

Planning and Rights of Way Panel

Tuesday, 28th September,
2010 at 9.30 am

PLEASE NOTE TIME OF MEETING

Committee Room 1 - 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

CONSIDERATION OF PLANNING APPLICATIONS

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

4 CIVIC CENTRE, CIVIC CENTRE ROAD / 10/00020/R3CFL

Report of the Head of Planning and Development Manager recommending delegated authority be granted in respect of the application for a proposed change of use at the above address, attached.

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

5 MILLBROOK CLINIC HELVELLYN ROAD / 09/01305/FUL

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

ITEMS TO BE HEARD BETWEEN 10:45 AM TO 11:30 PM

6 SOUTHAMPTON GENERAL HOSPITAL, TREMONA ROAD / 10/00921/FUL

Report of the Planning and Development Manager, recommending conditional approval in respect of the application for a proposed development at the above address, attached.

ITEMS TO BE HEARD BETWEEN 11:30 AM AND 12:15 PM

7 492 WINCHESTER ROAD / 10/00607/FUL

Report of the Planning and Development Manager, recommending conditional approval in respect of the application for a proposed development at the above address, attached.

ITEMS TO BE HEARD BETWEEN 12:15 PM TO 1:00 PM

8 67 ARTHUR ROAD 10/00826/FUL

Report of the Planning and Development Manager, recommending conditional approval in respect of the application for a proposed development at the above address, attached.

PANEL SCHEDULED FOR LUNCHBREAK FROM 1.00 PM - 2.00 PM

ITEMS TO BE HEARD BETWEEN 2:00 PM AND 2:45 PM

9 119 EARLS ROAD / 10/00711/FUL

Report of the Planning and Development Manager, recommending conditional approval in respect of the application for a proposed development at the above address, attached.

ITEMS TO BE HEARD BETWEEN 2:45 PM AND 3:15 PM

10 31 REDHILL CLOSE / 10/00996/MMA

Report of the Planning and Development Manager, recommending conditional approval in respect of the application for a proposed development at the above

address, attached.

ITEMS TO BE HEARD BETWEEN 3:15 PM AND 3:45 PM

11 BELMONT AND NO. 10, SEAGARTH LANE / 10/00587/FUL

Report of the Planning and Development Manager, recommending conditional approval in respect of the application for a proposed development at the above address, attached.

ITEMS TO BE HEARD BETWEEN 3:45 PM AND 4:15 PM

12 87 NORHAM AVENUE / 10/00983/FUL

Report of the Planning and Development Manager, recommending conditional approval in respect of the application for a proposed development at the above address, attached.

MAIN AGENDA ITEMS

ITEMS TO BE HEARD FROM 4:15 PM

13 TREE REMOVAL AT THE ROMSEY ROAD/WIMPSON LANE JUNCTION.

Report of the Executive Director Of Neighbourhoods, seeking approval for a programme of tree removal at the above site address, attached.

14 STREET NAMING - HINKLER PARADE

Report of the Head of Planning and Sustainability, seeking approval for proposed street names for the new housing development at Hinkler Parade, attached.

Monday, 20 September 2010

SOLICITOR TO THE COUNCIL

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Agenda Annex

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 28 September 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>					
4	JT	DEL	Q18	15	Civic Centre, Civic Centre Road - 10/00020/R3CFL
<u>BETWEEN 10.15 AM AND 10.45 AM</u>					
5	AA	DEL	Q07	15	Millbrook Clinic Helvellyn Road - 09/01305/FUL
<u>BETWEEN 10.45 AM AND 11.30 AM</u>					
6	AA	CAP	Q12	15	Southampton General Hospital, Tremona Road - 10/00921/FUL
<u>BETWEEN 11.30 AM AND 12.15 PM</u>					
7	SB	CAP	Q21	5	492 Winchester Road - 10/00607/FUL
<u>BETWEEN 12.15 PM AND 1.00 PM</u>					
8	AG	CAP	Q20	5	67 Arthur Road - 10/00826/FUL
PANEL SCHEDULED FOR A LUNCH BREAK FROM 1:00 PM – 2:00 PM					
<u>BETWEEN 2:00 PM AND 2:45 AM</u>					
9	SB	CAP	Q20	5	119 Earls Road - 10/00711/FUL
<u>BETWEEN 2:45 PM AND 3:15 PM</u>					
10	SB	CAP	Q28	5	31 Redhill Close - 10/00996/MMA
<u>BETWEEN 3:15 PM AND 3:45 PM</u>					
11	BG	CAP	Q13	5	Belmont and No. 10, Seagarth Lane - 10/00587/FUL
<u>BETWEEN 3:45 PM AND 4:15 PM</u>					
12	BG	CAP	Q13	5	87 Norham Avenue - 10/00983/FUL

MAIN AGENDA ITEMS FROM 4: 15 PM	
13	Tree removal at the Romsey Road/Wimpson Lane junction.
14	Street Naming – Hinkler Parade

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 4

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 28 September 2010
 Planning Application Report of the Planning and Development Manager

Application address:			
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	R3CFL
Case officer	Steve Lawrence	Public speaking time	15 minutes
Last date for determination:	18.3.2010	Ward	Bargate
Reason for Panel Referral	Major planning application with Undertaking required by Head of Leisure	Ward Councillors	Cllr Bogle Cllr Damani Cllr Willacy

Applicant: Mrs Tina Dyer-Slade	Agent: Mr Neil Taylor
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning approval subject to criteria listed in report
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Reason for granting Deemed 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 deemed 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	2	Development Plan Policies
3	Plan of Havelock Spur layout		

Recommendation in Full

Delegate to 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 to include:
 - (i) Pedestrian crossing facilities in the vicinity of the junction of Havelock Road and West Park Road;
 - (ii) Construction of an island extending out from the radius of the north side of the junction of the Havelock spur road with Havelock Road to beyond the existing centre line of the carriageway which will then provide: safe visitor cycle parking; a clear definition of the carriageway edge when travelling along Havelock Road; a clear route out of the spur which only allows left turning traffic by design; a clear deterrent for any traffic attempting to turn into the spur; suitable signage to advise traffic of new circulation routes 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);
 - (iii) The implementation of the Temporary Traffic Management Plan as shown on drawing number TM-013
 - 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).
 - c) Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer
 - d) Energy conservation measures in accordance with Policies CS20 & 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).
 - e) The submission, approval and implementation of a scheme of improvements to the public realm in the vicinity of the site within a timescale to be agreed by the Local Planning Authority.

1.0 Background

1.1 This application was delegated to officers to approve (subject to criteria) at the 16th March 2010 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 been amended and this report seeks the Panel'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 as originally submitted sought the closure of Havelock Spur to general traffic and with access for coaches and taxis only for dropping off purposes.

2.2 The application now proposes a one-way route through Havelock Spur for taxis, coaches and buses. During the construction process however, the spur will be closed for a temporary period of 70 weeks. The temporary closure of Havelock Spur will serve as a trial period in which to assess the impact of permanent closure on the wider circulation of traffic in the area. This does not require a Stopping Up Order at this stage. If no problems are encountered during this time, it is intended a subsequent planning application will be submitted to secure the permanent closure of the Havelock Spur.

2.3 The applicant wishes it to be made clear that the paved piazza shown within **Appendix 3** to this report is the Council's long term aspiration, but that what can be delivered within the available budget is likely to be limited to that resolved at the March Panel meeting (**Appendix 1**), which was essentially to reserve these matters of detail by planning condition.

3.0 Relevant Planning Policy

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

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.

3.3 The Council has already agreed the principle of development against this policy framework.

4.0 Further Consultation Responses

Following further consultation of the proposed changes to the scheme the following comments have been received:

4.1 SCC Highways - No objections. The temporary closure of Havelock spur is acceptable providing the necessary associated works to the highway network are implemented beforehand. 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 and maintain the importance of materials in the success of the scheme and the delivery of a high quality public realm. 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 the setting of the development.

5.2 A key consideration is whether traffic within Havelock Spur would present a highway safety issue particularly for the additional pedestrian and cycle movements that would use this space following the opening of the museum. In terms of highway safety, the Council's Highway officer is satisfied that the Havelock Spur can be designed to give priority to pedestrians and cyclists over vehicles, which would ameliorate highway safety issues. As such, a further planning condition is recommended to secure the detailed design of the road (please refer to condition 13 as amended).

5.3 The applicant has provided additional indicative information relating to the circulation of vehicles within this area during the period of temporary closure which is included in **Appendix 3**. Plan 1 within the **Appendix 3** illustrates the removal of the existing parking bays within Havelock Spur and the removal of the bus plug at the west end of Commercial Road, which would enable the temporary closure of Havelock Road. Plan 2 demonstrates how buses will circulate within the area following the temporary road closure; Plan 3 shows the circulation of service vehicles; Plan 4 illustrates the circulation of private vehicles following the closure of Havelock spur. The submitted illustrative information demonstrates that there is a temporary solution for the circulation of all traffic within the area during the construction period, and that the spur can be closed to general traffic subsequent to the removal of the parking bays within the spur without causing adverse circulation issues.

5.4 The ambition of the project is for Havelock Spur to be closed to all traffic in the long-term which would provide the opportunity to create an open setting to the new museum. If the temporary closure is acceptable, a permanent closure could be achieved, subject to planning approval. However, if this option does prove to be problematic for the circulation of traffic within the area, the impact of allowing the highway to remain open does not diminish the key positive attributes of the development as outlined in the report attached at **Appendix 1**.

5.5 As with the existing resolution to grant, it is not considered necessary to seek a strategic highways contribution as the proposed development amalgamates existing city centre uses.

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 28.09.10 PROW Panel

PLANNING CONDITIONS

Please see conditions 02, 03, 04, 07, 08, 09, 13, 15 and 18 which have been amended since the 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 until **a programme for the submission** of 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 - Soft 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, 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, including any street lighting, to be carried out shall be submitted to and approved by 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 BREEAM 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 of building scheme [**pre-occupation** condition]

Prior to the development first coming into occupation, details of an external lighting scheme shall be submitted to and agreed by the Local Planning Authority 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 works relating to alteration of the existing entrance**, detailed plans at a scale of no less than 1:20 of the new glazing to the entrance scheme shall be submitted to and approved by the Local Planning Authority 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-occupation** condition]

Notwithstanding the submitted information, **prior to the development hereby approved first coming into use**, full details of external signage shall be submitted to and approved by the Local Planning Authority 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 timetable for the submission and implementation of a detailed design for the layout of Havelock Spur including the

materials to be used shall be submitted to and approved by the Local Planning Authority in writing.

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-occupation condition**]

Before the development first comes into use, full details of the visitor cycle storage to be provided shall be submitted to and approved by the Local Planning Authority 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-occupation condition**]

Prior to the development first coming into use, a sustainable travel plan shall be submitted to and approved by the Local Planning Authority 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.

Application 10/00020/R3CFL

**PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 16TH MARCH 2010**

Present: Councillors Fitzhenry (Chair), Jones (Vice Chair), Mrs Blatchford, Cunio, Davis, Osmond (except Item 74) and Parnell

CONSIDERATION OF PLANNING APPLICATIONS

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

69. 10/00020/R3CFL Civic Centre, Civic Centre Road SO14 7LY

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

Mr Brownley (Agent), Mrs Dyer-Slade (Applicant), Mr Morton (City of Southampton Society, Mr Linneker (Southampton Common and Parks Protection Society) and Mrs Barter (Local Resident) were present and with the consent of the Chair, addressed the meeting.

**UPON BEING PUT TO THE VOTE THE AMENDED OFFICER
RECOMMENDATION TO DELEGATE AUTHORITY TO THE
DEVELOPMENT
CONTROL MANAGER TO GRANT CONDITIONAL PLANNING
PERMISSION**

**SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 LEGAL
AGREEMENT WAS CARRIED**

RECORDED VOTE:

FOR: Councillors Cunio, Fitzhenry, Jones, Osmond and Parnell

AGAINST: Councillors Mrs Blatchford and Davis

RESOLVED that authority be delegated to the Development Control Manager to grant conditional planning approval subject to:

(i) the Head of Leisure giving a written undertaking for the provision of the following:

(a) submission of a Tree Replacement Management Plan, including 2 for 1 replacement tree planting 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);

(b) Prior to the opening of the museum, site specific highway improvements to provide:

(1) Pedestrian crossing facilities in the vicinity of the junction of Havelock Road and West Park Road;

(2) Construction of an island extending out from the radius of the north side of the junction of the Havelock spur road with Havelock Road to beyond the existing centre line of the carriageway which will then provide: safe visitor cycle parking; a clear definition of the carriageway edge when travelling along Havelock Road; a clear route out of the spur which only allows left turning traffic by design; a clear deterrent for any traffic attempting to turn into the spur; suitable signage to advise traffic of new circulation routes 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)'

(d) Prior to the commencement of development to submit a 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).

(ii) the conditions in the report, the amended and additional conditions below.

Amended Conditions

5 - BREEAM Standards (commercial development)

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 BREEAM 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).

Additional Conditions

23 – Servicing arrangements

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.

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The 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 Section 16 (2) of the Listed Buildings Act 1990 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).

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 Cllr Damani Cllr Willacy
Publicity expiry date	25.02.2010		
Date to determine by	18.03.2010 OVER		

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 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);
 - 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 2** 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)

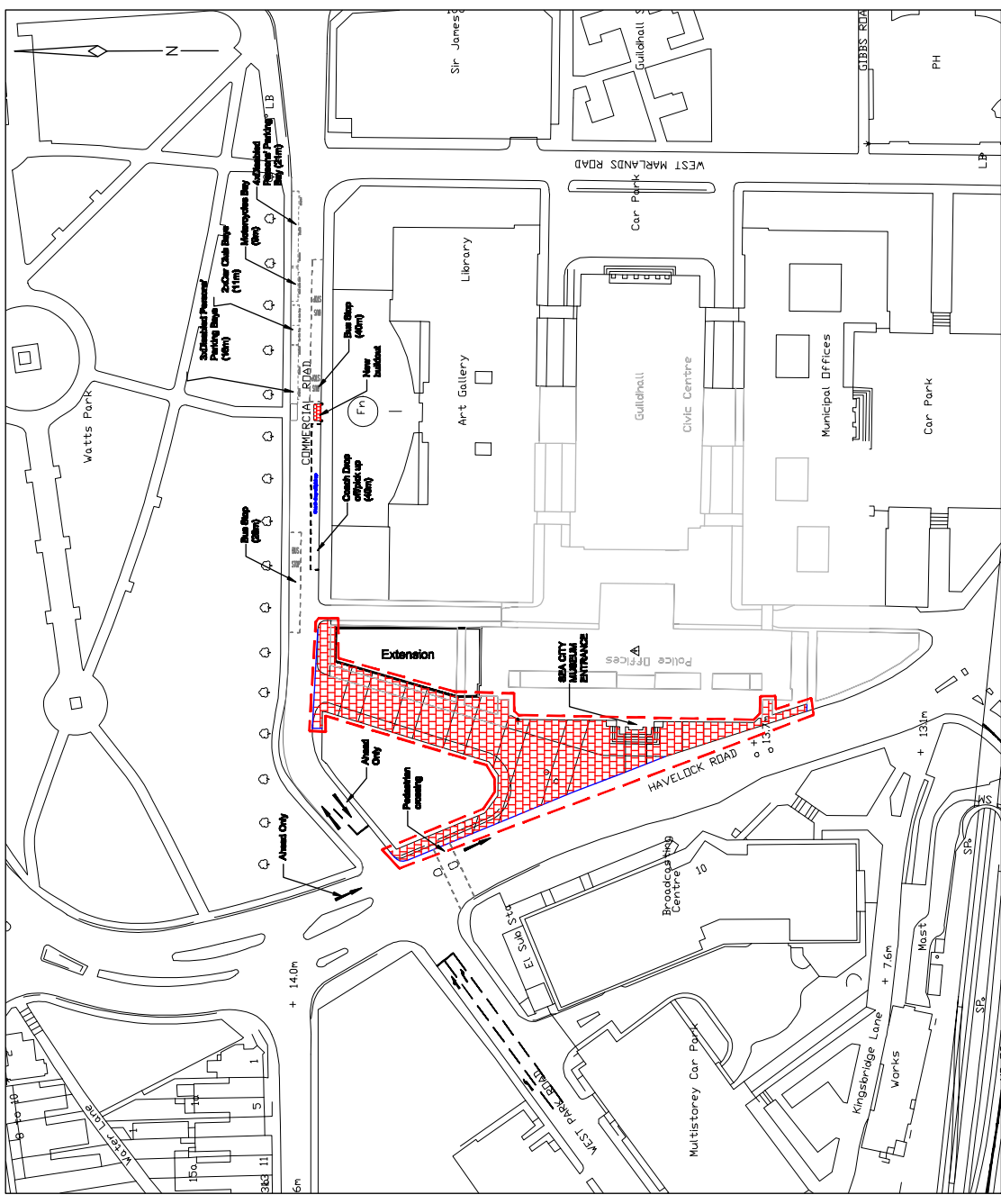
Application 10/00020/R3CFL**POLICY CONTEXT**Local Development Framework Core Strategy Development Plan Document

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

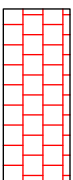
Saved Policies of the City of Southampton Local Plan Review

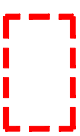
SDP1	General Principles
SDP4	Development Access
SDP5	Parking
SDP7	Context
SDP9	Scale, Massing and Appearance
SDP10	Safety and Security
SDP11	Accessibility and Movement
SDP12	Landscape and Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
HE3	Listed Buildings
HE5	Parks and Gardens of Special 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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KEY

 Proposed paved Area

 Area of working

NOTES

Havelock Road are to be closed for motor vehicles

Remove bus plug at Commerical Rd

Create mini piazza frontage to Museum

Remove pay and display bay in Havelock Road and Commercial Road

B	10.09	BL	Change the location of north side bus stop in Commercial Road. Addit from bus stop.
A	07.09	BL	Proposed closure of Havelock Road and proposed road marking
REVISION	DATE	BY	DETAILS


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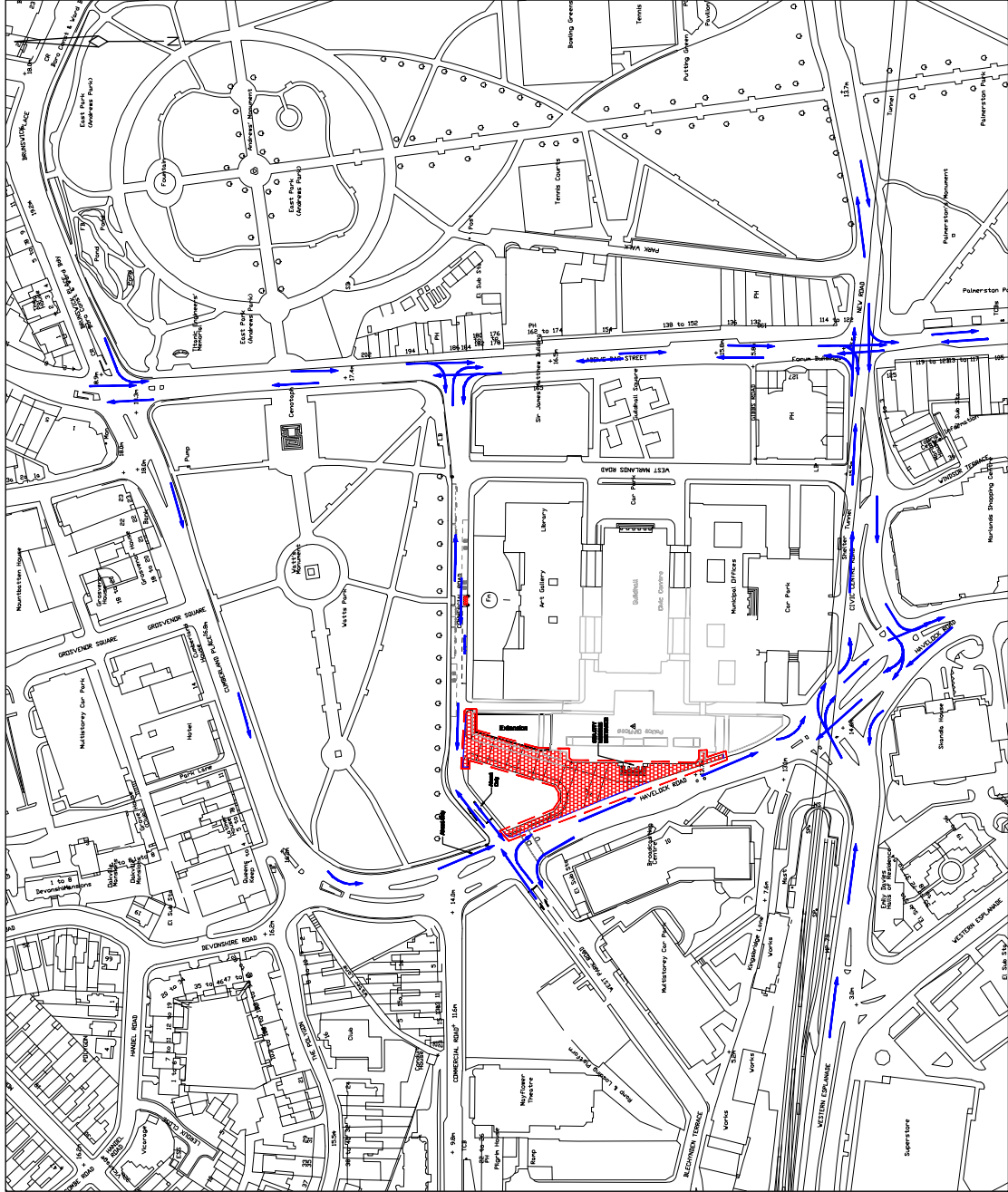
MICK BISHOP
HEAD OF HIGHWAYS & PARKING SERVICES
SOUTHAMPTON
45 CASTLE WAY
SOUTHAMPTON SO14 2PD
CITYPROJECTS

DRAWING TITLE
SEA CITY
OPTION 3 -
WITH PROPOSED ROAD MARKINGS

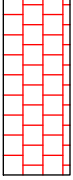
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KEY

 Proposed paved Area

 Area of working

 Local Buses Movement

NOTES

Havelock Road are to be closed for motor vehicles

Remove bus plug at Commercial Rd

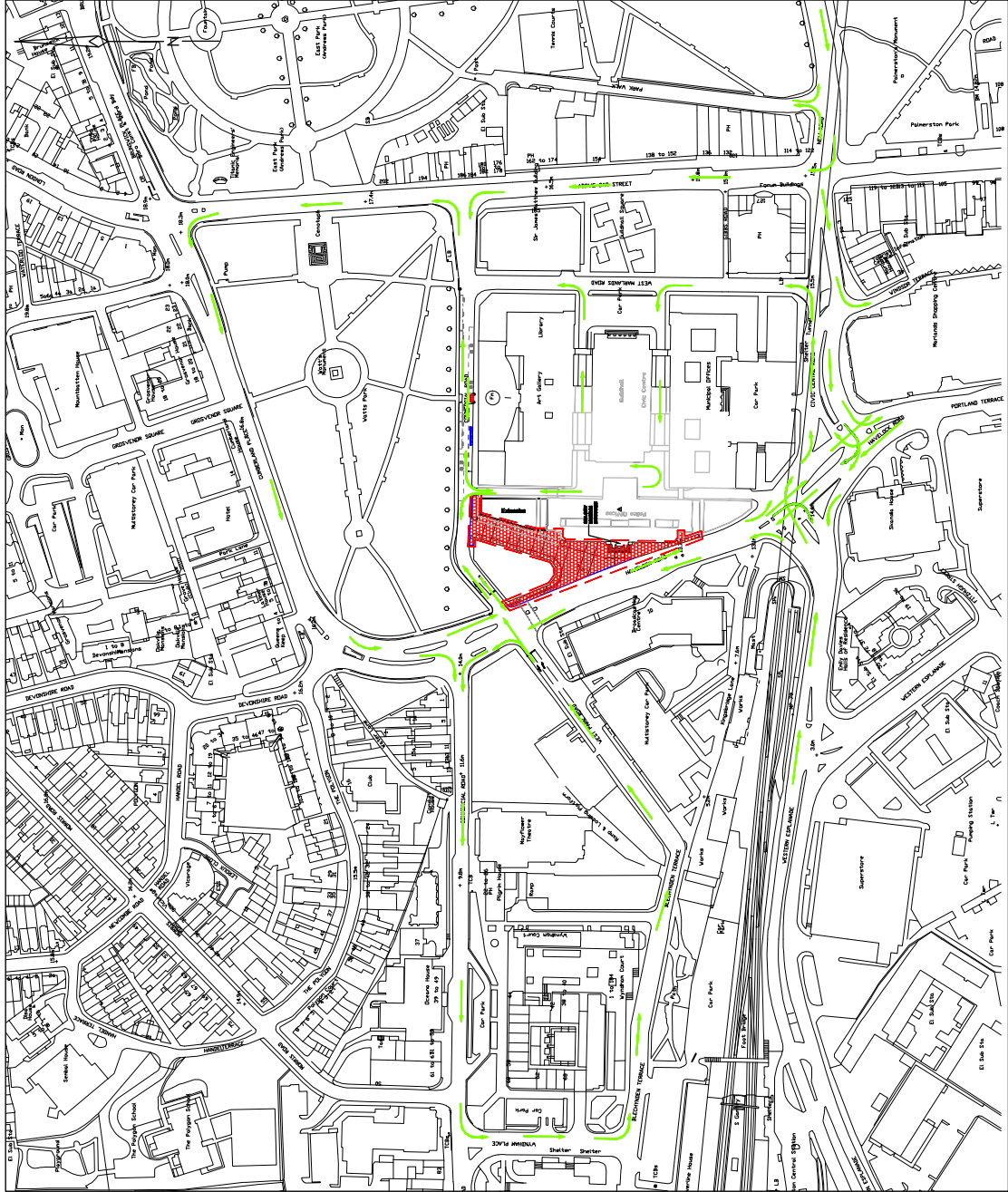
Create mini piazza frontage to Museum

Remove pay and display bay in Havelock Road and Commercial Road

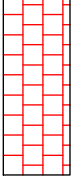
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CHECKED	APPROVED	SCALE	NTS
DRAWING NUMBER			EDS 5550
MICK BISHOP HEAD OF HIGHWAYS & PARKING SERVICES 45 CASTLE WAY SOUTHAMPTON SO14 2PD CITYPROJECTS		SEA CITY Traffic Movement Proposed Local Buses Movement	
DO NOT SCALE FROM THIS DRAWING			





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KEY

 Proposed paved Area

 Area of working

 Delivery Vehicle Movement

NOTES

Havelock Road are to be closed for motor vehicles

Remove bus plug at Commercial Rd

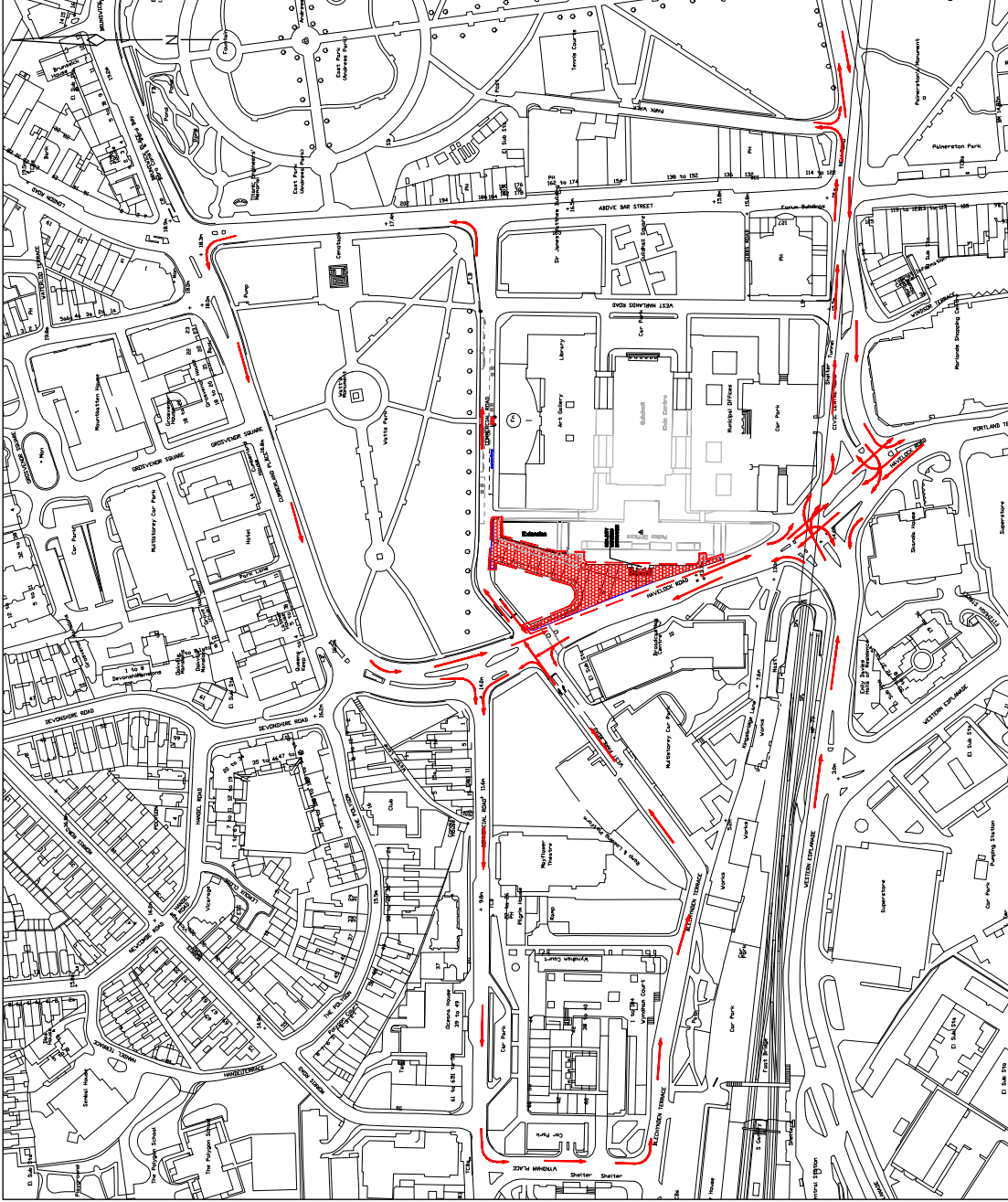
Create mini piazza frontage to Museum

Remove pay and display bay in Havelock Road and Commercial Road

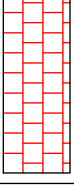
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CHECKED	APPROVED	SCALE	
		NTS	
DRAWING NUMBER			EDS 5549
DRAWING TITLE			SEA CITY Traffic Movement
CITY PROJECTS			Proposed Delivery Vehicle Movement
MICK BISHOP HEAD OF HIGHWAYS & PARKING SERVICES 45 CASTLE WAY SOUTHAMPTON SO14 2PD			DO NOT SCALE FROM THIS DRAWING



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KEY



Proposed paved Area



Area of working



Private Vehicle Movement

NOTES

Havelock Road are to be closed for motor vehicles

Remove bus plug at Commercial Rd

Create mini piazza frontage to Museum

Remove pay and display bay in Havelock Road and Commercial Road

REVISION	DATE	BY	DETAILS
DRAWING STATUS			
DRAFT			

CREATED BY	LAST EDITED BY	DATE	REVISION
BL	BL	10.09.2010	
CHECKED	APPROVED	SCALE	NTS
DRAWING NUMBER			EDS 5551



MICK BISHOP
HEAD OF HIGHWAYS & PARKING SERVICES
45 CASTLE WAY
SOUTHAMPTON SO14 2PD
CITYPROJECTS

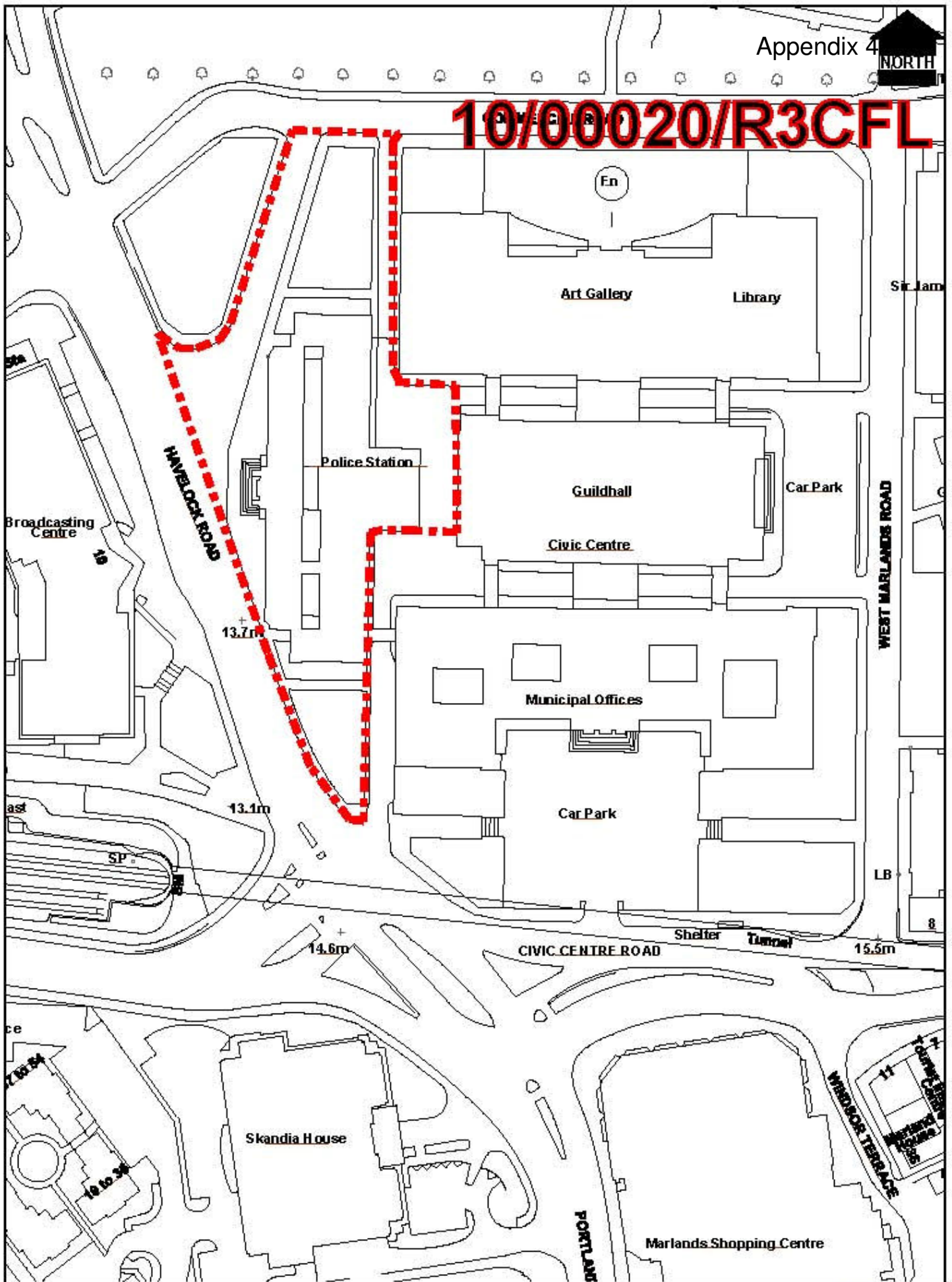
SEA CITY
Traffic Movement
Proposed Private Vehicle Movement

DO NOT SCALE FROM THIS DRAWING

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Scale : 1:1250

Date 16 September 2010

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Agenda Item 5

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 28 September 2010
Planning Application Report of the Planning and Development Manager

Application address: Millbrook Clinic Helvellyn Road SO16 4AS			
Proposed development: Redevelopment of the site. Erection of 2-storey and 3-storey buildings to provide 12 flats (11 X 2-bedroom and 1 X 1-bedroom) and 4 X 3 bedroom houses with associated access, parking and landscaping, following demolition of the existing buildings.			
Application number	09/01305/FUL	Application type	FUL
Case officer	Andy Amery	Public speaking time	15 minutes
Last date for determination:	23 March 2010	Ward	Millbrook
Reason for Panel referral	Development affecting a right of way	Ward Councillors	Cllr Furnell Cllr Norris Cllr Wells

Applicant: The Swaythling Housing Society Ltd	Agent: Mr Harry Groucott
--	---------------------------------

Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in original report dated 13 April 2010 but with the re-instatement of recommendation 2 to give authorisation to enter into a footpath diversion under s257 of the Planning Act and removal of suggested condition 11 of that report.
-------------------------------	--

Reason for Granting Permission

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

Policies - CS3, CS4, CS5, CS13, CS15, CS16, CS18, CS19, CS20 and CS25 of the Core Strategy (January 2010).

Policies - SDP1, SDP2, SDP3, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP16, SDP17, SDP21, SDP22, NE4, CLT2, CLT5, CLT6, REI6, H1, H2, H7, H9 and H12 of the City of Southampton Local Plan Review (March 2006).

Appendix attached			
1	Development Plan Policies	2	Panel Report dated April 2010

Recommendation in Full:

1. Delegate the Head of Planning and Sustainability to grant planning permission subject to receipt of a undertaking from the Director of Neighbourhoods that contributions are put aside from the housing revenue account into the general fund to secure financial contributions towards public open space, site specific highway works and strategic transport projects. The undertaking shall also secure a highway condition survey.
2. Authorisation of the Panel be given to the Head of Planning and Sustainability to enter into a footpath diversion order under S.257 of the Planning Act should this be necessary during the demolition and construction phase of the development.

BACKGROUND

The scheme was originally brought before Panel in April 2010. At that Panel meeting the original recommendation was amended to remove the necessary authorisation for a footpath diversion order to be entered into under S.257 of the Planning Act.

This was removed at the Panel meeting in April as it was not considered to be required. However, it has now been identified that a footpath diversion will be necessary as part of the highway improvements and general layout of the scheme.

A renotification and re-advertisement has been undertaken.

1. The site and its context

1.1 As set out in Appendix 2.

2. Proposal

2.1 As set out in Appendix 2.

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

4.1 None

5.0 Consultation Responses and Notification Representations

5.1 Following the consideration of the application at the April Panel the application has been re-advertised and neighbours re-notified of the need for a footpath diversion order.

No additional comments have been received.

6.0 Planning Consideration Key Issues

6.1 The key issues for consideration of this planning application are unchanged from those set out in Appendix 2.

7.0 Summary

7.1 The Panel are requested to re-instate the second part of the original recommendation of the Panel Report set out in Appendix 2 and remove condition 11 from the list of agreed conditions as demolition of the buildings has already been undertaken.

8.0 Conclusion

8.1 The scheme remains unchanged from the scheme considered in April 2010 and the existing resolution to grant planning permission should be ratified subject to the changes to the recommendation and conditions set out above.

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 (c), 2 (d), 3(a), 4 (c), 4 (e), 4 (g), 5 (e), 6(a), 6(c), 6(e), 6(k), 7(a), 7(g), 7 (i), 7(k), 7 (n), 7 (o), 7(u), 7 (v), 7 (w), 7 (x), 8(a), 9(a), 9(b), Draft South East Plan, City Plan Review (Adopted Version) as saved by the adopted Core Strategy (2010)

AA for 28/09/2010 PROW Panel

PLANNING CONDITIONS

Subject to deletion of Condition 11 the conditions are as set out in Appendix 2

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 [Performance Condition]

The external materials to be used on the development shall be as those stated on the approved schedule of materials unless otherwise submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of amenity by endeavouring to achieve built form of visual quality.

03. APPROVAL CONDITION - Code for Sustainable Homes (residential development) [Pre-Commencement Condition]

Written documentary evidence demonstrating that the development shall achieve at minimum Code Level 3 against the Code for Sustainable Homes standard shall be submitted to the Local Planning Authority and verified in writing prior to the commencement of the development hereby granted consent unless otherwise agreed in writing by the Local Planning Authority. The evidence shall take the form of an interim certificate as issued by a qualified BRE Assessor. Full compliance with the condition shall only be achieved once the Local Planning Authority has received and verified in writing, written documentary evidence demonstrating that the scheme achieves at minimum a rating of Level 3 against the Code for Sustainable Home standard prior to the occupation of the development (unless a different time frame is agreed in writing). 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). Also to comply with policy NRM11 of the Regional Spatial Strategy for the South East of England adopted version (May 2009).

04. APPROVAL CONDITION - Renewable Energy - Micro-Renewables

An assessment of the developments total energy demand and 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 approved. Renewable technologies that meet the agreed specifications must be installed and made fully operational prior to first occupation of the any of the units and thereafter retained and maintained in that condition.

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 January 2010 and Policy NRM11 of the Regional Spatial Strategy for the South East of England May 2009.

05. 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 as a communal area prior to the first occupation of the development hereby permitted and shall be retained with access to it at all times for the use of the flat units.

REASON:

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

06. APPROVAL CONDITION – Hours of work for Demolition / Clearance / Construction [Performance Condition]

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

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

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

And at no time on Sundays and recognised public holidays. Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the LPA.

In addition deliveries of construction materials to the site and the removal of any waste materials from the site shall not take place during the following hours:-

Monday to Friday 08.00 hours and 09.30 Hours (8.00am to 9.30 am)

Monday to Friday 15.00 hours and 16.30 hours (3.00pm to 4.30pm)

and at no time on Saturdays, Sundays and public holidays to take account of the occupation and proximity of neighbouring residential properties.

Reason

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

07. 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.

08. APPROVAL CONDITION - Refuse and Cycle store details - Performance Condition

The refuse and cycle stores shown on the approve plans shall be provided prior to first occupation of any unit hereby approved and thereafter retained and maintained for that purpose.

Reason:

To ensure appropriate facilities are provided to serve future occupiers of the development.

09. 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.

10. 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.

11. APPROVAL CONDITION - Construction traffic access/ egress arrangements (Pre-Commencement Condition)

Prior to works commencing on the site details of the means of access for vehicles associated with construction (and demolition) of the structures on the site shall be submitted to and agreed with the Local Planning Authority. Such details shall indicate any areas of equipment and material storage during the work period, site offices and parking for construction vehicles together with any measures to limit the possible nuisance effects on surrounding and neighbouring residential properties.

Reason:

In order to protect the residential amenity of nearby properties and the safety of children and other visitors to the adjacent school.

12. APPROVAL CONDITION - Road Construction [Pre-Commencement Condition]

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

A specification of the type of construction proposed for the roads, cycleways and footpaths and parking areas including :

- i. details all surface materials to used for the parking spaces, vehicle and pedestrian routes,
- ii. cross-sections and longitudinal sections showing existing and proposed levels;
- iii details of any street furniture to be provided within these areas including, bollards, landscape features, lighting, signage and the method of demarcation of routes and parking spaces
- iv details of the method of disposing of surface water.
- v a programme for the making up of the roads and footpaths to a standard suitable for adoption by the Highway Authority.

The parking areas and access to them shall be provided in accordance with the approve plans prior to first occupation of any of the units and thereafter retained and maintained for that purpose unless otherwise agreed in writing by the local planning authority or as may be superseded by any subsequent planning application.

Reason:

To ensure that the roads, cycleways, and footpaths are constructed in accordance with standards required by the Highway Authority.

13. APPROVAL CONDITION - Wheel Cleaning Facilities [Performance 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.

14. APPROVAL CONDITION - Cycle storage [Pre-Occupation Condition]

The development to which this consent relates shall not be first occupied until such time as the design and location of secure and covered visitor cycle stands to accommodate 3 cycles has been agreed in writing with the Local Planning Authority and those facilities have been provided on the site. Thereafter the visitor cycles stands shall be retained and maintained and made permanently available for that purpose.

Reason:

To encourage cycling as an alternative form of transport.

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

Before the commencement of any site works a fully 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 any of the or during the first planting season following the full completion of building works, whichever is sooner and 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.

16. 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.,

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.

17. APPROVAL CONDITION - Other details sought [Pre-Commencement Condition]

Prior to works commencing on site, details of the following matters shall be submitted to and approved in writing by the Local Planning Authority and the development shall then be implemented in accordance with such drawings as subsequently approved in writing at 1:20 scale:

- a. details of the handrails, balustrade and under trays of all balconies
- b. details of the roof junctions between the houses and the flatted block
- c. details of all entrance canopies to flats and houses
- d. details of refuse stores to all houses
- e. details of the front boundary treatment to be provided to delineate the private and public areas of the site
- f. the positions of rainwater goods and vents where these are on front or side elevations

Reason:

To enable agreement of this detail at a scale which avoids doubt in the interests of the visual amenities of the area.

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Application 09/01305/Ful**Relevant Planning Policy****Local Development Framework Core Strategy Development Plan Document (January 2010)**

CS3	Local Centres
CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: reduce – manage – invest
CS19	Car and cycle parking
CS20	Tackling and Adapting to Climate Change
CS25	Infrastructure Contributions

Saved Policies of the City of Southampton Local Plan Review (March 2006)

SDP1	Quality of Development
SDP2	Integrating Transport and development
SDP3	Travel demands
SDP4	Development access
SDP5	Car Parking
SDP6	Urban design principles
SDP7	Context
SDP8	Urban form and public space
SDP9	Scale, Massing and Appearance
SDP10	Safety and security
SDP11	Accessibility and movement
SDP12	Landscape and Bio-diversity
SDP13	Resource conservation
SDP16	Noise
SDP17	Lighting
SDP21	Water quality and drainage
SDP22	Contaminated land
NE4	Protected species
CLT 2	Community buildings
CLT5	Open space in new residential developments
CLT6	Provision of children's play areas
REI 6	Local centres
H1	Housing Supply
H2	Previously Developed Land
H7	Residential Environment
H9	Affordable housing
H12	Housing type and design

Residential Design Guide (September 2006)

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Original Report to Panel dated 13 April 2010
 Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 13 April 2010
 Planning Application Report of the Head of Division

Application address	Millbrook Clinic Helvellyn Road SO16 4AS		
Proposed development	Redevelopment of the site. Erection of 2-Storey and 3-storey buildings to provide 12 flats (11 X 2-bedroom and 1 X 1-bedroom) and 4 X 3 bedroom houses with associated access, parking and landscaping, following demolition of the existing buildings.		
Applicant	The Swaythling Housing Society Ltd	Agent	Mr Harry Groucott Bicentennial Building, Southern Gate, Chichester,

Application number	09/01305/FUL	Application type	FUL
Case officer	Andy Amery	Application category	Q 07 - Small scale major dwellings

Recommendation Summary	Planning permission be granted subject to receipt of a undertaking from the Director of Neighbourhoods that contributions are put aside from the housing revenue account into the general fund to secure financial contributions towards public open space, site specific highway works and strategic transport projects. The undertaking shall also secure a highway condition survey.
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Reason for Panel consideration	Major development on Council owned land
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Date of receipt	22/12/2009	City Ward	Millbrook
Date of registration	22/12/2009	Ward Members	Cllr Wells
Publicity expiry date	08/04/2010		Cllr Norris
Date to determine by	23 March 2010 OVER		Cllr Davis
Site area	1 652sq m (0.165ha)	Useable amenity area	45 sq m per house and 10 sq m per flat (including private balcony space)
Density - whole site	97d.p.h		

Site coverage (developed area)	70%	Site coverage	
Residential mix	numbers	unit size	
Studio / 1-bedroom	1	51 sq m	
2-bedroom	11	68sq m	
3-bedroom	4	87sq m	
Accessibility zone	Medium		
Car parking provision	Proposed: 14	Existing: n/a	Policy maximum: 14
Bicycles	Proposed: 12		
Key submitted documents supporting application			
Design and Access Statement			
Sustainability Report			
Ecology Report			
Tree Survey			
Appendix attached			
1	Local Plan Policy schedule		

Recommendation in full

1. Delegate the Head of Planning and Sustainability to grant planning permission subject to receipt of a undertaking from the Director of Neighbourhoods that contributions are put aside from the housing revenue account into the general fund to secure financial contributions towards public open space, site specific highway works and strategic transport projects. The undertaking shall also secure a highway condition survey.
2. Authorisation of the Panel be given to the Head of Planning and Sustainability to enter into a footpath diversion order under s257 of the Planning Act should this be necessary during the demolition and construction phase of the development.

BACKGROUND

The development proposals form part of the Council's major estates regeneration programme which is intended to transform established communities and provide a mix of new homes for the people of Southampton.

The site area subject to this application is owned by the City Council and is intended to remain in Council ownership following re-development.

Proposed Development & Surrounding Context

The application represents just the first phase of a larger proposed redevelopment of the Cumbrian Way Parade - a 0.83 hectare site which currently comprises: a parade of 8 ground floor retail units with 10 maisonettes above at first and second floor level, a local housing office, a vacant two storey former clinic and a pedestrian route which runs roughly north-south through the centre of the site and allows access to the Mason Moor Primary School immediately to the north of the site.

The site is part of a defined local shopping centre on the Local Plan Review Proposals Map (March 2006).

This application represents approximately 25% of the larger re-development site and comprises the two storey former clinic building in the north east corner of that site, the access route serving the housing office on the east side of Hellvellyn Road and a small area of amenity grassland.

The development proposals consist of a total of 16 units. 12 flats in a 3 storey block along the northern boundary of the site and 4 three bedroom houses (two storey).

The proposals have been amended from the initial submission. The car parking has been largely removed from the centre of the development to the outer perimeter of Hellvellyn Road which combined with works to be undertaken to Hellvellyn Road is intended to create a 'home-zone' type environment focused on pedestrian safety. By removing the car parking from the centre of the site a greater amount of amenity space is able to be provided both for the flats and the houses and greater space for landscaping including tree planting. In addition the buildings have been re-designed to maximise the number of flats with private west facing balconies to augment the improved amenity space provision. The layout of the units has also been amended to ensure that both houses and flats directly front onto the central pedestrian route to ensure the creation of a street frontage with activity and surveillance rather than flank elevations and close boarded fencing.

Relevant Planning Policy

The planning policy to be considered as part of this proposal is scheduled in **Appendix 1** to this report.

Relevant Planning History

No relevant History.

Consultation Responses & Notification Representations

A consultation exercise in line with department procedures was undertaken which included notifying 44 adjoining and nearby landowners, including local residents and businesses and the Mason Moor Primary School.

Additionally an advertisement was placed in the local press and site notices were erected.

No representations had been received from surrounding residents, businesses or the school.

It should also be noted that prior to the application being submitted a detailed community involvement exercise was undertaken by the applicant including written consultation, public meetings and exhibitions.

Summary of Representations made

None

Summary of Consultation comments

The proposals have been significantly amended following negotiations with a number of consultees, most notably the highways development control officer and the landscape officer. Advice has also been sought from the City Design Team and the Tree officers as part of the assessment of the scheme.

Highways Development Control support the proposals subject to conditions requiring the agreement of the final surface treatment and detailing of the access routes and parking areas.

The Regeneration Team fully support the proposals.

Southern Water has identified that an existing sewer will need to be diverted. The applicant was aware of this and the site layout takes this into account.

The Policy team have confirmed that the proposals are in accordance with the relevant policies of the Core Strategy and the saved policies of the City of Southampton Local Plan Review 2006. It is also stated that the proposals have closely followed the development brief established at pre-application stage for the whole Cumbrian Way site area.

Environmental Health have raised no objections and indicate that the historic uses of the site make it unlikely for contamination to be present.

The Sustainability Team are fully supportive of the proposals which will be designed to achieve Code Level 4.

The Housing Team are fully supportive of the proposals.

The Landscape officer has negotiated the revised soft landscaping areas which enable additional tree planting to be undertaken and for additional private amenity space to be provided.

The Trees team are concerned about the loss of a silver birch tree on the existing Clinic site but do not object to the proposals which include new and replacement planting proposals.

Planning Consideration Key Issues

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

That the design, scale and character of the buildings are appropriate to their context;

That highway and pedestrian safety is not prejudiced and that car parking is provided at an appropriate level for the sites location;

That the proposals ensure delivery of an appropriate mix of new homes including family housing; and,

That the proposals are designed to meet at the very least the minimum sustainability requirements of the Core Strategy

The development proposal also needs to be assessed in terms of its impact on neighbouring residential amenities; whether or not adequate amenity space is provided and if it is acceptable in terms of highway matters including cycle and refuse storage.

1. Principle of development

The principle of demolishing a vacant and deteriorating former clinic – vacant for a considerable period, other health provision exists and therefore not considered contrary to Local Plan Review Policy CLT2 - with a residential scheme comprising a mix of family houses and smaller units is fully supported by the adopted policies of the Core Strategy and the saved policies of the Local Plan Review. The proposals will deliver the first element of one of the Council's major estates regeneration projects at the Cumbrian Way site.

2. That the design, scale and character of the buildings are appropriate to their context

The wider area comprises a mix of two and three storey buildings, predominantly residential but, in the case of this site, a mix of uses which characterise a local centre. Proposals at two and three storey are therefore very much in keeping with the immediate context and in this regard Core Strategy policy CS13 and Local Plan Review policies SPP 7 and SDP 9 are considered to have been satisfied.

The design is modern and consistent with the scale, form and use of materials approved on other estates regeneration sites. It is intended that the architecture will create a strong sense of place and enhance the visual amenity of an area which is currently dominated by hardsurfacing and tired buildings of little architectural merit.

3. That highway and pedestrian safety is not prejudiced and that car parking is provided at an appropriate level for the site's location.

The scheme has been re-designed in close consultation with the highways officer. The revised layout offers the opportunity for a 'home-zone' type layout with the use of shared surfaces along which surface treatments, landscaping and street furniture will be designed to prioritise pedestrian movements.

The re-location of the parking bays from the centre of the site creates greater amenity space and landscaping within the setting of the buildings to the benefit of future occupiers and the visual qualities of the overall development. The re-orientation of the units to address the central pedestrian route creates a street with natural surveillance and an active frontage which is expected to be mirrored in the next phase of development. In highway safety terms therefore the proposals are considered to be acceptable.

14 parking spaces to serve the units is the maximum permissible given the mix of units proposed and the medium accessibility of the location. The proposals also provide for 16 covered and secure cycle spaces for residents.

4. That the proposals ensure delivery of an appropriate mix of new homes including family housing

The proposals provide 25% family housing which is below the 30% required by the Core Strategy. However, it should be noted that the approved development brief for the whole site indicated that development proposals on the area occupied by the vacant clinic would be predominately flatted.

The remainder of the site area is shown as intended to deliver a mix of commercial units to strengthen the role of the site as a local centre and also a higher percentage of family housing. A separate application for the remainder of the Cumbrian Way site is expected in early 2011. It is considered that delivery of family housing across the whole site should be considered comprehensively and ultimately the re-development of the Cumbrian Way site will deliver at least 30% family housing.

5. That the proposals are designed to meet at the very least the minimum sustainability requirements of the Core Strategy

The Core Strategy requires all new residential development to achieve Code Level 3 and a minimum of energy consumption from renewables of 20%. The proposals exceed these requirements and are designed to achieve Code Level 4.

Summary

The proposals will deliver much needed new homes including family housing on a key site for the council's estates regeneration project. The visual quality of the area will be lifted by a combination of modern architecture, good quality materials, increased landscaping and tree planting and improved surface treatments to roads, parking areas and pedestrian routes. The layout provides for refuse and cycle storage in accordance with the adopted standards and good quality and useable areas of both private and communal amenity space.

The density of development, at 97 d.p.h, is at the higher range of densities expected in medium accessibility areas (50 -100 dph) but the scheme does not exhibit feature normally associated with over-development. The scale, height and massing of the buildings is appropriate for its context.

CONCLUSION

The proposals are acceptable and in accordance with the Council's adopted planning policies.

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 (c), 2 (d), 3(a), 4 (c), 4 (e), 4 (g), 5 (e), 6(a), 6(c), 6(e), 6(k), 7(a), 7(g), 7 (i), 7(k), 7 (n), 7 (o), 7(u), 7 (v),7 (w), 7 (x), 8(a), 9(a), 9(b), Draft South East Plan, City Plan Review (Adopted Version) as saved by the adopted Core Strategy (2010)

(AA 25 March 2010 for 13.4.2010 PRoW Panel)

RECOMMENDATION: CAP

CONDITIONS for 09/01305/FUL

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

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

Reason:

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

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

The external materials to be used on the development shall be as those stated on the approved schedule of materials unless otherwise submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of amenity by endeavouring to achieve built form of visual quality.

03. APPROVAL CONDITION – Code for Sustainable Homes (residential development) [Pre-Commencement Condition]

Written documentary evidence demonstrating that the development shall achieve at minimum Code Level 3 against the Code for Sustainable Homes standard shall be submitted to the Local Planning Authority and verified in writing prior to the commencement of the development hereby granted consent unless otherwise agreed in writing by the Local Planning Authority. The evidence shall take the form of an interim certificate as issued by a qualified BRE Assessor. Full compliance with the condition shall only be achieved once the Local Planning Authority has received and verified in writing, written documentary evidence demonstrating that the scheme achieves at minimum a rating of Level 3 against the Code for Sustainable Home standard prior to the occupation of the development (unless a different time frame is agreed in writing). 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). Also to comply with policy NRM11 of the Regional Spatial Strategy for the South East of England adopted version (May 2009).

04. APPROVAL CONDITION - Renewable Energy - Micro-Renewables

An assessment of the developments total energy demand and 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 approved. Renewable technologies that meet the agreed specifications must be installed and made fully operational prior to first occupation of the any of the units and thereafter retained and maintained in that condition.

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 January 2010 and Policy NRM11 of the Regional Spatial Strategy for the South East of England May 2009.

05. 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 as a communal area prior to the first occupation of the development hereby permitted and shall be retained with access to it at all times for the use of the flat units.

REASON:

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

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

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

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

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

And at no time on Sundays and recognised public holidays.

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

Reason:

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

07. APPROVAL CONDITION - 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.

08. APPROVAL CONDITION - Refuse and Cycle store details - Performance Condition

The refuse and cycle stores shown on the approved plans shall be provided prior to first occupation of any unit hereby approved and thereafter retained and maintained for that purpose.

Reason:

To ensure appropriate facilities are provided to serve future occupiers of the development.

09. 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.

10. 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.

11. APPROVAL CONDITION - Ecology notification [Pre-Commencement Condition]

A minimum of 14 days notice of the commencement date of the development works , including any works of demolition and clearance, shall be given in writing to the Local Planning Authority.

Reason:

To enable the nominated ecologist to be notified in advance of the start of the development.

12. APPROVAL CONDITION - Construction traffic access/ egress arrangements (Pre-Commencement Condition)

Prior to works commencing on the site details of the means of access for vehicles associated with construction (and demolition) of the structures on the site shall be submitted to and agreed with the Local Planning Authority. Such details shall indicate any areas of equipment and material storage during the work period, site offices and parking for construction vehicles together with any measures to limit the possible nuisance effects on surrounding and neighbouring residential properties.

Reason:

In order to protect the residential amenity of nearby properties and the safety of children and other visitors to the adjacent school.

13. APPROVAL CONDITION - Road Construction [Pre-Commencement Condition]

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

A specification of the type of construction proposed for the roads, cycleways and footpaths and parking areas including :

- i. details all surface materials to used for the parking spaces, vehicle and pedestrian routes,
- ii. cross-sections and longitudinal sections showing existing and proposed levels;
- iii details of any street furniture to be provided within these areas including, bollards, landscape features, lighting, signage and the method of demarcation of routes and parking spaces
- iv details of the method of disposing of surface water.
- v a programme for the making up of the roads and footpaths to a standard suitable for adoption by the Highway Authority.

The parking areas and access to them shall be provided in accordance with the approve plans prior to first occupation of any of the units and thereafter retained and maintained for that purpose unless otherwise agreed in writing by the local planning authority or as may be superseded by any subsequent planning application.

Reason:

To ensure that the roads, cycleways, and footpaths are constructed in accordance with standards required by the Highway Authority.

14. APPROVAL CONDITION - Wheel Cleaning Facilities [Performance 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.

15. APPROVAL CONDITION - Cycle storage [Pre-Occupation Condition]

The development to which this consent relates shall not be first occupied until such time as the design and location of secure and covered visitor cycle stands to accommodate 3 cycles has been agreed in writing with the Local Planning Authority and those facilities have been provided on the site. Thereafter the visitor cycle stands shall be retained and maintained and made permanently available for that purpose.

Reason:

To encourage cycling as an alternative form of transport.

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

Before the commencement of any site works a fully 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 any of the or during the first planting season following the full completion of building works, whichever is sooner and 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.

17. 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.,

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.

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 scheme is therefore judged to be in accordance

with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - CS3, CS4, CS5, CS13, CS15, CS16, CS18, CS19, CS20 and CS25 of the Core Strategy (January 2010).

Policies - SDP1, SDP2, SDP3, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP16, SDP17, SDP21, SDP22, NE4, CLT2, CLT5, CLT6, REI6, H1, H2, H7, H9 and H12 of the City of Southampton Local Plan Review (March 2006).

Notes to Applicant:

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

2. 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.

Relevant Planning Policy

Local Development Framework Core Strategy Development Plan Document (January 2010)

CS3	Local Centres
CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: reduce – manage – invest
CS19	Car and cycle parking
CS20	Tackling and Adapting to Climate Change
CS25	Infrastructure Contributions

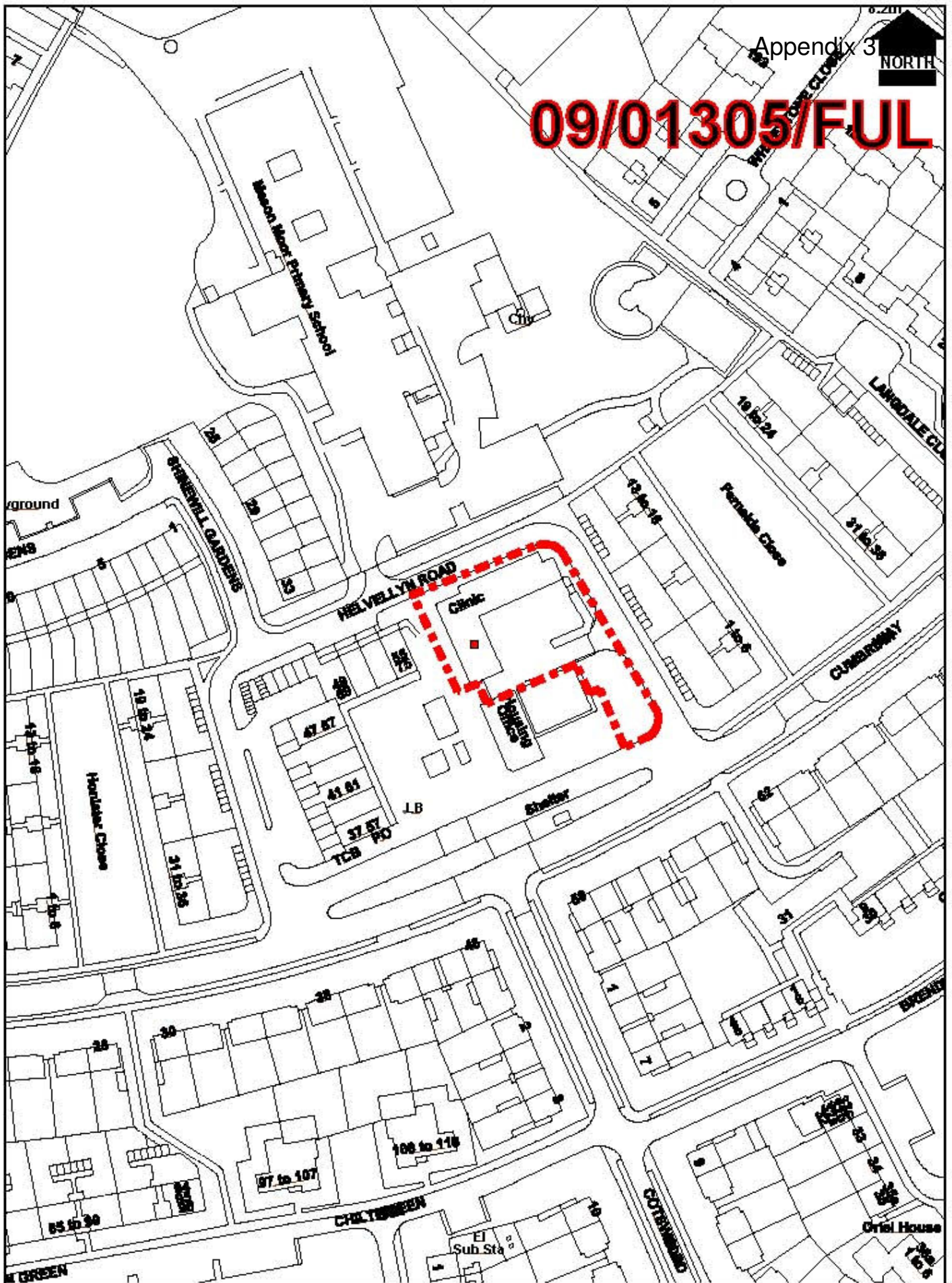
Saved Policies of the City of Southampton Local Plan Review (March 2006)

SDP1	Quality of Development
SDP2	Integrating Transport and development
SDP3	Travel demands
SDP4	Development access
SDP5	Car Parking
SDP6	Urban design principles
SDP7	Context
SDP8	Urban form and public space
SDP9	Scale, Massing and Appearance
SDP10	Safety and security
SDP11	Accessibility and movement
SDP12	Landscape and Bio-diversity
SDP13	Resource conservation
SDP16	Noise
SDP17	Lighting
SDP21	Water quality and drainage
SDP22	Contaminated land
NE4	Protected species
CLT 2	Community buildings
CLT5	Open space in new residential developments
CLT6	Provision of children's play areas
REI 6	Local centres
H1	Housing Supply
H2	Previously Developed Land
H7	Residential Environment
H9	Affordable housing
H12	Housing type and design

Residential Design Guide (September 2006)



09/01305/FUL



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Date 16 September 2010

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Agenda Item 6

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 28 September 2010
Planning Application Report of the Planning and Development Manager

Application address: Southampton General Hospital, Tremona Road.			
Proposed development: Reconfiguration Of The Coxford Road Car Park And Construction Of A Deck Above To Provide Additional Parking. (114 Spaces)			
Application number	10/00921/FUL	Application type	FUL
Case officer	Andy Amery	Public speaking time	15 minutes
Last date for determination:	13 October 2010	Ward	Coxford
Reason for Panel referral	Major development	Ward Councillors	Cllr Morrell Cllr Thomas Cllr Walker

Applicant: Southampton University Hospitals Nhs Trust	Agent: Mrba
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Recommendation Summary	Conditionally approve
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Appendix attached			
1	Planning Policies		

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 additional car parking spaces within the allocated campus of Southampton General and Princess Anne Hospitals to make up some of the currently permitted shortfall of parking on the site 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 light pollution, visual impact, loss of privacy, noise disturbance, air quality and impact on ecology have been mitigated through the design of the car park and do not have sufficient weight to justify a refusal of the application. 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) and PPG13 (Transport) are also relevant to the determination of this planning application.

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.

1.3 At the present time the Hospital has authorisation to provide up to 3120 car parking spaces across the General and Princess Anne Campuses. This figure does not include an additional 120 park and ride spaces currently operated by SUHT at Lordshill. At the present time, due to site area constraints and continuous development pressures, only a maximum of 2737 spaces are capable of being provided, of which at any one time, some may not be available or accessible.

1.4 The most recent data for August 2010 indicates up to 98 of the 2737 on site spaces not being able to be utilised bringing a total shortfall of the total number of spaces permissible up to 481 spaces.

2. Proposal

2.1 The proposal seeks to provide a long-term solution to reducing the shortfall of spaces by the provision of a raised deck car park in the western corner of the site.

2.2 A total of 114 additional spaces would be provided

2.3 The maximum height of the structure, including the privacy screen to avoid overlooking and car headlights disturbing neighbours is 5m above ground level. The height of the lighting columns serving the car park would be 8m above ground level which is similar to the height of the lighting columns used in the open air surface columns along the south-west boundary of the site backing onto houses and flats in Laundry Road.

2.4 The closest residential property at 132 Coxford Road would be 10m away from the external wall of the raised deck car park. The rear of houses in Laundry Road are 35m away and the front elevations of houses the opposite side of Coxford Road to the north are 25m away. The existing surface level car parks immediately about the rear boundary's of houses and flats in Laundry Road.

2.5 The car park would be for staff permit holders only and would be accessed from the existing internal access roads which already benefit from barrier access controls to ensure proper management of the on-site parking areas.

2.6 The proposals would therefore potentially free-up 114 parking spaces in the main car park which is used by visitors and staff.

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

4.1 Accompanying the planning application in 2002 (02/01358/Ful) for an additional storey to be provided to the main multi-storey car-park was a s106 agreement which formed the basis for the management of car parking on the site.

4.2 An audit of spaces undertaken as part of that application identified the total number of spaces available on the site at that time. Since that date any additional parking spaces had to be attributable to new development providing parking in accordance with our adopted standards.

4.3 The current permitted total stands at 3120 of which currently up to a maximum of 2737 can be accommodated within the overall campus. The layout of the site dictates that car parking is generally limited to the periphery of the site with the central core and other zones being dedicated to building infrastructure.

4.4 Mention has been made to a previous planning consent on the site by both the applicant and one of the neighbours. That consent, 06/00560/Out was an outline consent comprising the principle of a new Oncology centre with a decked car park facility. That consent was not implemented and has expired. It has no direct relevance to this application and was considered under earlier, now superseded policies. It is neither a precedent for the currently proposed car park but equally the conditions set out in that application, which also involved significant building works, are not a precedent for the type and range of conditions that should be appropriately imposed on this current scheme.

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 61 adjoining and nearby landowners, placing a press advertisement and erecting a site notice. At the time of writing the report **4** representations have been received from surrounding residents.

5.2 Objections

Loss of light

Loss of Privacy

Increase in traffic to the area including surrounding roads making access to peoples homes difficult or dangerous.

Additional Pollution

No Air Quality assessment provided as required by a condition of an earlier car park proposal.

No provision for cycle storage

No CCTV provided

Height of car park would be visually dominant

Immediate neighbours health problems will be affected by additional emissions from more cars on the site in immediate proximity to that property.

Impact on Ecology in particular nesting House Sparrows.

Crime and safety issues and potential mis-use by skateboarders etc

Noise disturbance

No additional need for additional parking spaces demonstrated

No alternative locations considered for the car park

No pedestrian routes have been identified as conditioned on previous car park applications

These matters are addressed in Section 6 of this report.

5.5 **SCC Highways** – Support the proposals as part of the wider initiatives being explored by the Hospital and the City Council to deliver a workable transport strategy for the site.

5.6 **SCC Environmental Health (Pollution & Safety)** – No objection is raised to the proposed lighting which is designed to direct light downwards onto the car-park deck. The lighting columns proposed on

the raised deck are no higher than existing lighting columns used on the surface car parks or closer to adjoining residential properties.

5.7 **Ecology** – The proposals are very unlikely to have any impact on protected species or ecology in general. The site is already a hard-surface car park.

6.0 Planning Consideration Key Issues

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

- i. Principle of Development
- ii Impact on the amenities and health of Neighbours
- iii Need for additional car parking
- iv Alternative potential locations
- v Impact on surrounding road network

6.2 Principle of Development

6.2.1 The application seeks to provide additional car parking to address a current shortfall in the number of already permitted parking spaces provided on the site. Access to the site for both staff and visitors/patients is essential to ensure the efficient functioning of the hospital and delivery of healthcare to the region. Parking is just one element of a complex transport strategy for the site which includes delivery of other non-car options such as public transport, cycle facilities, park and ride, car sharing and management of staff parking permits.

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 Impact of the Amenity of adjacent and nearby residents

6.3.1 The most affected neighbour is the occupier of 132 Cxford Road whose property is located at it's closet point just 10m to the north-west of the raised deck of the car park.

6.3.2 The occupier of this and adjacent properties in Cxford Road will be impacted upon as a result of these proposals. These properties in Cxford Road do sit on slightly lower ground than the hospital site and therefore any development in the immediate vicinity has potential implications for shadowing during the morning period, loss of outlook and a feeling of being enclosed.

6.3.3 As part of the continuing masterplan work being undertaken on the site, officers indicated that this corner of the site only had the potential to be developed at two storey level because of the possible impact on neighbours. The height of the raised deck reflects this assessment. At 5m high it is equivalent to a two storey flat roofed building in height and therefore lower

than the typical height of the houses adjacent to it. The alignment of the raised deck means that only one corner of the deck comes closest to the adjacent property with the other elevations directed away from that property.

6.3.4 This mitigates the visual impact and avoids the sense of enclosure, loss of outlook and potential overshadowing that would have occurred had the elevation of the raised deck run parallel to the rear boundary of that and adjacent properties.

6.3.5 The screen provided to all external elevations of the deck avoids lights from cars spilling into habitable room window on adjacent houses and acts as a privacy screen between activity on the deck and the rooms and gardens of surrounding houses.

6.3.6 An air quality assessment has not been provided with the application. The proposals represent an increase of 5% in on-site parking which is not considered to represent a significant additional impact on transport activity or emissions coming from the site. The car-park is located to the east of the nearest houses and with prevailing winds generally from the south-west, any additional emissions will generally dissipate to the north-east away from these houses.

6.3.7 The lighting columns on the deck will also be visible from the adjacent houses. However, these columns will be no higher than existing columns on the site and will be designed more efficiently than the older style columns to ensure light is directed downwards and spillage is minimised.

6.3.8 The car-park will be used for staff only and will be managed and controlled by the Hospital Trust to ensure misuse by those who should not be present on the site does not occur.

6.3.9 Taking into account all the above factors, whilst acknowledging that the occupiers of these houses, and 132 in particular, will be most affected, on balance the impact is not considered to be harmful.

6.3.10 The raised deck is some 35 metres from the rear of houses and flats in Laundry Road. This separation distance combined with the privacy screen and other design matters will ensure that whilst the deck and the lighting columns will be visible from the rear of these properties, residential amenity will not be harmed.

6.4 Need for Additional Car Parking

6.4.1 For any Hospital to function effectively adequate access must be available for staff, patients and visitors. The location of the site acknowledged by all to be tightly constrained being surrounded by residential roads on all sides. This combined with the very limited site area and the continual need to provide new and improved healthcare facilities, served by appropriate transport options, means that development proposals have to be carefully managed. This is particularly so given the Major Trauma status of the Hospital

and the fact that 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.

6.4.2 The provision of adequate car parking is just one element of the overall transport strategy for the site which is continually monitored and reviewed. Contrary to some representations the Hospital does operate a park and ride facility which currently provides 120 spaces at Lordshill. Additional park and ride facilities are part of the review of the overall transport strategy but not directly related to this application. There are currently over 600 cycle spaces and 55 motor-cycle spaces provided across the campus. 45 additional cycle spaces being provided in May 2010.

6.4.3 However, the basis of this application is that through the mechanism of the original s106 agreement and subsequent planning permissions for new developments on this site the Hospital are not currently able to provide full quota of parking spaces permitted. The additional 114 spaces provided as part of this application are therefore already justified in terms of need on planning grounds.

6.5 Potential alternative locations

6.5.1 The site is recognised as being very tightly constrained. The masterplan needs to achieve a site layout that can accommodate the construction of new buildings to deliver new and improved healthcare facilities across the campus with efficiencies of internal space, whilst at the same time satisfying the planning requirements of appropriate car-parking, landscaping and safe circulation routes around the campus.

6.5.2 This inevitably results in the need for parking to be at the periphery of the site so to allow the central core and other areas to be developed for new healthcare buildings.

6.5.3 Space within the site being at a premium also dictates that the existing surface level car parks are not an effective use of a scarce resource and an inefficient use of land.

6.5.4 In order to meet all these competing demands it is inevitable that raised car-parks of appropriate design will be sought. The current layout of the internal access roads and the configuration of the existing car parks and the proposed deck car park mean that this location has least impact on hospital operations.

6.5.5 Alternative locations would be restricted to surface car park areas along the rear of Laundry Road which at the present time would have implications for the design of internal access roads and the layout of the existing car-parks.

6.5.6 This site therefore meets the operational needs of the Hospital and should therefore be judged on whether its impact on adjacent occupiers is acceptable rather than whether it should be located elsewhere.

6.6 Impact on Surrounding Road network

6.6.1 The Council's transport officers have assessed the application and do not consider that the additional 114 spaces to be provided, which already effectively have planning consent from earlier developments but are currently unable to be accommodated on the site, will not have any significant impact on the surrounding road network or on highway safety.

7.0 Summary

7.1 The proposals will make up some of the existing shortfall in existing permitted parking spaces across the site. The location best meets the Hospital's operational needs. The height of the deck is typical of a two storey building which is assessed as appropriate for this part of the site taking into account the proximity to houses. The design includes privacy screens and efficiently designed lighting to avoid wider light spillage. The management of the raised deck is down to the Hospital to avoid mis-use. Whilst there will be an impact on nearby residents, and in particular the occupier of 132 Coxford Road, this is not judged to be harmful.

8.0 Conclusion

8.1 Subject to appropriate conditions planning permission should be granted.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a), 1(b), 1(c), 2(b), 2(c), 2(d), 3(a), 6(c), 6(h), 7(a), 8(a), 9(a), 9(b) 10(a) and 10(b)

AA for 28/09/2010 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 - 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.

03. 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 external finishes including colour to be used for external walls including privacy screen has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented and maintained 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.

04. APPROVAL CONDITION - Use of Car-park by Staff only - Performance Condition

The car park shall only be used by staff entitled to parking permits as identified within the Hospital Transport Strategy.

REASON

To ensure the use of the car park is limited to those staff for whom other transport options delivered through the transport strategy are impractical given the need to ensure the effective delivery of healthcare and related services on the site.

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Application 10/00921/Ful

APPENDIX 1

POLICY CONTEXT

Core Strategy - (January 2010)

CS10	A Healthy City
CS18	Transport: reduce – manage- invest
CS19	Car and Cycle Parking

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
HC1	Hospital related development

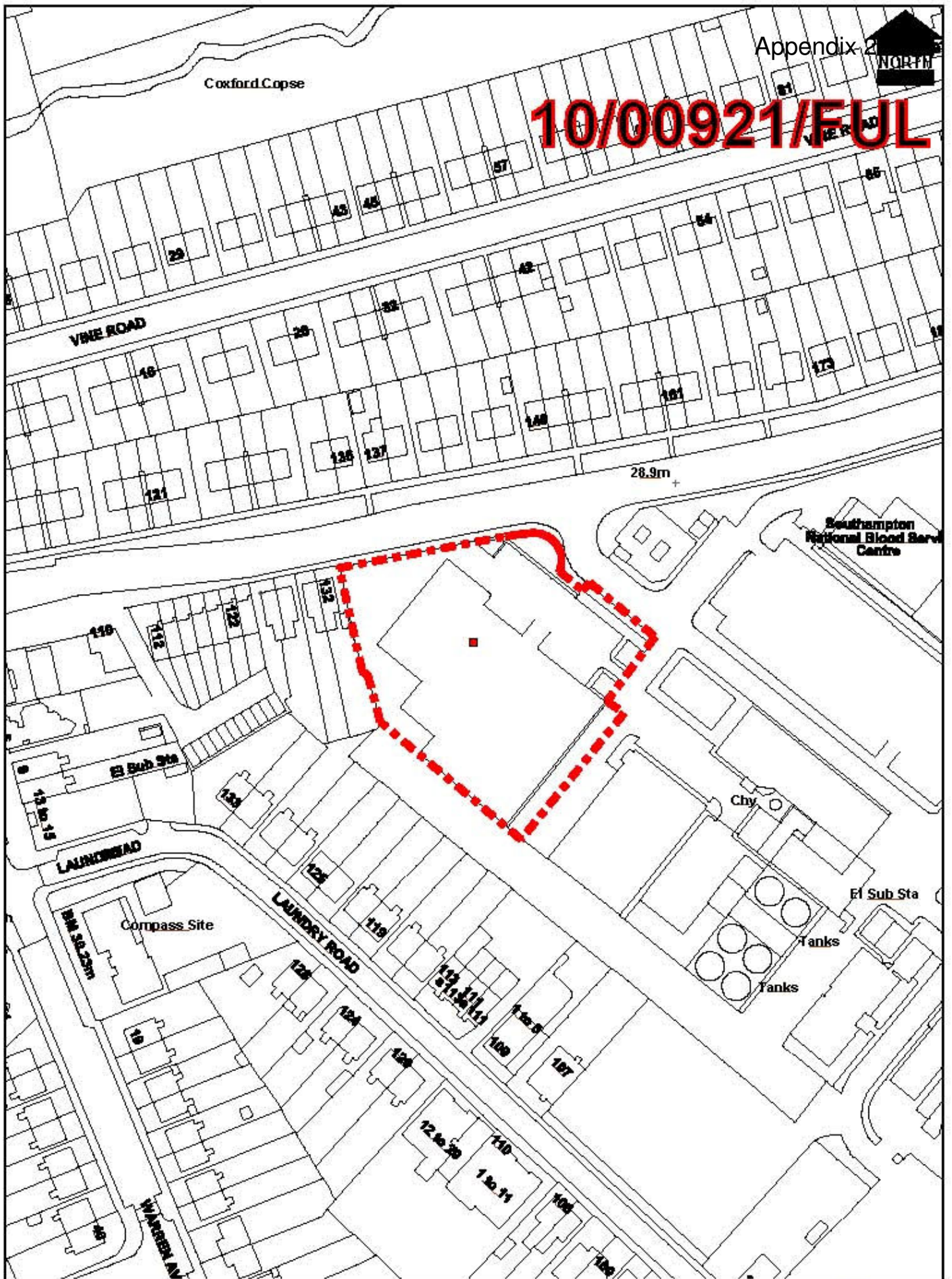
Other Relevant Guidance

PPS1	Delivering Sustainable Development (2004)
PPG13	Transport (2001)
PPG24	Planning & Noise (2004)

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10/00921/FUL



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Date 16 September 2010

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Agenda Item 7

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 28th September 2010
 Planning Application Report of the Planning and Development Manager

Application address:			
492 Winchester Road SO16 7BG			
Proposed development:			
Replacement of existing boundary treatment with 2 metre high wall and railing with timber panel detail to central section and 2.4 metre high vehicle entrance gates (Resubmission 09/01171/FUL)			
Application number	10/00607/FUL	Application type	FUL
Case officer	Stuart Brooks	Public speaking time	5 minutes
Last date for determination:	16.07.2010	Ward	Bassett
Reason for going to Panel	Referred by Ward Councillor in accordance with agreed procedure	Ward Councillors	Cllr Samuels Cllr Mizon Cllr Hannides
Applicant: Mr Sean Knowlson		Agent: Mr Brian Ryves	
Recommendation Summary	Conditionally approve		

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. Having careful regard to the concerns raised by the neighbouring occupiers, the new boundary treatment will make a positive contribution to the appearance of the street scene, whilst facilitating an improvement to the safety of the vehicular access onto Winchester Road. 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.

Policies - SDP1, SDP7 and SDP9 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)

Appendix attached			
1	Development Plan Policies	2	Copy of decision notice 09/01171/FUL
3	Copy of Enforcement Notices		

Recommendation in Full

Conditionally approve

1. The site and its context

1.1 This application site consists of two storey detached dwelling which lies within a predominantly residential area, mainly characterised by two storey property with a range of styles and sizes. The front of the property is enclosed by a tall close boarded fence and dense tree cover.

2. Proposal

2.1 The existing close boarded fence along the pavement edge will be replaced with a 800mm high brick wall and row of piers 2.1 metres high separated by metal railings in the gaps, including a new pedestrian railing gate. The vehicle access has been widened to 4.5 metres with a 2.4 metre high sliding gate enclosing the access, set back 4.5 metres from the pavement edge. There will be a timber panel fence no taller than the front boundary treatment installed behind part of the new boundary treatment.

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 Saved policy SDP1 (Quality of Development) of the Local Plan Review requires development to have an acceptable affect on the health, safety and amenity of the city and its citizens.

3.3 Saved policy SDP7 of the Local Plan Review requires the proposal not to cause harm to the character and appearance of an area, by respecting the existing layout of buildings within the streetscape, and the scale, density and proportion of existing buildings. Saved policy SDP9 requires the design of the proposal to be high quality and respect the surroundings in terms of scale, massing and visual impact. Policy CS13 of the Core Strategy seeks the proposal to respond positively and integrate with its local surroundings and character, whilst being of appropriate scale, massing, and appearance.

4.0 Relevant Planning History

4.1 The applicant was found to be operating an unauthorised security business use at the family dwelling, involving the storage of working dogs and vehicles. Two Enforcement Notices were served in August 2006 requiring the following:-

(i) to remove the kennel, store and deck structure and the materials resulting from the demolition of the structure from the land and refrain from siting them anywhere else on the land, (ii) reinstate the land as garden.

(i) cease to use the land for the purpose of operating a security business, (ii) remove from the land all dogs other than one working dog, handled by the owners of the land, and up to three pet dogs, (iii) allow no more than one van or vehicle, used in connection with the security business to be kept on or parked on the site at any one time.

Appeal no. APP/D1780/C/06/2025878 and APP/D1780/C/06/2025877 against the Enforcement Notice was dismissed in June 2008 on and the requirements of the notices upheld. The notices are attached to **appendix 3**. The Council has an ongoing investigation to monitor the property to check whether the requirements of the notice have been complied with.

4.2 Previous application 09/01171/FUL (attached to appendix 2) for similar works was refused in January this year for the following reasons:-

1. Insufficient information has been submitted on the proposed brick wall on the south perimeter boundary by virtue of its location, scale and size in relation to two protected oak trees. This would be of the detriment to the character and appearance of the area.

2. The proposed brick wall on the south perimeter boundary by virtue of its location, scale and size in relation to the public highway has not provided sufficient sightlines for existing vehicles. This would impact on highways safety of the area.

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 **15** representations have been received from surrounding residents. The following observations/comments were made:

- Close inspection by the Council Tree Team of protected trees should be taken during construction.

Response

The Tree Team are satisfied with the protection measures recommended in the Tree Report submitted with the application.

- The area of the application site is larger on the proposed site plan when overlaid with the existing site plan which shows that the space for turning of vehicles occurs outside their land.

Response

The plans were originally printed out of scale. This printing error has now been rectified to show that the property boundaries on the existing and proposed site plan do correspond accurately and the applicant is not seeking to use the land 480 Winchester Road for additional turning space.

- The panels fitted behind the wall are not sufficient to keep the owner's dogs inside, and the timber panels around entrance returns should be stipulated by the council.

Response

Whilst the layout and design of the boundary treatment creates a secure enclosure to keep dogs at the front of the property, the behaviour of dogs under the ownership of the applicant is a matter to be enforced under statutory Environmental Health legislation.

- The requirements the enforcement notice are not being followed which will result in commercial vehicles parking in the turning space created in the driveway.

Response

The Council has an ongoing investigation to monitor the property to check whether the requirements of the notice have been complied with. This matter is separate to the determination of this application. To ensure that this space can be maintained, the applicant should agree surface treatment works to demarcate the turning space in the driveway.

- Existing buildings in the driveway will obstruct the turning space and there is insufficient space for the number vehicles of parked at 492, and use of these buildings is not indicated. The parking of a disabled person's vehicle and widening the access closer to 480 will reduce the visibility of vehicles exiting onto Winchester Road to the detriment of highway safety.

Response

These issues are addressed in detail in section 6 of the report - Planning Considerations.

5.2 SCC Highways - Following the amended plans received, the Highway Officer has raised no objection to the impact on highway safety.

5.3 SCC Tree Team – No objection raised to the impact on the three significant Oaks on the front boundary, providing that the development is carried out in accordance with the details set out in the Barrell Consultancy Arboricultural Method Statement. Any pruning works of the mixed understorey/hedge trees will need to be agreed with the Council's Tree Team under a separate application for tree works.

6.0 Planning Consideration Key Issues

6.1 The applicant has to demonstrate that the reasons for refusal set out under application 09/01171/FUL have been addressed. The key issues for consideration in the determination of this planning application are:

6.2 Impact on Highway Safety

6.2.1 Following discussions during the application stage between the SCC Highway Officer and the applicant's agent, amended plans were submitted to address highway safety concerns initially raised by the Officer. This includes setting back and straightening the entrance walls to improve the pedestrian sight lines for vehicle egress onto Winchester Road, using a sliding gate to improve the amount of turning space.

6.2.2 The plans show that a typical sized vehicle will not overhang the vehicular highway whilst waiting for the gates to open. In accordance with the maximum parking standards for a low accessibility zone as defined by policy CS19 of the Core Strategy, the Highway Officer is satisfied that the tracking diagram shows that there is adequate vehicle turning space within the driveway for two vehicles to be parked and enter and leave the driveway in a forward gear. To ensure that this space can be maintained, the applicant should agree surface treatment works to demarcate the turning space in the driveway.

6.2.3 The access gap between the pillar driveway entrance will be widened by 1 metre, and the access gap adjoining the public footway will be widened 3 metres closer to the nearest common boundary of 480 Winchester Road. The purpose of the access gap widening is to improve the openness of the visibility for vehicles exiting 492 Winchester Road, which is an acceptable standard to the DC Highway Officer. The neighbour at 480 is concerned that the widening of this access gap will push vehicles parking on double yellow lines outside 492 Winchester Road closer towards the access of 480, then making it harder to clearly see on-coming vehicles when exiting their driveway. The enforcement of

illegal parking does not fall under the control of the planning system which is enforced by the Police and, therefore, is not a planning material consideration for this application.

6.2.4 Enforcement Notice ref. no. 06/00039/ENF issued on 25th August 2006 and upheld by the Inspectorate under appeal no. APP/D1780/C/06/2025877, requires the applicant to park no more than one van or vehicle used in connection with the security business to be kept on or parked on the site at any one time. The ongoing enforcement investigation relating to the parking of business vehicles at the property is separate matter to the consideration of this application.

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

6.3 Impact on visual amenity

6.3.1 The existing close boarded fence along the pavement edge will be replaced with a 800mm high brick wall and row of piers 2.1 metres high separated by metal railings in the gaps, including a new pedestrian railing gate. There will be a timber panel fence no taller than the front boundary treatment installed behind part of the new wall and railings. Introducing the railings and brick wall will be a significant improvement in the quality of materials to the appearance of the existing boundary treatment fronting Winchester Road and, therefore, considered to make a positive contribution to the appearance and character of the local area.

6.3.2 The SCC Tree Team have raised no objection to the impact on the three protected Oaks on the front boundary, providing that the development is carried out in accordance with the details set out in the Arboricultural Method Statement. Any pruning works of the mixed understorey/hedge trees should be agreed with the Council's Tree Team under a separate application process for tree works.

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

7.0 Summary

7.1 The applicant has demonstrated that the reasons for refusal under application 09/01171/FUL have been addressed, whereby suitable tree protection measures are provided, and adequate sightlines for safe vehicle access are incorporated in the revised design of the boundary treatment. The new boundary treatment will make a positive contribution to the street scene, whilst facilitating an improvement to the safety of the access from the property onto Winchester Road.

8.0 Conclusion

8.1 This application has been assessed as being acceptable to highway safety and its local visual setting. 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(b), 2(d), 4 (f), 6(c), 7(a), 10(a), 10(b)

SB for 28/09/10 PROW Panel

PLANNING CONDITIONS

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

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

Reason:

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

02. APPROVAL CONDITION - Materials [Performance Condition]

Unless otherwise agreed in writing by the Local Planning Authority, the materials and finishes to be used in the construction of the boundary treatment and means of enclosure hereby permitted shall be in accordance with the approved plans.

Reason:

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

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

The development hereby permitted shall be implemented on site in accordance with the Barrell Consultancy Method Statement ref: 10113-AIA-Wall-PB dated 30th April 2010 in respect of the protection of the trees to be retained during all aspects of work and will 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.

04. APPROVAL CONDITION - Sliding gates

The gates hereby approved shall only be sliding gates as specified by drawing number 102 Rev B received on 10th August 2010 and maintained in that form at all times.

Reason:

To define the consent for the avoidance of doubt and in the interests of highway safety to maintain an adequate level of turning space.

05. APPROVAL CONDITION - Parking

The development hereby approved shall not commence until details for surface treatment works to provide an adequate turning space in accordance with drawing no. 101 Rev B have been submitted and agreed in writing by the Local Planning Authority . The development to which this consent relates shall not be brought into use in full or in part until the space approved has been laid out and kept clear at all times for vehicles to turn so that they can enter and leave in a forward gear.

Reason:

To prevent obstruction to traffic in neighbouring roads in the interests of highway safety.

City of Southampton Local Plan Review - (March 2006)

SDP1 Quality of Development
SDP7 Context
SDP9 Scale, Massing and Appearance

Local Development Framework Core Strategy Development Plan Document (January 2010).

CS13 Fundamentals of Design

Other Relevant Guidance

PPS1 Delivering Sustainable Development (2004)

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DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

Town and Country Planning (General Development Procedure) Order 1995

Mr Brian Ryves
1-3 Lyon Street
Southampton
Hampshire
SO14 0LD

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: Replacement of existing boundary treatment with 2m high wall and railing with timber panel detail to central section and 2.4m high vehicle entrance gates

Site Address: 492 Winchester Road Southampton SO16 7BG

Application No: 09/01171/FUL

For the following reasons:

01. Reason for Refusal - Insufficient Information

Insufficient information has been submitted on the proposed brick wall on the south perimeter boundary by virtue of its location, scale and size in relation to two protected oak trees. This would be of the detriment to the character and appearance of the area and contrary to policies SDP 1 (i) (ii), SDP 7 (i) (ii) and SDP9 (v) of the Local Plan Review (March 2006).

02. Reason for Refusal - Sightlines

The proposed brick wall on the south perimeter boundary by virtue of its location, scale and size in relation to the public highway has not provided sufficient sightlines for existing vehicles. This would impact on highways safety of the area and be contrary to policies SDP 1 (i) of the Local Plan Review (March 2006).

Notes to Applicant

1. Any future re application should submit:
 - A tree survey carried out by a suitably competent arboriculturalist (see section 4.2 of BS5837:2005)
 - An Arboricultural implications assessment (see section 6 of BS5837:2005)
 - An Arboricultural method statement including a tree protection plan (see section 7 of BS5837:2005)
 - An appropriately designed development plan showing all relevant tree information (see BS5837:2005 Section 7.1 f)
 - A plan to show onsite turning circle

2. The wooden panel fence post located behind the brick wall should align with the brick pillars to reduce the visually impact on the local area.

David Rothery *JRi*
Development Control Manager

14 January 2010

For any further enquiries please contact:
Fiona Riley

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:
29563 EXISTING SURVEY		Landscaping Plan	11.11.2009	Refused
102 EXISTING AND PROPOSED PLAN		Elevational Plan	11.11.2009	Refused
100 EXISTING SITE PLAN		Location Plan	11.11.2009	Refused
101 PROPOSED SITE PLAN		Block Plan	11.11.2009	Refused



Appeal Decisions

Inquiry commenced on 5 June 2007

Site visits were made on 5 June and 25 July 2007

by **Graham Dudley** BA (Hons) Arch Dip
Cons AA RIBA FRICS

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

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

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

Decision date:

12 SEP 2007

Appeal A: APP/D1780/C/06/2025878 492 Winchester Road, Southampton SO16 7BG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Sean Knowlson against an enforcement notice issued by Southampton City Council.
- The Council's reference is 06/00039/ENF.
- The notice was issued on 25 August 2006.
- The breach of planning control as alleged in the notice is without planning permission, the erection of a detached kennel, store and deck structure, to facilitate the unauthorised use of the land as a mixed use of a dwellinghouse and operation of a security business.
- The requirements of the notice are (i) to remove the kennel, store and deck structure and the materials resulting from the demolition of the structure from the land and refrain from siting them anywhere else on the land, (ii) reinstate the land as garden.
- The period for compliance with the requirements is twenty eight days.
- The appeal is proceeding on the grounds set out in section 174(2) (a), (b) & (c) of the Town and Country Planning Act 1990 as amended. However, since the prescribed fees have not been paid within the specified period, the ground (a) aspect and application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.

Summary of Decision: The appeal is dismissed and the enforcement notice upheld.

Appeal B: APP/D1780/C/06/2025877 492 Winchester Road, Southampton SO16 7BG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Sean Knowlson against an enforcement notice issued by Southampton City Council.
- The Council's reference is 06/00039/ENF.
- The notice was issued on 25 August 2006.
- The breach of planning control as alleged in the notice is without planning permission, change of use of the land from a dwellinghouse to a mixed use of dwellinghouse and operation of a security business.
- The requirements of the notice are (i) cease to use the land for the purpose of operating a security business, (ii) remove from the land all dogs other than one working dog, handled by the owners of the land, and up to three pet dogs, (iii) allow no more than one van or vehicle, used in connection with the security business to be kept on or parked on the site at any one time.
- The period for compliance with the requirements is twenty eight days.
- The appeal is proceeding on the grounds set out in section 174(2) (a), (b) and (c) of the Town and Country Planning Act 1990 as amended. However, since the prescribed fees

have not been paid within the specified period, the ground (a) aspects and the application for planning permission deemed to have been made under section 177(5) of the Act as amended do not fall to be considered.

Summary of Decision: The appeal is dismissed and the enforcement notice upheld.

Procedural Matters

1. The inquiry sat on the 5 June and the 25 July 2007.
2. At the Inquiry applications for costs were made by Southampton City Council against Mr Sean Knowlson and by Mr Sean Knowlson against Southampton City Council. These applications are the subject of separate decisions.
3. Evidence was taken on oath.

Reasons

Appeal A Ground (b)

4. The appellant does not argue about the existence of the kennels, store and deck, (the site visit shows them to be in place), but that no breach has occurred, because the site is not in mixed use and therefore the structure is permitted development. Permitted development is considered under ground (c). I find as a matter of fact that the detached kennel, store and deck have been constructed and this aspect of Appeal A fails on ground (b).

Appeal A Ground (c) and Appeal B Grounds (b) and (c)

5. The appellant's case in relation to all these grounds is that the use of 492 Winchester Road has remained residential and therefore, in relation to Appeal A, the structure benefits from permitted development rights associated with a dwellinghouse.
6. There is no argument that, as with police dogs, it is normal for the handler's individual working dog to remain with the handler and be housed at the handler's home and that this type of use would be considered incidental to the use as a dwellinghouse. The council's requirements would allow that type of use to continue. There is also no dispute that the appellant has separate office accommodation used in connection with the security business. The company is a member of the National Association of Security Dog Users and The British Institute of Professional Security Dog Trainers and tested and certified in accordance with the associations' requirements.
7. There is no argument that a broken-down van belonging to the security business was parked in Butterfield Way for a long time. This was taxed and insured and legally parked, but it seems strange to me that the van was not kept at one of the business premises. The appellant noted that it could cause some problem with the use of busy parking spaces and the landlord would be unhappy to have a broken-down vehicle parked there. To my mind it is clear that a location close to the appellant's home was seen as a logical place to keep the vehicle. While the van broke down in this location, had there been another suitable location to store it as was later found at the dog training area, I consider it likely that it would have been moved there.

8. The kennel structure at 492 Winchester Road has three very similar enclosed spaces, two identified as kennels and the third as a store, and above this is a timber deck with balustrade. There is a timber stair to the side that provides access from the deck down to the kennels and store and lower part of the garden.
9. Soon after occupation of 492 Winchester Road by the appellant, the council received complaints about dogs barking, which were investigated by council officers in the Pollution and Safety Service. The council received about 160 complaints from 19 different residents relating to noise from barking dogs. I acknowledge, because the planning merits are not an issue in this case, that noise per se is not the main issue, but to my mind the scale of complaints associated with noise and disturbance is likely to be an indicator of the extent dogs are kept at the appeal site. However, I also accept that the appellant keeps a number of pet dogs at the site, currently one associated with his business and two family pets and clearly noise emanating from the site could also be from pets.
10. Neighbours living nearby, who complained to the council and police about the dogs, were advised to keep a log of the incidents and this was done. This is a *comprehensive list of activities with times and dates of the incidents kept over a long period, and dispatched to the council at about monthly intervals. While the appellant endeavours to cast doubt over the motivation for this record and its content, given that the advice to produce the record was from the council and police, was contemporaneous and that it would have taken a great deal of effort to produce over this period of time, I attach considerable weight to it.*
11. I acknowledge that one discrepancy has been identified between the neighbour's log and CCTV evidence produced by the appellant. To some extent this appears to be in relation to timing as the minibus described in the log does *appear to be in the CCTV footage, but not at the time noted and clearly it is delivering a bed.* The CCTV evidence also illustrates the disturbance caused by a dog. There is no independent verification of the CCTV footage timing. There might be some slight error, either in CCTV timing or timing given in the log. However, in my opinion, while careful interpretation of the log is necessary, this does not significantly reduce the amount of weight I attach to this evidence, which has been presented by the witnesses and subjected to cross-examination.
12. The normal situation is that each dog is kept with its handler, which is essential *to ensure that a proper bond and trust forms between the dog and the handler.* These handlers have kennels at their homes for these dogs and these are independently inspected. However, there is a relatively large turn-over of staff, identified at the inquiry to be about 30% a year. When a handler leaves, the dog is, if possible, passed directly on to the next handler, so that bonding and training can commence. However, it was noted that this was not always possible and one employee was looking after two dogs. The appellant also noted that there were a couple of occasions when he had accommodated dogs overnight at his home. As a back-up, a commercial kennel can be used, but no receipts or invoices were made available to indicate the extent of its use.
13. However, even accepting this as the normal arrangement, there are a considerable number of incidents recorded where vans arrive and dogs are

dropped off and taken to the kennels, sometimes very late at night. Neighbours saw people wearing jackets with the words security written across their backs. In considering the extent of activity I am aware that neighbours would not be able to monitor all activity at the site. I also accept the evidence of the appellant's witnesses, that they have not visited the property in association with work, and that some of the vans seen at the site and appearing on the log would have been driven to the site by the appellant and members of his family and not associated with business use. However, it is quite clear from the pattern of use described in the logs, that this property and the kennels were being used in association with keeping dogs for the business and that others have visited the site to return and fetch dogs from the kennels.

14. I acknowledge that some of the noise and disturbance logged will probably have emanated from the legitimate working dog/pet dogs kept at the appeal site. However, the extent of nuisance has been substantial, resulting in council involvement and court proceedings. I consider that the additional use has caused substantial nuisance to neighbouring occupiers and as a matter of fact and degree is highly unlikely to be that normally or reasonably incidental to use as a dwelling house, even where about three dogs are kept. It is also likely that these kennels, because of their size and arrangement, were constructed at least partially for the purpose of mixed use by the appellant's working dog/pets and other working dogs associated with the business.
15. I conclude at the time that the enforcement notice was issued that the property was in mixed use and permitted development rights associated with a dwellinghouse would not apply. Therefore, whether or not the structure would be permitted development within the curtilage of a dwellinghouse, it is not permitted development in association with the mixed use formed.
16. Taking into account all these factors, I conclude that what is alleged in the notices has occurred as a matter of fact. There has been a change of use to a mixed use and operational development has been carried out, without the benefit of planning permission. Consequently a breach of planning control has occurred. In these circumstances the appeals on grounds (b) and (c) are unsuccessful.

Estoppel

17. The appellant effectively argues that the council should be prevented or 'estopped' from issuing an enforcement notice because officers confirmed on site and in writing on the 23 August 2005 that the kennel/store did not require planning permission. In order to confirm the advice, the appellant choose to make a formal application for determination as to the lawfulness of the development under s191 of the Act and at that stage in determining that application the council confirmed its 'official' view on this matter. While I appreciate the position of the appellant in relation to the original officer's advice, in these circumstances, taking into account *R v East Sussex CC ex parte Reprotech (Pebsham) Ltd*, I do not consider that the council was estopped from serving the enforcement notices.

Human Rights

18. Submissions were made by the appellant, relating to interference with his human rights under the ECHR. I recognise that if the appeals are upheld it

would interfere with the way that the appellant currently uses his home in relation to his business. However, this consideration must be balanced against the rights and freedoms of others. In the light of my conclusions above and the impact that the current use has on neighbours, I am satisfied that the effect on the appellant of upholding the enforcement notices would not be disproportionate or unreasonable.

Conclusion

19. For the reasons given above and having regard to all other matters raised, I consider that the appeals should not succeed.

Formal Decisions

Appeal A: APP/D1780/C/06/2025878 and

Appeal B: APP/D1780/C/06/2025877

20. I dismiss the appeals and uphold the enforcement notices.

Graham Dudley

INSPECTOR

21. APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr T Ward	Of Counsel, 12 College Place, Fanvelle Buildings, Soton, Instructed by Mr M Heath of Southampton City Coucil,
He called	
Mr A Sayle BSc BTP MRTPI	Paris Smith and Randall LLP, 1 London Road, Soton

FOR THE APPELLANT:

Mr S Knowlson	
He called	
Mr D Russell	Director of RICS registered firm of RICS Surveyors, 37 Chapel Road, West End, Soton SO30 3FG
Mr K Long	Flat 4, 68 Arthur Road, Shirley, Soton SO15 5DU
Mr R Deakin	25 Borrowdale Road, Soton SO15 9DT
Ms P Cain	492 Winchester Road, Soton SO16 7BG
Mr P Potsides	45 Cumbrian Way, Millbrook SO16 4AT
Mr F Swanborough	1 Iris Road, Bassett, Soton SO16 3GU
Ms K Swanborough	1 Iris Road, Bassett, Soton SO16 3GU
Richard Stowell	49 Cambraian Way, Millbrook SO16 4AT
Ms J Robison	33 Purbrook Road, Fratton, Portsmouth PO1 5BH
Mrs E Read	47 Pennine Road, Millbrook, Soton

INTERESTED PERSONS:

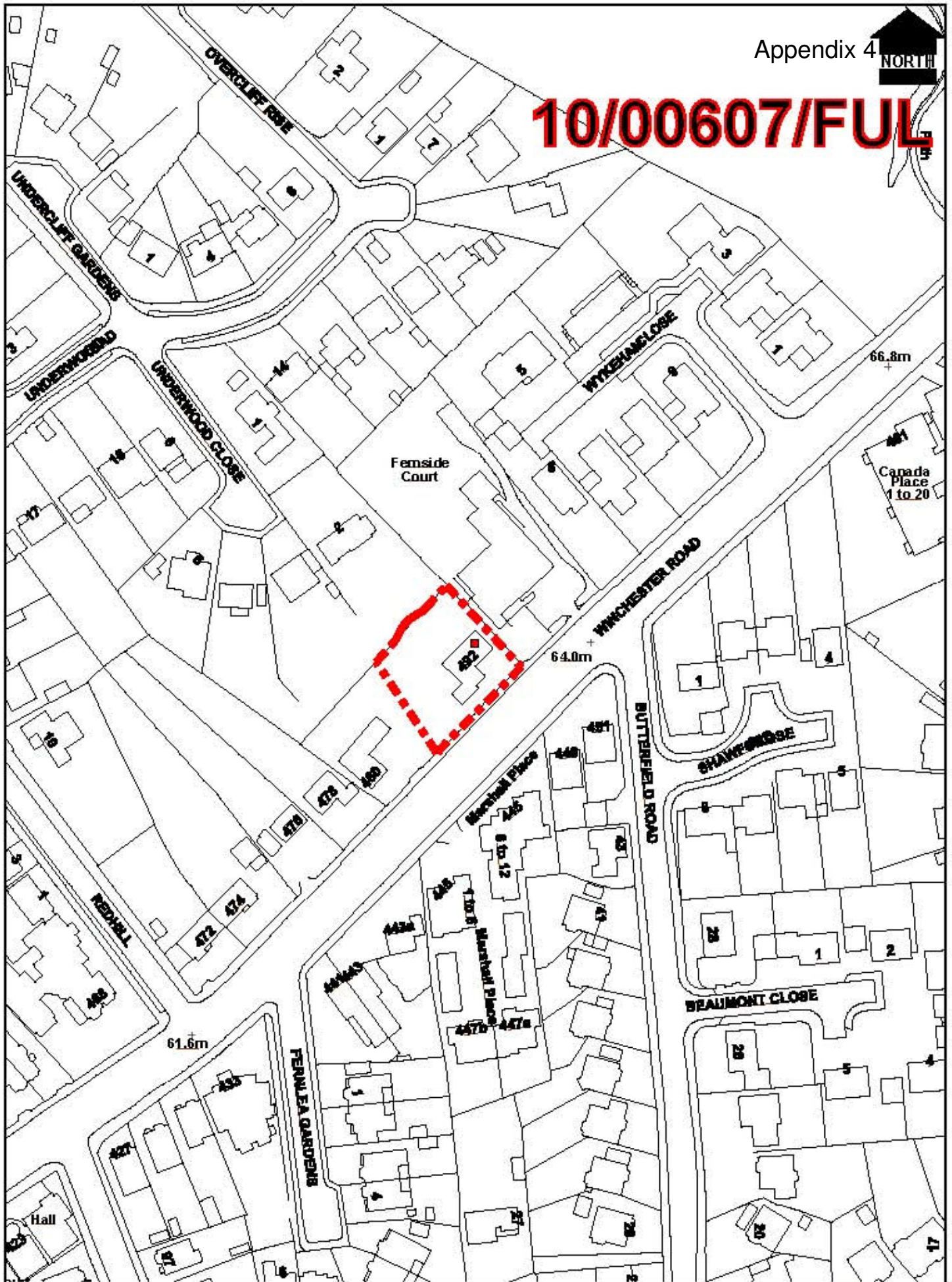
Mr S House	480 Winchester Road, Bassett, Soton SO16 7BG
Mr R Yorke	2 Underwood Close, Bassett, Soton SO16 7DA
Mrs D McInally	3 Underwood Close, Soton SO16 7PA

DOCUMENTS SUBMITTED TO THE INQUIRY

Document	1	Notification letter
	2	Photograph - Appellant's ref 21
	3	Copy of previous decisions relating to keeping of dogs and storage/parking of commercial motor vehicles
	4	Plan showing various measurements from house to the structure
	5	Three DVDs of CCTV footage and accompanying notes submitted by the appellant
	6	Council's supplementary evidence responding to the CCTV footage
	7	Photographs from Mr S House
	8	Photographs from Mrs McInally
	9	DVD (A)



10/00607/FUL



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Date 16 September 2010

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Agenda Item 8

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 28 September 2010
 Planning Application Report of the Planning and Development Manager

Application address:			
67 Arthur Road SO15 5DW			
Proposed development:			
Change Of Use From Residential (Class C3) To A 7-Bed House In Multiple Occupation For A Maximum Of 9 People (Sui Generis)			
Application number	10/00826/FUL	Application type	FUL
Case officer	Steve Lawrence	Public speaking time	5 minutes
Last date for determination:	25.8.2010	Ward	Freemantle
Reason for Panel referral	This application has been brought to the panel at the request of three ward councillors and a minimum of five letters of representation has been received, in accordance with agreed Panel procedure.	Ward Councillors	Cllr J R Moulton Cllr M A Ball Cllr B E Parnell

Applicant: Mr Martin Clegg	Agent: Turley Associates - Mr Daniel Wiseman
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Recommendation Summary	Conditionally approve
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Reason for granting Permission

The development has been assessed as being acceptable to residential amenity and its local residential context taking into account the policies and proposals of the Development Plan as set out below. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 Planning Permission should therefore be granted.

Policies SDP1, SDP7 and H4 of the City of Southampton Local Plan Review - Adopted March 2006.

Policy CS16 of the Local Development Framework Core Strategy - January 2010.

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally approve

1. The site and its context

1.1 The application site comprises a two-storey semi-detached property with single dormers in the front and rear roof slopes to facilitate accommodation in the roof.

1.2 The property has recently been converted from a dwelling house into a 7-bedroom House of Multiple Occupation (HMO) without planning permission and therefore this application is retrospective.

1.3 The front of the site is enclosed by a dwarf wall and hedging with gated access. A private garden is located to the rear with external side access.

1.4 The surrounding area is predominantly residential in nature and comprises semi-detached properties occupied as single dwelling houses, flatted accommodation and shared houses, as acknowledged in the Character appraisal section of the Howard Road and Thornbury Avenue Development Control Brief (1991).

1.5 There are no parking restrictions within Arthur Road or surrounding streets.

2. Proposal

2.1 The application seeks retrospective planning permission for the conversion of the property into a 7-bedroom House of Multiple Occupation. The layout of the property comprises communal facilities and a bedroom on the ground floor; three bedrooms and shared toilet and bathing facilities on the first floor; and two bedrooms with en-suite facilities at first-floor level.

Two of the bedrooms are larger and could accommodate couples and therefore the application seeks consent for a maximum of 9 persons.

No significant external or structural alterations have been carried out to facilitate the conversion. The rear gardens provide 112 square metres of private amenity space. Bin and bicycle storage is provided to the rear with external side access. 1 car parking space is located to the front of the property.

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 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 of use to houses of multiple occupation.

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 1st October 2010 this will not 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 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 **9** representations had been received, which included 3 from Ward Councillors which can be summarised as follows:

- Loss of a family home / contrary to policy CS16 of the Core Strategy
- Car parking displacement into Arthur Road and surrounding streets
- Change in demographic may lead to increased anti-social behaviour
- The Council should seek a fairer demographic mix
- Insufficient amenity space to serve 9 residents
- There are already a number of HMO properties within the road already
- Existing HMO properties have been problematic in terms of litter and mess left outside which has spilled out onto the street to the detriment of the visual amenities of the area
- Existing HMO properties have led to problems in terms of noise nuisance, alcohol, litter etc

5.2 **SCC Highways** - No highway objection subject to the attached planning condition to secure cycle storage for 7 cycles. 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 1 space to serve the proposed level of development accords with the Council's maximum standards.

5.3 **Housing** – There is no requirement for affordable housing provision.

5.4 **Pollution & Safety** – No objection raised subject to conditions restricting hours of work, and no bonfires (Response - as the conversion has taken place, it would not be relevant to impose these conditions).

6.0 Planning Consideration Key Issues

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

- i. The principle of development;
- ii. Impact on the character and amenity of the surrounding area;
- iii. The adequacy of the residential environment provided for occupiers;
- iv. and whether the travel demands of the development can be met.

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 HMO's play an important part in the city economy, meeting housing need, providing housing choice and creating "mixed and balanced communities" (the bedrock of PPS3 (Housing)) and, therefore, it is considered that the delivery of this accommodation type should not be unreasonably stifled to safeguard market housing for another demographic.

However it is acknowledged that high concentrations within parts of the city can lead to anti-social behaviour, noise nuisance, parking problems and reduced opportunity for family housing which can detract from local character.

6.5 The character of the area is formed by a mix of dwelling houses, flatted accommodation and houses of multiple occupation. There would appear to be a balanced range of accommodation types within this area. The provision of this additional 9 person HMO within the area is not considered to harmfully tip the balance of accommodation choice within this area to a degree that would unreasonably compromise the character of the area. It should be noted that the submission indicates that the refurbishment has been carried out to a high standard and seeks to target mature students or young professionals because of the associated higher rental values.

6.6 The proposal does not create any new residential floor space, however, 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 sui generis 7-bedroom House of Multiple Occupation in comparison to a large 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. As previously stated the change of use would not be considered out of character and/or context with the surroundings as there are already a mix of housing choice in the area. 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.

6.7 The residential environment for occupiers is considered acceptable and was evident during a site inspection. As stated, the refurbishment works have been carried out to a good standard. All habitable rooms are of sufficient size and are served by natural lighting and ventilation. The rear garden is 14 metres in length and exceeds the minimum garden size for a detached dwelling house within the Residential Design Guide with an area of 112 square metres; this area is sufficient in terms of amount, quality and usability to serve this level of occupancy and having regard to the context of other private gardens in the area.

6.7 Bin storage provision has been made to the rear of the premises. The proposal seeks to retain the hedging to the front of the premises which will provide screening to bins stored in the front garden during collection times; a maximum of 2 x 360 litre wheeled bins will be secured through condition.

6.9 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. The site is within close proximity to regular bus services and other amenities within Shirley Road. Provision has been made for cycle storage in the interests of sustainable transport.

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), 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 15.09.10 for 28.09.10 PROW Panel

CONDITIONS for 10/00826/FUL

01. PERFORMANCE CONDITION – Refuse facilities

Unless otherwise agreed in writing by the Local Planning Authority a maximum of 2 x 360 litre Euro bins (one with green lid, one with blue lid) shall be provided to serve the flatted development hereby approved. The bins shall be stored in the area to the rear of the site, as shown on the plans hereby approved, and shall only be moved to the front of the site on the day of/evening before collection. The bins shall be returned to the approved stores on the day of collection and shall not be left on the site frontage for the remainder of the week.

REASON

In the interests of the visual amenities of the area.

02. PERFORMANCE CONDITION – Bicycle parking

Within 1 month from the date of this decision secure, enclosed bicycle storage for a minimum of 7 bicycles shall be provided in the position as shown on the site layout plan hereby approved. The cycle storage shall be retained for the lifetime of the development.

REASON: To secure a satisfactory for of development.

03. PERFORMANCE CONDITION – Front hedge/gate retention

Unless otherwise agreed in writing by the Local Planning Authority the front boundary hedge and gated access enclosing the front of the site shall be retained for the lifetime of the development.

REASON: To secure a satisfactory for of development.

04. PERFORMANCE CONDITION – Restriction on number of occupiers

The premises shall only be used as a House in Multiple Occupation (HMO) for a maximum of 9 residents and for no other purpose unless otherwise agreed in writing by the Local Planning Authority upon submission of a formal planning application.

REASON:

To define the planning permission and to ensure that the HMO meets Council's standards.

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

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008), or any Order amending, revoking or re-enacting that Order, no other building, extension or structure permitted within Schedule 2, Part 1, Class A (enlargement of a dwelling house) or Class E (Outbuilding – other than the bicycle store to be constructed under condition 02 to this consent) shall be erected or carried out to 67 Arthur Road without the prior written consent of the Local Planning Authority:

REASON:

In order that the Local Planning Authority may exercise further control in this locality given the harm that could arise to adjoining residents arising from a more intensified residential occupation of the site.

06 APPROVAL CONDITION – Rear garden

The rear garden shall be available for use by all occupants of 67 Arthur Road at all times.

REASON:

To ensure the private recreational needs of all inhabitants of the building are met.

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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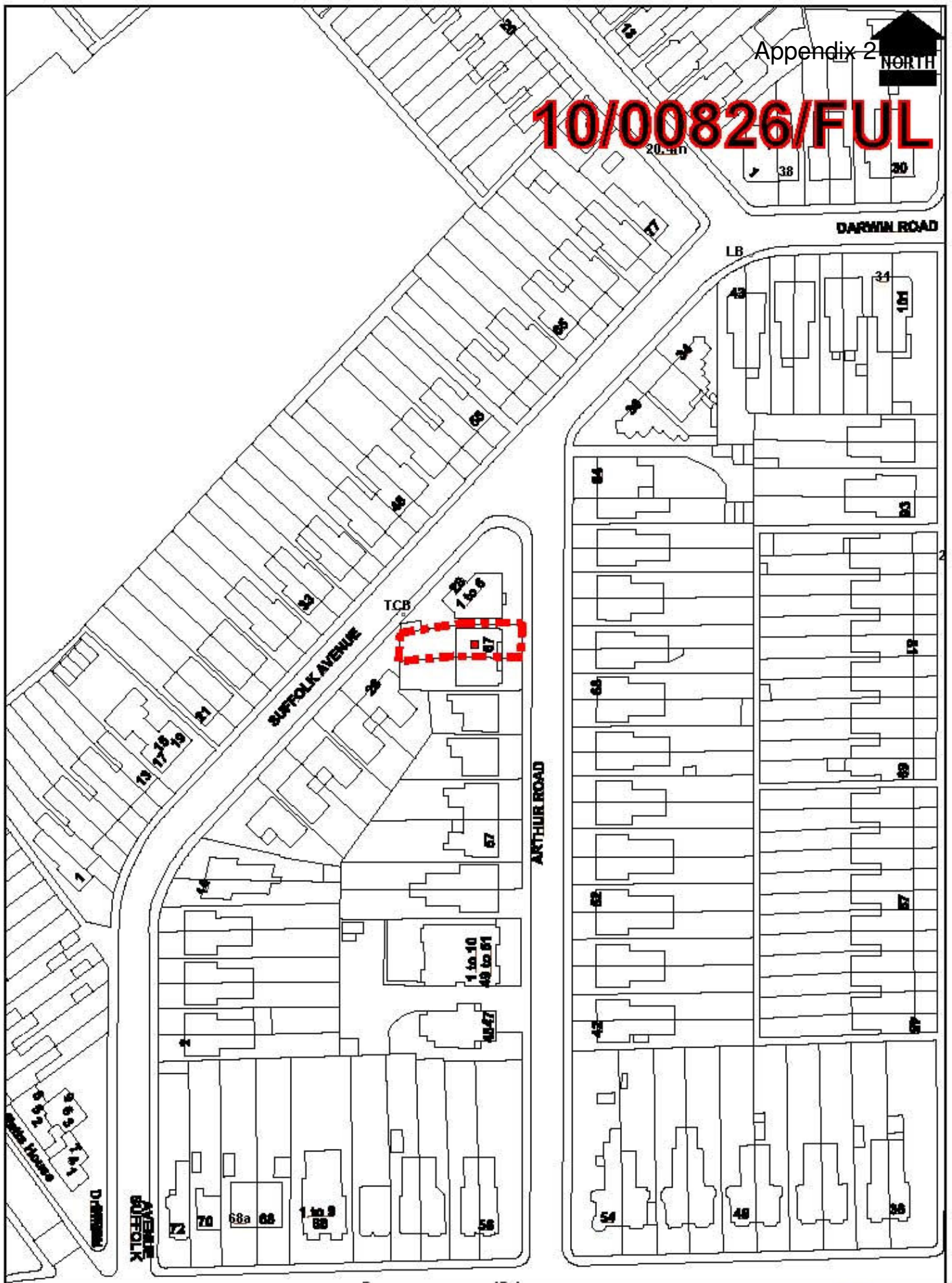
Other Relevant Guidance

PPS1	Delivering Sustainable Development (2004)
PPS3	Housing

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Date 16 September 2010

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Agenda Item 9

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 28th September 2010
Planning Application Report of the Planning and Development Manager

Application address: 119 Earls Road SO14 6TZ			
Proposed development: Change of use from residential (class C3) to a 4 bedroom house in multiple occupation, HMO (class C4) for a maximum of 5 people			
Application number	10/00711/FUL	Application type	FUL
Case officer	Stuart Brooks	Public speaking time	5 minutes
Last date for determination:	09.08.2010	Ward	Bevois
Reason for Panel referral	Recent changes in HMO legislation	Ward Councillors	Cllr Rayment Cllr Barnes-Andrews Cllr Burke

Applicant: Dr Matthew Dipper	Agent: n/a
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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 this instance a family home can be re-established as there are only minor internal physical changes to the building, and there will be permitted development rights to do this without planning permission after 1.10.2010. The occupation of this property in terms of the level of noise and refuse with 5 separate persons sharing basic amenities will not significantly differ to that as occupied by a single household. 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.

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

Conditionally approve

1. The site and its context

1.1 This application site comprises of a two storey, end of terrace, dwelling close to the junction with Lodge Road. This part of Earls Road is mainly characterised by two storey terraced and semi detached dwellings with small gardens in a tight urban grain. The property is currently occupied as a class C3 dwelling. A walkway leads to the rear garden from Earls Road providing a side access adequate for cycle and bin storage for which the applicant has right of access. There is currently no traffic regulation order controlling the level of parking in this part of the street.

2. Proposal

2.1 The proposal involves the change of use from single family dwellinghouse (class C3) to a 4 bedroom house in multiple occupation (HMO) (class C4) for a maximum of 5 people to occupy. There will be associated facilities for refuse storage and cycle storage provided in the rear garden which is accessible via the side access. Minor internal alterations will be carried out to facilitate the change of use, whilst maintaining the current number of bedrooms on the first floor with shared habitable living space on the ground floor. The footprint and external appearance of the building will be unaltered.

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 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. 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, preventing 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. The government have indicated that from 1st October 2010 this is will not be

the case and that planning permission will not be required to change from a C3 to a C4 dwelling, unless the local planning authority establishes an area of restraint, where those permitted rights are withdrawn. However, at the present time a change of use from C3 Use to a C4 use is required and the application should be assessed under the criteria of Policy H4. 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 also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (enter date) and erecting a site notice (enter date). At the time of writing the report **3** representations have been received from surrounding residents. The following observations/comments were made:

- The application is contrary to PPS3 guidance and local plan policy H4 and CS16, and emerging policies in the LDF.
- Result in the degradation and loss of character and amenity of the area.
- Result in overdevelopment of this type of property
- Result in additional parking in a congested street with a lack of parking space
- The local area is overburdened by HMOs, experiencing night time noise disturbance by the occupiers returning home including students who do not behave in reasonable manner.

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.

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 principle of the change of use is acceptable subject to the criteria of policy H4.

6.3 The current balance between C3 and C4 dwelling houses in Earls Road is continuing to be monitored with help from other council departments and reviewing the electoral register and council tax records. The current level of C4 dwellings in Earls Road from electoral register is 26 out of approximately 167 residential properties, which consists of 11 C4 dwellings in this part of Earls Road.

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.

6.6 Whether the additional activity is harmful is, however, more difficult to prove particularly if a limitation on the number of occupiers is set at 5 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 dwellings in the neighbourhood.

6.7 Whilst there is potential for some additional impact on the amenities of neighbouring residents it would be very difficult to quantify and, therefore, 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.

6.8 The Highway Officer has commented that there will be no additional requirement for bin storage, which is currently stored in the front curtilage. The applicant has right of access under their title deeds.

6.9 Other terraced properties in the street access their rear garden for cycle storage through the house. The details of the appearance of the storage facility should be provided prior to occupation to ensure that it is secure and fit for purpose.

6.10 There is no minimum amount off street parking spaces required in this location which is defined as medium accessibility under the adopted Core Strategy. There are currently no parking restrictions on street, and the Highway Officer has not raised any highway safety concerns with regards to parking congestion in the local area. There are no objections to the proposals on highway grounds.

6.11 The determination should also take into account the positive roll that C4 dwelling houses bring to the city and residents of the city as part of the mix of housing supply across the city.

6.12 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.

6.13 In response it should be noted that whilst the property characteristically remains as a C3 dwelling, there is no reason why the same number of individuals could live at the property and own the same number of vehicles as those associated with a C3 dwelling house.

6.14 The proposal is for a maximum number of five residents and the private amenity space is considered adequate given the context of other private gardens in the area.

6.15 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.

6.16 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(b), 2(d), 4(f), 6(c), 7(a), 7 (e), 10(a), 10(b).

Stuart Brooks for 28/09/10 PROW Panel

PLANNING CONDITIONS

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

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

Reason:

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

02. APPROVAL CONDITION - Occupancy Restriction

No more than 5 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 over the intensity of such uses in this locality given the scale of the property and surrounding context; and character.

03. APPROVAL CONDITION - Cycle storage [Pre-Occupation Condition]

The development to which this consent relates shall not be brought into use in full or in part until secure, covered space for 5 bicycles to be stored is agreed in writing by the Local Planning Authority. Once approved, the cycle store shall be fully provided before the first occupation under the Class C4 use hereby approved and thereafter be retained on site for those purposes at all times.

Reason:

To encourage cycling as an alternative form of transport.

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

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008), or any Order amending, revoking or re-enacting that Order, no other building, extension or structure permitted within Schedule 2, Part 1, Class A (enlargement of a dwelling house), Class B (Addition/alteration to roof), Class C (Any other alteration to roof) or Class E (Outbuilding) - other than the bicycle store to be constructed under condition 03 to this consent) shall be erected or carried out to 119 Earls Road without the prior written consent of the Local Planning Authority:

REASON:

In order that the Local Planning Authority may exercise further control in this locality given the harm that could arise to adjoining residents arising from a more intensified residential occupation of the site.

05. PERFORMANCE CONDITION - Refuse facilities

The existing refuse facilities and access thereto shall be maintained at all times.

REASON:

In the interests of amenity.

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

Other Relevant Guidance

PPS1 Delivering Sustainable Development (2004)
PPS3 Housing

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10/00711/FUL



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Date 16 September 2010

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Agenda Item 10

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 28th September 2010
 Planning Application Report of the Planning and Development Manager

Application address:			
31 Redhill Close SO16 7BT			
Proposed development:			
Minor material amendment to planning permission 09/01251/FUL (single storey side and rear extension with roof lights and Juliette balcony), to add 2 velux windows, one to the East elevation and one with obscured glass to West elevation, and enlargement of two velux windows to East elevation, and variation to condition 3 and 4 to allow installation of additional windows to light ground floor rooms and to be opening.			
Application number	10/00996/MMA	Application type	MMA
Case officer	Stuart Brooks	Public speaking time	5 minutes
Last date for determination:	15.09.2010	Ward	Bassett
Reason for being heard at panel	Referred by Ward Councillor and considered at the discretion of the Chair in consultation with the Site Development Team Leader	Ward Councillors	Cllr Samuels Cllr Hannides Cllr Beryl Harris

Applicant: Ms Lyn Ertl	Agent: Keyplans Limited
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Recommendation Summary	Conditionally approve
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Appendix attached			
1	Development Plan Policies	2	Copy of the decision notice 09/01251/FUL
3	Plan of window treatment and fixing on west and east elevation		

Reason for Granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. As the shell of the development is substantially complete, there is the opportunity for the Local Planning Authority to assess the impact by directly observing from the application site and neighbouring properties. The potential for direct harm caused to the privacy of occupiers at 30 Redhill Close and 8 Boldrewood Road due to overlooking from the position and aspect of the proposed fixed shut and non opening windows is considered to be none or very insignificant. 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 minor material amendment to planning permission 09/01251/FUL should therefore be granted.

Policies - SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (March 2006) and City of Southampton Local Development Framework Core Strategy Development Plan Document (January 2010).

Recommendation in Full

Conditionally approve

1. The site and its context

1.1 This application site comprises of a bungalow with living accommodation in the roof space. The site is located within a wholly residential area characterised by a mixed form and style of properties varying from one to two storey in height. Redhill Close leads north from Winchester Road, with the property located on the edge of the Sports Centre.

2. Proposal

2.1 The application seeks a minor amendment to the development approved under 09/01251/FUL (single storey side and rear extension with roof lights and Juliette balcony). The amendments include:

- i. the addition of one rooflight window in the east elevation with clear glazing serving the kitchen and addition of one rooflight in the west elevation serving the breakfast area to treated with obscure glazing; (See windows marked W11 and W4 in Appendix 3)
- ii. the 3 rooflight windows on the west elevation serving the family room/breakfast area will be centre pivot opening; (See windows marked W4, W5 and W6 in Appendix 3)
- iii. the enlargement of two rooflight windows to East elevation; (See windows marked W14 and W15 in Appendix 3)
- iv. the ground floor windows in the west elevation will be 100 mm opening controlled by restrictor and obscure glazed serving the lounge and family room; (See windows marked W2 and W3 in Appendix 3)
- v. The larger ground floor window on the west elevation serving the breakfast area will have a top hung fanlight opening from the top unrestricted; (See windows marked W1 in Appendix 3)

It also includes the variation of condition 3 and 4 of the original consent to allow the installation of additional windows to light ground floor rooms and to be non fixed shut.

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 Saved policy SDP1 (Quality of Development) of the Local Plan Review requires development to have an acceptable affect on the health, safety and amenity of the city and its citizens. This is supported by the relevant guidance set out in the Council's Residential Design Guide (September 2006). Extensions and modifications to existing homes should ensure that access to natural light, outlook and privacy is maintained for neighbouring occupiers in their homes and private gardens (paragraph 2.2.1 refers). The guidance recommends avoiding windows to habitable rooms directly facing one another to ensure privacy between houses (paragraph 2.2.3 refers).

4.0 Relevant Planning History

4.1 The original consent was granted in February 2010 (planning permission 09/01251/FUL) for a single storey side and rear extension with alterations to the roof including roof lights and Juliette balcony to rear to facilitate additional 1st floor accommodation. Building works have commenced.

4.2 It was brought to the attention of the Planning Enforcement Team that additional windows were being added to the property and an investigation of the breach of conditions 3 and 4 begun resulting in the submission of this application.

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 2 representations have been received from surrounding residents. The following observations/comments were made:

- The works have not been carried in accordance to the approved plans, whilst ignoring the planning conditions set, which disregards the interests of adjoining neighbours.
- Loss of privacy to the habitable spaces to the occupiers of the neighbouring property at 30 Redhill Close.
- The overall appearance and negative impact on the surrounding environment of even more glass, of so many windows, including already enlarged windows, in the roof slopes.
- Loss of privacy to the habitable spaces to the occupiers of the neighbouring property at 8 Boldrewood Close.

RESPONSE

These planning considerations are responded to in detail in section 6 of the report - Planning Considerations.

- Extra glass and light in close proximity to the natural habitats on the adjacent sport centre will have a negative affect on the wildlife including protected bat species.

RESPONSE

No objection raised by Council's Ecologist under application 09/01251/FUL. It would be difficult to provide scientific evidence to demonstrate that the level of internal artificial light emitted from the extension and additional glazing will cause harm to local wildlife, including protected bat species.

6.0 Planning Consideration Key Issues

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

- i. The impact on residential amenity of neighbouring occupiers;
- ii. Character and amenity of the surrounding area; and

6.2 The Local Planning Authority is considering whether the scale and nature of the changes proposed results in a development which is not substantially different from the one which has been approved and, therefore, can be treated as a minor material amendment to the original permission.

6.3 The level of glazing created by the new windows in relation to the overall scale of building is minor in nature and therefore does not result in a significant change to the external appearance of the building.

6.4 The Local Planning Authority is required to assess whether the proposed changes are harmful to the residential amenity of neighbouring occupiers terms of affecting their privacy, and consider whether the restrictions under conditions 3 and 4 can be relaxed in this case. Elements of these works have already been carried out. There is a copy of the decision notice 09/01251/FUL in **Appendix 2**.

6.5 The applicant is seeking to add more windows in the east and west elevation and roof slope to increase the level of natural light, and also allow a number of the windows to be opening to increase the level of natural ventilation to the approved extension currently prohibited by conditions 3 and 4. As the shell of the development is substantially complete, the Local Planning Authority is now able to better assess and understand the impact by directly observing the additional impact from the application site and neighbouring properties.

6.6 Based on the site assessment, each of the changes proposed to the approved development has been separately addressed below whilst taking into consideration the representations made by the neighbouring occupiers:-

6.6.1 Installation of additional rooflight in the west and east facing roof slope and to be opening including the approved rooflights: The cross sectional drawings demonstrate that the view from the proposed and approved roof light windows will be directed towards the sky, as the cill level of the proposed rooflight is 2.8 metres above the floor level, 1 metre higher above the eye level of a standing person of 1.8 metres. The opening of these windows will not significantly change the views from these windows when used in a reasonable manner.

6.6.2 The occupier of 30 Redhill Close is concerned of the possibility that the lower rooflight windows in the west roof slope will be used to light the bedrooms in the roof space following internal changes to the ceiling structure underneath bedroom 1 which would lead to direct views from the lower level of the bedroom through the 3 lower rooflight windows across the private space of the neighbouring property at 30 Redhill Close.

6.6.3 In particular, there is concern of overlooking the first floor study room. The consideration of these internal changes falls outside the scope of the planning assessment. The first floor study room window is not directly facing these rooflights as it is at an oblique angle. This additional window will be visible in the line of sight from the first floor study room and garden space of 30 Redhill Close, however, the perception of being

overlooked is not causing direct harm to the privacy of the neighbour and the level of glazing will not be significantly greater or intrusive. The separation distance of at least 30 metres across neighbouring back gardens will ensure that the privacy of the occupiers of 8 Boldrewood Road is maintained.

6.6.4 Large window in the west elevation to be obscured glazed with top hung fanlight opening: The window installed at the time of writing this report has been installed as clear glazed contrary to the condition requiring obscure glazing. It is important that this large window is refitted as obscured glazed to prevent direct overlooking of the private garden space of 30 Redhill Close. The applicant intends to refit the window to comply with condition 3. The top hung opening fanlight is high level at 1.8 metres above the floor level which does not afford an opportunity for direct overlooking of the neighbouring garden and, therefore, have very little potential to cause direct harm to the privacy to neighbour when used in a reasonable manner.

6.6.5 Four small windows in the west elevation to be top hung opening and the two units obscured glazed towards the rear end of the property: The occupier of 30 Redhill Close is concerned that the ground floor level windows (closest to the neighbour's back garden) have been fitted as wide opening windows affording a direct view across a very large part of the small back garden of 30 Redhill Close, and these windows should be completely fixed shut. The level of outward opening of these windows can be limited by installing an opening restrictor which the applicant will be required to install by varying the wording of approved condition 3.

6.6.6 The occupier of 30 Redhill Close is concerned that the two ground floor windows on the west elevation unmarked towards the front end of the property have been fitted as opening and clear glazed contrary to the condition requiring obscure glazing and fixed shut, which will overlook the small private side garden. Again these windows are at ground floor level with little potential to cause direct harm to the privacy of the neighbour used in a reasonable manner and, in particular, will mostly overlook directly onto the side wall of 30 Redhill Close. The level of outward opening of these windows can be limited by installing an opening restrictor which the applicant will be required to install by varying the wording of approved condition 3.

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(b), 2(d), 4 (f), 6(c), 7(a), 10(a), 10(b)

SB for 28/09/10 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Materials [Performance Condition]

Unless otherwise agreed in writing by the Local Planning Authority, the specified materials on the application form and finishes to be used in the construction of the extension hereby permitted shall be in accordance with the approved plans.

Reason:

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

02. APPROVAL CONDITION - Glazing panel specification [Pre-Occupation Condition]

The treatment and fixing of windows in the east and west elevation shall be in accordance with the approved on drawing no. SK16a and SK17a (received by the Local Planning Authority on 17th September 2010) and any treatment or fixing of windows not in accordance with approved plan shall be implemented within one month of the date of this decision notice and permanently maintained in that form.

Reason:

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

03. 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 east and west facing elevation of the extension hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the adjoining residential properties.

04. APPROVAL CONDITION - Window specification limitations [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 extension hereby permitted, the windows labelled W4, W5, W6, W7, W8, W9, W10, W11, W12, W13, W14, W15, W16 inserted into the east and west facing roofslope shall have a minimum cill level of 1.7 metres above floor level of the room served by rooflight. The windows shall be retained in this manner for the duration of use of the building for residential occupation.

Reason:

To protect the amenity and privacy of the adjoining property.

City of Southampton Local Plan Review - (March 2006)

SDP1 Quality of Development
SDP7 Context
SDP9 Scale, Massing and Appearance

Local Development Framework Core Strategy Development Plan Document (January 2010).

CS13 Fundamentals of Design

Other Relevant Guidance

PPS1 Delivering Sustainable Development (2004)

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DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

Town and Country Planning (General Development Procedure) Order 1995

Keyplans Limited
Flexford Close
Chandlers Ford
Eastleigh
Hampshire SO53 5RY

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

FULL APPLICATION - CONDITIONAL APPROVAL

Proposal: Erection of a single storey side and rear extension with alteration to roof including roof lights and Juliette balcony to rear, to facilitate additional 1st floor accommodation - description amended following validation.

Site Address: 31 Redhill Close Southampton SO16 7BT

Application No: 09/01251/FUL

Subject to the following conditions.

01. APPROVAL CONDITION - Full Permission Timing Condition - Physical works
The development works hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

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

02. APPROVAL CONDITION - Materials [Performance Condition]
Unless otherwise agreed in writing by the Local Planning Authority, the materials and finishes to be used in the construction of the extension hereby permitted shall be in accordance with the approved plans.

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

03. APPROVAL CONDITION - Glazing panel specification [Pre-Occupation Condition]
The windows in the west elevation including the two rooflights serving the kitchen and the east facing toilet window of the extension hereby approved shall be glazed in obscure glass and shall be none opening. The window as specified shall be installed before the development hereby permitted is first occupied and shall be permanently maintained in that form.

Reason:

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

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 east and west facing elevation of the extension hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the adjoining residential properties.

05. APPROVAL CONDITION - Window specification limitations [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 extension hereby permitted, all windows to be inserted into the east and west facing roofslope shall have a minimum sill level of 1.7 metres above floor level of the room served by rooflight. The windows shall be retained in this manner for the duration of use of the building for residential occupation.

Reason:

To protect the amenity and privacy of the adjoining property.

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

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

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

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

And at no time on Sundays and recognised public holidays.

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

Reason:

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

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 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 SDP9 of the City of Southampton Local Plan Review (March 2006) and City of Southampton Local Development Framework Core Strategy Development Plan Document (January 2010) Policy CS13.


David Kothery
Development Control Manager

11 February 2010

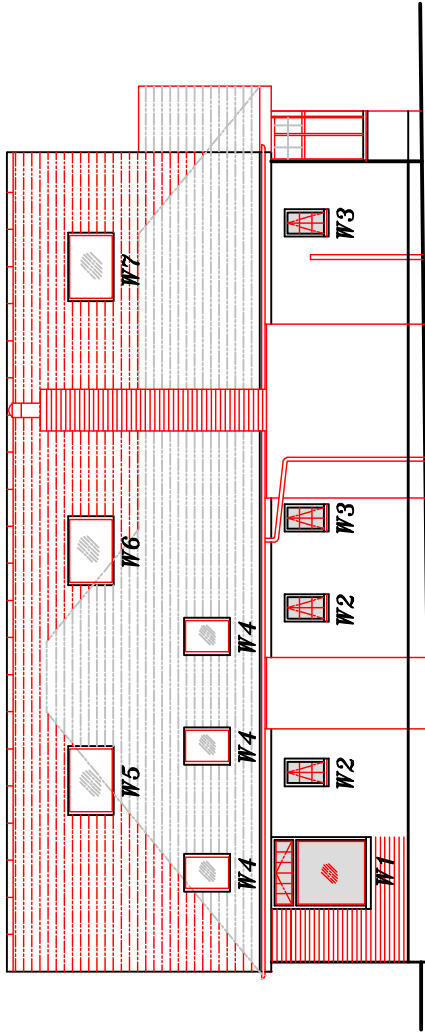
If you have any further enquiries please contact:
Stuart Brooks

IMPORTANT NOTE TO APPLICANT

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

Drawing No:	Version:	Description:	Date Received:	Status:
ONEB		Location Plan	14.01.2010	Approved
ONEB		Site Plan	14.01.2010	Approved
ONEB		Floor Plan	14.01.2010	Approved
ONEB		Elevational Plan	14.01.2010	Approved
ONEB		Roof Plan	14.01.2010	Approved
ONEB		Sections	14.01.2010	Approved

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Proposed Side Elevation
West

- W1** Breakfast Area window - Obscured glazing
- W2** Breakfast/Family windows - Obscured glazing and fitted with 100mm max. opening restrictors.
- W3** Lounge - Obscured glazing and fitted with 100mm max. opening restrictors.
- W4** Breakfast Area window - Velux fitted with clear glazing
- W5** Bedroom 1 window - Velux fitted with clear glazing
- W6** Landing window - Velux fitted with clear glazing
- W7** Bedroom 2 window - Velux fitted with clear glazing

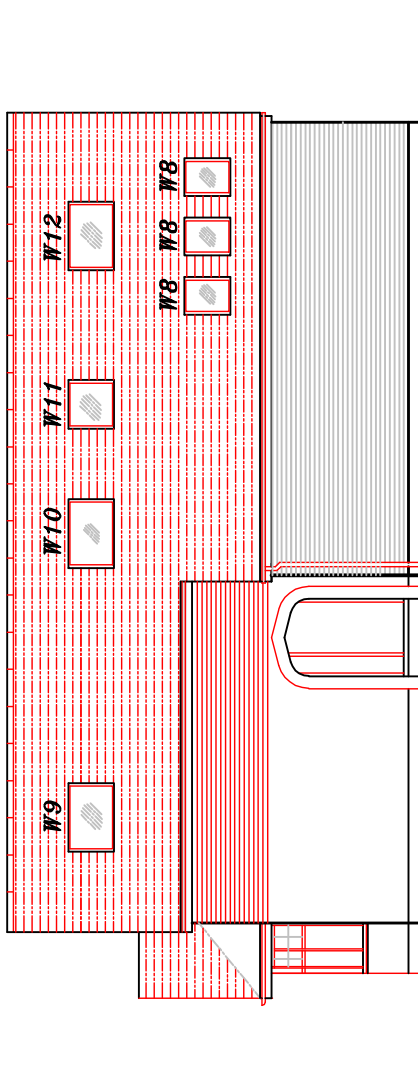
Window details
Proposed Extension & Alterations to:
No 31 Redhill Close
Bassett
SOUTHAMPTON
Hampshire SO16 7BT
for Ms L. Ertl

Key Plans Limited

Architectural & Structural Planning Service
No 1 Fleazford Close Chandlers Ford, Eastleigh
Hampshire SO53 6RY Tel/Fax: 02380 263609

Scale 1:100 Sept. 2010 Dwg No SK16

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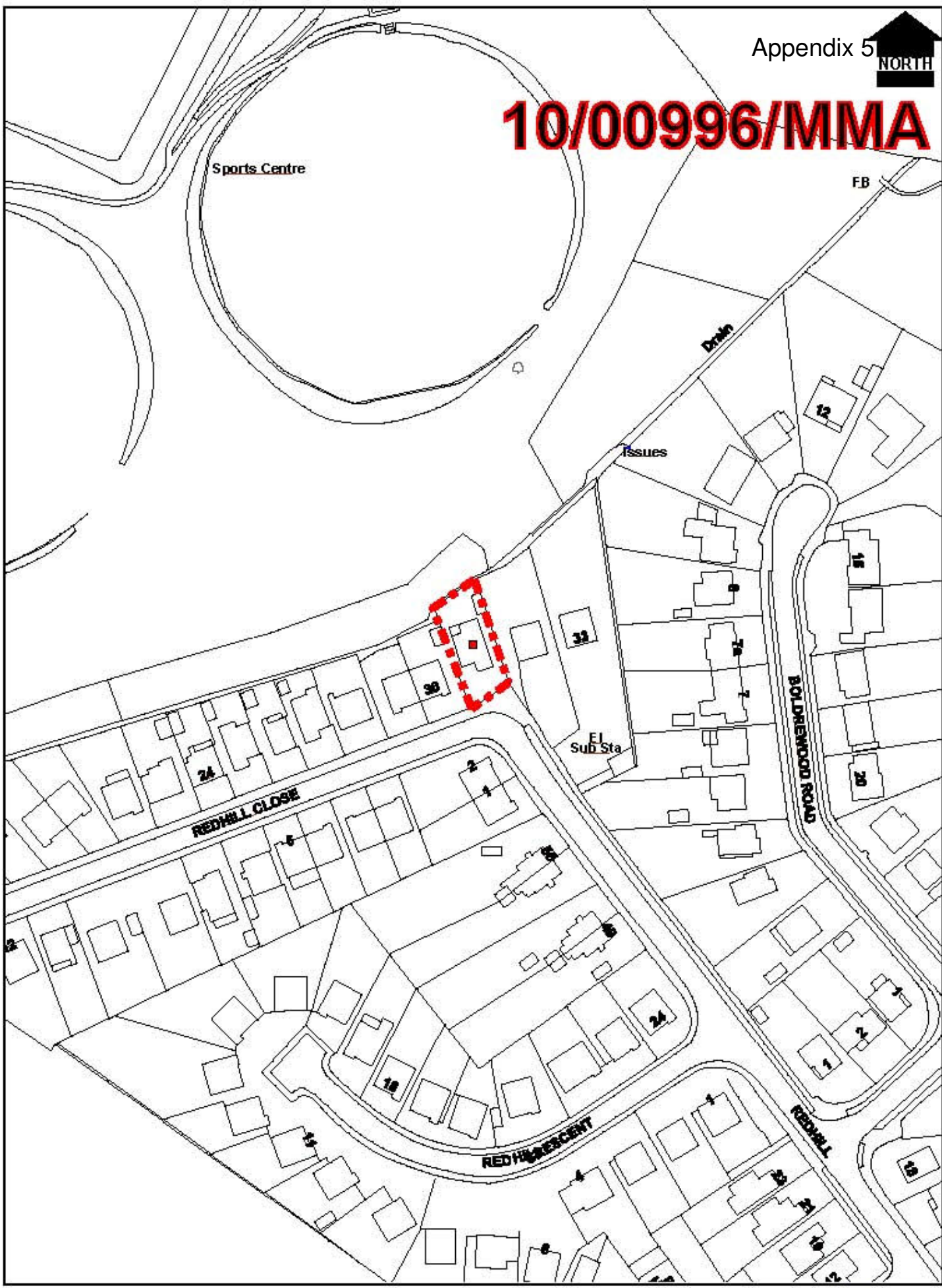
Proposed Side Elevation
East

- W8 Kitchen windows – Velux fitted with clear glazing
- W9 Bedroom 2 window – Velux fitted with clear glazing
- W10 Bathroom window – Velux fitted with clear glazing
- W11 En-suite window – Velux fitted with clear glazing
- W12 Bedroom 1 window – Velux fitted with clear glazing

<p>Window details Proposed Extension & Alterations to: No 31 Redhill Close Basnett SOUTHAMPTON Hampshire SO16 7BT for Ms L. Ertl</p>	
<p>Key Plans Limited Architectural & Structural Planning Service No 1 Fleazford Close Chandlers Ford Eastleigh Hampshire SO53 6RY Tel/Fax: 02380 263609</p>	
<p>Scale 1:100</p>	<p>Sept. 2010</p>
<p>Drw No SK17</p>	

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Date 16 September 2010

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Agenda Item 11

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 28th September 2010
Planning Application Report of the Planning and Development Manager

Application address:			
Belmont & No. 10, Seagarth Lane SO16 6RL			
Proposed development:			
Redevelopment of the site, erection of a 2 storey terrace block comprising of 3X 4 bed house and a detached 4 bed house with associated parking and cycle / refuse storage. following demolition of the existing building.			
Application number	10/00587/FUL	Application type	FUL
Case officer	Bryony Giles	Public speaking time	5 minutes
Last date for determination:	19.07.2010	Ward	Bassett
Reason for Panel referral	PPS3 garden land issue	Ward Councillors	Cllr Samuels Cllr Mizon Cllr Hannides

Applicant: Mr A Sondh	Agent: Mr Amarjit Sondh
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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 design of the proposed dwellings responds successfully to the context and character of the street scene, providing additional family sized homes which make a positive contribution to the mix of housing available within this location and provides 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, SDP9, H1, H2, 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) 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. The site and its context

1.1 The application site is formed of two detached residential dwellings with associated amenity space and parking.

1.2 The site is located to the North East of Seagarth Lane bounding the rear gardens of properties on Winchester Road. The appearance of the site is relatively open to the Seagarth Lane frontage and bounded by a brick wall.

1.3 To the north west of the application site is a private road which leads to a block of flats at its rear. At present, only 10 Seagarth Lane has pedestrian access rights along this road.

1.4 The surrounding area is characterised by a mix of property types and styles. The most immediate properties are predominately detached with generous gardens. Directly opposite the site is a modest flat development, whilst to the south an estate of two storey terraced housing dominates the character of this section of the road.

1.5 The site is located within a zone of low accessibility.

1.6 The canopy of a tree covered by the The Southampton (Winchester Road / Seagarth Lane) TPO 1989 overhangs 10 Seagarth Lane.

2. Proposal

2.1 The application seeks consent for the demolition of the existing dwelling houses and the redevelopment of the site to form a terrace of 3 x 4 bedroom houses and a detached 4 bedroom house.

2.2 Four off road car parking spaces are provided.

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 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) requires 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. 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.

PPS3 Housing (2010)

3.5 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.

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

3.7 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").

3.8 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.

3.9 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.

3.10 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 None applicable.

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 1 representation has been received from a nearby resident.

5.2 The letter of representation was received from the current tenant of 'Belmont' who expressed concern that they may have to leave the property if the proposed development is approved. The tenant wanted to better understand the process.

5.3 **SCC Highways** - The following conditions should be applied

- Car parking spaces must be fully laid and marked out prior the occupation of the development. The turning area must be kept clear to ensure vehicles can enter and leave the site in a forward gear
- Cycles are to be kept in an enclosed, secure and lockable stores.
- Temporary contractors buildings, plant and storage materials to be kept on site only.
- Wheel cleaning facilities to be made available on site.

5.4 **SCC Sustainability Team** – No objection raised subject to the imposition of conditions securing Code for Sustainable Homes level 3 and renewables.

5.5 **SCC Environmental Health (Contaminated Land)** – Annex 2 of PPS23 considers the proposed land use as being sensitive to the affects of land contamination. In view of the sensitive nature of the proposal a more thorough assessment of the potential land contamination hazards would be prudent. Conditions are recommended to ensure the site is free of prescribed contaminants.

5.6 **SCC Ecology** – No objection.

5.7 **SCC Trees** - No objection raised subject to the imposition of suitable planning conditions to protect adjacent trees throughout the construction process.

5.8 **Southern Water** – No objections subject to a condition requiring details of the proposed means of surface water disposal to be submitted and agreed by the local planning authority.

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
- 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 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 on their merits.

6.2.3 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.

6.2.4 The proposed development seeks the removal of two detached family homes to be replaced with a terrace of three and one detached, family sized homes.

6.2.5 The dwellings have been designed to address the road frontage and echo the established pattern of development within the Seagarth Lane street scene, with plot sizes being akin to more recent developments within the immediate area. The two storey scale and massing of the building is reflective of building type and size within Seagarth Lane.

6.2.6 The site is located within a low accessibility area. The proposed density of 65 dwellings per hectare exceeds the density levels prescribed in policy CS5 which advocates densities of 35-50 dwellings per hectare in low accessibility areas. The supporting text of this policy states that intensification and higher densities will be appropriate in some areas of the city in order to make best use of the land. It is judged that the application site can accommodate the proposed density of development without compromising the residential amenity of neighbouring dwellings or future occupants of the site. Sufficient garden space is provided and privacy standards are met. It is therefore judged that the density levels proposed are acceptable and will not be harmful to the wider character of the area.

6.2.7 The loss of useable garden space on this site is negligible. The amount of building footprint and hard standing on site has increased by 11%. This includes a designated parking area for future occupants of the site. In addition, the garden sizes provided for the proposed dwellings accord with standards and are both private and useable in layout.

6.2.8 Whilst due consideration must be given to recent changes to PPS3, it is judged that the proposal does not result in an adverse loss of garden space. The proposed development has been designed to be in character with the surrounding street scene and the density makes the most efficient use of this site, providing an appropriate residential environment for its future occupants without compromising the existing residential amenity of neighbours in accordance with policy SDP1 of the Local Plan Review and CS5 of the adopted Core Strategy.

6.3 Design

6.3.1 The proposed design repeats the existing position of property on the site, providing an active frontage to both Seagarth Lane and the private road which runs to the north west of the site.

6.3.2 The design of the dwellings respects the scale and proportions of existing buildings in the immediate area and continues the build line of properties within the northern part of

Seagarth Lane in accordance with saved policies SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review and CS13 of the adopted Core Strategy.

6.3.3 An off road car parking area is proposed, providing 1 for 1 car parking for the proposed dwellings. Whilst the car parking area is remote from a number of the dwellings, it is well surveyed within the street scene and will be secured with an attractively designed boundary wall. In design terms, it was considered more appropriate for the car parking to be given its own designated area rather than requiring parking spaces to the front of the house as this would have meant the buildings would have had to of been stepped back significantly from the road frontage, disrupting the existing build line within the street and significantly reducing available garden space for the dwellings.

6.4 Residential Amenity

6.4.1 The provision of garden space accords with the standards set out in paragraph 2.3.14 of the Residential Design Guide. The terraced dwellings have 50m² of amenity space and the detached has 90m² of amenity space.

6.4.2 Each property has direct access to their rear garden area, providing appropriate access for the storage of bicycles and refuse bins.

6.4.3 Privacy distances are met and sufficient light and outlook will be afforded to all dwellings as required by paragraphs 2.2.1, 2.2.3 and 2.2.7 of the Residential Design Guide.

6.4.4 In order to further protect the privacy of future occupants of the site it is recommended that windows within the north western elevation of the proposed dwellings which overlook the private road should be obscure glazed. Care will need to be taken to ensure that windows do not open out onto the public highway.

6.5 Sustainability

6.5.1 The applicant has not submitted any information which indicates their intention to meet code for sustainable homes. Therefore, in order to comply with policy CS20 of the adopted Core Strategy conditions requiring the development to meet code for sustainable homes level 3 and achieve 20% on site reduction in Co₂ emissions through renewable energy will be imposed.

7.0 Summary

The proposal has been judged to make a significant contribution to the city's housing stock, whilst making the best use of land available. The re-development of the site and the increase in the density of dwellings is not considered harmful to the context or character of the surrounding area. The loss of existing garden space is minimal and not considered reason enough to refuse the application given the clear benefits the proposal has to offer as set out in this report.

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.

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 4(f), 7 (e) PPS3 (2010).

BG for 28.09.2010 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.,

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 - Glazing panel specification [Pre-Occupation Condition]

The windows in the north western elevation of the dwellings hereby approved shall be glazed in obscure glass and shall be none opening. The window as specified shall be installed before the development hereby permitted is first occupied and shall be permanently maintained in that form.

Reason:

To protect the privacy enjoyed by the occupiers of the adjoining property and to prevent the windows from opening out over a highway.

06. 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.

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

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

Reason:

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

08. 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.

09. 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).

10. 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).

11. 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.

12. 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.

13. 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.

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

No commencement of work pertaining to this permission shall be carried out on the site unless and until there is available within the site, provision for all temporary contractors buildings, plant and storage of materials associated with the development and such provision shall be retained for these purposes throughout the period of work on the site; and the provision for the temporary parking of vehicles and the loading and unloading of vehicles associated with the phased works and other operations on the site throughout the period of work required to implement the development hereby permitted in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.

Reason:

To avoid undue congestion on the site and consequent obstruction to the access in the interests of road safety.

15. 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.

16. 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.

17. Approval Condition - Refuse and Cycle Storage [Pre-Commencement Condition]

Prior to the commencement of development full details of proposed refuse and cycle storage must be submitted to and agreed in writing by the local planning authority. The storage must be secure and lockable. Once agreed the storage must be made available for use prior to the first occupation of the dwellings and thereafter retained and maintained for that purpose at all times.

Reason

In the interests of promoting cycling as a sustainable form of transport and to ensure the refuse bins are not left on the public highway.

18. APPROVAL CONDITION - Car Parking [Pre-occupation Condition]

The car parking spaces hereby approved must be laid and marked out prior to the first occupation of the development hereby approved. The parking spaces as laid out must be retained for that purpose at all times and the turning area kept clear.

Reason

To ensure adequate parking provision for the occupiers of the dwellings and to ensure that all cars can enter and leave the site in a forward gear.

19. 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.

20. APPROVAL CONDITION – Boundary Details [Pre-commencement condition]

Prior to the commencement of development details of the proposed boundary treatments must be submitted to the local planning authority and agreed in writing. The details shall include measures to ensure that the gate which serves the car parking area remains closed and secured at all times other than to allow vehicles to enter and leave the site. The agreed details must be made available prior to the first occupation of the dwellings hereby approved and thereafter retained and maintained at all times.

Reason

In the interests of visual amenity and to secure the parking area as approved.

21. PERFORMANCE CONDITION - Doors/windows/gates: means of opening

No door, or gate or window shall be so fitted that it projects over any highway when opened.

REASON:

In the interests of highway safety.

22. 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.

Application 10/00587/FUL

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

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

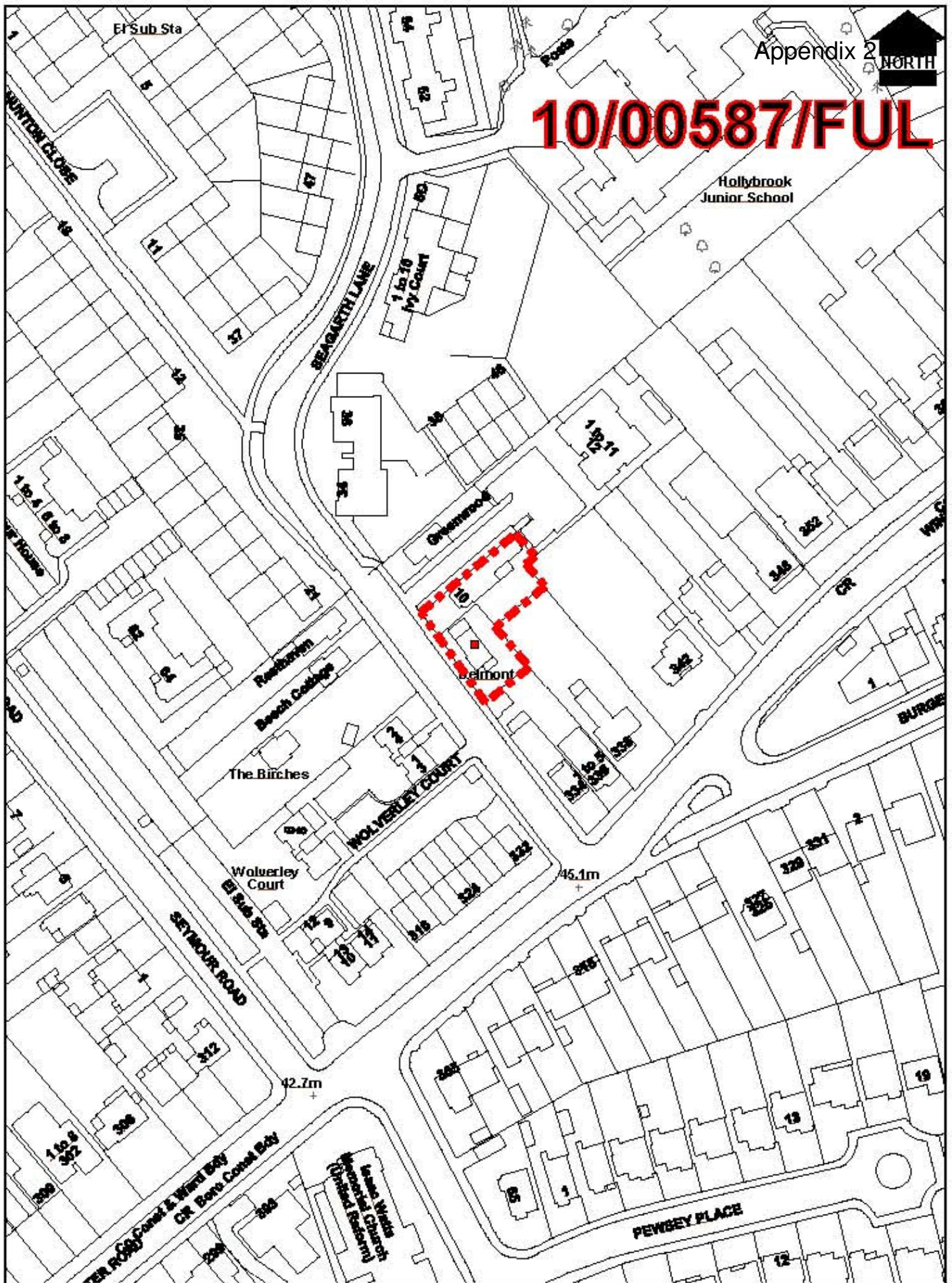
Other Relevant Guidance

PPS1	Delivering Sustainable Development (2004)
PPS3	Housing (2010)
PPG24	Planning & Noise (2004)

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Date 16 September 2010

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Agenda Item 12

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 28.09.2010
Planning Application Report of the Planning and Development Manager

Application address: 87 Norham Avenue SO16 6QB			
Proposed development: Two storey 3 - bed end of terrace house with living accommodation in roof space and rear dormer window, associated parking and cycle/refuse storage			
Application number	10/00983/FUL	Application type	FUL
Case officer	Bryony Giles	Public speaking time	5 minutes
Last date for determination:	20.09.2010	Ward	Bassett
Reason for Panel referral	PPS3 garden land issue	Ward Councillors	Cllr Samuels Cllr Harris Cllr Hannides

Applicant: Mr Hossien Moghadam	Agent: Ms Julia Tremain
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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 design of the proposed dwelling responds successfully to the context and character of the street scene. It provides an additional family sized home, which makes a positive contribution to the mix of housing available within this location. It also provides 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, SDP9, H1, H2, 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) 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. The site and its context

1.1 The application site is formed of an end of terrace dwelling located on the south eastern side of Norham Avenue, on the corner with Bladon Road

1.2 The surrounding area is predominately residential and characterised by two storey terraced dwellings with ground floor bay windows.

1.3 Garden sizes are modest and few properties have off road parking. However, the application site has off road parking to its rear, which is accessed via Bladon Road.

2. Proposal

2.1 The application seeks consent for the development of an additional dwelling on land currently within the curtilage of 87 Norham Avenue. Therefore, the proposal must be considered in relation to the recent changes to PPS3 which prescribe against development on land previously used for garden. It is for this reason the application is to be heard by the Planning and Rights of Way Panel.

2.2 The existing plot at 87 Norham Avenue is larger than any other within the immediate street scene. The proposed dwelling would infill the space between the north eastern boundary of the property and its boundary with Bladon Road. It is designed to reflect the prevailing pattern of development within the immediate area and mimics the scale and proportions of the existing terrace.

2.3 The application proposes a garden depth of 11m and an area of 50m² for both the proposed and existing dwellings.

2.4 Parking for the proposed dwelling is to be provided within the existing double garage, which is located to the rear of the site.

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 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 SDP7(iv) requires development to respect the scale, density and proportion of existing buildings.

3.4 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.

3.5 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.

PPS3 Housing (2010)

3.6 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.

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

3.8 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").

3.9 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.

3.10 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.

3.11 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 Erection of a 3 bed dwelling, attached to existing. Approved. 10.11.2005. (05/01428/FUL)

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners and erecting a site notice (05.08.2010). At the time of writing the report no representations have been received from surrounding residents.

5.2 **SCC Highways** - No objections raised.

5.3 **SCC Sustainability Team** – No objections raised. Conditions relating to the development meeting Code for Sustainable Homes level 3 and 20% on site renewable energy are recommended.

5.4 **SCC Environmental Health (Contaminated Land)** - No objections raised subject to the imposition of conditions relating to land contamination investigations and remedial works.

5.5 **Southern Water** – No objection raised subject to the imposition of conditions requiring the developer to confirm 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
- 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 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.

6.2.3 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.

6.2.4 Planning consent was granted for an additional dwelling on this site in 2005. Whilst this consent has now expired it is considered that recent changes in policy have not significantly altered the approach that should be taken in the assessment of this application. It was noted by the previous case officer that the 'proposed dwelling was a sympathetic addition to the terrace that in design terms would "finish off" the terrace whilst retaining sufficient amenity space and parking for residents'. This view will be reiterated throughout this report.

6.2.5 Sufficient amenity space is provided to the rear of the site which is both private and useable. Furthermore, the loss of space between the building and the boundary would not be detrimental to the overall character of the surrounding area. It is not uncommon for buildings to be positioned in close proximity to the highway within the immediate area and rear access to both the proposed and existing dwellings can be retained via the cut way that runs to the rear of properties 87-97 Norham Avenue.

6.2.6 The site is located within a low accessibility area which advocates a density of 35-50 dph. The proposed development results in a density of 125dph. Whilst this is clearly in excess of the density levels proposed by CS5 of the adopted Core Strategy, the proposal is, in all other respects, in keeping with the character and context of the surrounding area. Therefore, it is considered that provided the proposal meets all residential design standards the increased density level on site is not harmful to the wider character of the area.

6.2.7 It is judged that the development of an additional dwelling to the side of 87 Norham Avenue is not out of context of character with the surrounding area and is in accordance with policy SDP1 of the adopted local plan review and CS13 of the adopted Core Strategy and is in line with the intentions of PPS3.

6.3 Design and Residential Amenity

6.3.1 The proposed property would continue on the existing terrace of housing and respect the character of the existing properties in the area, in terms of scale, proportion and design. The imposition of conditions can ensure that the materials to be used are sympathetic within the surrounding dwellings.

6.3.2 The area to the side of the existing dwelling, serves no great landscape function and there will be sufficient amenity space remaining to serve the existing dwelling and proposed dwelling.

6.3.3. Resultant plot sizes are reflective of those within the surrounding area and the site is large enough to accommodate both dwellings without appearing over-developed.

6.3.4 In terms of residential amenity, the dwelling will not project out further to the rear than the existing properties and the ridge height will also be the same. Therefore, there will be no loss of light or overshadowing to neighbouring dwellings. There are no windows in the side elevation of 22 Bladon Road and privacy to this property will not be affected. There are two windows in the side elevation of 87 Norham Avenue but these do not appear to serve habitable rooms. The ground floor window serves a kitchen which has a secondary window to the rear of the property. As such, there will be no adverse loss of outlook or light to the existing dwelling.

6.3.5 There are no other dormer windows within the rear elevations of properties within Norham Avenue. The previous consent did not include a dormer window. Whilst it would

be preferential for the development not to include a dormer window, it is acknowledged that such an extension could be built under permitted development rights and it does not affect the privacy of neighbouring dwellings. It is therefore considered that on balance, the dormer window is acceptable subject to the new dwelling's permitted developments being removed to prevent any additional development (and therefore potential overdevelopment) on the site.

6.3.6. Sufficient garden space is provided for the proposed dwelling and retained for the existing in accordance with paragraph 2.3.14 of the Residential Design Guide.

6.3.7 The site has sufficient space to accommodate refuse and cycle stores. No details have been submitted in relation to these stores and as such will be requested by way of a condition. It is recommended that the stores should be located to the rear of the site rather than within the front garden.

6.4 Sustainability

6.4.1 The applicant has not submitted any information which indicates their intention to meet code for sustainable homes requirement. Therefore, in order to comply with policy CS20 of the adopted Core Strategy conditions requiring the development to meet Code for Sustainable Homes level 3 and achieve 20% on site reduction in Co2 emissions through renewable energy will be imposed.

7.0 Summary

7.1 The proposal has been judged to make a positive contribution to the city's housing stock, whilst making the best use of land available. The design of the dwelling is not considered harmful to the context or character of the surrounding area. The loss of existing garden space is minimal and not considered reason enough to refuse the application given the clear benefits the proposal has to offer as set out in this report.

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), 1(d), 2(b), 2(d), 4(f), 7 (e) PPS3 (2010) and the Residential Design Guide.

BG for 28.09.2010 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 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 - 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 the new 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.

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 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 - Glazing panel specification [Pre-Occupation Condition]

The window in the side elevation of the building hereby approved [to the rooms indicated as bathrooms on the first floor] shall be glazed in obscure glass and shall only have a top light

opening. The window as specified shall be installed before the development hereby permitted is first occupied and shall be permanently maintained in that form.

Reason:

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

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

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

REASON:

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

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

An assessment of the development's total energy demand and a feasibility study for the inclusion of renewable energy technologies on the site, that will achieve a reduction in 20% CO2 emissions 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).

08. APPROVAL CONDITION- Land Contamination investigation and remediation [Pre-Commencement & Occupation Condition]

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. That scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

1. A desk top study including;
historical and current sources of land contamination
results of a walk-over survey identifying any evidence of land contamination
identification of the potential contaminants associated with the above
an initial conceptual site model of the site indicating sources, pathways and receptors
a qualitative assessment of the likely risks
any requirements for exploratory investigations.
2. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.

3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scene of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development.

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

Reason:

To ensure land contamination risks associated with the site are appropriately investigated and assessed with respect to human health and the wider environment and where required remediation of the site is to an appropriate standard.

09. APPROVAL CONDITION - 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.

10. 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.

11. APPROVAL CONDITION - Material Storage (Pre-Commencement Condition)

No work shall be carried out on site unless and until provision is available within the site, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, for all temporary contractors buildings, plant and stacks of materials and equipment associated with the development and such provision shall be retained for these purposes throughout the period of work on the site. At no time shall any material or equipment be stored or operated from the public highway.

Reason:

To avoid undue congestion on the site and consequent obstruction to access.

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

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

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

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

And at no time on Sundays and recognised public holidays.

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

Reason:

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

13. 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.

14. Approval Condition - Refuse and Cycle Storage [Pre-Commencement Condition]

Prior to the commencement of development full details of proposed refuse and cycle storage must be submitted to and agreed in writing by the local planning authority. The storage must be secure and lockable. Once agreed the storage must be made available for use prior to the first occupation of the dwellings and thereafter retained and maintained for that purpose at all times.

Reason

In the interests of promoting cycling as a sustainable form of transport and to ensure the refuse bins are not left on the public highway.

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

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

Reason:

In order to safeguard the public sewer.

Notes to Applicant -

1. Pre-Commencement Conditions

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

2. 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.

3. A formal application for connection to the public sewerage system is required in order to service this development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01962 858688), or www.southernwater.co.uk.

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Application 10/00983/FUL

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

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

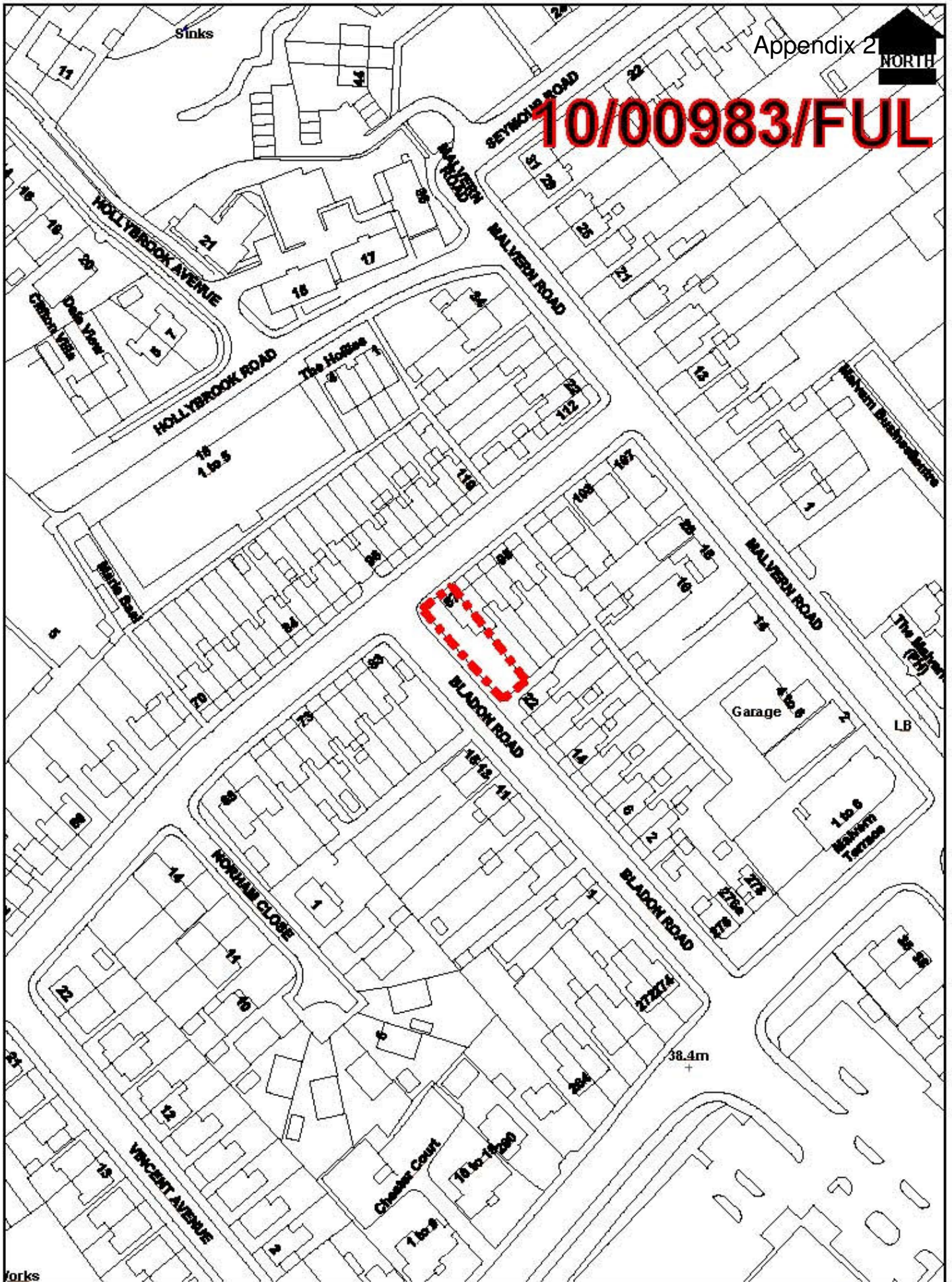
Other Relevant Guidance

PPS1	Delivering Sustainable Development (2004)
PPS3	Housing (2010)
PPG24	Planning & Noise (2004)

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Date 16 September 2010

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Agenda Item 13

DECISION-MAKER:	PLANNING AND RIGHTS OF WAY PANEL		
SUBJECT:	TREE REMOVAL AT THE ROMSEY ROAD/WIMPSON LANE JUNCTION.		
DATE OF DECISION:	28 SEPTEMBER 2010		
REPORT OF:	EXECUTIVE DIRECTOR OF NEIGHBOURHOODS – NICK MURPHY		
AUTHOR:	Name:	Mike Harris	Tel: 023 8083 3422
	E-mail:	Mike.p.harris@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY

None.

SUMMARY

The proposed road improvement scheme on the south-west side of the Romsey Road / Wimpson Lane junction has been designed to accommodate an anticipated increase in traffic following the nearby Ordnance Survey site re-development.

The scheme has been submitted for a Section 278 agreement and, if implemented, will result in the loss of 10 semi-mature and mature trees and remove some screening from the adjacent Woodside Lodge social service site.

RECOMMENDATIONS:

- (i) To allow the removal of the 10 trees to enable the road widening scheme.
- (ii) To provide “2 for 1” tree replacement planting in Woodside Lodge and adjacent areas. Replacement tree species, size and location to be agreed with a Senior Tree Officer.

REASONS FOR REPORT RECOMMENDATIONS

1. The loss of trees, whilst regrettable, is an unavoidable consequence of the proposed road widening scheme.
2. The majority of the trees to be removed are of poor/fair form and their removal could be mitigated by planting more suitable tree species of better form that will provide future amenity.

CONSULTATION

3. Highways & Parking Services
HC Hii , a Senior Engineer with Highways & Parking Services, has commented.

“There have been numerous requests over the years from member of the public for the pedestrian crossing facility at Romsey Road/Wimpson Lane/Rownhams Road junction to be improved. The improvement has not taken place due to the imminent redevelopment of the Ordnance Survey site and the high cost involved.

We have asked for an all round controlled crossing facility for pedestrians (via all round pedestrian phase at the traffic light) at the junction as a result of the anticipated increase of pedestrian movements due to the proposed redevelopment. Such a facility will not only answer existing pedestrian demand for crossing but it will also cater for future demand at this junction”

4. Social Services

Rachel Lipscombe, the manager of Woodside Lodge, has commented.

“Having looked at the map to locate the tree’s which would be cut down my only concern is that would open that side of the home up to the road and obviously take away some of the privacy to the bedrooms which are located on that side. If some of the new trees could be planted within our grounds on the same side as the tree’s being cut down we would welcome that.”

5. Richard Blundell, the Premises Manager for Communities Health & Care, has commented.

“The main concern must be to retain privacy for residents. Some additional fencing may be necessary to protect residents while the new trees get established. Unfortunately some residents do try to get out of the grounds on occasion so to avoid injury very good protection is needed on all boundaries and much expense has already been done to provide this. I trust that you will I cannot see from the drawing whether any trees are affected on the on the Wimpson Lane side but the opportunity must be taken to check whether the forthcoming developments on the Ordnance Survey site could have any impact on the entrance and exit to Woodside and the trees either side.”

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

6. None provided.

DETAIL

7. Where a development requires works to be carried out on the existing adopted highway, an agreement will need to be completed between the developer and the local authority under Section 278 of the Highways Act 1980. Under the Section 278 agreement, the local authority may provide the works at the developers expense, or as is the case here, may allow the developer to provide the works directly, subject to an approval and inspection process.

8. Under no circumstances shall works be permitted within the limits of the publicly maintained highway until the Section 278 agreement is completed and the bond (if applicable) is secured.

9. The proposed works to the junction of Romsey Road and Wimpson Lane are subject to a section 278 Agreement linked to a section 106 agreement for the re-development of the Ordnance Survey site on Romsey Road (Planning Ref: 07/01700/OUT). The works are considered necessary by Highways & Parking Services to cope with the anticipated increase in post-development traffic.

10. The scheme submitted for section 278 approval by ADL Highway Engineering Ltd., as agents for the developer Kier Property Development Ltd (Kier), will require the widening of the existing carriageways and upgrading the traffic signal layout at the Romsey Road / Wimpson Lane junction.
11. An arboricultural Survey report of the trees along this section of road has been completed by Waterman Energy Environment & Design Ltd. on behalf of Kier. The proposed widening of the carriageway on the west side of Romsey Road, at the junction with Wimpson Lane, together with the re-location of the adjacent footpath will result in the removal of 10 healthy trees on council land. The Neighbourhood Services Tree Team, who maintain trees on council land, does not have delegated powers to sanction their removal.
The author concurs with the finding of the arboricultural report on the structural condition of the trees
12. Two of the trees for removal, a hornbeam (T1) and a sycamore (T2), are prominent individual trees close to the junction and their removal would, as considered by the author, be detrimental to the amenity of the area. However, the presence of adjacent trees along Wimpson Lane and Romsey Road would reduce the impact of their removal. See Appendix maps.
13. The remaining 8 trees to be removed are on the northern edge of a group along this section of road. Individually the structural condition of the trees are fair to poor. The loss of these trees would remove a 10 metre length section of screening along the eastern boundary of Woodside Lodge, a social service property on Wimpson Lane.
The trees to be removed include:
 - 1 no.Scots pine (T3 on map)
 - 2 no.Hornbeam (T3a & T4)
 - 1 no.Holm oak (T3b)
 - 2 no.Sycamore (G1)
 - 1 no.Sweet chestnut (T5)
 - 1 no.Lime (T6)
14. The following sites on nearby council land could accommodate replacement planting.
 - Woodside Lodge.
 - Maybush corner.
 - Opposite Thorndike Road.
15. If the Panel approves the author's recommendation for the removal of the 10 trees then the section 106 agreement may have to be amended and the costs for removing the trees and providing replacement planting agreed with Kier.

FINANCIAL/RESOURCE IMPLICATIONS

Capital

16. None.

Revenue

17. None.

Property

18. None.

Other

19. None.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

20. In accordance with the Constitution any decision relating to council trees, unless delegated, will be determined by the Planning Panel.

Other Legal Implications:

21. If consent to remove the trees is refused then the developer will either, not be able to undertake the highway improvement works, and possibly be in breach of the agreement and possibly the section 106 too (if there is an obligation to enter into a section 106 agreement for the highway improvement works and comply with the terms thereof), or, they need to modify the works to avoid removing the trees.

POLICY FRAMEWORK IMPLICATIONS

22. None.

SUPPORTING DOCUMENTATION

Appendices

A	Location map
B	Location of trees to be removed.

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)
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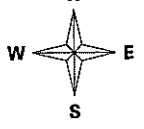
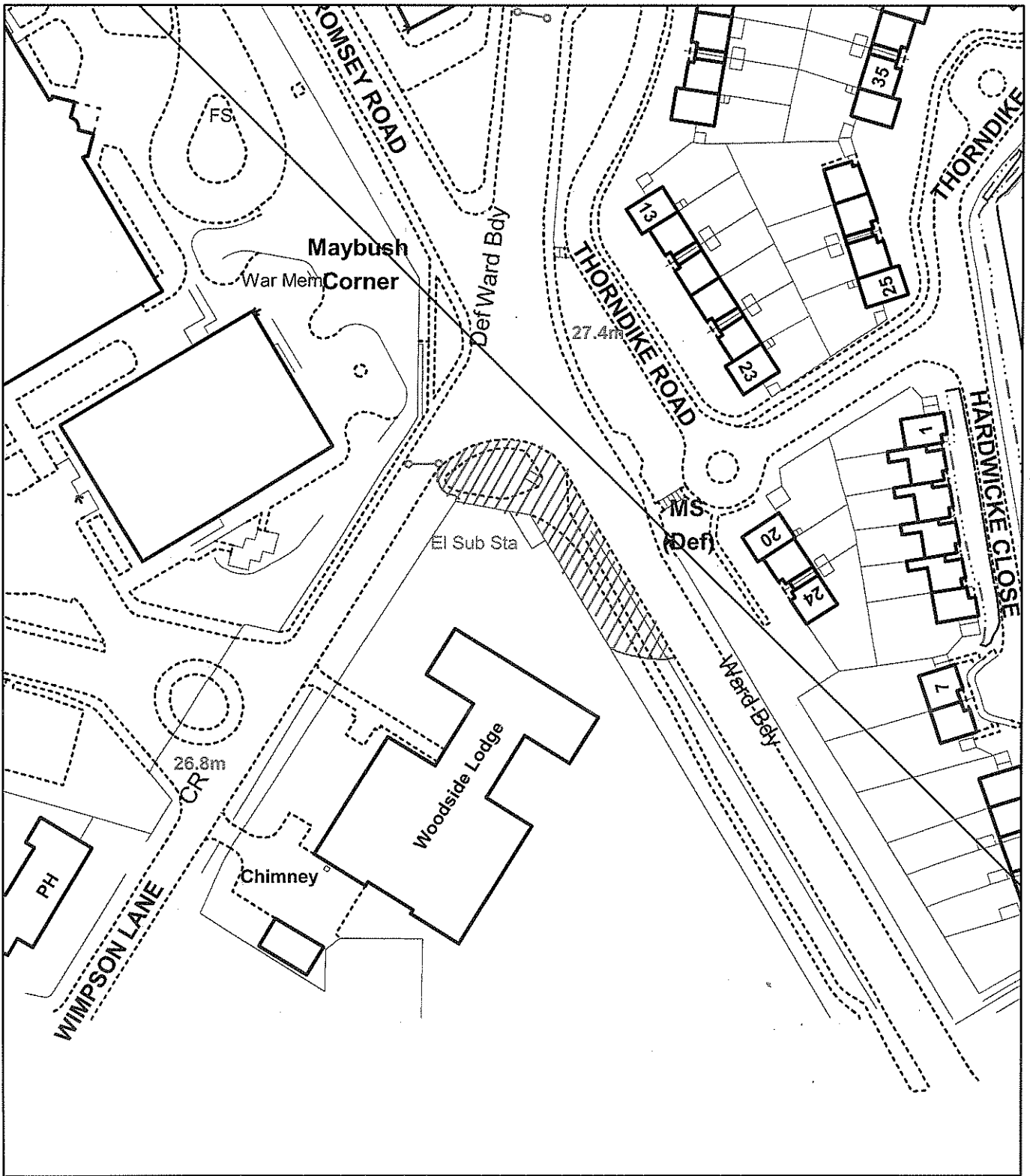
1.	Planning application S 106 agreement	
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Background documents available for inspection at:

KEY DECISION? NO

WARDS/COMMUNITIES AFFECTED:	Redbridge, Millbrook & Shirley wards. Woodside Lodge social service site.
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Location of road widening at Romsey Road/Wimpson Lane junction.



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Agenda Item 14

DECISION-MAKER:	PLANNING AND RIGHTS OF WAY PANEL		
SUBJECT:	STREET NAMING – HINKLER PARADE		
DATE OF DECISION:	28 TH SEPTEMBER 2010		
REPORT OF:	HEAD OF PLANNING AND SUSTAINABILITY		
AUTHOR:	Name:	Helines Jagot	Tel: 023 8083 3990
	E-mail:	Helines.jagot@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY

None

SUMMARY

This report details the proposed street names for the new housing development at Hinkler Parade.

RECOMMENDATIONS:

- (i) That members consider and approve two of the five names proposed for the development. The proposed names are as follows:
- Bishop Mews or Bishop Walk;
 - Canon Close;
 - Ibis Close; and
 - Lone Eagle Close.

REASONS FOR REPORT RECOMMENDATIONS

1. The purpose of this report is to decide the name of two new streets to enable postal addresses to be assigned to the properties before occupants take residence.

CONSULTATION

2. The consultation process involved contacting the developer and the local community for suitable suggestions. The Royal Mail was also consulted on the names proposed.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

3. No alternative names have been suggested.

DETAIL

4. Barratt Homes are redeveloping the former shopping precinct on Hinkler Road. The majority of properties will be accessed from Hinkler Road. The remaining units are being developed on the existing Thornhill housing office and will be the subject of a future report.
5. A plan indicating the location and the positions of the new streets is attached in Appendix 1
6. In order to identify a suitable street name, representatives from Barratt Homes and the Council's Estate team attended Thornhill festival in July. Residents were given the opportunity to suggest suitable names for the development.
7. The majority of residents were in favour of commemorating the local Canon, Geoff Annas, who had been promoted to Bishop and left the parish in July to take up his new post in Staffordshire
8. Research was also carried out by the SNN officer with a view to using a name which would have a historical link to 'Hinkler Road' (named in honour of Thornhill's most celebrated resident, Bert Hinkler).
9. The Bert Hinkler research organisation was contacted and several names were submitted, which included:
 - 'Mon Repos' – the name of his property at 29 Lydgate Road
 - 'Ibis' – the name of a native Australian water bird and the name given to his first man carrying glider in 1911
 - 'Lone Eagle' – his nickname
10. The suggested names have been checked against names that already exist within the city. This has revealed that some of the names are very similar, they include:
 - Bishop Mews and Bishop Walk – similar to Bishop's Road and Bishop's Crescent
 - Canon Close – similar to Cannon Street
11. Royal Mail has been consulted on all the names proposed. They have expressed concern that the use of the name 'Bishop' may lead to confusion because of similar names in existence within the city.
12. Despite the concerns of the Royal Mail the names 'Bishop Mews' and 'Bishop Walk' are included within this report as they are the preferred names of the developer and the local community.

FINANCIAL/RESOURCE IMPLICATIONS

Capital

13. None.

Revenue

14. There are no financial implications. Street nameplates will be funded by the developer.

Property

15. None

Other

16. None

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

17. The power for the City Council to name streets is contained in the Town Improvement Clauses Act 1847

Other Legal Implications:

18. None

POLICY FRAMEWORK IMPLICATIONS

19. None

SUPPORTING DOCUMENTATION

Appendices

1.	Plan
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Documents In Members' Rooms

1.	None
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Background Documents

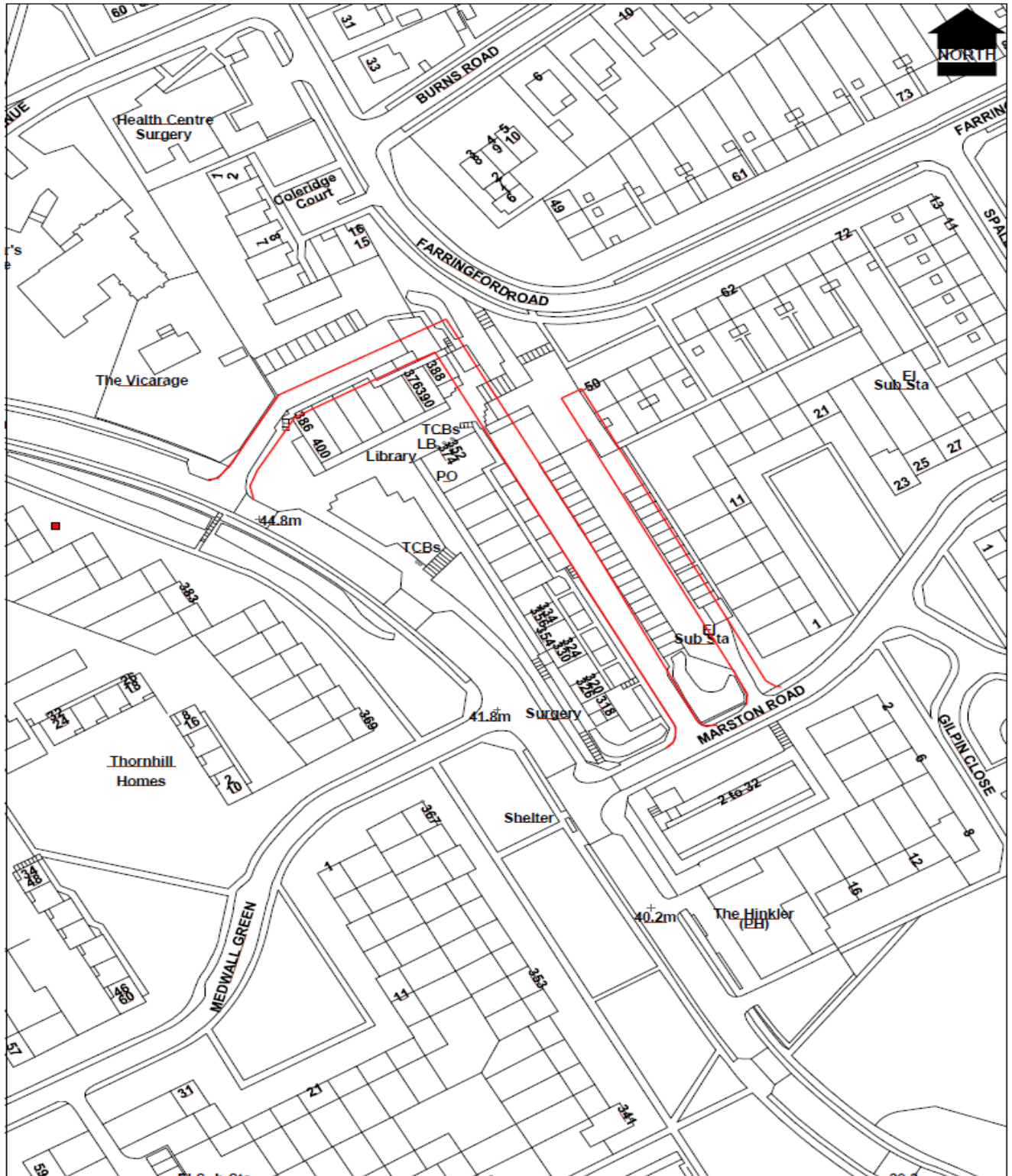
Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1. None	

Background documents available for inspection at: N/A

KEY DECISION? No

WARDS/COMMUNITIES AFFECTED:	Bitterne
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Street Naming - Hinkler Parade



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Date 15 September 2010

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