the visual amenity of the locality.

15. APPROVAL CONDITION - Construction access [performance condition]

The new access to the site from Ashley Crescent shall be provided and made available for use before construction on the new school building commences. Construction traffic shall enter and leave the site via Ashley Crescent only.

REASON

In the interests of highway safety and to protect the residential amenities of those living close by.

16. APPROVAL CONDITION – Access Details [pre-commencement condition]

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

(i) A specification for the type of construction proposed for the new access roads including all relevant horizontal cross-sections and longitudinal sections - especially of the proposed speed reduction tables - showing existing and proposed levels together with details of street lighting and the method of disposing of surface water.

- (ii) A programme for the making up of the roads and footpaths.

The access shall be upgraded and made available for use in accordance with the agreed details prior to the new school building coming into use and thereafter retained as approved. With the exception of emergency service vehicles, the new access from Ashley Crescent shall be the only point of entry for vehicles to the site.

REASON:

To ensure the access is constructed to a satisfactory standard.

17. APPROVAL CONDITION – Foul and surface water disposal [pre-commencement condition]

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

Reason

To secure a satisfactory form of development

18. APPROVAL CONDITION - CCTV system [pre-commencement condition]

Before the use is first commenced details of a scheme for a CCTV system to comprehensively cover the site including all public entry points, servicing spur, car parks, MUGA's and all-weather pitch, shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be fully installed and operational prior to the approved use first commencing and shall be maintained in working order and operated at all times when the premises is open. Recorded images shall be held for a 1 month period after being made on a daily basis for use by the Police as required.

REASON

In the interests of crime reduction and customer/staff safety.

19. APPROVAL CONDITION – External Lighting [performance condition]

The external lighting shall be provided in accordance with the details hereby approved prior to the development first coming into occupation. The lighting shall be thereafter retained as approved.

REASON

In the interests of crime prevention

20. 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.

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

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

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

Reason

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

22. APPROVAL CONDITION - Arboricultural Protection Measures [Pre-Commencement Condition]

No works or development shall take place on site until a scheme of supervision for the arboricultural protection measures has been approved in writing by the LPA. This scheme will be appropriate to the scale and duration of the works and may include details of:

- Induction and personnel awareness of arboricultural matters
- Identification of individual responsibilities and key personnel
- Statement of delegated powers
- Timing and methods of site visiting and record keeping, including updates
- Procedures for dealing with variations and incidents

Reason:

To provide continued protection of trees, in accordance with Local Plan Policy SDP12 and British Standard BS5837:2005, throughout the development of the land and to ensure that all conditions relating to trees are being adhered to. Also to ensure that any variations or incidents are dealt with quickly and with minimal effect to the trees on site.

23. APPROVAL CONDITION – Ecology 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 ecology report submitted 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.

24. 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

25. APPROVAL CONDITION – Acoustic Barrier to MUGA

Before the Multi Use Games Area first comes into use, an acoustic barrier to the MUGA shall be constructed in accordance with a scheme to be submitted to and approved by the Local Planning Authority in writing. The barrier shall thereafter be retained as approved.

REASON

In the interests of the amenities of the occupiers of the nearby residential properties.

26. APPROVAL CONDITION – Secured by Design [performance condition]

Unless otherwise agreed in writing by the Local Planning Authority, the glazed roof lights and access hatches should be certified to LPS1175.

REASON

To reduce opportunities for crime and anti-social behaviour

27. APPROVAL CONDITION- No other points of access [performance condition]

No points of access to the site other than those hereby approved shall be formed unless otherwise agreed in writing by the Local Planning Authority.

REASON

In the interests of the amenities of the neighbouring residential occupiers and in the interests of crime prevention.

28. APPROVAL CONDITION – Details of External Sports Store [pre-commencement condition]

The external sports store shall be provided in accordance with a scheme to be submitted and approved by the Local Planning Authority prior to works commencing on the Multi Use Games Area.

REASON

To minimise opportunities for crime and anti-social behaviour

29. APPROVAL CONDITION – Assessment of Playing Pitch Quality [pre-commencement condition]

Prior to the commencement of the development hereby approved a scheme shall be submitted to and approved by the Local Planning Authority to demonstrate that the playing fields can be provided to an acceptable quality. The scheme shall include an assessment of the ground conditions of the land proposed for the sports facility (including drainage and topography) which identify the constraints which could affect playing field quality. The development shall proceed in accordance with the agreed details.

REASON

To ensure that the playing pitches are provided to an acceptable quality

30. APPROVAL CONDITION – Playing Pitch Provision [pre-commencement condition]

The playing pitches shall be provided in accordance with a phasing plan to be submitted and agreed by the Local Planning Authority prior to development works commencing. The sports pitches shall be laid out in accordance with section 6.56 of the Design and Access Statement submitted the application and will remain in use thereafter.

REASON

To ensure that the appropriate number and type of pitches are provided

31. APPROVAL CONDITION – Details of Community Use [pre-occupation condition]

Prior to the first occupation of the development hereby approved, a report setting out expected community use of the new indoor and outdoor facilities shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the agreed details.

REASON

To ensure well-managed, safe community access to the sports facility,

Notes to Applicant

Southern Water – Public Sewerage - Informative

A formal application for connection to the public sewerage is required in order to service this development. Please contact Atkins Ltd, Angle St James House, 39a Southgate Street, Winchester So23 9EH (tel. 01962 858688) or www.southernwater.co.uk

Note to Applicant – 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.

Note to Applicant – Performance Conditions

Your attention is drawn to the performance conditions above which relate to the development approved in perpetuity. Such conditions are designed to run for the whole life of the development and are therefore not suitable to be sought for discharge. If you are in any doubt please contact the Council's Development Control Service.

POLICY CONTEXT

Core Strategy - (January 2010)

CS11	An Educated City
CS13	Fundamentals of Design
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting
REI10	Industry and Warehousing
NE3	Sites of Local Nature Conservation Importance
NE4	Protected Species
CLT3	Protection of Open Spaces

Supplementary Planning Guidance

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

Other Relevant Guidance

PPS1	Delivering Sustainable Development (2004)
PPG13	Transport (2001)
PPG17	Planning for Open Space, Sport & Recreation
PPS23	Planning & Pollution Control
PPG24	Planning & Noise (2004)

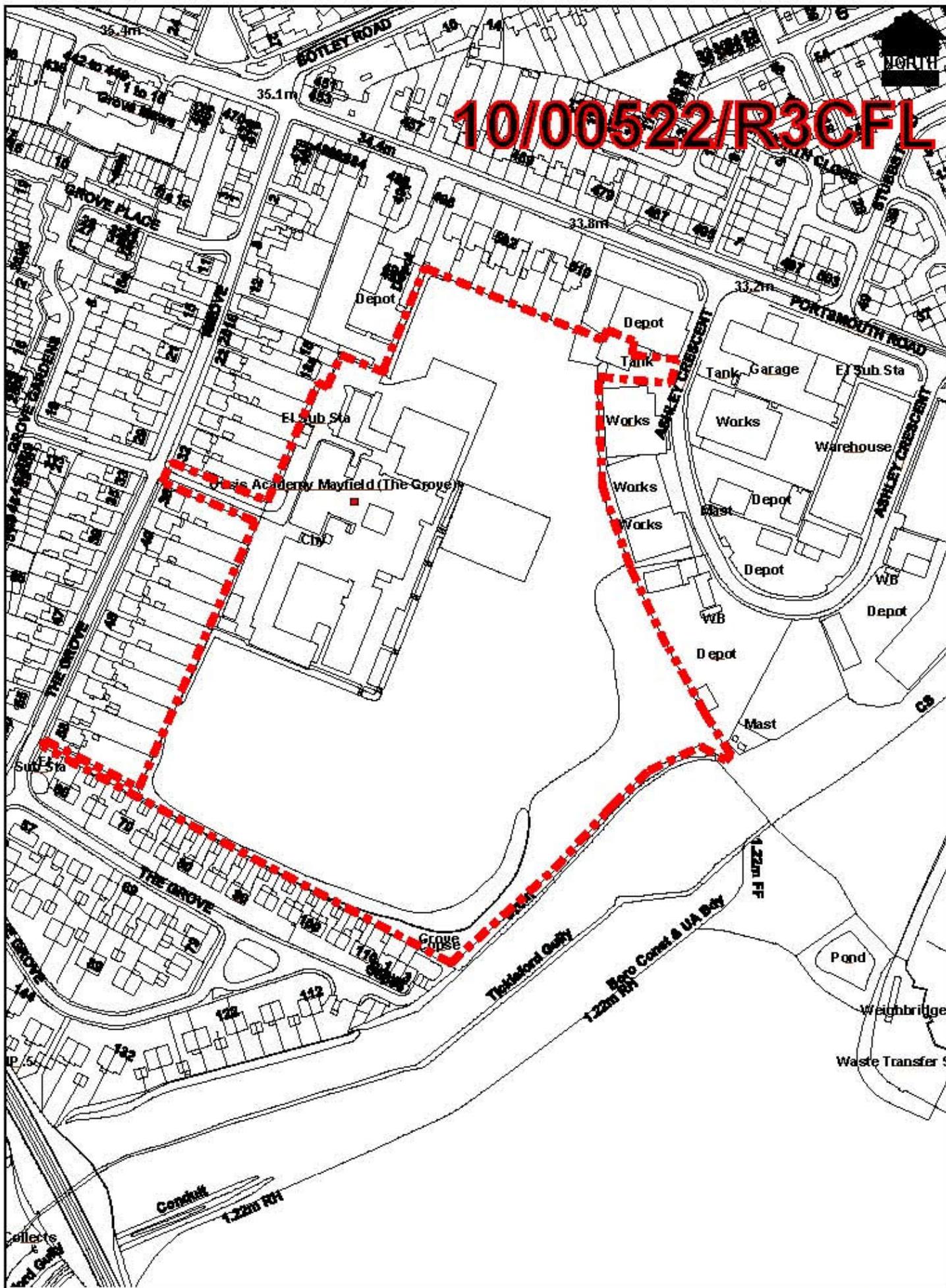
Relevant Planning History

03/00704/R3OL Conditionally Approved 17.12.2003
Construction of a Sports Hall with associated changing rooms

07/00728/R3CFL Refused 06.08.2007
Construction of a new illuminated Multi Use Games Area (MUGA) with 4 x 8m high floodlight columns and mobility ramps

08/00563/FUL Conditionally Approved 18.06.2008
Siting of a modular building for use as arts unit at Grove Park Business/Enterprise College

10/00522/R3CFL



Scale : 1:2500

Date : 07 July 2010

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Agenda Item 10

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 20th July 2010
Planning Application Report of the Head of Division

Application address: Land to the rear of the Duchess of Wellington, Wolseley Road, Southampton			
Proposed development: Erection of two no. two bedroom semi-detached dwellings with associated cycle storage on land to the rear of 4 Wolseley Road			
Application number	10/00518/FUL	Application type	Q12 small scale major
Case officer	Jenna Turner	Public speaking time	5 minutes

Applicant: Drummond Construction Ltd	Agent: Tony Oldfield Architects
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Recommendation Summary	Conditionally Approve
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Reason for Granting Permission

Reason for Granting Outline Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set on the attached sheet. Other material considerations do not have sufficient weight to justify a refusal of the application. The provision of no on-site car parking is in accordance with policies and guidance which look to reduce travel by private car. The proposed dwellings would be in keeping with the surrounding area and would not have a harmful impact on residential amenity. Where appropriate planning conditions have been imposed to mitigate any harm identified. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Outline Planning Permission should therefore be granted having account of the following planning policies:

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

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

That the application be approved subject to the suggested planning conditions

1. The site and its context

1.1 The application site comprises a parking area associated with the Duchess of Wellington Public House which is a two-storey detached building on the corner of Wolseley Road and Firgrove Road. The surrounding area is predominantly residential in character and typically comprises two-storey terraced and semi-detached properties. The application site lies within close proximity of Shirley Town Centre.

1.2 The car park has an open frontage to Firgrove Road and has a poor visual quality. The northern site boundary abuts the pub and its associated beer garden and beyond the western and southern boundaries are residential dwellings.

2. Proposal

2.1 The application seeks planning permission to construct a pair of two-bedroom, semi-detached dwellings which would front Firgrove Road. A residential density of 83 dwellings per hectare would be achieved. The dwellings have a two-storey scale with the eaves and ridge heights reflecting that of the neighbouring residential properties. The dwellings have a traditional design appearance with pyramidal hipped roofs articulated by a central parapet. The elevations would be constructed of a red facing brick and would include stone lintels. The roofs are designed to catslide from two-storey to single-storey height at the rear with the first floor bathroom accommodation served by roof lights.

2.2 No on-site car parking would be provided. Purpose built cycle storage would be provided to the rear of the properties and 1.2 metre wide external access paths would be incorporated to the side of each dwelling. Storage for refuse and recycling would also be provided to the rear of the site. Each dwelling would be served by private rear gardens of 50sq.m in area and the frontage of the properties would incorporate soft landscaping and be bounded by a dwarf brick wall.

3.0 Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the South-East Plan: Regional Spatial Strategy (May 2009), the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at ***Appendix 1***.

3.2 The application site is not allocated in the current development plan. The Council’s usual requirements for achieving context-sensitive residential design as required by Core Strategy policy CS13 and policies SDP1, SDP7 and SDP9 of the Local Plan are applicable. Applications for new residential dwellings are expected to meet high sustainable construction standards in accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.

4.0 Relevant Planning History

There are no recent or relevant planning applications relating to this site or the immediate site context. The Duchess of Wellington is a historic public house use and hours of opening are not restricted by planning condition.

5.0 Consultation Responses and Notification Representations

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

At the time of writing the report **5** representations have been received from surrounding residents including from the local ward Councillors Moulton and Ball. The following is a summary of the points raised:

5.2 Firgrove Road has a high uptake of on-street car parking which reduces the width of the carriageway. The development would result in fly parking which would generate highway safety issues.

Response

Firgrove Road does have a high level of on-street car parking; however, the application site lies within an area of high accessibility for public transport and is within close proximity of Shirley Town Centre. The provision of no on-site car parking is in accordance with accordance with policy CS19 of the Core Strategy and SDP5 of the Local Plan which look to reduce reliance on the private car. The existing public house would retain a vehicular access from Firgrove Road and still leave room on site for parking.

5.3 The proposed dwellings would lead to harmful overlooking to properties across the street.

Response

Whilst the Residential Design Guide Supplementary Planning Document includes privacy distances in relation to back-to-back relationships between properties, no equivalent privacy standards exist for front-to-front distances. This is because streets typically have dwellings facing each other over shorter distances and street fronting elevations do not have the same degree of privacy that is expected of rear elevations. The proposed dwellings would respect the existing building line in Firgrove Road and would have a relationship with the properties opposite which is typical of the rest of the street. It would also not be acceptable in design terms to have a street facing elevation which did not include habitable room windows.

5.4 Loss of light to the neighbouring residential properties across the street.

Response

The scale and massing of the proposed dwellings reflects that of the other properties within Firgrove Road and Wolseley Road. The 16 metre separation distance between the proposed development and the properties opposite would enable a good level of daylight to penetrate these properties.

5.5 SCC Highways – No objection. Suggests conditions to secure details of the site set up during the construction process and the provision of wheel cleaning facilities during construction.

6.0 Planning Consideration Key Issues

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

- i. Principle of development;
- ii. Design;
- iii. Residential amenity;
- iv. Residential Standards; and
- v. Highways and parking.

6.2 Principle of Development

6.2.1 The application site constitutes previously development land as defined by PPS3: Housing and lies within an area which is accessible by public transport and within easy reach of local shops and services. As such the introduction of two dwellings would accord

with local and national policy aims to make more efficient use of brownfield sites to provide additional housing and the residential density is appropriate for the area of High Accessibility to public transport. The provision of two small family houses is also welcome.

6.3 Design

6.3.1 The scale, design and layout of the proposed development are strongly informed by the character of the area. The proposal provides good legibility to the street by respecting the Firgrove Road building line and creating a balanced and well proportioned front elevation which respects the character of the area and maximises natural surveillance of the street. A key positive aspect of the scheme is the closure of the gap in the street that the existing car park creates which has a harmful visual impact and leaves the rear gardens of 4 to 16 Wolseley Road vulnerable to crime and anti-social behaviour.

6.3.2 The spacing between the properties and the boundaries and the relatively shallow depth of the proposed dwellings would ensure that the plot would not appear over-intensively development when viewed from neighbouring properties or the street. The establishment of traditional front and rear planted gardens would help to green the street and reinforce the character of Firgrove Road and the built form of the dwellings would occupy less than 50% of the plot size. Overall, the introduction of two well-designed dwellings in this location would have a positive impact on the street scene as required by the Core Strategy and Local Plan design policies and as supported by the Residential Design Guide.

6.4 Residential Amenity

6.4.1 There is just less than 10 metres separation between the two-storey massing of the development and the rear site boundary. The manner in which the two-storey roof cat-slides down to single storey scale at the rear ensures that the development will not have an over-bearing impact when viewed from the neighbouring gardens of 4 to 16 Wolseley Road. The application also proposes the introduction of landscape planting along the rear site boundary to soften the appearance of the development from neighbouring properties. The first floor windows to the rear of the dwelling serve bathrooms and a condition is suggested to ensure that cill height is no less than 1.7 metres from the internal floor level. As such the proposal will not introduce any harmful overlooking to the rear of the site. The dwellings would introduce additional over-shadowing of the neighbouring gardens within the morning but the majority of the garden areas would not be detrimentally affected for the greater part of the day.

6.4.2 As discussed in paragraphs 5.3 and 5.4 above, the relationship of the development with the existing properties within Firgrove Road is typical of this area and is not considered to introduce any harmful amenity impacts.

6.5 Residential Standards

6.4.3 The private rear gardens to serve the dwellings would be smaller than the Residential Design Guide suggests is appropriate. The main tests for the adequacy of amenity space is that (i) it should be fit for purpose and; (ii) should enable the development to spatially integrate into the surrounding context. The application proposes two modest sized dwellings and it is considered that the amenity space proposed relates to the size of the dwellings proposed but moreover, the space is directly accessible from these dwellings, is sufficiently private shape and orientation of the gardens would ensure that they would provide a genuine quality and useable space for residents. As discussed in paragraph 6.3.2 above, it is considered that the building to plot relationship proposed would be acceptable and that the site would not appear over-development within the street scene or when viewed from neighbouring properties.

6.5 Highways and Parking

6.5.1 The policies within the Core Strategy and the Local Plan seek to promote more sustainable forms of transport to the private car and the availability of car parking is highlighted as a key determinant of the mode of travel. As such the provision of no car parking is fully in accordance with the policy aims and intentions for sustainable patterns of development within accessible locations. Prospective residents of the development will be aware that the development does not have parking available on site and that there is no guarantee that parking will be available on-street. The site is within walking distance of shops and services within Shirley Town Centre and highly accessible by public transport and as such there is no reason to believe that the proposal will exacerbate on street parking pressures. The provision of no on-site car parking and the reinstatement of the kerb would also enable on-street car parking to be re-provided in front of the application site.

6.6 Sustainability

The application is accompanied by a Code for Sustainable Home pre-assessment report and a Sustainability Checklist. The submitted documentation demonstrates that the development can achieve Level 3 of the Code for Sustainable Homes and through low energy technologies achieve a 25% reduction in Carbon Dioxide emissions over standard building regulations requirements. This is compliant with policy CS20 of the Core Strategy and a condition is suggested to secure these measures.

7.0 Summary

7.1 The proposed development maximises the use of this brown-field site with dwellings of traditional appearance which positively reflect the character of the area. The development would have a positive effect on the street scene and the impact on the amenities of the neighbouring properties has been minimised by a sensitive design approach.

8.0 Conclusion

8.1 This application has been assessed as being acceptable to residential amenity and its local context. The application is recommended for conditional approval.

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), 6(a), 6(c), 6(d), 6(h), 6(g), 6(k), 7(a), 7(m), 7(v), 8(a), 9(a), 9(b) and PPS3 (2010)

JT for 20.07.10 PROW Panel

PLANNING CONDITIONS

1. APPROVAL CONDITION - Full Permission Timing Condition - Physical works [Performance condition]

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

Reason:

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

2. APPROVAL CONDITION - Details of building materials to be used [Pre-commencement condition]

Notwithstanding the details shown on the approved drawings no development works shall be carried out unless and until a schedule of materials and finishes (including full details of the manufacturers, types and colours of the external materials) to be used for external walls, windows and the roof of the proposed buildings has been submitted to and approved in writing by the Local Planning Authority.

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.

3. APPROVAL CONDITION - Landscaping Implementation [Performance condition]

The hard and soft landscaping works shall be carried out in accordance with the plans hereby approved. The works shall be carried out before any of the development is occupied or in accordance with a timescale which has been agreed in writing with the local planning authority prior to the commencement of development.

REASON:

To ensure that the works are carried out as approved in the interests of the visual amenities of the area.

4. APPROVAL CONDITION - Landscaping Replacement [performance condition]

If within a period of three years from the date of the planting of any tree or shrub, or any tree or shrub planted in replacement of it, it is removed, uprooted, destroyed, dies or becomes in any other way defective in the opinion of the local planning authority, another tree or shrub of the same species and size of that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

REASON:

To ensure that any trees or shrubs planted as part of the landscaping scheme are replaced in accordance with that scheme.

5. APPROVAL CONDITION - Refuse and Cycle Storage [performance condition]

Bin and cycle 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 refuse facilities shall include accommodation for the separation of waste to enable recycling with doors hinged to open outwards. The approved storage shall be retained whilst the development is used for residential purposes, with bins kept in their allotted stores on non collection days.

REASON:

In the interests of highway safety and visual amenity and to encourage recycling.

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

The external amenity space serving the development hereby approved, and pedestrian access to it, shall be made available prior to the first occupation of residential flats hereby approved and shall be retained with access to it at all times for the use of the residents to this scheme.

REASON:

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

7. APPROVAL CONDITION – Removal of Permitted Development Rights [Performance condition]

Notwithstanding the provisions of Classes A-E of Schedule 2 (Part 1) to the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or re-enacting that Order with or without modification), there shall be no extensions to the dwelling(s), no additional windows other than those hereby approved, nor the erection of any structures within the curtilage (other than those shown on the approved drawings listed above) unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.

REASON:

To enable the Local Planning Authority to ensure that sufficient space is retained around the dwellings in the interests of neighbourliness and amenity.

8. APPROVAL CONDITION – Boundary Treatment [performance condition]

Prior to the development first coming into occupation the boundary treatment shall be fully implemented in accordance with the plans hereby approved and thereafter retained as approved. The boundary treatment shall include the dwarf front boundary wall, rear close boarding fencing no less than 1.8 metres in height and 1.8 metre high lockable gates to the side access to the properties.

REASON

To secure a satisfactory form of development

9 APPROVAL CONDITION – Treatment of roof lights [performance condition]

The cill level of the roof lights to the rear roof slopes of the dwellings hereby approved shall be no less than 1.7 metres from the internal floor levels of the property.

REASON

To prevent overlooking of the neighbouring properties.

10. APPROVAL CONDITION – Hours of work for Demolition / Construction

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 LPA.

REASON:

To protect the amenities of the occupiers of existing nearby residential properties living along Bevois Valley Road and Earl's Road.

11. 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.

12. APPROVAL CONDITION - Code for Sustainable Homes

Written documentary evidence demonstrating that the development will achieve a minimum level 3 standard in the Code for Sustainable Homes (or equivalent ratings using an alternative recognised assessment method), shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted consent unless otherwise agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and verified in writing for each unit prior to its first occupation.

REASON:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy SDP13 of the City of Southampton Local Plan (2006) as supported by Core Strategy Policy CS20.

13. APPROVAL CONDITION – 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 (excluding the demolition phase) 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).

14. APPROVAL CONDITION - Use of uncontaminated soils and fill

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.

15. APPROVAL CONDITION - Unsuspected Contamination

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

Notes to Applicant

Note to Applicant – 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.

Note to Applicant – Performance Conditions

Your attention is drawn to the performance conditions above which relate to the development approved in perpetuity. Such conditions are designed to run for the whole life of the development and are therefore not suitable to be sought for discharge. If you are in any doubt please contact the Council's Development Control Service.

POLICY CONTEXT

Core Strategy - (January 2010)

CS13	Fundamentals of Design
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change

City of Southampton Local Plan Review – (March 2006)

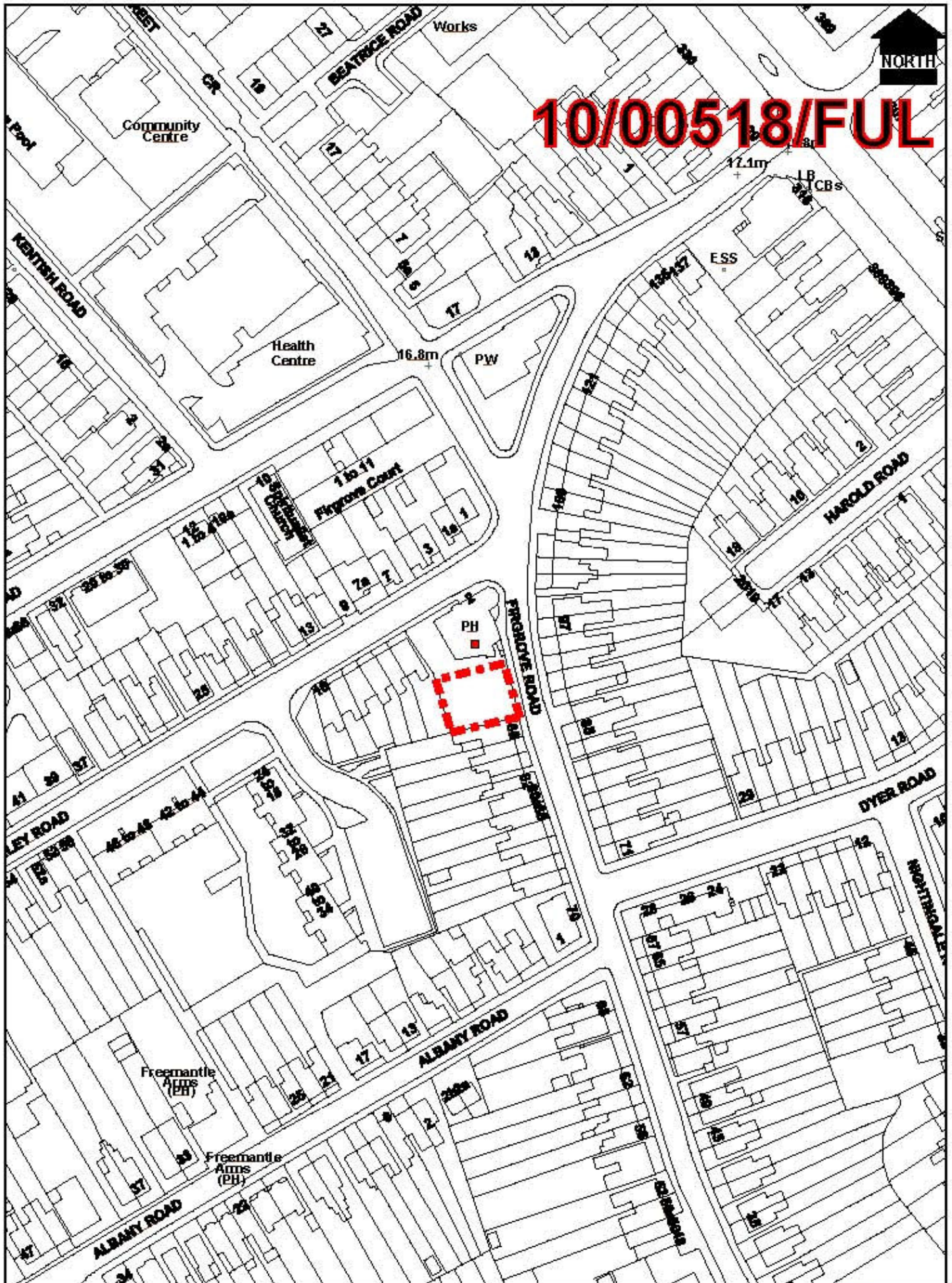
SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

PPS1	Delivering Sustainable Development (2004)
PPS3	Housing (2010)
PPG13	Transport (2001)



10/00518/FUL

Scale : 1:1250

Date : 07 July 2010

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Agenda Item 11

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 20th July 2010
Planning Application Report of the Head of Division

Application address: 165 St Mary Street and The Former Chantry Hall Site, Chapel Road, Southampton			
Proposed development: Erection of a 4-storey multi-use building to provide an ice-rink and associated facilities including car parking, retail, café and restaurant uses with vehicular access from St Mary Street and alterations to the adjoining highway (Outline application with access, layout and scale for consideration at this stage).			
Application number	10/00335/OUT	Application type	Outline (Q 06)
Case officer	Richard Plume	Public speaking time	15 minutes

Applicant: Mr. C. Warburg	Agent: Mr. P. Lette, P.L.D. Architects
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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 Granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The proposed development would provide an important sports and leisure facility for the city with additional employment and regeneration benefits. These benefits are considered to outweigh the loss of protected trees and the adverse impact on the amenities of neighbours. The Council is satisfied that the setting of the adjoining listed church would not be adversely affected. 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.

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP8 SDP9, SDP10, SDP13, SDP16, CLT1, MSA1 and MSA12 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS13, CS14, CS19, CS20 and CS25 and the Council’s current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS1 (Delivering Sustainable Development), PPS4 (Planning for Sustainable Economic Growth 2009), PPG13 (Transport) and PPG24 (Planning & Noise) are also relevant to the determination of this planning application.

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Delegate to the Head of Planning & Sustainability to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:

- i. Provision of site specific highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);

- ii. A financial contribution towards strategic transport improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
- iii. The provision of Public Art in accordance with Council Policy
- iv. Incorporation of energy conservation measures in accordance with Policy CS20 of the Core Strategy
- v. Submission and implementation of a Travel Plan
- vi. Submission and implementation of a Refuse Management Plan
- vii. Submission and implementation of a Training and Employment Management Plan
- viii. 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.

1. The site and its context

1.1 The application site is 0.272 hectares in area and is situated on the south side of St Mary Street and Chapel Road. The site is vacant and has been cleared of the buildings which were previously on the site. The site was previously in two parts: the land to the west, 165 St Mary Street, was formerly a garage and tyre fitting depot; the eastern part of the site was the former listed Chantry Hall building, originally a church hall but later a night club, which was destroyed by fire.

1.2 The surrounding area is mixed in terms of uses, building type and design. The substantial Central Hall church and community building adjoins to the south west with a hall of residence (4 to 6-storeys) on the opposite side of St Mary Street. Smaller scale two and three-storey residential buildings adjoin to the south and east in Maryfield. The listed St Mary's Church and its substantial landscaped grounds is on the opposite side of Chapel Road. The application site is within the city centre boundary as defined by the Local Plan.

2. Proposal

2.1 Outline planning permission is sought for the redevelopment of the site to provide a multi-purpose building with an Olympic size ice rink of 26 metres x 54 metres at its centre. The proposed building would be on 4 levels with retail use on the ground floor, one larger unit and 6 small units, to provide retail floorspace of 899 square metres. Two levels of covered car parking (75 spaces) would be provided with a new vehicular access in the North-West corner of the site. The proposed ice rink would be on the upper floors with ancillary facilities such as changing rooms, offices and skate hire as well as a café. The top floor would incorporate raked seating for the rink, viewing boxes and a restaurant overlooking the rink.

2.2 The total floorspace of the proposed building would be 7,949 square metres of which the ice rink and associated facilities would amount to 3,529 sq.m. and the enclosed car parking would be 3,153 square metres in area. The applicant has estimated that the development would provide 45 full-time and 68 part-time jobs. The proposed hours of use of the development would be: retail – 0700 to 2100 hours; ice rink – 0500 to 0200 hours the following day; restaurant 1100 to midnight. The applicant estimates that the use of the ice rink facility could equate to 260,000 people per annum with space being available for 700

spectators at ice hockey matches which would take place twice a fortnight on Saturdays or Sundays between 1700 and 2100 hours.

2.3 Details of Access, Layout and Scale are provided for consideration at this stage. The proposed building would cover virtually the whole site area which would mean that two protected lime trees on the road frontage would be removed. The application proposes to widen the pavement in Chapel Road to create a raised shared surface table which will help reduce traffic speeds and enable safe egress in the event of a flood. The widened pavement will incorporate 4 semi mature trees in planters on the highway together with bollards and cycle racks. Although the appearance of the building is a reserved matter for future approval, the application drawings indicate that the south and east elevations of the building would effectively be 'open' with grilles to allow for green wall planting.

3. Relevant Planning Policy

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

3.2 Major developments are expected to meet high sustainable construction standards in accordance with the City Council's adopted and emerging policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13.

3.3 Council policy (Policy CLT1 of the Local Plan) and government policy in PPS4 encourages large scale leisure developments to be located within the city centre to allow for access by various means of transport.

4. Relevant Planning History

4.1 **165 St. Mary Street:** In 2007, outline planning permission was granted for redevelopment of this site with a 6-storey building to provide retail, offices and 36 x one-bedroom flats (ref: 06/01120/OUT). This permission has not yet been implemented but remains extant.

4.2 **Chantry Hall site:** In September 2008, outline planning permission was refused for erection of a new building ranging in height from 4-storeys to 7-storeys to provide shops (Class A1), restaurants/cafes (Class A3) and 59 flats (ref: 08/00870/OUT). The grounds of refusal were: the height and massing of the proposed building and the detrimental impact this would have on the character of the area and the setting of the listed church; the impact on residential amenity of the properties in Maryfield through loss of privacy, overshadowing and increased enclosure; the lack of an adequate flood risk assessment; inadequate vehicle access for a refuse vehicle; and failure to complete a Section 106 agreement.

4.3 In February 2009, outline planning permission was refused for a revised application proposing a building ranging in height from 4-storeys to 7-storeys to provide shops (Class A1), restaurants/cafes (Class A3) and 56 flats (ref: 08/01743/OUT). The reasons for refusal were similar to the previous development in terms of scale of building, character, residential amenity and Section 106 obligations. A different reason for refusal covered alterations to the highway and the acceptability of these changes as a means of escape in the event of a flood.

5. Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement and erecting a site notice. At the time of writing the report **50** representations have been received from surrounding residents and organisations in support of the application and **1** letter of objection. The representations in support can be summarised as follows:

- There is substantial local and regional support for an ice rink in Southampton for leisure skating as well as ice dance, figure skating, speed skating and ice hockey.
- The nearest full size ice rinks are some considerable distance away at Basingstoke, Gosport, Guildford and Bracknell. Southampton must be the largest city or town in the UK not to contain an ice rink of any kind.
- With imaginative marketing and management an ice skating facility in the city centre should be capable of supporting around 400,000 people per annum
- The proposal would add another major high quality attraction to the City's collection and will act to bring the city centre and St. Mary's closer together.
- It will give future generations the opportunity to partake in one of the most healthy and family oriented sports available and keep teenagers off the streets.
- The location in the centre of Southampton with accessibility by public transport should hopefully assist the success of the ice rink and improve safety in the area due to the level of use.
- The proposal will provide additional jobs and a boost to the local economy.

5.2 The letter of objection is on the following grounds: an ice rink is a good idea but this is not the place for it, the site is too small and within a residential area. The building is too tall and will lead to a loss of light, noise and disturbance through late night activities. There will also be more traffic and unauthorised parking.

5.3 **Sport England** has considered the application in the light of its own Land Use Planning Policy Statement 'Planning for Sport and Active Recreation: Objectives and Opportunities (2005).' The overall thrust of the statement is that a planned approach to the provision of facilities and opportunities for sport is necessary in order to ensure the sport and recreational needs of local communities are met. The proposed new facility will replace the ice rink that closed some years ago and will mean that local residents will not need to travel long distances to reach similar facilities in other towns. It would appear that the proposed development would result in an improved level of sport and recreation provision in the area and Sport England would therefore wish to lend its support in principle to this planning application.

5.4 **Environment Agency** have no objection in principle to the proposal providing a condition is imposed requiring the development to be carried out in accordance with the submitted Flood Risk Assessment.

5.5 **British Airports Authority** have no aerodrome safeguarding objection to the proposal provided conditions are imposed relating to landscaping and a bird hazard management plan.

5.6 **Southern Water** have no objections to the development providing appropriate conditions are imposed on drainage issues.

5.7 **SCC Environmental Health (Pollution & Safety)** – It would have been preferable if an acoustic assessment had been submitted with the application as there are residential properties in very close proximity. However, it is appreciated that full details of the building design are not known at this outline stage. Providing the plant room for the ice rink is fully enclosed this should minimise any potential noise nuisance.

5.8 **SCC Environmental Health (Contaminated Land)** – As part of the site was used as a garage in the past there is potential for land contamination issues. The site should be assessed for land contamination risks and where appropriate remediated to ensure the long term safety of the site. This can be secured through planning conditions.

5.9 **SCC Ecology** – No objection, support the inclusion of a green wall in the proposed design and would like to see some locally native plants included in the planting schedule.

5.10 **Tree Officer** – The trees on the site are protected by the Southampton (Deanery) TPO 1986 which makes them a material consideration in the planning process. The applicant's tree survey grades these two trees as Category A trees. The Tree Officer cannot support the loss of these two important trees of high amenity value, although the benefit of providing such a facility for the City is accepted. Mitigation must be provided in the form of new planting of a similar sized tree and this should be in the ground and not in containers as proposed.

5.11 **City Design Manager** - The uses that are proposed on the site will bring economic benefits to this area of the city as well as enlivening the streetscene and redeveloping an eyesore vacant site. However these uses also need a considerable landtake in order to be cater for their needs resulting in a footprint that presses on the site boundaries and requires the removal of two mature lime trees. This is highly unfortunate as these contribute to the leafy character of the attractive environment around St Mary's Church and frame views along Chapel Road. The applicant proposes to try to mitigate this with the introduction of four trees in planters which are not normally approved by the Council. Although this is not a detailed application the trees are an issue for discussion at this stage as the need to provide replacement trees is incurred by the footprint proposed. Replacement trees should ideally be planted in the ground, and evidence will be required if this is not possible due to underground services. Main entrances have been located in appropriate and legible locations.

The architect has shown that the current design makes a reasonable attempt to be sensitive in scale to the existing development adjoining the site and on the north side of St Mary's Street recognising the existing storey heights and detailing of these developments. The curved vaulted roof of the ice rink is more incongruous in scale and will need careful design in order not to dominate views looking east along St Mary's Street. Receding this back from the parapet does assist this. The detailing of the east facing elevation which fully exposes the profile of the curved roof will need to show a sensitivity to the small scale of the existing developments. At reserved matters stage careful attention will be needed to the handling of the scale of the entrance area and large feature windows which could become very visually dominant if not sensitively designed and detailed. A balance is needed that allows the building to visually express its main function whilst being sensitive to the smaller scale existing development.

5.12 **Hampshire Constabulary** – The building has been assessed through a Counter Terrorism Security Advice Report which makes a number of recommendations relating to the future design of the building in terms of its structural stability and mitigation measures to limit the risks from hostile vehicles.

6. Planning Consideration Key Issues

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

- i. The principle of development;
- ii. The layout, scale of development and impact on established character;
- iii. Residential amenity;
- iv. Highways and parking;
- v. Flood risk issues
- vi. Whether or not the scheme mitigates sufficiently against its direct local impacts.

Principle of Development

6.2 The application site is an unallocated site within the Local Plan but is within the defined City Centre boundary. The site has been used for various commercial and community uses in the past and there is an extant planning permission for a mixed use development, incorporating a significant amount of residential, on part of the site. The surroundings are a mix of commercial and residential use. As it is part of the City Centre a mixed use, predominantly leisure development is acceptable in principle. There is a long history of ice skating in the City and strong public interest in securing a new purpose built facility to meet local demand without travelling to other ice rinks in the region.

6.3 The proposed retail floorspace would meet an essentially local need and the other food and drink activities are part and parcel of the mixed use leisure development which would provide significant employment and regeneration benefits for the St Mary's area.

6.4 In these circumstances the redevelopment of this vacant site for a predominantly leisure development is policy compliant and therefore acceptable in principle.

Layout and Scale of Development

6.5 The layout and scale of the building is for determination at this stage with the detailed design and appearance reserved for future approval. Members attention is drawn to the detailed comments of the Council's City Design Manager on this application. In terms of the layout, the former Chantry Hall building and the properties adjoining to the east are set back from the street which allows for a landscaped setting to this part of the Chapel Road. On the other hand, the St Mary Street frontage is characterised by buildings of 3-storeys or more on the back edge of the pavement: this development would re-enforce that character and subject to detailed design considerations the layout should be appropriate to its context.

6.6 The loss of the two substantial protected Lime Trees is most regrettable. These trees, together with the mature trees on adjoining sites and in St Mary's Churchyard, create an impressive group which collectively soften an otherwise 'hard' urban landscape. Although these trees can be replaced with street trees it will be many years before they become established to make a similar contribution to the streetscene.

6.7 In terms of the height of the proposed building, on the road frontage the maximum height would be approximately 16 metres which is the equivalent of a modern 5-storey residential building. At the rear of the site, the height would be approximately 11 metres. This compares with a maximum height of 22 metres for the 7-storey part of the residential building previously refused permission on the Chantry Hall part of the site. In urban design terms the scale of the building is considered to be satisfactory given the height and form of neighbouring buildings. Given the separation and the alignment of the road it is considered that the proposed building would not adversely affect the setting of the listed St Mary's Church and important views of the church would be retained.

Residential Amenity

6.8 This is a large commercial and leisure development on a relatively small site. The size of the building results in complete site coverage. Whilst this is an acceptable form of development for a city centre location it will undoubtedly result in a loss of amenity for those residents in Maryfield who directly adjoin the rear of the site. This loss of amenity is in the form of potential loss of daylight and outlook and noise resulting from the hours of use of the leisure facility and its car park.

6.9 In terms of light and outlook, the residential properties in Maryfield are small scale two and three-storey dwellings with quite small gardens and separated from the application site by a narrow road. Consequently, the height and massing of the proposed leisure building in such close proximity would result in a loss outlook and the creation of an increased sense of enclosure for those residents who currently overlook the site. In terms of daylight/sunlight, there would be no appreciable loss of sunlight to habitable rooms or adjoining gardens as the proposed building is on the north side of the adjoining occupiers. There would, however, be a loss of daylight to windows in the north east elevation of the flats at 39-51 Maryfield. The rooms affected are bedrooms and living rooms. The applicant has provided a detailed analysis of the daylight levels to these rooms using Average Daylight Factor calculations which take account of the size and layout of rooms and internal finishes. These calculations show that minimum levels of daylight would be maintained to most rooms, some of which already have more than one window. A ground floor living room window would not receive minimum daylight levels. In this case the applicant has discussed with the adjoining owner the possibility of installing an additional window to mitigate the impact which could form part of a planning condition.

6.10 In terms of potential noise issues there is limited information available at this outline stage but noise could result from use of mechanical plant or through use of the car park. The applicant has stated that the plant would be located on the ground and first floors at the eastern end of the building and would be enclosed behind masonry walls to minimise noise problems. Noise mitigation measures can be the subject of a planning condition to be resolved at reserved matters stage. It is likely that the peak times for use of the ice rink will be up to 2100 hours with use beyond this time or early in the morning by elite performers for specialist training. It will be important to limit the hours of use of the car park as it will be open on the south and east sides and use of the parking spaces during the night could result in disturbance to neighbours. A condition is recommended to preclude use of the car park between midnight and 0600 hours to minimise the impact on neighbours at the rear.

6.11 The adverse impact on the amenities of neighbours is clearly a material consideration. However, as with all such considerations they have to be weighed in the balance against the benefits of the scheme of providing a potentially high quality sport and leisure facility for the City.

Highways and Parking

6.12 Car parking is a key determinant in the choice of mode of travel. The Local Plan aims to reduce reliance on the private car and encourage alternative modes of transportation such as public transport, walking and cycling. The location of the development in the city centre allows the building to be accessed by a variety of means of transport in accordance with policy.

6.13 The proposed vehicular access is in an acceptable position with reasonable sight lines and some provision is made on-street for servicing and dropping off visitors to the centre. The application includes widening of the pavement and public realm improvements which will help with traffic calming and improve conditions for pedestrians.

6.14 The Council's Highways Officer is satisfied with the access and car parking arrangements.

Flood Risk

6.15 A sequential test was submitted with the application and this has demonstrated that there are no suitable city centre sites available in areas of less flood risk than this site. The applicant has submitted a Flood Risk Assessment which shows that a safe means of egress from the site at a level of 3.5 metres (AOD) can be provided by raising the road level locally as part of the on-site highway works. The Environment Agency are satisfied that the development is acceptable providing the mitigation measures outlined in the assessment are carried out.

S.106 Legal Agreement

6.16 A development of this scale triggers the need for a S.106 Legal Agreement to secure appropriate off-site contributions towards public realm and highway infrastructure improvements in accordance with Core Strategy Policy CS25. The applicants have confirmed their willingness to enter into the necessary obligations to mitigate the scheme's direct local impacts.

6.17 New developments within the city centre are expected to make a financial contribution towards improvements to the public realm centred around the QE2 mile (formerly north-south spine). In this case no such contribution is being sought on the basis that the development proposes public realm improvements in the immediate vicinity of the site with narrowing of the carriageway and widening of the pavement with associated tree planting. These improvements are considered to be of sufficient benefit to outweigh the need for a contribution to improvements elsewhere in the city.

7. Summary

7.1 The proposed mixed-use development would result in an improved level of sport and recreation provision and a potentially high quality facility which has received widespread public support. There are clear regeneration benefits for the St Mary's area. It is considered that these public benefits outweigh the disadvantages of the scheme outlined in this report, namely the loss of mature trees and the private impact on the amenities of neighbours.

8. Conclusion

8.1 This application has been assessed as being acceptable to the local context and is in accordance with policy. The application is recommended for conditional approval, subject to the completion of a S.106 Legal Agreement.

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

1(a), 1(b), 1(c), 2(c), 2(d), 2(e), 4(s), 6(a), 6(c), 6(d), 6(h), 6(g), 6(k), 7(a), 7(m), 7(v), 8(a), 9(a), 9(b) and PPS3 (2010)

RP for 20.07.10 PROW Panel

PLANNING CONDITIONS

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 and the scale, massing and bulk of the structure 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 appearance and architectural design specifying the external materials to be used,
and 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- 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.

03. 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.

04. 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.

05. APPROVAL CONDITION - Wheel Cleaning Facilities

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.

06. APPROVAL CONDITION - No Pile Driving for Foundations [Performance Condition]

No percussion or impact driven piling activities shall take place for pre-works, foundations, or as any part of the development.

Reason:

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

07. 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.

08. APPROVAL CONDITION - Construction method statement (Pre-commencement condition)

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

REASON

To protect the amenities of neighbours and the wider environment.

09. 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. The site lies within Area of Archaeological Importance 5C, an area defined as having high archaeological potential. This area forms the historic core of Southampton, and the archaeology of the area outlines the development and redevelopment of the historic towns from the 8th century to the present day. Previous work on the site has uncovered significant archaeology dating back to at least the mid-Saxon period and the development has the potential to uncover archaeology that would significantly enhance our understanding of the development of this part of Southampton. The scope of archaeological works for the development will include the full excavation of the footprint of the proposed development, and will include all service trenches and landscaping. A brief for these works will be provided in due course.

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

10. 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. This will include all service trenches, utilities connections and any groundworks associated with both hard and soft landscaping proposals for the site.

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

11. 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. This will include full excavation of the site, all post-excavation analysis and assessment work, the production of a post-excavation report and full publication. This will also include a full assessment, synthesis and inclusion of all work previously carried on the site that has so far not been analysed and published. On completion of the assessment works, all material for the site for both current and previous phases of archaeological work, will be archived together and submitted to and accepted by Southampton City Museums Service.

Reason: To ensure that the archaeological investigation, including post-excavation assessment, publication and archiving work is completed to the necessary professional standard.

12. 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).

13. 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 at least 12.5%] 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 12.5%] 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)

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

Before the building is first occupied full details of facilities to be provided for the storage and removal of refuse from the premises together with the provision of suitable bins accessible with a level approach shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall include accommodation and the provision of separate bins for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained whilst the building is used for commercial purposes.

Reason:

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

15. APPROVAL CONDITION - Noise - plant and machinery [Pre-Commencement Condition]

The use hereby approved shall not commence until an acoustic report and written scheme to minimise noise from plant and machinery associated with the proposed development, including details of location, orientation and acoustic enclosure, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

REASON:

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

16. APPROVAL CONDITION - Flood Risk Assessment (Performance Condition)

The development hereby approved shall only be carried out in accordance with the approved Flood Risk Assessment by PLD Architects ref 102/4.1.2 and the following mitigation measures detailed within that Flood Risk Assessment:

- i. Identification and provision of safe routes into and out of the site to an appropriate safe haven.
- ii. Finished floor levels of the ground floor are set no lower than 3.5 metres above Ordnance Datum (AOD).

REASON

To ensure safe access and egress from and to the site.

17. APPROVAL CONDITION - Bird Hazard Management 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: a) sustainable urban drainage schemes (SUDS), such schemes shall comply with Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage Schemes and b) management of any flat/shallow pitched/green roofs on the buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design'. The Bird Hazard Management Plan shall be implemented as approved, on commencement of construction and shall remain in force for the life of the building. 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 development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Southampton Airport.

For information: The 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 or sooner if bird activity dictates, 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 BAA Airfield Operations Staff. In some instances, it may be necessary to contact BAA Airfield Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof.

The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences from Natural England before the removal of nests and eggs.

18. APPROVAL CONDITION - Parking facilities (Pre-Occupation condition)

The building hereby approved shall not be first occupied until the car parking (including spaces for disabled users), cycle parking, servicing facilities and cycle storage facilities as shown on the approved drawings, have been completed and made available for use, unless otherwise agreed in writing by the Local Planning Authority. Thereafter, the parking, refuse and associated facilities shall be retained solely for the use of occupiers of the building and for no other purpose, unless otherwise agreed in writing by the Local Planning Authority

REASON

To ensure the provision of adequate on-site parking, refuse and servicing facilities and to avoid congestion in the surrounding area.

19. APPROVAL CONDITION - Crime Prevention Measures (pre-commencement condition)

No development shall take place until details of crime prevention design measures have been submitted to and approved in writing by the Local Planning Authority. These details shall include: external lighting including; door and glazing standards; building structural components; barrier proposals and gate control and measures to restrict vehicle ram raiding; cycle store and parking security proposals. The development shall be undertaken in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON

In the interests of safety and security and the requirements of Policy SDP1 of the City of Southampton Local Plan (March 2006).

20. APPROVAL CONDITION - Surface water and foul drainage (pre-commencement condition)

No development shall commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The approved measures shall be in place before first occupation of the development unless otherwise agreed in writing by the Local Planning Authority.

REASON

To ensure satisfactory drainage provision for the area.

21. APPROVAL CONDITION – Water main and Sewer protection measures (Pre-commencement condition)

No development shall take place until details of measures to protect existing public sewers and the public water supply main on the site has been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The construction works shall be carried out in accordance with the approved details.

Reason

As requested by Southern Water to safeguard the public sewers in the vicinity of the site.

22. APPROVAL CONDITION - Retention of Trees (Performance Condition)

Notwithstanding this grant of outline planning permission, no works for the removal of the two protected Lime Trees shall take place until all reserved matters have been approved, all pre-commencement conditions have been discharged and a contract for the building works has been entered into for the implementation of the works for which planning permission has been granted, details of which have first been submitted to and approved in writing by the Local Planning Authority.

Reason

To prevent the premature removal of these important protected trees and to ensure they are only removed once building works are programmed to commence.

23. APPROVAL CONDITION - Use of car park (Performance Condition)

The car park hereby approved shall not be open for use between the hours of midnight and 0600 hours on any day nor shall there be manoeuvring of vehicles within the car park during these hours.

Reason

To protect the amenities of neighbouring occupiers

24. APPROVAL CONDITION - Alterations to adjoining property (Pre-Commencement Condition)

Development shall not commence until alterations to the adjoining property at 39-51 Maryfield, as set out in the applicants supporting statement dated 15 June 2010, have been carried out in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure satisfactory daylight is available to this adjoining property.

Notes to Applicant

Southern Water – Public Sewerage - Informative

A formal application for connection to the public sewerage is required in order to service this development. Please contact Atkins Ltd, Angle St James House, 39a Southgate Street, Winchester So23 9EH (tel. 01962 858688) or www.southernwater.co.uk

S.106 Legal Agreement Informative

A Section 106 agreement relates to this site which includes a requirement for contributions towards: highways (site specific and strategic) and play/open space. A full copy of the S106 legal agreement is available on the Public Register held at Southampton City Council.

Note to Applicant – 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.

Note to Applicant – Performance Conditions

Your attention is drawn to the performance conditions above which relate to the development approved in perpetuity. Such conditions are designed to run for the whole life of the development and are therefore not suitable to be sought for discharge. If you are in any doubt please contact the Council's Development Control Service.

Note to Applicant – Cranes Informative

Given the nature of the proposed development it is possible that a crane may be required during its construction. The applicant's attention is therefore drawn to the requirement within British Standard Code of Practice for the safe use of cranes, and 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

POLICY CONTEXT

Core Strategy - (January 2010)

CS13	Fundamentals of Design
CS14	Historic Environment
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

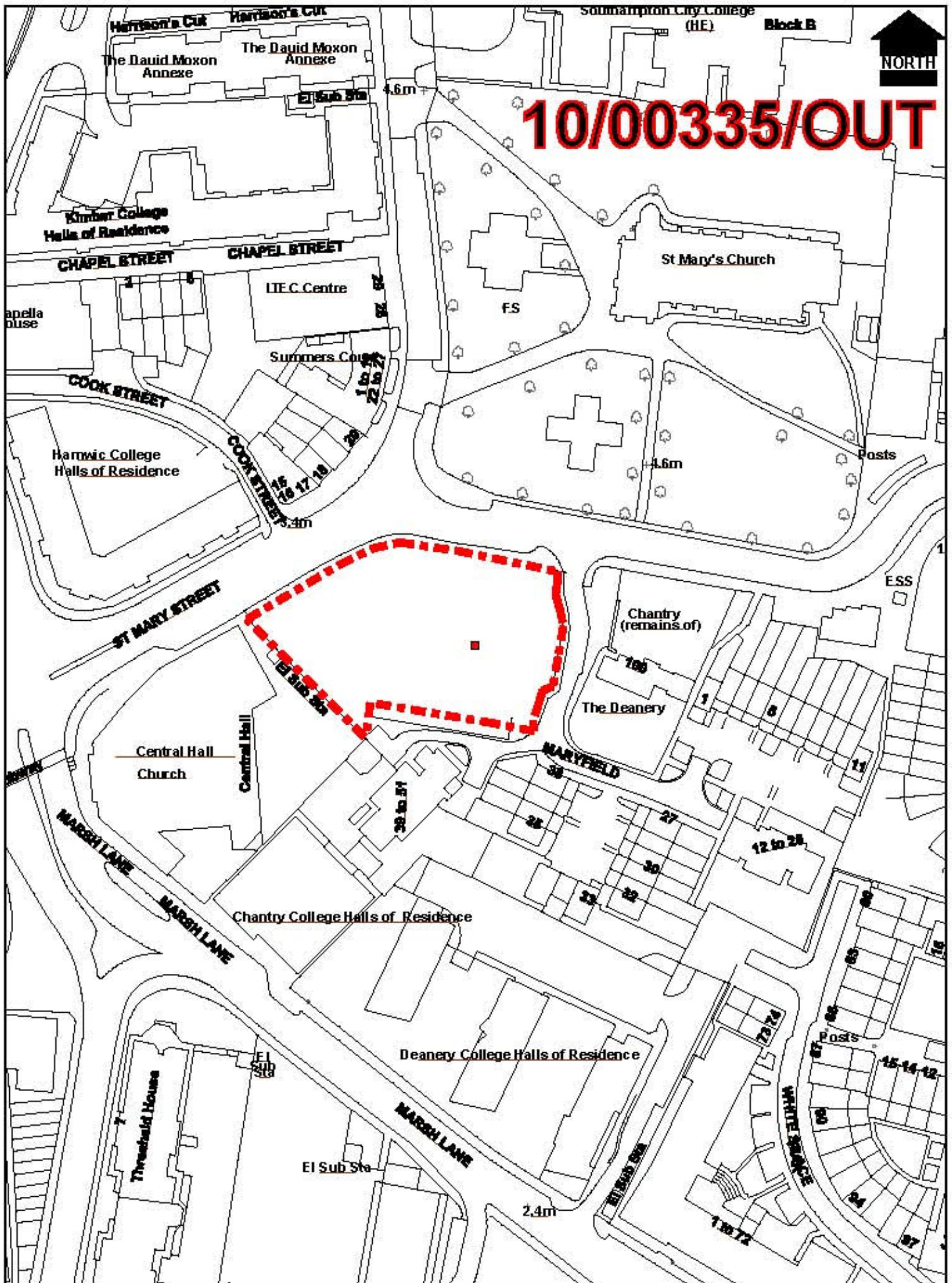
SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP13	Resource Conservation
SDP16	Noise
CLT1	Location of cultural/leisure developments
MSA1	City Centre Design
MSA12	St Mary's Area (site is not within the defined area but is opposite the area)

Supplementary Planning Guidance

Planning Obligations (Adopted - August 2005 and amended November 2006)

Other Relevant Guidance

PPS1	Delivering Sustainable Development (2004)
PPS4	Planning for Sustainable Economic Growth (2009)
PPG13	Transport (2001)
PPG24	Planning & Noise (2004)



Scale : 1:1250

Date : 07 July 2010

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Agenda Item 12

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 20th July 2010
Planning Application Report of the Head of Division

Application address: 4 Hartley Avenue, Southampton			
Proposed development: Erection of a single storey rear extension and two storey side extension			
Application number	10/00497/FUL	Application type	FUL
Case officer	Bryony Giles	Public speaking time	5 minutes
Applicant: Mr A Purewal		Agent: BPS Design Consultants Ltd	

Recommendation Summary	Conditional Approval
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Reason for Granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The scale and massing of the extensions are proportionate to the scale and appearance of the existing dwelling and its neighbours and are not considered to harm the residential amenity of neighbouring dwellings. The property is currently in use as a C4 dwelling. The addition of two bedrooms within the property accords with the requirements of the property remaining in use as a C4 dwelling. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

'Saved Policies' - SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS13, CS16, and the Council's current adopted Residential Design Guide.

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally Approve

1.0 The site and its context

1.1 The application relates to an existing detached two storey dwelling house located on the east of Hartley Avenue. The surrounding area is predominately residential other than for Southampton University (Highfield Campus), which is located just 40m from the application site at its closest point.

1.2 The property has a 25m long rear garden which is well screened by established vegetation to its side and rear. The property has a modest lean to conservatory and detached garage to its rear.

1.3 The existing building is in use as a C4 rental property currently housing 4 tenants. It has been confirmed that this use was in operation prior to the 6th April 2010 and as such the owner can lawfully house up to 6 unrelated tenants at any one time, without requiring any further planning consents.

2.0 Proposal

2.1 Planning permission is sought for a two storey side and single storey rear extension.

2.2 The two storey side extension is set back from the front build line of the property by 3.6m and has a depth of 2.8m.

2.3 The single storey rear extension proposes a depth of 3.8m and a height of 4m. Windows are concentrated to the rear of the site, with external side access retained.

3.0 Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the South-East Plan: Regional Spatial Strategy (May 2009), the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at ***Appendix 1***.

3.2 The policies in the Core Strategy and the Local Plan Review seek to improve the quality of life of the City’s citizens through good design. CS13, SDP1, SDP7, SDP9 in particular expect developments to be of a high quality, protect the amenities of the occupiers of adjacent land and respect the surroundings in terms of visual impact.

3.3 Policy CS16 seeks to control the number and location of Houses in Multiple Occupation (HMO’s) where planning permission is required.

4.0 Relevant Planning History

None relevant for this site.

Members should be aware that there is an application on the current Panel agenda for the adjacent property at 6 Hartley Avenue: Application for Single storey rear/two storey side extension to existing 4 bed HMO (C4 Use) to provide to additional bedrooms (10/00566/FUL).

5.0 Consultation Responses and Notification Representations

Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining landowners. At the time of writing the report **5** representations have been received from surrounding residents. Planning related concerns are as follows.

5.1 Concern with regard to the impact of the development on the local environment, privacy of neighbouring dwellings and the appearance of the house.

Response

The proposed extension is subordinate to the existing dwelling and has been assessed as not adversely affecting the character of the street scene. To the rear, the single storey extension concentrates all windows within its rear elevation. There are no windows proposed within the side elevation of the two storey extension and a 1.8m high existing boundary treatment ensures that the privacy of neighbouring dwellings will not be lost.

5.2 The development will result in a terracing effect between properties.

Response

A 1.2m gap is retained between the two storey side extension and the boundary with 2 Hartley Avenue. This, coupled with the significant set back of the extension from the front build line ensures that a terracing effect does not occur and the house remains as a detached property.

5.3 The proposal will result in an overdevelopment of the site.

Response

The resultant footprint of the building occupies less than 50% of the site and sufficient garden space is retained for the future occupants of the property.

5.4 Loss of car parking as a result of the proposed development will exacerbate existing on road parking issues within Hartley Avenue and the surrounding area.

Response

'Saved policy' SDP5 advocates maximum residential parking standards. The application site is located within a low accessibility area, and as such the maximum number of car parking spaces for the property is 2. Whilst the proposal does result in the loss of access to a garage at the rear of the site, there is the opportunity for 1 off street parking space to the property's frontage. Furthermore, on street parking will be controlled by the residents parking scheme.

5.5 Construction works will disrupt the peace and quite of the area.

Response

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 imposing restrictions on the hours of construction.

5.6 The alterations suggested will make it impossible for this house to be restructured as a family dwelling with garden. Thus, if the proposal goes through it will permanently change the character of the neighbourhood.

Response

The proposed extension retains sufficient garden space to serve a family dwelling. Paragraph 2.3.14 of the residential design guide seeks 90m² of garden space to be provided for a detached house. The proposal retains 180m² of garden space.

As a result of the extension, the property will benefit from a larger third bedroom at first floor level and two additional bedrooms with a shower room at ground floor level. It would be possible to alter the internal layout to suit the needs of a future occupier, including a family, without significantly altering the external appearance of the property.

5.7 An increased student population will have a detrimental impact on the character of the area & similar applications in the immediate area are changing the character of the area.

Response

The local planning authority has no control over the type of tenants that a property is rented to.

The property is currently in use as a C4 dwelling. As such, the property can be occupied by no more than 6 individuals. Should the owner of the property wish to house more than 6 individuals within the property, planning consent will be required and considered on its merits. Should such an application be submitted, full consideration will be given to the impact of the use on the character of the surrounding area.

6.0 Planning Consideration Key Issues

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

- i. Design & impact on Residential Amenity
- ii. Extension to C4 dwelling;

6.1 Design & Residential Amenity

At the national level, the guidance contained within PPS1 and PPS3 require new developments to be appropriate to their context and integrate into the existing urban environment. In particular, paragraph 13 of PPS3 requires good design which makes “places better for people”. The policies in the Local Plan Review seek to improve the quality of life of the City’s citizens through good design. SDP1, SDP7, SDP9 in particular expects developments to be of a high quality, protect the amenities of the occupiers of adjacent land and respect the surroundings in terms of visual impact.

The Residential Design Guide Supplementary Planning Document expands on this by setting parameters for new developments to ensure that access to natural light, outlook and privacy is not adversely affected by development proposals (paragraphs 2.2.11 to

2.2.21 refers). In addition, paragraphs 2.3.1-2.3.5 advocate that extensions should be subordinate to the original dwelling, not detract from the character and rhythm of the street and avoid a terracing effect in areas characterised by semi or detached housing.

The proposed two storey side extension is set back by 3.6m from the front build line of the house and set well below the existing roof ridge. Its subordinate design ensures it will not harm the existing appearance of the dwelling or the character of the Hartley Avenue street scene.

A 1.2m side access is to be retained to allow direct access from the front of the site to the rear. As such, a terracing effect will not occur and the detached nature of the property will be retained.

The single storey extension will not affect outlook, light or privacy to neighbouring dwellings. A large garden is retained for use by the residents, with the overall footprint of the building occupying less than 50% of the total area of the site.

The proposed extension is typical of the type of extension one would find on detached and semi-detached properties throughout the city and could not reasonably be considered an overdevelopment of the site.

6.2 Extension to C4 dwelling

The definition of a C4 dwelling as is the 'use of a dwelling house by not more than six residents as a 'house in multiple occupation' (The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010.

The proposed development offers no more than six bedrooms within the dwelling. As such, and provided that each room is occupied by just one person, planning permission for a change of use is not required. Should the owner of the property wish to house more than 6 individuals within the property, planning consent will be required and considered on its merits.

It is considered that the occupation of the property by up to six people will not be harmful to the character of the area or affect the residential amenities of neighbouring dwellings. Sufficient amenity space is provided for six occupants and the level of activity associated with the dwelling would be akin to that of a larger family.

It is however, recommended that the removal of the property's permitted development rights to develop outbuildings and alter and extend the roof form are removed in order to prevent additional and over development of the site.

7.0 Summary

The proposed extension is considered to meet the requirements of LDF Core Strategy Policy CS13 and saved policies SDP1, SDP7 and SDP9 of the local plan review as supported by the relevant sections of the RDG and will not harm existing residential amenity.

8.0 Conclusion

8.1 This application has been assessed as being acceptable to residential amenity and its local context. The application is recommended for conditional approval.

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), 6(a), 6(c), 7(a), 9(a), 9(b) and PPS3 (2010)

BG for 20.07.10 PROW Panel

PLANNING CONDITIONS

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

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

Reason:

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

02. APPROVAL CONDITION - Materials to match [Performance Condition]

The materials and finishes to be used for the external walls, windows (including recesses), drainage goods and roof in the construction of the building hereby permitted shall match in all respects the type, size, colour, texture, form, composition, manufacture and finish of those on the existing building.

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 - Residential - Permitted Development Restriction [Performance Condition]

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

Class B (roof alteration),

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

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.

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

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

Reason:

To protect the amenities of the adjoining residential properties.

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

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

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

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

And at no time on Sundays and recognised public holidays.

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

Reason:

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

POLICY CONTEXT

Core Strategy - (January 2010)

CS13 Fundamentals of Design
CS16 Housing Mix and Type

City of Southampton Local Plan Review – (March 2006)

SDP1 Quality of Development
SDP7 Urban Design Context
SDP9 Scale, Massing & Appearance

Supplementary Planning Guidance

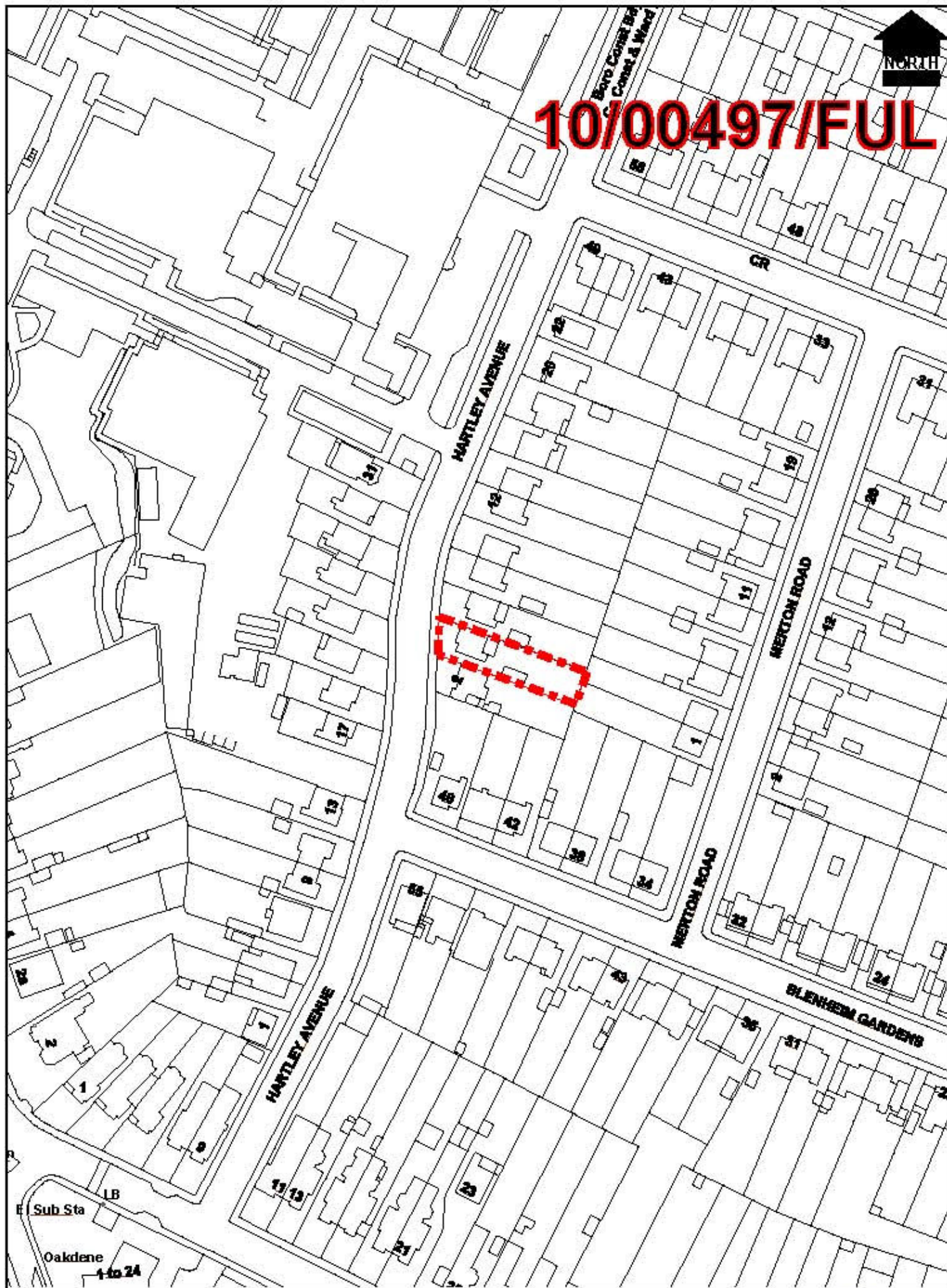
Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

PPS1 Delivering Sustainable Development (2004)
PPS3 Housing (2010)



10/00497/FUL



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Date : 07 July 2010

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Agenda Item 13

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 20th July 2010
Planning Application Report of the Head of Division

Application address: 6 Hartley Avenue, Southampton			
Proposed development: Single storey rear extension and two storey side extension to existing 4 bed HMO (C4 Use) to provide two additional bedrooms.			
Application number	10/00566/FUL	Application type	Outline (LDD 3.8.10)
Case officer	Steffan Thomas	Public speaking time	5 minutes

Applicant: Mr B Punia	Agent: BPS Design Consultants Ltd
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Recommendation Summary	Conditionally Approve
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Reason for Granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The scale and massing of the extensions are proportionate to the scale and appearance of the existing dwelling and its neighbours. The proposal is not considered to harm the residential amenity of neighbouring dwellings. The property is currently in use as a C4 dwelling. The addition of two bedrooms within the property accords with the requirements of the property remaining in use as a C4 dwelling. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

“Saved” Policies – SDP1, SDP5, SDP7 and SDP9 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policy CS13, and the Council’s adopted Residential Design Guide (2006).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

That the application be approved subject to the attached suggested planning conditions.

1. The site and its context

1.1 This application relates to a detached two storey house located on the eastern side of Hartley Avenue approximately half way between the University of Southampton and the junction with Blenheim Gardens. The property has a large gable end and bay windows facing the highway which is typical of the predominant style of the area. On-site parking is provided by virtue of a driveway that provides vehicular access to a garage at the rear of the property.

1.2 The area is suburban in character and appearance and consists mainly of family houses. However, as a result of its proximity to the University the area has a high concentration of houses in multiple occupancy.

1.3 The existing building is in use as a C4 rental property currently housing 4 tenants. It has been confirmed that this use was in operation prior to the 6th April 2010 and as such the owner can lawfully house up to 6 unrelated tenants at any one time, without requiring any further planning consents.

1.4 The design and scale of the extension are very similar to those proposed on the adjacent property at 4 Hartley Avenue (10/00497/Ful) which is also to be considered on this Panel Agenda.

2. Proposal

2.1 Planning permission is sought for a two storey side and single storey rear extension.

2.2 Full planning permission is sought for a 1.2m x 2.8m two storey side extension and a 4m ground floor rear extension across the width of the property. This is to facilitate two additional bedrooms and a shower room.

2.3 The single storey rear extension proposes a depth of 4m and a maximum height of 4m. Windows are concentrated to the rear of the site, with external side access retained.

3.0 Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the South-East Plan: Regional Spatial Strategy (May 2009), the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.

3.2 The policies in the Core Strategy and City of Southampton Local Plan Review seek to improve the quality of life of the City’s citizens through good design. Policies CS13, SDP1, SDP7 and SDP9 are relevant as they expect developments to be of a high quality, protect the amenities of the occupiers of adjacent land and respect the surroundings in terms of visual impact.

3.3 Policy CS16 seeks to control the number and location of Houses in Multiple Occupation where planning permission is required.

4.0 Relevant Planning History

4.1 There is no relevant planning history on this development site.

4.2 Members should be aware that the adjacent site at 4 Hartley Avenue is also the subject of a similar application to be considered on this Panel agenda (10/00497/Ful).

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining landowners. When it became apparent that this property was a C4 House in Multiple Occupation as supposed to a C3 dwellinghouse the description was amended and adjoining landowners re-notified. At the time of writing this report **8** representations have been received from surrounding residents.

5.2 **Letters of objection** – The eight letters which have been received in connection to this proposal have raised objections for the following reasons:

Principle of C4 extension

- Extensions would result in the irreversible conversion of a family house to an HMO;
- Provision for 6 students is an over intensive use of the site in an area to be nominated as an Area of Restraint;

Response

The property is already a C4 HMO and subject to no more than 6 people living at the property no further planning permission regarding the use of the property is required. The application should therefore be considered on the merits of the physical form of the extension and it's impact on the character of the area and the amenities of adjacent occupiers.

Residential Amenity

- Loss of light to the neighbouring dwellings;
- Privacy concerns;
- Replacement of garden area is a loss of amenity;

Response

To the rear, the single storey extension concentrates all windows within its rear elevation. There are no windows proposed within the side elevation of the two storey extension and a 1.8m high existing boundary treatment ensures that the privacy of neighbouring dwellings will not be lost. The resultant footprint of the building occupies less than 50% of the site and sufficient garden space is retained for the future occupants of the property.

Design

- Side extension would create a terracing effect which would further alter the character of the street;
- Extensions are disproportionate in bulk and size;
- Overdevelopment of the site;

Response

The proposed extension is subordinate to the existing dwelling and has been assessed as not adversely affecting the character of the street scene. A 1.2m gap is retained between the two storey side extension and the boundary with 2 Hartley Avenue. This, coupled with the significant set back of the extension from the front build line ensures that a terracing effect does not occur and the house remains as a detached property.

Parking

- Loss of driveway putting additional pressure for on-street parking;
- There is already insufficient parking for existing residents;

Response

'Saved policy' SDP5 advocates maximum residential parking standards. The application site is located within a low accessibility area, and as such the maximum number of car parking spaces for the property is 2. Whilst the proposal does result in the loss of access to a garage at the rear of the site, there is the opportunity for 1 off street parking space to the property's frontage. Furthermore, on street parking will be controlled by the residents parking scheme.

Environment and Ecology

- Impact upon the local wildlife as a result of the loss of garden space, particularly bats which are protected;
- More intensive HMO would exacerbate existing environmental issues relating to the student population;

Response

The council's ecologist has been consulted on the proposals and raises no objection.

5.3 **SCC Highways** – Raised no objections.

5.4 **SCC Ecology** – Building has a low potential for bats and a bat survey wouldn't be justified.

6.0 Planning Consideration Key Issues

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

- i. Principle of C4 extension
- ii. Design and Residential Amenity;
- iii. Parking;
- iv. Ecology.

6.2 Principle of C4 Extension

6.2.2 The property is currently C4 House of Multiple Occupation. As a result, the occupation of this property by up to 6 individuals does not in itself require any further planning consent. The application has therefore been considered on the merits of the physical form of the extension and it's impact on the character of the area and the amenities of adjacent occupiers.

6.2.3 Should the owner of the property wish to house more than 6 individuals within the property this would require an application for a change of use which would be considered on its merits.

6.2 Design and Residential Amenity

6.2.1 The impact to the neighbouring residential amenity as a result of the rear extension is not considered to have any harmful impact to either neighbour regarding outlook, light or privacy.

At the national level, the guidance contained within PPS1 and PPS3 require new developments to be appropriate to their context and integrate into the existing urban environment. In particular, paragraph 13 of PPS3 requires good design which makes “places better for people”. The policies in the Local Plan Review seek to improve the quality of life of the City’s citizens through good design. SDP1, SDP7, SDP9 in particular expects developments to be of a high quality, protect the amenities of the occupiers of adjacent land and respect the surroundings in terms of visual impact.

The Residential Design Guide Supplementary Planning Document expands on this by setting parameters for new developments to ensure that access to natural light, outlook and privacy is not adversely affected by development proposals (paragraphs 2.2.11 to 2.2.21 refers). In addition, paragraphs 2.3.1-2.3.5 advocate that extensions should be subordinate to the original dwelling, not detract from the character and rhythm of the street and avoid a terracing effect in areas characterised by semi or detached housing.

The proposed two storey side extension is set back by 3.6m from the front build line of the house and set well below the existing roof ridge. Its subordinate design ensures it will not harm the existing appearance of the dwelling or the character of the Hartley Avenue street scene.

A 1.2m side access is to be retained to allow direct access from the front of the site to the rear. As such, a terracing effect will not occur and the detached nature of the property will be retained.

The single storey extension will not affect outlook, light or privacy to neighbouring dwellings. A large garden is retained for use by the residents, with the overall footprint of the building occupying less than 50% of the total area of the site.

The proposed extension is typical of the type of extension one would find on detached and semi-detached properties throughout the city and could not reasonably be considered an overdevelopment of the site.

6.5 Parking

6.5.1 This scheme would involve the construction of a two-storey side extension on the existing driveway. This would result in the loss of vehicular access to the rear of the property and the loss of a potential car parking space. This proposal is in a low accessibility area and therefore the maximum number of car parking spaces for this property, as advocated in SDP5, is two. Should this extension be built there would still be space on the remaining drive to park two vehicles. Moreover, on street parking is controlled by the residents parking scheme.

6.5.2 The provision of parking is in accordance with SDP5 and is considered sufficient for this property.

6.6. Ecology

6.6.1 The ecology officer has judged this building to have a low potential for bat roosts and that a bat survey wouldn't be justified. As such the impact of this proposal on wildlife is considered minimal.

7.0 Summary

7.1 The proposed extension is considered to meet the requirements of Local Development Framework Core Strategy Policy CS13 and saved policies SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review as supported by the relevant sections of the Residential Design Guide and will not harm existing residential amenity.

8.0 Conclusion

8.1 This application has been assessed as being acceptable both to residential amenity and in design terms. The application is recommended for conditional approval.

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), 6(a), 6(c), 7(a), 9(a), 9(b) and PPS3 (2010)

ST for 20.07.10 PROW Panel

PLANNING CONDITIONS

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

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

Reason:

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

02. APPROVAL CONDITION - Materials to match [Performance Condition]

The materials and finishes to be used for the external walls, windows (including recesses), drainage goods and roof in the construction of the building hereby permitted shall match in all respects the type, size, colour, texture, form, composition, manufacture and finish of those on the existing building.

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 - Residential - Permitted Development Restriction [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected

or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

Class B (roof alteration),

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

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.

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

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

Reason:

To protect the amenities of the adjoining residential properties.

05. 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.

Notes to Applicant

Note to Applicant – 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.

Note to Applicant – Performance Conditions

Your attention is drawn to the performance conditions above which relate to the development approved in perpetuity. Such conditions are designed to run for the whole life of the development and are therefore not suitable to be sought for discharge. If you are in any doubt please contact the Council's Development Control Service.

POLICY CONTEXT

Core Strategy - (January 2010)

CS13 Fundamentals of Design

City of Southampton Local Plan Review – (March 2006)

SDP1 Quality of Development
SDP7 Urban Design Context
SDP5 Parking
SDP9 Scale, Massing & Appearance

Supplementary Planning Guidance

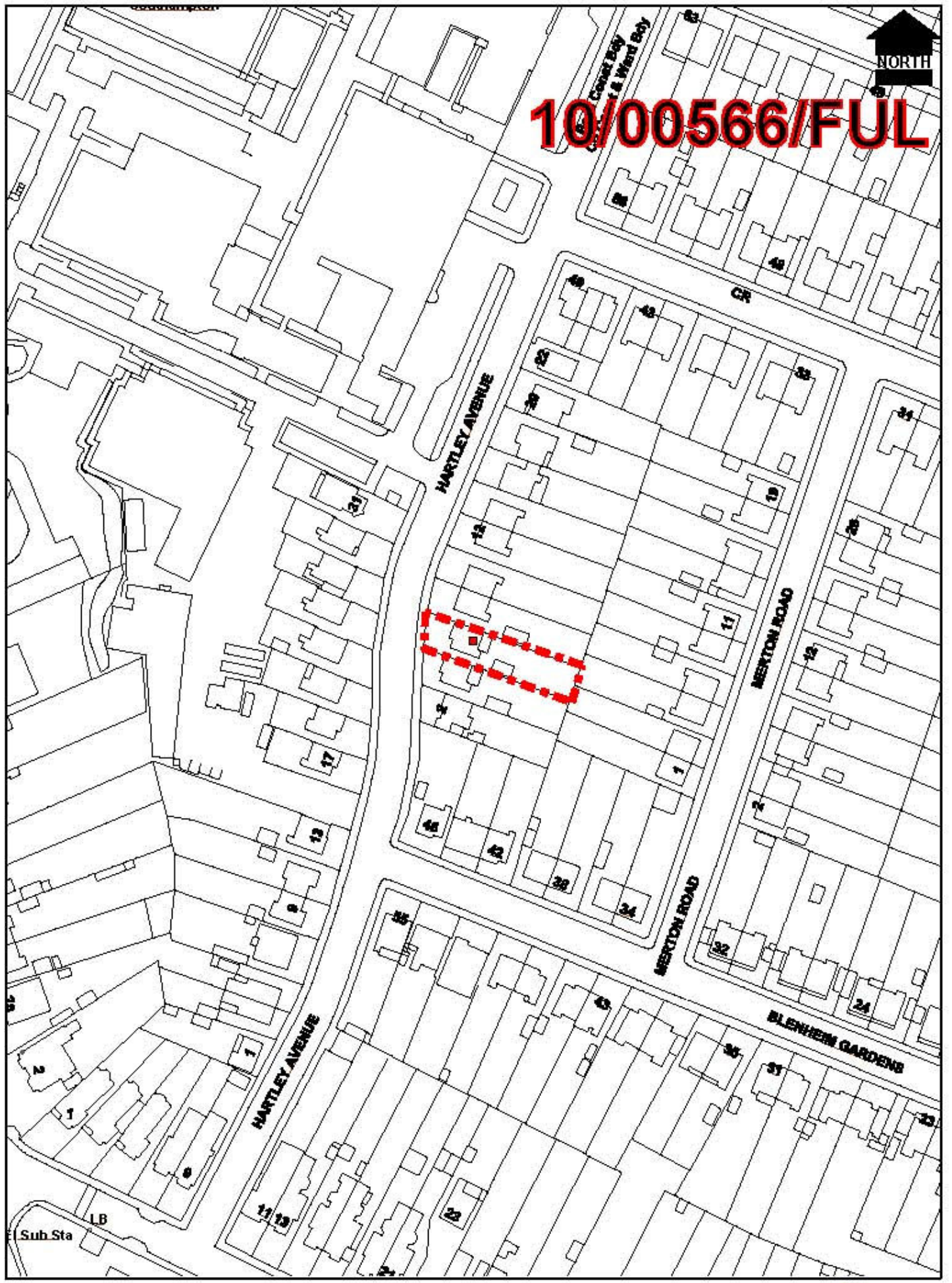
Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

PPS1 Delivering Sustainability Development (2004)
PPS3 Housing (2010)



10/00566/FUL



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Date : 07 July 2010

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Agenda Item 14

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 20th July 2010
Planning Application Report of the Head of Division

Application address: 97 Regents Park Road, Southampton			
Proposed development: Use of existing garage for car repairs and car sales (sui generis) (retrospective). Resubmission of 09/01201/FUL			
Application number	10/00581/FUL	Application type	Change of Use
Case officer	Mat Pidgeon	Public speaking time	5 minutes
Applicant: Mr V Andrea		Agent: N/A	

Recommendation Summary	Refuse
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Reason for Refusal

The development is unacceptable taking into account the policies and proposals of the Development Plan as set out below.

The use of the garage at 97 Regents Park Road as a commercial garage introduces an un-neighbourly use into a residential area which given it's immediate proximity to existing dwellings would harm the living conditions and wider amenity of neighbouring residents by reason of an increase in activity, excessive noise and disturbance, and the potential for additional air pollution. The proposal is therefore contrary to policies SDP1 (i), SDP7 (v) and SDP16 (i) of the City of Southampton Local Plan (March 2006).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Delegate to Head of Planning and Sustainability to refuse planning permission

1. The site and its context

1.1 The application site comprises a detached garage structure located within the curtilage of the dwelling at 97 Regents Park Road along the western boundary adjacent to 2a Lansdowne Road. Vehicular access is gained from Lansdowne Road. The structure was constructed under permitted development rights prior to the regulations changing in October 2008 which would restrict it's use to being ancillary to the dwelling. The surrounding area is predominantly residential in character.

2. Proposal

2.1 The application is a re-submission of a previously refused application to use the garage for car repairs and sales (09/01201/Ful). The occupier of number 97 Regents park Road currently operates a car repair and sales business from the single storey garage without the benefit of planning permission. The garage itself has been constructed with a double skin design. In association with the business cars are bought, repaired and then sold. The applicant makes the case that the business is not open to the public and no passing trade takes place.

2.2 The applicant states that the hours of operation for the business are less intensive than standard operating hours associated with car repair and sales garages and is seeking to operate the business between the hours of 09.30 and 15.30 from Monday to Thursday.

3.0 Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the South-East Plan: Regional Spatial Strategy (May 2009), the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.

3.2 Policy SDP16 of the Local Plan resists noise-generating development where it would cause an unacceptable level of noise impact.

3.3 PPS23 confirms that the planning system should focus on whether or not a development is an acceptable use of land and the impact of those uses, rather than the control of processes or emissions themselves.

3.4 PPG24 confirms that noise is a material planning consideration and that noise-sensitive developments should be separated from major sources including certain types of industrial development. Where it is not practicable to separate uses Local Planning Authorities have the opportunity to consider whether the use of planning conditions or obligations can mitigate the harm caused by the development.

4.0 Relevant Planning History

07/00789/FUL - Dropped kerb to form new vehicular access - Refused 28.06.07

07/01538/FUL - Dropped kerb to form new vehicular access to Regents Park Road (resubmission) - Refused 14.11.07

09/00925/FUL - Formation of a vehicular access to allow car parking at the front with a new front boundary wall and gates - CAP 16.10.09

09/01201/FUL - Use of existing garage for car repairs and car sales (sui generis) (retrospective) – Refused 30.12.2009

Since the previous refusal the applicant has included information in order to illustrate how it is intended to prevent noise disturbance to neighbouring residents. Firstly the compressor

shall be sound proofed by applying sound dampening to the stands and by covering the compressor with a sound absorbing cover. The floor will be covered by a rubber mat and sound proofing will also be applied to the walls and ceiling (Rockwool Acoustic Partition Slab) the details of which have also been submitted. It is also proposed to keep the doors of the garage closed whilst cars are being repaired. No acoustic survey has been produced to demonstrate the noise level generated by the operation of the garage in association with these measures.

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (18.05.10) and erecting a site notice (20.05.10). At the time of writing the report 6 representations have been received from surrounding residents. The following observations/comments were made:

- Highways safety.
- Parking pressure.
- Noise and disturbance within a residential area including welding, air compressor, hammering and engine revving.
- Work over spill into garden.
- Chemical and cellulose paint smells.
- Change to the character of the area.
- Breakdown Lorries delivering vehicles for repair.

A general observation is made: the objector's letters suggests that the operation of the car repair and sales occurring at the site is far more intensive than the applicant describes within the submitted planning application.

RESPONSE

The above points are noted and are reflected in the Officers Recommendation. In particular where the objectors describe their experience of the operation as being more intense than the applicant details in the supporting document, it should be noted that at present the operation is taking place unlawfully and without restrictive planning conditions.

5.2 The applicant has also provided, along with the supporting information, a petition in support of the proposal with 10 signatories from 8 separate properties all located within 90m of the application site.

5.3 SCC Environmental Health (Pollution & Safety) – Object to the proposal.

The floor and wall treatment proposed to absorb the noise from the car maintenance carried out has been provided without a full acoustic assessment. Therefore it is very difficult to assess an application of this type, in which case it should be more of a case of whether it is acceptable to carry out car repairs in a residential area or not. Whilst most of the time quiet, car maintenance can at times be very noisy, it obviously being the noisy times that cause issues. Complaints can also be caused by odours from painting of cars and the use of solvents. Relevant conditions as suggested should be applied if the application is supported.

6.0 Planning Consideration Key Issues

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

- i. The principle of development;
- ii. Residential Amenity;
- iii. Highways and Parking;

6.2 Principle of Development

The applicant has highlighted to the LPA that there are other examples of premises within residential areas of Southampton with similar uses. A total of nine premises are illustrated. The LPA note that the majority of the premises highlighted are historic uses and were not approved under modern planning policies and guidance.

The exception is Villiers Road which gained permission to operate a tyre fitting centre, but no other purpose associated with the motoring industry (including MOT centre), on 2nd October 2008. In that case, the inspector felt that the property was on a border between a residential area and Shirley Town Centre as opposed from being wholly within a residential area and therefore it could be expected that residents would hear activity associated with the adjacent commercial area and thus the appeal was upheld. It should also be noted that the building was previously used as a retail unit rather than being wholly within the boundary of a residential unit.

In this instance, the site is located in much more predominantly residential location and in immediate proximity to other houses. As the nature of a car repair business involves noise generating equipment and working methods as well as the generation of fumes, the principle of the use would not accord with the councils policies which seek to protect residential amenity. The garage is likely to result in an increase in comings and going to the site associated with not only the cars being repaired and sold but also of the delivery of parts, and tools, which would also cause disturbance to neighbouring residents. Overall the introduction of a mixed car repairs/sales business in this location is uncharacteristic of the predominantly residential environment.

6.3 Residential Amenity

The applicant has failed to provide an acoustic report for the development illustrating that the proposed noise mitigation measures will prevent disturbance to neighbouring residents and as such the LPA cannot be certain that the proposed mitigation measures will not cause harm. The immediate proximity to adjacent houses and the nature of the activities associated with a car repair business gives rise to serious concern that the amenity of adjacent occupiers will be harmed by allowing the use to continue.

6.4 Highways and Parking;

The applicant has detailed that there will be little or no disruption to surrounding roads through the parking and delivery/pick up of vehicles. Whilst the Local Planning Authority

has limited controls over the day to day management of where vehicles are parked and the manner in which pick up or delivering of vehicles is undertaken the limited scale of the operation is not considered likely to prejudice highway safety .

7.0 Conclusion

7.1 This application has been assessed as being unacceptable to residential amenity and its local residential context. The application is recommended for refusal.

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(d), 2(e), 4(s), 6(c), 6(k), 7(a), 7(w), 7(x), 9(a), 9(b).

MP for 20.07.10 PROW Panel

Reason for Refusal

The use of the garage at 97 Regents Park Road as a commercial garage introduces an un-neighbourly use into a residential area which given it's immediate proximity to existing dwellings would harm the living conditions and wider amenity of neighbouring residents by reason of an increase in activity, excessive noise and disturbance, and the potential for additional air pollution. The proposal is therefore contrary to policies SDP1 (i), SDP7 (v) and SDP16 (i) of the City of Southampton Local Plan (March 2006).

POLICY CONTEXT

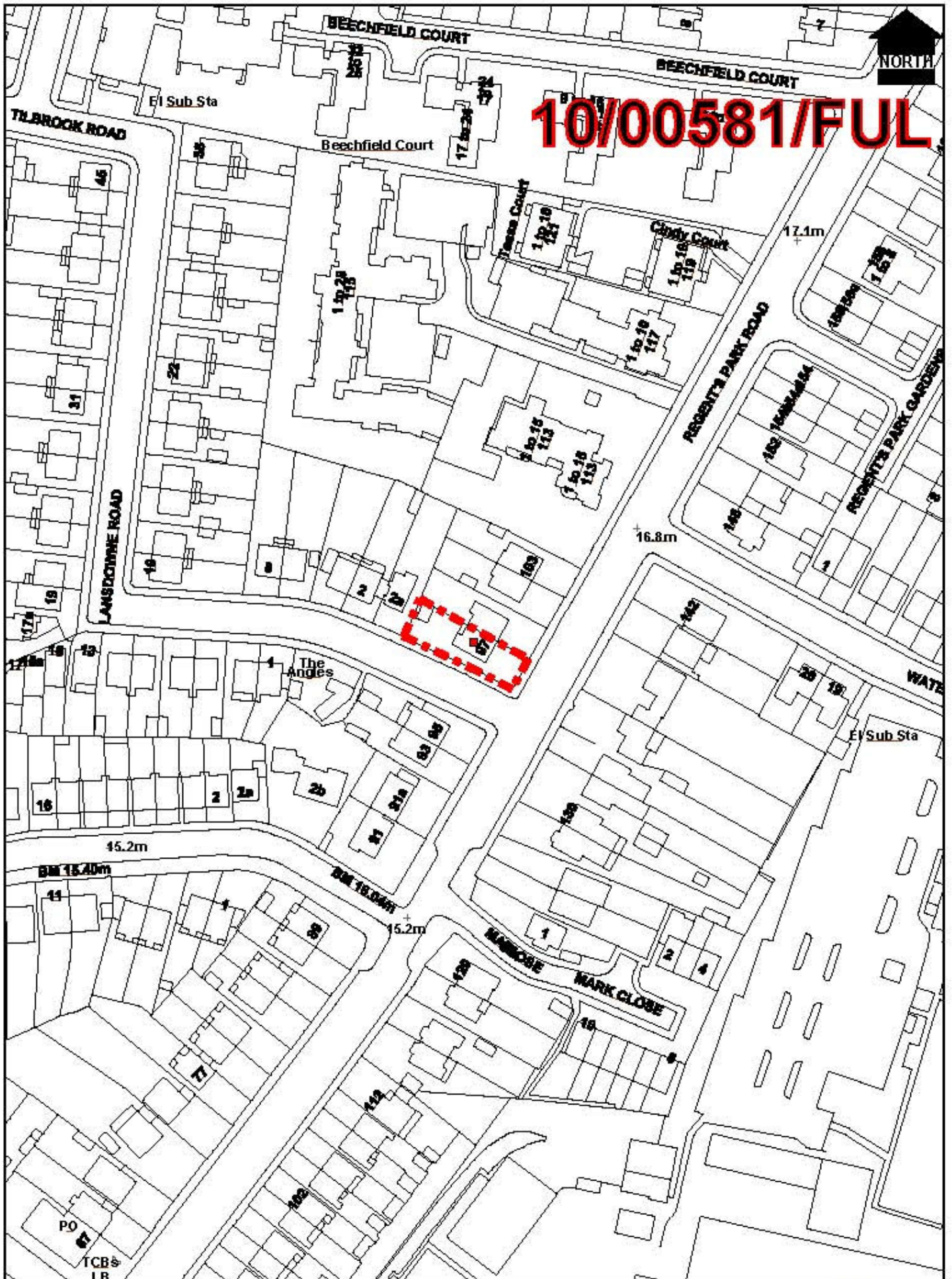
City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP7	Context
SDP15	Air Quality
SDP16	Noise
SDP21	Water Quality and Drainage

Local Development Framework Core Strategy Development Plan Document (January 2010).

Other Relevant Guidance

PPS1	Delivering Sustainable Development (2004)
PPS23	Planning & Pollution Control
PPG24	Planning & Noise (2004)



10/00581/FUL

Scale : 1:1250

Date : 08 July 2010

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DECISION-MAKER:	PLANNING AND RIGHTS OF WAY PANEL		
SUBJECT:	ZAZEN DEVELOPMENTS LTD - ROEBUCK HOUSE, 24-28 BEDFORD PLACE		
DATE OF DECISION:	20 JULY 2010		
REPORT OF:	HEAD OF PLANNING AND SUSTAINABILITY		
AUTHOR:	Name:	Simon Mackie	Tel: 023 8083 4247
	E-mail:	simon.mackie@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY

NONE

SUMMARY

This report is seeking authorisation to vary the terms of the section 106 agreement on the land to postpone the payment of the affordable housing contribution for up to 3 years provided that the administrator makes monthly payments to the council of £3,000 from the rental income obtained from letting the flats. If the Administrator sells the property within this 3 year period then the deed of variation will provide that the remaining balance of the affordable housing contribution will be paid in full.

RECOMMENDATIONS:

- (i) To delegate authority to the Solicitor to the Council to enter into a Deed of Variation of the section 106 agreement, postponing the payment of the affordable housing contribution for a period of up to 3 years provided £3000 per month is paid by the administrator, with provision that a sale within the 3 year period shall discharge the entire outstanding affordable housing contribution.

REASONS FOR REPORT RECOMMENDATIONS

- 1 Currently the obligation remains outstanding with no prospect of the obligation being discharged in the near future, so a monthly payment arrangement would reduce the debt liability and provide the Council with a commitment that the discharge of the obligation is being addressed.

CONSULTATION

- 2 The offer has been reviewed with Legal Services and Housing Enabling and is supported by both.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 3 (i) Reject the offer and await a sale of the site
OR
(ii) The affordable housing money could be recovered as a debt but given that the developer is in administration, and it is known that the Administrator does not have sufficient funds to pay the Affordable Housing contribution without selling the property, this is not recommended.

DETAIL

- 4 The original application referenced 04/00286/FUL and related section 106 Agreement was completed and determined in February 2006, which gained consent for the:
- “conversion of the existing retail/office block to provide 47 no. residential units with an extended retail unit at ground floor level and 2 no. restaurants at ground/first floor level. The extension of the 3rd floor level and the addition of a 4th floor with associated car parking and amenity space, including alterations to the external appearance of the building”
- The build-out of the scheme was the subject of elevational alterations by planning application 08/00153/FUL and related section 106 completed and determined in June 2008.
- 5 The financial obligations within the section 106 Agreements required all contributions, save for the Affordable Housing contribution, to be paid prior to implementation. The Affordable Housing payment (£193,434 as at July 2010) was agreed to be paid prior to occupation, which is confirmed in an email from Natasha Hart on the 30th March 2005.
- 6 Implementation of the planning consent was confirmed in an email from Stephen Smith (Zazen Developments) dated the 13th December 2006, with an intention to start on site on the 8th January 2007. After confirming the amounts due on implementation, a cheque for £78,683 was paid on the 6th February 2007, which discharged the following obligations
- Off-Site Highway Works
 - Play Space
 - Open Space
- 7 Subsequent to this a further cheque for £187,291, representing the Affordable Housing contribution was banked by the Council on the 29th August 2008 but this cheque did not clear and was therefore returned, as being “not signed in accordance with the mandate”. Despite confirming the non-payment of the cheque, no replacement was provided and in an email dated the 13th November 2008 from Stephen Smith (Zazen Developments) it was confirmed that occupation of the development had not taken place and therefore the Affordable Housing Obligation was not due to be discharged.
- 8 Based on this information, it was assumed that the residential element of the development had not reached occupation so a site visit was diarised for the 8th December 2008, when it was identified that the site was completed and was at least partially occupied and individual units had been rented out. Unfortunately, before the Affordable Housing contribution was paid, on the 19th December 2008 Zazen Developments Ltd went into administration.
- 9 Since this time the Council has been in regular correspondence with Chris Wright of Edward Symmons, acting as agent for the administrator in this matter. The Council acting through its officers, agreed to allow the Administrator time to sell the development on the understanding that the Council would receive full payment of the Affordable Housing obligation from the proceeds of the sale of the development site.

- 10 Following a meeting with the Administrator on the 25th March 2010, it is now understood that they have been unable to secure a sale of the property on terms that could be recommended and the council have been asked to vary the terms of the section 106 agreement to allow for a further extension of time of up to three years to allow the property to be sold and the outstanding obligations repaid. Subsequent to this meeting the offer of £3000 per month, to reduce the amount of Affordable Housing contribution outstanding, has been made by the Administrator to the Council from the rental income to reduce the level of debt to the Council, until such time as the development site can be sold.
- 11 If for any reason the property still could not be sold within this three year period then the Administrator would have to apply to the council with a further proposal for payment which would then need to be the subject of a further Deed of Variation.
- 12 The offer is recommended upon the basis that it is a pragmatic approach in an insolvency situation where the Administrator has a duty to ensure the best possible terms for the sale of the property, so that as many as possible of the insolvent companies debts can be discharged from the proceeds of sale.

FINANCIAL/RESOURCE IMPLICATIONS

Capital

- 13 None

Revenue

- 14 The implication of accepting this proposal would be to accept a payment arrangement, in lieu of the immediate and full Affordable Housing Contribution, which would not be forthcoming in the short-term.

Property

- 15 None

Other

- 16 None

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

- 17 S106A gives the Council power to modify a planning obligation by agreement

Other Legal Implications:

- 18 The applicant will be required to meet the Council's legal costs

POLICY FRAMEWORK IMPLICATIONS

- 19 Affordable Housing provision agreed with Housing Enabling Team to be met by a financial contribution, in accordance with Local Plan Policy of the time, which still accords with the Council's current Core Strategy (Adopted 2010).

SUPPORTING DOCUMENTATION

Non-confidential appendices are in the Members' Rooms and can be accessed on-line

Appendices

1.	None
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Documents In Members' Rooms

1.	None
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Background Documents

Title of Background Paper(s)

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	None	
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Background documents available for inspection at: N/A

KEY DECISION? No

WARDS/COMMUNITIES AFFECTED:	Bargate
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