

Planning and Rights of Way Panel

Tuesday, 31st August 2010
at 9.30 am

PLEASE NOTE TIME OF MEETING

Committee Rooms 1 and 2
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 20th July 2010 and to deal with any matters arising, attached.

CONSIDERATION OF PLANNING APPLICATIONS

ITEMS TO BE HEARD BETWEEN 9:30 AM TO 10:15 AM

5 PART OF FORMER CALOR GAS AND DIMPLEX SITE FIRST AVENUE - 10/00385/R3CFL

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 10:15 AM TO 10:45 AM

6 STONEHAM CEMETERY ROAD - 10/00728/FUL

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

ITEMS TO BE HEARD BETWEEN 10:45 AM TO 11:15 AM

7 210 BASSETT GREEN ROAD - 10/00811/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 11:15 AM AND 11:45 AM

8 36 DELL ROAD - 10/00454/OUT

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 11:45 AM TO 12:15 PM

9 LAND REAR OF 3-6 SEYMOUR ROAD - 10/00277/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 12:15 PM TO 12:45 PM

10 9 THE TRIANGLE, COBDEN AVENUE, 10/00606/FUL

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

ITEMS TO BE HEARD BETWEEN 1:15 PM TO 1:45 PM

11 REAR OF 273 WIMPSON LANE - 10/00523/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 1:45 PM TO 2:15 PM

12 34 NORTHCOTE ROAD - 10/00743/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 2:15 PM TO 2:45 PM

13 REAR OF 13-19 FIRGROVE ROAD - 10/00490/OUT

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 2:45 PM AND 3:15 PM

14 REAR OF 50 - 53 ROSELANDS GARDENS - 10/00608/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 3:15 PM AND 3:45 PM

15 SOUTHAMPTON GENERAL HOSPITAL TREMONA ROAD - 10/00881/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 3:45 PM AND 4:15 PM

16 REAR OF 58 PARK ROAD - 10/00598/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 4:15 PM AND 4:45 PM

17 REAR OF 88-90 HIGH ROAD - 10/00653/OUT

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 4:45 PM AND 5:15 PM

18 CIVIC CENTRE, CIVIC CENTRE ROAD - 10/00020/R3CFL

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 5:15 PM AND 5:45 PM

19 173 - 175 UPPER DEACON ROAD - 10/00793/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 5:45 PM AND 6:15 PM

20 ROSEBANK COTTAGE AND LAND ADJOINING, INCLUDING PART OF FORMER PLAYING FIELDS, STUDLAND ROAD - 10/00565/R3OL

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.

MAIN AGENDA ITEMS

21 PLANNING PERFORMANCE AGREEMENTS AND PRE-APPLICATION CHARGING

Report of the Head of Planning and Sustainability detailing changes to how the City Council will provide pre-application planning advice through the use of Planning Performance Agreements, attached.

22 STREET NAMING REPORT - FORMER WICKES SITE, 81 - 97 PORTSWOOD ROAD

Report of the Head of Planning and Sustainability seeking approval of the street name 'Fullerton Place' for the cul-de-sac serving the residential development on the former Wickes site, 81 – 97 Portswood Road, attached.

23 STREET NAMING REPORT FOR UN-NAMED STREET ACCESSED OFF BLECHYNDEN TERRACE AND THE REAR OF THE MAYFLOWER THEATRE

Report of the Head of Planning and Sustainability seeking approval of the name 'Phantom Lane' as the street name for un-named street accessed off Blechynden Terrace and the rear of the Mayflower Theatre, attached.

Friday, 20 August 2010

SOLICITOR TO THE COUNCIL

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PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 20 JULY 2010

Present: Fitzhenry (Chair), Jones (Vice-Chair), Letts (Except Agenda Items 1-8 and 15), Mead, Osmond, Slade (Except Agenda Items 11 - 15) and Thomas

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

RESOLVED that the Minutes of the meeting held on 22nd June 2010 be approved and signed as a correct record.

17. **CONSIDERATION OF PLANNING APPLICATIONS**

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

18. **195 - 207 COXFORD ROAD, SOUTHAMPTON, SO16 5JY**

Re-development 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.

Mr Dunne (Applicant) 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

RECORDED VOTE:

FOR: Councillors Fitzhenry, Jones and Osmond

AGAINST: Councillors Mead and Slade

ABSTAINED: Councillor Thomas

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 set out below;
 - b. the applicant entering into a Section 106 Legal Agreement to secure:
 - 1. the developer submitting a scheme of works for highway improvements in the vicinity of the site to be undertaken by the developer under a s278 agreement 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);
 - 2. 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;

3. 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;
 4. 14 units of Affordable Housing to be provided on site plus a financial contribution equivalent to 2 units subject to completion of Block A within 24 months of the date of this consent or 23 units of Affordable Housing to be provided on site should Block A not be completed within 24 months of the date of this consent in accordance with Policy CS15;
 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.
 6. the provision of Public Art
 7. residents of the development not to be eligible for parking permits.
 8. the developer entering into an Employment and Training Management Plan;
 9. Block B to be constructed to ‘shell and core finish’ within 2 years of the date of permission and Block C to be completed to shell and core finish within 3 years of the date of permission; and
- (ii) that the Head of Planning and Sustainability be authorised to refuse permission should the Section 106 Agreement not be completed by 26th July 2010, on the grounds of failure to secure the provisions of the Section 106 Agreement.

Amended Conditions:

4 - 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 and Blocks B and C on the development will achieve a minimum level 2 standard in the Code for Sustainable Homes shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted 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.

5 – 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 15%] must be conducted. Plans for the incorporation of

renewable energy technologies to the scale that is demonstrated to be feasible by the study, and that will reduce the CO2 emissions of the development [by at least 15%] 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).

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below and other material considerations such as the viability of the development, the extant planning consent which has already been commenced and the requirements of the s106 agreement which requires delivery of the scheme within 36 months of the date of the permission. These material considerations outweigh the need for the development to fully comply with the Core Strategy requirements with regard to sustainability and housing mix. Material planning considerations such as the level of car parking, provision of amenity space and the impact of the development 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.

19. **50-52 BEVOIS VALLEY ROAD, SOUTHAMPTON**

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 (Outline application seeking approval for access, layout, appearance and scale at this stage) 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 - Description amended following validation to include shutter.

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

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

RESOLVED

- (i) that authority be delegated to the Head of Planning and Sustainability to grant conditional planning approval subject to:-
 - a) the conditions in the report and the amended condition below;

b) the applicant entering into a Section 106 Legal Agreement to secure:

1. 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);
 2. 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;
 3. 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;
 4. 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;
 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;
 6. parking permits for the nearby resident parking zones shall not be granted to occupiers of this car free scheme; and
- (ii) that the Head of Planning and Sustainability be authorised to refuse permission should the Section 106 Agreement not be completed by 3rd August 2010 on the grounds of failure to secure the provisions of the Section 106 Agreement.

Amended Conditions

16 - Code for Sustainable Homes/ BREEAM Standards

Written documentary evidence demonstrating that the development will achieve at minimum Level 3 of the Code for Sustainable Homes or 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 Code for Sustainable Homes certification body or 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).

17 – 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).

REASONS FOR THE DECISION

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 S106 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 and Noise) are also relevant to the determination of this planning application.

20. **16 BASSETT HEATH AVENUE, SOUTHAMPTON - 10/00059/FUL**

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)

Mr Reay (Luken Beck Ltd on behalf of Dr and Mrs Moussa), Miss Afshar and Mr Garvey (Local Residents), Councillors Harris and Samuels (Ward Councillors) 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

RECORDED VOTE:

FOR: Councillors Jones, Slade and Thomas

AGAINST: Councillors Fitzhenry and Mead

ABSTAINED: Councillor Osmond

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 additional conditions below.

Additional Conditions

8 - Hours of work for Demolition / Clearance / Construction

All works, including internal works, relating to the creation of the flats 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.

REASON:

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

9 - Landscaping detailed plan

Before first occupation of the approved flats 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, shall be submitted to and approved in writing by the Local Planning Authority.

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

The approved scheme shall be carried out prior to occupation of the flats or during the first planting season following the full completion of the internal 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.

10 - Glazing panel specification

The windows in the first floor side elevation of flat 7 hereby approved to the rooms indicated as a kitchen and to Flat 5 as a bedroom shall be glazed in obscure glass and shall only have a top light opening. The window as specified shall be installed before the flats are first occupied and shall be permanently maintained in that form.

REASON:

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

11- Time period for completion of the building works

The development shall be fully completed and all building materials shall be removed from the site within three years of the date of this consent.

REASON:

In the interests of the amenities of the adjoining occupiers and the character of the surrounding area.

REASONS FOR THE DECISION

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 dwelling house 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 and 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.

21. LAND REAR OF 16 BASSETT HEATH AVENUE, SOUTHAMPTON.

Erection of a 3-bed bungalow with associated parking and refuse/cycle storage

Mr Reay (Luken Beck Ltd on behalf of Dr and Mrs Moussa), Miss Afshar and Mr Garvey (Local Residents), Councillors Harris and Samuels (Ward Councillors) were present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO REFUSE PLANNING PERMISSION WAS CARRIED UNANIMOUSLY

RESOLVED that conditional planning permission be refused for the reasons set out in the report and the additional reasons below.

Reasons for Refusal

- (i) 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 contrary to Policies SDP1 and H7 of the City of Southampton Local Plan Review 2006.
- (ii) 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.
- (iii) 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.
- (iv) The proposal fails to provide an adequate living environment for future occupiers due to the siting of the existing building in immediate proximity to the site boundaries. Consequently, the habitable rooms of the house would not have reasonable levels of natural light and outlook contrary to paragraph 2.2.1 of the Residential Design Guide 2006.
- (v) The proposal fails to demonstrate how energy efficiency would be improved and whether or not renewable energy will be able to be incorporated in the development. In the absence of such details which should include measures for Water Conservation and the use of Micro-Renewables the proposal is contrary to Policy CS20 of the Core Strategy 2010.

22. **OASIS ACADEMY, THE GROVE, SOUTHAMPTON**

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

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 COMPLETION OF A UNILATERAL UNDERTAKING WAS CARRIED UNANIMOUSLY

RESOLVED that authority be delegated to the Head of Planning and Sustainability to grant conditional planning approval subject to:-

- (i) the completion of a Unilateral Undertaking to secure 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);

- (ii) any further planning conditions recommended by the Environment Agency and British Airports Authority on receipt of their consultation response; and
- (iii) the conditions in the report and the amended and additional conditions below.

Amended Conditions

01 - Full Permission Timing Condition - Physical works

The development works hereby permitted shall begin not later than five 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 - Details of building materials to be used

Notwithstanding the details shown on the approved drawings no works shall commence on the construction of the external elevations of the buildings hereby approved 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 - 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.

04 - 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.

05 -Sustainability statement implementation

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

06 - BREEAM Standards

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

07 - Renewable Energy

Prior to the commencement of development a complete description 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 information should include the full specification of the photo voltaic cells which shall achieve the agreed target of 15% reduced carbon dioxide emissions as detailed in Core Strategy Policy CS20.

REASON:

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

08 - Use of uncontaminated soils and fill

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

REASON:

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

09 - 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 in the area where potential contamination has been encountered 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 - Floodlight System

Prior to the installation of the floodlights for the MUGA, as specified in the submitted lighting assessment (Report P226 – 1620 –E1 R1) and accompanying drawing (Report P226 – 1620 –E1 R1) a written scheme providing details of how the scheme achieves 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, shall be submitted to and approved by the local planning authority. 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 Holophane Report P226 – 1620 –E1 R1 (or any subsequent alternative report agreed in writing with the local planning authority), have been met. The developer 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 - Floodlight illumination restriction

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 - No amplified system

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 - Construction method statement

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.

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 - Hours of construction

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.

15 - Demolition Phasing

With the exception of the sports hall, the existing school buildings shall be demolished and all resultant materials shall be removed from the site in accordance with a phasing programme to be agreed in writing with the local planning authority before the development commences.

REASON:

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

16 - Construction access

The new access to the site from Ashley Crescent shall be provided and made available for use before construction of the new school building commences. With the exception of traffic relating to the demolition phase of development, 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.

17 - Access Details

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.

REASON:

To ensure the access is constructed to a satisfactory standard.

18 - Use of Access

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:

In the interests of highway safety and the amenities of the neighbouring residential occupiers

19 - Foul and surface water disposal

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

20 - CCTV system

Before the new academy building is first occupied details of a scheme for a CCTV system to comprehensively cover the site including all public entry points, servicing spur, car park, MUGA and all-weather pitch, shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be installed and operational prior to the first occupation of the approved buildings first commencing and shall thereafter be maintained in working order.

REASON:

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

21 - External Lighting

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

REASON:

In the interests of crime prevention

22 - Tree Retention and Safeguarding

All trees to be retained, as identified in the Marishall Thompson Arboricultural Report Reference D3103101523 and on the approved planning drawings, shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations in accordance . No operation in connection with the development hereby permitted, other than the formation of the construction access on the site of 152 Portsmouth Road, shall commence on site until the tree protection as set out in Arboricultural Report Reference D3103101523 has been erected.

REASON:

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

23 - Arboricultural Method Statement

The Arboricultural Method Statement set out at Section 7 of the Marishall Thompson Arboricultural Report reference D3103101523 shall be adhered to throughout the duration of the demolition and development works on site.

REASON:

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

24 - Arboricultural Protection Measures

No works or development, other than the formation and construction of the Ashley Crescent construction access, 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.

25 - Ecology Mitigation Statement

Prior to development commencing, other than the formation and construction of the Ashley Crescent construction access but including site clearance of the main Academy

site, 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 submitted programme.

REASON:

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

26 - Protection of nesting birds

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

27 - 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.

28 - Secured by Design

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

29 - No other points of access

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.

30 - Details of External Sports Store

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

REASON:

To minimise opportunities for crime and anti-social behaviour

31 - Assessment of Playing Pitch Quality

Before works on the playing pitches commences, 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

32 - Playing Pitch Provision

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, other than the formation of the construction access on the site of 152 Portsmouth Road 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

33 - Details of Community Use

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

34 - Landscaping detailed plan

Notwithstanding the details already submitted, a landscaping 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, in accordance with details to be submitted to and agreed by the Local Planning Authority in writing. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

The details shall include a detailed landscaping scheme and implementation timetable, which clearly indicates the numbers, planting densities, types, planting size and species of trees and shrubs to be planted, means of enclosure, lighting and treatment of hard surfaced areas, shall be submitted to and approved in writing by the Local Planning Authority.

The landscaping scheme shall specify all trees to be retained and to be lost and shall provide an accurate tree survey with full justification for the retention of trees or their loss. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis

unless circumstances dictate otherwise) to ensure a suitable environment is provided on the site.

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

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.

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan. 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 taken 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 and Noise) are also relevant to the determination of this planning application.

23. LAND TO THE REAR OF THE DUCHESS OF WELLINGTON, WOLSELEY ROAD, SOUTHAMPTON

Erection of two, two bedroom semi-detached dwellings with associated cycle storage on land to the rear of 4 Wolseley Road

Mr Oldfield (Architect) and Mr Netherwood (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.

Additional Condition

16 - Public House Delivery Time

Unless otherwise agreed in writing by the Local Planning Authority deliveries to the existing public house shall not take place outside of the hours of 10:00 to 15:00 Monday to Friday and at no times on public holidays.

REASON:

The approved development would prevent delivery vehicles from pulling off the road when goods are being delivered to the premises. The permitted delivery hours would ensure that on-road deliveries do not lead to undue congestion during periods where on-street parking significantly increases.

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan. 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 and 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, 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.

24. **165 ST MARY STREET AND THE FORMER CHANTRY HALL SITE, CHAPEL ROAD, SOUTHAMPTON**

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).

Mr Warburg (Applicant) and Mr Lette (Architect) were present and with the consent of the Chair, addressed the meeting.

NOTE: Councillor Slade declared a prejudicial interest in this item and withdrew from 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 that authority be delegated to the Head of Planning and Sustainability to grant conditional planning approval subject to:-

- (iii) the applicant entering into a Section 106 Legal Agreement to secure:
 - a) 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);
 - b) a financial contribution towards strategic transport improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
 - c) the provision of Public Art in accordance with Council Policy;
 - d) incorporation of energy conservation measures in accordance with Policy CS20 of the Core Strategy;
 - e) submission and implementation of a Travel Plan;
 - f) submission and implementation of a Refuse Management Plan;
 - g) submission and implementation of a Training and Employment Management Plan; and
 - h) submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer; and
- (iv) the conditions in the report and the additional and amended conditions below.

Amended Conditions

15 - Noise - plant and machinery

The development 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.

Additional Conditions:

25 - Replacement Trees

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

of a similar size and species unless the Local Planning Authority gives written consent to any variation.

REASON:

To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990.

26 - Restriction on use

That part of the building shown as being used as an ice rink shall be used as an ice rink with associated facilities and for no other purpose including any other purpose within Class D2 of the Town and Country Planning (Use Classes) Order 1987 or any subsequent amendment or replacement of this Order.

REASON:

To control the development in view of the character of the surrounding area and to allow the Council to consider the likely impact of other Assembly and Leisure uses.

27 - Use of Ice Rink

The ice rink hereby approved shall not be open for public use between the hours of midnight and 0600 hours on any day.

REASON:

To protect the amenities of neighbouring occupiers.

28 - Noise restriction

No amplified music or other sound amplification in connection with the use hereby approved shall be audible at any boundary of the site.

REASON:

To protect the amenities of neighbouring occupiers.

REASONS FOR THE DECISION

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 and 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 and Noise) are also relevant to the determination of this planning application.

25. **4 HARTLEY AVENUE, SOUTHAMPTON**

Erection of a single storey rear extension and two storey side extension

Mrs Blue (Local Resident) and Councillors Capazzoli and Vinson (Ward Councillors) 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

RECORDED VOTE:

FOR: Councillors Fitzhenry, Jones, Letts, Mead and Osmond

ABSTAINED: Councillor Thomas

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

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. 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.

26. **6 HARTLEY AVENUE, SOUTHAMPTON**

Single storey rear extension and two storey side extension to existing 4 bed HMO (C4 Use) to provide two additional bedrooms

Mrs Blue (Local Resident) and Councillors Capazzoli and Vinson (Ward Councillors) 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

RECORDED VOTE:

FOR: Councillors Fitzhenry, Jones, Letts, Mead and Osmond

ABSTAINED: Councillor Thomas

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

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. 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 and 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).

27. 97 REGENTS PARK ROAD, SOUTHAMPTON

Use of existing garage for car repairs and car sales (sui generis) (retrospective).
Resubmission of 09/01201/FUL

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

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO REFUSE PLANNING PERMISSION WAS LOST

RECORDED VOTE:

FOR: Councillor Osmond

AGAINST: Councillors Fitzhenry, Jones, Letts and Mead

A FURTHER MOTION proposed by Councillor Letts and seconded by Councillor Fitzhenry ‘that the application be granted’ was carried

RECORDED VOTE:

FOR: Councillors Fitzhenry, Jones, Letts and Mead

ABSTAIN: Councillor Osmond

RESOLVED that following the submission of an acoustic report and the installation of any noise mitigation measures which are identified within the report, a Temporary Planning Permission should be granted for one year subject to conditions set out below.

1 - Time Limited (Temporary) Permission

The use of the garage hereby permitted shall be discontinued on or before 12 months from the date of this consent.

REASON:

To enable the Local Planning Authority to review the special circumstances under which planning permission is granted for this type of development.

2 – Personal Consent

The development to which this consent relates shall only be undertaken by Mr Andrea and by no other person(s) unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In order to control the scale of the operation of the development and in order to reflect the extenuating circumstances for which planning permission is granted.

3 - Scope and Restriction of use of other Classes

The use of the garage building shall be limited to the specific use (motor vehicle repairs) within the Town and Country Planning (Use Classes) Order 1987 (or any amendment to, replacement of, or reinstatement of that Order) Use Class B2 (General Industry) of Schedule 2 and for the purposes of clarity shall not be used for any Use Class B1 (Business) or B8 (Storage of Distribution) purpose or activity. No body repairs work or paint spraying shall take place on the site.

REASON:

In the interests of the amenities of adjacent residential occupiers.

4 - Hours of Operation

The garage to which this permission relates shall only be use in connection with vehicular repairs between the hours of 09.30 and 15.30 Monday to Thursday, unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To protect the amenities of those members of the public who live close to the facility.

5 - Loading / unloading

The front curtilage of the dwelling house to which this application relates shall at no time be used for the parking and or storage of any vehicles associated with the commercial use of the garage structure hereby approved.

REASON:

In the interests of highway safety and residential amenity.

6 - Restricted use of garden area

The garden area serving the main dwelling shall remain in residential use ancillary to the dwelling and shall not be used in connection with the commercial use of the garage hereby permitted, including for any storage purposes, unless otherwise agreed in writing by the Local Planning authority.

REASON:

In order to protect the privacy of adjoining occupiers

REASONS FOR DECISION

The development is acceptable as a temporary and personal consent, subject to the imposition of conditions, taking into account the small scale nature of the activity and the requirement for further mitigation works to be undertaken prior to consent being issued. Full regard has been had to the policies and proposals of the Development Plan as set out below. Other material considerations including surrounding character and amenity, in particular the potential for noise and odour disturbance to be caused, have been addressed by the requirement for further remedial works to be undertaken prior to granting permission in accordance with the recommendations set out in a report to be

submitted by the applicant prior to the decision being issued. Conditions have also been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - SDP1, SDP4, SDP7, SDP15, SDP16 and SDP21 of the City of Southampton Local Plan Review (March 2006); and PPS1 Delivering Sustainable Development, PPS23 Planning and Pollution Control and PPG24 Planning and Noise).

28. **ZAZEN DEVELOPMENTS LTD - ROEBUCK HOUSE, 24-28 BEDFORD PLACE**

The Panel considered the report of the Head of Planning and Sustainability seeking authorisation to vary the terms of the section 106 agreement in respect of Zazen Developments Ltd - Roebuck House, 24-28 Bedford Place.

(Copy of report circulated with the agenda and attached to the signed minutes).

RESOLVED that authority be delegated 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.

Agenda Annex

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 31 August 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 10.15 AM</u>					
5	RP	DEL	Q12	15	10/00385/R3CFL/ Part of former Calor Gas and Dimplex site First Avenue
<u>BETWEEN 10.15 AM AND 10.45 AM</u>					
6	BG	DEL	Q07	15	10/00728/FUL/ Stoneham Cemetery Road
<u>BETWEEN 10.45 AM AND 11.15 AM</u>					
7	SH	DEL	Q13	5	10/00811/FUL/210 Bassett Green Road
<u>BETWEEN 11.15 AM AND 11.45 AM</u>					
8	JT	CAP	Q13	5	10/00454/OUT/36 Dell Road
<u>BETWEEN 11.45 AM AND 12.15 PM</u>					
9	AG/SL	CAP	Q13	5	10/00277/FUL/ Land rear of 3 - 6 Seymour Road
<u>BETWEEN 12.15 PM AND 12.45AM</u>					
10	SB	REF	Q20	5	10/00606/FUL/9 The Triangle Cobden Avenue
<u>BETWEEN 13.15 PM AND 13.45 PM</u>					
11	JT	CAP	Q13	5	10/00523/FUL/ Rear of 273 Wimpson Lane
<u>BETWEEN 13.45 PM AND 14.15 PM</u>					
12	AA	CAP	Q20	5	10/00743/FUL/34 Northcote Road
<u>BETWEEN 14.15 PM AND 14.45 PM</u>					
13	AG/AA	REF	Q13	5	10/00490/OUT/ Rear of 13 - 19 Firgrove Road
<u>BETWEEN 14.45 PM AND 15.15 PM</u>					
14	JT	CAP	Q13	5	10/00608/FUL/Rear of 50 - 53 Roselands Gardens

<u>BETWEEN 15.15 PM AND 15.45 PM</u>					
15	AA	CAP	Q18	5	10/00881/FUL/ Southampton General Hospital Tremona Road
<u>BETWEEN 15.45 PM AND 16.15 PM</u>					
16	BG	CAP	Q13	5	10/00598/FUL/ Rear of 58 Park Road
<u>BETWEEN 16.15 PM AND 16.45 PM</u>					
17	AA	REF	Q13	5	10/00653/OUT/ Rear of 88 - 90 High Road
<u>BETWEEN 16.45 PM AND 17.15 PM</u>					
18	JT	DEL	Q18	15	10/00020/R3CFL/ Civic Centre Civic Centre Road
<u>BETWEEN 17.15 PM AND 17.45 PM</u>					
19	AG/RP	DEL	Q13	5	10/00793/FUL/173 - 175 Upper Deacon Road
<u>BETWEEN 17.45 PM AND 18.15 PM</u>					
20	SL	DEL	Q07	15	10/00565/R3OL/ Rosebank Cottage and Belmont land adjoining, including part of former playing fields, Studland Road
Main Agenda reports					
21	Pre-application charging: Protocol for Planning Performance Agreements / SH				
22	Street naming report for former Wickes Site Portswood / VW				
23	Street naming report for former Mayflower Plaza / VW				

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, BG- Bryony Giles, JT - Jenna Turner, MP- Mathew Pidgeon, SH- Stephen Harrison, SL - Steve Lawrence, SB – Stuart Brooks, RP – Richard Plume,

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

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Agenda Item 5

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 31 August 2010
 Planning Application Report of the Planning and Development Manager

Application address:
Part of Former Calor Gas and Dimplex Site, First Avenue, Southampton

Proposed development:
Use as a Council Depot and Household Waste Recycling Centre with a new vehicular entrance from First Avenue and exit onto Manor House Avenue. Depot facilities to include storage, parking, fleet workshop and associated facilities. Erection of a 3-storey building for office and staff facilities.

Application number	10/00385/R3CFL	Application type	Full (Q 12)
Case officer	Richard Plume	Public speaking time	15 minutes

Applicant: Southampton City Council	Agent: Capita Symonds
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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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 a depot facility which is a similar employment use to those safeguarded under Policy REI 10 of the Local Plan. The proposed use would not be harmful to existing industrial or warehousing uses on adjoining sites. The impact on traffic levels in the surrounding area and particularly the impact on the Port of Southampton and its national economic importance have been carefully considered and the impact is considered to be acceptable. 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, SDP13, SDP15, SDP16, and TI2 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) Policies CS6, CS9, CS13, CS18, 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 Planning and Development Manager to grant planning permission subject to the completion of a S.106 undertaking to secure:

- a) 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) to include:
 - (i) Making of Traffic Regulation Orders to restrict parking on Third Avenue and First Avenue and lane marking on First Avenue;
 - (ii) A financial contribution towards the provision of a cycle route on the opposite side of Millbrook Road to provide cyclists with an alternative route;
 - (iii) To include improvements to Manor House Avenue/Third Avenue junction for improved HGV turning;
 - (iv) To provide directional signage for access to and egress from the site;
 - (v) Changes to traffic light control for traffic using the new spur link from Third Avenue onto the Millbrook roundabout.
- b) Submission and implementation of a Travel Plan
- c) Submission and implementation of a Training and Employment Management Plan
- d) 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 approximately 1.6 hectares in area and is situated on the south-east side of First Avenue which is the road leading to Dock Gate 20 off the Millbrook roundabout. This road is two lanes in both directions. The site is vacant and has been cleared of the buildings which were previously on the site. The vehicular access to the site is currently from Manor House Avenue.

1.2 The surrounding area is entirely commercial in character with a variety of business, industrial and warehouse developments which form part of the Millbrook Industrial Estate. The application site was formerly part of the Calor Gas and Dimplex site, the majority of which has been redeveloped for modern industrial/warehousing units which adjoin to the north and east and has its vehicular access from Third Avenue and Manor House Avenue. The application site was intended to be a second phase of this development (see details in the Planning History section of this report). Adjoining the application site to the south is the railway line and beyond that are the operational docks of the Port of Southampton. Dock Gate 20 is the main vehicular access to the Container Port.

2. Proposal

2.1 The existing main depot for the Council is Town Depot, Endle Street. That site is to be disposed of for development and the application site is proposed to be the new City Depot accommodating most of the functions currently provided at Endle Street. The main activities to be accommodated at the site are: a Household Waste Recycling Centre (HWRC) providing domestic refuse recycling and disposal facilities for the public; waste services; fleet service function; port health services; community alarm function and the out of hours emergency planning team. Vehicular access to the site would be via a new left in only access from First Avenue with egress via Manor House Avenue. A total of 391 staff would be employed at the site (175 office based and 216 front line employees), all of whom would transfer from the existing Town Depot.

2.2 The proposed HWRC will be in the south-eastern part of the site and the recycling delivery area is proposed to be built up from the existing site level to allow household

waste to be deposited into the various bins (a total of 14 containers to be provided). There will be separate bins for green waste, metal, general non-recyclable material, cardboard/paper and wood. At the rear of the HWRC containers, and at a lower level not accessible to the general public, is a service area where the HWRC containers will be removed/replaced by the waste contractor and the contents compacted as necessary by the on-site staff. It is proposed that the HWRC will be open to the public 7 days per week except Christmas and New Year, with opening hours of 0800 to 1900 during the summer and 0800 to 1630/1700 in the winter/spring.

2.3 The main buildings on the site are a three-storey office and staff welfare block within the central area of the site and a fleet workshop building with associated office and storage accommodation. The total floorspace of proposed buildings on the site is approximately 3,600 square metres. Other facilities to be provided on the site include: diesel filling facilities with an above ground diesel tank; a vehicle wash down area with one automatic and one manual vehicle washing facility; areas for the storage of bins and skips; materials store and a salt barn. The parking provision is: 64 car spaces (including 2 disabled spaces); 75 other vehicle spaces (37 refuse vehicles, 14 waste vehicles and 24 highways vehicles); 40 secure long-stay cycle spaces and 10 visitor short stay cycle spaces; and 15 motorcycle spaces.

2.4 The hours of use of the main depot functions involve waste service crews arriving for work from 0500 hours, the fleet service workshop will operate between 0600 and 2200 hours during the week and on Saturday mornings, the Port Health and Community Alarm services will require 24 hour use of the offices.

2.5 The development would incorporate the following sustainability measures: provision of photovoltaic cells on the roof of the fleet workshop; use of an insulated metal panel cladding system with greater thermal insulation qualities than Building Regulation requirements; rainwater harvesting to be used to supply the fleet road sweepers and gully emptiers; recycling of water for use in the vehicle wash down area.

2.6 The proposed external materials for the buildings would be blue engineering brickwork to the plinth of the building, silver cladding panels, grey single ply membrane to the roof and grey powder coated aluminium windows. External lighting to the depot will be provided by 8 metre high lamp columns and external lighting on the proposed building.

2.7 The proposed means of enclosure consists of 3 metre high timber fencing to the north and west boundaries, 4 metre high timber fencing to the southern boundary which is needed to prevent glare from the lighting affecting train drivers on the railway and 3 metre high 'weldmesh' fencing within the site.

2.8 The planning application has been amended since it was first submitted. As originally submitted vehicular access to the site was to be from a two-way traffic light controlled junction on to First Avenue with a secondary means of access onto Manor House Avenue. It was intended that this access will be gated and only available for use by operational vehicles and/or members of the public in exceptional circumstances. The application, as amended, involves a one-way route through the site. These amendments have been the subject of full public notification as outlined in this report.

2.9 The planning application documentation includes a Design and Access Statement, Supporting Planning Statement, Statement of Community Involvement, Transport Statement, a Noise and Vibration Assessment, Air Quality Assessment, Ecological Appraisal, Flood Risk Assessment and Workplace Travel Plan

3. Relevant Planning Policy

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

3.2 The application site is part of the Millbrook Trading Estate, an extensive area safeguarded for light industrial, general industrial and storage and distribution uses within Classes B1(c), B2 and B8, under ‘saved’ Policy REI 10 (ii) of the Local Plan. The policy explicitly allows for other similar employment uses providing they are not harmful to existing industrial or warehousing users on the safeguarded site.

4. Relevant Planning History

4.1 The application site was previously used as a Calor Gas depot and distribution centre and Dimplex depot since the 1950’s comprising a number of buildings, open storage uses and supporting administrative offices. Previous planning decisions relating to these uses are not relevant to the current proposal.

4.2 In 2001 an outline planning application was submitted for a 28,500 square metre IKEA store with 1,300 car parking spaces. The Council resolved to grant permission for this development but the application was ‘called-in’ by the government. The applicants subsequently withdrew the planning application (reference 01/00514/OUT).

4.3 In 2007, planning permission was granted for redevelopment of the site to provide 46 units for business, industrial or storage and distribution use (Classes B1 (c), B2 or B8 – total floorspace of 22,998 square metres) with associated car parking, landscaping and alterations to vehicular access points (reference 06/01460/FUL). This permission has been implemented in that Phase 1 of the development has been completed. The area subject of the current planning application was shown as being Phase 2 of the development and comprised 15 units with vehicular access from Manor House Avenue. This second phase has not been implemented.

4.4 In 2008, planning permission was granted for an amended application for this Phase 2 part of the site. The development still comprised 15 units for Class B1 (c), B2 or B8 uses with associated car parking (59 spaces), landscaping and access (reference 08/00277/VC). This development has also not been implemented.

5. Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement and erecting a site notice. A further consultation exercise was carried out after the application was amended. At the time of writing the report **4** representations have been received from surrounding businesses, including ABP, raising objections to the amended application. These objections can be summarised as follows:

- There is already serious congestion on the estate. Third Avenue is used as a short cut whenever there is heavy traffic inbound or outbound. Third Avenue is also used as an unofficial lorry park and an increase in traffic will exacerbate these problems.
- Lorries park along one lane of First Avenue into the docks and an increase in traffic will make this worse.
- At peak times Millbrook roundabout comes to a standstill due to the increased amount of traffic and traffic light sequencing, any further increase in traffic will make this worse.

- Additional traffic along Third Avenue may be a safety issue with regard to cyclists who already have difficulties because of parked vehicles.
- It is already difficult to exit the trading estate onto the sliproad at the Millbrook roundabout, additional traffic will exacerbate this problem.
- Manor House Avenue has inadequate safe walkways or pavements and an increase in traffic will increase the risk to pedestrians
- Road surfaces on Manor House Avenue and Third Avenue are already very poor and additional traffic will make it worse
- Vehicles have increasing problems negotiating Third Avenue due to the number of large vehicles that park in the unrestricted sections. It is suggested that double yellow lines should be extended for the full length of the road to avoid what could become a major incident.

Response

These comments are noted and various site specific highways measures are proposed to improve conditions for all highways users in the vicinity of the site. The existing access to the application site is from Manor House Avenue and Phase 2 of the approved industrial/warehousing development would have resulted in significant traffic movements through this part of the industrial estate.

5.2 **Associated British Ports** objected to the application as originally submitted due to the likely impact on the operation of the port. ABP's initial comments on the amended application are as follows. Good and unimpeded access to the port is vital to its successful operation and should not be prejudiced. The national economic importance of the port and its access is identified in national policy statements and supported by Policy CS18 of the Council's Core Strategy. ABP welcomes the attempt to address their concerns by amending the application. However, ABP still has significant concerns about the proposal and its potential impact on current and future access to the port. First Avenue is a key part of the principal access to one of the nation's main trade gateways. Congestion at the port entrance affects every lorry movement in and out of the port. ABP is not yet convinced of the need for depot traffic to use First Avenue: the previous use of the site functioned well without a First Avenue access and the proposed use will apparently not significantly increase traffic levels.

5.3 **Highways Agency** has no objection to the proposal

5.4 **Environment Agency** has no objection in principle to the proposal provided conditions are imposed covering drainage and contamination.

5.5 **British Airports Authority** has no objections as the proposal would not conflict with aerodrome safeguarding criteria.

5.6 **Southern Water** have no objections to the development providing appropriate conditions are imposed on drainage issues and protection of the water supply main and public sewers.

5.7 **Network Rail** has no objections providing informatives are added to any planning consent issued.

5.8 **Natural England comments** The application site lies close to habitats which form part of an SSSI which is part of the Solent Maritime Special Area of Conservation, Solent and Southampton Water Special Protection Area and Ramsar site. Natural England has no objection to the proposed development as the proposal would not be likely to have a significant impact on the adjoining important habitats and permission may be granted under the terms of the Conservation of Habitats and Species Regulations.

5.8 SCC Environmental Health (Contaminated Land) – The proposed depot site is not regarded as a sensitive land use, however, the mobilisation of contaminants that may be present on the site could present a risk to human health and/or the wider environment during the construction phase. The history of Southampton City presents many potential contamination hazards to much of the land in its area. Records maintained by this department indicate that the subject property is situated adjacent/on the following current/historical land uses: Gas Depot (on site); Former Landfill (80m to South). Land contamination hazards associated with such land uses includes inorganic chemicals, metals and metalloid compounds and hydrocarbons. Consequently there exists the potential for such hazards to significantly impact upon the development. Therefore in accordance with Policies SDP1 and SDP22 of The City of Southampton Local Plan Review - Adopted Version March 2006 and advice contained within PPS23 Annex 2: Development on Land Affected by Contamination, if planning permission is granted, that conditions be attached.

5.9 SCC Ecology - have no objection to the proposed development however some concerns about the lack of detail regarding off site habitat creation.

5.10 SCC Sustainability - The sustainability statement provides a good amount of detail including elements such as rainwater harvesting. It is recommended the condition K005 Sustainability statement implementation is put in place to ensure the proposed measures are carried out. It is also recommended that the BREEAM condition K010 and renewables condition (12.5% for workshop and 15% for offices) is used. It is anticipated that the final design of the areas of surfacing to be macadam, or reinforced concrete, will be agreed with the Local Planning Authority via a condition imposed upon any planning consent following further development of the design. It is recommended that the applicants consider the green guide ratings of materials in their decision.

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. Traffic and Transportation issues;
- iii. Environmental issues;
- iv. Design issues;

Principle of Development

6.2 The application site is part of an extensive industrial estate which is safeguarded for light industrial, general industrial and storage and distribution uses (Classes B1 (c), B2 and B8) under Policy REI 10 (ii) of the Local Plan. The proposed depot use does not fit within these use classes due to the mixed nature of the activities. Nevertheless, there are elements of the depot activities that are industrial in nature, such as the fleet workshop and storage uses. Policy REI 10 of the Local Plan explicitly allows redevelopment proposals for other similar employment uses providing they are not harmful to existing industrial or warehousing uses on the safeguarded site. In these circumstances, the proposed use complies with saved Policy REI 10 and is therefore acceptable in principle.

6.3 A depot use of this nature and HWRC are 'industrial' in character and do not make for neighbourly uses in environmentally sensitive locations. This is a good location for such a use given the solely commercial nature of the surroundings and the proximity to the main road network.

Traffic and Transportation

6.5 The proposed vehicular access to the site has been contentious with adjoining owners and occupiers. The application site has not previously been accessed from First Avenue. The approved redevelopment for industrial and warehousing uses subject of the planning permissions in 2007 and 2008 involved 15 industrial/warehousing units on this part of the site with all vehicular access/egress via the existing site access off Manor House Avenue.

6.6 At the pre-application stage consideration was given to alternative means of accessing the site. The Council's Highways Officers were not satisfied that all traffic for this development should use the Manor House Avenue entrance. This was because of concerns about use by the general public wishing to access the HWRC through an industrial estate and the possible conflict between business operations, traffic flow and safety for all.

6.7 The roads are in poor condition, Third Avenue is a cycle route and on-street lorry parking is a common problem for road users. Consequently it was decided that the access to the site should be a traffic signalised junction allowing all vehicular movements to be on to First Avenue. This option resulted in objections due to the impact it would potentially have on traffic flow to the port and therefore the application was amended.

6.8 The vehicular access arrangements now proposed are essentially a compromise solution to meet some of the objections lodged. A one way route through the site is proposed with the entrance only from First Avenue, with no provision of traffic signals, and the exit out onto Manor House Avenue. The proposed depot is vehicle based but the peak time for refuse and other operational vehicles is outside of the normal peak periods.

6.9 Furthermore, the peak times for use of the HWRC are outside the busiest times for the depot which should prevent conflict between the different users. Concern has been expressed that the level of traffic to the HWRC cannot be accurately predicted and there is the possibility that stacking traffic could result in cars queuing on First Avenue which could potentially restrict access to the port.

6.10 The internal layout of the site does minimise the chances of this happening. 20 parking/unloading bays are provided to access the containers and approximately 200 metres of 'stacking' lane would be available within the site. Most 'stacking' will be required when a reduced number of Council vehicles need to access the depot areas of the site. In the event of this stacking lane being full operatives of the HWRC will direct vehicles to exit the site onto Manor House Avenue without using the facility. Conditions could be imposed to prevent queuing of vehicles back onto First Avenue and to preclude egress onto First Avenue.

6.11 The proposed level of vehicle parking is considered to be acceptable for the proposed uses. It is difficult to apply the normal standards to a mixed use of this nature as the provision is to meet essential operational requirements.

Environmental Impact

6.12 The application is accompanied by a series of specialist reports. The noise and vibration survey indicates that the predicted levels attributable to noise created as a result of the proposed facility meet the criteria given in the World Health Organisation guidelines for external noise limits at the façades of all nearby residential properties and there would

be no significant vibration issues. The Air Quality Assessment shows that construction of the development is unlikely to have a significant effect through dust emission. Operation of the development itself should have little effect upon sensitive receptors through dust emissions due to the distance between source and receptor. Increased levels of Nitrogen Dioxide within the adjoining Air Quality Management Area are predicted to be very small. This impact is considered to be of only slight adverse significance since, in the absence of the new City Depot, the site would be developed for alternative traffic generating land uses.

6.13 The site is of low ecological value. The scheme will involve the loss of some dense areas of scrub and potentially some young Hazel trees. There is little opportunity for replacement on-site planting and landscaping. In addition, both ABP and BAA have advised against the use of planting or other features that might attract birds.

6.14 The application site is in Flood Zone 1 which has a low probability of flooding from fluvial or tidal sources. Discussions with the Environment Agency indicate that surface water run-off from the proposed site can be maintained at current brownfield rates. The proposed development is not at risk from flooding and will assist in reducing the risk of surface water flooding by managing the final run-off discharged from the site. The proposal will not increase the risk of flooding to others. There will be a rainwater harvesting system (from the roof areas) and an underground storage tank and petrol interceptor for flows discharging into the foul drainage network.

6.15 Overall, the proposed development is considered to be acceptable in environmental terms for this established industrial area.

Design

6.16 Much of the site is given over to parking and open storage together with a larger area for the HWRC. The major building element, the office accommodation and adjoining fleet workshop, is located centrally within the site. The design of these buildings, including the proposed external materials, is similar to that of the recently completed industrial/warehousing units to the south of the site. Conditions can be imposed reserving for future approval the full details of external materials and the detailed design of certain other elements such as the vehicular wash down areas for which a full specification has not yet been finalised. Overall, the design of the site is appropriate to its industrial context.

7. Summary

7.1 The proposed development allows a full range of the Council's depot services to be relocated on one site. Improved facilities would be provided for employees and energy saving and other sustainability measures can be incorporated in the new buildings. The new HWRC would provide significantly improved refuse disposal and recycling facilities for residents and businesses of the City.

7.2 The uses are quite vehicle intensive but the various activities have their peaks at different times of the day. The amended vehicular access arrangements, with a one-way route through the site, will mitigate the impact on adjoining occupiers: the use of First Avenue as an entrance to the site only will minimise congestion on this important route to the Port of Southampton; the exit on to Manor House Avenue should not result in significantly worse traffic conditions than would have been the case as a result of Phase 2 of the approved industrial development.

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 a S.106 undertaking to cover highways and other matters to mitigate the impact of the development.

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(a), 2(b), 2(c), 6(a), 6(c), 6(d), 6(k), 7(a), 7(d), 7(k), 7(v), 9(a), 9(b)

RP for 31.08.10 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Full Permission Timing 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).

02. APPROVAL CONDITION - Samples details of building materials to be used [Pre-Commencement Condition]

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

Reason:

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

03. APPROVAL CONDITION - 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.

04. 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.

05. 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 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 and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

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 of at least 12.5% for the workshop building and at least 15% for the office building 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% for the workshop building and at least 15% for the office building 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).

07. APPROVAL CONDITION – Drainage Strategy (Pre-Commencement Condition)

Development shall not begin until a finalised detailed drainage strategy for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- A location plan of where any on-site SUDS methods may be used.
- Details of how the scheme shall be maintained and managed after completion.
- Definitive details of any storm water storage tanks to be implemented as well as their discharge rates.

Reason: To prevent the increased risk of flooding and ensure future maintenance of the surface water drainage system.

08. 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.

09. 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.

10. APPROVAL CONDITION – Contamination (Pre-commencement 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), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reasons: To ensure this development proceeds in accordance with the requirements of Planning Policy Statement 23: Planning and Pollution Control (PPS23). The historic uses of the site mean there is potential for land contamination to be present. The applicant

suspects contamination to be present on all or part of the site. The risks to controlled waters from any contamination at the site must be fully investigated and understood.

11. APPROVAL CONDITION – Contamination verification (Performance Condition)

A verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure the satisfactory remediation of the site, if deemed necessary, in accordance with PPS23.

12. APPROVAL CONDITION – Contamination (Performance Condition)

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

Reason: To protect controlled waters from contamination. Due to the historic uses of the site, there may be areas of contamination on site that are not identified and characterised during intrusive site investigations.

13. APPROVAL CONDITION – Surface Water Drainage (Performance Condition)

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

Reason: To protect controlled waters from contamination.

14. APPROVAL CONDITION – Piling works (Performance Condition)

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

Reason: To protect controlled waters from contamination. Piling can create pathways for contamination to reach groundwater and thereby surface waters.

15. APPROVAL CONDITION - Sustainability statement implementation [Pre-Commencement Condition]

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

Reason:

To ensure the development minimises overall demand for resources and is compliant with the City of Southampton Local Plan (March 2006) policies SDP13 and SDP6.

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

The building hereby approved shall not be first occupied until the vehicle 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 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 and servicing facilities and to avoid congestion in the surrounding area.

17. APPROVAL CONDITION – Vehicular access (Performance condition)

There shall be no vehicular egress from the site onto First Avenue except in the event of an emergency

Reason:

In the interests of highway safety and to prevent traffic congestion on this important access to the Port of Southampton.

18. APPROVAL CONDITION – Vehicles queuing (Performance condition)

The use hereby approved shall not result in vehicles waiting to enter the site queuing on the public highway in First Avenue

Reason:

To prevent traffic congestion on this important access to the Port of Southampton

19. APPROVAL CONDITION – Design of vehicular exit (Pre-occupation condition)

The use hereby approved shall not commence until the detailed design of the vehicular exit onto Manor House Avenue, including line marking, has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out as approved.

Reason:

In the interests of highway safety.

20. APPROVAL CONDITION – Detailed design of depot facilities

Details of the following works shall be submitted to and approved in writing by the Local Planning Authority prior to installation of the relevant building works:

- a) specification of the boundary fencing;
- b) design of the automatic and manual washdown facilities;
- c) design of the highways storage area including any fixed structures.

The works shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure a satisfactory form of development.

Notes to Applicant

Southern Water – Public Sewerage and water supply

The exact position of the public water main and surface water sewer crossing the site must be determined on site by the applicant before the layout of the proposed development is finalised. For further advice please contact Atkins Ltd, Angle St James House, 39a Southgate Street, Winchester So23 9EH (tel. 01962 858688) or www.southernwater.co.uk

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.

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.

Liaison with Network Rail

Prior to the commencement of any works on site, developers must contact Network Rail to inform them of their intention to commence works. This must be undertaken a minimum of 6 weeks prior to the proposed date of commencement. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Outside Parties Engineer before the development can commence. Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

Prior to commencement of works, full details of excavations and earthworks to be carried out within 10 metres of the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. No water or effluent should be discharged from the site or operations on the site into the railway undertaker's culverts or drains. Details of the proposed drainage must be submitted to, and approved by the local planning authority; acting in consultation with the railway undertaker and the works shall be carried out in accordance with the approved details. The materials contained within the site subject to the applicants control should be stored and processed in a way which prevents over spilling onto Network Rail land and should not pose excessive risk to fire. If hazardous materials are likely to be sited on the land then Network Rail must be further contacted by the applicant.

POLICY CONTEXT

Core Strategy - (January 2010)

CS6	Economic Growth
CS9	Port of Southampton
CS13	Fundamentals of Design
CS18	Transport
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS25	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
SDP13	Resource Conservation
SDP15	Air Quality
SDP16	Noise
TI2	Vehicular Access

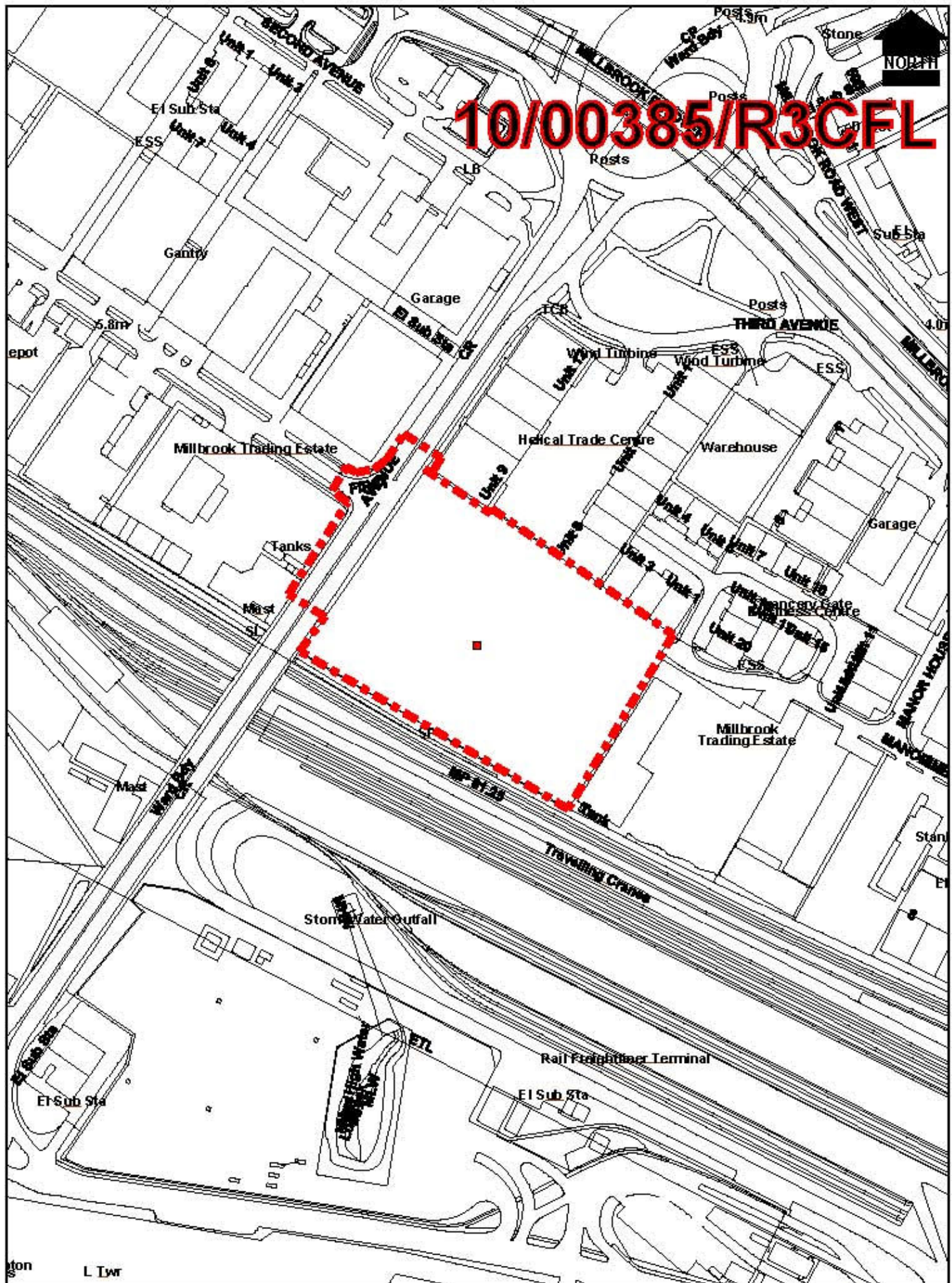
Supplementary Planning Guidance

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)

10/00385/R3CFL



Scale : 1:2500

Date : 16 August 2010

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Agenda Item 6

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 31st August 2010
Planning Application Report of the Planning and Development Manager

Application address: Stoneham Cemetery Road			
Proposed development: Redevelopment of the site by the erection of 11 two-storey houses (5 x two-bedroom and 6 x three-bedroom) with associated parking and other facilities including allotment gardens and alterations to the road to provide a new footway.			
Application number	10/00728/FUL	Application type	Full
Case officer	Bryony Giles	Public speaking time	15 minutes

Applicant: The Swaythling Housing Society Ltd	Agent: Kenn Scaddan Associates Ltd
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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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 maximises the use of this previously developed land with attractively designed energy efficient dwellings by meeting level 6 of the Code for Sustainable Homes. The loss of a community facility and an area of open space (allotments) has been justified and is accepted by the local planning authority. The provision of residential accommodation on this currently derelict piece of land will make a positive contribution to the city's level of affordable family housing. Sufficient measures have been put in place to mitigate against the impact of the development on the site's ecology and appropriate measures have been taken to improve access into the site. 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, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP16, NE4, CLT3, CLT5, CLT6, H1, H2, H3 and H7 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS3, CS4, CS5, CS13, CS15, CS16, CS19, CS20, CS21, CS22 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 Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:

- i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
- ii. A financial contribution towards strategic transport projects for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
- iii. Financial contribution towards highway works at Stoneham Cemetery Road.
- iv. Financial contributions towards the relevant elements of public open space required by the development in line with policies CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
 - Amenity Open Space (“open space”)
 - Playing Field
 - Play space;
- v. Affordable housing provision in accordance with appropriate SPG
- vi. 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.
- vii. 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 *13th September 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.

1.0 The site and its context

1.1 The application relates to a vacant plot of land located within the north west of the city.

1.2 The site is situated on the edge of Swaythling’s existing Mansbridge Estate and was formerly occupied by the Mansbridge community Centre and a number of disused allotments. The community centre has since been demolished and the land is now vacant and overgrown.

1.3 The site is positioned on the western side of Stoneham Cemetery Road directly adjacent to the South Stoneham Cemetery. To the west of the site is housing; whilst to the north is the Ford’s factory.

1.4 Stoneham Cemetery Road is an unadopted road which is owned by Southampton City Council. It provides access to the cemetery. The road is boarded by established hedging to either side. There is currently no footpath along the road.

1.5 The site is of an unusual shape, wrapping around the rear gardens of dwellings located to the east of Howard Close and Walnut Avenue.

1.6 The site is located within a low accessibility area and occupies an area of 0.28ha.

1.7 The existing boundary treatment comprises close boarded timber fencing to much of its western and north boundaries together with privet hedging and a dwarf brick wall located along the sites' frontage onto Stoneham cemetery Road.

2.0 Proposal

2.1 The proposal seeks consent for the construction of 11 affordable homes that have been designed to achieve Code Level 6 of the Code for Sustainable Homes. The dwellings provided would consist of:-

- 5no. 2 bedroom, 4 person houses;
- 2no. 3 bedroom, 5 person houses;
- 4no. 3 bedroom 6 person houses.

2.2 The 11 dwellings provide affordable family accommodation that makes maximum use of renewable energy sources and the latest building technology to provide homes that are energy efficient and affordable to run. The homes are to be made available to applicants through Southampton City Council's housing register and will be managed by Swaythling Housing Society.

2.3 The dwellings have been designed with asymmetrical roofs which allows their main south facing roof planes to accommodate photovoltaic cells. The roofs have large overhangs to control excessive solar gain and overheating of the dwellings during the summer months.

2.4 In addition, the development has been designed to incorporate a wood pellet biomass boiler and store.

2.5 The proposal provides 15 car parking spaces for the 11 homes, including a turning area for the biomass wood pellet delivery lorry. An area of land left over to the south of the site is to be used as an allotment by future tenants of the dwellings.

2.6 The development also proposes highway improvements to Stoneham Cemetery Road, including the instatement of a footpath along the western side of Stoneham Cemetery Road to provide pedestrian access into and out of the site.

2.7 The proposed terrace of 5 two bedroom units is to be constructed in the position of the former community centre, whilst the remaining dwellings will be built on land previously occupied by allotments.

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

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

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

3.6 Policy CS15 requires 20% affordable housing to be provide on site, while policy CS16 seeks to ensure a mix of housing types in order to ensure balanced and sustainable communities.

3.7 Policy CS25 states that development will only be permitted if necessary infrastructure, services and facilities are available or will be provided through financial contributions and brought forward at the appropriate time.

4.0 Relevant Planning History

04/01008/FUL - Redevelopment of the site to provide a pair of semi-detached and 3 no. terraced two storey dwelling houses with associated car parking. Withdrawn. 07.04.2005.

970958/26723/E – Erection of a 2 no. 2 bed semi-detached houses. Approved. 16.10.1997.

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 (01.07.2010) and erecting a site notice (01.07.2010). At the time of writing the report 2 representations have been received from surrounding residents.

The first letter of objection was formed of a petition with 22 signatures attached. The objectors have raised the following concerns;

5.1.1 Design & Residential Amenity

- **The design of the buildings is not in keeping with the local character of the neighbourhood.**

Response

The design of the dwellings is responsive to the brief of meeting level 6 of the Code for Sustainable Homes. It is agreed that they are not a pastiche of the surrounding dwellings. However, in terms of their scale, bulk and massing - being of a two storey height – the proposed dwellings do respect the scale and context of the surrounding residential area. Furthermore, the properties will not be read within the Howard Close or Walnut Avenue Street scene and as such have the opportunity to take on a modern design approach without being detrimental to the existing character of the area.

- **The wooden panelled frontage would not stand the test of time and is not suitable for long term affordable social housing.**

Response

There is no sound justification for this objection. The local planning authority has no objection to the appearance of the wooden panelled frontage and is not aware of problems having occurred with similar developments in the city. The long term maintenance of the development is ultimately the responsibility of the owner.

- **The proximity of the proposed buildings to current properties will impact on current residential natural light, outlook and privacy. Reference is made to point 2.2.1 and 2.2.19 and 2.2.21 of the residential design guide.**

Response

The development has been designed to minimise its impact on the existing residential amenity of neighbouring dwellings. The dwellings have been orientated to ensure that overlooking does not occur whilst minimum privacy distances as set out in paragraph 2.2.4 of the residential design guide have been met.

There is a degree of separation between dwellings which breaks up the mass of buildings on the plot, retaining views through and around the site.

Shadow diagrams submitted with the application demonstrate that no direct loss of light will occur to neighbouring habitable room windows, with overshadowing being kept to a minimum and affecting only a small proportion of garden space.

- **Has the required 12.5m distance between habitable rooms and gable end wall of another house been achieved?**

Response

The separation distances between windows of habitable rooms and the side (gable wall) of another house (as required by paragraph 2.2.7 of the RDG) have been met for all the proposed dwellings. A distance of 19m is achieved between the rear of dwellings on Walnut Avenue and plots 6&7 and 18m between plots 8&9.

- **Concern with regards to the impact of the proposed building when standing in the gardens of neighbouring dwellings.**

Response

The development has been designed to ensure that minimum separation distances are applied. The asymmetrical roof form reduces the massing of the buildings which in turn will reduce the impact of the development on neighbouring dwellings. Whilst the proposed dwellings will be visible when stood in neighbouring gardens it is considered that there will be no adverse harm to existing residential amenity.

- **Minimum garden sizes have not been met.**

Response

Paragraph 2.3.14 of the RDG advocates a minimum garden size of 50m² for terraced dwellings and 70m² for semi-detached dwellings, with a minimum depth of 10m for all. Minimum garden sizes (in accordance with the requirements of 2.3.14) are achieved for all of the proposed dwellings.

- **The density of the site is too great and does not accord with recently amended guidance set out in PPS3.**

Response

Recent changes to PPS3 have removed the minimum density requirement of 30 dwellings per hectare, allowing local planning authorities to decide on what level of density is appropriate for their area. The development proposes a density of 39 dwellings per hectare which is in accordance with density levels set out in policy CS16 of the adopted Core Strategy.

5.1.2 Ecology

- **Concern with regard to the impact of development on wildlife, in particular the slow worms.**

Response

The applicants have identified the need to protect and enhance existing wildlife on the site. Relevant supporting documents have been submitted with the application. The slow worms and grass snakes on site are to be relocated to a suitable site in the city and appropriate measures will be taken to encourage wildlife back onto the site post construction.

5.1.3 Highways

- **The road is too small to sustain further traffic and parking.**

Response

Due consideration has been given to improving the access to the site and the developments impact on the use of the cemetery. For further details see planning considerations as set out below.

- **The amount of parking proposed is limited for the potential number of people that may occupy the site.**

Response

The levels of car parking proposed exceed the standards set out in saved policy SDP5 of the local plan review. 1 for 1 car parking is proposed along with 4 visitor spaces including 2 disabled car parking spaces.

5.1.4 Social Impacts & Community Consultation

- **There is concern that the building of family homes in this area will increase the amount of children that use Walnut Avenue as a 'cut through' and therefore exacerbate the problem which damages our fences.**

Response

This is not a material planning consideration. Anti-social behaviour must be dealt with by the police as and when necessary.

- **There has been a lack of consultation with local residents and it is felt that the application is being rushed through to deal with the movement of the slow worms on site.**

Response

The Statement of Community involvement submitted with the application details the level of community consultation that has taken place prior to the submission of the application. The council encourages all applicants to carry out consultation with the public prior to the submission of an application.

The matter of moving the slow worms is being dealt with by both the applicant and SCC Open Spaces team and will not dictate the timescale by which a planning decision is made.

- 5.2 **SCC Policy** – No objection raised. The community facility has been relocated elsewhere and as such there is no objection to the loss of this community facility.
- 5.3 **SCC Highways** – No objection raised.
- 5.4 **SCC Housing** – No objections raised.
- 5.5 **SCC Sustainability Team** – No objections raised. A good level of information has been supplied with the application, including a pre-assessment estimator. The development will achieve Code Level 6 and this should be conditioned. (KO25 modified to level
- 5.6 **SCC Environmental Health (Pollution & Safety)** – No objections raised subject to the imposition of conditions requiring additional information in relation to noise and vibration from external noise sources to be submitted to and approved by the local planning authority, restriction of construction hours and prevention of bonfires on site.
- 5.7 **SCC Environmental Health (Contaminated Land)** – No objections raised subject to the imposition of conditions relating to land contamination investigations and remedial works.
- 5.8 **SCC Ecology** – No objection raised, provided the recommendations in the submitted ecology reports are implemented. Conditions requiring the submission of an ecological mitigation statement, further details with regards to on site lighting and the protection of nesting birds are to be imposed.
- 5.9 **SCC Trees** - No objections raised subject to the details submitted in the Method Statement (details and date) and Tree protection plan to be conditioned.
- 5.10 **SCC Archaeology** – Due to the nature and high archaeological potential of the site, a full programme of archaeological assessment, evaluation and excavation work will be required in advance of the development. Consequently, should planning consent be granted conditions requiring archaeological investigation work and damage assessment must be imposed.
- 5.11 **SCC Access** – No objections raised. The Access Statement submitted with the application is considered satisfactory.
- 5.12 **SCC Rights of Way** – No objections raised.
- 5.13 **SCC Property and Procurement Division** - No objections raised.
- 5.14 **SCC Bereavement services - Object** to the application on the following grounds;
- Parking on south Stoneham cemetery road by residents or visitors/other may block the road to funeral vehicles because of its narrow width. Whilst potentially a small risk any single incident such as this would be very upsetting to funeral parties.
 - Construction operations which may generate noise, smoke or dust and the parking of contractors' vehicles need to be regulated to minimise the disturbance to funerals.
- 5.15 **BAA** – No objections raised subject to the imposition of conditions relating to the control of lighting on the proposed development, the submission of additional information relating to PV cells to be used on the development and the use of cranes on site.

5.16 **Hampshire Constabulary** – No objections raised subject to the imposition of conditions to require a management plan to be agreed which makes clear who is responsible for the security of the allotment building day to day and overall and a fence to be installed behind the proposed hedge.

5.17 **Southern Water** – No objections raised subject to the imposition of conditions relating to location of the public sewer, connection to the public sewer and information relating to four and surface water drainage.

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
- iii. Residential Amenity;
- iv. Highways and Parking;
- v. Ecology and Trees
- vi. Sustainability

The proposed scheme has to be assessed in terms of the Key Issues (identified above) together with whether the proposed development is acceptable in terms of the provisions of the Local Plan and the Council's supplementary planning guidance.

6.2 Principle of Development

6.2.1 The site is not allocated for any specific purpose with the local development plan. Having been previously occupied by a community centre and allotments due regard must be had to the loss of these facilities.

6.2.2 Supporting information submitted with the application details anti-social behaviour associated with the community centre, which was used as a social club for residents of the surrounding area. The decline of the use of the community centre, along with anti social problems associated with its use, lead to the decision to close the facility. Arrangements have been made with Mansbridge Junior School to provide a community room for use by local residents, which relocate the lost facility within a close proximity to its main users.

6.2.3 Previous approvals have been given for residential development on part of the land which establishes the principle of residential development on the site. The owner has no intention of reintroducing the allotment use within the site as its primary use and there is limited opportunity for the land to be used for open space/recreation purposes. Additional allotment facilities have been made available within the site for future occupants of the proposed dwellings. As such, it is considered that a predominant residential use is most appropriate for the land and would improve its current appearance.

6.2.4 On account of the anti social behaviour, the (re)provision elsewhere in the community as well as the previous operation being unviable there is no objection to the loss of the facility.

6.2.5 It is judged that the principle of development accords with policies CS3 and CS21 of the adopted Core Strategy.

6.3 Design & Density

6.3.1 The density of the development equates to 39dph, falling below the density level

guidelines set out in policy CS5 which advocates a density of 35 – 50 dph in low accessibility areas.

6.3.2 The site layout has been influenced by the need to retain the privet hedge which runs along the edge of the site, and create a safe pedestrian access along Stoneham Cemetery Road. The privet hedge is found on both sides of the road, creating a more rural feel to the area and is important for the ecology of the site.

6.3.3 The setting back of the hedgerow retains the character of the road whilst providing a pedestrian access. In order to ensure that the Hedgerow provides a secure boundary to the site Hampshire Constabulary has requested a fence be put in place behind it. This will be secured by condition.

6.3.4 The proposal is considered to make efficient use of this derelict land, with its design responding to the context and character of the immediate area. The use of contemporary materials and a bespoke design solution is not considered to be detrimental to the character of the area. The scale, massing and height of the dwellings accords with properties in the surrounding area.

6.3.5 The proposal meets level 6 of the Code for Sustainable Homes which will benefit residents of the site as well as the environment. The layout of the site will create a safe environment for families, meeting secure by design standards, and offers benefits to improving the existing appearance of the site and maintaining and encouraging wildlife on the site.

6.3.6 Subject to the imposition and compliance with relevant conditions, the proposal is considered to accord with saved policies SDP1, SDP7, SDP9 and H7 of the development plan and policy CS13 of the adopted Core Strategy.

6.4 Residential Amenity

6.4.1 Residential amenity standards are met to at least a minimum.

6.4.2 All dwellings have private and useable gardens which accord with minimum garden sizes set out in paragraph 2.3.14 of the Residential Design guide. All units have direct external access to rear gardens.

6.4.3 Outlook and privacy distances are achieved between existing and proposed dwellings and sufficient light is retained to neighbouring dwellings.

6.4.4 It is judged that a reasonable degree of separate is achieved between the boundaries of neighbouring dwellings and the proposed dwellings. Whilst the proposed dwellings will be visible when stood in neighbouring gardens it is considered that there will be no adverse harm to existing residential amenity.

6.4.5 Cycle storage and refuse storage is provided for each dwelling in accordance with saved policy SDP5 and section 9 of the RDG.

6.4.6 The layout of the design accords with secure by design standards and offers good levels of natural surveillance in and around the site.

6.4.7 Given the sites close proximity to the Ford's factory, Southampton Airport and roads consideration must be given to noise associated with these uses and their impact on the residential amenity of future occupiers. The noise assessment submitted with the application concludes that the site is within a PPS24 Noise Exposure category B. Therefore, use of the site for residential purposes complies with local and national policy

provided noise mitigation measures are included in the design of the building. This relates directly to the type and level of glazing to be installed. Appropriate conditions will be applied.

6.4.8 Subject to the imposition and compliance with relevant conditions, the proposal is considered to accord with saved policies SDP1 and H7 of the development plan, policy CS13 of the adopted Core Strategy and relevant sections of the RDG.

6.5 Highways and Parking

6.5.1 Access: Concern has been raised by SCC Bereavement services with regards to the impact of the development on funeral processions. There is particular concern that residents' vehicles parking along the side of Stoneham Cemetery Road will prevent funeral processions from accessing the cemetery due to the narrow width of the road. There is also concern that during construction, funerals will be disrupted by the noise from the works.

6.5.2 Highways DC have not objected to the application. The width of the road is considered appropriate for existing and future users. Sufficient on-site parking is provided to mitigate against the need for future occupiers to park on Stoneham Cemetery road.

6.5.3 Highways DC have confirmed that double yellow lines could be installed down one side or both sides of Stoneham Cemetery Road to prevent parking, but these would only be indicative and would not be enforceable.

6.5.4 In order to overcome the impact of construction on funeral parties it is considered reasonable to impose a condition on the consent which requires the developer to enter into a management plan with Bereavement services. The plan should establish how the impact of construction works on funeral parties will be minimised. For example, the stopping of noisy construction works such as piling or drilling and the parking of construction vehicles to ensure full access is available to the cemetery for funeral processions.

6.5.5 A 1.2m footpath is to be constructed within the application site which runs parallel with the western edge of Stoneham Cemetery Road. The footpath provides convenient and safe pedestrian access and egress. The footpath is to be formed of land within the site and will not reduce the width of the existing road way.

6.5.6 Vehicular access is to be taken from two points within the site. Appropriate visibility splays are achieved.

6.5.7 Issues with regards to the long term maintenance of the highway will be resolved by way of a S106 agreement.

6.5.8 Parking: The provision of parking accords with parking standards required by saved policy SDP5 of the local plan review and CS19 of the Core Strategy for a site within a low accessibility area. A provision of 15 car parking spaces is made, which provides 1 car parking space per dwelling with 4 additional visitor spaces, 2 of which are disabled spaces.

6.5.9 Given the sites edge of city location and the limited availability for on road parking, it is considered appropriate for an overprovision of parking spaces to be accommodated on this site. The provision of visitor parking spaces should alleviate additional pressure on the use of Stoneham Cemetery Road itself.

6.5.10 To further reduce the impact of the development on the use of Stoneham Cemetery Road, a turning area for lorries has been designed into the parking layout which allows on

site turning for delivery vehicles (in particular delivery of wood pellets to the biomass boiler) and refuse vehicles.

6.5.11 The proposal is considered to accord with saved policies SDP4 and SDP5 of the local plan review and CS19 of the adopted Core Strategy.

6.6 Ecology and Trees

6.6.1 Two species of common reptile have been identified within the site. A high population of slow worm and a low population of grass snake. The site's slow worm population occurs through all suitable reptile habitats within the site. It is evident that the entire site is to be cleared to accommodate the new residential development. As such, the slow worms and the grass snakes must be relocated prior to the commencement of works on site.

6.6.2 As the identified species are protected under UK Wildlife legislation (the wildlife & countryside Act, 1981, as amended) a reptile mitigation strategy would need to be prepared to ensure that the works proceed lawfully. In addition, the presence of slow worms and grass-snakes on site is also a material consideration under PPS9.

6.6.3 It is proposed to re-locate captured reptiles to a local, off-site 'reptile receptor site' since there is no capacity to accommodate the reptile populations on-site within the new development. It has been agreed in principle that the site's reptiles could potentially be accommodated within local council-owned land and appropriate measures are being put in place with SCC open spaces team for these works to be carried out. Post-development monitoring will be carried out at the 'reptile receptor site' to ensure it is surviving and to inform the need for any remedial action. These elements will be formalised in the detailed reptile mitigation strategy.

6.6.4 In addition, the ecology assessment submitted with the application recommends a series of measures for mitigation against the impacts of the development on the ecology of the site. These include the protective fencing of trees and hedgerows and for any unavoidable bird habitat clearance to take place outside of the breeding bird season

6.6.5 In order to protect the sites ecology, it is recommended that external lighting within the new development is minimised, especially in the vicinity of any retained trees and hedgerows as well as adjacent to the proposed bat boxes and along proposed new tree lines and soft landscaped areas in general. This will be ensured by way of condition.

6.6.6 It is considered that the proposal accords with saved policy NE4 and CS22 the adopted Core Strategy. Appropriate measures have been recommended to mitigate against the impact of the development on the sites protected species, overall ecology and trees. Conditions will be imposed to ensure these recommendations are implemented and monitored correctly.

6.7 Sustainability

6.7.1 Policy CS20 of the adopted core strategy requires all new homes to achieve at least level 3 of the Code for Sustainable Homes.

6.7.2 The development proposes level 6 of the Code for Sustainable Homes, the highest rating that can be afforded to residential developments. This will be achieved by 100% of the regulated and unregulated energy demand of the houses being met by on site zero and low carbon technologies.

6.7.3 The development is designed to have a very low energy demand, by improving insulation, air tightness and minimising thermal bridging based on the principles of 'Passivhaus' design. The reduced energy requirements of the homes will be met by two types of on-site renewables, biomass district heating system and photovoltaics on the roofs.

6.7.4 The homes will be oriented to allow maximum use of both passive solar gain and day lighting. Roofs have been designed for the optimum performance of the on site for renewable technology of photovoltaics. Overheating will be managed through a whole house ventilation and mature trees will be retained on site to provide shading in the summer.

6.7.5 In addition, all materials used on site will be obtained from a sustainable source with left over construction materials being recycled appropriately. Ecology will be enhanced on site through planting of native trees, planting native shrubs, bird boxes, insect houses and providing a hedgehog box. Each property will be provided with a water butt (for rainwater harvesting), a compost bin. In addition, low energy lighting and grey water recycling will be in place.

6.7.6 Additional points will be gained through the development meeting secure by design standards, on site sustainable urban drainage and a site waste management plan.

6.7.7 By building the dwellings to this level it has been estimated that the scheme will deliver an annual reduction in carbon dioxide emissions from energy in use of 41 tonnes, with occupants using no more than 80 litres of potable water per person per day. The current average use is 150 litres per person per day (page 9 of the Sustainability and Energy Statement).

6.7.8 The sustainability and energy statement submitted with the application; demonstrates that the development meets all the sustainability requirements of Southampton city Council and PUSH and more than exceeds the requirements of policy CS20 of the adopted Core Strategy. Conditions will be applied to secure this level of sustainable construction.

6.8 S.106 Legal Agreement

6.8.1 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.

7.0 Summary

7.1 The additional of 11 affordable housing units which meet a high specification of sustainable construction would make a positive contribution to the city's housing stock. The design of the dwellings is responsive to the scale and context of the surrounding area, whilst taking on a contemporary appearance.

7.2 The layout of the development provides safe access into and around the site, secure and private garden space and sufficient light and outlook for all. While residential amenity standards (for both the existing neighbouring and proposed dwellings) are met to at least the minimum requirement.

7.3 Appropriate measures are to be taken to mitigate against the impact of the development on the operation and management of the adjacent cemetery.

7.4 Ecology measures proposed will protect and enhance the sites wildlife, flora and fauna.

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.

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 (b), 4(s), 6(a), 6(c), 7(a), 7(c) 7(o), 7(t), 7(v) 8(a), 9(a), 9(b) and PPS3 (2010)

BG for 31.08.2010 PROW Panel

PLANNING CONDITIONS

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

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

Reason:

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

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

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

Reason:

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

03. APPROVAL CONDITION- 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.

04. 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.

05. 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.

06. APPROVAL CONDITION - Ecological Mitigation Statement [Pre-Commencement Condition]

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, [as set out in the submitted ecology assessment and reptile survey report dated 14th June 2010 with the application] which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place.

Reason

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

07. APPROVAL CONDITION - Protection of nesting birds [Performance Condition]

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

REASON

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

08. APPROVAL CONDITION - Lighting [Pre-Commencement Condition]

A written lighting scheme including light scatter diagram with relevant contours shall be submitted to and approved in writing by the Local Planning Authority prior to implementation of the lighting scheme. The scheme must demonstrate compliance with table 1 "Obtrusive Light Limitations for Exterior Lighting Installations", by the Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light 2005. The installation must be maintained in accordance with the agreed written scheme.

Reason:

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

09. APPROVAL CONDITION - 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.

10. APPROVAL CONDITION - vegetation retention and protection [Pre-Commencement

Condition]

No development, including site works of any description, shall take place on the site unless and until all the existing bushes, shrubs, and hedgerows to be retained on the site have been protected by a fence to be approved in writing by the Local Planning Authority erected around each area of vegetation at a radius from the stem or stems of 5 metres or such other distance as may be agreed in writing by the Local Planning Authority. Within the area so fenced off the existing ground levels shall be neither raised nor lowered and no materials, temporary buildings, plant machinery, rubble or surplus soil shall be placed or stored thereon without the prior written approval of the Local Planning Authority. If any trenches for services are required in the fenced off areas they shall be excavated and backfilled by hand and any roots encountered with a diameter of 25mm or more shall be left un-severed.

Reason:

To ensure the retention and maintenance of vegetation which is an important feature of the area.

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

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

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

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

The approved scheme shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Reason:

To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990.

12. Approval Condition - Tree protection measures [Performance Condition]

The development must be built in accordance with the tree protection measures set out in the submitted arboricultural method statement and tree protection plan dated 21st June 2010.

Reason

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

13. APPROVAL CONDITION - Boundary fence [Pre-commencement Condition]

Prior to the commencement 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 submitted details must include fencing to be located behind the hedgerow on the eastern boundary of the site. 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.

14. APPROVAL CONDITION - Noise & Vibration (external noise sources) [Pre-Commencement Condition]

Construction work shall not begin until an acoustic report and written scheme to protect the proposed development in terms of habitable rooms, balconies, roof terraces and gardens from external noise sources (noise includes vibration) including transportation noise, has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be completed and be available for use before any part of the development is occupied.

Reason:

To protect the occupiers of the development from excessive external noise.

15. 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 A (enlargement of a dwelling house), including a garage or extensions,

Class B (roof alteration),

Class D (porch),

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.

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

Written documentary evidence demonstrating that the development will achieve at minimum Level 6 of the Code for Sustainable Homes shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted, unless an otherwise agreed timeframe is agreed in writing by the LPA. The evidence shall take the form of a post construction certificate as issued by a qualified Code

For Sustainable Homes certification body.

REASON:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010). Also to comply with policy NRM11 of the Regional Spatial Strategy for the South East of England adopted version (May 2009) – CSH has since replaced Eco Homes for new build developments.

17. APPROVAL CONDITION - Archaeological investigation [Pre-Commencement Condition]

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

Reason:

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

18. APPROVAL CONDITION - Archaeological work programme [Performance Condition]

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

Reason:

To ensure that the archaeological investigation is completed.

19. APPROVAL CONDITION - Archaeological damage-assessment [Pre-Commencement Condition]

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

Reason:

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

20. APPROVAL CONDITION - Contractors Compound (Pre-Commencement Condition)

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 shall be submitted to and approved in writing by the Local Planning Authority before development commences on site. The development shall proceed in accordance with the agreed details

Reason:

For the avoidance of doubt and in the interests of the amenities of nearby residents.

21. Approval Condition - Sightlines [Performance Condition]

The sightlines as shown on drawing 941-PD-101 Rev F shall be retained and maintained at all times.

Reason

Reason:

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

22. Approval Condition – Additional Information (PV Cells) [Pre-Commencement Condition]

Prior to the commencement of development a detailed scheme of the photovoltaic cells to be used for the construction of the development shall be submitted to the local planning authority and agreed in writing. The scheme shall include full details of the location, siting (angle), number, type and manufactures specification for the photovoltaic cells, with specific reference made to information relating to glare and light reflection from the cells. Once agreed, the development must be built in accordance with the approved details and thereafter retained at all times unless otherwise agreed in writing by the local planning authority.

Reason

To avoid endangering the safe operation of aircraft through glare.

23. Approval Condition – Control of Lighting on the proposed development [Performance Condition]

The development is close to the aerodrome and aircraft taking off from or landing at the aerodrome. Lighting schemes required during construction and for the completed development shall be of a flat glass, full cut off design, mounted horizontally, and shall ensure that there is no light spill above the horizontal.

Reason

To avoid endangering the safe operation of aircraft through confusion with aeronautical ground lights or glare.

For further information please refer to Advice Note 2 ‘Lighting Near Aerodromes’ (available at www.aoa.org.uk/publications/safegurading.asp).

24. Approval Condition - Management Plan -[Pre-commencement Condition]

Prior to the commencement of development a management plan detailing the following measures must be submitted to the local planning authority and agreed in writing and adhered to at all times.

- Measures to be taken to mitigate against the impact of construction works on funerals taking place at the adjacent cemetery.
- Management and long term maintenance of the allotment

Reason

To protect the users of the adjacent cemetery and to ensure the use of the allotment does not adversely affect the residential amenity of neighbouring dwellings.

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

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

Reason:

To ensure satisfactory drainage provision for the area.

26. 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.

27. 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.

28. 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.

28. APPROVAL CONDITION - Amenity Space, Cycle and Refuse Storage [Pre-Occupation Condition]

The cycle storage, refuse storage and amenity space serving the development hereby approved, and pedestrian access to it, shall be made available prior to the first occupation of the development hereby permitted and shall be retained and maintained at all times.

REASON:

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

Notes to Applicant

Southern Water – Public Sewerage

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

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.

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.

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.

Cranes

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

Lighting

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.

In addition, the use of PV Cels may produce glare and light reflection at a critical point in flight. Due regard must be had to their siting and potential impacts on aircraft.

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
SDP16	Noise
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

Supplementary Planning Guidance

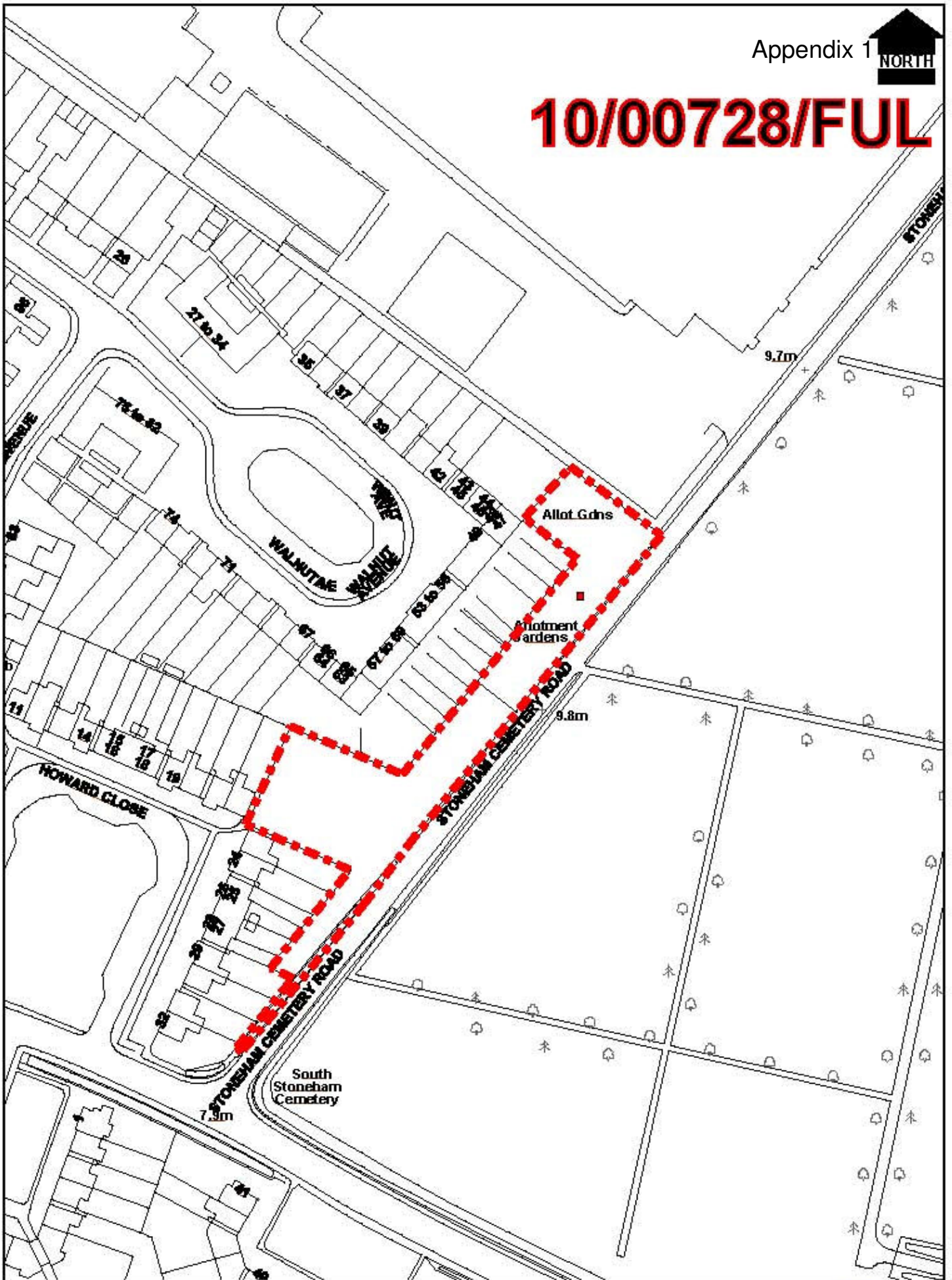
Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - August 2005 and amended November 2006)

Other Relevant Guidance

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



10/00728/FUL



Scale : 1:1250

Date : 16 August 2010

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Agenda Item 7

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 31st August 2010
 Planning Application Report of the Planning and Development Manager

Application address: 210 Bassett Green Road, Southampton			
Proposed development: Redevelopment of the site by the erection of 3 x 6 bed detached dwellings with integral garages, car parking and amenity space - Description amended following validation to remove 2 of the proposed dwellings.			
Application number	10/00811/FUL	Application type	Full (LDD 19.8.10)
Case officer	Stephen Harrison	Public speaking time	5 minutes

Applicant: Drew Smith Ltd.	Agent: Tony Oldfield Architects
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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. Following the proposed amendments, and the removal of 2 dwellings from the scheme, the application is considered to be acceptable. Whilst the development includes existing residential garden, and the priority for new development should be on previously developed land, the proposal is considered to respect the established pattern of development and provides additional family housing meeting a specific housing need. The retention of the mature landscape setting and the position of the dwellings within the plot will result in no visual impacts to the existing streetscene or the wider context. Other planning concerns and the views of local residents have been considered, as detailed in the report to the Planning and Rights of Way Panel on 31st August 2010 but these 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 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, CS18, CS19 and CS20 and the Council’s current adopted Supplementary Planning Guidance, including the “Residential Design Guide”. 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	2	09/01236/FUL Decision Notice
3	09/01236/FUL Layout		

Recommendation in Full

Conditional Approval

Background

This application follows the refusal by the Planning and Rights of Way Panel of an earlier application at this address for 9 no.4 bed dwellings. This development included three storey blocks. The refusal is subject of a current planning appeal.

1.0 The Site & Context

The application site comprises a detached two-storey dwelling, and ancillary structures, that are located within a large residential plot. The site is well screened from Bassett Green Road by a mature boundary hedge and tree screening, which is subject to a Tree Preservation Order. The surrounding area is predominantly residential and is characterised by a low-density, attractive and verdant character. The remaining site boundaries also benefit from a mature (predominantly evergreen) vegetation screen. There is no prevalent architectural style within the vicinity of the site, although the area is characterised by individually designed properties located centrally within spacious plots.

2.0 Proposal

2.1 The application was submitted and validated on the basis of 5 dwellings. Following negotiations with officers, and the receipt of an amended scheme, the application now proposes the demolition of the existing property and the construction of 3 detached dwelling houses (each containing 6 bedrooms). The revised layout now also allows for the protected Scots Pine to be retained.

2.2 The proposed buildings are predominantly two storeys in height with accommodation contained within the proposed roofspace. Each dwelling is arranged centrally within its plot and has been individually designed whilst relating to each other. Typically these buildings have an eaves height of 4.8 metres and a finished ridge height of 9 metres.

2.3 The properties are arranged within a linear pattern towards the centre of the plot. The principal vehicular entrance is taken from the existing access onto Bassett Green Road. Parking would be provided within double garages associated to each dwelling with space for additional frontage parking. The proposed dwellings are traditional in appearance constructed of a facing brick with a pitched clay tile roof form. Timber window frames and chimney detailing also assist in achieving an acceptable design solution. The layout is well articulated with a staggered building line taking account of the prevailing pattern of development associated with this part of the City.

3. Relevant Planning Policy

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

3.2 Major developments are expected to meet high sustainable construction standards in accordance with the City Council’s adopted and emerging policies (namely, adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13).

3.3 PPS3 Housing (2010): On June 9th 2010 private residential gardens were excluded from the definition of Previously Developed Land (PDL) in the Government’s Planning Policy Statement on Housing (PPS3). Also, the requirement to achieve a minimum density of at least 30 dwellings per hectare was removed.

3.4 The revised PPS3 maintains that the priority for development should be PDL (Paragraph 36 refers).

3.5 The adopted Core Strategy (in Policy CS4 Housing Delivery) indicates that 16,300 additional homes will be provided over the plan period, with 5,750 homes to be provided on allocated and identified sites between April 2009 and March 2014. The figures demonstrate that the city has a housing supply from identified sites sufficient to meet requirements until and beyond 2018/19, without reliance on windfall sites. The change to the definition of PDL, and the Council's current predicted supply, means that the principle of development will now be an issue for new windfall proposals for housing units to be built entirely on private residential gardens (often termed "garden grab").

3.6 That said, the revised PPS3 maintains that the planning system should provide "*a flexible, responsive supply of land that is managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate*" (Paragraph 10 refers). The national annual target that "*at least 60 per cent of new housing should be provided on previously developed land*" remains, suggesting that residential development can still take place on other land subject to the local circumstances of each site involved.

3.7 It is the view of the Council's Planning Policy Team that the recent changes to PPS3, along with the removal of the national indicative minimum density standards, are not intended to stop all development on private residential gardens. Instead it allows Councils greater powers to resist such development where there is a demonstrable harm *inter alia* to the character and appearance of an area. The judgement as to whether such proposals are acceptable will need to consider, amongst other factors:

- the loss of private residential garden land;
- the contribution the land currently makes to the character of the area;
- the impact on the defined character of the area; and,
- the contribution that the scheme makes to meeting housing need.

3.8 The revised PPS3 maintains that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted (Paragraph 13 refers).

4.0 Relevant Planning History

09/01236/FUL **Refused 19.01.10 with appeal (Public Inquiry) pending**
Redevelopment of the site. Erection of 9 x 4 bed houses (3 x 3 storey terraced houses, 2 x 3 storey semi-detached houses, 2 x 2 storey detached (one with accommodation in roof) and 2 x 2 storey detached houses with a accommodation in roof) following demolition of existing houses with parking and refuse/cycle storage.

A copy of the Decision Notice and layout are appended at **Appendix 2**.

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 and erecting a site notice (08.07.10). At the time of writing the report **7** representations have been received from surrounding residents.

Note: Interested parties have been given a deadline of 27th August to respond to the revised plans for 3 dwellings, and any additional comments will be reported verbally at the Panel meeting.

5.2 Planning related issues raised that are not covered in the Planning Considerations section of this report include:

- The site has restrictive covenants that prevent additional development

Response

This has not been verified by the Planning Department as such covenants are not a material planning concern and can be resolved by other means.

5.3 **SCC Planning Policy** - No objection in principle. It is the view of Planning Policy that the recent changes to PPS3, along with the removal of the national indicative minimum density standards, are not intended to stop all development in private residential gardens. Instead, it allows Council's greater powers to resist such development where there is a demonstrable harm *inter alia* to the character and appearance of an area.

5.4 The case officer should weigh up any benefits in terms of additional housing (particularly family housing) against the loss of garden land (which should be looked at in terms contribution to amenity, wellbeing and biodiversity) and other relevant factors such as the impact on the character and appearance of the area.

5.5 The proposals would be under the general density levels that we would expect for an area of low accessibility, 35-50dph. However this needs to be considered in the light of the other factors, such as the impact higher densities could have on the character and appearance of the area and also the amount of additional garden land that would be lost if higher densities were required.

5.6 **SCC City Design** - Following the receipt of amended plans, and the removal of 2 dwellings from the original submission, City Design are satisfied that the proposal respects the character of the Bassett area and accords with the aims of Policy CS13 from the adopted LDF Core Strategy. Officers should use a planning condition to secure a good palette of materials.

5.7 **SCC Highways** - The site is in an area defined as having "low" accessibility (Band 1) to public transport links and local facilities. The provision of double garages to serve these large executive homes accords broadly with the Local Plan standards and the layout does not give rise to any highway safety concerns. Secure refuse and cycle storage is detailed on the plans and can be secured with the attached planning conditions.

5.8 **SCC Trees** - No objection. The trees on this site are included in The Southampton (Bassett Green Road) TPO 1962. There would appear to be little change in affect on protected trees with this layout from the previous. No objection is raised to this application on tree grounds subject to the attached planning conditions

5.9 **SCC Sustainability Team** - The applicant states that the development will meet Code Level 3, but there is no evidence of how this will be achieved. There is also no evidence of how the requirements of meeting a 20% reduction in carbon emissions through renewables will be met as required by Core Strategy Policy CS20.

Response

These comments were raised in response to the 5 dwelling scheme. As part of the revised scheme the applicants have shown how the scheme could accommodate photo-voltaics to meet the requirements of Policy CS20. A planning condition is recommended to secure these details.

5.10 **SCC Environmental Health (Pollution & Safety)** - No objection.

5.11 **SCC Environmental Health (Contaminated Land)** - As the site is close to an historical gravel pit there is potential for land contamination issues. A desk-top study should be secured with a planning condition.

5.12 **SCC Ecology** - No objection. The current application is for a lower level of development than the previous application but in a similar layout. I am therefore satisfied that, provided the recommendations in the Phase 1 and 2 Ecological Surveys Report (Nov 2009) are implemented, there should not be a significant adverse effect on local biodiversity.

5.13 **SCC Archaeology** – No objections raised subject to the attached planning conditions. The site is close to a number of sites with high archaeological importance outside of the City boundary, including the Iron Age Hillfort of Chilworth Ring and other associated earthworks of the same date. Consequently there is archaeology potential.

5.14 **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 conditions.

6.0 Planning Consideration Key Issues

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

- i. The Principle of Development;
- ii. Design, Density & Impact on Established Character;
- iii. Residential Amenity; and,
- iv. Highways and Parking.

6.1 Principle of Development

6.1.1 Following the amendment to PPS3 the majority of the application site is no longer classified as previously developed land. Whilst the redevelopment of the existing dwelling complies with Local Plan Policy H2, the use of the garden for development requires further consideration. It is now harder to justify the principle of redevelopment.

6.1.2 Whilst the priority for housing delivery should be previously developed land, and not gardens by definition, the merits of this case should be given careful consideration. In particular, an assessment of the scheme's impact on the character of the area, and its efficient use of land for housing delivery, are material to the Council's planning decision.

6.2 Design & Density

6.2.1 The proposed layout seeks approval for 3 large family dwellings that are set centrally within their plot. Each dwelling is served by a large garden (ranging from approximately 390sq.m to 470sq.m), which themselves are set within a mature landscape setting (as existing). This design approach is consistent with the pattern of development in this part of Bassett. Furthermore, the retention of the mature landscaping to the site's

boundaries will screen the additional development meaning that the established pattern of development is not compromised.

6.2.2 A traditional palette of materials is proposed, including a mixture of facing brick, tile hanging and tiled roof. Further details can be secured with the attached planning condition.

6.2.3 The typical density of the area ranges from 5-7 dwellings per hectare (dph), with the obvious exceptions of the Haven (35 dph) and the partially complete development at 220 Bassett Avenue (53 dph). The recently refused scheme for 9 dwellings on this site resulted in a net residential density of 31dph.

6.2.4 The proposed level of development, at 10 dph, is well below the Council's current requirements (of between 35 and 50 dph for areas of low accessibility) as detailed by LDF Core Strategy Policy CS5. However, it should be noted that the proposal is for large family dwellings in an area defined by similar dwellings and a low density development. In good planning terms the consideration of density should not be the prime determination factor for an otherwise acceptable proposal. Instead, 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, especially following the removal of a minimum density requirement within the revised PPS3, it is accepted that to provide a proposal that respects its context, and that delivers additional family housing, a low density scheme will need to be employed.

6.2.5 This scheme responds well to its context. It is considered that the proposed footprint and quantum of development is acceptable and would make an efficient use of land whilst providing 3 large family dwellings within a mature landscape setting. The current scheme, therefore, assists the Council in meeting its housing requirements without harming the character of the area. It is considered that the application accords in broad terms with Local Plan design policies SDP1, SDP7 and H7 as supported by Core Strategy Policy CS13. The Council's City Design team have worked with the applicant to reduce the scheme's impact and are supportive of the application.

6.3 Residential Amenity

6.3.1 The proposed dwellings have been designed to sit within their plot, and are set some 4-5 metres from the common boundary with immediate neighbours. Rear gardens are in excess of 20 metres long and serve to provide the necessary separation between dwellings that is characteristic of this part of Bassett. As a result of these proposed spatial characteristics the existing residential amenity of the area, in terms of daylight, shadowing, privacy and outlook will not be compromised by this proposal.

6.3.2 The scheme significantly exceeds the external space standards of the Council's approved Residential Design Guide SPD (2006); namely paragraph 2.3.14 and section 4.4, as is required for a satisfactory development in this part of Bassett. In amenity terms the proposed separation between dwellings, the retention of the mature landscape setting, the orientation of the buildings within their plot and the generous area of associated external garden space combine to create an acceptable addition to the area. The application accords with the adopted Local Plan policies SDP1(i), SDP7(v) and SDP9(v) as supported by the relevant sections of the Council's approved Residential Design Guide SPD.

6.4 Highways and Parking

6.4.1 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.

Applying the Council's adopted maximum standards (of 2 spaces per 4+ bedroom houses), 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 6 car parking spaces. Each dwelling is served by a double garage to meet this requirement, and it is likely that additional parking will take place to the front of each garage.

6.4.2 It is unlikely that any overspill parking will occur onto Bassett Green Road (as is reported to be the case for the development at the nearby Haven). The Council's Highways Officer has raised no objection to the proposal subject to the attached planning conditions, and the application is considered to accord with Local Plan policies SDP4, SDP5 and Core Strategy policies CS18 and CS19.

7.0 Summary

7.1 This application follows a recent refusal for 9 dwellings on this site and the revisions to PPS3, which have removed residential gardens from the definition of previously developed land. The presumption in favour of the redevelopment no longer exists, however the proposed development makes a more efficient use of land without harming the established character of the area.

7.2 Whilst the priority for residential development in Southampton remains previously developed land, the use of this garden to provide 3 large detached family dwellings (a net gain of 2) at a density of 10dph is, on balance, considered to be acceptable.

7.3 In visual terms there will be no change to the established streetscene due to the mature landscape setting and the TPO that defines the plot's frontage. This is material to this recommendation.

7.4 Unlike the previous refusal there is no need for a S.106 Legal Agreement as the scheme provides fewer than 5 dwellings.

8.0 Conclusion

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

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 31.08.10 PROW Panel

10/00811/FUL - 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 (excluding the demolition phase) shall be carried out unless and until a schedule of materials and finishes (including full details and samples (where necessary) 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 detailed plan

Before the commencement of any site works a detailed landscaping scheme and implementation timetable (notwithstanding that already submitted), 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, all means of enclosure (including the retention of the existing planting – where applicable) and external lighting shall be submitted to and approved in writing by the Local Planning Authority.

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

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

The approved scheme shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

REASON:

To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990

4. APPROVAL CONDITION – Parking and Access [pre-occupation condition]

Prior to the occupation of each dwelling hereby approved both the access to the site and the garaged parking spaces serving that dwelling shall be provided in accordance with the plans hereby approved. The garaged parking shall be retained for that purpose and not used for any commercial activity.

REASON:

To ensure a satisfactory form of development with an appropriate level of on-site parking.

5. APPROVAL CONDITION - Sightlines specification [Pre-Commencement Condition]

Prior to the commencement of the development hereby approved details of the sight lines from the access shall be submitted to the Local Planning Authority on a plan for approval in writing. The sightlines shall be provided before the development is first occupied and notwithstanding the provisions of the Town and Country Planning General Development Order 1988 no fences walls or other means of enclosure including hedges shrubs or other vertical structures shall be erected above a height of 0.6m above carriageway level within the sight line splays unless otherwise agreed in writing with the Local Planning Authority.

REASON:

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

6. 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. 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 and moved to the presentation area only for collection purposes.

REASON:

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

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

The external amenity space serving dwelling hereby approved, and pedestrian access to it, shall be made available prior to the first occupation of that associated dwelling 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 dwellings.

8. APPROVAL CONDITION – Obscure Glazing (performance condition)

The windows indicated as obscurely glazed on the plans hereby approved shall be fitted with restricted-opening top-hung openings and glazed in obscure glass before the dwelling first comes into occupation, and shall thereafter be retained in this manner.

REASON:

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

9. APPROVAL CONDITION – Removal of permitted development

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (as amended), or any Order revoking or re-enacting that Order, no development permitted by classes A (extensions), B (roof alterations), C (other roof alterations), D (porches), E (outbuildings, enclosures or swimming pools) and F (hard

surfaces) of Part 1 of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority for the dwellings hereby approved.

REASON:

In order to protect the amenities of the locality and to maintain a good quality environment for this context.

10. APPROVAL CONDITION – No other windows [performance condition]

Unless the Local Planning Authority agree otherwise in writing and notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (as amended), or any Order revoking or re-enacting that Order, in relation to the development hereby permitted, no first floor windows or other roof openings shall be constructed in the development hereby approved other than those expressly authorised by this consent.

REASON:

In order to protect the amenity and privacy of neighbouring properties.

11. 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 Bassett Green Road.

12. 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.

13. 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.

14. APPROVAL CONDITION – Sewers

No development shall take place until a plan to divert the existing sewers has been submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details prior to the first occupation of the development.

REASON:

As the proposed development crosses an existing sewer and to secure an appropriate solution to serve the proposal as requested by Southern Water in their consultation response dated 20th July 2010.

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:

As requested by Southern Water and 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).

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 - Tree Retention and Safeguarding

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.

20. APPROVAL CONDITION - Arboricultural Protection Measures

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.

21. APPROVAL CONDITION - Arboricultural Method Statement

Notwithstanding the submitted details 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 - Ecological Mitigation Statement

Unless otherwise agreed in writing by the Local Planning Authority the development (including demolition and clearance works to facilitate the development) shall be carried out in accordance with the evaluations and recommendations of the ECOSA Ecological Survey Final Document (November 2009).

REASON:

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

23. 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.

24. 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

25. APPROVAL CONDITION – Archaeological investigation

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

REASON:

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

26. APPROVAL CONDITION – Archaeological work programme

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

REASON:

To ensure that the archaeological investigation is completed.

27. APPROVAL CONDITION – Archaeological damage-assessment

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

REASON:

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

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)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS18	Transport: Reduce - Manage - Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change

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

Supplementary Planning Guidance

Residential Design Guide (Approved - September 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)

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DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

Town and Country Planning (General Development Procedure) Order 1995

Drew Smith Ltd
 Drew Smith House
 Mill Court
 The Sawmills
 Durley
 Hampshire
 SO32 2EJ
 UK

In pursuance of its powers under the above Act and Order, Southampton City Council as the Local Planning Authority, hereby gives notice that the application described below has been determined. The decision is:

FULL APPLICATION - REFUSAL

Proposal: **Redevelopment of the site. Erection of 9 x 4 bed houses (3 x 3 storey terraced houses, 2 x 3 storey semi-detached houses, 2 x 2 storey detached (one with accommodation in roof) and 2 x 2 storey detached houses with a accommodation in roof) following demolition of existing houses with parking and refuse/cycle storage**

Site Address: **210 Bassett Green Road Bassett Southampton SO16 3NF**

Application No: **09/01236/FUL**

For the following reasons:

01. REFUSAL REASON – Impact on Character

The proposed development would be discordant with the spacious character which prevails in the locality of the site. In particular, two of the proposed dwellings would be designed with insufficient private and useable amenity space in contrast to the surrounding area in which dwellings are served by gardens which are well in excess of the Council's adopted amenity space standards. Furthermore, the reliance on obscure glazing to prevent overlooking of the neighbouring properties also demonstrates that the proposal does not reflect the spacious layout of buildings which is typical of the Bassett character. Finally, the incorporation of three-storey development would be incongruous to the original character of buildings to be found within the vicinity of the site. Taken together, these factors are considered to be symptomatic of an overdevelopment of the site which would harm the character of the area. As such the development would prove contrary to the provisions of policy CS13 (1) (2) of the Local Development Framework Core Strategy 2010, policies SDP1 (ii) particularly the guidance of paragraphs 2.3.17, 3.8.2-3.8.3, 3.9.1 – 3.9.2, 3.9.5 to 3.9.6 and 4.4.1-4.4.4 of the Residential Design Guide [September 2006]), SDP7 (iii)/(iv), SDP9 (i)/(v) and H7 (i)/(iii) of the City of Southampton Local Plan Review (March 2006).

02. REFUSAL REASON - Failure to enter into a Section 106 Agreement

In the absence of a completed S.106 Legal Agreement the proposals fail to mitigate against their direct impact and do not, therefore, satisfy the provisions of policy IMP1 of the City of Southampton Local Plan Review (March 2006) as supported by the Council's Supplementary Planning Guidance on Planning Obligations (August 2005, as amended) in the following ways:-

A) A financial contribution towards the provision and maintenance of open space in accordance with policy CLT5 of the revised deposit of the Local Plan and applicable SPG;

B) A financial contribution towards the provision of a new children's play area and equipment in accordance with policy CLT6 of the revised deposit of the Local Plan and applicable SPG;

C) A financial contribution towards site specific transport contributions 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;

D) 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. As such the development is also contrary to the City of Southampton Local Plan Review (March 2006) policies SDP1, SDP2 and SDP3;

(E) In the absence of a Highway Condition survey the application fails to demonstrate how the development will mitigate against its impacts during the construction phase;

(F) To implement an agreed series of site specific transport works under S.278 of the Highways act, specifically, the introduction of Traffic Regulation Order to introduce parking restrictions on Bassett Green Road, in line with policies SDP3, SDP4, and IMP1 of the City of Southampton Local Plan Review (March 2006) and the adopted SPG relating to Planning Obligations (August 2005 as amended), and,

(G) Affordable housing in accordance with Policy H9 of the Local Plan Review and Policy CS15 from the emerging Local Development Framework Core Strategy 2010.



David Rothery *DR*
Development Control Manager

19 January 2010

For any further enquiries please contact:
Jenna Turner

IMPORTANT NOTE TO APPLICANT

This decision has been made in accordance with the submitted application details and supporting documents and in respect of the following plans and drawings.

Drawing No:	Version:	Description:	Date Received:	Status:
060608 P01	A	Block Plan	23.11.2009	Refused
060608 P01		Location Plan	23.11.2009	Refused
2011		General Plan	23.11.2009	Refused
060608 P20		Block Plan	23.11.2009	Refused

060608 P12		Elevational Plan	23.11.2009	Refused
060608 P13		Elevational Plan	23.11.2009	Refused
060608 P11		Floor Plan	23.11.2009	Refused
060608 P10		Elevational Plan	23.11.2009	Refused
060608 P09	A	Elevational Plan	23.11.2009	Refused
060608 P08		Floor Plan	23.11.2009	Refused
060608 P07		Elevational Plan	23.11.2009	Refused
060608 P06		Floor Plan	23.11.2009	Refused
060608 P05		Elevational Plan	23.11.2009	Refused
060608 P04		Elevational Plan	23.11.2009	Refused
060608 P03	A	Elevational Plan	23.11.2009	Refused
060608 P02	C	Site Plan	23.11.2009	Refused
060608 P00		Site Survey	23.11.2009	Refused

NOTES

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development, they may appeal to the Secretary of State for Communities and Local Government in accordance with Section 78 of the Town and Country Planning Act 1990, within the timescales set out below.

1. Appeals can be submitted on line and **must be registered within six months of the date of this notice at www.planning-inspectorate.gov.uk** or by a form available from the Planning Inspectorate, 3/15 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS2 9DJ. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not, however, required to entertain such an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority.
2. If permission to develop land is refused, whether by the Local Planning Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Local Planning Authority a purchase notice requiring that the Authority purchase their interest in the land in accordance with Part IV of the Town and Country Planning Act 1990
3. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
4. For those developments which are covered by the Disability Discrimination Act, the attention of developers is drawn to the relevant provisions of the Act and to the British Standard B300:2001 Design of buildings and their approaches to meet the needs of disabled people code of practice.
5. The applicant is recommended to retain this form with the title deeds of the property

Please address any correspondence in connection with this form, quoting the application No to: **Development Control Service, Southampton City Council, Civic Centre, SOUTHAMPTON, SO14 7LS**

INDICATIVE



C rear landscaping added & railings 16.11.09
 B revised 29.10.09
 A revised 18.09.09

Revision	Date
A	18.09.09
B	29.10.09
C	16.11.09

Tony Oldfield Architect
 Unit 5, Freemantle Business Centre
 152 Millbrook Road East
 Southampton
 Hampshire
 SO15 1JR
 Tel: 023 80239165
 Fax: 023 80632466
 Email: tofieldarchitect.co.uk

Appendix 3

Client	Drew Smith Limited
Project	210 Bassett Green Road Southampton
Drawing Title	Site Layout
Scale	1:200
Date	28.07.08
Checked	
Drawn	
Project Number	060608
Drawing No.	P02
Revision	A B C

This drawing is copyright of the architect & must not be reproduced without permission. Any discrepancies should be referred to the architect.

Grays

212

208

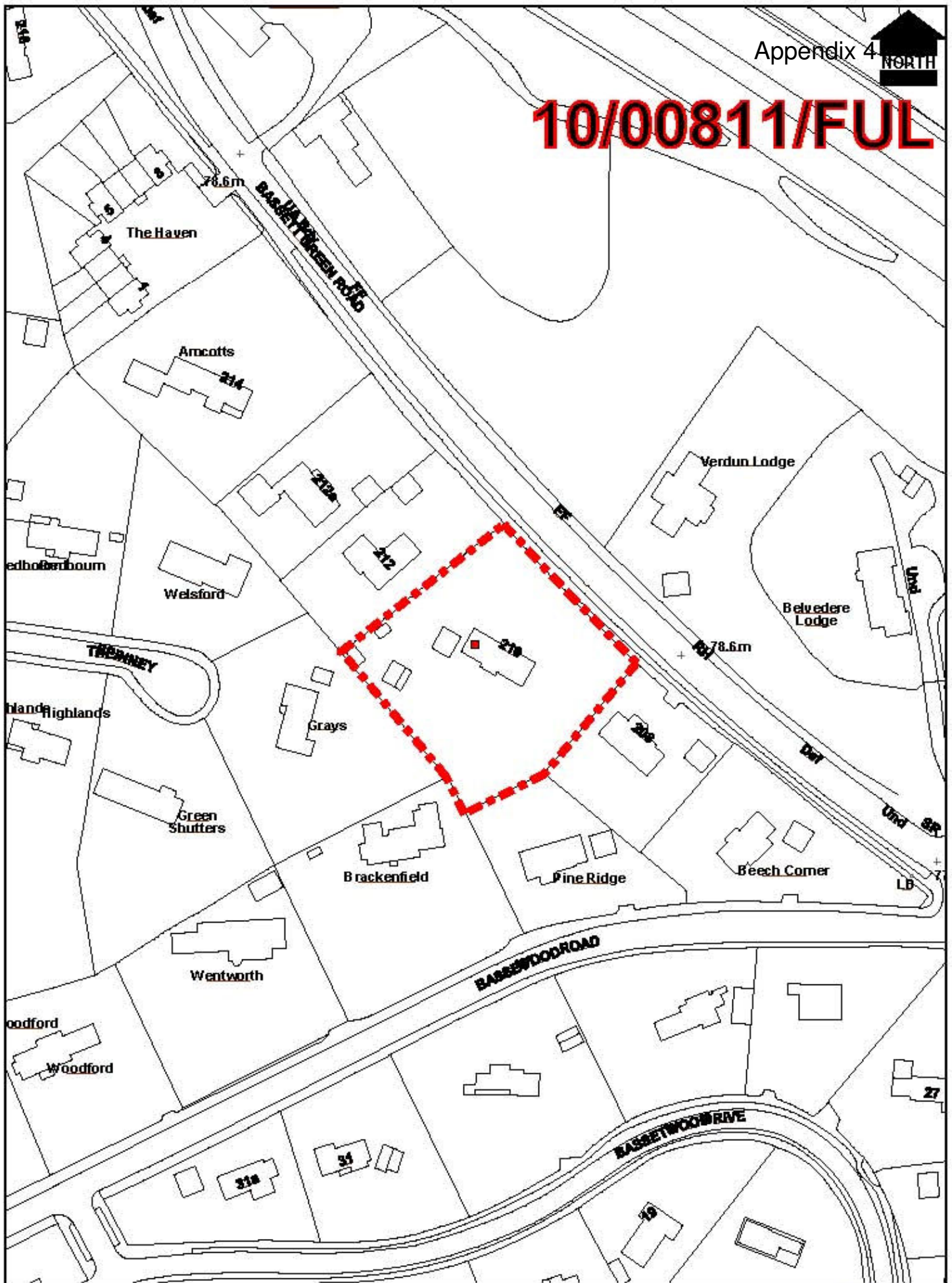
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10/00811/FUL



Scale : 1:1250

Date : 16 August 2010

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Agenda Item 8

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 31st August 2010
Planning Application Report of the Planning and Development Manager

Application address: 36 Dell Road, Bitterne, Southampton			
Proposed development: Erection of a 3-storey building comprising of 1x3-bed and 4x1-bed flats with associated parking and cycle/refuse storage. Outline application seeking consideration of access, appearance, layout and scale (details of landscaping to be reserved)			
Application number	10/00454/OUT	Application type	Q13 - Minor Dwellings
Case officer	Jenna Turner	Public speaking time	5 minutes

Applicant: Mr E Sumra	Agent: Mr John S Warwick
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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 proposed dwellings would be in keeping with the surrounding area and would not have a harmful impact on residential amenity as set out in the report to the Planning and Rights of Way Panel on the 31.08.10. The proposal has addressed the previous reasons for refusal including the reasons for the dismissal of the previous planning appeal. 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, CS16, 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	Planning History and Appeal Decision	2	Development Plan Policies
3	Structural Engineers Comments		

Recommendation in Full

That the application be approved subject to the suggested planning conditions

1.0 Background

1.1 This application has been referred to panel at the request of the local ward councillors. This application seeks to address the previous reasons for refusal attached to planning application 07/01770/OUT.

2.0 The site and its context

2.1 The application site is a vacant piece of land which previously contained a detached two-storey dwelling house although this building has been demolished some time ago due to its poor structural condition. The site slopes steeply down from the rear boundary towards the road with an 11 metre difference between the levels at the front and rear of the site.

2.2 The surrounding area is predominantly residential in character. Although the properties are fairly mixed in design they are typically of a domestic scale; either one or two storeys in height. The street scene is suburban in character, with development interspersed with mature trees and vegetation. The road slopes steeply upwards to the south towards the junction with Midanbury Lane.

3.0 Proposal

3.1 The application seeks outline planning permission for a single block of five flats. All matters are to be considered with the exception of landscaping which is reserved for consideration at a later stage.

3.2 The application is a resubmission of an earlier refused scheme (LPA reference 07/01770/OUT) which was dismissed at appeal and seeks to address the previous reasons for refusal. A copy of the reasons for refusal and the appeal decision are included at **Appendix 1**.

3.3 When viewed from Dell Road the proposed building would have a two-storey scale with accommodation within the roof space served by dormer windows. Due to the change in levels across the site the building would have a single-storey scale at the rear also with rooms in the roof served by dormer windows. The overall design is traditional in appearance with a pitched roof, chimney stack and projecting bay windows to the front elevation.

3.4 Amenity space would be provided to the rear of the site in a series of terraces. Two car parking spaces would be provided to the front of the property together with a purpose built refuse store.

3.5 The differences between the current application and the approved scheme can be summarised as follows:

- The number of flats have been reduced from 6 to 5 and reduced the number of bedrooms from 12 to 7.
- The mix of accommodation has changed from a development of 2 bedroom flats to 1 x three bedroom flat and 4 x one bedroom flats
- The depth of the building into the site has been reduced by 5 metres
- The previous application proposed the excavation of the slope to create a level site with the land either side of the building supported by 8 metre and 6 metre retaining walls. The current proposal would use below ground piles as retaining structures and would create a series of terraces up the slope.

4. Relevant Planning Policy

4.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 2**.

4.2 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.

4.3 On June 9th 2010 private residential gardens were excluded from the definition of Previously Developed Land (PDL) in the Government’s Planning Policy Statement on Housing (PPS3). Also, the requirement to achieve a minimum density of at least 30 dwellings per hectare was removed.

4.4 The revised PPS3 maintains that the priority for development should be PDL (Paragraph 36 refers).

4.5 The adopted Core Strategy (in Policy CS4 Housing Delivery) indicates that 16,300 additional homes will be provided over the plan period, with 5,750 homes to be provided on allocated and identified sites between April 2009 and March 2014. The figures demonstrate that the city has a housing supply from identified sites sufficient to meet requirements until and beyond 2018/19, without reliance on windfall sites. The change to the definition of PDL, and the Council’s current predicted supply, means that the principle of development will now be an issue for new windfall proposals for housing units to be built entirely on private residential gardens (often termed “garden grab”).

4.6 That said, the revised PPS3 maintains that the planning system should provide “*a flexible, responsive supply of land that is managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate*” (Paragraph 10 refers). The national annual target that “*at least 60 per cent of new housing should be provided on previously developed land*” remains, suggesting that residential development can still take place on other land subject to the local circumstances of each site involved.

4.7 It is the view of the Council’s Planning Policy Team that the recent changes to PPS3, along with the removal of the national indicative minimum density standards, are not intended to stop all development on private residential gardens. Instead it allows Councils greater powers to resist such development where there is a demonstrable harm *inter alia* to the character and appearance of an area. The judgement as to whether such proposals are acceptable will need to consider, amongst other factors:

- the loss of private residential garden land;
- the contribution the land currently makes to the character of the area;
- the impact on the defined character of the area; and,
- the contribution that the scheme makes to meeting housing need.

4.8 The revised PPS3 maintains that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an

area and the way it functions, should not be accepted (Paragraph 13 refers).

5.0 Relevant Planning History

5.1 This is the fifth application for the redevelopment of this site. An earlier scheme for the construction of a pair of semi-detached houses was approved in 2006 although this planning permission has now lapsed. There have been two previous applications for developments of six flats on the site which were both refused, the most recent of which was also subject of an appeal which was dismissed. The details of the planning history of the site are included in **Appendix 1**. The principle reason for the appeal decision dismissal relates to the impact of retaining walls on the residential amenity of prospective occupiers, which has now been overcome.

6.0 Consultation Responses and Notification Representations

6.1 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, and erecting a site notice. At the time of writing **14** representations have been received from surrounding residents including from the local ward Councillors White, Baillie, and Williams. The following is a summary of the points raised:

6.2 The proposed flatted development is out of character with the family houses within Dell Road

Response

The issue of character was assessed by the Planning Inspector at the last appeal on this site and the proposed development was not considered to be harmful to the character of the area (paragraph 9 of the appeal decision in **Appendix 1** refers).

6.3 There is a need of family homes as opposed to flatted developments

Response

The development includes a 3 bedroom unit which has direct access to private amenity space. The development would therefore provide a family unit in accordance with policy CS16 of the Core Strategy.

6.4 The proposed ground works could cause land stability issues

Response

The application is accompanied by a Stability Report, Soils Analysis and details are provided of the method of construction. The Council's Structural Engineers have reviewed this information and are satisfied that the development can be constructed without resulting in land stability problems.

6.5 The construction process would have a harmful impact on highway safety and would create noise and disturbance to the residential neighbours

Response

Planning conditions are suggested to control the hours of construction and to secure a construction management plan.

6.6 An insufficient number of car parking spaces are proposed which would lead to parking on the highway which would have a harmful impact on highway safety

Response

The application site lies within an area of Low Accessibility for public transport, however, the number of car parking spaces proposed accords with the adopted maximum parking standards, a maximum total of 5 spaces could be provided. The application proposes the same number of car parking spaces as the refused scheme and the amount of development on the site has been reduced. Car parking was not previously included as a reason for refusal.

6.7 The proposal would set an unwelcome precedent for similar flatted developments within the area

Response

Each planning application is assessed on its own individual merits having regard to the specific site related considerations. As such, if planning permission was to be granted for the current proposal, it does not automatically follow that planning permission would be granted for flatted developments in the vicinity of the site.

6.8 The new building would have a harmful impact on the amenities of the neighbours in terms of light and outlook and overlooking.

Response

Having regard to the position of the building and the change in levels between the site and the neighbouring properties, it is considered that the proposed would not have a harmful impact on residential amenity.

6.9 The amenity space to serve the proposed flats would be poor and the ground floor flats would be dark

Response

The amenity space would be formed of a series of terraces and there would be no requirement for a substantial above ground retaining wall. As such the terraces would receive an acceptable level of daylight. The ground floor units are single aspect served by east facing windows which would be a ground floor level rather than below ground floor level. As such the quality of these units would be acceptable.

6.10 SCC Structural Engineers – No objection subject to the imposition of the suggested conditions (the Structural Engineer's full comments are provided at **Appendix 3**).

7.0 Planning Consideration Key Issues

7.1 The application needs to be assessed in terms of the following key issues and the planning history of the site:

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

7.2 Principle of Development

7.2.1 The building footprint of the proposed new building would encompass both previously developed and garden land. Garden land has been recently removed from the definition of previously developed land in the 9th July update to PPS3: Housing. PPS3 indicates that the priority for development is on previously developed land. Furthermore,

housing need within the city can be accommodated on identified sites without relying on windfall sites. The change to PPS3 needs to be balanced against other planning policy considerations which seek the efficient use of land to provide housing and whether the development on garden land would have a harmful impact on the character of the area. This is discussed in more detail in section 7.3 below.

7.2.2 In terms of the level and type of accommodation proposed, it is noted that Dell Road typically comprises single-family dwellings, however the introduction of a flatted development would contribute to the creation of a mixed and balanced community as required by PPS3: Housing. The proposal incorporates a 3 bedroom unit to replace the family home which was removed from the site approximately 4 years ago.

7.2.3 The application proposes a residential density of 80 dwellings per hectare which is in excess of the density suggested for areas of low accessibility for public transport by policy CS5 of the Core Strategy. Density alone is not a definitive test of the acceptability of a scheme and indeed policy CS5 suggests that the density should be assessed in terms other aspects of the scheme including character, open space and the need to make efficient use of the land.

7.3 Design

7.3.1 The design of the proposed building has a domestic appearance and incorporates traditional design features which would help it integrate into the street scene. As the properties within Dell Road are varied in character, the development would not appear incongruous within the street scene. Whilst 3 levels of accommodation would be provided, the building would have a 2-storey built form when viewed from Dell Road. It is noted that the previous appeal Inspector considered that the front elevation of the building would “sit comfortably in the streetscene”. Overall it is considered that the development would represent a visual improvement on the current condition of the site which has been derelict for a considerable period of time.

7.3.2 The development would retain approximately 300 sq.m of soft landscaping to the rear of the building and the building itself would occupy just over 20% of the total site area. This would ensure that the site would retain its spacious suburban character and that the development would not appear to be an over-intensive use of the site. As such, the level of development and the density proposed is considered to be acceptable.

7.4 Land Stability

7.4.1 In the dismissal of the planning appeal on this site, the planning inspector raised the following issues in relation to the engineering works:-

- That the application submission did not contain sufficient information to ensure that the works would not adversely affect the stability of the neighbouring properties;
- That the 6 metre and 8 metre high retaining wall would have a harmful impact on the amenities of prospective occupants of the development and;
- That the amenity space for the development would not be useable due to the topography of the site.

7.4.2 Where as the previous application sought to create a level building site with substantial land excavations, the current proposal works with the topography of the site. The development would be supported by below ground piles and the only above ground retaining wall would be a short section to the side of the building, adjacent to the garden access steps. The application is accompanied by a Stability Report, A Geotechnical Soils Report and plans which detail the construction method. This information has been independently reviewed by the Council’s Structural Engineers and they are satisfied that

the development would not undermine the stability of the site or the neighbouring properties. The Structural Engineers Comments are provided in **Appendix 3** to this report.

7.5 Residential Amenity

7.5.1 The proposed building would project approximately 3.5 metres further to the rear than the neighbouring property at number 38 Dell Road and the building would be positioned 1 metre away from the boundary with this property. As the proposed building would be built into the slope, the section of building which would project beyond the rear building line of number 38 would have a reduced massing when viewed from the neighbouring property. As such the development would not have a harmful impact on the occupiers of 38 Dell Road.

7.5.2 Because of the topography of the street, the proposed building would be positioned at a lower level than the neighbour at 34 Dell Road; the building would be approximately 4 metres higher than the raised deck area to the front of 34 Dell Road and there would be 2 metres separation between the building and the boundary with this property. As such, the proposed development would not have a harmful impact on residential amenity in terms of outlook or overshadowing. A condition is suggested to ensure that the windows in the side elevation of the building at first and second floor are obscurely glazed and top hung to restrict overlooking of the neighbouring properties.

7.6 Residential Standards

7.6.1 The application scheme provides a series of terraces to the rear of the site which would create a private and useable amenity space. Furthermore, in the absence of substantial above ground retaining structures, this amenity space would receive good access to natural daylight. Due to the change in the approach to the topography of the site, the application has addressed the Planning Inspector's concerns regarding the quality of the amenity space proposed.

7.6.2 All of the proposed flats would have direct access from within the building to the amenity space at the rear of the site. Following concerns with the integrity of the three-bedroom unit as family accommodation, the scheme has been amended from that first submitted. The three-bedroom unit has now been provided within the second floor of the development which means the windows of this unit overlook the amenity space and that the unit has direct access to the amenity space from within the building. A planning condition is suggested to ensure that the first terrace is private to the three-bedroom unit.

7.7 Highways and Parking

7.7.1 The application site lies within an area of Low Accessibility for public transport; however the provision of two car parking spaces is in accordance with the Council's adopted Car Parking standards. Since the availability of car parking is a key determinant in how people chose to travel, the provision of parking spaces less than the maximum standard would accord with aims to reduce travel by the private car. The access into the site is considered to be acceptable and on-site turning is proposed to serve the parking spaces. There have been no comments received from the Highways team, although the officer will be available to take questions regarding this at the panel meeting.

8.0 Summary

8.1 The current proposal has fully addressed the reasons for the dismissal of the planning appeal on this site. The chosen approach to developing on this steep site is more sympathetic to the character of the area and would create a much improved residential environment for prospective residents. Sufficient information has been submitted to ensure

that the development can be constructed without having a harmful impact on the stability of the slope. The recent changes to PPS3 do not affect the suitability of using this site efficiently to provide additional housing,

9.0 Conclusion

9.1 This application has been assessed as being acceptable to residential amenity and its local context and therefore 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 31.08.10 PROW Panel

PLANNING CONDITIONS

1. APPROVAL CONDITION - Outline Permission Timing Condition [Performance 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 are approved subject to the following:

- (i) Written approval from the Local Planning Authority of the landscaping of the site specifying both the hard, soft treatments and means of enclosures prior to any works taking place on the site;
- (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 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).

2. APPROVAL CONDITION – Landscaping [pre-commencement condition]

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 [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.

4. 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.

5. APPROVAL CONDITION - Amenity Space Access [Performance 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. The first terrace immediately adjacent to the building hereby approved shall be private to the three-bedroom unit.

REASON:

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

6. APPROVAL CONDITION – Boundary Treatment [pre-commencement condition]

Prior to the commencement of the development hereby approved, full details of boundary treatment including retaining walls and structures shall be submitted to the Local Planning Authority in Writing. The boundary treatment shall be implemented in accordance with the agreed details and thereafter retained.

REASON

To secure a satisfactory form of development

7. 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.

8. 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.

9. 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).

10. APPROVAL CONDITION - Use of uncontaminated soils and fill [performance condition]

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

REASON:

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

11. APPROVAL CONDITION - Unsuspected Contamination [performance condition]

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority. Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority. Any changes to the agreed remediation actions will require the express written consent of the Local Planning Authority.

REASON:

To ensure any land contamination not previously identified is assessed and remediated so as not to present any significant risks to human health or, the wider environment

12. APPROVAL CONDITION – Soils Analysis [pre-commencement condition]

Prior to the commencement of the development hereby approved a further Slope Stability analysis shall be submitted to the Local Planning Authority for approval in writing following the determination of the actual loads on site. The development shall proceed in accordance with the agreed details.

REASON

In the interests of the stability of the site.

13. APPROVAL CONDITION – Obscure Glazing [performance condition]

The first and second floor windows within the side elevations of the development hereby approved shall be non-opening and obscurely glazed up to a height of 1.7 metres from the internal floor level.

REASON

In the interests of the privacy of the neighbouring properties.

14. APPROVAL CONDITION – Privacy screening to roof terraces [pre-commencement condition]

Prior to the commencement of the development hereby approved a scheme detailing screening to the roof terraced areas shall be submitted to the Local Planning Authority for approval in writing. The details shall include screens of no less than 1.8 metres in height to the northern and southern sides of terraces. The screens shall be implemented as approved prior to the occupation of the flats and thereafter retained whilst the units are in residential occupation.

REASON

In the interest of the privacy of the adjacent residential occupiers

15. APPROVAL CONDITION – Piling Method [pre-commencement condition]

Prior to the commencement of the development hereby approved, the applicant shall submit in writing to the Local Planning Authority the proposed method of piling to be used in the construction of development within that phase. No development within the relevant phase shall commence until the submitted details have been agreed in writing by the Local Planning Authority. Development shall be implemented and proceed only in accordance with the agreed details.

REASON

In the interests of the stability of the slope and the amenities of the neighbouring occupiers

16. APPROVAL CONDITION – Foul and Surface Water Disposal [pre-commencement condition]

Prior to the commencement of the development hereby approved details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved by the Local Planning Authority in writing. The development shall proceed in accordance with the agreed details.

REASON

To ensure that the development does not adversely impact on the public sewer system

17. APPROVAL CONDITION – Parking and Access [performance condition]

The on-site car parking spaces and the access to them shall be provided on site in accordance with the plans hereby approved and made available for use prior to the dwellings first coming into occupation and retained as approved. The parking shall be thereafter retained for that purpose and not used for any commercial use.

REASON

To ensure that adequate parking is provided to serve the development

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

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement (CMS) for the development. The CMS shall include details of: (a) parking of vehicles of site personnel, operatives and visitors; (b) loading and unloading of plant and materials; (c) storage of plant and materials, including cement mixing and washings, used in constructing the development; (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary; (e) measures to be used for the suppression of dust and dirt throughout the course of construction; (f) details of construction vehicles wheel cleaning; and, (g) details of how noise emanating from the site during construction will be mitigated. The approved CMS shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

REASON:

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

19. APPROVAL CONDITION – Land Stability Construction Method [performance condition]

The development shall proceed in accordance with the submitted Slope Stability report and construction method details unless otherwise agreed in writing by the Local Planning Authority.

REASON

In the interests of the stability of the slope and the safety and amenity of the neighbouring properties.

Notes 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.

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.

Party Wall Act

The applicant is reminded that further agreements may be required under the Party Wall Act (1996) as this application proposes development on or near the boundary with a neighbouring property. Further guidance can be obtained from the Council's Building Control Officer on 023 8083 2558.

Application 10/00454/OUT

APPENDIX 1

05/00950/OUT

Refused 18.08.05

Erection of 2 no. two-storey semi-detached dwellings (outline application for siting, means of access and external appearance)

05/01707/FUL

Conditionally Approved 13.02.06

Redevelopment of the site by the erection of two semi-detached houses with accommodation in roof slope.

07/00499/OUT

Refused 25.05.07

Redevelopment of the site by the erection of a 3 storey building to provide 6 flats (4 no 3 bed & 2 no. 1 bed).

07/01770/OUT

Refused 13.03.08

Outline application for redevelopment of the site by the erection of a 3 storey building to provide 6x two bed flats (resubmission - appearance and layout listed for consideration).

Reasons for refusal

01.

The proposed introduction of 6 two-bedroom flats would result in the overdevelopment of the site by reason of intensified activity and would therefore be out of keeping with the family housing which characterise Dell Road having an adverse impact on the character of the area. Moreover, the development fails to provide adequate useable amenity space for proposed number of units (which are capable of accommodating families with small children) due to the steep gradient of the amenity space. The development would thereby prove contrary to the provisions of policies SDP1, SDP7 and H7 of the Local Plan Review (Adopted Version March 2006) and as supported by the relevant sections of the Residential Design Guide SPD 2006.

02.

The site is identified as having potential for land instability and on the basis of insufficient plans and supporting information the Local Planning Authority is not satisfied that the land can support the proposed development, that the safety of the prospective residents would not be threatened by unstable land or that the proposal would not result in land stability issues on the neighbouring residential sites. The development therefore proves contrary to the provisions of SDP1 and SDP23 of the Local Plan Review (Adopted Version March 2006) and Planning Policy Guidance 14: Development on unstable land.

03.

In the absence of a completed S.106 Legal Agreement the proposals fail to mitigate against their direct impact and do not, therefore, satisfy the provisions of policy IMP1 of the City of Southampton Local Plan Review Adopted Version March 2006 as supported by the Council's Supplementary Planning Guidance on Planning Obligations (August 2005 as amended) in the following ways:-

A) Measures to satisfy the public open space requirements of the development have not been secured. As such the development is also contrary to the City of Southampton Local Plan Review Adopted Version March 2006 Policy CLT7.

B) Measures to support sustainable modes of transport such as necessary improvements to public transport facilities and pavements in the vicinity of the site have not been secured contrary to the City of Southampton Local Plan Review Adopted Version March 2006 policies SDP1, SDP2 and SDP3;

C) Measures to support strategic transportation initiatives have not been secured. As such the development is also contrary to the City of Southampton Local Plan Review

Adopted Version March 2006 policies SDP1, SDP2 and SDP3;

(D) In the absence of a Highway Condition survey the application fails to demonstrate how the development will mitigate against its impacts during the construction phase;

(E) Measures to secure replacement trees off-site contrary to the provisions of policy SDP1 of the City of Southampton Local Plan Review Adopted Version March 2006.

(F) In the absence of a Waste Management Plan the application has failed to explain how the dual use facility will be managed to ensure satisfactory arrangements for collection. As such the development is also contrary to the City of Southampton Local Plan Review Adopted Version March 2006 policies SDP1 as supported by Part 9 of the Council's approved Residential Design Guide SPD (2006).



Appeal Decision

Site visit made on 2 December 2008

by **Colin Tyrrell MA(Oxon) CEng MICE FIHT**

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@opa.co.uk

Decision date:
11 December 2008

Appeal Ref: APP/D1780/A/08/2085162

36 Dell Road, Southampton SO18 1QS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr A K Sumra against the decision of Southampton Council.
- The application Ref 07/01770/OUT, dated 11 September 2007, was refused by notice dated 13 March 2008.
- The development proposed is the erection of a 3-storey building to provide six 2-bed flats (outline application including layout and appearance).

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is for outline planning permission, with all matters reserved except for layout and appearance.
3. The copy of the application included on the file was dated 11 September 2007 and was apparently for an earlier proposal when full planning permission was sought. At my request prior to the site visit, the Council has provided a copy of the correct application for the outline approval which is the subject of this appeal. This is also dated 11 September 2007, though the Council's refusal notice refers to a date of 11 January 2008 when the relevant drawings were received. It appears that the same form was used for both applications, without changing the date but with the type of application box altered in manuscript. Neither version of the application describes the proposed development, so I have adopted the description used by the Council in the refusal notice.

Main Issue

4. In my opinion, the main issue is whether the site can accommodate a development of the density proposed whilst retaining reasonable amenity space for future residents and ensuring geotechnical stability of the appeal site and its surroundings.

Reasons

Geotechnical Stability

5. The April 2008 Soils Ltd Slope Stability Report ref J10702 (which includes a date in the footer of 3 September 2008) states that the stability of the ground to the rear of the site is marginal and shows that along the boundary with 34

Dell Road a vertical retaining wall of contiguous piles of maximum height in excess of 8m would be required to allow excavation of the flat area for the development. On the boundary with 38 Dell Road, a similar vertical retaining wall of maximum height of about 6m would be required. Although the report deals in more detail with the terracing of the rear garden, in relation to these retaining walls it notes only that an engineer design would be required.

6. There is no indication on the drawings as to how such heavy engineering structures could be physically accommodated on the boundary. Nor is there any information as to how such major works could be constructed without damaging the side extension to No 34 which extends almost to the boundary at a point where the adjacent retaining wall would be approaching its maximum height.
7. The appellant's agent states in his letter of 25 November 2008 that the land stability report prepared by Solis Ltd (*sic*) specifies the approved methods of works to be carried out and that these have been endorsed by the Council's engineering officer. However, the Soils Ltd report before me remarks only that engineering designed solutions would be required for both the terracing of the rear garden and the retaining walls along the side boundaries. I do not consider that these remarks constitute a specification for approved works, nor do I have any information as to the Council's view as to their adequacy. The further report produced by Barron & Partners (ref 8102/mg/dis/R1 rev. A, undated) discusses possible methods of retaining the rear slope of the garden in very general terms but does not address the issue of the side boundary retaining walls.
8. In my opinion, the information produced by the appellant falls well short of identifying appropriate remedial measures (paragraph 34 of PPG 14) and demonstrating that such measures would not adversely affect neighbouring land (paragraph 37 of PPG 14). It seems to me that the full implications of the major engineering works which would be required to render this site developable in the manner proposed have not been properly identified and that the proposal is therefore contrary to Local Plan Policy SDP 23 as well as to national guidance in PPG14.

Development Density and Amenity Space

9. The proposed development is equivalent to a density of some 100 dwellings per hectare, which accords with the Council's range of 50-100 dph in Local Plan Policy H8 for a medium accessibility area such as Dell Road. Furthermore, the front elevation in my opinion would sit comfortably in the streetscene and the depth of the development, though greater than some of its neighbours, would not be especially alien in its mixed surroundings.
 10. The difficulty with the proposal, it seems to me, results from the awkward topography and the heavy engineering works which would be required to render the site developable in the manner proposed. The living room of the rear ground-floor flat would look out alongside an 8m vertical retaining wall which, being on the south side, would shade the area throughout the day. The outlook from the living rooms of the two flats immediately above would be similarly restrained and restricted by the adjacent retaining wall. The only area of amenity space which would not be substantially shaded by the retaining wall
-

would be the section on the rear boundary which would be higher than the roof of the proposed development and could only be reached via three flights of steps.

11. I recognise that other houses in the area have rear gardens which are awkward to access and to cultivate. However it seems to me that the combination of the shading resulting from the retaining wall and the difficult access to the very limited areas of usable and attractive amenity space would result in a development which failed to accord with the principles of good design in Local Plan Policy SDP1 and in national policy PPS1 and PPS 3, as well as with the detailed advice in the Council's Residential Design Guide.

Other Consideration

12. No s106 agreement is before me to satisfy the Council's reason for refusal relating to matters A-F as listed in the notice of refusal. Although the appellant's agent indicated in his letter of 17 November 2008 that the signed agreement would be available shortly, its current absence represents a failure to comply with Local Plan Policy IMP1 relating to the necessary infrastructure, services, facilities and amenities to meet the needs of the development.

Conclusion

13. For these reasons, and taking into account all other matters raised, I conclude that the proposals would cause harm and would not accord with the development plan. I therefore dismiss the appeal.

Colin Tyrrell

INSPECTOR

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS5	Housing Density
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
H1	Housing Supply
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

PPS1	Delivering Sustainable Development (2004)
PPS3	Housing (2010)
PPG13	Transport (2001)
PPG14	Development on Unstable Land

Structural Engineers Comments

Slope stability analysis has been carried out for local and overall (shallow and deep) slips – but with assumed loads. The report from Soils Limited recommends that the analysis is re-run when the final actual loads have been determined. **This should be a condition of approval.**

The consultant involved is Malcolm Woodruff; he and Soils Limited are both competent persons.

In the temporary condition of constructing the first Permacrib wall, the drawing states that 'sheet piles are to be installed if required', this requirement is determined by the installation of monitoring stations. The designers will need to set limits for intervention.

One typo error has been noticed on drawing no 20080601/SR1 – Note 1 – the slope should be 1 vertical to 1.8 horizontal (not vertical as shown on the drawing).

In summary – we do not have major concerns with this one.

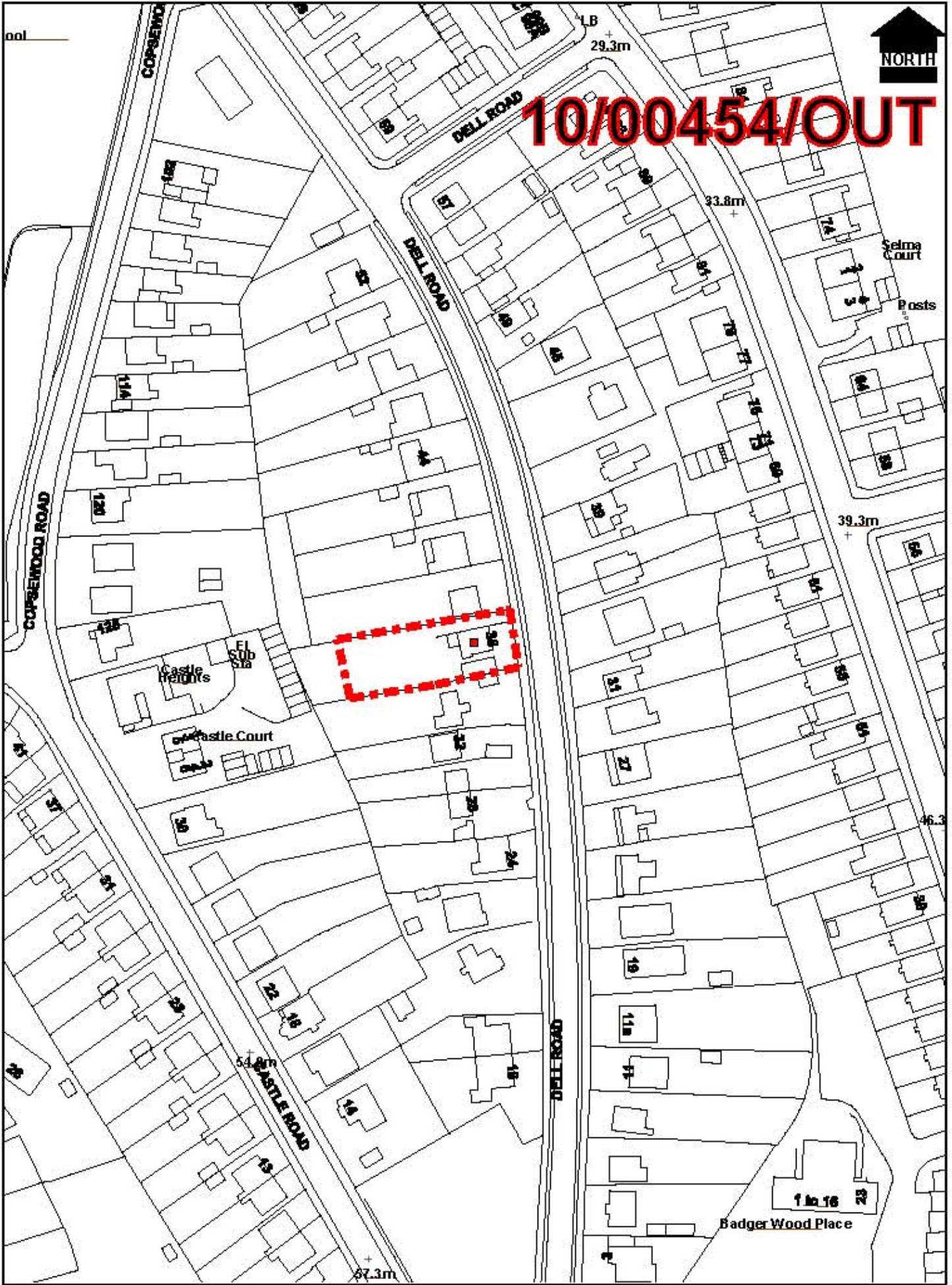
- The applicant certainly appears to have given adequate consideration regarding any impact to the adjacent properties.
- There is no grounds to assume that the proposals (provided they are executed competently) will damage the adjacent properties.
- This scheme will inevitably require the employment of the Party Wall Act (with associated condition surveys etc).
- The correct use of the Party Wall Act should provide the neighbours with all the necessary protection/comfort.
- On the basis of our interpretation of the drawings (esp SR2, section 3); the completed works will see a retaining wall (visible from No 36 only) to the south boundary which extends no further than a single flight of steps.
- We would envisage some form of boundary fence subsequently being installed on top of the retaining wall at this location. This fence will need to be adequately robust so that it affords the necessary protection to falls from height (down from No 34 onto the steps of No 36).
- The piles on the Northern boundary are installed to form the basement wall – they will not therefore result in a retaining wall to that boundary, and will not be visible on completion of the work (refer to SR2, section 4).

In short – although the measures required by this scheme are somewhat complicated and more than what is often required (due to the slopes and adjacent properties), we remain satisfied that there is no ground on the basis of slope stability to refuse this application.

John Simpkins

Team Leader - Civil Engineering

Southampton Property Services



10/00454/OUT

Scale : 1:1250

Date : 16 August 2010

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Agenda Item 9

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 31 August 2010
Planning Application Report of the Planning and Development Manager

Application address: Land rear of 3 - 6 Seymour Road			
Proposed development: Erection of an additional 2 x 2-storey, 4-bed detached houses with associated detached double garage and cycle/refuse storage and replacement house type to house on Plot 1, previously approved under ref 99/01407/FUL			
Application number	10/00277/FUL	Application type	Full
Case officer	Andrew Gregory	Public speaking time	5 minutes

Applicant: Seymour (Southampton) Ltd	Agent: Pro Vision Planning & Design
Recommendation Summary	Grant planning permission subject to conditions

Reason for Panel Consideration

The proposal involves development on land which is not previously developed and raises similar issues to development on garden land. Therefore in light of the recent changes to PPS3 it is considered that the panel should be directly involved in the determination of this application.

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Overall the scheme is acceptable and the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area. 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 SDP1, SDP4, SDP5, SDP7, SDP9, H1, H2 and H7 of the City of Southampton Local Plan Review - Adopted March 2006 policies CS4, CS5, CS13, CS16, CS19, CS20 of the Local Development Framework Core Strategy (January 2010); 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.

Appendices attached			
1	Development Plan Policies	2	Appeal decision 9.3.2005

Recommendation in Full

Conditionally approve

1. The site and its context

1.1 The application site (0.125 hectares) is located in a zone of low accessibility. It comprises land which is not considered previously developed. It does not form private residential gardens and is not occupied by any buildings (see PPS3 definition). The planning history of the site is unclear however applicant indicates that the land was originally set aside for private tennis courts and may have been used for private horticultural use (but is not a formal allotment).

1.2 The land is situated on land to the rear of 3-6 Seymour Road and adjacent to undeveloped land to the rear of 6-9 Seymour Road which has planning approval for 5 houses (allowed on appeal in 2005). The site is accessed between 6 and 7 Seymour Road.

1.3 The surrounding area is predominantly residential in nature. The site is framed by semi-detached dwellings within Seymour Road and by houses and flats within Winchester Road. The site is reasonably level and is enclosed by mature planting, close boarded fencing and a brick outbuilding at the rear of 300 Winchester Road. Malvern Business Centre abuts the northern boundary.

2. Proposal

2.1 The application proposes the erection of 2 no. two-storey four-bedroom detached houses to the rear of 3-6 Seymour Road. The proposal has been designed to link into the adjacent approval for 5 houses but could come forward independently, because the long access drive between 6-7 Seymour Road has been incorporated into the application. The proposed dwellings have been identified as plots 6 and 7 and have a layout, scale and design which reflect the approved scheme.

2.2 A single-storey double garage and 2 no. surface car parking spaces are shown to the front of the proposed dwellings providing a total of 4 spaces. The proposed dwellings have landscaped front gardens with 9-10 metre length private rear gardens.

3.0 Relevant planning policy

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

3.2 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 PPS3 Housing (2010): On June 9th 2010 private residential gardens were excluded from the definition of Previously Developed Land (PDL) in the Government’s Planning Policy Statement on Housing (PPS3). Also, the requirement to achieve a minimum density of at least 30 dwellings per hectare was removed.

3.4 The revised PPS3 maintains that the priority for development should be PDL (Paragraph 36 refers).

3.5 The adopted Core Strategy (in Policy CS4 Housing Delivery) indicates that 16,300 additional homes will be provided over the plan period, with 5,750 homes to be provided on allocated and identified sites between April 2009 and March 2014. The figures demonstrate that the city has a housing supply from identified sites sufficient to meet requirements until

and beyond 2018/19, without reliance on windfall sites. The change to the definition of PDL, and the Council's current predicted supply, means that the principle of development will now be an issue for new windfall proposals for housing units to be built entirely on private residential gardens (often termed "garden grab").

3.6 That said, the revised PPS3 maintains that the planning system should provide "a flexible, responsive supply of land that is managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate" (Paragraph 10 refers). The national annual target that "at least 60 per cent of new housing should be provided on previously developed land" remains, suggesting that residential development can still take place on other land subject to the local circumstances of each site involved.

3.7 It is the view of the Council's Planning Policy Team that the recent changes to PPS3, along with the removal of the national indicative minimum density standards, are not intended to stop all development on private residential gardens. Instead it allows Councils greater powers to resist such development where there is a demonstrable harm *inter alia* to the character and appearance of an area. The judgement as to whether such proposals are acceptable will need to consider, amongst other factors:

- the loss of private residential garden land;
- the contribution the land currently makes to the character of the area;
- the impact on the defined character of the area; and,
- the contribution that the scheme makes to meeting housing need.

3.8 The revised PPS3 maintains that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted (Paragraph 13 refers).

4.0 Relevant planning history

4.1 99/01407/FUL (Allowed on appeal 9.03.2005) for:- Five 4 bed dwellings, detached garages and new vehicular access at land to the rear of 5-9 Seymour road (amended plans).

4.2 Please note that all the pre-commencement conditions have been discharged. Limited works have taken place to the site access, which represent commencement of development in accordance with section 56 of the Town and Country Planning Act 1990.

4.3 The appeal decision relating to land at the rear of 5-9 Seymour Road is attached as **Appendix 2**.

5.0 Consultation responses and notification representations

5.1 A consultation exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice. At the time of writing the report 24 representations had been received which can be summarised as follows:

5.1.1 The principle of the development

- **The Council originally refused the application for 5 houses as backland development which is out of character with the surrounding area**

- **7 dwellings is materially different to the 5 houses approved by the planning inspector**
- **This is the wrong development for this locality**
- **The density is out of keeping with the area.**

Response – This application relates to 2 additional houses on land outside of the appeal site (except the access). The decision was overturned by the Planning Inspectorate, which is now a material consideration in the assessment of this application. The appeal decision is appended to this report and sets out why the layout for 5 houses would not be out of keeping (see paragraphs 15-21 of **Appendix 2**). The proposed development respects the layout approved at appeal (this scheme can be implemented and thus informs the future character of the area). Discounting the access drive, the site has a density of 42 dph. This density falls within the density parameters for a low accessibility area of 35-50 dph. This density level accords with policy. The intensification from 5 to 7 houses does not conflict with policy nor does it create any new significant highway safety, ecology or noise concerns.

5.1.2 Highways matters

- **Intensification of traffic within Seymour Rd and adjoining roads.**
- **Parking displacement**
- **Car dominated development**
- **The intensification of use will make the access unfit for purpose**

Response – The level of parking accords with the Councils Maximum standards. The approach into the development has been allowed by the appeal decision. The additional parking for this proposal is proposed to be positioned in the western corner and will not dominate the approach into the development. There is no evidence to suggest that any displacement will prejudice highway safety (no objection raised by HDC).

5.1.3 Infrastructure matters

- **Increased surface water run-off**

Response – This will be dealt with by on-site and surface water drainage to be agreed at building control stage. Sustainability requirements to achieve code level 3 will also inform the approach to tackling surface water run-off.

- **Increase demand for local services**

Response - This is not a stand alone reason for refusal, particularly as local services can be upgraded to cope with increased demand.

5.1.4 Ecology matters

- **Loss of wildlife habitat**

Response - No objection raised by the Councils ecologist.

5.1.5 Other matters

- **Restrictive covenants would prevent vehicular access to the rear of 5-9**

Response - This is a separate legal matter and does not prevent the local planning authority from reaching a decision on this application.

5.2 **SCC Highways** - No highway objection subject to the attached planning conditions. The application site lies within an area defined as having “low” accessibility to public transport and services. The development is not considered to compromise highway safety. The provision of 4 spaces, 2 per dwelling, to serve the proposed level of development accords with the Council’s maximum parking standards.

5.3 **Ecology** - No objection providing the conclusions of the reptile survey are incorporated and appropriate mitigation for habitat loss is provided. Ecological mitigation and enhancement measures will be required through condition.

5.4 **Pollution & Safety** – No objection raised subject to a conditions restricting hours of work, no bonfires and the submission of a construction environment management plan which contains statements and site specific plans to prevent or minimise impact from noise, vibration, dust and odour for all operations.

5.5 **Environment Agency** – Unable to make a full response to this application.

5.6 **Southern Water** – No objection raised subject to conditions requiring details of the measures to be undertaken to protect the public sewer and details of the proposed means of foul and surface water sewerage disposal. In addition, an informative is required in relation to connection to the public sewer.

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. The quality of residential environment for future occupants; and,
- i. Whether the travel demands of the development can be met.

6.2 Principle of development

6.2.1 The proposed development of 2 houses is acceptable in principle and accords with policies contained within the development plan and central government’s wishes to promote sustainable and efficient use of land for housing development providing that the character of an area is not compromised. The level of development of 42 dwellings per hectare (dph) fits within the density parameters for the site (of between 35 and 50dph). The provision of genuine family housing is welcomed and fulfils the requirements of policy CS16 of the Core Strategy. Precedent has been set by the adjacent approval for 5 houses and this proposal would acceptably tie into that development.

6.2.2 The proposal seeks to introduce two additional houses on land which not considered previously developed. PPS3 advocates the efficient use of land for housing delivery and advises that at least 60% of new housing nationwide should be on previously developed land. With the recent changes to the status of garden land there is clearly an increased

focus on delivering the majority of new housing on previously developed land but national and local planning policy does not prevent the delivery of housing on undeveloped land, where appropriate. Consideration must be given to making the best use of land, impact on the character and appearance of the area and the promotion of development in sustainable locations to reduce the pressure for development on green field sites and protected open spaces.

6.2.3 This proposed site is framed by existing residential plots and land which has approval for 5 new houses. If this land was left undeveloped it could become closed off and would potentially become under used. This proposal provides the opportunity to make efficient and sustainable use of the site to provide additional market housing. The proposal has been designed to integrate into the approved scheme for 5 houses.

6.2.4 The existing unallocated private open space does not make a significant contribution to the character of the area and its development is considered acceptable when considered on balance with the future layout of buildings and gardens in this area and the opportunity to deliver additional family housing.

6.2.5 Whilst the City has a 5 year land supply this does not prevent unallocated windfall sites coming forward subject to local character not being harmed.

6.3 Design, density & impact on established character

6.3.1 The design and access statement identifies measures to be taken into account when maintaining the character of the area and achieving high standards of design. The proposed design, layout and scale of development is not considered to be adversely harmful to the surrounding pattern of development.

6.3.2 The proposal has taken into account the previous reason for refusal by amending the roof design to provide a barn-hip roof, this provides an improved reference to the established properties over a fully gabled roof, and a barn-hip provides a better scale and massing than a fully hipped roof in this two-storey street scene. The introduction of modest dormer windows will not detract from the appearance of the street scene.

6.3.3 The character of the area will not be compromised. The plot sub-division provides sufficient plot sizes for the existing and proposed dwellings which meet and exceed the standards within the Residential Design Guide in terms of building separation, privacy distances and garden sizes (10m length).

6.4 Residential amenity

6.4.1 The design and access statement identifies measures to be taken into account when maintaining residential amenity. The proposed design, layout and scale of development is not considered to be adversely harmful to the surrounding pattern of development, having had regard to the adjacent approval for 5 houses.

6.4.2 The surrounding area includes a mix of two-storey housing and larger flatted developments. The design and scale of the proposed houses has sought to respect the 5 houses approved on the adjacent plot and also the established houses within the area. The scheme has also taken on board the Planning Inspector's comments in terms of reducing the bulk and massing of the end unit by introducing skilling's to lower the eaves height to protect the amenities of occupiers of 298 Winchester Road.

6.5 Quality of residential environment

6.5.1 All new residential development is expected to provide prospective residents with a good living environment. The internal layout is compatible with modern living standards. All habitable rooms will receive adequate outlook, ventilation and day lighting.

6.5.2 Each property is provided with approximately 56 square metres of private usable amenity space per dwelling which accords with the layout approved at appeal for 5 houses. The size of these gardens are smaller than the recommended garden sizes advocated for detached houses within the Residential Design Guide of 90 square metres. However, on balance with housing delivery, this shortfall is acceptable given the gardens remain acceptable in terms of quality and usability.

6.5 Whether the travel demands of the development can be met

6.5.1 The application site is within an area, which is defined as a “low” accessibility zone in the Adopted Local Plan. The level of parking provision proposed needs to be assessed against the maximum parking standards set out in the adopted Local Plan. The development proposes 4 car parking spaces, which accords with the Council’s maximum parking standards. The level of parking provision and access arrangement will not prejudice highway safety.

7.0 Summary

7.1 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. 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.

8.0 Conclusion

8.1 By securing the matters set out in the recommendations section of this report, the proposal would be acceptable. The application is therefore recommended for delegated approval to the Planning and Development Manager.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

AG 11.08.10 for 31.08.10 PROW Panel

CONDITIONS for 10/00277/FUL

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

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

Reason:

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

02. APPROVAL CONDITION: Facing materials

Unless otherwise agreed in correspondence by the Local Planning Authority the external materials and finishes of the development hereby approved shall match those agreed in the discharge of condition 06 of appeal decision APP/D1780/A/04/1150191, namely:

Facing bricks - Westminster red stock

Roof tiles - Plain concrete Redland Farmhouse red

Reason: To secure a satisfactory form of development.

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

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

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

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

And at no time on Sundays and recognised public holidays.

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

Reason:

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

04. APPROVAL CONDITION - Preserving and enhancing biodiversity [Pre-Commencement Condition]

The development shall be carried out strictly in accordance with the recommendations of the Reptile Survey Report by Hampshire Ecological Services dated June 2010.

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

Reason

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

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

Before the commencement of any site works a detailed landscaping scheme and implementation timetable, which clearly indicates the numbers, planting densities, types,

planting size and species of trees and shrubs to be planted, and treatment of hard surfaced areas, shall be submitted to and approved in writing by the Local Planning Authority.

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

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

The 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.

06. APPROVAL CONDITION – Boundary Treatment [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.

07. APPROVAL CONDITION - Residential - Permitted Development Restriction [Permanent Condition]

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

Class A (enlargement of a dwelling house), including a garage or extensions,

Class B (roof alteration),

Class C (other alteration to the roof),

Class 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.

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

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings including roof windows 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.

09. 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.

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

Prior to the commencement of any development a written construction environment management plan shall be submitted to and approved by the LPA. The plan shall contain method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary. 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. 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 and in the interests of highway safety.

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

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

REASON:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

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

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

Reason:

To ensure satisfactory drainage provision for the area.

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

The developer must advise the Local Planning Authority of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development.

Reason:

In order to safeguard the public sewer.

14. PERFORMANCE/PRE-OCCUPATION CONDITION – Access and parking

Prior to the start of construction of the buildings hereby approved, the kerb and footway alterations to provide the visibility splays at the entrance to Seymour Road shall be completed in accordance with the plans approved by the Inspector under the Appeal decision APP/D1780/A/04/1150191, dated 9 March 2005. Neither dwelling shall be occupied until the access, turning area and parking/garaging associated with each dwelling have been provided. Thereafter, at all times, the turning areas, parking and garaging shall be kept free of obstruction and available for use for those purposes.

Reason:

To ensure that satisfactory access and parking/manoeuvring space is provided and maintained to serve the development.

15. APPROVAL CONDITION - Garage use

The garages hereby approved shall be made available and used at all times for the parking of domestic vehicles related to the residential use of the dwelling house and associated ancillary storage relating and incidental to the enjoyment of the occupation of the dwelling house. At no time shall the garage be used for the parking of commercial vehicles or used for any trade, business; manufacturing or industrial purposes whatsoever and shall not be incorporated into the house as part of the domestic living accommodation.

REASON: To prevent car parking displacement into the access drive and surrounding streets in the interest of highway safety.

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

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

Reason:

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

Note 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 Southern Water's Network Development Team (Wastewater) based in Otterbourne or www.southernwater.co.uk.

POLICY CONTEXTLDF Core Strategy - Planning Southampton to 2026 – Adopted January 2010

The LDF Core Strategy now forms part of adopted development plan against which this application should be determined. The following policies are relevant:

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review (March 2006)

Whilst there are no site-specific policies relating to this site, the plan contains general policies applicable to this development. This application needs to be assessed in the light of the following “saved” policies:

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Safety & Security
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

Supplementary Planning Guidance

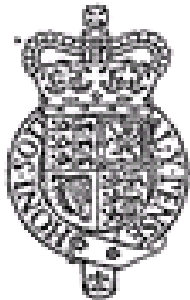
The following SPD/G also forms a material consideration in the determination of this planning application:

Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

PPS1	Delivering Sustainable Development (2004)
PPS3	Housing (June 2010)
PG13	Transport (2001)

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Appeal Decision

10 MAR 2005

APPENDIX 2
(10/00277/FUL)

Hearing held on 16 February 2005

by Edward Hitchings BSc MRICS MRTPI

an Inspector appointed by the First Secretary of State

 Form 999 (Rev. 1/99)
 0117 372 6332
 e-mail: appeals@planning-
 inspectors.gov.uk
 Date
 9 MAR 2005

Appeal Ref: APP/D1780/A/04/1150191
Land rear of 5 to 9 Seymour Road, Southampton, SO16 6RH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Glenshire Homes Ltd against the decision of Southampton City Council.
- The application (Ref.99/01407/FUL/28259), dated 16 December 1999, was refused by notice dated 20 April 2004.
- The development originally proposed was 4 2-storey houses (4 bedroom) and garages.

Summary of Decision: The appeal is allowed and planning permission granted, subject to conditions set out in the Formal Decision below.

Procedural Matters

1. The application was originally submitted in outline for 4 2-storey detached houses and garages, but was changed to a detailed submission for 5 dwellings in May 2000. Amended plans (ref.nos.2000/06/02/01A, SO/Hs/300A, 884/02A and 884/03B) were submitted on 11 March 2004. I shall determine this appeal accordingly.
2. The second and third grounds of refusal referred to the lack of any commitment to secure the provision of affordable housing and measures to address the need for sustainable travel, contrary to Policies H2 and GP1 of the adopted Southampton Local Plan and similar policies in the emerging Local Plan Review. At the beginning of the hearing, the appellant submitted a unilateral undertaking, dated 16 February 2005, under Section 106 of the Town and Country Planning Act 1990. Upon the grant of planning permission, a financial contribution of £9000 (index linked) would be made to fund measures to encourage the use of alternative modes of transport to the private car, and, prior to the occupation of no more than 4 of the proposed dwellings, No.7 Seymour Road would be disposed of to a registered social landlord for use as affordable housing. The Council confirmed that this undertaking satisfies the relevant policies and is sufficient to overcome these 2 grounds of refusal.

Main Issues

3. I consider the remaining main issues in this appeal to be:
 - (a) the effect on the character and appearance of the mainly residential area within which the site lies, in the light of current planning policies;
 - (b) the effect on the living conditions of adjoining residents by reason of the buildings being oppressive and over-dominant to adjoining gardens, by overlooking and loss of privacy, by loss of light to gardens, and by excessive noise and disturbance.

Decision



Planning Policy

4. The development plan includes the Hampshire County Structure Plan 1996-2011 (Review) adopted in March 2000 (SP) and the City of Southampton Local Plan (LP) adopted in January 1996. SP Policy H5 emphasises the importance of allocating for housing, land that is vacant, under-used, derelict or released from its former uses, subject to specific criteria, including public transport availability and respect for the character of the surrounding area. SP Policy UB3 requires all development to be appropriate in design, scale, layout and density to its surroundings and to contribute to the quality of the built environment. SP Policy T1 seeks full and effective use of land in built-up areas that are well served by public transport.
5. LP Policy GP1 sets out a number of detailed criteria to be met by development, including being appropriate and sympathetic to adjoining buildings and spaces, conserving and enhancing wildlife and landscape, avoiding conflict with adjoining uses, and making adequate provision for access for the users of all forms of transport. Similarly LP Policy H12 lists matters of importance for new residential development, including that design, layout and scale should be in character with the immediate surroundings, the amenities of adjoining uses should be protected, and service infrastructure provided.
6. The emerging City of Southampton Local Plan Review (RLP) has reached the stage where the Inspector's Report has been received, but the City Council has yet to decide its formal response. In these circumstances, Policies SDPI, SDP 4 and H3 that are not subject to proposals for alteration carry substantial weight. The other policies are subject to a greater degree of uncertainty, but as the Inspector's recommendations reflect up-to-date national guidance, these also carry significant weight.
7. The aim of RLP Policy SDP 1 is to protect health, safety and amenity; to respect and improve the quality of the built and natural environment; and to contribute, where appropriate, to a complementary mix of uses. Priorities for development access are set by Policy SDP 4 in the descending order of; pedestrians and disabled people, cyclists, public transport and private transport. Policy SDP 2 seeks to ensure that development provides for integration and connection for all modes of transport. The Inspector's Report suggests that the written justification for this policy should include the point that parking should be provided at as low a level as possible, having regard to the needs of development. The report recasts Policy SDP 7, together with SDP 9, so as to preclude development that would cause material harm to the character and/or appearance of an area, and to ensure that building design is of high quality. In general, proposals should respect their surroundings, be compatible with natural and man-made features that contribute to the quality of the local environment, and respect the existing layout, scale, density and proportion of existing buildings. Policy SDP 11 seeks an attractive network of public routes and spaces for pedestrians, cyclists and vehicles, and adequate access for all pedestrians.
8. RLP Policy H3 requires maximum use to be made of derelict, vacant and underused land for residential development, subject to certain provisos. The most relevant to this appeal are that the land does not make a valuable contribution to the character or amenity of the area, would not have significantly detrimental effect on the amenity of adjoining occupiers, and does not support significant wildlife/nature conservation interest. The draft plan now defines "significant" as sites meeting criteria for "Sites of Importance for Nature Conservation" or sites supporting habitats or species identified in bio-diversity action

plans. Policy H 10 sets a number of criteria to ensure the highest standards of quality and design for residential development, including ensuring that designs and layouts contribute to a distinctive environment, enhance urban form and local character, take account of local character and amenity, and promote security.

9. The Council has published supplementary planning guidance "Residential Standards Development Control Brief". This gives advice on distances between buildings to ensure privacy, and on garden sizes and landscaping. As I have no evidence that this document has been subject to review following public consultation, I am able to afford it only limited weight in accordance with PPS12¹.
10. National guidance in PPG3² urges local planning authorities to give priority to re-using previously-developed land within urban areas for housing, in preference to the development of greenfield sites. Designs and layouts should make efficient use of land without compromising the quality of the environment. The inefficient use of land, which it defines as less than 30 dwellings per hectare net, should be avoided. National policy in PPS1³ emphasises the importance of high quality and inclusive design that is appropriate to its context and takes opportunities to improve the character and quality of an area. It should be integrated into the existing urban form and natural and built environments, respond to the local context, create or reinforce local distinctiveness and be visually attractive.
11. The objectives of national guidance in PPG13⁴ are to integrate planning and transport at all levels, including promoting more sustainable transport choices and reducing the need to travel, especially by car. The guidance stresses the importance of more direct, safe and secure walking routes, including to schools, and of ensuring that the personal security concerns of pedestrians are addressed. Other relevant national guidance is included in PPG9 Nature, Conservation, PPG24, Planning and Noise, Design Bulletin 32, - "Residential Roads and Footpaths", and its companion guide "Places, Streets and Movement".

Reasons

12. Fundamental to my consideration of both the main issues is the application of RLP Policy H 3 (previously-developed land). This emerging policy is at a stage where it carries substantial weight as it is up-to-date and in accordance with current national guidance. Prior to site clearance by the appellant several years ago, my understanding is that the site was garden land associated with the frontage housing development. After excluding this site, the surrounding houses would retain generous private rear gardens. Although its current overgrown condition is attributable to its recent history, I believe that it is reasonable to regard it as underused land. There is no doubt in my mind that the site qualifies as previously-developed land in accordance with the definition in PPG3.
13. I fully appreciate that most, if not all, the residents surrounding this site would much prefer this whole backland area to remain undeveloped, and be re-used for gardens or as a wildlife refuge. There is no doubt that the open character of the interior is a very pleasant

¹ Planning Policy Statement 12: Local Development Frameworks (2004) paragraph 5.22

² Planning Policy Guidance Note 3: Housing (March 2000)

³ Planning Policy Statement 1: Delivering Sustainable Development ODPM 2005

⁴ Planning Policy Guidance Note 13: Transport (March 2001)

feature of the area that is appreciated by its residents. However, judged against current national policy, this low density housing block does represent an inefficient use of housing land. It lies in an area accessible to local services and public transport, although the latter is limited in frequency. Both national and local policy imply that, in principle, there is a strong imperative for more efficient use of previously-developed land of this type to meet housing needs.

14. I note that the appellant assesses the density of the development at 26.3 dwellings per hectare (dpa) (5 houses on 0.19 hectare), which would be just below the minimum of 30 dpa recommended in PPG3. However, taking into account that this is a small site and the amount of it devoted to the access, I consider that the proposal represents reasonably efficient use of land in accordance with PPG3.
15. Any development of this site would result in some change to the existing character of the area and in some impacts on local residents that would be unwelcome to them. However, implementation of the relevant policies, designed to provide more housing within existing urban areas, necessarily implies more intensive use of many sites of this type. It follows that objections to such a development have to demonstrate significant harm to local character and/or to the living conditions of local residents.

Character and Appearance

16. The block of land between Seymour, Malvern and Winchester Roads is in residential use; apart from a public house on the Malvern/ Winchester Roads corner, a low single storey business centre building at the rear of the pub car park, and a bed and breakfast business in Winchester Road. The housing is generally 2-storeys in height and almost equally divided between detached and semi-detached dwellings, on plots that are deep rather than wide. The relatively narrow plot widths allow only limited glimpses between buildings from the surrounding roads into rear gardens and the central part of the block. House styles show considerable variety in detailing and materials.
17. The Council's statement argues that, because backland development is not a characteristic of the area, this form of development would be out of keeping. At the hearing, the Council clarified that it was opposed to the form of backland development proposed, rather than to the principle of this type of development.
18. The proposal is for 5 closely spaced detached houses in a straight line parallel with the 2 long sides of this housing block. The houses are all based on a similar 4-bedroom plan with variations in the use of hipped and gabled elements and materials. The roofs of the 3 central houses would be half-hipped with a ridge height of about 9 metres. The 2 end houses would be fully hipped with a ridge height of about 8¼ metres with long side roofs down to ground floor ceiling level to reduce the impact on adjoining gardens. The only direct evidence of the comparative above ground ridge heights of the surrounding housing is the height of the ridge of No.6, at 8.6 metres above ground level (appellant's survey drawing). Generally, I estimate that the ridge height of the central houses would be similar to that of the taller houses on the street frontages. I have taken into account that architectural drawings of roofs tend to give an exaggerated impression of height, compared with ground level views of buildings. This is because of the effect on perspective of roofs sloping away from the viewer.
19. Aside from the fact that this development would be in the interior of the block, in house type, orientation and design, I consider that it would not conflict in any significant way from the character of the surrounding development. Although it would be clearly visible

from many surrounding houses and gardens, there would be no substantial impact on the limited public views from the surrounding roads. Certainly the houses would be clearly visible from Seymour Road through the new access, and from Malvern Road, across the pub car park and the roof of the business centre. However, I do not believe that the proposed houses would cause any significant overall harm to the character and appearance of the neighbourhood.

20. The scheme includes 3 substantial garage buildings. I saw nothing similar to these in the immediate vicinity, with the possible exception of the long business centre block. However, these are single storey buildings with hipped roofs, set amongst 2-storey houses, so that their visual impact on the area as a whole would be very limited.
21. I conclude that the proposal would not be detrimental to the character and appearance of the mainly residential area. Therefore, in this respect, the proposal complies with the development plan, in particular SP Policies H5 & UB3 and LP Policy GP1 & H12, with emerging RLP Policies SDP 7, SDP 9, H 3 & H 10, and with national policy and guidance in PPG3 and PPS1.

Living Conditions of Local Residents

22. The new houses would be set more than 35 metres from the rear of houses in both Malvern and Seymour Roads. Even allowing for the fact that the houses would be at a slightly higher level than houses in Malvern Road, I consider that this distance would be more than adequate to ensure mutual privacy. The line of buildings would have a generally southeast to northwest orientation. In my view, this orientation, together with the distance to adjoining housing and gardens and the deep side roofs to the end houses, would avoid any undue loss of daylight or sunlight to adjoining houses and gardens.
23. A particular concern for the Council is that the height and size of the garages would be oppressive and over-dominant, as seen from adjoining houses and gardens. The garage eaves heights are all about 2.5 metres. This can be compared with the normal permitted development rights for garden fences of up to 2 metres, and for buildings with a flat roof of up to 3 metres. The ridge heights vary slightly with a maximum height of about 4.7 metres, compared with a maximum ridge height for a permitted development structure of 4 metres. However, these buildings all have fully hipped roofs sloping away from the site boundaries, so that, above eaves height, the roofs would have little effect on daylight and sunlight reaching adjacent gardens.
24. Measured along the mutual property boundaries, the closest distance from the adjoining Seymour Road houses to the garage buildings would be about 14 metres. This would be in excess of the 12.5 metres that the Council's supplementary guidance sets as the minimum distance for a blank 2-storey wall from a rear elevation with habitable room windows. The impact of the garages in adjoining gardens would be considerably less than this.
25. Nevertheless, I have considered carefully the cumulative effects of these garage buildings on adjacent rear gardens. I have a particular concern about the effect on the living conditions of the occupiers of No.8 Seymour Road. Half of the rear garden of this property would be between 2 garage buildings, one about 14 metres in length and the other about 5 metres. In my judgment, the combination of these garages on both sides of the garden would be unduly oppressive and unneighbourly. More than half the length of the larger garage building, the part closest to No.8, would provide a triple garage for the

existing house No.7 Seymour Road. As was noted at the hearing, this is the house that would now be allocated, for affordable accommodation. The nature of this accommodation and the requirement for parking provision remains to be resolved. On behalf of the appellant company, no objection was raised to excluding this triple garage from the proposal. This is a matter that could be dealt with by a planning condition that could also ensure that the remaining garage for No.3 is redesigned with a fully hipped roof.

26. A particular concern for the occupiers of No.6 Seymour Road, which would apply similarly to future occupiers of No.7, is the effect on their living conditions of noise and disturbance from the new access between these 2 houses. Housing is a noise sensitive use and there is no doubt that some additional noise would be generated at the side and to the rear of these properties as a result of this scheme. The appellant commissioned a professional acoustic report. This concluded that there would be only a small increase of 2-3dBA in the likely noise levels and that the small number of vehicle movements at night is unlikely to cause disturbance. I see no reason to disagree with this assessment. The length of new driveway is only about 50 metres between right angled junctions. Therefore, I would expect vehicle speeds to be slow and consequently to result in little engine and other noise. The proposed brick walls on both sides of the access should further limit the noise to the adjoining houses.

27. However, the design of the drive includes provision for a speed cushion. I see no necessity for this as a speed reduction measure within such a short length. To my mind, it would be likely to result in unnecessary suspension and other vehicular noise and may well generate some irritating headlight flicker effects, both for adjoining residents and those at the end of the drive. My concern in this respect could be overcome by a condition requiring its deletion from the scheme.

28. I conclude that, subject to the conditions referred to in paragraphs 25 & 27 above, the proposed building would not be detrimental to the living conditions of adjoining residents by reason of the buildings being oppressive and over-dominant to adjoining gardens, by overlooking and loss of privacy, by loss of light to gardens, and by excessive noise and disturbance. Therefore, in this respect, the scheme would comply with the development plan, in particular, LP Policies GP1 & H12, and with emerging RLP Policy SDP 1.

Other Matters

29. Local residents raised a number of other concerns about the design of this scheme. The access is designed as a shared driveway to serve 6 houses. The Council has raised no objection to the width or design of the access. This includes visibility splays at the entrance to meet the current national standards of Places, Streets and Movement. This publication was prepared to reverse the tendency for roads to dominate housing areas. It emphasises the need for a flexible interpretation of Design Bulletin 32 and a move away from overly prescriptive standards. I consider that the proposed design would be entirely adequate to meet the limited traffic, cycling and pedestrian requirements of this small site.

30. I have considered the concern expressed that the existing drive to No.6 Seymour Road enters the bellmouth of the new access. I agree that as a general guide, DB32 indicates that "no driveways should enter the bellmouth of a junction". However, this is a junction that would serve only 6 houses. I do not consider that this arrangement would give rise to any significant conflict or highway hazard in this case.

31. It is unfortunate that, prior to the hearing, the internal comments of the Council's officer responsible for the impact on wildlife had not been made available. These comments were prepared 5 years ago following the clearance of vegetation from the site by the developer. The view expressed was that the loss of the site to wildlife was regrettable, but, following clearance, it was difficult to prove that it was a critical component of the ecology of the area. The cumulative effect of the loss of a wildlife corridor area was raised and the suggestion made that this should be considered in the review of the Local Plan. Landscaping works and the provision of swift nesting and bat boxes were recommended.
32. In the absence of any objection on wildlife grounds from the Council, I must assume that, despite these earlier views, the site does not fall within the categories of sites that "support significant wildlife/nature conservation interest", in accordance with the definition of emerging RLP Policy H3. Nevertheless, I noted that an adjoining resident had highlighted the possibility that the site may now host one or more protected species. The earlier internal memorandum also draws attention to the possibility of such species temporarily disrupting works, and if so, to the need for specialist advice and liaison with the responsible statutory bodies to agree mitigation/translocation measures. On the evidence available, I consider that the interests of all parties would be best served by a condition requiring the developer to commission an up-to-date wildlife survey with recommendations for mitigation measures.
33. The Council confirmed that parking provision on the site meets their current standards for an area of low accessibility as defined in the emerging RLP. I see no reason to disagree with the Council's conclusion, and consider that the garages would provide adequate space for secure cycle parking.
34. There is concern that trees and hedges in adjoining gardens would be damaged by building foundation works. On site, one of the appellant's representatives explained that the garages would be built on a raft type foundation that would limit the need for excavation works close to boundaries. During my site visit, I did not identify any significant off-site trees that I consider would be adversely affected by the proposed works.
35. Whilst I agree that the new access would make it easier for criminals to penetrate into this central area, in my view this disadvantage would be balanced by the improved visual supervision from the new houses. The new walls to the driveway, and a condition covering the fencing of the site, should also help to provide overall security for the site and adjoining houses and gardens. I consider that garden sizes would be adequate. There is no evidence that water-run off and foul sewerage pose special difficulties.

Conclusion

36. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed subject to conditions.

Conditions

37. I have considered the imposition of conditions in the light of the 6 tests and other advice of Circular 11/95³, in addition to the statutory time limit. The Council and a resident had suggested some conditions, and others have arisen as a result of my consideration of the issues. For the reasons given in paragraphs 25 and 27 above, I shall impose conditions

³ Department of the Environment Circular 11/95: The Use of Conditions in Planning Permissions

modifying the proposal to exclude the garage for No.7 Seymour Road and the speed cushion. During the continuation of the hearing on site, it was agreed that a condition requiring the submission of floor levels is necessary to ensure that the buildings have a close relationship to actual ground levels. Arising from my conclusions on wildlife considerations and to ensure that statutory obligations under wildlife legislation are fulfilled, a condition is necessary requiring an up-to-date wildlife survey, any necessary mitigating measures and implementation.

38. As no details are given in the application, materials and boundary treatment conditions are necessary to ensure that the scheme is internally cohesive and harmonises with the surroundings. I believe that a requirement for subsequent retention of the boundary treatment would be unduly restrictive. It could unreasonably prevent adjoining owners from agreeing changes that might better suit their needs. Sufficient landscaping details have been submitted to describe the proposed scheme. However, a condition is required covering submission of a landscaping timetable, implementation of the scheme and replacement of failures.
39. A wheel cleaning condition is necessary to prevent traffic hazards caused by the deposit of mud on the public highway. As the site is close to houses, a working hours condition is necessary to ensure reasonable peace and quiet for local residents outside normal working hours. Having heard the contrasting views of both the appellant and residents, I have concluded that the hours suggested by the Council represent a reasonable compromise.
40. National advice is that there is a presumption against the removal of the freedom to exercise permitted development rights. For this reason, I shall modify the Council's suggested condition to exclude only front extensions, that might detract from the main public face of the scheme, and alterations to sides of the houses at each end to ensure that privacy and light for adjoining gardens is not compromised.
41. For reasons of highway safety, during the construction of the scheme and subsequently, a condition is essential to ensure that the proposed improvements at the entrance from Seymour Road are carried out at an early stage. A further condition is required to ensure that provision of parking and garaging proceeds in conjunction with the houses, so that unnecessary parking on the public highway is avoided. The parking provision proposed is at the maximum permitted by the Council's current policies. Both to ensure that this maximum is not exceeded and that the landscaped area in front of the houses is retained, a condition preventing the creation of further parking areas is necessary.
42. I have decided not to impose a number of conditions that were discussed during the hearing. Whilst I appreciate the need for satisfactory arrangements for the storage and recycling of refuse, I consider that, as these are detached houses, this is best left to the discretion of individual occupiers. I am also concerned that a planning condition would not be sufficiently flexible to adapt to subsequent changes in household recycling arrangements. Bearing in mind that all permissions must be implemented in accordance with the approved plans, I consider that a strict implementation condition is only justified where precise implementation is essential, for example, in cases in a conservation area where design details are particularly critical.
43. Specific provision for bicycle storage is unnecessary as all the new houses have garages that could be used for this purpose. I have carefully considered the need for a requirement for the road to be built to adoptable standards, but this does not appear to meet the

required test for a condition of being "relevant to the ^{SUIP}development to be permitted". Whilst I appreciate that local residents are keen to avoid Seymour Road being cluttered by contractors' vehicles, a condition restricting parking outside the site on the public highway would not be valid. For their own convenience I would expect contractors to make efficient use of space within the site. A condition preventing burning on site is unnecessary as the main parties confirmed that this would be illegal.

44. I have considered a restriction on any commercial use of the new buildings. I believe that any commercial use causing a nuisance to local residents would not be ancillary to the permitted dwellinghouse use, and would need a separate permission. A planning condition requiring control of the nature of imported fill material is unnecessary, because the deposit of waste material is subject to other legal controls.

Formal Decision

45. I allow the appeal and grant planning permission for 5 2-storey houses (4 bedroom) and garages at Land rear of 5 to 9 Seymour Road, Southampton, SO16 6RH, in accordance with the terms of the application No.99/01407/FUL/28259, dated 16 December 1999 as amended on 12 May 2000, and amended plans ref.nos.2000/06/02/01A, SO/Hs/300A, 884/02A and 884/03B received on 11 March 2004, subject to the following conditions:

1) The development hereby permitted shall be begun before the expiration of five years from the date of this decision;

2) Notwithstanding the details shown on the submitted plans, the permission hereby granted shall exclude the proposed garaging provision to serve No.7 Seymour Road. Prior to the start of any works to implement this permission, revised details of the garage for Plot 3, showing a fully hipped roof, shall be submitted to and approved in writing by the local planning authority. This building shall be constructed only in accordance with these approved revised details;

3) Notwithstanding the details shown on the submitted plans, no speed cushion shall be installed at any time on the shared access driveway;

4) Prior to the start of any works to implement this permission, details of final finished floor levels and finished ground levels in relation to a fixed datum shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details;

5) Prior to the start of any works to implement this permission, a survey and report to assess the current use of the site by wildlife, including protected species, and to advise of any necessary measures and programme for mitigation and /or translocation, shall be submitted to and approved in writing by the local planning authority. Any necessary measures shall be carried out as approved and in accordance with the approved programme;

6) Before development is commenced, details and colours of external materials and finishes, and, where so required by the local planning authority, samples of such materials and finishes, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details;

7) No development shall take place until details of fencing, walling or other boundary treatment have been submitted to and approved in writing by the local planning

authority. The dwellings hereby permitted shall not be occupied until the fencing, walling or other boundary treatment have been completed in accordance with the approved details;

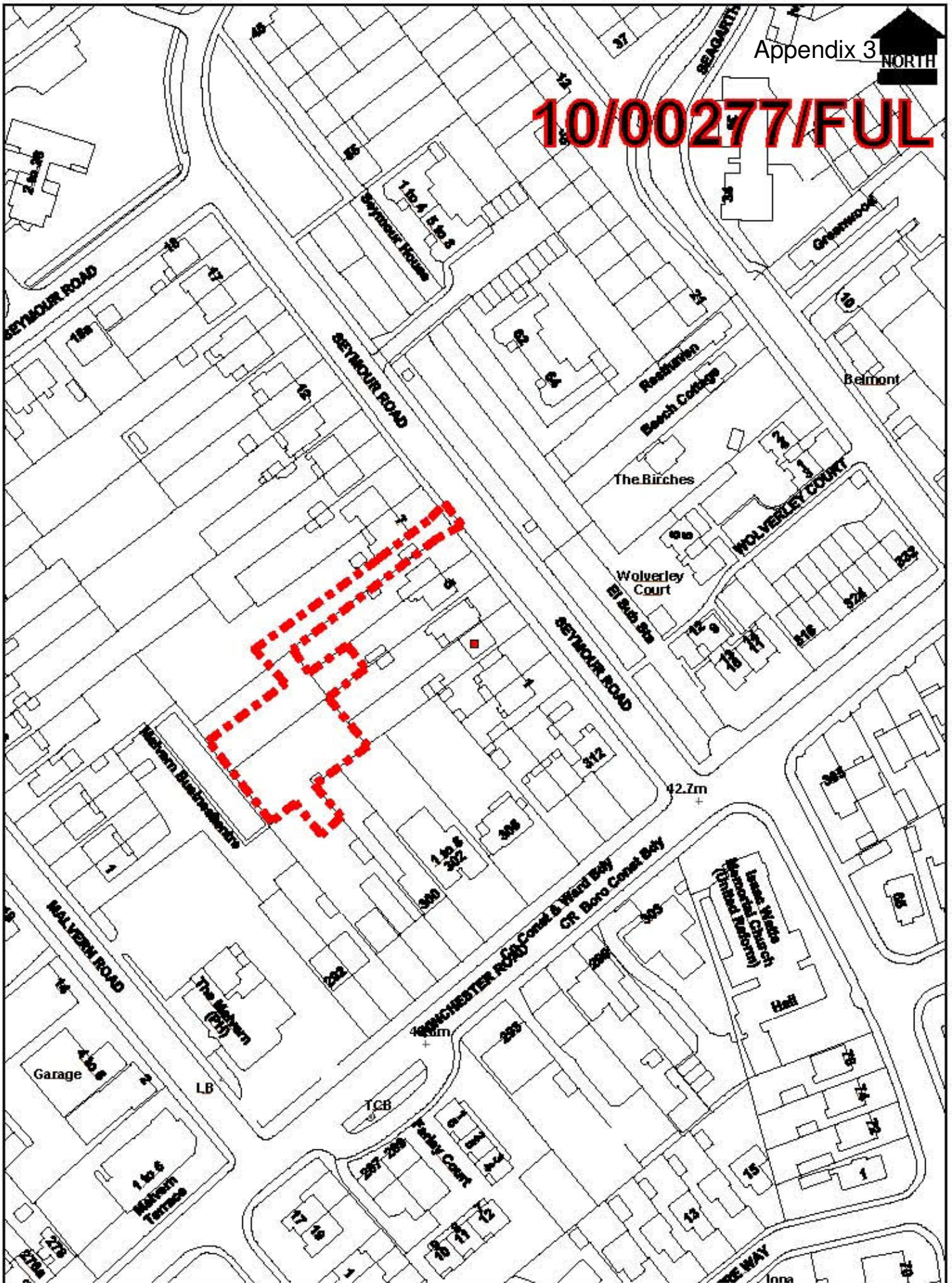
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- 8) No development shall take place until a programme for the implementation of the submitted landscaping scheme, related to the programme of building development, has been submitted to and approved in writing by the local planning authority. The submitted landscaping scheme shall be implemented in accordance with the approved details and implementation programme. Any plants or trees, including those retained as part of the scheme, which, within five years from the date of first occupation of the last dwelling unit on the site to be occupied, die, or become in the opinion of the local planning authority seriously diseased or damaged or are removed, shall be replaced during the next planting season following their demise with specimens of a similar size and species unless agreed otherwise in writing by the local planning authority;
 - 9) 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 vehicle shall leave the site until its wheels have been cleared sufficiently to prevent mud being carried on to the public highway;
 - 10) No works of ground preparation, excavation or construction, shall be undertaken on Sundays or Public Holidays. On other days no work, except for internal works that are inaudible outside the buildings, shall be undertaken outside of the following hours:
0800 to 1800 hours Mondays to Fridays inclusive
0900 to 1300 hours on Saturdays.
 - 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no works within Schedule 2 Part 1 Classes A, B or C for the enlargement, improvement or other alterations to the dwellings hereby permitted, shall be undertaken to the walls or roofs on the front (northeast) elevation of the 5 new houses, to the southeast side wall and roof of the house on Plot 1, or to the northwest side wall and roof of the house on Plot No.5;
 - X 12) Prior to the start of construction of the buildings hereby approved, the kerb and footway alterations to provide the visibility splays at the entrance to Seymour Road shall be completed in accordance with the approved plans;
 - 13) Until the access, turning area, parking and garaging necessary for and associated with each individual dwelling have been completed in accordance with the approved plans, that dwelling shall not be occupied. Thereafter, at all times the turning areas, parking and garaging shall be kept free of obstruction and available for use for these purposes;
 - 14) Outside the areas allocated for parking on the approved plans, no additional parking area shall be formed or used.

Edward Ditching

INSPECTOR



10/00277/FUL



Scale : 1:1250

Date : 16 August 2010

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Agenda Item 10

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 31st August 2010
Planning Application Report of the Planning and Development Manager

Application address: 9 The Triangle, Cobden Avenue, Southampton			
Proposed development: Change of use from A1 (Shops) to mixed use A3 (Sandwich/Coffee Bar) and use of forecourt as external dining area			
Application number	10/00606/FUL	Application type	FULL
Case officer	Stuart Brooks	Public speaking time	5

Applicant: Mr Gary Plested	Agent: Mr Ian Knight
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Recommendation Summary	Refuse
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Reason for Refusal

The proposed refuse management strategy to facilitate the change of use to class A3 would result in the storage of wheelie bin within front curtilage of the premises which forms a prominent part of the public realm, representing an unsightly and visually obtrusive feature within the street scene and the character of the building's shopfront which is considered to be a heritage asset of local importance. As such the proposal would be materially harmful to visual amenity and therefore contrary to "saved" Policies SDP1 and REI6 of the City of Southampton Local Plan Review (March 2006) and Policy CS3 and CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010) as supported by policy HE7 of PPS5 - Planning for the Historic Environment (March 2010).

Appendix attached			
1	Development Plan Policies	2	SCC Policy Team retail survey 2009

Recommendation in Full

Refusal.

1.0 The site and its context

1.1 This application site consists of a single retail unit (0.01 ha site area) with a basement area and no external service area in its curtilage that forming a terrace of buildings from 1 to 2 storey in height as part of the Bitterne Triangle Local Centre fronting along Cobden Avenue.

1.2 The application site is currently occupied by "Food to Suite". The property has a large open glazed shopfront retaining many original architectural features and details dating back to the beginning of the 20th century which is considered as a heritage asset of local importance due to its historic character and appearance. The space immediately to the front of the premises between the public pavement is a private forecourt in the ownership of the applicant.

1.2 The existing units in the Local Centre are mainly occupied by a range of uses which provide day to day service to local people such as a convenience store, bakery, cafe/restaurant, take away, laundrette, second hand shop, florist.

2.0 Proposal

2.1 Planning permission is sought to change the use of the premises from the current A1 sandwich shop use to mixed A3 café, offering light hot and cold food and beverages prepared at the premises (with no external venting of cooking fumes) such as sandwiches, cooked breakfast, Panini's, jacket potato, and salad. It was originally proposed in the description of development to include a mixed A5 hot food takeaway use, but this has been agreed with the applicant to be omitted from the description. There is the opportunity for the customer to pre-order food by phone for collection, however, the nature of the proposed use is more akin to A3 café given the cooking processes involved and type of food on offer.

2.2 The applicant intends to provide external outdoor seating and rope rail on posts under 1 metre high within the private front forecourt of the premises. The provision of seating within the private forecourt for customers to stay and eat on premises does not require the benefit of planning permission under an authorised A3 café use subject to these features not being permanent or fixed. The applicant has amended the planning application to remove the original proposed external decking. There are no changes proposed to the external appearance of the building. The refuse management strategy involves the storage of bins on the front private forecourt.

3.0 Relevant Planning Policy

3.1 The Development Plan for Southampton currently 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 A3 and A5 Food and Drink uses are permitted within Local Centres by the Council's Local Plan policies providing that their role continues serving the daily needs of local population. Proposals involving food and drink uses will be permitted in local centres providing that any adverse impact on neighbouring occupiers from noise disturbance, cooking smells and litter can be appropriately controlled in the view of the Local Planning Authority. In accordance with adopted Core Strategy Policy CS3 (Town, District and Local Centres) and Local Plan "saved" Policy RE16 (Local centres) and RE17 (Food and drink uses).

3.3 Under government guidance Policy HE7 of PPS5 - Planning for the Historic Environment (March 2010) the Local Planning Authority should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. Policy SDP7 (Context) and CS13 (Fundamentals of design) seeks to assess whether a development will cause material harm to the character and/or appearance of an area in context with the quality of the local environment such as visual characteristics.

4.0 Relevant Planning History

09/00468/ENCOU Allegation that use of new shop falls within A3 and not A1.

Note: The Enforcement case was closed as it was considered that the nature of the use at the time classed as A1 use.

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, and erecting a site notice (17.06.10). At the time of writing the report 10 representations have been received from surrounding residents. A summary of these comments are set out below.

5.2 Increase in traffic and parking demand generated resulting in congestion and lack of parking for regular shoppers due to increase in customers added to the impact from customers accessing the existing businesses operating in the local area. In particular, this will increase visitors illegally parking and affecting safety of other road users close to the main junction with Whitworth Road and Cobden Avenue.

Response

The Highway Officer has raised no objection to the impact from the proposed use on highway safety. The additional trips associated with this type of day time use serving local needs will not significantly change and, therefore, not pose an extra demand on traffic and local street parking. There are enforceable parking restrictions in place to the front of the premises which allows 'no waiting at any time' to prevent unsafe parking.

5.3 There is no access to refuse storage for commercial waste, and insufficient litter bins to dispose of customer waste outside the establishment and in the local area which will attract vermin and pose public health problems.

Response

The applicant has proposed a refuse management strategy to permanently store bins on the front forecourt of the premises which is supported by Environmental Health Officer but has an impact on the visual amenities of the area.

5.4 The number of food and drink businesses has reached a capacity to sufficiently cater for the local population. The Local Centre requires a range of uses to maintain its viability and vitality. Further A3/A5 uses would reduce the number visitors attracted to shopping in the local area for day to day needs, and are more likely to then visit larger district centres such as Bitterne Precinct and Portswood Road for these needs. An additional A3/A5 use would harm the vitality and viability of similar food and drink businesses operating in the local area that have made large investments imposed with strict non daytime license rules, causing them to close down with a negative affect to the local community.

Response

The occupation of the unit with the café use providing an active frontage and table/seating to the forecourt will contribute to the vitality of the local centre. The control of hours can be restricted by the Council as seen fit under separate licensing laws.

5.5 The external decking and barrier is out of character with the period design and style of the building frontage, and the structure is at risk of theft.

Response

This element of the application has been removed and, therefore, is not being considered under this application. The Conservation Officer has raised no objection to the impact on the appearance and character of the building from the addition of tables and chairs and rope rail on posts (under 1 metre high) to the front forecourt. This will not require planning permission in connection with an authorised A3 use providing they are removed and stored inside at night time on a daily basis.

5.6 The Council have advised in the past that no more food and drink uses would be permitted in the local area. The increase in these businesses has changed the character of Bitterne Park.

Response

The Council should consider each planning application on its own individual merits, and there is no policy presumption against the principle of introducing the proposed A3/A5 use in Bitterne Triangle Local Centre. There are no planning policy grounds to restrict further food uses in this Local Centre.

5.7 The retail unit is too small for food preparation which will pose a health risk, and the provision of dining seating would require toilet facilities with disabled access.

Response

This is a licensing matter to be considered under statutory legislation separate from the planning system. The Environmental Health Food Safety Team has raised no objection to the introduction of A3/A5 use subject to providing adequate refuse storage facilities.

5.8 **SCC Highways** - No objection raised to the impact from the proposed use on highway safety.

5.9 **SCC Environmental Health Food Safety** – No objection raised, subject to implementing the proposed refuse management strategy, and submitting further details to control of hours of operation, and provision of adequate extraction and ventilation equipment to control cooking fumes.

It should be noted that the hours of operation as intended by the applicant will be only permitted Monday to Sunday 0730 to 1630 hours. The cooking processes involved do not require the venting and extraction of cooking smells.

5.10 **SCC Policy Team** - No objection raised in principle, as A3 and A5 Food and Drink uses are permitted within Local Centres by the Council's Local Plan policies **providing that their role continues serving the daily needs of local population, and the loss of shops and services must be balanced against the harm to the level of shopping service provided**, in accordance with adopted Core Strategy Policy CS3 and Local Plan "saved" Policy REI6. Proposals involving food and drink uses will be permitted in local centres providing that any adverse impact on neighbouring occupiers from noise disturbance, cooking smells and litter can be appropriately controlled in the view of the Local Planning Authority in accordance with" Policy SDP1 and REI7. Results from a Retail Survey of Bitterne Triangle Local Centre carried out in 2009 have been provided.

5.11 **SCC Heritage Conservation Team** – Objection raised to the original intention to install the permanent decking to the forecourt which was considered to detract from the character and appearance of the historically important façade, however, no objection is raised to the revised proposal to use of tables and chairs and rope rail on posts on a daily basis. The decking element of the application has been removed and, therefore, is not being considered under this application.

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. Maintain the Role of Local Centre;
- iii. Amenity of Neighbouring Occupiers;

- iv. Highways and Parking;
- v. Design, and Impact on Established Character;

6.2 Principle of Development

6.2.1 The application seeks to change the use of the premises from class A1 sandwich shop to provide a mainly A3 café use. The description of development has been advertised to include class A5 hot food takeaway, however, the nature of the business activities and cooking processes involved are not typical of this use. This proposal should be assessed, principally, against “saved” Local Plan Review Policy REI6 as supported by Core Strategy Policy CS3 which permits a range of uses including A3 (café/restaurant) and A5 (hot food takeaway).

6.2.2 The Local Plan Review under policy REI6 seeks to maintain and, where possible, enhance their role of serving the daily needs of the local population of the Bitterne Park Triangle Local Centre. The loss of shops and services will therefore be resisted, and such proposals will be judged against the harm to the level of shopping service which might occur. The proposal is consistent with these aspirations.

6.2.3 The day time hours of business, level of seating for customers to stay on premises, and type of cooking processes involved is consistent with the requirements of Local Plan Review “saved” Policy SDP1 and REI7 to prevent adverse loss of amenity to neighbouring occupiers.

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

6.3 Maintain the Role of Local Centre

6.3.1 “Saved” policy REI6 of the Local Plan Review seeks a mix of uses to create a range of local services including A3 and A5 food and drink uses as supported by policy CS3 of the Core Strategy. Due to the type of cooking processes involved and the day time hours of operations, the nature of use is more akin to café that caters for the daily needs of local people rather than a typical hot food takeaway as per the description of development.

6.3.2 Following the concerns raised by local traders with regards to proportion of food and drink uses within the Bitterne Triangle local centre, figures are stated below from *SCC Policy Team Retail Survey carried out in 2009* (results summarised for ground floor units in **appendix 2**). The provision of units and competition between local traders is decided by the actions of free market and consumer choice. A class A3 and A5 unit can be reverted to A1 use without planning permission under permitted development rights.

6.3.3 The retail survey shows the local centre at the time was composed of **total 31 commercial ground floor units**, of which **3 - vacant, 19 - A1/A2 retail, 2 – A3 café, 6 - A5 hot food takeaway, 1 – D1 health care**. The proportion of total ground units in retail and food and drink use is **61% and 26%**. This balance of food and drink uses with high proportion of retail/professional and financial services is not considered to be excessive to harm the level of shopping service catering for local day to day needs. This would suggest that the viability of the local centre as recent as 2009 is acceptable. **An up to date survey of the current proportion and composition uses within the local centre will provided at the Panel meeting.**

6.3.4 In the times of the national economic climate, the occupation of the unit with a day time café use and table/seating to the forecourt will provide an active commercial frontage contributing to the vitality of the local centre.

6.4 Amenity of Neighbouring Occupiers

6.4.1 The Environmental Health Food Safety Team have raised no objection, subject to adequate provision of refuse storage facilities for waste management and collection on the premises, control of hours of operation, and provision of adequate extraction and ventilation equipment to control cooking fumes. The applicant has offered to install extraction equipment.

6.4.2 A waste management plan has identified that the A3/A5 use will store refuse in a wheelie bin outside the premises on the private forecourt. The Environmental Health Officer has raised no objection to this arrangement however, storing of refuse bins to the site frontage is not ideal in visual terms and would detract from the character of the area.

6.4.3 The hot and cold food on offer and cooking processes involved do not currently require the venting and extraction of cooking smells, however, the applicant has offered to install this equipment. The hours of operation will be only permitted Monday to Sunday 0730 to 1630 hours. The nature of the predominantly café use will therefore not result in an adverse impact on neighbouring occupiers from noise disturbance, cooking smells and litter to be appropriately controlled by conditions.

6.5 Highways and Parking

6.5.1 The Council's Highways Officer has raised no objection to the proposal subject that all furniture equipment and boundary rails associated with the external area does not encroach or overhang the public highway. The additional traffic associated with this type of day time use serving local needs compared to retail shop will not significantly change and, therefore, current level of street parking is sufficient in capacity. There are enforceable parking restrictions in place to the front of the premises which allows 'no waiting at any time'. Car parking is at a premium in this area but additional on-road parking has been created in the past 2-3 years on Bond Road and Cobden Bridge in response to local concerns. Reasonable use of these facilities by customers and for deliveries will not prejudice highway safety.

6.6 Design, and Impact on Established Character

6.6.1 There are no external changes proposed to the external appearance of the building, as the external decking element of the application is no longer part of the application. The addition of tables and chairs and rope rail on posts (under 1 metre high) to the front forecourt will not require planning permission under an authorised A3 use providing they are removed and stored inside at night time on a daily basis, creating an active frontage with tables and chairs in the private forecourt to serve customers during the day time maintaining commercial activity and open shopfront.

6.6.2 The Conservation Officer has advised that the building is recognised by the Historic Conservation Team as a heritage asset of local importance. The council is seeking to maintain the quality of the public realm. The property does not benefit from an external service area unlike most other commercial premises in the local area, and is further constrained by lack of internal storage due to the footprint and layout of the business. The proposed refuse management strategy to facilitate the change of use to class A3 would result in the storage of wheelie bin within front curtilage of the premises which forms a prominent part of the public realm, representing an uncharacteristic and visually obtrusive addition to the wider street scene and the historic appearance and character of the building's shopfront which is considered to be a heritage asset of local importance.

6.6.3 As such the proposal would be materially harmful to visual amenity and therefore contrary to “saved” Policies SDP1 and REI6 of the City of Southampton Local Plan Review (March 2006) and Policy CS3 and CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010) as supported by policy HE7 of PPS5 - Planning for the Historic Environment (March 2010).

7.0 Summary

7.1 The principle of a change of use of the current A1 sandwich shop use is acceptable and this would contribute to the viability of the local centre and street activity during the daytime without an adverse impact on public amenity and highway safety. However, whilst all these elements of the application are acceptable, the method of refuse management to facilitate the change of use is not a suitable arrangement which will detract the quality of the visual character of the local area.

8.0 Conclusion

8.1 This application should be refused for failure to provide appropriate refuse storage facilities.

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

1(a), 1(b), 1(c), 1 (d), 2 (c), 2 (e), 5 (e), 6(c), 7 (a), 7(v), 7 (x), 9(a), 9 (b)

SB for 20.07.10 PROW Panel

Reason for Refusal

The proposed refuse management strategy to facilitate the change of use to class A3 would result in the storage of wheelie bin within front curtilage of the premises which forms a prominent part of the public realm, representing an unsightly and visually obtrusive feature within the street scene and the character of the building's shopfront which is considered to be a heritage asset of local importance. As such the proposal would be materially harmful to visual amenity and therefore contrary to “saved” Policies SDP1 and REI6 of the City of Southampton Local Plan Review (March 2006) and Policy CS3 and CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010) as supported by policy HE7 of PPS5 - Planning for the Historic Environment (March 2010).

POLICY CONTEXT

Core Strategy - (January 2010)

CS3	Town, District and Local Centres, Community Hubs and Community Facilities
CS13	Fundamentals of Design
CS19	Car & Cycle Parking

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
REI6	Local Centres
REI7	Food and Drink Uses

Other Relevant Guidance

PPS1	Delivering Sustainable Development (2004)
PPG24	Planning & Noise (2004)

SCC Policy Team Retail Survey Bitterne Triangle local centre (6/1/09)

A1	Charity shop
A1	Tans & Massage
A1	Flowers
A1	Gallery
A1	Tattoo
A1	Polish Cornershop
A1	Persian rug shop
A1	Barber
A1	Kitchen show room
A1	Picture framing & art shop
A1	Newsagent
A1	Funeral parlour
A1	Butcher
A1	Baker
A1	Pet shop
A1	Piano shop
A1	Second hand clothing
A2	Estate Agents
A2	Betting shop - Coral
19	Total A1/A2
A3	Café
A3	Café/deli
A5	Takeaway - Chinese
A5	Takeaway - fish n chips
A5	Takeaway - fish n chips
A5	Takeaway - Chinese
A5	Takeaway - Chinese
A5	Indian Takeaway
8	Total A3/A5
D1	Podiatrist
1	Total D1
3	Total Empty Units
31	Total units

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 31st August 2010
 Planning Application Report of the Planning and Development Manager

Application address:			
Land To Rear of 273 Wimpson Lane, Redbridge, Southampton, SO16 4PY			
Proposed development:			
Erection of a detached 4-bed house with associated parking and storage facilities			
Application number	10/00523/FUL	Application type	Q13 - Minor Dwellings
Case officer	Jenna Turner	Public speaking time	5 minutes
Applicant: Mr Mark Breen		Agent: Tony Oldfield Architects	

Recommendation Summary	Conditionally Approve
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Reason for Granting Permission

Reason for Granting 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 such as those listed in the report to the Planning and Rights of Way Panel on the 31.08.10 do not have sufficient weight to justify a refusal of the application. The proposed dwellings would be in keeping with the surrounding area and would not have a harmful impact on residential amenity or highway safety. 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, 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 attached suggested planning conditions

1.0 Background

1.1 This application has been referred to Panel at the request of Ward Councillor Holmes.

1.2 The application is a resubmission of an application approved in 2008 (planning application reference 08/00975/FUL). This application can be implemented up to August 2011. The current proposal seeks material amendments to the approved scheme and these alterations are outlined below.

2.0 The site and its context

2.1 The application site was last used as residential garden associated with 273 Wimpson Lane; a semi-detached, two-storey dwelling house, although the site has since been subdivided from the main plot following the grant of planning permission for a dwelling in 2008. The site is bounded by residential gardens on three sides, with 6 residential garages to the north-east of the site which are accessed from Wimpson Gardens. The surrounding area is residential in character and typically comprises two-storey family dwellings.

3. Proposal

3.1 The application seeks planning permission to construct a detached two-storey dwelling to the rear of 273 Wimpson Lane which would be accessed from Wimpson Gardens. A residential density of 50 dwellings per hectare would be achieved. The dwelling would have a two-storey scale and has a contemporary design appearance and would be constructed using a facing brick and fibre cement cladding.

3.2 Two on-site car parking spaces would be provided to the west of the dwelling which would be accessed from a turning head within Wimpson Gardens. Purpose built cycle storage would be provided to the rear of the property. Storage for refuse and recycling would also be provided to the rear of the site. The dwelling would be served by a private rear garden of 80 sq.m in area.

3.3 The differences between the current application and the approved scheme can be summarised as follows:

- The roof design has been changed from a flat to a pitched roof;
- The height of the building is 500 mm greater than the approved building
- The length of the building has been increased by 1 metre

4. Relevant Planning Policy

4.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.

4.2 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.

4.3 On June 9th 2010 private residential gardens were excluded from the definition of Previously Developed Land (PDL) in the Government’s Planning Policy Statement on Housing (PPS3). Also, the requirement to achieve a minimum density of at least 30 dwellings per hectare was removed.

4.4 The revised PPS3 maintains that the priority for development should be PDL (Paragraph 36 refers).

4.5 The adopted Core Strategy (in Policy CS4 Housing Delivery) indicates that 16,300 additional homes will be provided over the plan period, with 5,750 homes to be provided on allocated and identified sites between April 2009 and March 2014. The figures demonstrate that the city has a housing supply from identified sites sufficient to meet requirements until and beyond 2018/19, without reliance on windfall sites. The change to the definition of PDL, and the Council's current predicted supply, means that the principle of development will now be an issue for new windfall proposals for housing units to be built entirely on private residential gardens (often termed "garden grab").

4.6 That said, the revised PPS3 maintains that the planning system should provide "*a flexible, responsive supply of land that is managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate*" (Paragraph 10 refers). The national annual target that "*at least 60 per cent of new housing should be provided on previously developed land*" remains, suggesting that residential development can still take place on other land subject to the local circumstances of each site involved.

4.7 It is the view of the Council's Planning Policy Team that the recent changes to PPS3, along with the removal of the national indicative minimum density standards, are not intended to stop all development on private residential gardens. Instead it allows Councils greater powers to resist such development where there is a demonstrable harm *inter alia* to the character and appearance of an area. The judgement as to whether such proposals are acceptable will need to consider, amongst other factors:

- the loss of private residential garden land;
- the contribution the land currently makes to the character of the area;
- the impact on the defined character of the area; and,
- the contribution that the scheme makes to meeting housing need.

4.8 The revised PPS3 maintains that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted (Paragraph 13 refers).

5.0 Relevant Planning History

This application is a resubmission of a scheme approved in 2008 (reference 08/00975/FUL) and seeks amendments to the approved scheme.

6.0 Consultation Responses and Notification Representations

6.1 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 **9** representations have been received from surrounding residents including from the local ward Councillor Marsh-Jenks. The following is a summary of the points raised:

6.2 The proposal would result in the loss of a car parking space within the turning head of Wimpson Gardens. The proposal would therefore exacerbate existing parking pressures within the area and lead to parking in unsafe locations and hindering access to Wimpson Gardens by larger vehicles.

Response

It is noted that Wimpson Gardens does indeed have on-street parking pressures, particularly in the evening. However, the turning head from which the access to the site would be taken is adopted public highway. It is important to note that the boundary of the application site adjoins the public highway and, since Wimpson Lane is not a classified road, that a vehicular access can be formed without the need for planning permission. Furthermore, the proposed highway arrangement has been previously approved.

6.3 The proposal would have an adverse impact on the existing sewerage and drainage infrastructure

Response

Southern Water has previously advised that they can provide foul sewage disposal and requested a condition be imposed to secure details of surface water disposal.

6.4 The piecemeal nature of the development would have a harmful impact on the character of the area

Response

The proposed dwelling would be a stand alone development but that is not to say that it would appear unrelated to the site's context. The positioning of the dwelling adjacent to the boundary with Wimpson Gardens and the residential garages would ensure that the building would not appear isolated when viewed from public vantage points.

6.5 The proposal would have a harmful impact on the outlook from properties within Wimpson Gardens

Response

There would be approximately 22 metres between the side elevation of the proposed dwelling and the front elevations of the existing properties within Wimpson Gardens. This comfortably exceed the 12.5 metres 'hip to gable' separation standard of the Residential Design Guide which looks to ensure a good level of light and an acceptable level of outlook from habitable room windows.

6.6 There would be an insufficient gap between the side elevation of the dwelling and the adjacent garage for maintenance purposes

Response

The proposed dwelling would indeed be built up to the boundary which adjoins the neighbouring garages, however there is no requirement in planning regulations to provide separation from boundaries for the purpose of maintenance.

6.7 SCC Highways – At the time of writing no feedback has been received but a verbal update will be given at the panel meeting. The Highway Officer raised no objection to the previously approved scheme and there have been no changes to the access or parking arrangements for the development.

7.0 Planning Consideration Key Issues

7.1 The application needs to be assessed in terms of the following key issues and the planning history of the site:

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

7.2 Principle of Development

7.2.1 The proposal would involve the development of garden land which has been recently removed from the definition of previously developed land on the 9th July update to PPS3: Housing. PPS3 indicates that the priority for development is previously developed land. However, that is not to say that development on garden land is harmful per se, but rather it needs to be balanced against the impact of the development on the character of the area and other planning policies which require the efficient use of land to provide housing. Furthermore, a significant consideration of this proposal is that the application site benefits from planning permission to construct a two-storey dwelling and this planning permission can still be implemented. As such, the main assessment should be whether the differences between the approved scheme and the current scheme would introduce any additional harmful impacts on the site and surroundings.

7.2.2 The density of the proposed development would be appropriate for this area of medium accessibility and the provision of a family dwelling is still welcomed.

7.3 Design

7.3.1 The proposed dwelling would be marginally taller than the approved scheme but would still be of a sympathetic scale and massing to neighbouring properties. The use of a pitched roof form would help the dwelling to better relate to the Wimpson Gardens street scene when compared with the approved scheme.

7.3.2 The spacing that would be achieved between the proposed development and the existing property and the amenity space areas provided for both the existing and proposed dwelling would ensure that the plot would retain its spacious suburban character. Furthermore, the positioning of the dwelling adjacent to Wimpson Gardens would ensure that the proposal would not appear as an isolated back garden development. As such it is considered that the development of garden land would be acceptable in this instance.

7.4 Residential Amenity

7.4.1 There would be a back-to-back separation distance of approximately 23 metres between the proposed dwelling and 273 Wimpson Lane. This distance exceeds the privacy distance recommended by the Residential Design Guide and would provide an acceptable level of outlook, privacy and daylight to both the existing and proposed dwellings.

7.4.2 The orientation of the plot would ensure that the proposal would not result in any harmful overshadowing of the neighbouring gardens. The dwelling would be positioned 1 metre away from the boundary with the garden of 271 Wimpson Lane and the majority of the garden which serves 271 Wimpson Lane would be unaffected by the development proposal. The separation between the proposed dwelling and the most useable garden area of 271 (immediately adjacent to the property) would ensure that no harmful impact on residential amenity would occur. A condition is suggested to ensure windows within the first floor south side elevation are non-opening and obscurely glazed to prevent harmful overlooking of the neighbouring garden.

7.5 Residential Standards

7.5.1 The development would be served by approximately 80 sq.m of private and useable amenity space which would be fit for purpose and relates well to the dwelling. Purpose built cycle and refuse storage would be accommodated within this space and there would be a convenient access from the store to the public highway. The proposed layout would provide adequate outlook from and sufficient daylighting to habitable rooms.

7.6 Highways and Parking

7.6.1 The proposed dwelling would be served by two off-road car parking spaces which exceeds the adopted car parking standards for this area. However, having regard to the suburban location of the site and the concerns raised with existing on-street car parking pressures, this is considered to be acceptable. The approved scheme also includes 2 parking spaces. The proposed accessed into the site is acceptable in highway safety terms.

8.0 Summary

8.1 The proposal for an additional family house is considered to be acceptable. The proposal would not introduce any additional harmful impacts on the locality as a result of the proposed changes.

9.0 Conclusion

9.1 This application has been assessed as being acceptable to residential amenity and its local context and therefore 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 31.08.10 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 hereby approved 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 - No other windows or doors other than approved in specific location [Performance Condition]

Unless the Local Planning Authority agree otherwise in writing and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) in relation to the development hereby permitted, no alternative or additional windows (including roof windows or dormer windows), doors or other openings other than those expressly authorised by this permission shall be constructed on the east side elevation facing the boundary with 271 Wimpson Lane, above first floor level other than those illustrated on the drawings hereby granted consent without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenity and privacy of the adjacent property.

10. APPROVAL CONDITION – Obscure Glazing [performance condition]

The windows located within the first floor side elevation of the development hereby approved shall be non-opening and obscurely glazed up to a height of 1.7 metres from the internal floor level.

REASON

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

11. APPROVAL CONDITION – Drainage [pre-commencement condition]

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

REASON

To ensure the proposal does not increase the likelihood of flooding in the vicinity of the site.

12. APPROVAL CONDITION – Permitted Development Restriction – Access [Performance Condition]

Other than that hereby approved, no further points of access from Wimpson Gardens into the application shall be formed without the written approval of the Local Planning Authority.

REASON

In the interest of the convenience of the users of the adjacent highway

13. 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.

14. 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.

15. 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).

Notes 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.

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)

Core Strategy - (January 2010)

CS4	Housing Delivery
CS5	Housing Density
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
H1	Housing Supply
H7	The Residential Environment

Supplementary Planning Guidance

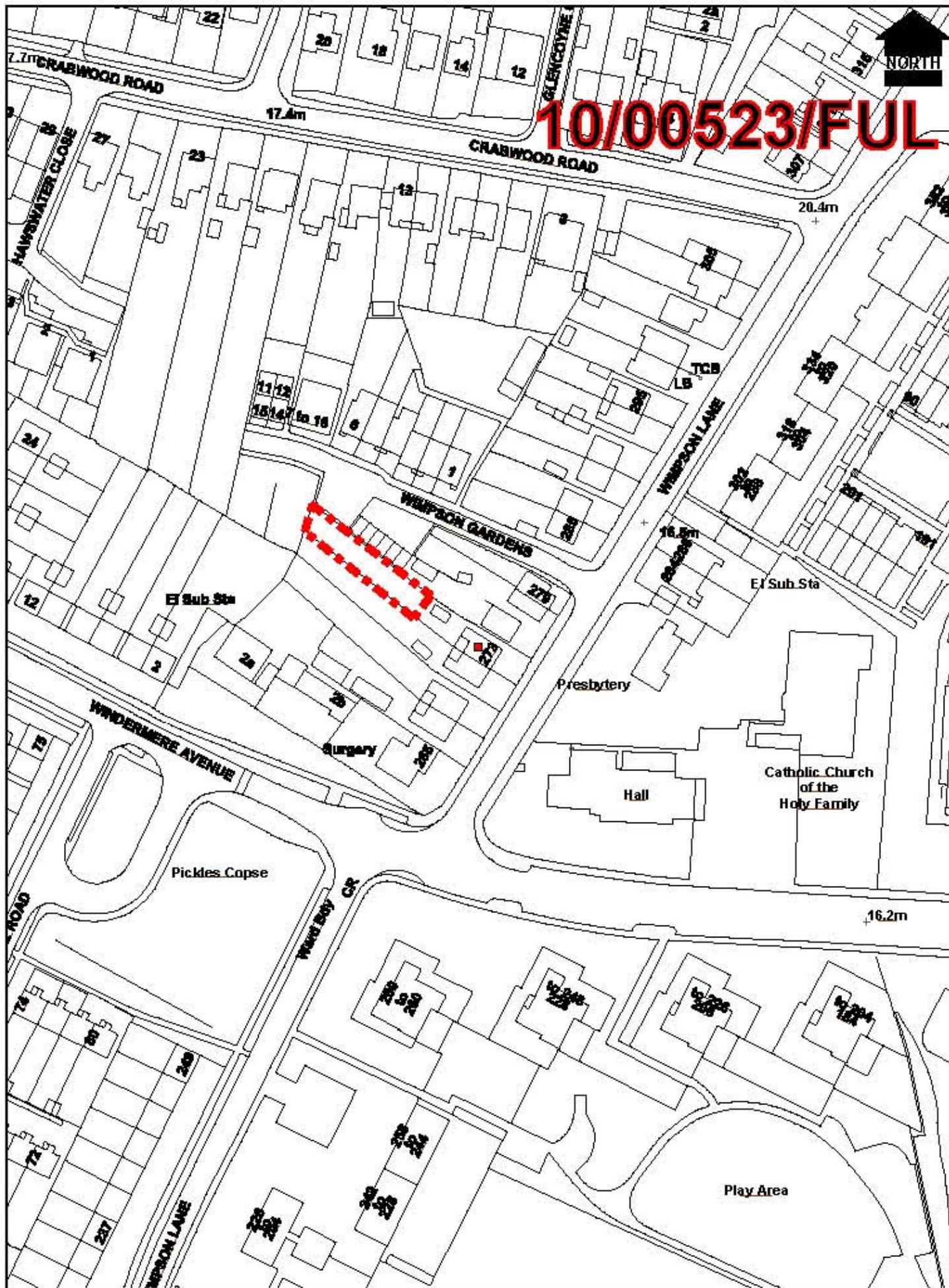
Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

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



10/00523/FUL



Scale : 1:1250

Date : 16 August 2010

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Agenda Item 12

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 31st August 2010
Planning Application Report of the Planning and Development Manager

Application address: 34 Northcote Road, Southampton			
Proposed development: Change of use from a 3-bed house (Class C3) to a 4-bed house in multiple occupation, HMO (Class C4)			
Application number	10/00743/FUL	Application type	Change of Use
Case officer	Mat Pidgeon	Public speaking time	5 minutes

Applicant: Mr Damion Theobald	Agent: N/A
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Recommendation Summary	Grant planning permission.
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Reason for Granting Planning Permission.

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including the character of the area, the potential intensification of occupation and the amenities of nearby occupiers have been considered and are not judged to have sufficient weight to justify a refusal of the application. Where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies -

SDP1, SDP7 and H4 of the City of Southampton Local Plan Review (March 2006); and CS16 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Grant planning permission

1. The site and its context

1.1 The application site comprises a Class C3, mid-terraced dwelling house positioned approximately midway along Northcote Road. The surrounding area is predominantly residential in character and supports both traditionally owner occupied family residential dwellings along with private rented accommodation.

2. Proposal

2.1 The owner of number 34 wishes to change the use of the property from a C3 dwelling house to a C4 dwelling house. Usually a C4 use would allow the property to be occupied by between 3 and 6 unrelated occupants however the applicant is happy for the maximum number of residents to be restricted to 4. There are no proposals to extend the dwelling. The applicant states within the supporting documents that there are at present three bedrooms in the property however upon visiting the site a single bed was noted within the roof space which is intended for storage purposes only. The applicant states that the roof space would not be used as a bedroom if the scheme is supported, instead the additional bedroom (taking the total to 4) would be positioned in the room located at the front of the property and at ground floor level.

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 CS16 of the Core Strategy resists the loss of family dwelling houses and seeks to control houses in multiple occupancy, particularly those properties which provide accommodation for students.

3.3 Paragraph 5.2.11 prevents the loss of family dwelling houses on redevelopment / conversion sites where planning permission is required. This means that CS16 opposes proposals which seek to change the physical layout of family dwelling houses so they no longer have the potential to be used as family dwelling houses without further physical alterations, i.e. it prevents the demolition or conversion of family dwelling houses into bedsits or flats where a family sized unit is not provided. Therefore Policy CS16 would restrict the conversion of a 3 bedroom (or larger) C3 dwelling to smaller flats and/or bedsits but does not prevent a change to C4 shared houses.

3.4 Paragraph 5.2.12 explains that *‘where planning permission is required the acceptability of a proposal to convert a building to a House in Multiple Occupation (HMO) will be assessed by balancing the contribution that such a*

conversion will make to meeting housing demand against the potential harm to the character and amenity of an area and the suitability of the property concerned. Further information is contained in Policy H4 of the adopted Local Plan Review.”

3.5 Planning permission is currently required for a change of use to a C4 dwelling house due to a change in the Use Classes Order (adding class C4) which took effect on 6th April 2010, however the government have indicated that from October 2010 this is unlikely to be the case. However, at the present time a change of use from a C3 Use to a C4 use is required and the criteria of Policy H4 are those, which applications of this type should be assessed. Valid considerations associated with C4 use include level of activity, parking and impact on the character of the area.

3.6 Policy H4 requires the LPA to balance the contribution a development could make to meet housing demand against the harm to the character and amenity of the area. In particular the assessment must take account of the amenities of the residents of nearby properties, the character and amenity of the surrounding area and the adequacy of the amenity space which is provided.

4.0 Relevant Planning History

None.

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 undertaken which included notifying adjoining and nearby landowners and by erecting a site notice (08/07/2010). At the time of writing the report 8 representations have been received from surrounding residents. The following observations/comments were made:

- Parking pressure.
- Family homes should be retained for families.
- Contrary to PPS3, CS16 and H4.
- The site is within an area likely to be an area of restraint.
- The increase in size and occupancy would be inappropriate to the area which is largely made up of smaller houses intended for family and starter homes.
- Out of character with the rest of the area.
- Overdevelopment of the site, increased burden on local infrastructure

RESPONSE

These planning considerations are responded to in detail in section 6 of the report - Planning Considerations.

5.2 **SCC Highways Development Control** – No objection to the proposal.

5.3 SCC Planning Policy – No objection to the proposal. It is stated that:

'The application for a change of use from a dwelling house (C3) to a house in multiple occupation (C4) is acceptable and is not contrary to adopted policies. CS16 refers to no net loss of family homes where a site can accommodate a mix of residential units. A family home is defined as being a dwelling with three or more bedrooms with access to useable private amenity space. The policy can only prevent a loss of a family home if redevelopment or conversion takes place (physical works undertaken) to convert an existing house into self contained units (as explained in Para 5.2.11 of the Core Strategy).

The proposal will not result in physical work; therefore the shell of the house will physically remain as a family home.

Policy H4 discusses proposals for the conversion of dwellings or other buildings into houses in multiple occupation and indicates that they will be assessed on the balance between the contribution the development could make to meeting housing demand, against the harm to the character and amenity of the area which might occur.

In this circumstance planning policy find the application acceptable'.

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. character and amenity of the surrounding area; and
- iii. the adequacy of the amenity space provided.

6.2 Given that the scheme would not change the physical structure of the property or prevent it from being used as a family dwelling house in the future; and given the current policy status, the principal of the change of use is acceptable subject to the criteria of policy H4.

6.3 The council are yet to carry out further research to consider whether other forms of control, such as areas of restraint and/or the setting of HMO thresholds, would be suitable for the area or not, in which case little weight should be attributed to this consideration.

6.4 The impact on the character and amenity of the area has been assessed whilst carrying out a site visit. The character of the area is formed by both C3 and

C4 dwelling houses. The current balance between C3 and C4 dwelling houses in Northcote Road is continuing to be monitored with help from other council departments reviewing the electoral register and council tax records, the results of which will be verbally presented to panel.

6.5 The judgement as to the acceptability of the proposals whilst planning permission is still required falls upon the criteria of Policy H4. It is recognised that there is the potential for a greater level of activity to take place at the property and in the local area as a result of a C4 dwelling house in comparison to a C3 dwelling house. The activity is likely to include increased movement by residents, additional vehicular parking, additional refuse and noise as occupants would not be residing within the property as a family unit living together in a traditional sense. Whether the additional activity is harmful is, however, more difficult to prove particularly if a limitation on the number of occupiers is set at 4 persons. As previously stated the change of use would not be considered out of character and/or context with the surroundings as there are already C4 dwelling in the neighbourhood. Whilst there is potential for some additional Impact on the amenities of existing residents it would be very difficult to quantify and unlikely to be harmful in itself should future occupiers behave reasonably. Unreasonable behaviour by occupiers resulting in statutory nuisance would be dealt with by other legislation.

6.6 With regard to parking, the property is within a high accessibility area. The need for the use of a car in this location is reduced and this is reflected in the adopted parking standards in the development plan. There are no objections to the proposals on highway grounds.

6.7 The determination should also take into account the positive roll that C4 dwelling houses bring to the city and residents of the city. C4 uses do not only provide student accommodation. Southampton benefits from three hospitals with several thousand employees, two universities and a large commercial and retail base. It is also surrounded by a relatively expensive hinterland including Winchester and the New Forest. This has the effect of drawing many young professionals into the city to seek accommodation and C4 dwelling houses provide an important role in the supply of affordable residential units for a broad range of individuals making up a significant proportion of Southampton's community and economy.

6.8 Many of the representations object to the proposal on the grounds that there would be an overdevelopment of the site, in-sufficient amenity space and unacceptable parking pressure would be caused. In response it should be noted that whilst the property remains a C3 dwelling there is no reason why the same number of individuals could not live at the property and who could also own the same number of vehicles as those associated with a C4 dwelling house. The proposal is for a maximum number of four residents (as agreed with the applicant) and the amenity space is considered adequate given the context of

other private gardens in the area. Overdevelopment tends to refer to the scale/footprint of new development and is therefore not a consideration in this case, due to the fact that there are to be no physical changes or additions to the dwelling. The scheme is not considered out of context and for the reasons discussed above it is not considered reasonable to object to the scheme on the potential effect on surrounding residential amenity.

7.0 Conclusion

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

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

1(a), 1(b), 1(c), 1(d), 2(c), 2(e), 4 (r), 4(s), 6(c), 7(a), 7 (c), 9(a), 9(b).

MP for 31.08.10 PROW Panel

PLANNING CONDITIONS Application 10/00743/FUL

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 - Residential Restriction

Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 (SI 2010/653) or any Order amending, revoking or re-enacting that Order, no more than 4 residents shall at anytime occupy the property whilst it is in use as a C4 dwelling house (House in multiple occupancy whereby the property is occupied by unrelated individuals who share basic amenities).

Reason:

In order that the Local Planning Authority may exercise further control in this locality given the scale of the property and surrounding context; and character.

POLICY CONTEXT

City of Southampton Local Plan Review – (March 2006)

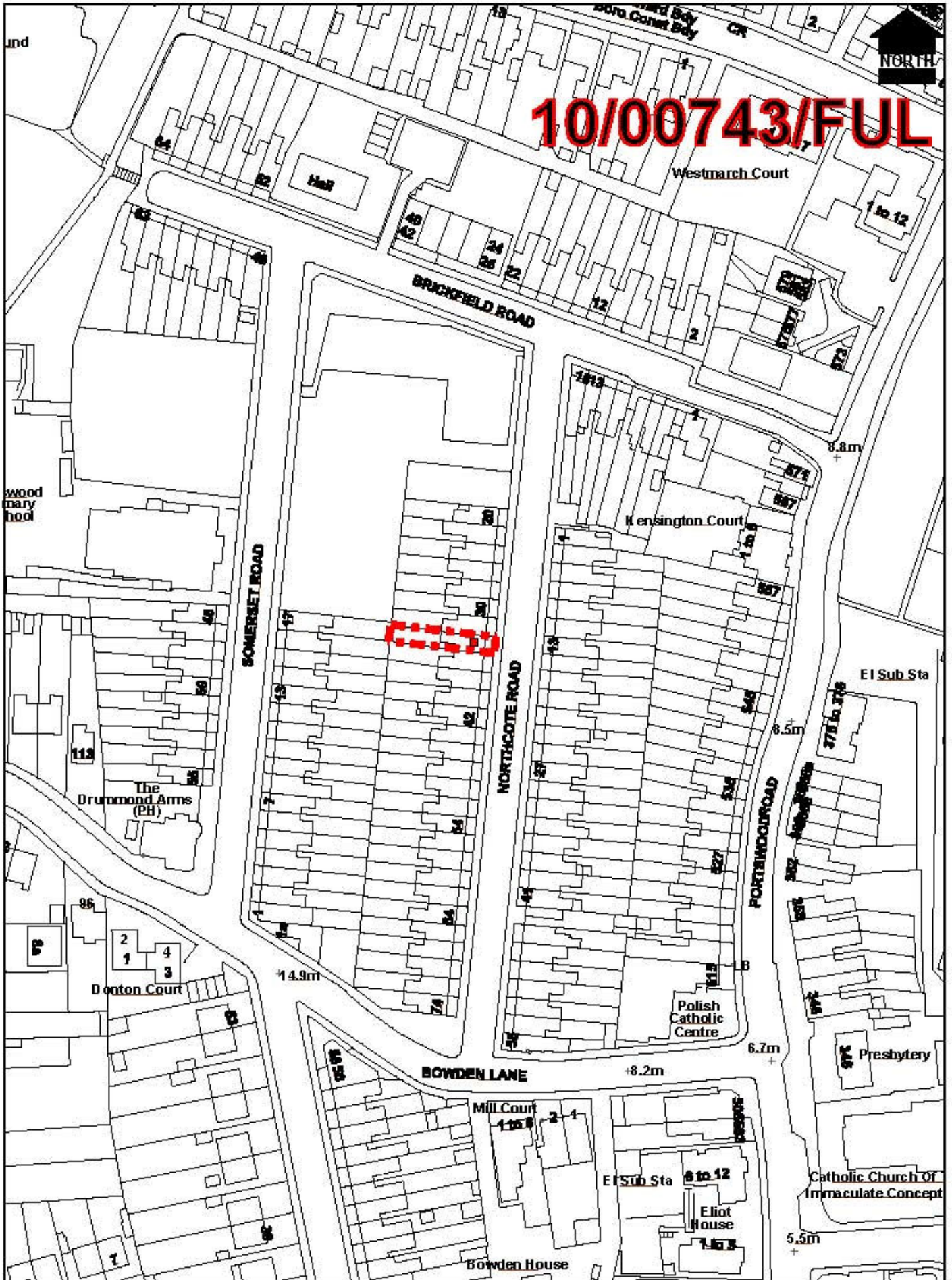
SDP1	Quality of Development
SDP7	Context
H4	Houses in Multiple Occupation

Local Development Framework Core Strategy Development Plan Document (January 2010).

CS16	Housing Delivery
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Other Relevant Guidance

PPS1	Delivering Sustainable Development (2004)
PPS4	Housing



10/00743/FUL

Scale : 1:1250

Date : 16 August 2010

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Application address:			
Land to The rear of 13 - 19 Firgrove Road			
Proposed development:			
Erection of 4 x 3-storey 4-bed houses with associated parking and cycle/refuse storage, outline application seeking consideration of access, appearance, layout and scale (details of landscaping to be reserved)			
Application number	10/00490/OUT	Application type	OUT
Case officer	Andrew Gregory	Public speaking time	5 minutes

Applicant: Mr Reg Savage	Agent: Concept Design - Rob Wiles
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Recommendation Summary	Refusal of planning permission
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Reason for Panel Consideration

The proposal involves development on land which is not previously developed. Therefore in light of the recent changes to PPS3 it is considered that the panel should be directly involved in the determination of this application.

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Refuse

1. The site and its context

1.1 The application site comprises garden land at the rear of 13-19 Firgrove Road and incorporates an existing sloping access and turning area serving garages at the rear of Park Dene an adjacent three-storey flatted development. The access also provides rear access to Hesketh House, a flatted development to the south-east. The site topography falls from front to rear with a level change of approximately 3 metres. The rear garden of no. 13 contains a Beech tree and is overgrown with mature planting; a Hawthorn hedge forms the boundary with the adjacent garages. Some of the other gardens have Privet hedges along their boundaries. A brick retaining wall forms the rear boundary.

1.2 No.13 comprises a single-storey character property (likely to be a undesignated heritage asset), numbers 15-19 comprise two-storey semi-detached dwelling houses. The surrounding area is predominantly residential in nature comprising a mix of modest two-storey housing and larger flatted developments, including Nightingale Court a three-storey flatted development to the rear.

2. Proposal

2.1 The application seeks outline permission with consideration of Access, Appearance, Layout and Scale at this stage. The outstanding reserved matter covering the landscaping to the site would need to be assessed as part of a separate application should the Outline Permission be granted.

2.2 The application proposes the sub-division of the gardens of 13-19 Firgrove Road and the erection of 4 x 3-storey 4-bed houses in staggered semi-detached pairs. The site would be served by the existing access to the rear of Park Dene and Hesketh House. Pedestrian and vehicular access would be taken between the existing garage blocks which would be retained. Four car parking spaces and associated turning would be located to the front of the proposed dwellings. The dwellings would be orientated at 90-degrees to the buildings fronting Firgrove Road with private rear gardens ranging from 65sqm to 76sqm in area. 13-19 Firgrove Road would have retained gardens ranging from 5m to 15m in length.

2.3 The proposed buildings have a contemporary design with a mono-pitch roof form and modern window and door openings. The external finishing materials include a mix of render, timber and aluminium cladding. The site will be excavated to provide a level site situated approximately 2metres lower than the retained gardens of 13-19 Firgrove Road.

2.4 Bicycle storage is provided within the rear gardens and communal bin storage is provided at the front of the site.

3.0 Relevant Planning Policy

3.1 PPS3 Housing (2010)

3.1.1. On June 9th 2010 private residential gardens were excluded from the definition of Previously Developed Land (PDL) in the Government's Planning Policy Statement on Housing (PPS3). Also, the requirement to achieve a minimum density of at least 30 dwellings per hectare was removed.

3.1.2 The revised PPS3 maintains that the priority for development should be PDL (Paragraph 36 refers).

3.1.3 The adopted Core Strategy (in Policy CS4 Housing Delivery) indicates that 16,300 additional homes will be provided over the plan period, with 5,750 homes to be provided on allocated and identified sites between April 2009 and March 2014. The figures demonstrate that the city has a housing supply from identified sites sufficient to meet requirements until and beyond 2018/19, without reliance on windfall sites. The change to the definition of PDL, and the Council's current predicted supply, means that the principle of development will now be an issue for new windfall proposals for housing units to be built entirely on private residential gardens (often termed "garden grab").

3.1.4 That said, the revised PPS3 maintains that the planning system should provide "*a flexible, responsive supply of land that is managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate*" (Paragraph 10 refers). The national annual target that "*at least 60 per cent of new housing should be provided on previously developed land*" remains, suggesting that residential development can still take place on other land subject to the local circumstances of each site involved.

3.1.5 It is the view of the Council's Planning Policy Team that the recent changes to PPS3, along with the removal of the national indicative minimum density standards, are not intended to stop all development on private residential gardens. Instead it allows Councils greater powers to resist such development where there is a demonstrable harm to the character and appearance of an area. The judgement as to whether such proposals are acceptable will need to consider, amongst other factors:

- the loss of private residential garden land;
- the contribution the land currently makes to the character of the area;
- the impact on the defined character of the area; and,
- the contribution that the scheme makes to meeting housing need.

3.1.6 The revised PPS3 maintains that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted (Paragraph 13 refers).

3.2 The Development Plan for Southampton currently 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

None.

5.0 Consultation Responses and Notification Representations

5.1 A consultation exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice. At the time of writing the report 8 representations had been received which can be summarised as follows:

5.1.1 Highways matters

- The existing access is insufficient for intensified use
- Additional traffic will obstruct access to the retained garages
- Increased traffic will prejudice pedestrian safety within Park Dene
- A separate independent access road should be constructed to serve this development
- On-street parking is at saturation point and the area cannot accommodate increased parking displacement

5.1.2 Principle

- The proposal conflicts with the government's recent changes to development on garden land
- Out of character
- There is no market demand for 4-bedroom houses in this area and the properties may be occupied as HMO's

5.1.3 Harm to residential amenity

- Outlook and privacy of neighbouring properties would be compromised

- Significant reduction in garden sizes for 13-19 Firgrove Road
- Noise nuisance from new residential development

5.1.4 Ecological matters

- Loss of wildlife habitat

5.1.5 Infrastructure issues

- Localised drainage problems because the low-lying area often floods during heavy rainfall

5.2 **SCC Highways** - No highway objection subject to the attached planning conditions. The application site lies within an area defined as having “high” accessibility to public transport and services. The development is not considered to compromise highway safety. The provision of 4 spaces to serve the proposed level of development accords with the Councils maximum standards. The access width and gradient of 1:14 does not conflict with highway standards.

5.3 **Ecology** - No comments received at the time of writing this report and an update will be provided at the planning committee.

5.4 **Pollution & Safety** – No objection raised subject to a condition restricting hours of work, and no bonfires.

5.5 **Trees** – No objection following the receipt of amended drawings showing the position of the southern block in relation to the canopy of the retained beech within the rear garden of no. 13 Firgrove Road. A detailed arboricultural method statement will need to be submitted at reserved matters stage.

5.6 **Sustainability** – The application has provided a pre-assessment estimator to demonstrate that level 3 of the Code for Sustainable Homes can be achieved in accordance with policy CS20 of the Core Strategy. Conditions recommended to secure the delivery of level 3 and a 20% reduction in CO2 emissions.

6.0 Planning Consideration Key Issues

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

- i. the loss of private residential garden land
- ii. the contribution the land currently makes to the character of the area;
- iii. the impact on the defined character of the area;
- iv. the contribution that the scheme makes to meeting housing need;
- v. impact on neighbouring residential amenities; and
- vi. Whether the access arrangement is safe and convenient.

6.2 The loss of private residential garden land/character/housing need: The predominant character of Firgrove Road comprises two-storey dwelling houses situated within long elongated plots with a road frontage. However this proposal seeks to sub-divide the plots of 13-19 Firgrove Road creating significantly reduced garden sizes for the existing properties to accommodate back land development with access taken from a sloping rear access drive through a forecourt and garage block. This arrangement is considered out of keeping with the established layout of buildings and gardens within the area. There is no longer a presumption in favour of making the best use of garden land following the recent

changes to PPS3 (see policy section). The city has a five year housing land supply without the reliance on windfall sites. As such significant weight can now be given to the impact on the character and appearance of an area when considering applications which result in the loss of garden land.

6.3 Impact on neighbouring residential amenities: The proposed layout would result in the southern block (D1/D2) being positioned 1m from the boundary of the retained gardens serving of 15 and 17 Firgrove Road, with a gabled side elevation which is 4m in height above the ground level of the retained garden of said properties. This is considered to represent an un-neighbourly and overbearing form of development and reinforces concerns that the development is out of character with the established pattern of development by introducing back land development tight on the boundary with neighbouring gardens and leading to unreasonable sense of enclosure.

Moreover this relationship is unacceptable when considered against permitted development tolerances which only allow an outbuilding to a height of 2.5 metres when positioned 1 metre from the boundary with a neighbouring garden. As such, the development would be harmful to the residential amenities of the neighbouring occupiers.

6.4 Whether the access arrangement is safe and convenient: The proposal would result in the intensification of use of the existing rear access serving Hesketh House and Park Dene. The access width of 3.1 metres does not allow vehicles to pass at the entrance and therefore the development would lead to the increase risk of vehicles obstructing the free flow of traffic within Firgrove Road whilst waiting to turn into the site, thereby prejudicing highway safety.

6.5 The proposed access into the site through the existing garage block serving Park Dene would be obstructed when the doors of the garages adjacent to the entrance are open, leading to conflict between the existing garages and the proposed development. The development thereby fails to provide an access which is safe and convenient.

7.0 Summary

7.1 That the application be refused. The proposal results in development on garden land and would be out of character with the surrounding area. The residential amenities of neighbouring occupiers would be compromised as a result of the design, height and proximity of the southern block to the gardens of 15 and 17 Firgrove Road. Furthermore an unacceptable access arrangement is proposed. As such the proposal is contrary to adopted planning policies.

8.0 Conclusion

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

AG 16.08.10 for 31.08.10 PROW Panel

Refusal reasons 10/00490/OUT

01. REASON FOR REFUSAL - Harm to the character of the area

The local planning authority has identified a 5 year supply of development land to meet its housing target through its Core Strategy and Strategic Housing Land Availability Assessment. The application site is not within a list of such recognised or committed sites. The proposed development involves building on garden land which forms an important amenity space for the existing dwelling houses, is not previously developed land and makes a positive contribution to the spatial character of Firgrove Road which predominantly comprises dwellings situated within long elongated plots with a road frontage. As such and having regard to the advice of Planning Policy Statement 3 (Housing - published June 2010), the proposals are considered to represent harm to the character of the area and would prove contrary to the following Development Plan policies and supplementary planning guidance for Southampton:-

City of Southampton Local Plan Review 'saved' policies (March 2006):- SDP1 (i), SDP4, SDP7 (iv), SDP9 (i) and (v).

City of Southampton Core Strategy (January 2010):- CS4, CS5 and CS13.

Sections 2.3.14, 3.1, 3.7, 3.9 and 4.4 of the Residential Design Guide SPD (September 2006).

02. REASON FOR REFUSAL - Harm to the amenities of occupiers of adjoining land

The proposal represents an un-neighbourly and overbearing form of development by reason of its' design and height and proximity to the retained rear gardens of 15 and 19 Firgrove Road leading to a sense of enclosure. As such the development would be out of keeping with the established layout of buildings and gardens within the area and would be harmful to the residential amenities of the occupiers of 15 and 19 Firgrove Road, contrary to City of Southampton Local Plan Review 'saved' policies (March 2006):-

SDP1 (i), SDP7 (iv), SDP9 (i) and (v).

City of Southampton Core Strategy (January 2010):- CS5 and CS13.

Sections 2.2.18, 2.2.19, 3.1, 3.7 and 3.9 of the Residential Design Guide SPD (September 2006).

03. REASON FOR REFUSAL - Inadequate access

The proposal would result in the intensified use of an existing access which does not have sufficient width to allow 2 cars to pass at the entrance and therefore increasing the likelihood of vehicles waiting on the public highway to turn into the site and obstructing the free flow of traffic within Richmond Road / Park Road. As such the development would prejudice highway safety and would be contrary to policies SDP1 of SDP4 the City of Southampton Local Plan Review (March 2006) and policy CS13 of the Local Development Framework Core Strategy (January 2010) and section 5 of the Residential Design Guide SPD (September 2006).

04. REASON FOR REFUSAL - Unsafe access

The development proposal fails to provide a safe and convenient access arrangement because vehicle access taken through the existing garage blocks would be obstructed when the adjacent garage doors are open. As such the development proposal is contrary to policies SDP1 of SDP4 the City of Southampton Local Plan Review (March 2006) and policy CS13 of the Local Development Framework Core Strategy (January 2010) and section 5 of the Residential Design Guide SPD (September 2006).

POLICY CONTEXT

LDF Core Strategy - Planning Southampton to 2026 – Adopted January 2010

The LDF Core Strategy now forms part of adopted development plan against which this application should be determined. The following policies are relevant:

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design

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
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance

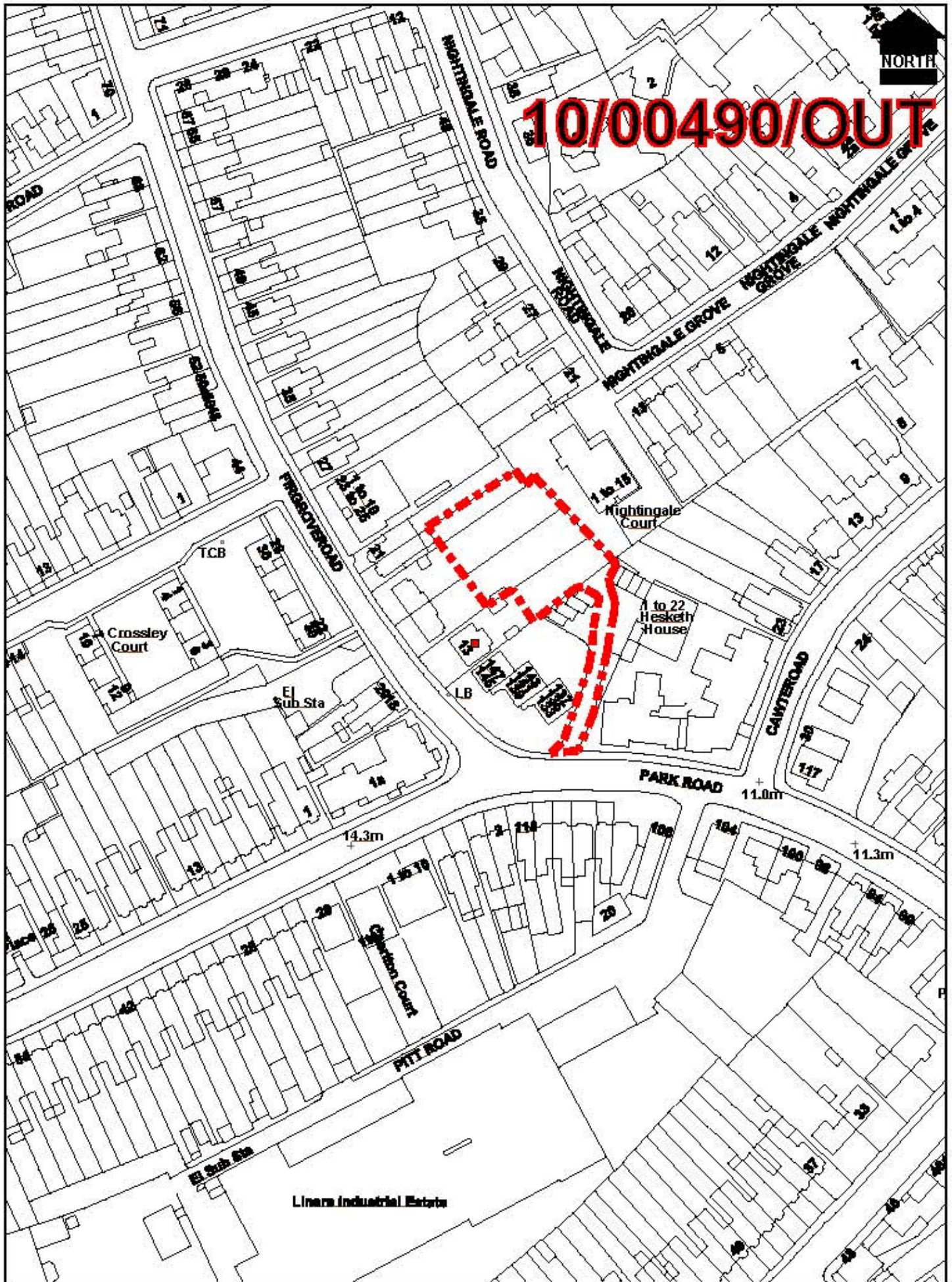
Supplementary Planning Guidance

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

Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

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



10/00490/OUT

Scale : 1:1250

Date : 16 August 2010

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Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 31st August 2010
 Planning Application Report of the Planning and Development Manager

Application address:			
Land to the rear of 50 - 53 Roselands Gardens, Portswood Southampton			
Proposed development:			
Erection of 2 x 3-bed houses with detached shared garage and storage facilities, with existing access to the site widened			
Application number	10/00608/FUL	Application type	Q13 - Minor Dwellings
Case officer	Jenna Turner	Public speaking time	5 minutes

Applicant: Mr John Wright	Agent: Mr John Duggan
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Recommendation Summary	Conditionally Approve
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Reason for Granting Permission

Reason for Granting 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 proposed dwellings would be in keeping with the surrounding area and would not have a harmful impact on residential amenity for the reasons given in the report to the Planning and Rights of Way Panel on the 31.08.10. 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, 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

1.0 Background

This application has been referred to Panel at the request of Ward Councillor Vinson.

2.0 The site and its context

2.1 The application site is a 0.16 hectare rectangular site which is previously undeveloped land with the exception of a residential garage. The site benefits from an existing vehicular access from Roselands Garden and is currently overgrown with vegetation. There is a change in levels across the site with the land sloping down towards the northern site boundary. There are some substantial trees adjacent to the northern site boundary which are subject to a Tree Preservation Order. The site is bounded on three sides by residential properties.

2.2 The surrounding area is residential in character although the architectural style of properties varies within Roselands Gardens.

3. Proposal

3.1 The application seeks planning permission to construct two detached three-bedroom dwellings. The properties would be chalet bungalow style dwellings with accommodation within the roof served by dormer windows and roof lights. The dwellings would have a traditional appearance with pitched roofs and chimneys. A residential density of 12 dwellings per hectare would be achieved.

3.2 Each property would be served by one car parking space as well as garage parking space and one visitor car parking space would also be provided. Access to the site would be via the existing vehicular access from Roselands Gardens, although this would be re-surfaced and widened at the entrance to enable two cars to pass one another.

3.3 Rear gardens of 165 sq.m in area would be provided and an area adjacent to the northern boundary would be separated from the rear gardens to provide a biodiversity area.

4. Relevant Planning Policy

4.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.

4.2 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.

4.3 On June 9th 2010 private residential gardens were excluded from the definition of Previously Developed Land (PDL) in the Government’s Planning Policy Statement on Housing (PPS3). Also, the requirement to achieve a minimum density of at least 30 dwellings per hectare was removed.

4.4 The revised PPS3 maintains that the priority for development should be PDL (Paragraph 36 refers).

4.5 The adopted Core Strategy (in Policy CS4 Housing Delivery) indicates that 16,300 additional homes will be provided over the plan period, with 5,750 homes to be provided on allocated and identified sites between April 2009 and March 2014. The figures demonstrate

that the city has a housing supply from identified sites sufficient to meet requirements until and beyond 2018/19, without reliance on windfall sites. The change to the definition of PDL, and the Council's current predicted supply, means that the principle of development will now be an issue for new windfall proposals for housing units to be built entirely on private residential gardens (often termed "garden grab").

4.6 That said, the revised PPS3 maintains that the planning system should provide "a flexible, responsive supply of land that is managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate" (Paragraph 10 refers). The national annual target that "at least 60 per cent of new housing should be provided on previously developed land" remains, suggesting that residential development can still take place on other land subject to the local circumstances of each site involved.

4.7 It is the view of the Council's Planning Policy Team that the recent changes to PPS3, along with the removal of the national indicative minimum density standards, are not intended to stop all development on private residential gardens. Instead it allows Councils greater powers to resist such development where there is a demonstrable harm *inter alia* to the character and appearance of an area. The judgement as to whether such proposals are acceptable will need to consider, amongst other factors:

- the loss of private residential garden land;
- the contribution the land currently makes to the character of the area;
- the impact on the defined character of the area; and,
- the contribution that the scheme makes to meeting housing need.

4.8 The revised PPS3 maintains that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted (Paragraph 13 refers).

5.0 Relevant Planning History

5.1 As stated in paragraph 1 above, this application is a resubmission of a scheme approved in 2008 (reference 08/00975/FUL) and seeks amendments to the approved scheme.

6.0 Consultation Responses and Notification Representations

6.1 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 and erecting a site notice. At the time of writing the report **6** representations have been received from surrounding residents including from the local ward Councillor Vinson. The following is a summary of the points raised:

6.2 The proposal would result in a loss of privacy and a loss of light/overshadowing of the neighbouring properties

Response

The scheme has been amended from that originally submitted to improve the relationship of the proposed dwelling with 56 Roselands Gardens. The scale and position of the new dwellings have been carefully designed to minimise the impact on the neighbouring properties and this is addressed in more detail in section 7.4 below.

6.3 The proposal would result in the loss of a garden to the detriment of ecology and trees

Response

Planning records indicate that this site has never formed private garden. The application is accompanied by a detailed Tree and Ecology report and the Council's Ecologist and Tree Officers have raised no objection to the proposal.

6.4 The access into the site is sub-standard

Response

The development would make use of an existing vehicular access point and planning conditions are suggested to secure improvements to the access.

6.5 The proposal would be an overdevelopment of the site

Response

The footprint of the proposed buildings and associated hardsurfacing would account for approximately 30% of the site area and it is important to note that the Residential Design Guide seeks no more than 50% site coverage. The amenity space to serve the proposed dwellings would comfortably exceed the Council's standards and parking and necessary storage can also be accommodated on the site. This suggests that the proposal would not be an over-intensive use of the land.

6.6 The access would cause noise and disturbance to the neighbouring properties

Response

There would be additional vehicle movements within the access as a result of the development which would inevitably generate some degree of noise. However, having regard to the relatively low number of vehicle trips that would be associated with two dwellings, it is not considered that this would constitute harm to residential amenity.

6.7 The proposal would result in the loss of a hedgerow between the access and 48 Roselands Gardens

Response

A further planning application has also been submitted seeking the removal and re-planting of the access road hedge. A landscaping condition is suggested to be imposed on this planning permission to ensure that the hedge is either retained or suitably replaced.

6.8 SCC Highways – No objection. Suggests a condition to secure a 4.5 metre wide passing area to the entrance to the site

6.9 SCC Tree Team – The protected trees adjacent to the northern site boundary would not be adversely affected by the development. The remaining trees on site are not protected and are not worthy of protection and therefore there is no objection to their removal.

6.10 SCC Ecologist – No objection. The proposal would not have a harmful impact on the biodiversity value of the site subject to the imposition of planning conditions to secure mitigation measures and the protection of nesting birds during construction.

6.11 Southern Water – No objection. Suggest a condition to secure details of public

7.0 Planning Consideration Key Issues

7.1 The application needs to be assessed in terms of the following key issues and the planning history of the site:

- i. Principle of development;
- ii. Design;

- iii. Residential amenity;
- iv. Residential Standards; and
- v. Highways and parking.

7.2 Principle of Development

7.2.1 The application site is not previously developed land and therefore the principle of development needs to be considered in terms of the contribution that the site plays to the character of the area. The site is not readily visible from public vantage points and it is considerably overgrown and therefore it is not considered that it makes an important visual contribution to the area. There are no trees worthy of protection on the site itself and Council's ecologist has advised that the site can be developed without having a harmful impact on the biodiversity value of the site. The provision of two family dwellings is also welcome. It is therefore considered that the principle of the development of the site for housing is acceptable, notwithstanding that the site is not previously development land where the priority for new housing should be focused.

7.2.2 The proposed level of development, at 10 dph, is well below the Council's current requirements (of between 35 and 50 dph for areas of low accessibility) as detailed by LDF Core Strategy Policy CS5. However, it should be noted that the proposal is for large family dwellings in an area defined by similar dwellings and a low density development. In good planning terms the consideration of density should not be the prime determination factor for an otherwise acceptable proposal. Instead, 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, especially following the removal of a minimum density requirement within the revised PPS3, it is accepted that to provide a proposal that respects its context, and that delivers additional family housing, a low density scheme will need to be employed.

7.3 Design

7.3.1 The application proposes a low density scheme which retains a large amount of private open space to the rear of the dwellings. The site would, therefore, retain its spacious suburban character. The dwellings themselves are designed to be lower in scale than the two-storey properties which neighbour them, and are built into the land, meaning they would appear unobtrusive when viewed from surrounding properties.

7.3.2 The dwellings would not be readily visible from public vantage points but nonetheless are well designed and would make a positive impact on the surroundings.

7.4 Residential Amenity

7.4.1 A key aspect for consideration is the relationship of the development on 56 Roselands Gardens, which lies to the east of the site. This property is positioned within 3 metres of the boundary with the application site and has windows facing directly onto the site. These windows currently serve the dining room, living room, kitchen, a secondary bedroom window and bathrooms. The application has been amended from that originally submitted to improve the relationship with this property. The proposed dwelling nearest to 56 has been reduced in height by over 1 metre, moved a 500mm further away from the boundary and the pitch of the roof has also been reduced. It would also be positioned to avoid impacting on the outlook from the habitable room windows of 56 Roselands Gardens. The amendments to the proposal ensure that development would comply with BRE guidelines in relation to the daylight access to windows.

7.4.2 In terms of the relationship of the development with 48 Roselands Gardens, to the west, a section through the site has been submitted to show that the proposed dwellings would be positioned at a lower level than this property by some 3 metres. Furthermore, the 1.5 storey massing of the proposed dwellings would ensure that they would not appear over-dominant when viewed from number 48. A planning condition is suggested to ensure that the sill level of the roof lights are no less than 1.7 metres from the internal floor level to avoid overlooking of the neighbouring properties.

7.4.3 The privacy distance between the new dwellings and the 51-53 Roselands Gardens exceeds the standard suggested by the Residential Design which ensures an acceptable level of daylight, privacy and outlook.

7.5 Residential Standards

7.5.1 The dwellings would be served by a good quality private and useable amenity space which would be well in excess of the amenity space requirements of the Residential Design Guide. Purpose built cycle and refuse storage would be provided to serve the dwellings and a condition is suggested to secure a refuse management plan to address the removal of refuse to a collection point.

7.6 Highways and Parking

7.6.1 The site lies within an area of Low Accessibility for public transport and the number of car parking spaces accords with the Council's adopted parking standards. The access into the site achieves the minimum 3.1 metres width which enables a wheelchair or cycle and a car to comfortably pass one another in the access. A 4.5 metre wide vehicular passing place would be provided adjacent to Roselands Gardens and a condition is suggested to secure this. Highways Officers are satisfied that the visibility from the access onto Roselands Gardens would be acceptable.

8.0 Summary

8.1 The proposal for two additional family homes is considered to be acceptable. The dwellings would have a positive design appearance and the development retains the spacious character of the plot. The scheme will on its neighbours however the development has been designed to make use of the lower land levels and is positioned so as to reduce this impact to an acceptable level. The efficient use of this land is, on balance, acceptable.

9.0 Conclusion

9.1 This application has been assessed as being acceptable to residential amenity and its local context, and, therefore 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 31.08.10 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 detailed plan [Pre-Commencement Condition]

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

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

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

The approved scheme shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Reason:

To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive

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.

9. 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.

10. 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).

11. 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.

12. 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

13. APPROVAL CONDITION – Measures to protect the public sewers [pre-commencement condition

Prior to the commencement of the development hereby approved details of the measures to be undertaken to protect the public sewer on site during construction shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the agreed details.

REASON

To secure a satisfactory form of development

14. APPROVAL CONDITION - Ecological Mitigation Statement [Pre-Commencement Condition]

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, [as set out in the submitted Ecological Survey March 2010] 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.

15. 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

16. APPROVAL CONDITION – Refuse Management Plan [pre-occupation condition]

Prior to the development first coming into occupation a refuse management plan shall be submitted to the Local Planning Authority for approval in writing. The plan shall detail the location of a collection point for refuse containers and the development shall proceed in accordance with the agreed details.

REASON

To secure a satisfactory form of development

17. APPROVAL CONDITION – Aboricultural Method Statement [performance condition]

Unless otherwise agreed in writing by the Local Planning Authority, the development shall proceed in accordance with the Aboricultural Implications Assessment (ref KTML-02410 AIA) dated 12.03.10.

REASON

To protect the trees on site.

18. APPROVAL CONDITION – Site access [pre-occupation condition]

Prior to the occupation of the development hereby approved, the access into the site shall be provided in accordance with the plans hereby approved. The access shall be re-surfaced in accordance with details to be agreed by the Local Planning Authority in writing and a vehicle passing place 4.5 metres wide and 6 metres deep shall be provided at the site entrance.

REASON

To ensure a satisfactory form of development

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

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement (CMS) for the development. The CMS shall include details of: (a) parking of vehicles of site personnel, operatives and visitors; (b) loading and unloading of plant and materials; (c) storage of plant and materials, including cement mixing and washings, used in constructing the development; (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary; (e) measures to be used for the suppression of dust and dirt throughout the course of construction; (f) details of construction vehicles wheel cleaning; and, (g) details of how noise emanating from the site during construction will be mitigated. The approved CMS shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

REASON:

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

20. APPROVAL CONDITION – Sill level of roof lights [performance condition]

Unless otherwise agreed in writing by the Local Planning Authority the internal sill height of the roof lights shall be no less than 1.7 metres from the internal floor level of the rooms which they serve.

REASON

In the interest of the privacy of the occupiers of the neighbouring properties.

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.

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)

CS4	Housing Delivery
CS5	Housing Density
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
H1	Housing Supply
H7	The Residential Environment

Supplementary Planning Guidance

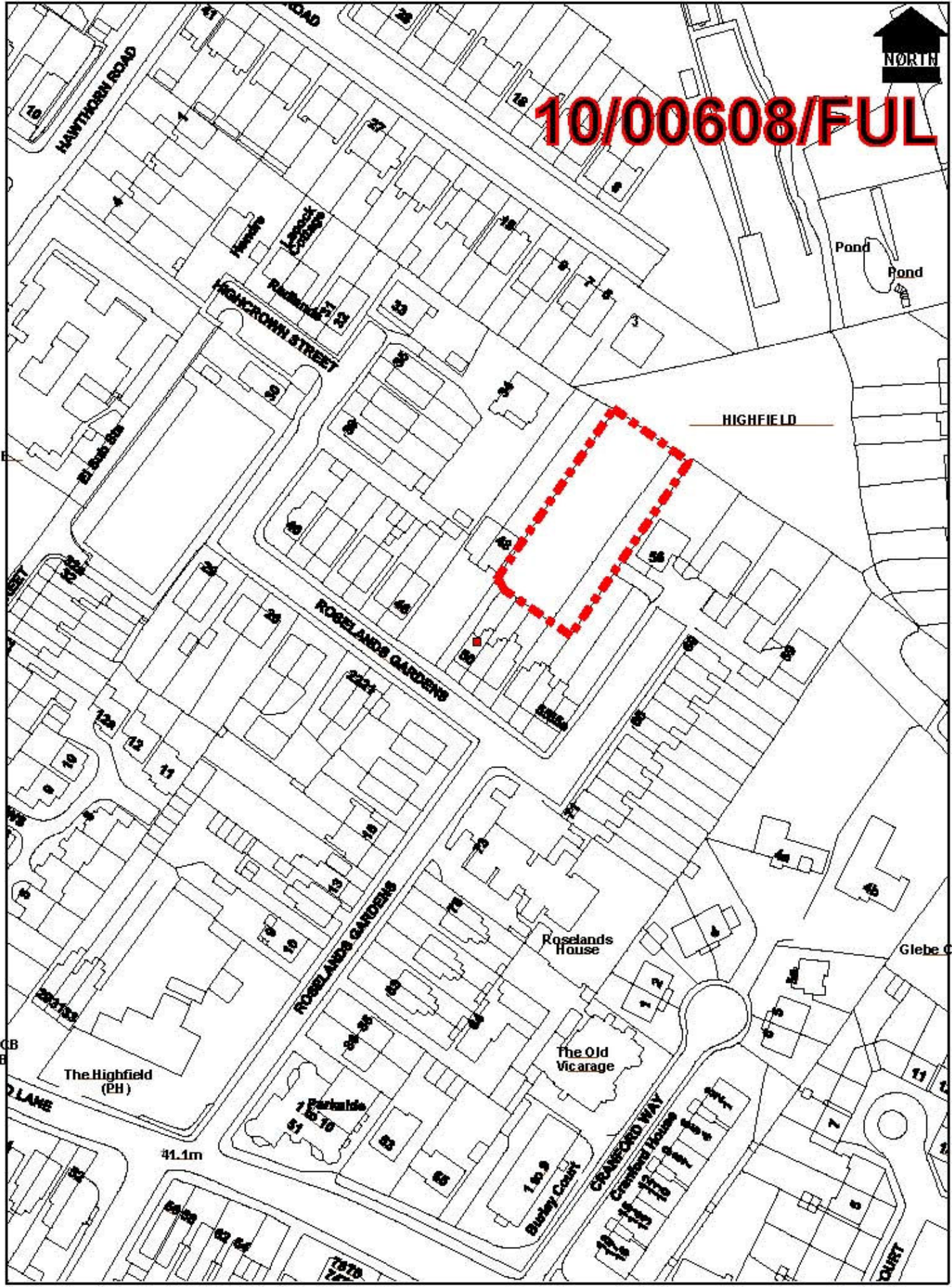
Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

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



10/00608/FUL



Scale : 1:1250

Date : 16 August 2010

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Agenda Item 15

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 31 August 2010
Planning Application Report of the Planning and Development Manager

Application address: Southampton General Hospital, Tremona Road (Coxford Ward).			
Proposed development: Construction of a Helicopter Landing Pad on the upper deck of the multi-storey car park and reconfiguration of car parking spaces.			
Application number	10/00881/FUL	Application type	Full
Case officer	Andy Amery	Public speaking time	5 minutes

Applicant: Mr Gary Spring Southampton University Hospitals NHS Trust	Agent: Mr Mark Burman
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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 provision of a facility for the air ambulance and other similar airborne emergency vehicles within the allocated campus of Southampton General and Princess Anne Hospitals is fully in accordance with Policy CS10 of the Core Strategy and Policy HC1 of the City of Southampton Local Plan Review which promotes and safeguards the Hospital site for the development of Healthcare and support facilities. Other material considerations such as noise disturbance, air quality and impact on ecology do not have sufficient weight to justify a refusal of the application. Issues of public safety with regard to aircraft flights are a matter of regulatory control outside the planning system. The loss net loss of 8 parking spaces from the car-park is compensated for by other planned development on the site. 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, SDP10, SDP12, SDP15, SDP16 and HC1 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS10, CS13 and CS22, 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	Technical Report

Recommendation in Full

Conditionally Approve

1. The site and its context

1.1 The General Hospital is located 4km to the north west of the City centre in the Coxford area of the city. The Southampton University Hospitals Trust, who own and operate the site, provides health care facilities to over half a million people on an annual basis and employ 7,500 members of staff. It is a site of regional and national importance for healthcare, research and teaching.

1.2 The site is tightly constrained being surrounded by residential roads on all sides. The limited site area combined with the continual need to provide new and improved healthcare facilities served by appropriate transport options means that development proposals have to be carefully managed. The Trust has therefore developed a Vision document and an Estates Strategy to guide new development up to 2020.

2. Proposal

2.1 The proposal seeks to provide an on-site landing facility for the air ambulance to ensure delays in transferring patients to the emergency department are minimised. The current arrangements are for the air ambulance to land at playing fields approximately 2km to the north west of the Hospital site and transfer to ambulance. The facility would also be available for other airborne emergency vehicles such as the Coastguard air-sea rescue helicopter.

2.2 The landing facility would be located on the top deck of the multi-storey car-park in the north west corner of the Hospital Campus close to the section of Tremona Road which runs alongside the cemetery.

2.3 It is a temporary deck to be provided as an interim measure until such time as a permanent facility can be provided as an integral part of the long term development proposals for the East Wing Annexe as has been previously reported to Panel when considering the application for the new Children's Hospital.

2.4 The landing deck measures 28m by 28m and stands 2.99m above the upper deck of the car park. The raised nature of the deck allows sufficient clearance for cars to continue to park beneath the landing deck, however, the structural supports will result in the net loss of 8 car parking spaces from this car park (361 existing to 353 proposed).

2.5 The deck will be linked to a new ramp which will connect the landing area to the internal road system close to the entrance to the Accident and Emergency department. The route of the ramp over sails an existing landscaping strip, some of which, including a Silver Birch tree will need to be removed.

2.6 Security controls are integral to the design to prevent unauthorised access to the landing area.

2.7 Whilst the majority of flights are intended to take place during daylight

hours there will be potential use in the evening and overnight. In such circumstances lighting will be required for safety purposes.

2.8 The technical report relating to the design and operation of the heli-pad is attached as **Annexe 2** to this report. The Trust has made arrangements for an appropriately qualified advisor to attend Panel and answer any technical questions relating to the proposals.

3.0 Relevant Planning Policy

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

4.0 Relevant Planning History

None

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 undertaken which included notifying **362** adjoining and nearby landowners, placing a press advertisement and erecting of site notices.

5.2 At the time of writing the report **6** representations have been received from surrounding residents objecting to the scheme and **2** representations have been received from Hampshire County Council’s and Isle of Wight Council’s Health Overview and Scrutiny Committees strongly supporting the proposals.

5.3 Objections

Noise Disturbance: The use of the heli-pad will introduce an additional noise source that will be audible by local residents. The technical report includes an assessment of the noise impact (paragraphs 6.1 and 6.2) and refers to guidance in PPG24 in particular paragraphs 15, 16, 17 and 18. This document identifies the difficulty of categorising noise from such facilities due to the intermittent nature of the operation. Given the anticipated number of flights, which equates to less than one during any 24hour period it is not considered the proposals represent a significant or continual noise source that would cause harm to the amenities of surrounding occupiers. Whilst a condition limiting the number of flights would be difficult to enforce a restriction limiting the use of the heli-pad to the air ambulance and other emergency helicopters in case of emergency would limit the level of activity to those directly associated with emergency situations.

Odour and Air Quality: The proposals and use of the site by the air ambulance and similar emergency vehicles are not considered likely to have an impact on air quality or generate significant odour problems. The Helicopter Advisor will be able to respond to any technical questions on this issue.

Downdrafts from Rotor Blades and Potential Damage to Houses: The technical report at section 6.3 deals with this issue in some detail. The report highlights some impact in the immediate vicinity of the helipad in terms of the structural design of buildings. However, it is clearly set out within the report that 'provided light cladding and loose objects are not permitted within 30m of the edges of the helipad, no structural damage should be caused by helicopter downwash'. The nearest residential properties are double this distance. The area affected by downwash will therefore be limited to areas within the site and a short length of Tremona Road on the bend in the road opposite the entrance to the cemetery.

Loss of Car-parking: 8 parking spaces would be lost as a result of providing the heli-pad structure on the top deck of the car park.

The hospital continues to work closely with the Council to ensure the development of an effective transport strategy. The management of on-site parking including the continual review of parking demands at the site alongside the promotion of cycle facilities, car sharing, use of public transport and park and ride facilities are paramount to the effective operation of the site.

In the immediate future the Hospital Trust have a current planning application due for decision in October 2010 to provide an additional 114 parking spaces within the site (10/00921/FUL).

Discussions on other transport initiatives take place on a monthly basis.

The loss of the 8 spaces as a result of this application will be fully addressed through the management of the transport strategy and in itself will not be likely to result in additional congestion or street-parking in the vicinity of the Hospital.

Loss of Property Value: This is not a planning issue nor is there any evidence supplied to indicate that the provision of an air ambulance facility within an existing Hospital Campus would have an affect on property value.

Impact on Wildlife and Domestic Animals

The infrequent flights in and out of the Hospital site by Helicopters are unlikely to have any significant impact on habitats or wildlife. The Council's ecologist has verbally indicated that there are no objections to the proposals on these grounds.

SCC Highways - No objections to the loss of 8 spaces from the car park. Transport and Parking issues at the site are subject to an ongoing review of the Hospital's Transport Strategy. The loss of the 8 spaces will not unduly add to parking problems on the site or in the surrounding area particularly given current proposals to provide additional on-site parking (application 10/00881/FUL).

BAA – The proposals do not conflict with aerodrome safeguarding criteria and no objections are raised subject to the imposition of a condition relating to the use of Cranes.

At the time of writing comments are still awaited from the council's Noise and Pollution officer.

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 due to noise disturbance.
- iii. Safety;
- iv. Highways and Parking;

6.2 Principle of Development

6.2.1 The application seeks to provide the facility with the intention of saving lives by reducing the time patients are transported to hospital. The provision of an on-site facility for the air ambulance and other emergency aircraft will reduce time delays currently experienced in transporting emergency cases to the Accident and Emergency department

6.2.2 Such a facility is in compliance with the requirements of saved policy HC1 of the City of Southampton Local Plan and Policy CS 10 of the Core Strategy.

6.3 Residential Amenity due to noise disturbance

6.3.1 PPG24 identifies aircraft flights as noise generating uses. Policy SDP 16 is also relevant and seeks to prevent development where excessive noise would be introduced into noise sensitive locations such as a residential area. In this instance, the predicted number of flights, based on current use of the air ambulance and other emergency aircraft, are on average less than one per day over a full year. It is not considered that this level of activity will cause significant disturbance.

6.4 Public Safety

6.4.1 The technical report identifies that aircraft operations must fully comply with strict regulations to ensure any danger to public safety is minimised.

6.5 Highways and Parking

6.5.1 The loss of 8 parking spaces will have little impact on the operations of the hospital or on-road parking in the vicinity of the site. The continuing development and delivery of a comprehensive transport strategy as part of the 2020 masterplan will ensure that the transport needs of the hospital respond to the healthcare demands of the site.

7.0 Summary

7.1 This application will provide an on-site facility which will improve patient care at the hospital by minimising the current delays in getting patients to hospital in emergency situations. Whilst there will be an impact on the amenity of surrounding occupiers, in particular by way of noise, the limited use of the facility will ensure that this is not continual disturbance to the level which would be considered to cause harm.

8.0 Conclusion

8.1 Planning permission should be granted for the facility subject to conditions relating to lighting, landscaping and restricting the use of the facility to the air ambulance and other similar aircraft movements directly related to patient care.

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 31.08.10 PROW Panel

CONDITIONS for 10/00881/FUL

01. APPROVAL CONDITION – Full Permission Timing Condition – Physical Works

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

Reason:

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

02. APPROVAL CONDITION – Restriction on Aircraft flights – Performance Condition

The heli-pad shall only be used by the air ambulance and other emergency aircraft associated with the transfer of patients and emergency healthcare provision at the Hospital site.

Reason:

To ensure the use of the facility is limited to purposes directly related to the emergency care of patients in order to minimise disturbance of local residents.

03. APPROVAL CONDITION – Restriction on lighting – Performance Condition

Unless otherwise agreed in writing the lighting of the helipad shall comprise 38 Omni directional 15 watt green lights flush fitted to the landing deck and 12 neon 50 watt floodlights set at deck level and directed to throw light across the deck. The lighting shall only be turned on when during the period a landing is imminent and only remain on until the helicopter leaves having discharged the patient.

Reason:

In the interests of the amenities of adjacent occupiers

04. APPROVAL CONDITION – Landscaping – Performance Condition

Additional landscaping shall be provided on the site in accordance with the Southampton University Hospitals Trust Landscape Strategy within the first planting season following completion of the development.

Reason:

To compensate for the loss of part of the landscaping strip in the interests of the visual amenities of the site.

Notes to Applicant

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.

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)

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP15	Air Quality
SDP16	Noise

Other Relevant Guidance

PPS1	Delivering Sustainable Development (2004)
PPG13	Transport (2001)
PPG24	Planning & Noise (2004)

Technical Report

SOUTHAMPTON GENERAL HOSPITAL

North East Car Park 'Raised' Level Helipad Report

Report prepared for Southampton University Hospital NHS Trust by: Peter Rover, Helicopter
Adviser Tel: 020 8395 7418 E-mail: pbrover@blueyonder.co.uk

June 2010 Southampton University Hospital NHS Trust Project Southampton General Hospital
North East Car Park Helipad Feasibility Report June 2010

1 Introduction

- 1.1 SUHT commissioned this report to update and supersede two previous reports (October 2008 and June 2009) on the provision of a helipad to be located now on the upper level of the North East car park.
- 1.2 At present, helicopters do not have direct access to the hospital but use Council playing fields at Lord's Hill about 2nm north west of the hospital (OS Grid Reference SU 380 158). This necessitates intermediate transfer by road ambulance which is far from ideal, especially for critically ill patients.
- 1.3 This report examines the requirements for a surface level or raised helipad, compliant with international and national Civil Aviation Regulations to be located over the top level of the North East car park, aiming to facilitate expeditious transfer of patients arriving by helicopter to the ITU.
- 1.4 The design requirements of the helipad itself and associated clear areas and suitable obstacle environment in compliance with best international practice are detailed in: -
- a. International Civil Aviation Organisation (ICAO) publications, 'Annex 14' -Aerodromes, Volume II – Heliports (3rd Edition) and;
 - b. The ICAO Heliport Manual - Doc 9261-AN/903, as amended.
- These are used as definitive reference material. These publications from herein after in this report will simply be referred to generically as 'Annex 14'. The guidance in HBN 15-03 has also been taken into consideration in this report. A full list of reference documents containing relevant legislation and regulations is included at Appendix D.
- 1.5 Civil Helicopter Operators intending to make use of the hospital helipad must be Air Operator Certificate (AOC) holders authorised for commercial air transport (CAT) operations. They are regulated by the UK Civil Aviation Authority (CAA) and must comply with operating and performance regulations as detailed in European Aviation Safety Agency (EASA) directives and European Union/ Joint Aviation Regulations (EU/JAR-OPS 3).
- 1.6 The Ministry of Defence (MOD) is responsible for the operation of military helicopters. It should be noted that a helipad, designed to comply with civil CAT requirements will also be suitable for military purposes.
- 1.7 It should be noted that from 2012 it is intended that UK military Search and Rescue (SAR) and civil Marine Coastguard Agency (MCA) helicopter operations will be undertaken jointly. The helicopter type used will be the Sikorsky S92 and the helicopters will be operated under civil regulations, regulated by the UK CAA. They will be crewed by both military and civil pilots holding full civil commercial pilots' licences.
- 1.8 The CAA does not licence hospital helipads as 'aerodromes' but effectively regulates their use through the civil helicopter operators who each require permission from the CAA to use such facilities when they are situated in 'congested' areas of cities, towns or settlements - as this hospital is.

2 Minimum Specified Site Requirements

- 2.1 The hospital is situated in an urban, "congested area". In UK aviation law terms a "congested" area in relation to a city, town or settlement, means any area that is substantially used for residential, industrial, commercial or recreational purposes. Because the hospital lies in such an area operators of civil helicopters, planning to land at, or close to the hospital, require permission from the CAA under Rule 5(2) (c) of the Rules of the Air Regulations. The CAA, ever conscious,

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in the public interest of flight safety, prohibits use of such sites by single engined helicopters, unless there are adequate clear areas where a safe forced landing in the event of failure of the engine could be executed without endangering persons or property on the surface. This is not the case at the Southampton General Hospital; there are no open spaces at surface level anywhere within the hospital site that would be suitable for a helicopter to 'force land' other than on the intended helipad surface itself.

2.2 The CAA applies the site criteria specifications contained in 'Annex 14' and EU/JAR-OPS 3 when considering whether such permissions should be granted to helicopter operators, and then only for multi-engined machines with the required level of 'one engine inoperative' (OEI) performance. Certain civil operators who have been approved by the CAA to grant their own Rule 5 Permissions, including the Sussex and Hampshire Police Air Support Unit, Confederation of Helicopter Air Ambulances (CHAS) and Marine Coastguard Agency (MCA), must apply these same criteria and include all appropriate information in a Company Site Directory for any "congested" area site they intend to use. A copy of this Site Directory is lodged with the CAA for reference. If 'Annex 14' criteria cannot be met, or if the operator cannot assure adequate compensating helicopter performance, they will be unable to plan on using the proposed site.

2.3 The overriding consideration is that, in the event of an engine failure, a helicopter shall not endanger persons or property on the surface, or the occupants of the helicopter. Hospital sites designed and intended for regular use must be fully compliant with 'Annex 14' standards and recommended practices (SARPS) and enjoy no exemptions or easements because of their 'emergency' or 'life saving' purpose.

2.4 The hospital management itself (NHS Trust) has a general duty of care to ensure that persons and property on the estate are not exposed to avoidable, unreasonable hazard. There is no requirement for the Trust to licence the heliport with the CAA. Helicopter operators, having satisfied themselves that the site is suitable for purpose, do however require the permission of the Trust, as the legal site keepers, to land and take off on hospital property.

2.5 By day, the responsibility for safe flying operations remains wholly with helicopter operators. Once the aircraft has landed on the helipad itself however, the responsibility for general safety is split between the helicopter operator and the 'site keeper'.

2.6 By night, national aviation law (Air Navigation Order) places a duty on "the person in charge of a site intended for the landing and taking off of helicopters to provide adequate lighting to ensure proper identification of the site and wind direction, and to enable the pilot to make a safe approach and landing and a safe takeoff and departure". By day and night the Trust must manage arrangements to ensure that the helicopter, whilst positioned on the helipad and the activities associated with it whilst it is on the helipad, cause no extraordinary danger to persons or property within the hospital grounds. If night operations are intended, helipad lighting and an illuminated windsleeve shall be provided using 'Annex 14' specifications and significant obstacles within the hospital grounds at, or above, the level of the helipad should be lit with low intensity, steady red obstruction lights.

2.7 Helicopter operations at this hospital will be predominantly undertaken by day; there will however be occasions when air ambulance, HEMS or SAR missions started during day light may extend into dusk or night time and so helipad lighting should be provided as part of the basic design to ensure operations can be safely completed after dark or in poor visibility conditions by day as well.

2.8 In general terms 'Annex 14' minimum required helipad dimensions are based on the Helicopter Type Manufacturer's certificated minimum size as described in the Helicopter Flight Manual (HFM). In cases where this may not have been detailed, 'Annex 14' prescribes a minimum effective size of 2 times the overall length (D) of the largest 'design' helicopter type for which use of the facility is intended.

2.9 Any shape may be used for the helipad provided that shape contains the minimum dimensions of length and width prescribed either in the HFM or 'Annex14'. In UK presently, all air ambulance, HEMS and police helicopter types are in the '3 tonne' class, all of which are authorised by their

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HfMs to use a helipad measuring 25m x 25m or less in some cases. MCA, SAR and military types range from 6.4 -14.5 tonnes (EH101) in weight and are larger than the current air ambulance and police helicopters so that a 28m x 28m minimum size is recommended which will cater for all types likely to use the facility during its life time. This larger area will also ensure there is always plenty of additional space around the helicopter for medical teams, equipment etc. to move or be moved without hazard from moving rotors.

2.10 The overall slope in any direction on the helipad should not exceed 3% and no part of it should have a slope exceeding 5%. The surface should be resistant to rotor downwash, free from irregularities and have a bearing strength sufficient to accommodate a rejected take off by helicopters intending to use it. It is recommended that the surface be slightly profiled to ensure fluids drain from the centre to at least two extremities of the helipad to avoid 'pooling' of fluids under the helicopter.

2.11 Tie down fittings should be provided in the helipad surface in accordance with CAP 437 – Guidance for the Operation of Helicopters Offshore - recommendations in case a helicopter is required to remain stationary on the helipad for any reason, such as technical unserviceability for example.

Note – all CAA publications may be accessed from www.caa.co.uk (publications) free of charge.

2.12 In addition to allowing for the design of the helipad itself, it is necessary to protect airspace around the helipad in accordance with 'Annex 14' and EU/JAR-OPS 3 and to keep areas free from obstacles so as to permit intended helicopter operations at the hospital to be conducted safely and to prevent the helipad from becoming unusable by the growth of obstacles around them. Ideally, helicopters should be able to approach to, or depart from the helipad in any direction taking full benefit from the wind direction at the time and without being impeded by obstacles. Civil helicopters are required by law (and for general safety considerations) to be able, in the event of failure of one of the engines, to either land on the surface available without hazard to persons or property or the occupants of the helicopter, or to continue to fly away safely from the site, using maximum regulated power on the remaining engine(s) whilst avoiding all obstacles under, and close to, the flight path by a vertical margin of not less than 35 feet (10.7m).

2.13 Although helicopters are capable of hovering, and of climbing and descending vertically with all engines operating normally, possible failure of one of the engines at any stage of flight must be taken into account. The variables of aircraft weight, altitude and temperature (WAT) must be considered by the operator and the helicopter weight reduced if necessary so that the helicopter is always capable of being landed safely within the helipad and obstacle dimensions available or, alternatively, is able to be flown away from the site using not more than maximum permitted power on the remaining engine(s) in the event of failure of one of the engines.

2.14 A helicopter's performance at a clear area surface level site is best maximised for takeoff by accelerating from a low hover, remaining close to the surface until it achieves its safe single engine climb speed (about 30 to 40Kt.) This is known as a "clear area" take off profile. It is similar to the way an aeroplane must use a runway to accelerate to safe flying speed before taking off. If an engine were to fail during the acceleration phase the take off can be aborted and a safe forced landing in the obstacle free area achieved. The amount of clear area required for a clear area take-off for typical air ambulance types of helicopter is in the order of 250 to 300 metres. At the Southampton General Hospital there is insufficient clear ground anywhere on the site to permit this type of take off.

2.15 The alternative authorised and more practical take off procedure for restricted area sites is known as a "helipad" or "vertical" profile. Using this profile, the pilot calculates his helicopter's maximum

permissible all up weight based on the WAT conditions. The pilot lifts the helicopter to the hover and climbs slowly either vertically, or up and rearwards until reaching a pre determined height known as the take off decision point (TDP) at which, if all is well, the transition into forward flight is initiated. Should an engine fail while the helicopter is climbing initially to TDP the pilot is able to

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land the helicopter back on the helipad area itself (hence the need for quite large dimensions, structural integrity and good visual cues). If an engine should fail after initiation of the transition into forward flight from TDP, the pilot is able to swap height for speed if necessary and continue to fly the helicopter away safely whilst avoiding all obstacles under and close to the flight path by a margin of not less than 35 feet. The 'Annex 14' specification is to provide obstacle limitation surface areas (OLS) in at least two flight path directions, separated by not less than 150 degrees. This will be possible by locating the helipad as a superstructure over the top level of the North East car park at the hospital. The helipad surface will be less than 3m above the car park surface to ensure it remains defined as a surface level helipad.

- 2.16 Use of "helipad" take-off and landing profiles to and from this helipad by multi-engine helicopters is the only feasible choice for safe surface level operations at the Southampton General Hospital. Although the necessary use of this type of profile may result in some loss of "payload" for some helicopter operators in 'hot, high' weather conditions, it should not result in any inability to undertake typical hospital missions. Similar constraints apply at many other hospitals without compromise to the mission capability.
- 2.17 Whilst use of the "vertical" or "helipad" profile minimises the amount of surface area affected, it is nevertheless necessary to protect obstacle limitation surfaces (OLS), in particular the take off and climb surfaces (TOCS) and approach surfaces (AS) to ensure safe obstacle clearance in the direction of operations. Ideally, a helicopter should be able to approach or depart in any direction unimpeded by obstacles, but this is often not possible. 'Annex 14' specifies that at least two such approach and departure areas be available, with flight paths separated by not less than 150_ (to allow for the possible 'go around' in the event that the helicopter's attempted landing is baulked.). The diagrams on the next page illustrate the "helipad" profile described above and the dimensions of the TOCS/AS areas and protected gradients required, for a surface level 'helipad profile' or elevated site.

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Figure 1 _ Helipad takeoff and Landing Profile (Single engine failure after TDP case) 35 feet
Approx 310 metres Helipad profile

TOCS/AS obstacle accountable distance

Figure 2 _ Obstacle Limitation Surface Areas (OLS) Side elevation TOCS = 8% gradient AS = 8% gradient Approx 310m

Width
Plan view RD = Main Rotor Diameter 28m 10 x RD (night) 15% divergence (night) 10% divergence (day)
7 x RD (day)

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- 2.18 On surface level sites the risk analysis for the expected low number of movements at infrequent intervals shows that the likelihood of an incident or accident occurring during flight operations is extremely remote. For this reason, provided the local fire brigade and/or hospital based services are able to access the site and apply fire fighting media to the surface of the helipad, it will only be necessary for the Trust to include the helipad in their own domestic fire fighting plan. The local fire brigade will only need to attend after an incident or accident and will not require to be in attendance for each landing or take-off. The road to the car park entrance on the north side provides ready access to externally based emergency services which must be able to position a fire fighting vehicle or vehicles where it will be possible to apply a suitable foam/water fire suppressant to any and all parts of the helipad.
- 2.19 Military helicopters are subject to fewer operating constraints than civil operators; they are 'mission' driven. A helipad 28 m or more in diameter and structurally capable of taking the dynamic load of the helicopter type, provided the surrounding obstacle environment is reasonable, will be acceptable for all military helicopters. The largest military helicopters such as the Chinook (CH47) and Merlin (EH101) would be able to land on the helipad but the 'downwash' effect associated with these very large machines would generate Force 11 strength gusts so any consideration of use by them should be restricted to extreme national emergency situations only and precautionary measures taken by the Trust to ensure no damage would be caused to vulnerable persons or vehicles by the helicopter down wash. In any case it is recommended that signs warning of helicopter operations be posted on the approach road to the hospital and the road in front of the main entrance.
- 2.20 The Royal Air Force (RAF) publishes a UK Hospital Landing Site Directory. When a new facility is put in place, if contacted, the appropriate unit based at RAF (Benson) will send a mobile air operations team (MAOT) team to survey it for inclusion in this publication. A plan of the hospital site with the position of the helipad and significant obstacles and their heights will then be prepared and published by them in the directory together with contact and administrative details and any warnings and advice on the best direction for approach and departure. This directory is used universally within the UK by military and civil operators alike.

3 'Design' Helicopter Type - Requirements

- 3.1 The choice of helicopter types to be accommodated as directed by the Trust will be Air Ambulance, HEMS, Police, SAR and Military, and the largest of these expected to use the facility on a regular basis will dictate the size, structural integrity and equipment requirements for the helipad.
- 3.2 Most civil helicopter types used currently by police and civil air ambulance or Helicopter Emergency Services (HEMS) operators are less than 15 metres in overall length weighing 3 tonnes or less. These types, typically, are capable of carrying one stretcher patient only and operate by day only. As the role of air ambulance and HEMS develops in time it is likely, in my opinion, that larger helicopters capable of carrying up to 6 stretcher patients may also be required. These larger helicopters may supersede, but more probably supplement, the smaller types. In any case, planned use of this facility by SAR/MCA aircraft (AW 139 and S92) and possible use by military helicopter types in emergency situations should be catered for at Southampton.

4 Surface level and 'raised' Helipads – Requirements for Civil Helicopters

- 4.1 An elevated helipad, for civil aviation purposes, is defined by regulators as being a "structure on land raised more than 3m above the surrounding surface". A helipad that is either on the surface itself or is 'raised' 3 metres or less above the surrounding surface is defined as a surface level helipad. It is intended to provide a helipad on the North East car park at Southampton that will be raised above the surface but by 3m. or less. The design will take into consideration an option of possible later relocation of the helipad structure to the roof of the East Annex; it will be fitted therefore with integral guttering, drainage and fluid

collection/disposal features that will be compatible with the requirements for an elevated helipad. In the event that later relocation on top

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of the East Annex does take place, integral rescue and fire fighting services would need to be added at that time.

- 4.2 Since there will be a drop of 3m or less from the helipad to the surrounding surface of the car park the helipad will be surrounded by safety netting not less than 1.5m wide. Details of the required specification are to be found in CAP 437.
- 4.3 The requirements for structural design and bearing strength are detailed in the ICAO Heliport Manual, Chapter 1. Applicable to elevated and raised helipads. The ultimate dynamic design load allowed for should be based on the heaviest helicopter for which this helipad will be designed (14.5 tonnes). Table 1-2 in the Heliport Manual puts this into the Helicopter load category 5 bracket. (Typical offshore helicopter platforms are designed to accommodate these loads.)
- 4.4 Because of the relatively confined nature of this helipad and its proximity to the public car park and the hazards associated with a possible fire and major fuel spillage in the unlikely event of a crash, the helipad will be provided with elevated helipad compatible, fire resistant guttering and drainage system around the helipad to prevent large amounts of aircraft fuel and fire fighting fluids from flowing over the edge of the helipad onto the car park surface. Access/egress routes (ramp and stairs) should also be protected from the possibility of potentially burning fluids affecting them. The system should drain all fluids, including possible burning fuel into a collector/separator system through galvanised steel down pipes. A system to separate fuel and water within the system should be provided so that fuel or other carbon based contaminants are not permitted to drain into the domestic or foul water sewage systems. Dependant on the local Water Authority's view of liquid waste disposal, the drainage system and any associated containment tanks should be capable of holding all of the fluids likely to be deposited on the helipad; that is - water/AFFF, aircraft fuel (Jet A1) (up to 300 imp galls) and any precipitation that might be falling at the time and including some clean up time, say 2 mins., after the emergency is over. The collector tank for the contaminants should be located at low level to facilitate emptying into an authorised tanker for disposal off site. 9 cu/m is the recommended capacity to be provided.
- 4.5 There should be at least two access/egress points to the helipad, as near as diametrically opposite each other as possible, to allow safe evacuation from the helipad in case of a fire irrespective of wind direction. It is recommended that alternative stair egress from the helipad to the car park be secured by a locked cage to prevent access by unauthorised persons from the car park. The stairs should be designed to allow for emergency evacuation of stretcher patients and should be wide enough to accommodate a 'mattress' or stretcher.
- 4.6 Patients arriving by helicopter to the helipad will need trolley access from the helipad via a ramp to street level and thence to the intensive treatment unit. Ramps have been found to be quicker and more reliable than scissor lifts when moving patients to or from a raised helipad. The ramp gradient should not exceed 1:12.
- 4.7 It has been assumed, for the purposes of this report, that the helipad will be constructed as steel and aluminium superstructure 3 metres or less above the car park upper level surface.
- 4.8 The overall shape of the helipad is immaterial provided it is large enough to contain an operating square not less than 28m x 28m. The operational surface must be able to cope with dynamic loads for helicopter load category 5 and, must be free from any fixed obstacles on or around it higher than 250mm above the helipad surface.
- 4.9 On completion of the construction phase and before the helipad becomes operational it will be inspected for compliance with 'Annex 14' by the appointed Aviation Consultant. The principal helicopter operator will also need to attend for familiarisation with the facility. A Trust Helipad Manager should be appointed well before the helipad is completed so that he/she can compile a Helipad Operations Manual. An outline of the contents of such a

manual can be provided on request. After satisfactory inspection, the helicopter operators will need to undertake

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familiarisation and training flights to and from the helipad by day and night. This period should also be used to train and familiarise hospital RFFS and medical staff, which will be required to attend the helipad, with helipad safety and operating procedures.

4.10 Finally, unauthorised access to the helipad must be prevented and a communications system installed that will ensure comprehensive management of normal and emergency helipad operations at all levels within the hospital.

4.11 Note that HBN 15-03 contains guidance on domestic requirements associated with use of the helipad such as locker rooms, storage space etc.

5 Helipad Markings and Lighting

5.1 Appendix A is a diagram showing helipad markings and lighting of a hospital helipad. The specifications for a wind sleeve are contained in the ICAO Heliport Manual. The wind sleeve should be positioned well clear of the flight path and mounted at a height of about 5 metres above the helipad surface where a pilot can see it clearly from overhead and when approaching and

5.2 A 300 mm wide, white continuous line should mark the outer perimeter of the helipad. The touch down and lift off area should be a yellow non-slip painted circle 1000 mm in width with a diameter of not less than 9.5 metres. Centred within this circle there should be a red, non-slip painted "H" 3m high set within a white non-slip painted cross measuring 9m x 9m, aligned on an approximate (28) and the hospital northeast/southwest-operating axis. Maximum weight markings, 'D' value name should be included as indicated on the attached diagram at Appendix A (2).

departing. It should be positioned in the free airflow, clear of eddy effects from buildings or other obstacles. The paint type for the helipad markings should be non-slip and resistant to weathering as far as is possible. An aluminium 'pancake' may be left unpainted provided it is sand blasted and ridged to give it good non slip qualities, alternatively an epoxy resin finish can be applied to illuminate for use at night to enable a pilot to establish the wind direction from overhead before the surface; this is the type of finish applied to ship's flight decks. The windsleeve should be approaching to land.

Prevailing wind (SW)

5.3 Since night flying or flight in low light or poor visibility is to be taken into consideration the helipad should be lit with flush fitted, green omni directional lights emitting not more than 60 candelas at 10 degrees elevation. They should be situated just outside the perimeter markers and evenly spaced at not more than 3 metres apart with a light at each corner if the shape of the helipad is square. Since the lights will indicate to the pilot at night the extent of the usable helipad surface they should not be placed on the safety netting support structure. The CAA in conjunction with the offshore helicopter operators is currently in the process of developing a specification for LED strip lighting which is intended to illuminate the H and TLOF circle. Until such time as this is finalised or as an acceptable alternative, XENON flood lights (4 off) should be affixed to the safety netting supports or deck edge to illuminate the surface texture of the helipad. This is the current preferred and recommended fit.

6 Environmental Considerations

6.1 Noise and Nuisance

Noise and nuisance are minimised by locating the helipad where it will cause minimum disruption to hospital users and local residents. Flight paths will be planned to avoid unnecessarily low transits over sensitive areas. The duration of helicopter noise events is short and the frequency is expected to be low, probably in the order of two or three a week in the early stages of operations. The Office of the Deputy Prime Minister Planning Policy Guidance Note 24 (PPG 24) addresses helicopters and heliports (helipads) in

paragraphs 15, 16, 17 and 18. It urges caution in applying noise exposure categories; the absolute levels should be balanced by the infrequent occurrence of such noise and the positive benefit afforded patients and to the community at large (prospective patients themselves perhaps) by being able to transport persons in urgent need of

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medical treatment to or from the hospital quickly and safely. The public can, and do, appreciate the usefulness of a hospital helipad in life critical situations rather more easily than helipads used purely for personal convenience or commercial purposes. The careful location and construction of the helipad itself and sound insulation of buildings in the immediate vicinity of the helipad should ensure freedom from excessive noise and the effects of any vibration for the hospital residents and any residents nearby.

6.2 A formal noise analysis for hospital helipads, in my experience, is likely to be inconclusive or probably of limited assistance to planning committees because the frequency of movements is too irregular and too few to draw any truly objective conclusions. Inevitably, the effects are likely to be judged more or less subjectively on perception of annoyance by those immediately under the flight paths in the immediate vicinity of the hospital so that a decision to grant approval may not be unanimous. (No planning committee has yet refused a planning application for a hospital helipad). All that can be said definitively is that the civil helicopter types to be used are all noise certificated by ICAO regulation and that construction of the facility and surrounding buildings will take into account the need for sound insulation in accordance with normal government planning guidance on noise contours. It will help matters by limiting air ambulance flights normally to social, day light hours only, but night time flights should not be prohibited should the need arise in the interests of saving life. A copy of the Noise Certificate for the EC 135 helicopter (type used by many Air Ambulance and Police units) is attached at Appendix C for information. This shows the maximum peak noise levels measured in decibels sound exposure level (SEL) permitted in compliance with ICAO Annex 16 – Volume I Chapter 11 – Helicopters not exceeding 2730kg. Larger civil and military helicopter types will make more noise; the S 92 and A 139 for example, will also have a noise certificates restricting noise output to not more than 98EPNdB. (Helicopters over 2730kg noise outputs are measured in EPNdB rather than dB SEL). A noise certificate is part of the aircraft Certificate of Airworthiness and has been a mandatory regulatory requirement since 1985 for all civil aircraft.

6.3 'Downwash'

Helicopter downwash can be quantified and compared with generally high, gusty wind conditions; the heavier the helicopter, the stronger the effect. Provided other elements of the car park and nearby building are designed to withstand gusty conditions up to Beaufort scale 9/10, no extra measures will be required to protect them from regular planned helicopter operations. It should be noted that the largest helicopter types, as previously discussed may generate up to Force 11 gust conditions.

In addition to the mass downwash effect, vortices are generated at the blade tips. These are intense and erratic in nature and disperse less predictably than the mass downwash. It is particularly important to ensure facings and fittings on and around the helipad and on the buildings nearby are securely fixed against the effect of these vortices.

Dr. John Leverton's research paper for Westland Helicopters presented in 1973 and still current estimates that downwash velocities extend to a distance of about 2 to 3 rotor diameters (approx. 30m) from the helicopter when, owing to natural dissipation, the velocities rapidly decrease and disperse over a wide area. Graphs illustrating typical velocities and comparing them to the Beaufort wind scale and their dissipation rate are shown on the next pages.

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The US Department of Commerce published an analysis of rotorwash (downwash) effects in helicopter mishaps in 1991. A graph from the document showing peak velocities generated by a 4.3Tonne helicopter type is shown on the next page for information. This is useful because it quantifies the effects and also shows how quickly downwash dissipates with height/distance away from the helicopter generating it.

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Note: A 4.5 Tonne helicopter in a low hover would produce a wind effect of 55 kt. at a distance of 40 feet from the helipad centre; this reduces to 15kt when the helicopter is in the hover at 8 feet above the helipad.

On the next page I also show an extract from the New Zealand Forest Research Institute showing the velocities measured at different heights and helicopter forward speeds for a similar weight helicopter (4-5 Tonnes). This research was done with fire fighting in mind, but clearly shows what

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wind speeds are generated by a typical helicopter of the size that may be expected at a helipad during its lifetime, and how the effect dissipates. Present generation air ambulance, police and HEMS types are in the 3 tonne bracket whilst RAF and RN Sea King and Merlin types weigh up to 14.5 tonnes and will therefore generate correspondingly larger downwash velocities, (see Figure 25).

The duration of downwash peak values affecting the fabric of building are restricted to short time intervals, in the region of 30 seconds or so during the final stages of an approach to land and on take-off and departure. The vertical profiles flown, in order to ensure the aircraft is able to force land in the event of an engine failure, mean that the final part of the approach to land and the initial take-off and departure are restricted to the helipad surface itself so that the effects felt elsewhere will be much less significant.

Provided light cladding and loose objects are not permitted closer than 30m from the edges of the helipad, no structural damage should be caused by helicopter downwash. Typical of air ambulance/HEMS Maximum sizes expected.

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In the hover in very light winds at a height of 40m (130 feet), the downwash velocity for a 4.5 tonne helicopter has been measured at 45-48km/hr (28-30mph); as speed over the ground

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Increases, the effects rapidly diminish. These findings correlate closely with the velocities shown in the graph on the preceding page.

The conclusion to be drawn from these diagrams is that the effects of downwash from a helicopter on persons or property underneath the flight path will be no more than the effects normally experienced on a gusty, windy day. It should also be noted that the approach and departure profiles for elevated helipad operations are designed so that at the most critical stages, if the helicopter should suffer an engine failure, it will be able to land back on the helipad. This entails a steeper than usual approach to a Landing Decision Point (LDP) about 100 feet above helipad level and also an 'up and backwards' take-off flight path to Take-off Decision Point (TDP) about 100 feet above the helipad. Thus any significant effects of downwash will be confined almost entirely to the helipad surface itself.

The rotor tips create vortices which are erratic in their velocity and direction depending on the weight of the helicopter, speed of rotation of the rotor tips and the ambient wind velocity. The effect combined with downwash has been known to cause light or insecure cladding and other light objects and/or structures to become detached at distances up to 30 metres from the rotors. External cladding in the vicinity of helipads should be robust enough to withstand these effects or else removed all together.

6.4 Safety, Fumes and Vibration

Environmental questions most frequently asked about hospital helipads include whether the helicopter operation will be safe and what the effect of vibration and fumes, as well as noise, which has already been discussed in this report, will have on hospital personnel and patients near to the helipad and whether the life style of local residents will be significantly compromised by the operation of helicopters.

Aviation safety is assured by the regulatory requirements for airworthiness of the helicopters as well as the demanding maintenance schedules and qualification and periodic training for flight and ground crews. Conceivably, a possible, catastrophic crash resulting in fire on the helipad is the worst case scenario that has to be planned for. The concept of operations and design and construction of the helipad, is intended to confine the effect of any fire to the helipad surface only without hazard to the surrounding car park or buildings nearby. The possibility of a crash involving fire on the helipad is considered extremely remote. Liaison by the hospital fire fighting management with the local fire brigade and periodic simulated 'crash on the helipad' exercises will provide adequate precautionary protection. Local fire brigade attendance/assistance should be planned for after an accident on the helipad in order to provide, in particular, specialist salvage of modern, lightweight materials which are used in the construction of new generation helicopters and which may prove harmful to humans after exposure to intense fire. Access to the helipad by the local fire brigade will be by the main road to the North East car park.

Sometimes concerns are expressed about fumes possibly entering air conditioning systems causing unpleasant smells. This can be avoided by careful positioning of air intakes with regard to proximity to the helipad and prevailing wind direction. Design of exhausts in any case should cater for high winds and prevent ingestion from outside by means of over pressuring and fitment of cowlings, so no extra precautions need be considered because of helicopters using the helipad since the downwash effects are similar to high, gusty wind conditions.

The following Table 1, courtesy Dr. John Leverton, shows the composition of exhaust products from typical turbine engines as found in modern helicopter air ambulance types. Engine technology has improved markedly since this table was compiled so that helicopter engine exhaust emissions are now even cleaner, so that harmful discomfort from fumes may be discounted. Engines are mounted at high level on the helicopter with the exhaust pipes directed upwards, away from the helicopter and surface below so

that only occasional harmless whiffs of kerosene should be experienced by people close to open windows in the near proximity of the helipad.

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An analytical study on vibration effects was undertaken for the Portsmouth QA elevated helipad project which concluded that there would be no significant effects on the Pathology Lab immediately below the helipad. Vibration experienced is exacerbated by reverberation due to the pressure waves emitted by the helicopter reflecting off surrounding vertical surfaces. On this raised facility set above the car park this effect should be minimal and will be short lived.

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7 Conclusions and Recommendations

- 7.1 The hospital is in a “congested” area. Helicopter operators require to be in possession of permission from the CAA in accordance with Rule 5(2) (c) of the Rules of the Air Regulations to land and takeoff at the site. This requirement ensures that the site is suitable for purpose without the need for the CAA to licence the facility.
- 7.2 No CAA aerodrome licence is required; nevertheless, the helipad must conform to ICAO ‘Annex 14’ specifications, and the types of civil helicopter intended must have the necessary performance capability in compliance with EU/JAR-OPS 3 for the necessary Rule 5 Permission to be granted to civil helicopter operators by the CAA intending to use the site. It has been found that elevated hospital helipads designed to civil requirements are more than adequate for use by all but the very largest of military helicopters (Chinook, Merlin and CH53 (USAF ‘Jolly Green Giant’).
- 7.3 The Trust brief is that the helipad be designed to accommodate Air Ambulance, HEMS, Police, SAR, MCA and Military types. A 28m x 28m operating area will be needed to accommodate these requirements. There must be at least two directions of approach and takeoff separated by 150_ or more. The obstacle surface areas shown in figures 1 and 2 should not be compromised to allow safe single engine performance in the event of a helicopter suffering an engine failure at the most critical time.
- 7.4 Night and low light or poor visibility operations require ‘Annex 14’ lighting requirements to be put in place. ICAO lighting specifications now require green omni directional perimeter lighting. Current, ongoing trials of helipad centre surface luminance by the CAA and offshore helicopter operators should result in the fullness of time with an approved specification for LED lighting for the H and TLOF circle, but Xenon flood lights at, or close to the helipad surface, are an acceptable alternative and are in any case my preference and recommended for this helipad.
- 7.5 The provision of H2 RFFS scales including the attendance of 3 trained fire fighters for all helicopter operations is mandatory for an elevated helipad intended for the operation of larger helicopter types as this one is.
- 7.6 On this site due to its urban, congested nature the preferred location for the helipad is above the top level of the 2 storey North East car park.
- 7.7 In order to ensure best access for patients on trolleys, normal access to the helipad should be by ramp down to street level. No obstacles other than essential aviation fittings should be mounted on the helipad surface and these must not exceed 250mm.
- 7.8 Detrimental environmental effects will be minimised by locating the helipad above the car park as planned. Movements are not expected to be high and avoidance of routine use of the helipad during unsocial hours except in emergencies should ensure complete public acceptability.

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22 Peter Rover, Helicopter Adviser Tel: 020 8395 7418 E-mail pbrover@blueyonder.co.uk
Southampton University Hospital NHS Trust Project Southampton General Hospital North East
Car Park Helipad Feasibility Report June 2010 **Appendix A - Helipad Marking and Lighting 28**
9.5m+ x 1000mm 28m 28M 3M

FATO Perimeter lights – green as per ICAO specification. Flood lights to be Xenon x 4 set normal to preferred flight paths

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Appendix B (1) – Noise Certificate

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Appendix B (2)

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Appendix C (1) Aerial Photograph showing intended location of Helipad

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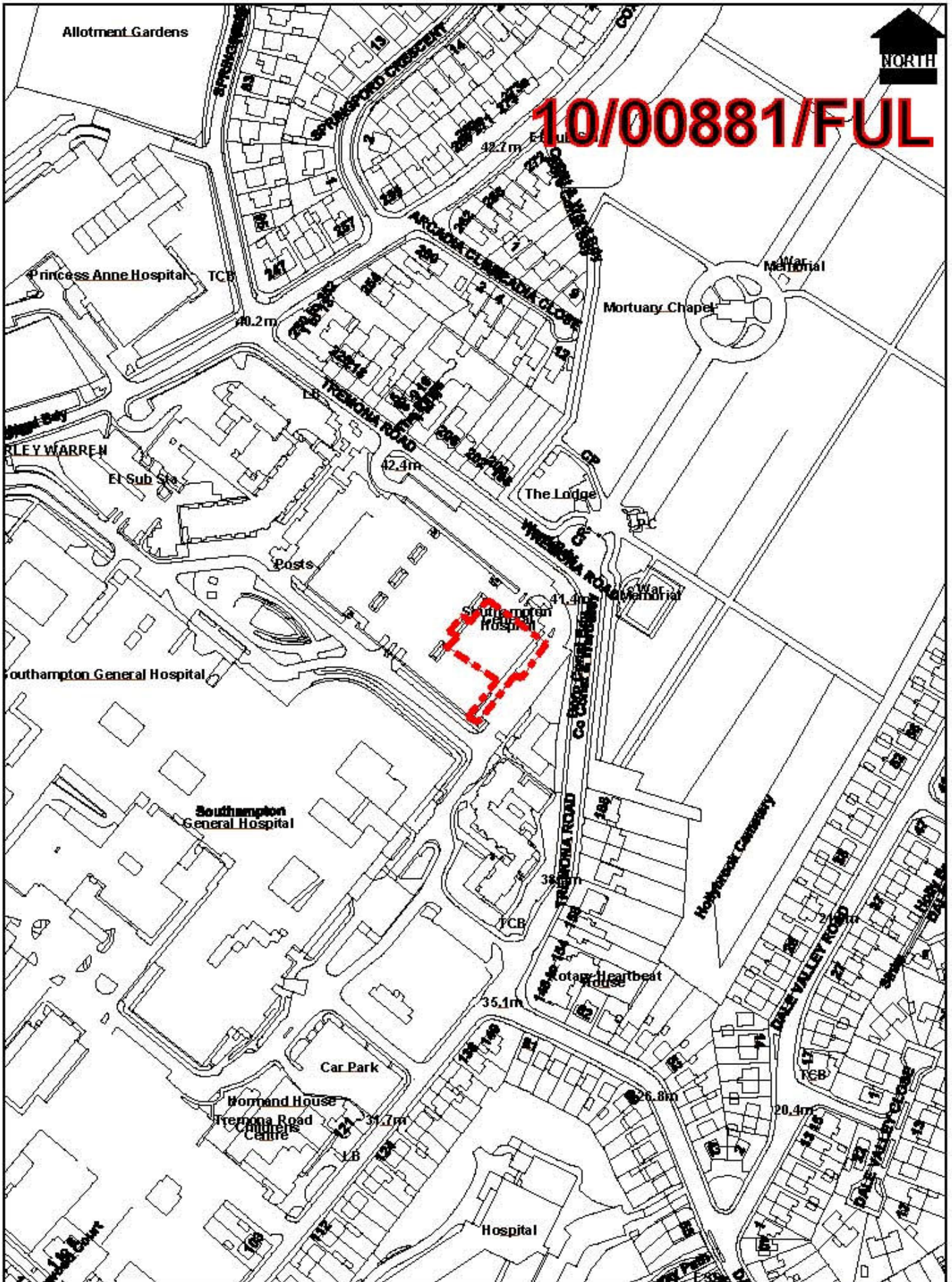
Appendix D

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- I. International Civil Aviation Organisation (ICAO) Annex 14, Volume ii – Heliports;
- II. ICAO Document 9261-AN/903 – Heliport Manual Third Edition;
- III. ICAO Annex 6 Operation of Aircraft, Part iii, International Operations – Helicopters;
- IV. CAP 437, Offshore Helicopter Landing Areas – Guidance on Standards; (available on www.caa.co.uk)
- V. CAP 768 Guidelines to Operators – Provision of Rescue and Fire Fighting Services; (RFFS) for Helicopters at Onshore Unlicensed Operating Sites used for the Purpose of Public Transport of Passengers; (available on www.caa.co.uk)

- VI. CAA Paper 2004/02 - Helipad Design Considerations; (available on www.caa.co.uk)
- VII. UK Air Navigation Order and Regulations (CAP 393); (available on www.caa.co.uk)
- VIII. EU/JAR-OPS 3 –Helicopter Commercial Air Transport Operations;
- IX. HBN 15-03 – DOH Hospital Helipads.

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Scale : 1:2500

Date : 16 August 2010

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Application address:			
Land rear of 58 Park Road			
Proposed development:			
Erection of a 2-storey, 2-bed house with associated bin/cycle storage and pedestrian access from Mansion Road			
Application number	10/00598/FUL	Application type	FUL
Case officer	Bryony Giles	Public speaking time	5 Minutes

Applicant: Mr Robert Dixon	Agent: Concept Design & Planning
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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. In visual terms the proposals will bring improvements to the streetscene, and the additional residential accommodation will contribute to the mix of housing available within this location and provide an appropriate residential environment for future occupants of the site. 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, and SDP9 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS4, CS5, CS13, CS16, CS19, CS20 and the Council’s current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS1 (Delivering Sustainable Development) and PPS3 (Housing 2010) are also relevant to the determination of this planning application.

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally Approve

1.0 The site and its context

1.1 The application relates to the rear garden of a two storey detached dwelling house located within the Freemantle area of Southampton.

1.2 The unusually shaped plot is ‘dog legged’ at the rear, running parallel with the rear boundary of 56 Park Road (The Wellington Arms) to front Mansion Road.

1.3 The area of garden intended for development is currently occupied by a series of outbuildings including a garage. The garage is currently accessed via Mansion Road.

1.4 The outbuildings are ancillary to the main use of the dwelling.

1.5 The surrounding area is predominantly (two storey) residential in nature and interspersed with commercial, namely the Wellington Arms public house to the north of the site and a car repair workshop directly opposite. To the west, an electricity substation bounds the site.

2.0 Proposal

2.1 The application seeks consent for the development of a single dwelling house within the curtilage of 58 Park Road.

2.2 The proposal involves the demolition of the existing outbuildings to be replaced with a modern two bedroom dwelling house that has been designed to respond to the sites constraints. The proposal provides a private garden for future occupants, as well as purpose built cycle and refuse storage.

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

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

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

3.5 Planning Policy Statement 3 (Housing - published June 2010) (PPS3) states there is no presumption that land that is previously developed will be necessarily suitable for housing development nor that the whole curtilage should be developed. More intensive development is not always appropriate, in particular, the Local Planning Authority should be carefully considered when the location of the development does not enhance the character and quality of an area. Land such as private residential gardens is excluded from the definition of previously developed land (although it may feature paths, pavilions and other buildings).

3.6 PPS 3 does not require the site to be developed to a minimum density to make efficient and effective use of land. The site is located in a medium accessible zone as the defined by policy CS19 (Car and cycle parking) of the Core Strategy, which is a suitable location for a density development of 50 to 100 dwellings per hectare to achieve efficient development of land in accordance with policy CS5 (Housing density).

3.7 The Local Planning Authority should be satisfied that the efficient use of land in this case does not compromise the quality of the local environment, which is a requirement of PPS 3, policy SDP7 (Context) of the Local Plan Review and CS13 (Fundamentals of Design) of the Core Strategy. These policies and guidance seeks to assess whether a development will cause material harm to the character and/or appearance of an area in context with the quality of the local environment such as visual characteristics.

4.0 Relevant Planning History

09/00709/FUL

Refused 07.09.2009

Erection of 2 storey 2 x bed house with associated bin/cycle store and access from Mansion Road.

Reasons:

1. Design

The proposed two-storey dwelling house would be out of keeping with the character and appearance of the area by reason of its design, massing and external appearance. Accordingly the development would be detrimental to the visual amenities of the area, contrary to policies SDP1, SDP7, SDP9, H2 and H7 of the adopted City of Southampton Local Plan Review (March 2006) and the relevant sections of the Council's approved Residential Design Guide SPD (September 2006).

2. Amenity

The proposed dwelling house represents an un-neighbourly form of development by reason of the first-floor bedroom window within the rear elevation giving rise to overlooking and loss of privacy to 60 Park Road. Accordingly the development would be detrimental to the residential amenities of neighbouring occupiers, contrary to policies SDP1, SDP7, SDP9, H2 and H7 of the adopted City of Southampton Local Plan Review (March 2006) and the relevant sections of the Council's approved Residential Design Guide SPD (September 2006).

3. Access

The proposed layout does not provide a sufficient external access width to allow comfortable manoeuvrability for wheelchair users, and the movement of wheelie bins and bicycles. Accordingly the proposal would provide an unacceptable residential environment for future occupiers, contrary to policies SDP1 and H7 of the adopted City of Southampton Local Plan Review (March 2006) and the relevant sections of the Council's approved Residential Design Guide SPD (September 2006)

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 and erecting a site notice (03.06.2010). At the time of writing the report **0** representations have been received from surrounding residents

5.2 **SCC HDC** – No objections raised subject to the imposition of the following conditions:-

- Fully enclosed, secure and lockable cycle storage to be provided.
- Details to be submitted to ensure that all temporary contractors' buildings, plant and stacks of materials and equipment associated with the development shall be stored within the site and not be stored or operated from the public highway.
- Wheel cleaning measures to be undertaken during the course of construction.

Response

Conditions will be imposed as requested.

5.3 SCC Environmental Health –A condition requiring a scheme to protect houses from the noise generated by the adjacent transformer unit and commercial premises opposite to be submitted to the local planning authority and agreed in writing prior to the commencement of development.

5.4 SCC Sustainability Team – No objections raised subject to the imposition of conditions relating to the provision of 20% renewable energy, further details to be submitted regarding the green roof and the requirements to meet Code for Sustainable Homes level 3.

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. Density and Design
- iii. Residential Amenity;
- iv. Sustainability

6.2 Principle of Development

6.2.1 The proposal would involve the development of garden land which has been recently removed from the definition of previously developed land on the 9th July update to PPS3: Housing. PPS3 indicates that the priority for development is on previously developed land (paragraph 36 refers).

6.2.2 Paragraph 4.5.16 of the Core Strategy specifies that the Strategic Housing Land Availability Assessment (SHLAA) demonstrates that housing need in the city can be accommodated on identified sites without relying on windfall sites. All of the identified sites for housing are brownfield. As such the principle of developing the garden of an existing property to provide additional housing is no longer acceptable as a result of the update to PPS3.

6.2.3 Notwithstanding the above, and whilst there is a clear presumption against development on garden land, where it can be demonstrated that the existing character is not harmed and the contribution that the garden makes is limited to the character of that site and/or area, planning applications for development on garden land should be considered with regards to the context and character of the surrounding area.

6.2.4 The government's strategic housing and planning policy objectives in PPS3 have not changed. These include increasing sustainable, inclusive and mixed communities and delivering well designed housing in suitable locations. In addition, using land efficiently is still a key consideration in planning for housing (paragraph 45 of PPS3 refers). Good design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.

6.2.5 The footprint of the proposed dwelling does not increase that of the existing outbuildings on the site. It will replace outbuildings which have a negative visual impact within the Mansion Road street scene with modern residential accommodation that responds to the character and context of the area. The level of accommodation provided would be suitable for a family, offers private amenity space and will meet required energy efficiency standards.

6.2.6 It is therefore judged that the benefits of this proposal outweigh the potential harm of development on garden land and the principle of development on this site should be accepted.

6.3 Density and Design

6.3.1 Density: The site is located within a medium accessibility area. The proposed density of 82 dwellings per hectare accords with requirements of policy CS5 which advocates net density levels of 50-100 dph in areas of medium accessibility.

6.3.2 Design: In order to overcome the previous reasons for refusal the agent has designed a bespoke building to overcome the constraints of the site and respond to the context of the existing street scene through a modern design solution.

6.3.3 The design takes on a contemporary feel with the use of timber cladding and zinc finishing's to complement its simple form. To the rear, its single storey element reduces the overall bulk and massing of the building whilst giving an additional living area and providing opportunity for a 'living' green roof. The massing of the building is in proportion with the surrounding street scene and respects existing build lines.

6.3.4 Cycle and refuse storage is provided to the front of the property and has been designed to form the boundary facing the street frontage. It is considered that this is a good use of space and will resolve issues of having to walk bicycle and bins through the property to the rear of the site.

6.3.5 However, it is considered that the height of the cycle store is too great and should be reduced to 1m. Having discussed this with Highways DC officers it is agreed that a reduction in the cycle stores height will not restrict its use. A condition requiring revised plans to be submitted is recommended.

6.3.6 A car free scheme is considered acceptable given that the site is located within a medium accessibility area and within walking distances of local shops and amenities well as the Shirley town Centre.

6.3.7 The proposed development will make a positive contribution to enhancing the character of the street scene as advocated within paragraphs 3.7.6 – 3.7.9 of the residential design guide. Its layout would respect the urban grain and not detract from its existing character in accordance with saved policies SDP1, SDP7 and SDP9 of the local plan review.

6.4 Residential Amenity

6.4.1 The design and layout of the building ensures that neighbouring dwellings are not overlooked yet future occupants will benefit from natural light and outlook to and from habitable rooms.

6.4.2 The property will be visible from neighbouring gardens but will not affect light or outlook to and from these dwellings.

6.4.3 In order to ensure the residential amenity of neighbouring properties is retained conditions removing the dwellings permitted development rights and preventing any means of enclosure around the flat roof will be imposed.

6.4.4 Garden sizes within the surrounding area vary. Whilst older properties retain a more generous garden provision there are clear examples of infill developments within the area that have reduced garden sizes.

6.4.5 Whilst not complying with the amount of amenity space required by paragraph 2.3.14 of the residential design guide for detached houses, it is considered that the provision of 50m² of amenity space is sufficient given the size of the dwelling proposed. Furthermore, the amenity space proposed is useable and fit for purpose. It will receive good amount of sunlight and daylight and is private. Similarly, it is considered that the level of amenity space retained for 58 Park Road, by reason of its usability and good levels of sunlight and day light retained will be fit for purpose.

6.5.6 The mix of commercial uses within the immediate area is not considered to be detrimental to the quality of residential environment achievable on this site. Appropriate conditions can be imposed to mitigate against potential noise disturbance to residents from these uses.

6.4.7 For the reasons discussed it is judged that the proposal meets the relevant requirements of the residential design guide and saved policies SDP1 and SDP9 of the local plan.

6.5 Sustainability

6.5.1 The proposal meets policy CS20 of the Core Strategy through its provision of a green roof and the applicant's intention to meet code for sustainable homes level 3. Appropriate conditions will be imposed to ensure that the development is built to this standard.

7.0 Summary

7.1 The principle of development within garden land is accepted due to the footprint and layout of existing outbuildings within the application site.

7.2 In visual terms the proposals will bring improvements to the street scene, and the additional residential accommodation will contribute to the available mix of accommodation with Southampton.

7.3 The proposed development will not harm the existing residential amenity of neighbouring dwellings.

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(a), 2(b), 7(c), PPS3 (2010) and the Residential Design Guide.

BG for 31.08.2010 PROW Panel

PLANNING CONDITIONS

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

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

Reason:

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

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

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

Reason:

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

03. APPROVAL CONDITION - 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 A (enlargement of a dwelling house), including a garage or extensions,

Class B (roof alteration),

Class C (other alteration to the roof),

Class D (porch),

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

Class F (hard surface area)

Reason:

In order that the Local Planning Authority may exercise further control in this locality given the small private garden and amenity areas provided as part of this development in the interests of the comprehensive development and visual amenities of the area.

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 - Code for Sustainable Homes [Pre-Occupation Condition]

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

REASON:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010). Also to comply with policy NRM11 of the Regional Spatial Strategy for the South East of England adopted version (May 2009) – CSH has since replaced Eco Homes for new build developments.

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 20% 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)

07. Approval Condition – Green Roof [Pre-commencement condition]

Prior to the commencement of works, details relating to the implementation, management and maintenance of the green roof (to include the proposed species, heights and density of planting) hereby approved shall be submitted to and agreed in writing by the local planning authority. The green roof 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.

Reason:

To reduce flood risk and manage surface water run off in accordance with core strategy policy CS20 (Tackling and Adapting to Climate Change) and CS23 (Flood risk), combat the effects of climate change through mitigating the heat island effect in accordance with policy CS20, enhance energy efficiency through improved insulation in accordance with core strategy policy CS20, promote biodiversity in accordance with core strategy policy CS22

(Promoting Biodiversity and Protecting Habitats), contribute to a high quality environment and 'greening the city' in accordance with core strategy policy CS13 (Design Fundamentals), and improve air quality in accordance with saved Local Plan policy SDP13.

08. APPROVAL CONDITION - Boundary fence [Pre-commencement Condition]

Prior to the commencement 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.

09. Approval Condition - Cycle & Refuse store details [Pre-Commencement Condition]

Notwithstanding the development hereby approved, details and plans of the proposed cycle and refuse store must be submitted to the local planning authority and approved in writing prior to the commencement of development. The plans must amend the height and scale of the cycle store as shown on drawings C10/62.03 and C10/62.05 and show full details of the proposed refuse store, including elevations. The development shall be built in accordance with the agreed details and thereafter retained at all times for the purposes for which it is provided.

Reason

To encourage cycling as an alternative form of transport and to ensure a scale of development that enhances the character of the street scene.

10. APPROVAL CONDITION - Contractors Compound (Pre-Commencement Condition)

Detailed plans specifying the areas to be used for contractors 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 shall be submitted to and approved in writing by the Local Planning Authority before development commences on site. The development shall proceed in accordance with the agreed details

Reason:

For the avoidance of doubt and in the interests of the amenities of nearby residents.

11.

Approval Condition – soundproofing [Pre-Commencement Condition]

Details of measures to make provision for soundproofing so as to protect the occupants of the dwelling units from nearby sources of noise nuisance shall be submitted to and approved by the Local Planning Authority before the development commences, such measures shall include windows of sealed double glazed units fitted with acoustic trickle vents. The agreed scheme of soundproofing shall be fully implemented to the satisfaction of the local planning authority before the dwelling units hereby approved are first occupied.

Reason

To protect the amenities of the occupiers of the proposed dwellings.

12. 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.

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

Works pursuant to this permission shall not be commenced until a scheme for protecting the proposed flats and houses from noise from the adjacent transformer and commercial units (including the body/car repair workshop and public house) has been submitted to and approved by the local planning authority in writing.

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 the dwelling is first occupied and thereafter retained at all times.

Reason:

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

Notes 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.

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)

CS5	Housing Density
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change

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
SDP16	Noise

Supplementary Planning Guidance

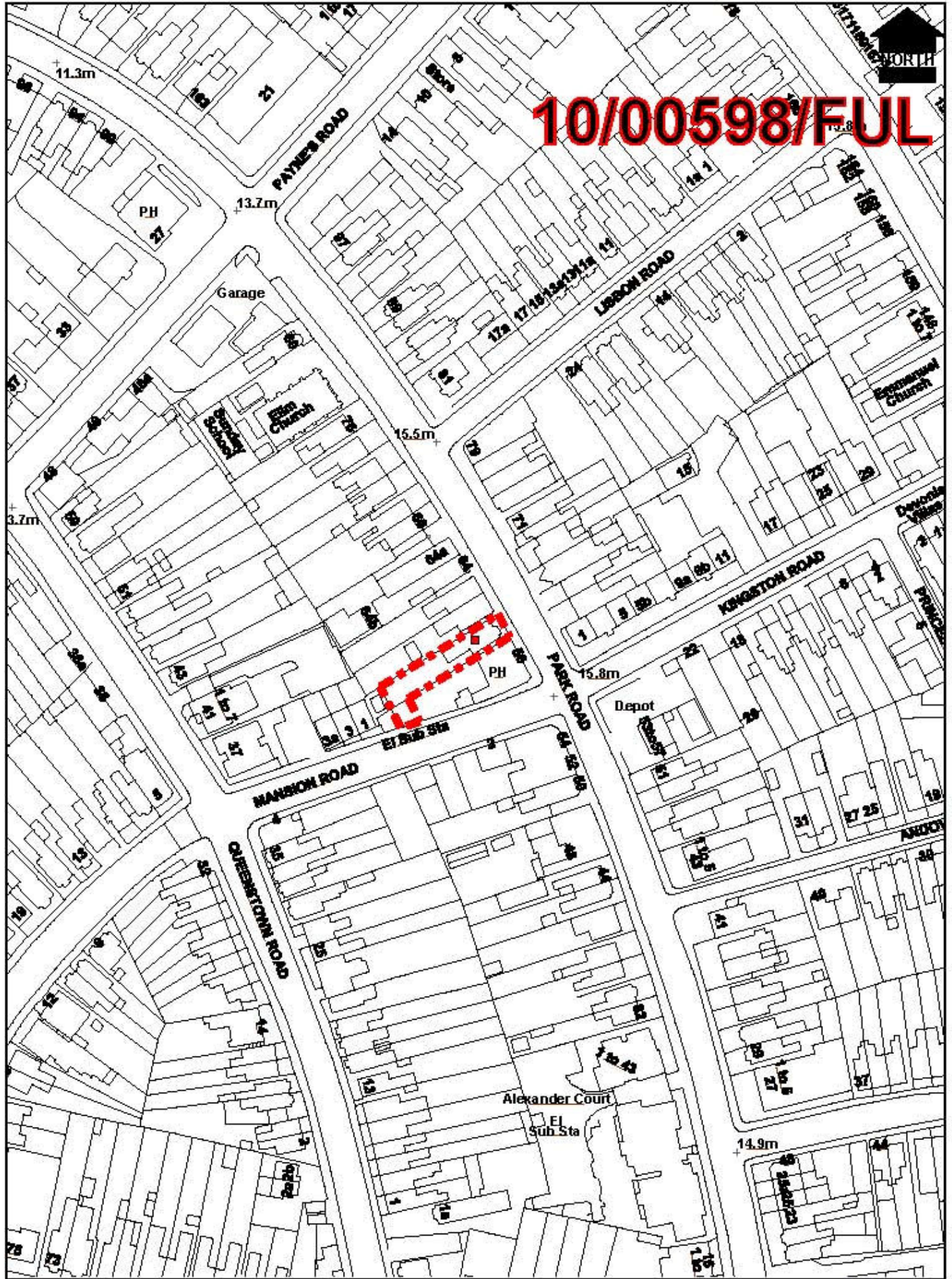
Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

PPS1	Delivering Sustainable Development (2004)
PPS3	Housing (2010)
PPG24	Planning & Noise (2004)



10/00598/FUL



Scale : 1:1250

Date : 17 August 2010

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Agenda Item 17

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 31st August 2010
Planning Application Report of the Planning and Development Manager

Application address:			
Land rear of 88 - 90 High Road, Southampton			
Proposed development:			
Erection of a 2 storey building to create 4 x 1 bed flats with associated cycle/refuse stores (outline application seeking approval for access, appearance, layout and scale)			
Application number	10/00653/OUT	Application type	Outline
Case officer	Stuart Brooks	Public speaking time	

Applicant: Mr Robert Poswall	Agent: Mr Rob Wiles
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Recommendation Summary	Delegate to Planning and Development Manager to refuse planning permission subject to criteria listed in report
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Appendix attached			
1	Development Plan Policies		

Reasons for Refusal

Reason 1 – Impact on character of the local area

The proposed development would involve the development of a private residential garden contrary to the guidance contained within Planning Policy Statement 3 (Housing - published June 2010) which requires priority to be given to developments on previously developed land. The City Council, as local planning authority, has identified sufficient development land to meet its housing target through its Core Strategy and Strategic Housing Land Assessment. The application site is not within a list of such recognised or committed sites. Due to it's backland location and having regard to the existing pattern of development in the area the proposal is also considered to be out of character with the surrounding context defined by the wider spatial character and appearance of the local area which mainly consists of rear garden land with typically ancillary small scale buildings.

The proposal would therefore prove contrary to Policies CS4, CS5 and CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) and the saved policies SDP7 of the adopted City of Southampton Local Plan Review (March 2006) as supported by the relevant

sections of part 3 of the approved Residential Design Guide Supplementary Planning Document (September 2006).

Reason 2 – Risk of crime

The main access route to the proposed residential units formed by the layout of the proposed boundary treatment to the garden of the existing property at 88 High Road is not designed to minimise the opportunity for crime as there is a lack of natural surveillance to the detriment of quality of the residential environment for future occupiers. Furthermore, the proposed post and rail fencing is considered to be a wholly inappropriate form of boundary treatment as an effective security measure adjoining the existing car park area to the north.

The proposal would therefore be contrary to saved policy SDP1 of the adopted City of Southampton Local Plan Review (March 2006) as supported by the relevant sections of part 4 of the approved Residential Design Guide (September 2006).

Reason 3 – Tackling climate change

The application fails to demonstrate that the proposed development would contribute towards the council's objective of adaptation to and mitigation of climate change, by committing to an improvement of energy and water efficiency; furthermore measures proposed to reduce surface water run off have not been detailed.

Accordingly the scheme fails to comply with policy CS20 of the Core Strategy Local Development Framework Core Strategy Development Plan Document (January 2010).

Recommendation in Full

Refusal.

1.0 The site and its context

1.1 This application site comprises of two storey semi-detached building containing commercial units at ground floor level, including a restaurant, fronting High Road and residential units on the rear and above floors. These units are accessed from the side pedestrian passageway. The site is located within the Swaythling Local Centre. The Local Centre frontage is characterised by mainly two storey properties of varying form and style with a mix of retail and other commercial units on the ground floor. To the rear of the site and separated from it by a rear access road (Parkville Road) are the rear gardens and elevations of a row of detached and semi-detached houses.

1.2 The application site is an extensive grassed area to the rear of 88-90 High Street which is directly accessible by the occupiers of the residential units in the

existing property. The area provides space for bin storage and clothes drying and appears to form a private residential garden. This is in immediate proximity to the private gardens of residential properties to the east and south of the site which benefit from small scale ancillary buildings and define the prevailing character of the local area. There is a hard surfaced area to the north bounding the lower end of the garden, and a number of tall trees provide a green setting to the south within the adjoining garden.

2.0 Proposal

2.1 Outline Planning permission comprising details of access, appearance, layout and scale is sought. The intention is to subdivide the existing curtilage and erect a 2 storey building to create 4 x 1 bed flats with associated cycle/refuse stores. Separate curtilages for the flats to the rear of the existing property be provided. Access to the site (for pedestrians only) will utilise the existing side access onto High Road between the neighbouring property 86 High Road A refuse collection point situated close to the public highway is provided.

2.2 The characteristics of the application site and the new curtilage formed for the existing properties are set out below.

Site density – 133 dwellings per ha

Site coverage – 41%

Private useable amenity for both ground floor units – 27 and 24 sqm

Shared communal space for all flats – 57 sqm

Private amenity space for flats rear of 88 High Road – 45 sqm

Private amenity space for flats rear of 90 High Road – 56 sqm

3.0 Relevant Planning Policy

3.1 The Development Plan for Southampton 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 Planning Policy Statement 3 (Housing - published June 2010) (PPS3) states there is no presumption that land that is previously developed will be necessarily suitable for housing development nor that the whole curtilage should be developed. More intensive development is not always appropriate, in particular, the Local Planning Authority should be carefully considered when the location of the development does not enhance the character and quality of an area. Land such as private residential gardens is excluded from the definition of previously developed land (although it may feature paths, pavilions and other buildings).

3.3 PPS 3 does not require the site to be developed to a minimum density to

make efficient and effective use of land. The site is located in a medium accessible zone as defined by policy CS19 (Car and cycle parking) of the Core Strategy, which is a suitable location for a density development of 50 to 100 dwellings per hectare to achieve efficient development of land in accordance with policy CS5 (Housing density).

3.4 The Local Planning Authority should be satisfied that the efficient use of land in this case does not compromise the quality of the local environment, which is a requirement of PPS 3, policy SDP7 (Context) of the Local Plan Review and CS13 (Fundamentals of Design) of the Core Strategy. These policies and guidance seeks to assess whether a development will cause material harm to the character and/or appearance of an area in context with the quality of the local environment such as visual characteristics.

3.5 Policy CS20 (Tackling climate change) of the Core Strategy requires the development to demonstrate that a minimum of level 3 can be met under Code for Sustainable Homes. This commitment should be alongside incorporating measures such as using renewable energy to contribute towards the council's objective of adaptation to and mitigation of climate change by committing to an improvement of energy to reduce carbon dioxide emissions, and water efficiency.

4.0 Relevant Planning History

4.1 The planning records show that the following applications have been previously considered at the application site and adjacent sites which are related:-

1574/M68 - Change of use from shop to takeaway food shop – CAP 28.10.1980

05/01199/FUL - Change of use to office (Use Class B1) – SCCWDN 29.12.2005

06/01432/FUL - Change of use from retail (A1) to a restaurant/takeaway (A3 and A5) – CAP 13.11.2006

100 - 102 High Road

07/00312/FUL - Redevelopment of the site. Demolition of the existing buildings, erection of a two-storey building for retail use fronting High Road and a three/two-storey block of 13 flats at the rear (8 x 1 bedroom, 4 x 2 bedroom, 1 x 3 bedroom flats) with associated parking – CAP 18.10.2007

Area Housing Office, Youth Centre and car park site Parkville Road and land on south side of Parkville Road at rear of 96-102 High Road

08/01489/FUL - Redevelopment of the site. Demolition of the existing buildings and erection of new buildings (part two-storey, part three-storey, part four-storey and part fourteen storeys) to provide a mixed use development comprising a Medical Centre, community use, retail use and 81 flats (40 x two-bedroom, 41

one-bedroom) with associated parking, landscaping and access facilities (amended application to ref. 08/00081/FUL to include additional land) – CAP 09.01.2009

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 3 representations have been received from surrounding residents. A summary of these comments are set out below.

5.2 **Properties built in rear gardens should be rejected in this location, as this will set a precedent for further applications in adjoining plots to the rear of shops in High Road.**

Response

Each application should be considered on its own individual merits to consider whether the land is classified as previously developed land, the land is suitable for the form and density of development proposed in terms of the character and quality of the area and the residential amenity of nearby occupiers.

5.3 **Parkville Road is a private road that cannot be used for access during construction.**

Response

The use of private land is not enforceable by the Local Planning Authority. The applicant has not demonstrated that there is right of access to this road, or shown an intention to use the road during construction. Details can be sought and agreed with the applicant to ensure the access for construction vehicles will be via an alternative route.

5.4 **SCC Highways** – The Highway Officer has raised no objection, subject to reducing the number of bins; the bin collection point should not be marked by any structure or boundary treatment; the 30m refuse carry distance only applies to refuse bags, there are no distance restrictions for pushing wheelie bins so collection point can be adjacent to the public highway; and provide details of material storage during construction.

5.5 **Southern Water** - No objection raised, subject to the applicant applying for a connection to the public sewer.

5.6 **Hampshire Constabulary Crime Prevention Team** - Objection raised, as the access route into the property does not conform to a well designed path that minimises the opportunity for crime. The proposed post and rail fencing is wholly inappropriate as an effective security measure for the part of boundary of

the proposed development bordering the car park.

5.7 SCC Heritage Conservation Team – Objection raised to the installation of the decking which detract from the character and appearance of the historically important façade, however, no objection raised to the use of tables and chairs and rope rail on posts on a daily basis.

5.8 SCC Council Tax - The property at 88A High Road is registered under Council Tax records being a residential property.

5.7 Sustainability Team - Objection raised, as the pre-assessment estimator indicates that the development will achieve no code level.

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 Environment;
- iii. Amenity of Neighbouring Occupiers;
- iv. Highways and Parking;
- v. Design, and Impact on Established Character;
- vi. Tackling Climate Change

6.2 Principle of Development

6.2.1 The characteristics and layout of the application site are considered to represent part of the curtilage of a private residential garden in terms of the large open grassed space fit for family use which is directly accessible from the rear residential units. SCC Council Tax department have confirmed that the property at 88A High Road is registered under Council Tax records as being a residential property.

6.2.2 Therefore, the proposed development would involve the development of a private residential garden, where this class of land is excluded from the definition of previously developed land (although it may feature paths, pavilions and other buildings), contrary to the guidance contained within Planning Policy Statement 3 (Housing - published June 2010) which requires priority to be given to developments on previously developed land.

6.2.3 The City Council, as local planning authority, has identified sufficient development land on previously developed land in the city to meet its housing target through its Core Strategy under policy CS4 (Housing Delivery) and Strategic Housing Land Assessment. The application site is not within a list of such recognised or committed sites.

6.2.4 The proposed development is measured to have a density of 133 dwellings per hectare which does not generally accord with the density requirements of policy CS5 and, therefore, is not considered a suitable level of development for this location.

6.2.5 The principle of redevelopment is, therefore, not accepted taking into account recent government planning guidance set out in PPS3.

6.3 Residential Environment

6.3.1 The ground floor flats will have direct access to private useable space comprising of 27 and 24 sq m, and there be 57 sq m of shared communal space to the front of the building for all flat occupiers. This space is meets the minimum standards set out in the Council's Residential Design Guide, and the quality of the space is considered fit for purpose. The remaining private amenity space for flats rear of 88 and 90 High Road will be 45 sq m and 56 sq m, separated by a 1.8 tall close boarded fence, which again meets the minimum standard required and the quality of the space is suitable.

6.3.2 The Crime Prevention Officer has raised an objection, as the access route into the property does not conform to a well designed path that minimises the opportunity for crime. As the height of the close boarded combined with the 90 degree turn will create an enclosed alleyway that lacks natural surveillance to ensure a safe access as occupiers enter and leave the property. Furthermore, the proposed post and rail fencing is wholly inappropriate as an effective security measure for the part of boundary of the proposed development bordering the car park.

6.3.3 As such the proposal will create an unsecure access increasing the risk crime to the detriment of quality of the residential environment for future occupiers and therefore be contrary to saved policy SDP1 of the City of Southampton Local Plan Review (March 2006) as supported by the relevant sections of part 4 of the Residential Design Guide.

6.4 Amenity of Neighbouring Occupiers

6.4.1 The layout and scale of the proposed development will not prejudice residential amenity of the future occupiers considered for the residential development under permission 07/00312/FUL at 100 – 102 High Road.

6.4.2 Shadow diagrams supporting the application shows that the massing of the two storey building will not excessively overshadow the amenity space of neighbouring properties. The layout of the building in relation to adjacent properties will meet the minimum back to back separation distance of 21 metres between habitable room windows to ensure no adverse loss of privacy to

neighbouring occupiers. Furthermore, the layout of the proposal when viewed from the adjoining garden space at 86 High Road is long and open enough not to significantly dominate the outlook of the neighbouring occupiers.

6.4.3 As such the impact on neighbouring occupiers is considered to be acceptable and the proposal will therefore comply with policies SDP1 and standards of the Council's Residential Design Guide.

6.5 Highways and Parking

6.5.1 The principle of a car free residential development is acceptable in this medium accessible location in close walking distance to local amenities and main bus route on Burgess Road and High Road. The Council's Highways Officer has raised no objection to the layout of the access and cycle storage, however, has advised on improvements which can be secured under condition to reduce the number of bins serving the development, not enclose the bin collection point with any structure or boundary treatment, there are no distance restrictions for pushing wheelie bins so collection point can be adjacent to the public highway. Further details of material storage during construction should be agreed by the Local Planning Authority.

6.5.2 As such the proposal is considered to have an acceptable impact on highway safety to comply with policy SDP1 of the Local Plan Review and CS19 of the Core Strategy.

6.6 Design, and Impact on Established Character

6.6.1 It has been demonstrated by the applicant that the layout and massing of the building will have an acceptable impact on the residential amenity of neighbouring to meet the standards set out in the Residential Design Guide in terms of level of outlook, privacy and light. The design of the proposed building, principle of car free development, and layout of cycle and bin storage is judged to be acceptable.

6.6.2 Whilst these above elements of the proposal are mostly acceptable, the layout of the proposed development, and in particular its backland location, is judged to be out of character with the context of the prevailing spatial pattern of development in the local area which mainly consists of rear residential private gardens to the east and south of the site containing small scale ancillary buildings with properties mainly facing back to back.

6.6.3 The agent was requested at pre application stage to provide supporting information to demonstrate that the proposed building would be in keeping with the context of the visual character of the local area. In response, the Local Planning Authority considers that the two storey building at the lower end of the garden would stand alone in isolation not formally addressing the street frontage

as is typical of surrounding development.

6.6.4 Additionally the two storey height, scale and massing of the building would be out of context with the small scale proportions of the ancillary structures found in the rear gardens which surround the site. Whilst, residential and commercial developments of a larger scale have been recently approved nearby (a tower building on a key gateway site to the city, and part 2 to 3 storey building to the rear of 100 - 102 High Road) these sites formally address the street frontage as a genuine landmark and infill plots rather than representing the type of backland development proposed by this application.

6.6.5 As such the proposal will have an unacceptable impact on visual amenity contrary to saved policy SDP7 of the City of Southampton Local Plan Review (March 2006) and policy CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010) as supported by the relevant sections of part 3 of the Residential Design Guide Supplementary Planning Document (September 2006) and Government Planning Policy Statement 3 (Housing - published June 2010).

6.7 Tackling Climate Change

6.7.1 The Sustainability Officer has raised an objection, as the pre-assessment estimator indicates that the development will achieve no level under Code for Sustainable Homes. This contrary to policy CS20 of the Core Strategy as the development should demonstrate that a minimum of code level 3 can be met. This commitment should be alongside incorporating measures such as using renewable energy to contribute towards the council's objective of adaptation to and mitigation of climate change by committing to an improvement of energy to reduce carbon dioxide emissions, and water efficiency.

6.7.2 Therefore, the application fails to demonstrate that the proposed development would contribute towards the council's objective of adaptation to and mitigation of climate change, by committing to an improvement of energy and water efficiency. Furthermore, measures proposed to reduce surface water run off have not been detailed and accordingly the scheme fails to comply with policy CS20 of the Core Strategy Local Development Framework Core Strategy Development Plan Document (January 2010).

7.0 Summary

7.1 The proposed development is considered to comply with the residential standards in terms of impact on neighbouring occupiers and quality of living conditions for future occupiers through provision of amenity space and other facilities such a refuse and cycle storage. However, whilst these elements of the scheme are judged to be acceptable, including the principle of car free development, the redevelopment of this rear amenity space, which is not

classed as previously developed land, is considered to be contrary to national guidance and, due to its back land location and scale and massing, out of context with the wider spatial character of the local area.

8.0 Conclusion

8.1 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 (e), 5 (e), 6(c), 7 (a), 7(c), 7(v), 7 (x), 9(a), 9 (b)

SB for 3

31.08.10 PROW Panel

POLICY CONTEXT

Core Strategy - (January 2010)

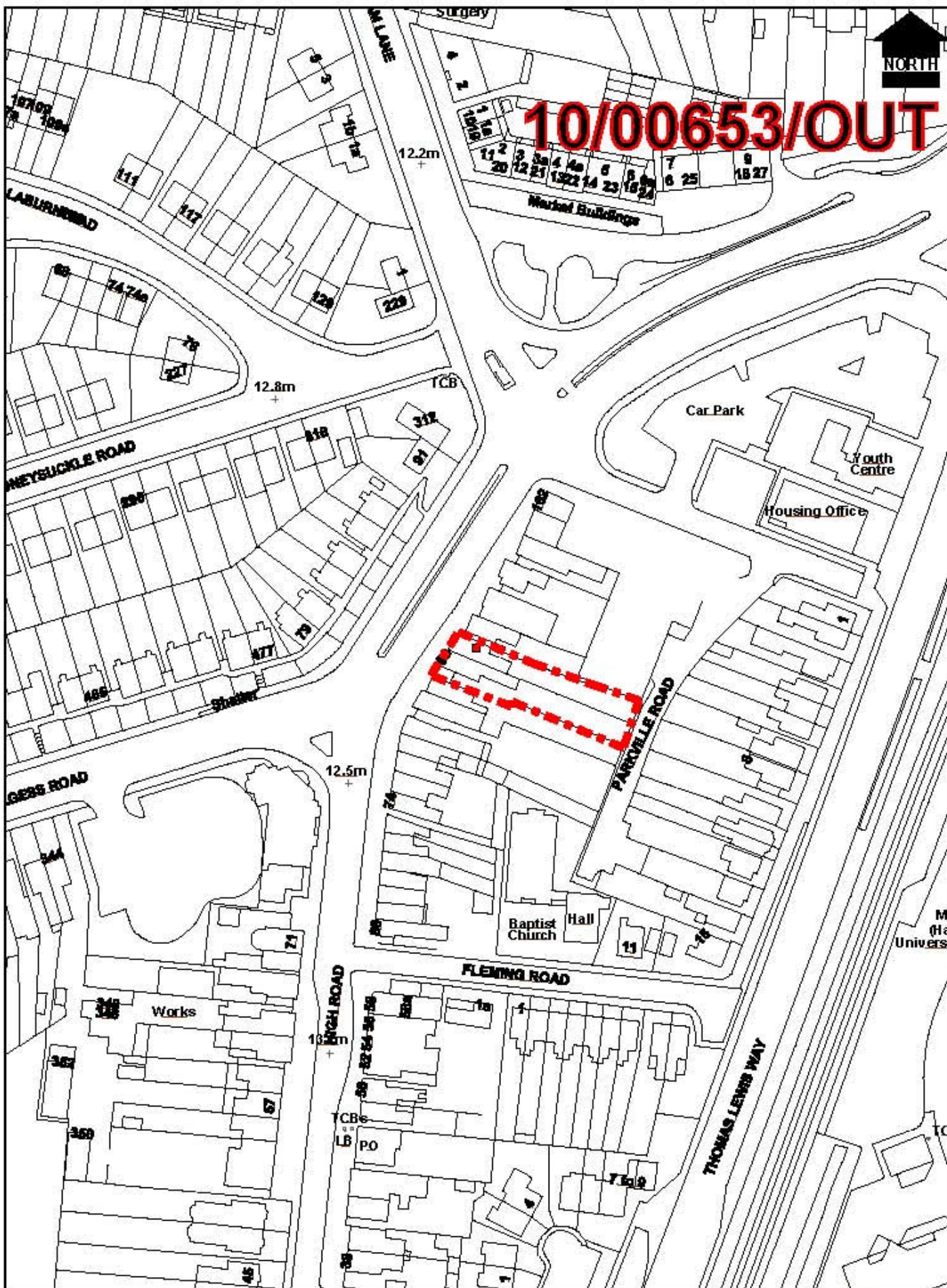
CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS19	Car & Cycle Parking
CS20	Tackling Climate Change

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
H2	Previously Developed Land
H7	The Residential Environment
REI6	Local Centres

Other Relevant Guidance

PPS1	Delivering Sustainable Development (2004)
PPS3	Housing (2010)
PPG24	Planning & Noise (2004)



10/00653/OUT



Scale : 1:1250

Date : 16 August 2010

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Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 31st August 2010
 Planning Application Report of the Planning and Development Manager

Application address:			
Former Magistrates Courts, Civic Centre, Bargate, Southampton			
Proposed development:			
Change of use of the courts and police block of the Civic Centre into a Sea City Museum with associated alterations and extensions at roof level and to the north side of the building.			
Application number	10/00020/R3CFL	Application type	Regulation 3
Case officer	Jenna Turner	Public speaking time	15 minutes

Applicant: Southampton City Council Leisure Services	Agent: Wilkinson Eyre Architects
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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Reason for Granting Permission

Reason for granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The development is an acceptable use for the Civic Centre and the proposed additions are considered to safeguard the special architectural or historic interest of the listed building and its setting. 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 CS1, CS13, CS14, CS18, CS19, CS20 and CS25 of the Local Development Framework Core Strategy Development Plan Document

Policies - SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, HE3, HE5, HE6, CLT1, MSA1, and MSA5 of the City of Southampton Local Plan Review (March 2006).

Appendix attached			
1	Previous Report to Planning and Rights of Way Panel and minutes of meeting	3	Development Plan Policies
2	Plan of Havelock Spur layout		

Recommendation in Full

Delegate the Planning and Development Manager to grant planning approval subject to

1. the Head of Leisure giving a written undertaking for the provision of the following:
 - a) Site specific highway improvements in the vicinity of the site in accordance with policies CS18, CS19 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
 - b) Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended).

1.0 Background

1.1 This application was delegated to officers to approve subject to criteria at the 16th March Planning and Rights of Way Panel. The officer report to panel and the minutes from the meeting are included as **Appendix 1** to this report. Since this time, the scheme has amended and this report seeks member's approval of the changes to the scheme.

1.2 The recommended planning conditions have also been altered and the changes are highlighted in the attached list.

2.0 Outline of changes to the proposal

2.1 The application no longer proposes the closure of the Havelock Road spur to general traffic and will also retain metered parking bays within this area. A coach drop-off area would be still provided to serve the museum as originally proposed.

2.2 Retaining the traffic within Havelock Spur would necessitate the reconfiguration of this area. Currently, the application proposes the removal of the footway to the north-west side of the Havelock Spur and the re-provision of the parking bays along the north-west side of the road. The coach drop-off point would continue to be located to the eastern side of the spur. An indicative plan of the Havelock spur arrangement is included in **Appendix 2** to the report.

3.0 Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 3**.

3.2 Policy CS1 of the Core Strategy supports further leisure development within city centre locations and promotes the creation of a cultural quarter in the Northern Above Bar Area. This is supported by saved policy MSA5 of the Local Plan Review which encourages the development of the Civic Centre and Guildhall Square as a mixed-use cultural quarter.

4.0 Further Consultation Responses

Following further consultation of the proposed change to the scheme the following comments have been received:

4.1 SCC Highways - No objections. Suggest a condition to secure the detailed design of the spur including the details of hard-surface treatment.

4.2 City Design - No objection in principle. Recommend a condition to secure adequate hard-surface treatment within the spur.

4.3 Historic Environment – No objection

4.4 English Heritage – At the time of writing no further comments have been received from English Heritage but a verbal update will be provided at the meeting.

5.0 Planning Consideration Key Issues

5.1 The main considerations are whether the amended proposal would have any adverse impact on either highway safety or setting of the development. In terms of highway safety, the Council's Highway officer is satisfied that the Havelock spur can be designed to accommodate the general traffic movements and the additional pedestrian and vehicular traffic which would be associated with the museum. As such a further planning condition is recommended to secure the detailed design of the road.

5.2 The closure of the Havelock spur to general traffic would have provided the opportunity to create an open setting to the new museum extension. However, the impact of allowing the spur to remain open does not diminish the key positive attributes of the development as outlined in the report attached at **Appendix 1**.

6.0 Summary

6.1 The proposed alterations to the approved scheme are considered to be acceptable.

7.0 Conclusion

7.1 This application has been assessed as being acceptable to the appearance of the Listed Building and its context. The application is recommended for conditional approval, subject to the completion of the aforementioned items of delegation.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1 (a) (b) (c) (d) 2 (a) (c) (e) 6 (i) (l) 7 (a) (f) (o)

JT for 31.08.10 PROW Panel

PLANNING CONDITIONS

Please see conditions 03, 04 and 13 which have been amended since previous consideration at panel

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

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

Reason:

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

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

Notwithstanding the information shown on the approved drawings and application form no development works shall be carried out unless and until a 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, doors and the roof of the proposed

buildings has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details.

Reason:

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

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

A detailed landscaping scheme and implementation timetable, which clearly indicates the numbers, planting densities, types, planting size and species of trees and shrubs to be planted, means of enclosure, lighting and treatment of hard surfaced areas, shall be submitted to and approved in writing by the Local Planning Authority **in accordance with a timetable to be agreed prior to the commencement of development.**

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

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

The approved scheme shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Reason:

To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990.

04. APPROVAL CONDITION – Details of Hard Landscaping [pre-commencement condition]

Prior to the commencement of the development hereby approved, **a timetable for the submission of full details of the hard landscaping works to be carried out shall be submitted to the Local Planning Authority for approval in writing.** The details shall include samples of materials to be used, the existing and finished land levels and the design of paving to be laid. The development shall proceed in accordance with the agreed details.

REASON

To ensure a satisfactory setting to the building is provided.

05. APPROVAL CONDITION - BREEAM Standards (commercial development) [Pre-Occupation Condition]

Prior to the commencement of the development hereby approved, a feasibility study shall be submitted to the Local Planning Authority for approval in writing regarding the

attainment of a Very Good rating against the BRREAM standard (or equivalent ratings using an alternative recognised assessment method). This shall be verified in writing and implemented prior to the development first coming into use.

Reason:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS22 of the Core Strategy and SDP13 of the City of Southampton Local Plan (2006).

06. APPROVAL CONDITION - Ecological Mitigation Statement [Pre-Commencement Condition]

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, [as set out in the Ecological Appraisal Report October 2009, 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.

07. APPROVAL CONDITION – Lighting Scheme [pre-commencement condition]

Prior to the commencement of the development hereby approved, details of lighting scheme shall be submitted to the Local Planning Authority for approval in writing. The lighting shall be implemented as approved prior to the development first coming into occupation.

REASON

In the interests of reducing crime and anti-social behaviour and in the interest of the visual amenity of the area

08. APPROVAL CONDITION – Entrance screen detailing [pre-commencement condition]

Prior to the commencement of the development hereby approved detailed plans at a scale of no less than 1:20 of the new glazing to the entrance scheme shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the agreed details.

REASON

In the interest of the special historic and architectural character of the Civic Centre.

09. APPROVAL CONDITION – Details of signage [pre-commencement condition]

Notwithstanding the submitted information, prior to the commencement of development, full details of external signage shall be submitted to the Local Planning Authority for approval in writing. The signage shall be implemented in accordance with the agreed details prior to the development first coming into use.

REASON

In the interest of the special historic and architectural character of the Civic Centre.

10. APPROVAL CONDITION - Archaeological investigation [Pre-Commencement Condition]

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

Reason:

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

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.

Reason:

To ensure that the archaeological investigation is completed.

12. APPROVAL CONDITION - Archaeological structure-recording [Pre-Commencement Condition]

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

Reason:

To ensure that the recording of a significant structure is initiated at an appropriate point in development procedure.

13. APPROVAL CONDITION – Highway Works [pre-commencement condition]

Prior to the commencement of development, a detailed design for the layout of Havelock Spur including the materials to be used shall be submitted to the Local Planning Authority for approval in writing. The works shall be implemented in accordance with a timetable to be agreed by the Local Planning Authority.

REASON

In the interests of highway safety and the setting of the Grade II* Listed Building.

14. APPROVAL CONDITION – Coach and Taxi Bays [pre-occupation condition]

Prior to the development first coming into use, the coach drop off bays and taxi bays shall be provided and made available for use within the Havelock Road spur in accordance with the submitted plans and information. The bays shall be thereafter retained whilst the building is used for the development hereby approved.

REASON

In the interest of the safety and convenience of the users of the adjoining highway

15. APPROVAL CONDITION – Visitor Cycle Storage [pre-commencement condition]

Prior to the commencement of the development hereby approved, full details of the visitor cycle storage to be provided shall be submitted to the Local Planning Authority for approval in writing. The details shall include the number, type, appearance and location of visitor cycle hoops. The cycle storage shall be implemented as approved before the development first comes into use.

REASON

To promote cycling as a sustainable form of transport

16. APPROVAL CONDITION – Refuse and Recycling Bin Storage [performance condition]

The storage for refuse and recycling bins shall be provided in accordance with the plans hereby approved prior to the development first coming into use and thereafter retained as approved whilst the development is occupied for the approved use.

REASON

To ensure a satisfactory form of development

17. APPROVAL CONDITION – Staff Cycle Storage [performance condition]

The storage for staff bicycles shall be provided in accordance with the details hereby approved prior to the development first coming into use and thereafter retained as approved whilst the development is occupied for the approved use.

REASON

To promote cycling as a sustainable form of transport

18. APPROVAL CONDITION – Travel Plan [pre-commencement condition]

Prior to the commencement of development a sustainable travel plan shall be submitted to the Local Planning Authority for approval in writing, detailing how sustainable travel to and from the development hereby approved will be promoted. The development shall proceed in accordance with the agreed travel plan.

REASON

To promote sustainable forms of transport

19. APPROVAL CONDITION - Hours of Construction [Performance condition]

In connection with the implementation of this permission any demolition, conversion and construction works, including the delivery of materials to the site, shall not take place outside the hours of 8am and 6pm Mondays to Fridays and 9am and 1pm on Saturdays. Works shall not take place at all on Sundays or Public Holidays without the prior written approval of the Local Planning Authority. Any works outside the permitted hours shall be confined to the internal preparation of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To protect local residents from unreasonable disturbances from works connected with implementing this permission.

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

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement (CMS) for the development. The CMS shall include details of: (a) parking of vehicles of site personnel, operatives and visitors; (b) loading and unloading of plant and materials; (c) storage of plant and materials, including cement mixing and washings, used in constructing the development; (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary; (e) measures to be used for the suppression of dust

and dirt throughout the course of construction; (f) details of construction vehicles wheel cleaning; and, (g) details of how noise emanating from the site during construction will be mitigated. The approved CMS shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

REASON:

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

21. APPROVAL CONDITION – Hours of Deliveries [performance condition]

No deliveries (including construction traffic) during the hours of 08:30 to 09:30 and 16:00 and 17:30.

REASON

To ensure that deliveries to the site do not coincide with rush hour traffic

22. APPROVAL CONDITION – Servicing arrangements (Pre-Commencement Condition)

No development shall commence until details of a scheme to ensure that the use, maintenance and management of the service areas and the circulation of refuse and delivery vehicles for both the civic centre and the museum is unhindered has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of necessary signage for the directing of those vehicles both within the site and in the surrounding roads. The development shall be carried out in accordance with the approved details.

Reason

To ensure satisfactory servicing arrangements are retained

Note to Applicant

1. The developer's attention is drawn to the requirements within the British Standard Code of Practice for the safe use of cranes. Crane operators should consult the aerodrome before erecting a crane on site.

PREVIOUS REPORT TO PLANNING AND RIGHTS OF WAY PANEL

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 16 March 2010
 Planning Application Report of the Head of Division

Application address Chief Executive Southampton City Council Civic Centre, Civic Centre Road SO14 7LY			
Proposed development Change of use of the courts and police block of the Civic Centre into a Sea City Museum with associated alterations and extensions at roof level and to the north side of the building.			
Application number	10/00020/R3CFL	Application type	Regulation 3
Case officer	Jenna Turner	Application category	Q18 - Other minor

Recommendation Summary	Delegate to the Development Control Manager to grant planning permission subject to criteria listed in report (Regulation 3 application)
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Reason for Panel consideration	Application submitted on behalf of Southampton City Council and which affects a Grade II* Listed Building
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Applicant Southampton City Council Leisure Services	Agent Wilkinson Eyre Architects
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Date of receipt	21.01.2010	City Ward	Bargate
Date of registration	21.01.2010	Ward members	Cllr Bogle
Publicity expiry date	25.02.2010		Cllr Damani
Date to determine by	18.03.2010 OVER		Cllr Willacy

Site area		Usable amenity area	N/A
Density - whole site	N/A	Landscaped areas	N/A
Site coverage (developed area)	N/A		

Residential mix	numbers	size sq.m	Other land uses	class
Studio / 1-bedroom	N/A	N/A	Commercial use	N/A
2-bedroom	N/A	N/A	Retail use	N/A
3-bedroom	N/A	N/A	Leisure use	D2 - Museum

accessibility zone	high	policy parking max	N / A	spaces
parking permit zone	no	existing site parking	50 spaces	
cyclist facilities	yes	parking proposed	50 spaces	
motor & bicycles	Not determined	disabled parking	0 spaces	

Key submitted documents supporting application:	
Design and Access Statement	Ecological Appraisal Report
Statement of Community Involvement	Transport Assessment
Sustainability Checklist	Sustainability Statement
Site Waste Management Plan	

Appendix attached			
1	Local Plan Policy schedule	2	Suggested conditions

Recommendation in full

Delegate the Development Control Manager to grant planning approval subject to

1. the Head of Leisure giving a written undertaking for the provision of the following:
 - a) Confirmation from English Heritage that they raise no objection to the application;
 - b) Submission of a Tree Replacement Management Plan, including 2 for 1 replacement tree planting and off-site, in accordance with Policies CS22, CS23 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
 - c) Site specific highway improvements in the vicinity of the site in accordance with polices 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);
 - d) Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended).

Procedural Context

Councils Own Development

The proposed scheme is a Regulation 3 application for Full Permission. A Regulation 3 application relates to proposals made by the Local Authority (in this case as the Public Leisure Service) for development that it wishes to undertake as part of its remit as a public sector service provider.

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.

Background

The Civic Centre is a Grade II* Listed building designed by Berry Webber following a design competition. The complex of buildings was designed in the neo-classical modern style and is a steel framework building clad in Portland Stone. The Law Courts block, which contains the landmark clock tower, was the second section of the Civic Centre complex to be constructed after the Municipal block and was completed in 1933. There have been no significant previous alterations to this section of the building.

The Law Courts front Havelock Road and to the north of the building is West Watts Park which is part of English Heritage's register of parks and gardens of special historic interest. The Magistrates Courts moved from the Law Courts to Rockstone Place in 2001 and since

this time has been used as storage and meeting room space in association with the offices within the Municipal Block.

Proposed Development & Surrounding Context

The application proposes the alteration and extension of the existing law courts within the Civic Centre to provide a museum of Southampton's maritime history.

As well as a maritime exhibition, the museum would also incorporate a Titanic exhibition, special exhibition space and educational facilities. It is intended that the museum be open for public use by April 2012 to coincide with the centenary of the sinking of the Titanic.

Phases

The development of the museum would take place in two phases; the current applications (for planning permission and Listed Building consent) relate to Phase 1 works which includes the alterations to the entrance, the pavilion extension to the north of the building and the rooftop extension. Phase 2 relates to the lower ground floor and the northern end of the ground floor which will continue to be occupied by the police until April 2011.

An application for Listed Building Consent has also been submitted, which will consider the internal alterations to the building including the demolition works.

Pavilion extension

The main entrance and exit to the museum would be through the existing grand entrance on Havelock Road. The existing internal ground floor level is higher than pavement level and the existing entrance comprises external and internal flights of steps which link the pavement level with the internal ground floor. As part of this proposal, the existing entrance would be remodelled to create a level access to the lower ground floor of the building. The works to the entrance also include the extension of the existing screen around the entrance downwards and the provision of new entrance doors within a stone portal.

The lower ground floor of the building would contain the ticketing area, cafe and shop. At this level, a glazed link would provide access to the special exhibition space that would be contained within the pavilion extension building.

The pavilion would be a single storey structure, positioned to the north side of the building, occupying the existing irregularly shaped grassed landscaped bounded by a low Portland stone wall and contains 3 young trees. There is a notable change in levels at this point, with the land sloping up from the northern end of the building towards Havelock Road.

The pavilion extension would provide an additional 500sqm of exhibition space. The massing of the extension is shown to be broken into three interlocking bays and attached to the existing building by a subordinate glazed link section. It is proposed that the extension itself be finished in reconstituted stone cladding and semi-translucent glazing. A separate entrance would be provided within the glazed linked structure to enable the special exhibition area to be accessed independently from the rest of the museum. A hard landscaped area would be provided around the perimeter of the pavilion.

The proposed rooftop extension which would shroud plant and equipment would also enable the enclosure of the existing prisoner exercise yard to create a triple height exhibition space. The roof extension would be set back approximately 2.5m from the western roof parapet and 8m from the north and south roof parapets. The extension would be just over 3m in height and would be finished in reconstituted stone cladding system and

opaque glazing, to match to pavilion extension.

Setting

The proposal also involves the closure of the Havelock Road spur to general traffic and the removal of the existing metered parking bays from this area. This would enable the provision of a coach drop-off area which would accommodate two coaches at any one time and 3 taxi bays in front of the pavilion extension. The spur would operate a one way for the coaches and taxis. The road closure would be demarcated by signage, bollards and a contrasting road surface treatment. It is proposed to construct a build-out to the south-west corner of the Havelock Road spur which would accommodate visitor cycle storage. The road closure itself would require a Traffic Regulation Order (TRO).

Servicing and would take place from the eastern side of the building via loading doors in the back of the pavilion extension. Refuse and cycle storage would be provided internally to the south of the building and would be accessed by the existing internal service courtyard.

Operation

The museum would be open 364 days a year, with the exception being Christmas Day, between the hours of 10:00 and 17:00 and it is anticipated that it would attract 157,000 visitors on an annual basis.

Relevant Planning Policy

Policy CS1 of the Core Strategy supports further leisure development within city centre locations and promotes the creation of a cultural quarter in the Northern Above Bar Area. This is supported by saved policy MSA5 of the Local Plan Review which encourages the development of the Civic Centre and Guildhall Square as a mixed-use cultural quarter. The planning policy to be considered as part of this proposal is scheduled in **Appendix 1** to this report.

Relevant Planning History

No relevant applications

Consultation Responses & Notification Representations

A publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement and erecting a site notice. At the time of writing the report, **4** representations had been received from interested parties which include, Southampton Commons and Parks Protection Society and the City of Southampton Society.

Summary of Representations made

Impact of the pavilion extension – The design and positioning of the proposed pavilion, forward of the northern building line of the Civic, would be unsympathetic with the existing building. The extension should defer to the Civic in terms of its design, as do many of the buildings built in the vicinity of it. The extension would adversely affect the symmetry of the building and diminish the impact of the clock tower. The loss of the grassed area is also regrettable as this provides an attractive setting to the building.

Impact of the entrance - The works to the entrance would erode its grandeur and have a damaging impact on the building. There is insufficient width to the pavement to

accommodate groups that may congregate outside the entrance.

Impact of the roof extension - The height of the roof extension will unbalance the scale of the west elevation of the building and detract from the entrance.

Location of the museum - The siting of a maritime museum in a location which does not have strong physical, historical or visual links to the waterfront is philosophically incorrect.

Impact on the Listed Parks - The Civic Centre provides a positive setting and backdrop to the Listed Parks and the proposed pavilion extension would detract from this. In addition to this, the pavilion extension would detract from the library entrance to the building when viewed from the parks.

Summary of Consultation comments

SCC Highways - Improved pedestrian crossing facilities are required to address pedestrians crossing Havelock Road. Further details of the measures to prevent traffic using the Havelock Road spur are required as well as details of how the proposal would improve and link into existing cycle network.

SCC Archaeology – No objection. Suggests the imposition of conditions to secure a written scheme of archaeological investigation, an archaeological work programmes and to carry out a record of the building prior to the commencement of works.

SCC Ecology - No objection. Suggests a condition to ensure no adverse impact to bats during the removal of trees.

SCC Sustainability - No objection. The development should achieve BREEAM Very Good.

SCC Trees - No objection to the removal of the trees since they are not significant amenity features. Suggests that replacement trees are secured for planting off-site, at a 2 for 1 ratio.

SCC City Design - No objection. The proposed pavilion extension would be an exciting and dynamic contrast to the existing building which would sit well in its context. The interventions to the entrance could work well from a design perspective. Suggest further information is required with respect to the proposed materials and the detailing of the roof enclosure.

BAA - No objection. Suggests adding an informative to the decision notice to make the developers aware of the Code of Practice relating to the use of cranes.

Planning Consideration Key Issues

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

- The principle of development
- The impact on the special historical and architectural character of the building
- The impact on transport infrastructure
- The impact of the proposal on surrounding land uses

1. Principle of Development

PPG15: Planning and the Historic Environment advises that the best way to secure the upkeep of listed buildings is to ensure that they remain in active use. The Courts will be

vacated in autumn 2010 and it important to secure an appropriate use for this substantial Listed Building before this time. The building itself is no longer fit for its intended function and the continuation of the Law Courts as a public building is welcomed.

The proposed museum would play in an important part in the realisation of a 'Cultural Quarter' in this northern Above Bar area. Core Strategy and Local Plan policies support the principle of leisure facilities within city centre locations; the site is within walking distance of the central train station and well served by bus stops. The provision of a museum in this location would provide a valuable cultural facility for the city's residents and visitors.

2. Character and Design Issues

Pavilion Extension

The proposed pavilion extension has been designed to respond to the varied land levels and irregular shape of the plot. The footprint of the building follows the tapered nature of the plot, whilst the roof apexes of each of the 3 bays ascend slightly towards to northern boundary. The use of the interlocking bays provides articulation to the built form, alleviating the massing whilst acting as a subtle reference to the maritime nature of the museum. The extension defers to the Civic Centre in its height.

The subordinate glazed link between the pavilion and the Civic provides sufficient separation between the original and the new, allowing the extension to read as a neighbour and providing clarity between the two elements. It is because the pavilion would read as a separate entity to the Civic Centre that would allow the symmetry and grace of the original building to prevail.

The façade of the extension would be finished in stone cladding and glazing, separated by a diagonal crease which would provide lightness to its appearance. The upper and lower sections of the façade slope in different directions, giving visual breaks within the elevation.

A hard landscaped finish is proposed to the perimeter of the extension which follows the topography of the land and reflects the elevation treatment of the extension. This will provide an effective setting for the new building.

Overall, it is considered that the addition would appear as an exciting and high quality addition to the building that would enhance the setting of the Civic Centre and help raise the profile of the new museum facility.

Roof Extension

Two rooftop additions that would provide plant-room accommodation would be positioned either side of the base of the clock tower. The extensions would appear as symmetrical additions and therefore would not detract from the overall balance of the building. The enclosure would be set back from the roof parapet and being single-storey in scale and would not be unduly prominent when viewed from public vantage points. The additions would be the same height of the lower plinth of the base of the clock tower, which ensures it integrates into the fabric of the building. It is also important to note that the Law Courts section of the Civic Centre is lower in height than the remainder of the complex of the buildings and as such the addition would not detract from the rest of the building.

The enclosure would be finished in materials to match the proposed pavilion extension and would be sympathetic to the Portland stone of the Civic Centre whilst ensuring that the addition appears as a lightweight and modern structure.

Entrance alterations

The demolition works associated with the alterations to the entrance will be considered in the Listed Building application.

The proposed alterations to the entrance would enable it continue as the primary entrance to the building and facilitate its use by all visitors to the building. This is fundamental to avoid the segregation of people able to use the steps from those who are not able to use the steps. Having regard to the prominence and importance of the existing entrance, it is crucial that it remains as the principle entrance to the building and its significance is retained.

The application proposes the extension of the existing door screen downwards by one glazed panel either side of the door and this would be a simple solution which would not detract from the existing detailing. The new glazed doors would be positioned within a new a stone portal which reflects the main entrance to the Municipal block.

The new Portland stone paved area will be provided in front of the entrance following the removal of the steps. This would follow the pattern of the removed steps and be at a slight gradient to emphasise the threshold of the entrance.

2. Transportation considerations

No car parking spaces would be provided to serve the museum and this is appropriate in such a highly accessible location such of this since it would promote access to the site by more sustainable modes of transport other than the private car. The application is accompanied by a detailed Transport Assessment which demonstrates that anticipated car travel to the museum could be accommodated within the existing city centre car parking provision. A condition is suggested to secure a Sustainable Travel Plan to promote sustainable travel to and from the site. The vehicular movements to and from the site itself, would be less than is currently generated by the existing police operations.

In terms of the removal of the existing car parking spaces within Havelock Road, the submitted information demonstrates that the displaced car parking can also be accommodated within existing city centre car parking provision. Two of the existing car parking bays on Commercial Road would be converted to provide the disabled spaces that would be removed from the Havelock Road spur.

To avoid congestion of the footway outside of the entrance by groups or queues, it is proposed that the internal lobby would serve as a holding area to avoid congregation on the footway which hinders the passage of other users.

3. Impact on surrounding land uses

The application site is separate from the nearest residential development and having regard to the proposed hours of operation (10:00 and 17:00), the proposal would not have a harmful impact on residential amenity.

Summary

The proposed museum represents an exciting opportunity for the city that would make good use of the existing fabric of the Civic Centre; retaining and enhancing the role that the building plays within Southampton.

CONCLUSION

By securing the matters set out in the recommendations section of this report, the proposal

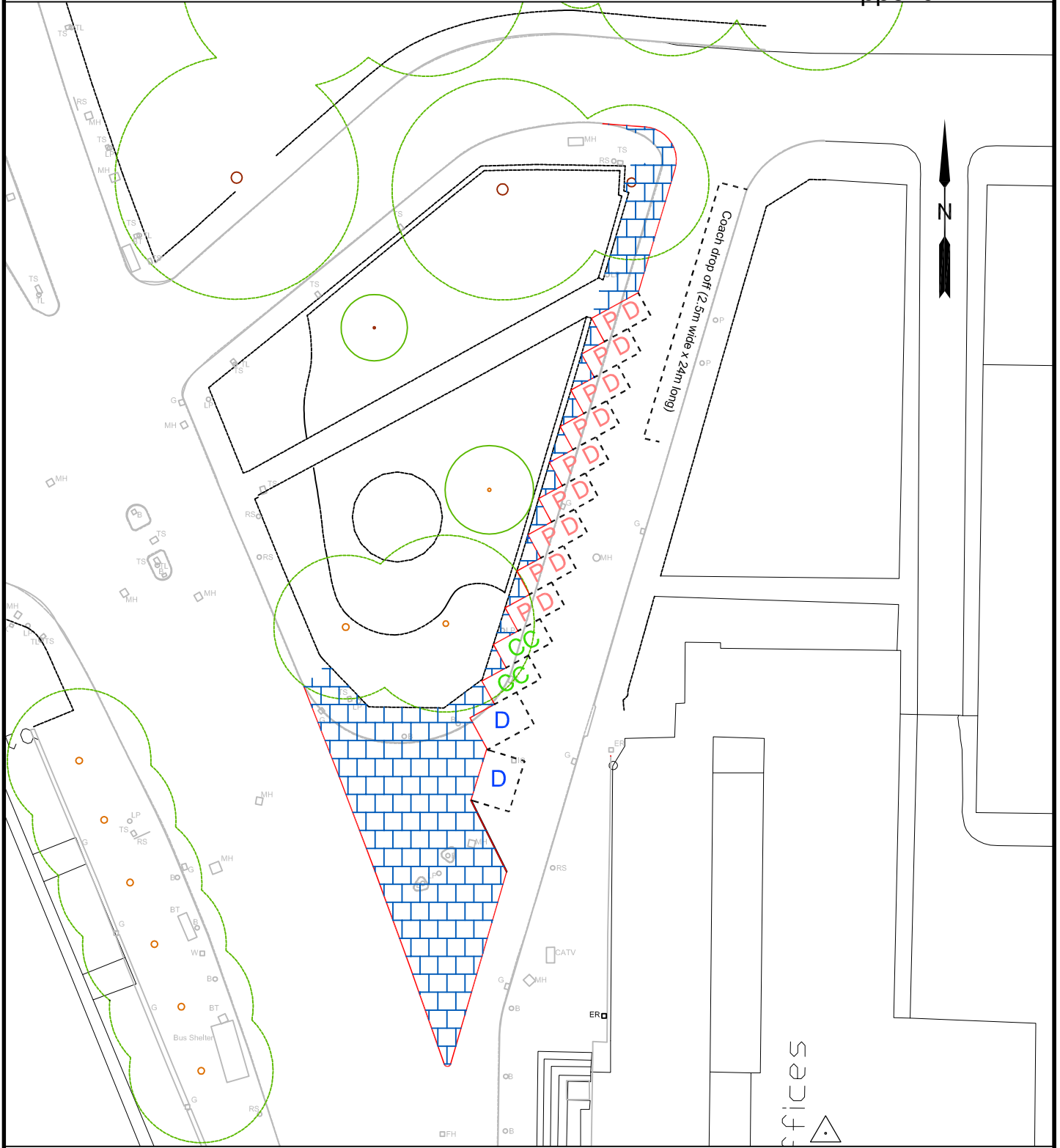
would be acceptable. The application is therefore recommended for delegated approval to the Development Control Manager.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1 (a) (b) (c) (d) 2 (a) (c) (e) 6 (i) (l) 7 (a) (f) (o)

(JT for 16.03.10 PROWP)



D	Disabled Parking Bay		New Leemoor Paving
CC	Car Club Parking Bay		New Granite Kerbing
PD	Pay & Display Parking Bay		

REVISION	DATE	BY	DETAILS
DRAWING STATUS			
DRAFT			



MICK BISHOP
 HEAD OF HIGHWAYS & PARKING SERVICES
 SECOND FLOOR
 45 CASTLE WAY
 SOUTHAMPTON SO14 2PD
CITYPROJECTS

DRAWING TITLE

**Sea City Museum
 Proposed Parking in
 Havelock Road (Spur)**

CREATED BY	LAST EDITED BY	DATE	REVISION
GPR		Aug '10	
CHECKED	APPROVED	SCALE	
		1:500 @ A4	
DRAWING NUMBER			
EDS/5437			

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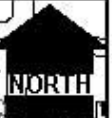
POLICY CONTEXTLocal Development Framework Core Strategy Development Plan Document

CS1	City Centre Approach
CS13	Fundamentals of Design
CS14	Historic Environment
CS18	Transport: Reduce, manage, invest
CS19	Car and Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS25	Infrastructure and Developer Contributions

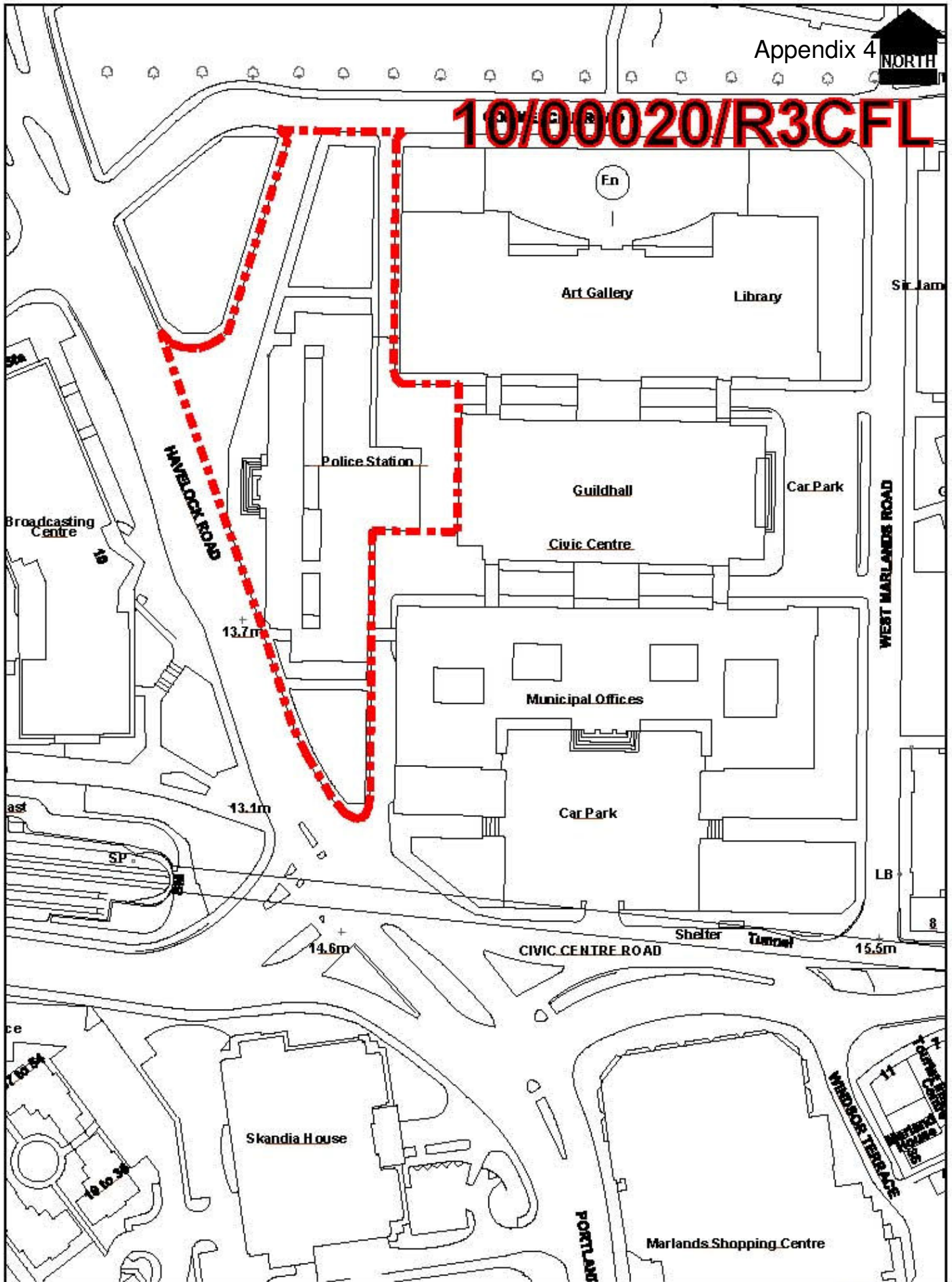
Saved Policies of the City of Southampton Local Plan Review

SDP1	General Principles
SDP4	Development Access
SDP5	Parking
SDP7	Context
SDP9	Scale, Massing and Appearance
SDP10	Safety and Security
SDP11	Accessibility and Movement
SDP12	Landscape and Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
HE3	Listed Buildings
HE5	Parks and Gardens of Special Historic Interest
HE6	Archaeological Remains
CLT1	Location of Development
MSA1	City Centre Design
MSA5	Civic Centre and Guildhall Square
IMP1	Provision of Infrastructure

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10/00020/R3CFL



Scale : 1:1250

Date : 16 August 2010

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Agenda Item 19

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 31 August 2010
Planning Application Report of the Planning and Development Manager

Application address: 173 - 175 Upper Deacon Road			
Proposed development: Erection of 2 x 3 bed semi-detached houses with accommodation in the roof space and formation of raised deck car parking area and bin and cycle storage underneath (Re-submission 10/00247/FUL)			
Application number	10/00793/FUL	Application type	Full (Q.13)
Case officer	Andrew Gregory	Public speaking time	5 minutes

Applicant: Mr Andy Southcott	Agent: Mr Benedict Horsman - Plc Architects
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Recommendation Summary	Grant planning permission subject to conditions
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Reason for Panel Consideration

The proposal involves development on land which is not previously developed. Therefore in light of the recent changes to PPS3 it is considered that the panel should be directly involved in the determination of this application.

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Overall the scheme is acceptable and the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area. 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 SDP1, SDP4, SDP5, SDP7, SDP9, H1, H2 and H7 of the City of Southampton Local Plan Review - Adopted March 2006 policies CS4, CS5, CS13, CS16, CS19, CS20 of the Local Development Framework Core Strategy (January 2010); 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

Conditionally Approve

1.0 The site and its context

1.1 The application site comprises garden land at the rear of 173-175 Upper Deacon Road. The site is located at the corner with Caerleon Drive. The site sits below the carriageway on Caerleon Drive with an approximate level change of 2.5m. There are some Lawson Cypress Trees and mature scrub which enclose the north-eastern boundary. 175 Upper Deacon Road comprises a detached two-storey dwelling with a detached garage there is approx a 1m level change to the rear garden. No. 173 Upper Deacon Road comprises a two storey semi-detached property.

1.2 The surrounding area is predominantly residential in nature comprising two-storey detached and semi-detached properties. The adjacent corner is occupied by a 2.5 storey flatted block.

1.3 The site is within a zone of medium accessibility but is otherwise unallocated on the City of Southampton Local Plan Review Proposals Map.

2.0 Proposal

2.1 The application proposes the sub-division of the gardens of 173-175 Upper Deacon Road and the erection of a pair of two-storey, 3 bedroomed, semi-detached dwelling houses, each with accommodation in the roof. The building reads as a chalet-style bungalow from the road frontage and a two-storey dwelling from the rear on account of the site topography. The building has a barn-hip roof design with modest dormers in the front roof slope and porch canopy over the entrance to both properties.

2.2 The new barn-hip roof design and pulling the development away from the northern boundary by 3m - (achieved by the amended semi-detached design), represent the main amendments over the previously refused scheme.

2.3 On-site car parking space for 2 cars per dwelling is shown to the front with dropped kerb access onto Caerleon Drive. (This exceeds the Council's maximum standards: a condition is suggested to reduce this to one space per dwelling, to also allow some modest enclosure to the plot, creating separation between the public and private realms.

2.4 Stepped access is provided to the rear enclosed by a brick wall and railings. This would lead past a sunken cycle store, positioned below the front forecourt for each plot. The rear boundary is enclosed by close boarded fencing.

3.0 Relevant Planning Policy

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

3.2 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 PPS3 Housing (2010): On June 9th 2010 private residential gardens were excluded from the definition of Previously Developed Land (PDL) in the Government's Planning Policy Statement on Housing (PPS3). Also, the requirement to achieve a minimum density of at least 30 dwellings per hectare was removed.

3.4 The revised PPS3 maintains that the priority for development should be PDL (Paragraph 36 refers).

3.5 The adopted Core Strategy (in Policy CS4 Housing Delivery) indicates that 16,300 additional homes will be provided over the plan period, with 5,750 homes to be provided on allocated and identified sites between April 2009 and March 2014. The figures demonstrate that the city has a housing supply from identified sites sufficient to meet requirements until and beyond 2018/19, without reliance on windfall sites. The change to the definition of PDL, and the Council's current predicted supply, means that the principle of development will now be an issue for new windfall proposals for housing units to be built entirely on private residential gardens (often termed "garden grab").

3.6 That said, the revised PPS3 maintains that the planning system should provide "*a flexible, responsive supply of land that is managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate*" (Paragraph 10 refers). The national annual target that "*at least 60 per cent of new housing should be provided on previously developed land*" remains, suggesting that residential development can still take place on other land subject to the local circumstances of each site involved.

3.7 It is the view of the Council's Planning Policy Team that the recent changes to PPS3, along with the removal of the national indicative minimum density standards, are not intended to stop all development on private residential gardens. Instead it allows Councils greater powers to resist such development where there is a demonstrable harm *inter alia* to the character and appearance of an area. The judgement as to whether such proposals are acceptable will need to consider, amongst other factors:

- the loss of private residential garden land;
- the contribution the land currently makes to the character of the area;
- the impact on the defined character of the area; and,
- the contribution that the scheme makes to meeting housing need.

3.8 The revised PPS3 maintains that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted (Paragraph 13 refers).

4.0 Relevant Planning History

4.1 10/00247/FUL (Refused 22.04.2010) for: erection of 2x3-bed, 2-storey detached houses with accommodation in the roof space and formation of a raised deck car parking area with bin and cycle storage underneath.

4.2 The application was refused because it represented an un-neighbourly and unduly dominant form of development by reason of its design, height and proximity to the retained gardens of 173 and 175 Upper Deacon Road. In addition, the proposal failed to demonstrate commitment to the Code for Sustainable Homes or a low carbon development.

5.0 Consultation Responses and Notification Representations

5.1 A consultation exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice. At the time of writing the report **no** representations had been received.

5.2 **SCC Highways** - No highway objection subject to planning conditions. The development is not considered to compromise highway safety. Bin storage should be relocated to the front of the property owing to the inconvenience of bringing bins up a flight of steps to the front forecourt of each dwelling on collection day. The provision of 4 spaces exceeds the Councils maximum car parking standards which allows a maximum of 1 space per dwelling.

5.3 **Southern Water** – No objection raised subject to conditions requiring details of the measures to be undertaken to protect the public sewer and details of the proposed means of foul and surface water sewerage disposal. In addition, an informative is required in relation to connection to the public sewer.

5.4 **Trees** – No objection subject to conditions regarding tree retention and safeguarding of the silver birch in the rear garden of 53 Caerleon Drive, no storage under tree canopy and no overhanging tree loss.

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

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. The quality of residential environment for future occupants; and,
- i. Whether the travel demands of the development can be met.

6.2 Principle of Development

6.2.1 The proposal involves the development of garden land and therefore the application needs to be considered against the recent changes to PPS3 which have removed private residential gardens from the definition of previously developed land. However whilst there is clearly an increased focus on delivering the majority of new housing on previously developed land, national and local planning policy does not prevent the delivery of housing on undeveloped land, where appropriate. Consideration must be given to making the best use of land, impact on the character and appearance of the area and the promotion of development in sustainable locations to reduce the pressure for development on green field sites and protected open spaces.

6.2.2 The proposed development is not considered to compromise the character and appearance of the area. The proposed layout of buildings and gardens will not harm neighbouring residential amenities and the resultant plot sizes meet and exceed Residential Design Guide standards.

6.2.4 The proposed development of 2 houses is acceptable in principle and accords with policies contained within the development plan and central government's wishes to promote sustainable and efficient use of land for housing development, providing that the character of an area is not compromised. The level of development of 53 dwellings per hectare (dph) fits within the density parameters for the site (of between 50 and 100dph). The provision of genuine family housing is welcomed and fulfils the requirements of policy CS16 of the Core Strategy.

6.2.5 The previous reasons for refusal are considered to have been addressed with the new barn-hip roof design revised and development pulled away from the northern boundary by 3m - (achieved by the amended semi-detached design). This has also reduced the building's dominance and degree of enclosure to the retained gardens of 173 and 175 Upper Deacon Road. The requirement for the development to meet Code level 3 and a 20% reduction in CO₂ emissions in accordance with policy CS20 of the Core Strategy can be secured by planning conditions.

6.3 Design & Density

6.3.1 A Design and Access Statement has been submitted which identifies measures to be taken into account when maintaining the character of the area and achieving high standards of design. The proposed design, layout and scale of development is not considered to be adversely harmful to the surrounding pattern of development. The proposal has taken into account the previous reason for refusal by amending the roof design to provide a barn-hip roof, this provides an improved reference to the established properties over a fully gabled roof, and a barn-hip provides a better scale and massing than a fully hipped roof in this two-storey street scene. The introduction of modest dormer windows will not detract from the appearance of the street scene.

6.3.2 The character of the area will not be compromised the plot sub-division provides sufficient plot sizes for the existing and proposed dwellings which meet and exceed the standards within the Residential Design Guide in terms of building separation, privacy distances and garden sizes (10m length).

6.4 Residential Amenity

6.4.1 The residential amenities of nearby residents will not be adversely harmed. No third party objections have been received. The proposed development will not give rise to harmful sense of enclosure, loss of light, shadowing or overlooking / loss of privacy, having regard to the separation distance and the orientation of the proposed dwellings in relation to neighbouring properties. The proposal is considered to address the previous reasoning for refusal and satisfies the guidance within the Council's Residential Design Guide SPD.

Residential Standards

6.4.2 All new residential development is expected to provide prospective residents with a good living environment. The internal layout is compatible with modern living standards. All habitable rooms will receive adequate outlook, ventilation and day lighting. Each property is provided with 10m long gardens which provides an acceptable amount of private usable amenity space.

6.5 Highways and Parking

6.5.1 The application site is within an area, which is defined as a "medium" accessibility zone in the Adopted Local Plan. The level of parking provision proposed needs to be assessed against the maximum parking standards set out in the adopted Local Plan. The development proposes 4 car parking spaces which exceeds the Councils Maximum Car Parking Standards. The number of car parking spaces will be reduced to a maximum of 2 spaces by condition. The level of parking provision and access arrangement will not prejudice highway safety.

7.0 Summary

7.1 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. 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.

8.0 Conclusion

8.1 By securing the matters set out in the recommendations section of this report, the proposal would be acceptable. The application is therefore recommended for approval.

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

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

AG 11.08.10 for 31.08.10 PROW Panel

CONDITIONS for 10/00793/FUL

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

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

Reason:

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

02. APPROVAL CONDITION - Samples details of building materials to be used [Pre-Commencement Condition]

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

Reason:

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

03. APPROVAL CONDITION - Refuse & Recycling Bin Storage – [Pre Occupation Condition]

Notwithstanding the bin storage shown on the submitted plan, a revised plan shall be submitted shall be submitted to and approved by the local planning authority in writing, showing each dwelling with an enclosed refuse store within the front part of each plot. This shall be laid out with a level approach prior to the first occupation of the development hereby approved in accordance with the approved plans. The facilities shall include accommodation for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained whilst the development is used for residential purposes.

REASON:

The submitted refuse store would involve bringing a laden bin up a flight of steps, which is likely to have proven most impracticable. A bin enclosure to each dwelling is considered necessary in the interests of the visual appearance of the building and the area in general.

04. 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 LPA.

Reason

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

05. APPROVAL CONDITION – Boundary treatment [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. This shall include the partial enclosure of each front forecourt, having regard to the planning condition 09 below. That positioned to the front boundary and returning alongside the steps leading down to each garden shall not exceed 600mm in height above pavement level adjoining the site in Caerlion Road. 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, to ensure driver visibility is not impaired and to protect the amenities and privacy of the occupiers of adjoining property.

06. APPROVAL CONDITION - Residential - Permitted Development Restriction [Permanent Condition]

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

Class A (enlargement of a dwelling house), including a garage or extensions,

Class B (roof alteration),

Class C (other alteration to the roof),

Class D (porch),

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

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. Also to protect the longevity of the Silver Birch tree in the back garden of 53 Caerlion Drive.

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

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings including roof windows 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.

08. 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.

09. APPROVAL CONDITION - Car Parking

Notwithstanding the approved plans a maximum of 1 car parking space shall be provided for each dwelling hereby approved. The car parking area 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.

10. APPROVAL CONDITION Tree Retention and Safeguarding Pre Commencement Condition

The Silver Birch in the rear garden of 53 Caerleon, 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.

11. APPROVAL CONDITION no storage under tree canopy

No storage of goods including building materials, machinery and soil, shall take place underneath the crown spread of the Silver Birch in the rear garden of 53 Caerleon Drive. There will be no change in soil levels or routing of services through tree protection zones or within canopy spreads, whichever is greater. There will be no fires on site. There will be

no discharge of chemical substances including petrol, diesel and cement mixings within the tree protection zones or within canopy spreads, whichever is greater.

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

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

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

Reason:

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

13. APPROVAL CONDITION- Land Contamination investigation and remediation [Pre-Commencement & Occupation Condition]

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. That scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

1. A desk top study including;
 - historical and current sources of land contamination
 - results of a walk-over survey identifying any evidence of land contamination
 - identification of the potential contaminants associated with the above
 - an initial conceptual site model of the site indicating sources, pathways and receptors
 - a qualitative assessment of the likely risks
 - any requirements for exploratory investigations.
2. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.
3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scheme of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development.

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

Reason:

To ensure land contamination risks associated with the site are appropriately investigated and assessed with respect to human health and the wider environment and where required remediation of the site is to an appropriate standard.

14. 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.

15. 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.

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

The developer must advise the Local Planning Authority of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development. The development shall be carried out in accordance with the approved measures unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In order to safeguard the public sewer.

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

The dwellings shall achieve Code Level 3 in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

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).

18. Cycle storage

A cycle wheel 'gutter' shall be provided as part of the new garden steps positioned at the side of each dwelling.

REASON:

To promote the use of sustainable forms of travel and to ensure that use of the cycle store and access to/from it remains as practicable as possible.

POLICY CONTEXT

LDF Core Strategy - Planning Southampton to 2026 – Adopted January 2010

The LDF Core Strategy now forms part of adopted development plan against which this application should be determined. The following policies are relevant:

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats

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
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

Supplementary Planning Guidance

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

Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

PPS1	Delivering Sustainable Development (2004)
PPS3	Housing (as amended)



10/00793/FUL

NORTH

Scale : 1:1250

Date : 16 August 2010

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Agenda Item 20

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 31 August 2010
Planning Application Report of the Planning and Development Manager

Application address: Rosebank Cottage and land adjoining, including part of former playing fields, Studland Road Southampton SO16 9BB			
Proposed development: Re-development of the site. Demolition of Rosebank Cottage and erection of 31 dwellings (12 x two-bedroom flats, 7 x two-bedroom houses, 10 x three bedroom houses and 2 x 4 bedroom houses) with associated access and parking, includes closure of part of the public highway in Studland Road (Outline application seeking approval for access, layout and scale).			
Application number	10/00565/R3OL	Application type	Q07 - Small scale major dwellings
Case officer	Steve Lawrence	Public speaking time	15 minutes

Applicant: Southampton City Council	Agent: Capita Symonds, FAO Mrs A Mew
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Recommendation Summary	Delegate to Planning and Development Manager to grant outline planning permission subject to criteria listed in report
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Appendix attached			
1	Development Plan policies/planning guidance		

Reason for granting deemed Outline Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. In visual terms the proposals will bring improvements to the Studland Road streetscene and provide a good choice and mix of general needs, affordable and family housing in an area otherwise dominated by public housing.

Notwithstanding the re-publishing of PPS3, revising the definition of previously developed land to exclude private garden land, the loss of Rose Cottage is deemed acceptable in terms of the overall planning benefits of the proposals, efficient use of urban land and improvement to the character of the area.

That element of the site previously used as a playing field, but not within the last five years, will be mitigated for through a financial contribution to improve public open space locally and this decision is taken in the knowledge that mitigation is also being secured through the partial demolition of the Old Redbridge Primary School on Redbridge Road, with reinstatement of land to create an additional new adult football pitch and informal sport training grids as an extension to the playing field to the adjoining Redbridge Community School in Cuckmere Lane, which already allows for public use of those facilities.

The relationship of the development layout in terms of existing flats at 48 to 130 Cuckmere Lane would be mitigated for in terms of existing and proposed tree planting, to ensure that

occupants of dwellings closest to those other flats would enjoy a reasonable level of amenity and privacy.

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 deemed Outline Planning Permission should therefore be granted.

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP21, SDP22, NE4, HE6, CLT3, CLT5, CLT6, H1, H2, H3, H6 and H7 of the City of Southampton Local Plan Review (March 2006) as supported by the City of Southampton Core Strategy (January 2010) policies CS4, CS5, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS21, CS22, CS23 and CS25.

Recommendation in Full

- (1) That approval be given for the stopping up of that piece of public highway in Studland Road forming the existing site access under Section 257 of the Town and Country Planning Act necessary to allow the development to proceed; and,
- (2) Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:
 - i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
 - ii. A financial contribution towards strategic transport projects for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
 - iii. Financial contributions towards the relevant elements of public open space required by the development in line with policies CLT3, CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policies CS21 CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended), to mitigate for the loss of that part of the site which is currently protected open space:-
 - Amenity Open Space (“open space”);
 - Playing Field;
 - Play space/equipment;
 - iv. The provision of 35% of the dwellings as 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.

In the event that the legal agreement is not completed by *30 November 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 broadly rectangular 0.534 ha site, has a frontage of 40m and average length of 128m. The site comprises 3 parcels of land, two in the City Council’s ownership and the

central part privately owned. That private owner has entered into an agreement to develop the whole site and share any capital receipt from the sale of the land. The front (east) part of the site is a hoarded/secured former works compound. The central part is occupied by a two-storey, detached house – Rose Cottage. The final (western) third part of the site is landlocked by the other two parts and used to form part of a former larger playing field, but still enjoys vehicular access to Studland Road. This (0.35ha – almost 66%) part of the site is shown as protected open space on the Proposals Map of the Local Plan Review, but the remainder of the application site is unallocated. There are a number of trees on the site, which are covered by a Tree Preservation Order. Site boundaries are mostly 1.8m high chain-link/post fenced and/or planted.

1.2 The site is located within an area of medium accessibility (Band 3 on the PTAL map), within an established residential estate. Housing in the area continues to be mainly publically owned and ranges in scale between two-storeys (houses opposite the eastern boundary), to four storeys (deck access flats beyond the southern boundary in Cuckmere Lane. A much taller, 20-storey block of flats (Redbridge Towers) exists at the western end of Cuckmere Lane.

1.3 A secondary school exists beyond the Cuckmere Lane flats and the predominantly single storey new Redbridge Primary School adjoins to the north, whose closest building is set some 13m off the application site boundary. This new school's grounds and playing field abut the application site's northern and western boundaries.

2. Proposal

2.1 Outline permission is sought for a residential redevelopment where access, layout and scale are listed for consideration. The existing Rose Cottage 2-storey dwelling would be demolished and 9 trees would be felled to enable the development to proceed. 66 new trees are proposed to replace those lost.

2.2 31 housing units are proposed, yielding a density of 58 dwellings per hectare. The development mix would be 12x2 bed flats in three, 3-storey blocks with the remainder being 2-storey houses (7xtwo/10xthree/2xfour-bedrooms).

2.3 The development would gain access via a new junction with Studland Road at the north-east corner of the site, with the existing access point stopped up. The development would be serviced via a single, shared-surface, cul-de-sac (designed to 'home-zone' criteria for public adoption) and the developer has demonstrated that a SCC standard refuse cart could gain access to all parts of the site, turn and leave the site in a forward gear. Car parking is proposed at a 1:1 ratio, mostly in curtilage or carefully designed as part of the carriageway. External bicycle and refuse storage facilities are indicated on the site layout plan submitted. The carriageway has been carefully designed to weave through the site, creating a varying vista of built form as one moves through the site, whilst also placing the pedestrian first above vehicular movement

2.4 Originally submitted as 36 dwellings, the proposals have been reduced down to 31 to take account of the Trees Team advice that existing and proposed trees on the southern boundary would be otherwise be likely to have caused excessive shading, unsatisfactory levels of natural light and thereby pressure to fell/top trees protected by a Preservation Order.

3.0 Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at

Appendix 1. The primary policy considerations here relate to part of the site be allocated as protected open space, the need to secure a reasonable density and car parking provision related to the site's accessibility and the recent change to the definition of previously developed land in Planning Policy Statement 3 (Housing), to exclude private garden land, tempered against the positive contribution the development could have to contribute to the character of the area and mix/type of housing choice to residents of Southampton, in terms of affordability and whether such new dwellings are suitable for families, with access to private amenity space.

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 PPS3 Housing (2010): On June 9th 2010 private residential gardens were excluded from the definition of Previously Developed Land (PDL) in the Government's Planning Policy Statement on Housing (PPS3). Also, the requirement to achieve a minimum density of at least 30 dwellings per hectare was removed.

3.4 The revised PPS3 maintains that the priority for development should be PDL (Paragraph 36 refers).

3.5 The adopted Core Strategy (in Policy CS4 Housing Delivery) indicates that 16,300 additional homes will be provided over the plan period, with 5,750 homes to be provided on allocated and identified sites between April 2009 and March 2014. The figures demonstrate that the city has a housing supply from identified sites sufficient to meet requirements until and beyond 2018/19, without reliance on windfall sites. The change to the definition of PDL, and the Council's current predicted supply, means that the principle of development will now be an issue for new windfall proposals for housing units to be built entirely on private residential gardens (often termed "garden grab").

3.6 That said, the revised PPS3 maintains that the planning system should provide "*a flexible, responsive supply of land that is managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate*" (Paragraph 10 refers). The national annual target that "*at least 60 per cent of new housing should be provided on previously developed land*" remains, suggesting that residential development can still take place on other land subject to the local circumstances of each site involved.

3.7 It is the view of the Council's Planning Policy Team that the recent changes to PPS3, along with the removal of the national indicative minimum density standards, are not intended to stop all development on private residential gardens. Instead it allows Councils greater powers to resist such development where there is a demonstrable harm *inter alia* to the character and appearance of an area. The judgement as to whether such proposals are acceptable will need to consider, amongst other factors:

- the loss of private residential garden land;
- the contribution the land currently makes to the character of the area;
- the impact on the defined character of the area; and,
- the contribution that the scheme makes to meeting housing need.

3.8 The revised PPS3 maintains that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted (Paragraph 13 refers).

4.0 Relevant Planning History

4.1 On the appointed day, the site formed part of the recreation ground to the Southern Gas Board. Following the refusal of permission to develop the whole playing field for housing in 1959 under reference 5750/1150/E (loss of playing fields/part of site required for construction of M271), the Minister of Housing and Local Government did confirm a Certificate of Alternative Development purely for residential purposes (27/9/60) after an Appeal was lodged, on the basis of the Council not acquiring the site. The City Council then purchased the site for use by the (then) Education department as playing fields. The wider site was last used as formal playing fields some 9 years ago.

4.2 Deemed planning permission was granted 26.01.2009 under reference 08/01517/R3CFL for the development of the adjoining land as a new Primary School. That has been implemented.

4.3 A minor rear extension was given planning permission at Rose Cottage in 1976 and was built out.

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 advertising the proposals represent (in part) a departure from the Development Plan, and erecting a site notice. At the time of writing the report 1 objection has been received from the tenants of Rosebank Cottage on the following grounds:-

5.1.1 Principle

- The area does not need a new development and suffers from high rates of crime

Response:

This site has been identified within the City Council's Strategic Housing Land Availability Assessment as having potential to help meet some of the council's housing need for the next five years, subject to open space mitigation. The development offers the opportunity to improve the appearance of the site – especially the frontage to Studland Road – whilst providing affordable, family housing. Being in receipt of an application, the local planning authority is duty bound to consider its merits and issue a decision. It is possible to 'Secure by design' and the layout incorporates the principles of natural surveillance. The agent has confirmed in writing the intention to erect stout means of enclosure to site boundaries.

5.1.1 Layout

- Occupiers of the block of flats by the site entrance will be burdened by traffic noise and other occupiers 'in the small section of Studland Road to be closed off' will also suffer.

Response:

No objections have been received from the Pollution and Safety Team and if needs be this matter could be controlled through a planning condition if Members are minded to add an additional condition to the recommendation. Officers are not aware of any scheme to stop-up Studland Road at some point along its length, but aspire to introduce a 20mph zone close to the new primary school. The volume of vehicular traffic associated with this development is unlikely to adversely affect the amenities of existing residents by reason of noise.

- Occupiers of the development would be overlooked by Redbridge Towers.

Response:

Redbridge Towers, at 20 storeys high, would have commanding views of the site, just as it does of other housing close by. But being positioned 85m away from the closest boundary of the site, no objection on grounds of unsatisfactory living conditions for future occupiers can be sustained.

- Two schools and a playing field are located close by.

Response:

This is seen as a positive feature for a scheme that promotes a high degree of family housing and will enable children to walk to school. No adverse noise issues are anticipated locating housing next to a school and through careful design and boundary tree planting, the new housing should not intrusively overlook the primary school and its grounds (advocated through paragraphs 17 (ii) and 20 (vii) of Planning Policy Guidance Note 17 - Planning for open space, sport and recreation.

5.1.2 Housing need

- **One of the tenants has severe health problems which have rendered her disabled for the last two years. Rose Cottage has provided tranquillity and respite from her illness. The prospect of moving is aggravating her condition. The Council appears to be acting in concert with their landlord to force them to move.**

Response:

Having met Mrs Baker, the case officer has deep sympathy for her condition and realises fully that placing additional stress on her is not helping her health. The Bakers have had formal Notice to quit served upon them by their landlord and consider they have been badly mis-led by him, as they would not have rented the property had they known his aspiration to develop the land. Ultimately, the arrangements between the Bakers and their landlord is a wholly private matter and I am advised that the Bakers still are listed as tenants at a Council property, which is capable of adaptation, but to which they do not wish to return owing to severe difficulties, stress and trauma they experienced with a neighbour. The current guarantor of their rent has verbally offered to rent a bungalow in Wimpson Lane to the Bakers, subject to him purchasing it. Until such time as they are able to move, the Council's Housing Service considers it has offered what it can to re-accommodate the Bakers. The Council has every right to manage its land holdings and enter into agreements with private landowners to seek to dispose of land jointly for redevelopment. The local planning authority sits separately from its duties as a land owner and will carefully consider the planning merits of the scheme before it.

5.2 **SCC Highways** – consider the site to be within a zone of low accessibility (It is actually located in a zone of medium accessibility based upon the PTAL Map). Where bins are to be stored at the front of dwellings, then enclosed, secure stores should be provided for visual amenity reasons and security. Bicycles should be able to be accessed without dragging the cycles through the house/flat. During wet weather, it would not be ideal for muddy cycles to be carried through the house therefore such arrangements would discourage the use of sustainable methods of transport. A number of planning conditions are recommended.

5.3 **SCC Housing** – Require Affordable housing to be secured through the planning agreement to the 35% required under Core Strategy Policy CS15.

5.4 **SCC Sustainability Team** - Sustainability must be considered at the earliest design stages as site orientation, space for SUDS, renewables etc may depend on the site layout. The development will be required to meet Code Level 3 and 20% renewables reserved by conditions.

5.5 **SCC Environmental Health (Pollution & Safety)** – Suggest two planning conditions to control hours of construction and to prevent bonfires during site clearance and construction.

5.6 **SCC Environmental Health (Contaminated Land)** – Recommend 3 planning conditions to ensure that the site is free of prescribed contaminants prior to its re-occupation for residential use.

5.7 **SCC Trees Team** – The proposal will result in the removal of 9 semi-mature in the centre of the site, whose retention would seriously compromise the development of the site. As the trees are set back from Studland Road their loss would not have a major impact on the visual amenity of the area. No objection is raised to their removal providing replacement planting is conditioned.

Response: The scheme has been adjusted to have regard to the comments.

5.8 **SCC Architect's Panel** –

5.8.1 This scheme has had a long gestation pre-application discussions going back to January 2009 and the Architect's Panel has commented three times on evolving proposals - 4.2.09, 6.5.09 and 2.12.09.

5.8.2 Initially, criticism was made of earlier layout options that they were too car dominated and did not follow the guidance of the Residential Design Guide, where some gardens initially looked too small. There should be some built form 'presence' when entering this cul-de-sac, rather than seeing areas of car parking defining character of the street. The relationship to flats in Cuckmere Lane was also queried and that it would perhaps be better to consider the two sites together to achieve some symbiosis between them, including some form of access linking the two schemes. There was a need to ensure the flats did not intrusively overlook the gardens of houses. Built form ought not to be positioned too close to tree canopies. Integral car ports whereby the vehicle is half exposed were frowned upon.

Response: Issues of connectivity with the Cuckmere Lane flats have been investigated, but were considered to be premature to the Estates Regeneration programme, which has not yet considered options for Cuckmere Lane. Some opportunity would still exist to provide connectivity between the open space midway along the southern boundary between the 48-74 and 76-102 blocks in Cuckmere Lane to offer limited pedestrian and cyclist permeability to more conveniently access the Redbridge Community School. This is a matter a developer may wish to pursue at the Reserved Matters stage. The scheme now has a sinuous shared surface giving access and opening up views of the built form that defines the space and car parking has been carefully positioned so as not to overdominate the character of the street. The reduced density to 31 dwellings has ensured that there is generous provision of private amenity space.

5.9 Hampshire Constabulary – The area suffers from significant non-dwelling burglary. Refuse alleys need securing. Secure boundary treatment will be required. Criticism of recessed garden access between plots 5 and 6. Gable ends should include windows to provide natural surveillance of parking areas. Cycle parking to flats appears vulnerable. The development should achieve ‘Secured by Design’ standards.

Response: The agent has responded to these comments and has adjusted the layout of the scheme. Being in outline, matters such as means of enclosure are to be reserved by condition, but it is intended that robust site and plot boundary treatments form part of the eventual development. Refuse alleys can be gated to make them secure. The design logic for flats’ cycle parking is to offer natural surveillance of their use and where possible windows will be incorporated to gable ends to enhance that.

5.10 Southern Water – Formal connection to the public sewer will be required. An informative is suggested to draw the developer’s attention to that. Whereas the use of sustainable urban drainage systems is suggested by the applicant, these usually involve significant land take: it is not clear in the current layout what is proposed in terms of SUDS or how they might be accommodated. As SUDS rely on facilities not adoptable by sewerage undertakers, their long term maintenance would need to be secured in perpetuity. It would be imperative to ensure and surface water drains do not become flooded and inundate the foul sewerage system. It is suggested this matter be conditioned, to particularly secure on-going maintenance for the lifetime of the development.

5.11 Sport England – the site is not considered to form part of a playing field, nor been used as such in the last 5 years. SE is aware of proposals to mitigate for the loss of open space caused by the building of the new adjoining primary school by replacement open space adjoining the Redbridge Community School. The offer by the applicant to make a financial contribution to enhance recreation facilities locally is noted, meeting objectives 6 and 8 of their policy statement. No objection is raised to the proposed development.

6.0 Planning Consideration Key Issues

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

- Principle of development;
- Loss of protected open space;
- Loss of private garden land associated with the demolition of Rose Cottage;
- Density, scale and layout;
- Impact to protected trees;
- Improvements to infrastructure to be secured through a planning agreement.

6.3 Principle of Development

6.3.1 Located within a predominantly residential area, the principle of further residential development has already been accepted as early as 1960, when the (then) Minister for Housing and Local Government granted a Certificate of Alternative Development for land including this application site.

6.4 Loss of protected open space

6.4.1 The proposal would result in the loss of protected open space (Policy CLT3 Studland Road Playing Fields). From a Planning Policy perspective this is a key consideration for the application. The open space will be replaced/reconfigured elsewhere as part of a strategic approach to open space in the city.

6.4.2 The principles set out in PPG17, the adopted South East Plan (Policy CC8), and the recent Consultation Paper on new PPS Planning for a Natural and Healthy Environment take a specific approach to safeguarding open space. Policy NE9 of the PPS consultation on the new PPS states that proposals which would result in a loss of open space are to be refused unless the space is surplus as shown in an open space audit. Local authorities should avoid any erosion of recreational function and maintain or enhance the character of open spaces.

6.4.3 The Council undertook an audit of its Open Spaces in 2007 as part of the requirements under PPG17, and this identified an overall under provision of open space in the city. The Council's subsequent Green Spaces Strategy was adopted by Cabinet in October 2008 and forms part of the Evidence Base used in the production of the Core Strategy.

6.4.4 Policy CS21 of the Adopted Core Strategy (as revised and strengthened by the Inspector in relation to loss of open space) makes it clear that the Council is committed to retaining the quantity and improving the quality of open space on an overall basis (para 4.143). The Inspector took the view that the Council needs to -

- (i) address the current shortfall in various types of open space by helping to deliver new open space, and
- (ii) safeguard against the net loss of public open space through redevelopment.

6.4.5 The Inspector's report gives very clear direction that, with respect to the provision of open space, the Council should be safeguarding existing provision and achieving more (para 4.143). At the same time he encouraged the Council to develop a city-wide approach to the provision of open space by accepting that some redevelopment schemes might result in a small loss but improved quality, whilst other projects should provide net gains in the amount of open space that more than match in overall terms (para 4.143).

6.4.6 Additionally, the recent Strategic Housing Land Availability Assessment provided a clear steer away from development on protected open space:

In an urban area such as Southampton all sites (apart from those covered by specific designations) are considered, in principle, suitable for residential development. This means that unless the site is designated or protected for another use, i.e. open space, employment, operational port land then it is likely to be suitable for housing (Paragraph 11.1)

6.4.7 At the same time, Policy CS21 (criterion 2) does allow for reconfiguration of open spaces in order to achieve wider community benefits such as improving the quality of open space. In this case the proposed development of Redbridge Primary School on the Studland Road playing fields would be an example of that.

6.4.8 New open space is being achieved at the site of the former Redbridge Primary School, Redbridge Road, which is reasonably accessible from the site by foot and bicycle. The new school has provided for enhanced recreational facilities which are accessible through a community use agreement and a financial contribution made by the developer through the planning agreement can either be used to achieve improvements at Mansel Park or helping to fund the improvements at the old school site. Overall mitigation by improved recreational facilities would be achieved and Sport England does not object to the proposals.

6.5 Loss of private garden land associated with the demolition of Rose Cottage

6.5.1 Whilst Rose Cottage has an attractive secluded garden, the wider benefits of meeting housing targets, being that this application site has been considered as part of the Strategic Housing Land Availability Assessment cannot be overlooked. Being secluded and set back from Studland Road, the site makes little appreciable contribution to the character of the area and the surrounding open space of the school grounds. The loss of this garden would be compensated for by the creation of a shared open space within the development and overall the development represents an opportunity to improve the character and appearance of the area.

6.6 Density, scale and layout

6.6.1 The density is suitable for an area of medium accessibility and pays regard to retaining as many existing trees as possible. At two and three storeys in scale, the height of the development would comfortably be assimilated into the area, with causing enclosure or being overbearing to its neighbours. The layout has had a long period of gestation and has received the scrutiny of the Architects Panel on three occasions. Whilst the site is difficult to develop being long and narrow, its redevelopment with the adjoining flats in Cuckmere Lane as part of Estate Regeneration would have been an easier design proposition. Perhaps that may still occur.

6.6.2 In summary though, the layout of the scheme has evolved to a position of Officer support whereby a long-cul-de-sac has at least been carefully designed to give priority to the pedestrian in terms of movement and that buildings now define the spaces rather than vehicular movement. Amendments initiated by the Trees Team comments will ensure tree cover gives privacy as well as allowing adequate light penetration into and outlook from new dwellings

6.7 Impact to protected trees

6.7.1 Tree loss has been kept to a minimum and 66 new trees are proposed to be planted. Overall, that potential to improve the amenity and biodiversity of the area is felt worthy of support.

6.8 Improvements to infrastructure to be secured through a planning agreement

6.8.1 Mitigation for the loss of protected Open Space will be secured through a financial contribution from the developer, as will other contributions meets highways aims and objectives. Affordable housing is being provided to the required percentage.

7.0 Conclusion

7.1 The principle of developing the site for two and three storey housing, served by a single new access of Studland Road is considered acceptable.

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)

SL 16.8.2010 for 31/8/2010 PROW Panel

PLANNING CONDITIONS

01. Commencement

The development hereby permitted shall be begun before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last reserved matter to be approved, whichever is the later.

Reason

To comply with S.92 of the Town and Country Planning Act 1990 (as amended).

02. Submission of Reserved Matters

Application for the approval of reserved matters specified in Condition 03 below shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason

To comply with S.92 of the Town and Country Planning Act 1990 (as amended).

03. Reserved Matters

(A) Details of hard and soft LANDSCAPING (RESERVED MATTER) shall be submitted to the local planning authority for its approval in writing. Such scheme shall particularly indicate how incidental areas of open space within the development that are not to be included in the curtilage of dwellings shall be laid out and who shall have the responsibility of their maintenance and upkeep. The scheme shall include all hard surface treatments and the plant/tree species and their density at planting to be used, along with a schedule of how the scheme is to be maintained. A minimum of sixty-six trees shall be planted as part of the submitted details, particularly to the southern boundary of the plots numbered 20-31 on drawing AL002 Rev E. All hard surfacing works, including new footways shall be completed before any part of the building is first brought into use. Once approved by the local planning authority, the submitted planting and drainage scheme shall be fully implemented before any part of the development is first occupied, unless any alternative timescale for implementation is first agreed in correspondence with the local planning authority, and thereafter maintained in accordance with the approved maintenance schedule. 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.

(B) Elevational details of the APPEARANCE (RESERVED MATTER) of all buildings – including structures within private gardens of the curtilage of any dwelling for the storage, recycling and disposal of refuse, the storage of bicycles and any means of enclosure to the site boundaries and separating the individual residential plots shown on the approved layout plan AL002 Rev E. In particular, purpose built refuse enclosures shall be constructed where refuse is to be stored at the front of dwellings. Those landlocked private gardens to dwellings shown with integral car parking shall be so designed to allow a bicycle to be brought from the street, through the integral garage and to the garden bike store. Such details shall include a schedule of external facing materials listing manufacturers and product details. Special consideration shall be given to mitigating the potential from overlooking the adjoining school grounds by the careful design of windows above ground floor level and the use of tree planting within that overall strategy. Once approved in

writing by the Local Planning Authority, the development shall be fully implemented in accordance with the approved details.

Reason

In order to secure a high quality form of development, to achieve a satisfactory outlook and privacy to all occupiers of the development and neighbouring residential flats in Cuckmere Lane. Also having regard to the advice of paragraphs 17 (ii) and 20 (vii) of Planning Policy Guidance Note 17 - Planning for open space, sport and recreation. To achieve habitat enhancement, contributing to the objectives of the Local Biodiversity Action Plan in compliance with SDP12 (i) and (ii) of the City of Southampton Local Plan Review (March 2006).

04. No Pruning Felling Trees

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

REASON

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

05. Safeguard Trees

All trees to be retained pursuant to any other condition of this decision notice shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations in accordance with the CBA Trees report dated June 2007. In particular, no service/utility runs shall be routed through the rootballs of the surveyed retained trees.

REASON

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

06. 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.

07. No Storage of Materials Adjacent Trees

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

chemical substances including petrol, diesel and cement mixings within the tree protection zones or within canopy spreads, whichever is greater.

REASON

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

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

The external amenity space serving each dwelling or group of dwellings hereby approved, and pedestrian access to it, shall be made available prior to the first occupation of each respective dwelling hereby approved and shall be retained with access to it at all times for the use of the respective residents to this scheme.

REASON:

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

09. 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 scheme of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development. Any changes to these agreed elements require the express consent of the local planning authority.

REASON:

To ensure land contamination risks associated with the site are appropriately investigated and assessed with respect to human health and the wider environment and where required remediation of the site is to an appropriate standard.

10. APPROVAL CONDITION - Use of uncontaminated soils and fill

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

REASON:

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

11. APPROVAL CONDITION - Unsuspected Contamination

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority. Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority. Any changes to the agreed remediation actions will require the express written consent of the Local Planning Authority.

REASON:

To ensure any land contamination not previously identified is assessed and remediated so as not to present any significant risks to human health or, the wider environment

12. Demolition

The existing buildings on site shall be demolished with all resultant materials removed from the site before works on the development hereby approved is first commenced.

REASON:

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

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

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

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

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

And at no time on Sundays and recognised public holidays.

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

Reason:

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

14. PERFORMANCE CONDITION - Deliveries restriction

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.

REASON

To safeguard children at the nearby Redbridge Primary school and Redbridge Community School.

15. 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 and protected trees on/overhanging the site.

16. Construction method statement

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;
- measures to be taken to suppress dust; and
- wheel cleaning facilities,

required for the construction of the development hereby permitted. 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. During the period of the preparation of the site, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on the site and no lorry shall leave the site until its wheels have been cleaned.

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 surrounding development in the immediate vicinity of the site, to prevent mud being taken onto the public highway and ensure that no undue associated congestion occurs on the surrounding highway network.

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 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).

18. APPROVAL CONDITION - Sustainability Standards [Performance Condition]

Written documentary evidence demonstrating that the development has achieved at minimum Level 3 of the Code for Sustainable Homes for all the residential units, 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 correspondence by the Local Planning Authority. The evidence shall take the form of a post construction certificate as issued by a qualified BRE Assessor.

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).

19. Approval Condition – Highway design and subsequent adoption

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

(i) a specification of the type of construction proposed for the shared pedestrian vehicular surface to service the development, including all relevant horizontal cross-sections and longitudinal sections, showing existing and proposed levels together with details of street lighting, signing, any white lining and the method of disposing of surface water, to accord with 'Home Zone' design criteria and to include details of speed control measures at the entrance and within the site; and,

(ii) a programme for the making up of the roads and footpaths to a standard suitable for adoption by the Highway Authority.

20. Refuse and recycling facilities

The refuse and waste recycling facilities detailed on the approved plans shall be fully provided before any part of the building hereby approved is first occupied. Once provided, those facilities shall be maintained at all times thereafter.

REASON:

In the interests of amenity.

21. Car parking facilities

No more than 31 car parking spaces shall be provided on site to the local planning authority's recognised minimum standard dimensions, in accordance with the approved plans. Once provided, those 31 parking spaces shall be retained on site at all times thereafter.

REASON:

In the interests of highway safety and to encourage more sustainable forms of travel.

22. Bicycle parking facilities

Before the development commences, the developer shall fully detail how secure, covered and enclosed bicycle parking is to be provided within the development to the Council's minimum standards of provision under Local Plan Review Policy SDP5, with details to be submitted to and approved in writing by the local planning authority. Once approved, bicycle parking facilities for a minimum of 1 allocated bicycle per dwelling and one external Sheffield hoop per flatted block (visitor cycle parking) – as close to its common entrance as possible, shall be fully provided before any associated dwelling hereby approved is first occupied. Once provided, those facilities shall be maintained at all times thereafter.

REASON:

To promote the use of a sustainable form of travel.

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

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

Reason:

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

24. APPROVAL CONDITION – Archaeological work programme [Performance Condition]

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

Reason:

To ensure that the archaeological investigation is completed.

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

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

Reason:

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

26. 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.

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

No development approved by this permission shall commence until a scheme for the disposal of foul water and surface water drainage – including the use of any Sustainable Urban drainage system which may not being offered for adoption by the sewerage undertaker - has been submitted to and approved in writing by the Local Planning Authority and no building shall be occupied unless and until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority and subsequently implemented and maintained for use for the life of the development.

Reason:

To ensure satisfactory drainage provision for the area and to avoid flooding off-site/downstream.

28. APPROVAL CONDITION – Secured By Design

Unless otherwise agreed in correspondence 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 entrance point of each of the blocks of flats whose doors shall be self-closing;
- the installation of self-locking gates to any private alleyway leading to back gardens;
- the enclosure of site and plot boundaries, particularly achieving 1.8m means of enclosure to back gardens and the cartilage amenity spaces to the blocks of flats,

being properly installed prior to the first occupation of any of the respective 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.

NOTES TO APPLICANT

1. A Section 106 agreement relates to this site. A full copy of the S106 legal agreement is available on the Public Register held at Southampton City Council.

2. 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.

3. 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.

4. A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel: 01962 858688) or www.southernwater.co.uk.

POLICY CONTEXTCity of Southampton Core Strategy - (January 2010)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS14	Historic environment
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-manage-invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and enhancing open space
CS22	Promoting biodiversity and protecting habitats
CS23	Flood risk
CS25	The Delivery of Infrastructure and Developer Contributions

'Saved' policies of City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban form and public space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP21	Water quality and drainage
SDP22	Contaminated land
NE4	Protected species
HE6	Archaeological remains
CLT3	Protection of Open Space
CLT5	Open space in new residential developments
CLT6	Provision of children's play areas
H1	Housing Supply
H2	Previously Developed Land
H3	Special housing need
H6	Housing retention
H7	The Residential Environment

Supplementary Planning Guidance

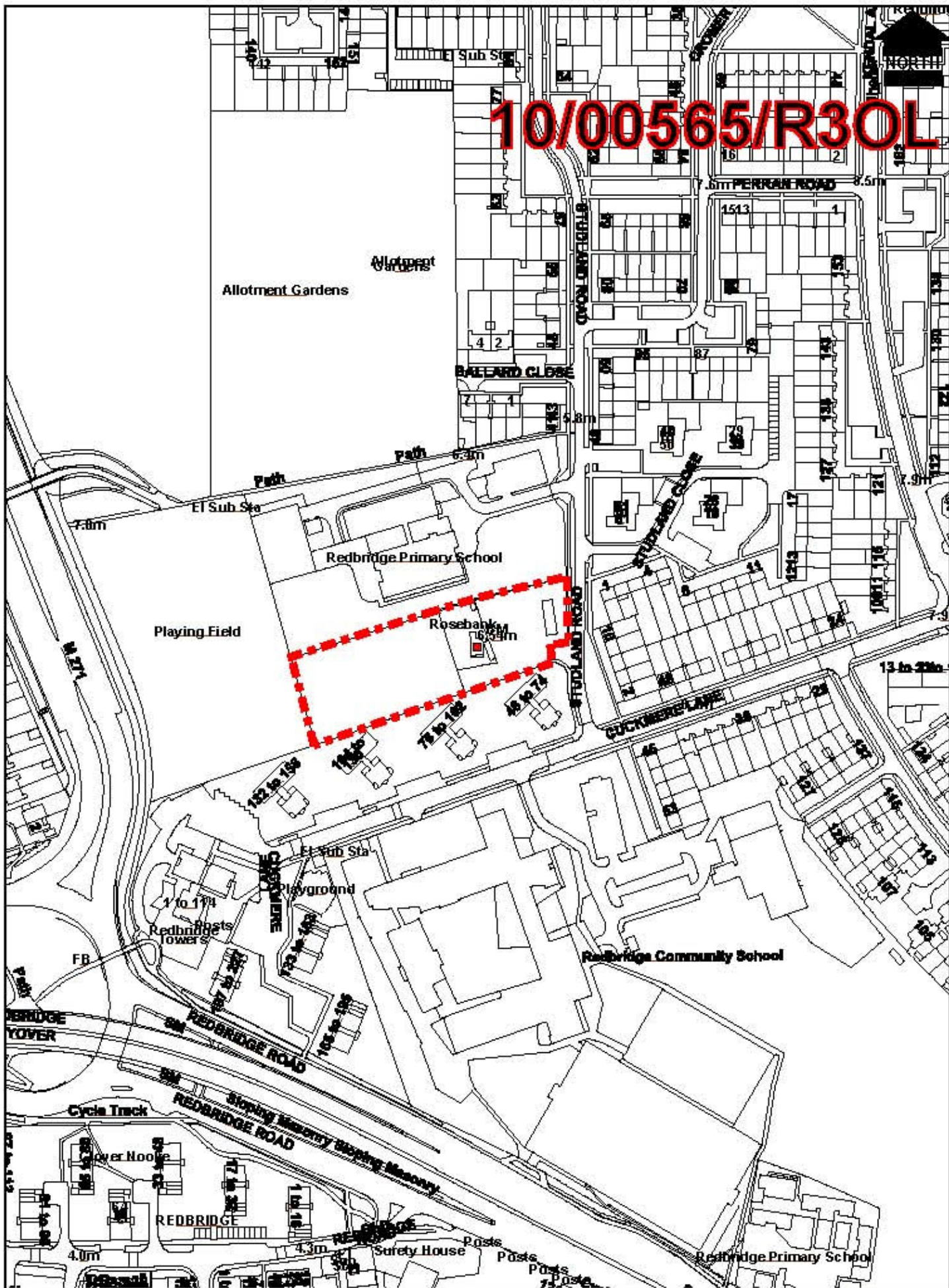
Residential Design Guide (September 2006)

Planning Obligations (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 (1991)
PPS23	Planning & Pollution Control (1994)

10/00565/R3OL



Scale : 1:2500

Date : 16 August 2010

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Agenda Item 21

DECISION-MAKER:	PLANNING AND RIGHTS OF WAY PANEL		
SUBJECT:	PLANNING PERFORMANCE AGREEMENTS AND PRE-APPLICATION CHARGING		
DATE OF DECISION:	31 AUGUST 2010		
REPORT OF:	HEAD OF PLANNING AND SUSTAINABILITY		
AUTHOR:	Name:	STEPHEN HARRISON	Tel: 023 8083 4330
	E-mail:	stephen.harrison@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY

N/A

SUMMARY

Following the Local Government Act 2003 and Circular Guidance, many local authorities, including the City Council, have introduced fee charges for pre-application planning advice. This is usually coupled with the introduction of a more formalised service and protocols, backed by written reports of any meeting(s) and advice provided.

At Full Council in July 2009, the concept of introducing charges to recover costs for planning pre-application advice from the City Council was agreed. In November 2009, Cabinet agreed to the introduction of an improved, chargeable pre-application advice scheme for the Southampton City Council Planning Authority.

The Council commenced its pre-application charging system on 6th April 2010 following a briefing to the Planning Panel in March.

This report explains the role that Planning Performance Agreements (PPA) will have in delivering this service, and makes suggestions as to how the Planning Panel will be involved at the pre-application stage. This builds on the recent Member training undertaken on 12th July 2010.

RECOMMENDATIONS:

- (i) The Panel note the content of the report; and
- (ii) The Panel agree that the PPA guidance note at Appendix 1 is approved for use as part of the Council's pre-application service and added to the Council's website.

REASONS FOR REPORT RECOMMENDATIONS

- 1 To provide information to the Planning and Rights of Way Panel of the changes to how the City Council will provide pre-application planning advice through the use of Planning Performance Agreements.

CONSULTATION

- 2 Individual meetings have been held with internal consultees, including the Development Management Team and City Development Team.
- 3 The Overview and Scrutiny Management Committee considered the Cabinet report proposals at its meeting in November 2009.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

4 Not to implement Planning Performance Agreements

The option to continue with the previous pre-application advice service, free of charge, was considered and rejected. National guidance advocates that an improved and more consistent, formal approach to the early stages of engagement and negotiation should be implemented. This would involve additional resources and a more formal pre-application advice service, requiring additional staff time, which can be recovered through the introduction of fees. It will not be compulsory for applicants to enter into a PPA.

DETAIL

5 It has been agreed that the City Council will charge for its pre-application planning advice. As part of this approach the Council will also promote the use of Planning Performance Agreements for larger schemes.

6 The PPA embraces the planning process from pre-application advice, through to the submission and determination of a planning application by the Council's Planning and Rights of Way Panel, and builds in a review process to ensure that realistic targets are set and achieved. Further details are provided in the guidance note attached to this report at Appendix 1.

7 In return for entering into a PPA, applicants will be rewarded with:

- increased certainty of process, timescales and issues to be addressed;
- input from relevant officers and the elected decision makers;
- the avoidance of abortive work;
- the earliest possible indications and negotiations of planning obligations;
- the opportunity to resolve issues prior to the application submission; and,
- an aftercare programme following a decision with assistance with planning conditions.

8 As part of the PPA process detailed in the attached guidance note, it is proposed that applicants will have the opportunity to present their schemes to the Planning and Rights of Way Panel and the Architect's Panel as part of the pre-application stage.

FINANCIAL/RESOURCE IMPLICATIONS

Capital

9 None

Revenue

10 It was previously estimated that the level of resource for the provision of free pre-application advice was £40,000 per annum. The total resource cost of providing the pre-application advice, under the enhanced scheme, will depend on the level of demand for the service. However, based on the assumed demand the total cost is estimated at £74,000 per annum.

11 As far as possible, the additional resources for an enhanced service would be redirected from work on planning applications, allowing costs to be met from existing budgets. However, there may be a need to increase overall Development Management resources to deal with the additional service requests in due course.

- 12 The estimates are subject to the uncertainties of current market conditions. Cabinet have given delegated authority to allow adjustments to fees annually, for any deficit or surplus, within a period of up to 3 years.

Other

- 13 None

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

- 14 Best Value authorities have the power to charge for discretionary services. Under section 111 (1) of the Local Government Act 1972, the Council has the power to do anything reasonably incidental to its express powers. Thus the provision of pre application advice will be incidental to the statutory duty to provide planning services.
- 15 Section 93 of the Local Government Act 2003 allows an authority, relying on subsidiary powers, to charge but the recipient of the discretionary service must have agreed to its provision and to pay for it.
- 16 Circular guidance entitled 'General power for best value authorities to charge for discretionary services – guidance on the power in the Local Government Act 2003' makes it clear that Authorities when exercising this power are under a duty to secure that, taking one year with another, the income from charges do not exceed the costs of provision of the service. The circular advises that charges may be set differentially, so that different people are charged different amounts. Further, authorities are not required to charge for discretionary service and may provide them for free if they so decide.

Other Legal Implications:

- 17 None

POLICY FRAMEWORK IMPLICATIONS

- 18 The proposal to charge for pre-application advice (including the use of PPAs), whilst improving the level of service provided, is set out within the broad business plan objective to 'Improve Development Control Performance' as set out in the Corporate Improvement Plan 2009/10.

SUPPORTING DOCUMENTATION

Appendices

1.	Proposed Planning Performance Agreements Guidance Note
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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

FORWARD PLAN No: N/A **KEY DECISION?** N/A

WARDS/COMMUNITIES AFFECTED:	All
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Appendix 1 - GUIDANCE NOTE

SOUTHAMPTON CITY COUNCIL

PLANNING PERFORMANCE AGREEMENTS

INTRODUCTION

The City Council has adopted a development management approach to the facilitation of development and sustainable growth across Southampton. Council resources have been allocated to ensure that all users of the planning system are given clear and concise guidance that reflects the current planning guidance and policies, with an emphasis on ensuring that those seeking pre-application advice can do so easily.

WHY USE A PLANNING PERFORMANCE AGREEMENT?

Since April 2010 a formal chargeable service for pre-application planning advice has been operating with officers making accompanied site visits (where requested) and producing a written report of their findings. The Council recognises that this approach can be adapted to facilitate larger developments, typically of 100 or more dwellings and/or 10,000sq.m of commercial floorspace and encourages applicants to enter into a Planning Performance Agreement (PPA)

A PPA is a collaborative project management process for the more complex type of developments. This process seeks to secure an early agreement between the parties as to the type of development within a defined programme with a greater likelihood of a favourable decision and a successful development.

The agreement embraces the planning process from pre-application advice, through to the submission and determination of a planning application by the Council's Planning and Rights of Way Panel, and builds in a review process to ensure that realistic targets are set and achieved.

Pre-application dialogue between applicants and the City Council is a major component of the PPA process. As part of the Council's adopted pre-application charging system a planning fee is associated with an agreed PPA. In return for entering into a PPA applicants will be rewarded with:

- increased certainty of process, timescales and issues to be addressed;
- input from relevant officers and the elected decision makers;
- the avoidance of abortive work;
- the earliest possible indications and negotiations of planning obligations;
- the opportunity to resolve issues prior to the application submission; and,
- an aftercare programme following a decision with assistance with planning conditions.

SIMPLIFIED PRE-APPLICATION DISCUSSIONS

Whilst the Council can offer a more complex form of PPA to suit the applicants' needs¹ the key stages of our simplified PPA approach can be summarised as follows:

Contact	Initial contact made to either the City Development Team or the Planning and Development Manager
Definition	The definition of the project proposal and the completion of the attached Agreement which shall include the "Project Plan" for delivery and a payment schedule
Implementation	Implementation of the Project Plan with ongoing review
Submission	Application Submission, Determination and Pre-Construction Sign Off

THE COUNCIL'S STRUCTURE & PROJECT TEAM APPROACH

The Council is committed to co-ordinated cross-departmental working involving internal and external stakeholders, the community and elected Councillors. An approach to the City Council concerning a large scale or complex development project will initially be through either the Planning Department or the City Development Team.

For large strategic projects an officers' Steering Group will be established which will be chaired by the Planning Case Officer ("The Project Manager") in close consultation with the Planning and Development Manager. This group will involve officers from other departments as necessary.

For those projects affecting high profile City Centre sites and/or those projects with a Council interest, as landowner, it is likely that the City Development Team will co-ordinate the initial contact and assign their own Project Manager, with resources being offered by the Planning and Development Manager as required. Once the parameters of the scheme have been identified the Planning Case Officer will then manage the process through to the submission and determination of the planning application.

¹ In line with the approach recommended by the Advisory Team for Large Applications (ATLAS) in their guidance note entitled "Implementing Planning Performance Agreements" (2008).

Either way, the make up of the Council's Steering Group will be determined according to the needs of the project and in accordance with the terms of the agreed PPA.

The Chair of this Steering Group will be responsible for the project's management alongside the applicant's project team, whilst ensuring corporate delivery within agreed timescales and the continual communication to Council Members and the wider community. All members of the Steering Group will work on behalf of the Council in the wider public interest and to secure a well designed, sustainable and inclusive scheme that delivers the objectives of the Council's Local Development Framework and other relevant policy documents and material considerations.

As part of the pre-application dialogue at least one meeting identified as part of the PPA process will be chaired by the Council's Planning Agreements Officer. This meeting will coordinate the responses of those departments and stakeholders affected by any development proposals whose direct impacts may otherwise be mitigated against through the S.106 process². An early understanding of any likely S.106 package assists both parties in reaching a viable proposal that is deliverable, and this meeting is pivotal to a successful PPA.

A further meeting with the Planning Case Officer may also be sought to discuss the documents that should be submitted to enable the application to be validated against the current local and national 1APP requirements.

Throughout the PPA process officers will express their own professional opinions which will form guidance for the applicant. The guidance will not bind officers to a final recommendation, nor the Planning & Rights of Way Panel's determination of the planning application, and does not override the requirement for a formal planning application to be determined without prejudice and within the statutory requirements of current planning legislation. The PPA will, however, form a material consideration in the officer's consideration of any related planning application and the Council will endeavour to ensure that the same Steering Group remains in place throughout the PPA process.

EXTERNAL STAKEHOLDER INPUT

Other stakeholders from partner organisations are likely to be required to provide a timely response to the project at various stages. Partners in this context may include statutory agencies such as the Environment Agency, or neighbouring authorities where a proposal could have a cross-boundary impact. The Council's team will aim to secure adequate and timely

² As detailed in the Council's adopted S.106 Planning Obligations SPG (2006) as may be amended.

consultation with partner organisations as the project proceeds and will facilitate participation by partner organisations in the project plan.

COMMUNITY ENGAGEMENT

Promoters of large scale developments, whether or not the subject of a PPA, will be expected to carry out pre-application consultation with the local community, in accordance with the Council's adopted Statement of Community involvement. The Council's team will offer guidance to the applicant in the preparation of an appropriate consultation strategy and assist the applicant in reaching relevant people and groups. The onus for public engagement will, however, rest with the applicant in the first instance. The results of such engagement, and how the design of any proposals has altered, should be set out in a Statement of Community Involvement that is submitted by the applicant with their planning application.

THE PLANNING AND RIGHTS OF WAY PANEL

Decisions on planning applications for large scale, complex and politically sensitive developments will be made by elected councillors serving on the Council's "Planning and Rights of Way Panel". Accordingly it is appropriate for councillors to be involved in the PPA process.

The appointed chair of the Council's Project Steering Group will, in agreement with the applicant, facilitate the engagement of the Panel, affected ward councillors and other councillors as appropriate. In most cases this will take the form of a pre-arranged short presentation by the applicant followed by a question and answer session. The appropriate Panel meeting for this presentation will be agreed as part of the PPA programme and should normally follow a robust public engagement exercise.

This approach will allow councillors to develop an understanding of the issues and raise their own queries and concerns. Councillors shall, however, ensure that their decision making function is in line with the Council's adopted rules concerning probity and not compromised, and will not express views about the overall planning merits of any case or engage privately with the applicant.

COUNCIL EXPECTATIONS OF THE APPLICANT

The Council will expect the applicant to approach any proposal in an open, collaborative and creative manner and will offer the same courtesy in return.

The applicant will be expected to employ staff and/or consultants with sound expertise in delivering sustainable communities. All projects will be delivered through a robust project management process and, as with the Council's Project Steering Group, applicants will be expected to use best endeavours to meet the agreed timetables.

It is, perhaps, unrealistic to expect all potential planning related issues and material considerations to be raised and resolved as part of the PPA process. In those cases where the parties cannot agree on all elements of a project this will be clearly stated in the Council's written response with further guidance on appropriate actions for either party.

PRE-APPLICATION CHARGING

The current charging system explains that the fee for applications with a PPA will be levied at 10% of the final full planning application fee, with a schedule for payments to be agreed as part of the PPA³. The fees will be calculated on a not-for-profit basis.

THE PLANNING PERFORMANCE AGREEMENT

PROJECT DESCRIPTION

To secure collaborative working between Southampton City Council and the applicant on planning proposals for the redevelopment of:

The site and a brief outline of the proposals to be added here

PARTIES TO THE AGREEMENT

This agreement is made on *date to be added here* between Southampton City Council as Local Planning Authority & the Applicant

Project Manager & Contact Telephone Number: *details to be added here*

Applicant Details & Contact Telephone Number: *details to be added here*

³ For instance, a scheme for 100 dwellings attracts a planning application fee of £21,565 with an additional PPA cost of £2,157. A commercial scheme for 10,000sq.m attracts a planning application fee of £24,965 with an additional PPA cost of £2,497 (at the April 2010 fee rate).

PLANNING PERFORMANCE AGREEMENT DRAFT PROGRAMME FOR DELIVERY

Stage	The Project Plan Draft Key Milestones – delete as applicable	Dates to be Agreed (Provisional)	Payment Schedule
Pre-Application	Initial Contact		
	Agreement Signature & Programme		
	Topic Meeting Dates	(to be agreed)	
	EIA Screening		
	EIA Scoping		
	S.106 Planning Agreements Officer		
	Community Engagement	(to be agreed)	
	Presentation to the Planning Panel		
	Formal SCC Pre-Application Response		
	Application	Planning Application Submission	
Consultation & Notification			
Feedback & Scheme Amendment			
Planning Panel Determination			
Completion of S.106 Legal Agreement			
Target Decision			
Post Decision	Implementation Programme		
	Pre-Commencement Conditions		

In signing this PPA Agreement both parties agree to enter into formal pre-application discussions for the above project and, unless otherwise agreed in writing, will confirm a final programme for its delivery within 28 days.

The Council's planning fee for the project will be levied at no more than 10% of the final full planning fee for any formal planning application that follows the formal pre-application discussions for this site, and will be payable in accordance with an agreed payment schedule.

Signed and dated on behalf of Southampton City Council

.....

Signed and dated on behalf of the Applicant

.....

TERMS OF REFERENCE

APPLICATION SUBMISSIONS

No planning application will be submitted “prematurely” during the agreed period for pre-application negotiations without the prior agreement of the Council. If the applicant submits an application outside the terms agreed below then the Council may determine the application without further negotiation or consideration of amended plans. Where the pre-application process has been successfully concluded or, in the event of an agreed outcome not being reached through the negotiation, the applicant may then submit an application.

As part of the Agreement both parties shall agree a provisional date for the submission and determination of the application (which can be beyond the normal 13/16 week target date) and will agree a timetable for further dialogue during consideration of the scheme. In the event that officer’s are minded to recommend a refusal of the application, despite the completion of the PPA procedure, they will offer the applicant the opportunity to formally withdraw the application before doing so.

DISPUTES PROCEDURE

The Council will work to resolve any disputes amicably, but recognises that most major development proposals will give rise to a wide range of planning issues. Accordingly, the Council acknowledges that in order to properly assess the associated range of complex planning issues the planning application may not be capable of being determined within the 13/16 week statutory period. An alternative timescale may be agreed with the applicant.

In the event of the parties not agreeing on any matter at the regular project meetings the project managers will meet together and seek to resolve differences. In the event of no resolution a special meeting of the Project Steering Group can be called by either party and this meeting shall take place within 15 working days of the request being received. If required, outstanding matters can be escalated for a resolution.

If either party shall commit any breach of its obligations under this Agreement and shall not remedy the breach within 10 working days of written notice from the other party to do so, then the other party may notify the party in breach that it wishes to terminate this Agreement and the Agreement shall be terminated immediately. No penalty fees will apply, although it is unlikely that any fees paid shall be refunded.

It remains open for the applicant team to appeal against any decision or non determination at any stage following the 13/16 statutory target date, and for the Council to determine the application where the Agreement has not been followed correctly. Nothing in this PPA shall restrict the City Council from properly exercising its role as the Local Planning Authority. Nothing in this PPA fetters the Council’s statutory powers to grant or refuse planning permission

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DECISION – MAKER:	PLANNING AND RIGHTS OF WAY PANEL
DATE OF DECISION:	31 AUGUST 2010
SUBJECT:	STREET NAMING REPORT - FORMER WICKES SITE, 81 – 97 PORTSWOOD ROAD
REPORT OF:	HEAD OF PLANNING AND SUSTAINABILITY
AUTHOR: CONTACT DETAIL	HELINES JAGOT HIGHWAYS DEVELOPMENT CONTROL TEL: 023 8083 3990 Email: helines.jagot@southampton.gov.uk
EXECUTIVE DIRECTOR CONTACT DETAILS	LORRAINE BROWN Tel: 023 8083 2011 Email: lorraine.brown@southampton.gov.uk

A. RECOMMENDATION

It is recommended that the name 'Fullerton Place' be approved for the cul-de-sac serving the residential development on the former Wickes site, 81 – 97 Portswood Road.

B. REASONS FOR REPORT RECOMMENDATIONS

The purpose of this report is to decide the name of a new street to enable postal addresses to be assigned to the properties before the occupants take residence.

C. ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

The name 'Lowman's Place' is an alternative suggestion should the recommended name be unsuitable.

D. WARDS / COMMUNITIES AFFECTED

The development is situated in Bevois ward.

SUMMARY

1. Members are asked to consider the proposed name and agree this reports recommendation.

BACKGROUND AND REPORT DETAILS

2. Orchard Homes are building 101 dwellings on the site of the former Wickes Building Supplies at 81 – 97 Portswood Road. The development requires the creation of a new street. A location plan is attached for reference.
3. Research has been carried out in order to identify a suitable name for the street. The name 'Fullerton Place' has been suggested by the developer. The name derives from an archaeologist report of the site which shows the area to the

north and west to have been part of the Westwood House estate, the most prominent owner being George Fullerton.

4. Alternatively, the name 'Lowman's Place' is proposed as the site was previously occupied by Lowman's bakery.
5. The Royal Mail has been consulted and has raised no objection to the proposed names. Should an alternative name be chosen, further consultation with the Royal Mail will be required.

POLICY FRAMEWORK IMPLICATIONS

6. None

LEGAL IMPLICATIONS

7. The power for the City Council to name streets within the City is contained within the Town Improvement Clauses Act 1847.

FINANCIAL IMPLICATIONS

8. There are no financial implications associated with this report. Street nameplates will be funded by the developer.

CONSULTATION AND CONCLUSIONS

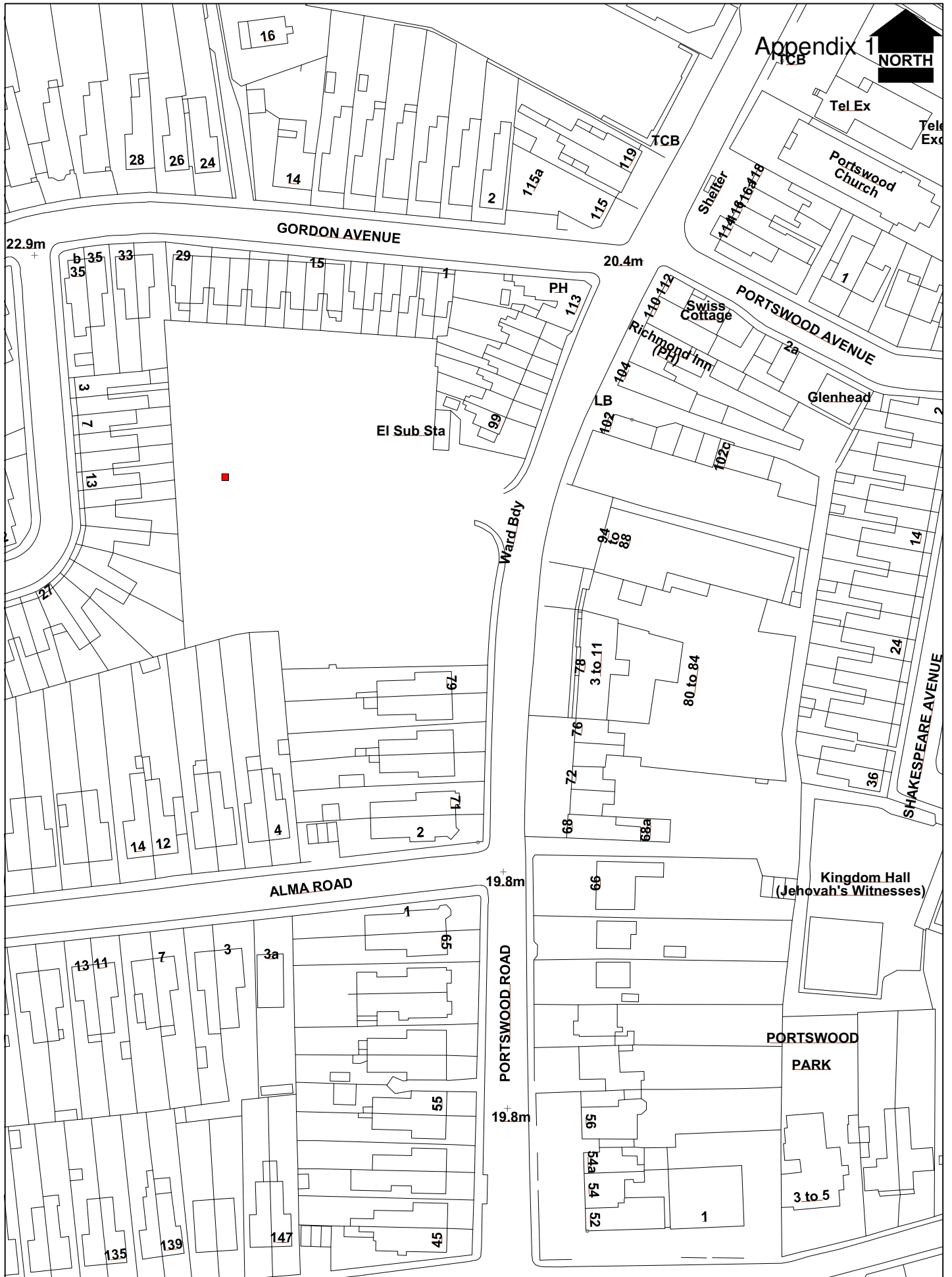
9. Both names proposed reflect the history of the site. The name 'Fullerton Place' is recommended as this is the developers preferred choice.

BACKGROUND PAPERS

Appendices: Location Plan and Site Location Plan

Documents in Members Rooms: Nil

STREET NAMING - FORMER WICKES SITE



Scale : 1:1250

Date : 16 August 2010

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DECISION – MAKER:	PLANNING AND RIGHTS OF WAY PANEL
DATE OF DECISION:	31 AUGUST 2010
SUBJECT:	STREET NAMING REPORT FOR UN-NAMED STREET ACCESSED OFF BLECHYNDEN TERRACE AND THE REAR OF THE MAYFLOWER THEATRE
REPORT OF:	HEAD OF PLANNING AND SUSTAINABILITY
AUTHOR: CONTACT DETAIL	HELINES JAGOT HIGHWAYS DEVELOPMENT CONTROL TEL: 023 8083 3990 Email: helines.jagot@southampton.gov.uk
EXECUTIVE DIRECTOR CONTACT DETAILS	LORRAINE BROWN Tel: 023 8083 2011 Email: lorraine.brown@southampton.gov.uk

A. RECOMMENDATION

It is recommended that the name 'Phantom Lane' be approved as the street name for Wyndham Court service road at the rear of 22 – 26 Commercial Road and to the west of the Mayflower Theatre.

B. REASONS FOR REPORT RECOMMENDATIONS

The purpose of this report is to decide the name of an existing un-named street.

C. ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

The name 'Gaumont Lane' is an alternative suggestion should the recommended name be unsuitable.

D. WARDS / COMMUNITIES AFFECTED

The development is situated in Bargate ward.

SUMMARY

1. Members are asked to consider the proposed name and agree this reports recommendation.

BACKGROUND AND REPORT DETAILS

2. The SNN Officer received a request to name the service road at the rear of 22 – 26 Commercial Road (hatched black on the attached plan). The road was never officially named when it was built over 30 years ago to provide pedestrian access to Wyndham Court and a service area to the Mayflower theatre.
3. The Mayflower Theatre has been extended to provide new facilities which require vehicular access from the un-named road.

4. The name 'Phantom Lane' has been suggested by the Mayflower theatre after the popular musical.
5. Alternatively, research has been carried out and the name 'Gaumont Lane' is proposed to reflect the theatre's former name.
6. The Royal Mail has been consulted and has raised no objection to the proposed names. Should an alternative name be chosen, further consultation with the Royal Mail will be required.
7. An indication of support for the name 'Phantom Lane' has been received from Councillor Hannides.

POLICY FRAMEWORK IMPLICATIONS

8. None

LEGAL IMPLICATIONS

9. The power for the City Council to name streets within the City is contained within the Town Improvement Clauses Act 1847.

FINANCIAL IMPLICATIONS

10. There are no financial implications associated with this report. Street nameplates will be funded by the developer.

CONSULTATION AND CONCLUSIONS

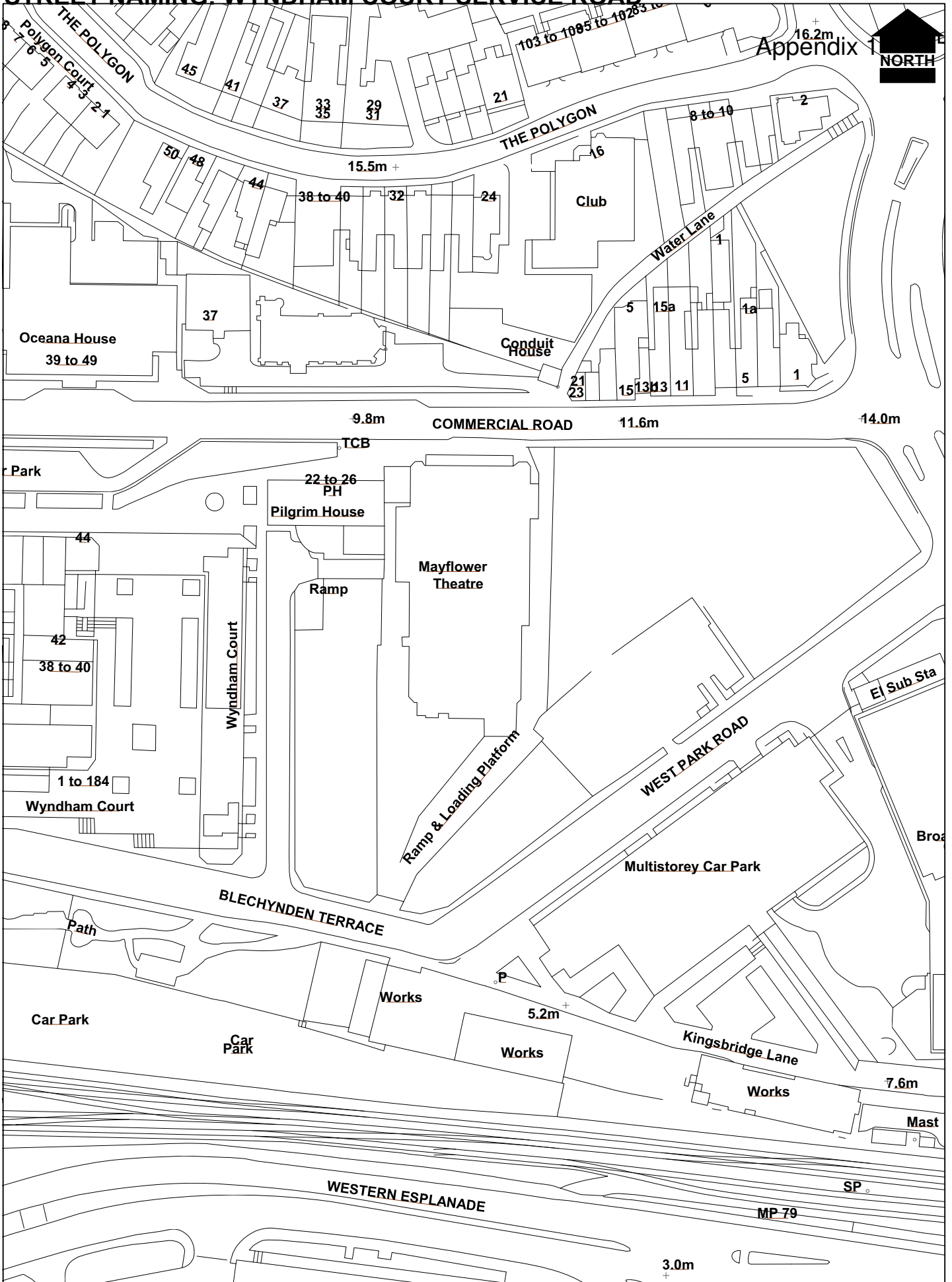
11. The street name 'Phantom Lane' is not being used within the vicinity of the site and the Royal Mail has raised no objection. It is recommended that the proposed name should be supported.

BACKGROUND PAPERS

Appendices: Location Plan and Site Location Plan

Documents in Members Rooms: Nil

STREET NAMING: WYNDHAM COURT SERVICE ROAD



Appendix 1
NORTH

Scale : 1:1250

Date : 11 August 2010

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