

Planning and Rights of Way Panel

Tuesday, 24th May, 2011
at 9.30 am

PLEASE NOTE TIME OF MEETING

Committee Rooms 1 and 2 - Civic
Centre

This meeting is open to the public

Members

Membership to be appointed at Annual Council
Meeting

Contacts

Democratic Support Officer

Pat Wood

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Head of Planning and Sustainability

Paul Nichols

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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 2011/12

2011	2012
24 May 2011	17 January 2012
21 June	14 February
19 July	13 March
16 August	17 April
6 September	
27 September	
25 October	
22 November	
20 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 ELECTION OF CHAIR AND VICE-CHAIR

To appoint a Chair and Vice-Chair to the Panel for this Municipal Year.

2 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.

3 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.

4 STATEMENT FROM THE CHAIR

5 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)

To approve and sign as a correct record the Minutes of the meeting held on 12 April 2011 and to deal with any matters arising, attached.

CONSIDERATION OF PLANNING APPLICATIONS

ITEMS TO BE HEARD BETWEEN 9:30 AM TO 11:00 AM

6 HENDY FORD, 360-364 SHIRLEY ROAD - 10/01020/FUL

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

ITEMS TO BE HEARD BETWEEN 11:00 AM TO 12:30 PM

7 AREA HOUSING OFFICE, PARKVILLE ROAD - 11/00204/FUL

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

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

8 23 CAXTON AVENUE - 11/00336/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 1:45 PM AND 2:15 PM

9 8 SHAFTESBURY AVENUE - 10/00584/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 2:15 PM TO 2:45 PM

10 7 BRIGHTON ROAD - 11/00296/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

11 32 HIGHFIELD ROAD - 11/00493/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 3:15 PM AND 3:45 PM

12 2 HARTLEY AVENUE - 11/00394/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 4:00 PM

13 137 WILTON ROAD - 11/00450/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

14 ADDITIONAL TREE REMOVAL AT THE ROMSEY ROAD/WIMPSON LANE JUNCTION

Report of the Head of Neighbourhood Services, seeking approval for the removal of a tree at the above site address, attached.

Monday, 16 May 2011

DIRECTOR OF CORPORATE SERVICES

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PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 12 APRIL 2011

Present: Councillors Fitzhenry (except Minute 132) (Chair), Jones (Vice-Chair), Letts, Osmond, Samuels and Slade

Apologies: Councillors Mead and Thomas

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

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

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

RESOLVED that the Minutes of the Meetings held on 15th February and 15th March 2011 be approved and signed as a correct record.

CONSIDERATION OF PLANNING APPLICATIONS

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

COUNCILLOR JONES IN THE CHAIR

132. **BITTERNE SURGERY, 62 WEST END ROAD SO18 6TG - 11/00229/FUL**

Application for variation of condition 3 (Hours of Use) of planning permission reference 10/01508/FUL to extend operation of the pharmacy to Monday-Saturday (07:00 - 23:00 Hours) and Sundays (09:00 - 17:00 hours).

Mr Sangha (Agent) and Councillor Smith (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO CONDITIONALLY APPROVE VARIATION OF CONDITION 3 (HOURS OF USE) OF PLANNING PERMISSION 10/01508/FUL WAS LOST UNANIMOUSLY

A FURTHER MOTION PROPOSED BY COUNCILLOR OSMOND AND SECONDED BY COUNCILLOR LETTS 'THAT TEMPORARY CONSENT (2 YEARS) BE GRANTED AND BROUGHT BACK TO PLANNING PANEL FOLLOWING EXPIRY OF TEMPORARY CONSENT' WAS CARRIED UNANIMOUSLY

UPON BEING PUT TO THE VOTE THE SUBSTANTIVE MOTION INCORPORATING THE AMENDMENT REFERRED TO ABOVE, TO GRANT CONDITIONAL PLANNING PERMISSION WAS CARRIED UNANIMOUSLY

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

Amended Condition

3 - Bank Holidays

Add "and Bank Holidays" after the word Sunday.

6 – Approved Plans amended to read Condition 7 – Approved Plans (amend numbering to run concurrently)

Additional Conditions

8 - Parking

The additional hours permitted for the pharmacy hereby approved shall not be brought into use in full or in part until space has been laid out within the frontage of the site, in accordance with details to be submitted and approved in writing by the Local Planning Authority for the parking of motor vehicles associated with the customers of the pharmacy.

REASON:

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

9 - Time Limited (Temporary) Permission Condition

The extended operational hours for the pharmacy hereby permitted shall be discontinued within two years of the date of this decision.

REASON:

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

REASONS FOR DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. On balance, it is considered that the provision of an out of hours service pharmacy in this location would greatly benefit the local residents and meet the strategic approach of SCPCT to provide primary health care facilities in this part of Southampton, however the impact of the extended hours upon surrounding residential amenity needs to be assessed prior to granting permanent consent and therefore where applicable conditions have been applied in order to satisfy these matters and the conditions under 10/01508/FUL have been reapplied to this permission. 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, SDP9, SDP16, HC3 of the City of Southampton Local Plan Review (March 2006) and CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

NOTE: Councillor Fitzhenry declared a prejudicial interest in the above item and withdrew from the meeting.

COUNCILLOR FITZHENRY IN THE CHAIR

133. 11 KITCHENER ROAD SO17 3SF - 11/00079/FUL

Erection of first storey extension to rear of property

Mr Gillen (Highfield Residents' Association) and Councillor Vinson (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

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

RECORDED VOTE:

FOR: Councillors Fitzhenry, Jones, Osmond and Letts

ABSTAINED: Councillors Samuels and Slade

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

Amended Condition

3 – Residential Restriction

Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010(SI 2010/653) or any Order amending, revoking or re-enacting that Order, no more than 5 residents shall at anytime occupy 11 Kitchener Road 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) and the lounge shall remain in use as a lounge and not to be used as a bedroom.

REASON:

In order that the Local Planning Authority may exercise further control of this property in the interest of the living environment of prospecting residents (access to daylight) and given the scale of the property, surrounding context and character.

5 – No other windows or doors other than approved – amended to read Condition 4 (amend numbering to run concurrently).

6 – Approved Plans – amended to read Condition 7 (amend numbering to run concurrently).

Additional Conditions

5 - Residential - Permitted Development Restriction

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 B (roof alterations) shall be erected or carried out to 11 Kitchener 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.

6 - Retention of front boundary treatment

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

REASON :

To secure a satisfactory form of development.

REASONS FOR DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The physical changes proposed do not result in an increase in the level of occupation of the existing HMO and the enlargement of a bedroom is not considered likely to result in an intensification of activity resulting in a material increase in the level of noise and refuse generated from the site as the number of occupants will not be increasing. Other material considerations including the impact on the amenity of adjoining occupiers or the character of the street 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, SDP9 and H4 of the City of Southampton Local Plan Review (March 2006); and CS13 and CS16 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

134. **8 SHAFTESBURY AVENUE SO17 1SA - 10/00584/FUL**

Rear roof extension to provide additional bedroom and balcony to existing 7 bedroom HMO (House of Multiple Occupancy) to create an 8 bedroom HMO.

Mr Gillen (Highfield Residents' Association) and Councillor Vinson (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO GRANT CONDITIONAL PLANNING PERMISSION WAS DEFERRED

RECORDED VOTE:

FOR: Councillors Fitzhenry, Jones, Osmond and Letts

ABSTAINED: Councillors Samuels and Slade

RESOLVED that planning approval be deferred until the established use of the property has been determined.

135. **9-11 MERTON ROAD SO17 3RB - 10/01766/FUL**

Single storey rear and part 2-storey, part single storey side extensions with detached cycle and refuse stores to 9 Merton Road (C4 Dwelling) and single storey rear extension to 11 Merton Road (C3 Dwelling).

Mr Gillen (Highfield Residents' Association), Mrs Fox and Mrs Moon (Local Residents), Councillors Vinson and Capozzoli (Ward Councillors) were present and with the consent of the Chair, addressed the meeting.

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

RECORDED VOTE:

FOR: Councillors Fitzhenry, Jones and Osmond
AGAINST: Councillor Slade
ABSTAINED: Councillor Samuels

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

Amended Condition

5 – Cycle Storage Facilities

Notwithstanding the plans hereby approved, the location of the cycle store shall be agreed with the LPA prior to the construction of the hereby approved extension of number 9 Merton Road. Such facilities as approved shall be permanently retained for that purpose.

REASON:

To encourage cycling as an alternative form of transport and to reduce the impact on the neighbour to the rear.

REASONS FOR DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. A family dwelling house (C3) can be established at number 9 Merton Road in the future as only external physical changes are proposed. The occupation of number 9 Merton Road is not considered likely to result in an intensification of activity resulting in a material increase in the level of noise and refuse generated from the site as the number of occupants will not be increasing. Other material considerations including the impact on the amenity of adjoining occupiers or the character of the street 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, SDP9 and H4 of the City of Southampton Local Plan Review (March 2006); and CS13 and CS16 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

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Agenda Annex

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 24 May 2011 - Committee Rooms 1 and 2

PLEASE NOTE: THE PANEL WILL BREAK FOR LUNCH

Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
<u>BETWEEN 9.30 AM AND 11.00 AM</u>				
6	RP	DEL	15	10/01020/FUL Hendy Ford, 360-364 Shirley Road
<u>BETWEEN 11.00 AM AND 12.30 PM</u>				
7	SH	REF	15	11/00204/FUL Area Housing Office, Parkville Road
<u>LUNCH – 12.30-1.15</u>				
<u>BETWEEN 1.15 PM AND 1.45 PM</u>				
8	JT	CAP	5	11/00336/FUL 23 Caxton Avenue
<u>BETWEEN 1.45 PM AND 2.15 PM</u>				
9	MP	CAP	5	10/00584/FUL 8 Shaftesbury Avenue
<u>BETWEEN 2.15 PM AND 2.45 PM</u>				
10	MP	CAP	5	11/00296/FUL 7 Brighton Road
<u>BETWEEN 2.45 PM AND 3.15 PM</u>				
11	AA	CAP	5	11/00493/FUL 32 Highfield Road
<u>BETWEEN 3.15 PM AND 3.45 PM</u>				
12	AA	CAP	5	11/00394/FUL 2 Hartley Avenue
<u>BETWEEN 3.45 PM AND 4.00 PM</u>				
13	AA	CAP	5	11/00450/FUL 137 Wilton Road

Abbreviations:

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

AA – Andrew Amery, AG - Andrew Gregory, ARL – Anna Lee, 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

Report of Executive Director of Environment

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) Hampshire, Portsmouth, Southampton and New Forest National Park Minerals and Waste Core Strategy (Adopted 2007)
 - (b) City of Southampton Local Plan Review (Adopted March 2006)
saved policies
 - (c) Local Transport Plan 2006 – 2011 (June 2006)
 - (d) City of Southampton Local Development Framework – Core Strategy
(adopted January 2010)

3. **Statutory Plans in Preparation**
 - (a) City of Southampton Local Development Framework – City Centre Action Plan City Centre Action Plan Issues & Options Paper (2007)

4. **Policies and Briefs published and adopted by Southampton City Council**
 - (a) Old Town Development Strategy (2004)
 - (b) Public Art Strategy
 - (c) North South Spine Strategy (2004)
 - (d) Southampton City Centre Development Design Guide (2004)
 - (e) Streetscape Manual (2005)
 - (f) Residential Design Guide (2006)
 - (g) Provision of Community Infrastructure & Affordable Housing - Planning Obligation (2006)
 - (h) Greening the City - (Shoreburs; Lordsdale; Weston; Rollesbrook Valley; Bassett Wood and Lordswood Greenways) - 1985-1995.
 - (i) Women in the Planned Environment (1994)
 - (j) Advertisement Control Brief and Strategy (1991)
 - (k) Biodiversity Action Plan (2009)
 - (l) Economic Development Strategy (1996)
 - (m) Test Lane (1984)
 - (n) Itchen Valley Strategy (1993)
 - (o) Portswood Residents' Gardens Conservation Area Character Appraisal (1999)

- (p) Land between Alder Moor Road and Worston Road Development Brief Character Appraisal (1997)
- (q) The Bevois Corridor Urban Design Framework (1998)
- (r) Southampton City Centre Urban Design Strategy (2000)
- (s) St Mary's Place Development Brief (2001)
- (t) Ascupart Street Development Brief (2001)
- (u) Woolston Riverside Development Brief (2004)
- (v) West Quay Phase 3 Development Brief (2001)
- (w) Northern Above Bar Development Brief (2002)
- (x) Design Guidance for the Uplands Estate (Highfield) Conservation Area (1993)
- (y) Design Guidance for the Ethelbert Avenue (Bassett Green Estate) Conservation Area (1993)
- (z) Canute Road Conservation Area Character Appraisal (1996)
- (aa) The Avenue Conservation Area Character Appraisal (1997)
- (bb) St James Road Conservation Area Character Appraisal (1996)
- (cc) Banister Park Character Appraisal (1991)*
- (dd) Bassett Avenue Character Appraisal (1982)*
- (ee) Howard Road Character Appraisal (1991) *
- (ff) Lower Freemantle Character Appraisal (1981) *
- (gg) Mid Freemantle Character Appraisal (1982)*
- (hh) Westridge Road Character Appraisal (1989) *
- (ii) Westwood Park Character Appraisal (1981) *
- (jj) Cranbury Place Character Appraisal (1988) *
- (kk) Carlton Crescent Character Appraisal (1988) *
- (ll) Old Town Conservation Area Character Appraisal (1974) *
- (mm) Oxford Street Conservation Area Character Appraisal (1982) *
- (nn) Bassett Green Village Character Appraisal (1987)
- (oo) Old Woolston and St Annes Road Character Appraisal (1988)
- (pp) Northam Road Area Improvement Strategy (1987)*
- (qq) Houses in Multiple Occupation (1990)*
- (rr) Vyse Lane/ 58 French Street (1990)*
- (ss) Tauntons College Highfield Road Development Guidelines (1993)*
- (tt) Old Woolston Development Control Brief (1974)*
- (uu) City Centre Characterisation Appraisal (2009)

* NB – Policies in these documents superseded by the Residential Design Guide (September 2006, page 10), albeit character appraisal sections still to be had regard to.

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 05/05 (As adjusted by Community Infrastructure Levy Regulations 2010)
- (b) Planning controls for hazardous substances 04/00
- (c) The Use of conditions in planning permissions 11/95
- (d) Environmental Impact Assessment 2/99
- (e) Planning Controls over Demolition 10/95
- (f) Planning and Affordable Housing 6/98
- (g) Prevention of Dereliction through the Planning System 2/98
- (h) Air Quality and Land Use Planning 10/97
- (i) Town and Country Planning General Regulations 19/92

7. Government Policy Planning Advice

- (a) PPS1 Delivering Sustainable Development (February 2005)
- (b) Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 (December 2007)
- (c) Planning Policy Statement: Eco-towns - Supplement to Planning Policy Statement 1 (July 2009)
- (d) PPG2 Green Belts (January 1995 - Amended March 2001)
- (e) PPS3 Housing (November 2006)
- (f) PPS4 Planning Policy Statement 4: Planning for Sustainable Economic Growth (December 2009)
- (g) PPS5 Planning Policy Statement 5: Planning for the Historic Environment (March 2010)
- (h) PPS7 Planning Policy Statement 7: Sustainable Development in Rural Areas (August 2004)
- (i) PPG8 Telecommunications (August 2001)
- (j) PPS9 Biodiversity and Geological Conservation (August 2005)
- (k) PPS10 Planning for Sustainable Waste Management (July 2005)
- (l) PPS11 Regional Spatial Strategies (September 2004 – amended January 2009)
- (m) PPS12 Local Spatial Planning (June 2008)
- (n) PPG13 Transport (January 2011)
- (o) PPG14 Development on Unstable Land (April 1990)
- (p) PPG17 Planning for Open Space, Sport and Recreation (July 2002)
- (q) PPG18 Enforcing Planning Control (December 1991)
- (r) PPG19 Outdoor Advertising Control (March 1992)
- (s) PPG20 Coastal Planning (September 1992)
- (t) PPS22 Renewable Energy (August 2004)
- (u) PPS23 Planning and Pollution Control (November 2004)
- (v) PPG24 Planning and Noise (October 1994)
- (w) PPS 25 Development and Flood Risk (December 2006)

8. Government Policy Planning Advice in Preparation

- (a) PPS Development and Coastal Change – Consultation Paper (July 2009)
- (b) Initial review of the implementation of PPS 25 Development and Flood Risk (June 2009)

9. 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
- (g) Buildings at Risk Register SCC (1998)
- (h) Southampton City Safety Audit (1998)
- (i) Urban Capacity Study 2005 – 2011 (March 2006)
- (j) Strategic Housing Land Availability Assessment (March 2009)

10. Other Statutes

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

Partially Revised: 6/01/11

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Agenda Item 6

**Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 24 May 2011
Planning Application Report of the Planning and Development Manager**

Application address: Hendy Ford site, 360-364 Shirley Road			
Proposed development: Redevelopment of the site. Demolition of the existing buildings and erection of two, three and four-storey buildings to provide 18 houses (11 x three bed and 7 x four bed) and 78 flats (38 x one bed, 29 x two bed and 11 x three bed) with associated parking and vehicular access from Shirley Road.			
Application number	10/01020/FUL	Application type	FUL
Case officer	Richard Plume	Public speaking time	15 minutes
Last date for determination:	20.12.2010	Ward	Millbrook
Reason for Panel Referral:	Major application with significant public interest.	Ward Councillors	Cllr Furnell Cllr Thorpe Cllr Wells

Applicant: Orchard Homes And Developments Limited	Agent: Paris Smith Llp
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Recommendation Summary	Delegate to the Planning and Development Manager to grant planning permission subject to the criteria listed in report
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations, including the vehicular access arrangements, car parking arrangements, protection of trees and the impact on the amenities of neighbouring occupiers, 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, SDP 5, SDP7, SDP9, SDP10, SDP11, SDP13, SDP14, HE6, CLT5, CLT6, H1, H2 and H7 of the City of Southampton Local Plan Review (March 2006), Policies CS4, CS6, CS13, CS15, CS16, CS18, CS19, CS20 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010) and the relevant parts of supplementary planning guidance including the Residential Design Guide (September 2006) .

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally approve

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

- i. Site specific highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended) to include: works to create an improved pedestrian and cycle environment within Edward Road and Henry Road and associated junctions to include the removal of the existing road restriction; consultation/implementation of an unmarked but signed controlled parking zone within the area, including paying for the necessary Traffic Regulation Order; relocation of an existing traffic island on Shirley Road.
- ii. A financial contribution towards strategic transport projects for improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D.
- iii. Financial contributions towards open space improvements required by the development in line with policies CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended).
- iv. Provision of affordable housing in accordance with Core Strategy Policy CS15.
- v. Submission and implementation of a Training and Employment Management Plan committing to adopting local labour and employment initiatives in line with Core Strategy Policies CS24 and CS25.
- vi. Submission, approval and implementation of Public Art in accordance with the Council's Public Art Strategy.
- vii. Submission, approval and implementation of a Construction Traffic Management Plan.
- viii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.

In the event that the legal agreement is not completed by 1 August 2011 the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

1. The site and its context

- 1.1 The application site is currently occupied by Hendy Ford as a car dealership incorporating new and used car sales, servicing, sale of spare parts, tyre fitting etc with associated parking. The only vehicular access to the site is from Shirley Road. There is a concrete panelled fence to the rear site boundary fronting Randolph Street which incorporates a controlled pedestrian gate for staff use into the site. There are mature trees in the western part of the site which are protected by a Tree Preservation Order.
- 1.2 The surroundings are mixed in terms of uses, building heights and architectural styles. Shirley Road is predominantly commercial in character. A further used car

sales plot adjoins to the north on the Shirley Road frontage, with a substantial warehouse building beyond, which is used by Royal Mail and a gymnasium (Fitness First). On the opposite side of Shirley Road are 3-storey terraced buildings with retail/service uses on the ground floor. To the south of the site is a 2-storey public house (The Brass Monkey) and a series of 4-storey flat roofed blocks of flats, of which Withewood Mansions is the closest to the application site. To the rear of the site are small-scale 2-storey houses in Henry Road, Edward Road and Randolph Street. These are narrow streets with restricted on-street car parking and there is currently a road closure device on the corner of Henry Road which precludes through access for vehicles from Henry Road into Edward Road.

2. Proposal

- 2.1 The application proposes demolition of all the existing buildings on the site and the erection of new 2, 3 and 4-storey buildings to provide a total of 96 dwellings. On the Shirley Road frontage, a centrally located vehicular access would provide the main route into the site. Either side of this access would be a pair of 4-storey blocks of flats with ground floor gardens, part private and part communal, balconies to upper floor flats and a shared roof terrace on top of each building. In the central part of the site, two smaller 4-storey blocks of flats are proposed and a terrace of 3-storey houses. At the rear of the site, fronting Randolph Street, a terrace of 2 and 3-storey houses are proposed with associated parking. A cycle and pedestrian route into the site is proposed opposite Edward Road but there is no vehicular access into the site from this side. The overall mix of units is 18 houses (11 x 3 bedroom and 7 x 4 bedroom) and 78 flats (38 x 1 bedroom, 29 x 2 bedroom and 11 x 3 bedroom). A total of 61 car parking spaces is proposed.
- 2.2 The density of the development is 118 dwellings per hectare. The proposed external materials are a mixture of brickwork, render and timber detailing.
- 2.3 The application has been amended since it was first submitted. The main changes are:
- a reduction in the number of dwellings from 104 to 96; an increase in parking numbers from 48 to 61;
 - changes to the layout to retain the trees subject of the Tree Preservation Order; alterations to the Randolph Street frontage to provide a more conventional terraced layout to the street;
 - the omission of the vehicular access from Edward Street previously proposed;
 - a re-design of Block B2 on the Shirley Road frontage to reduce the number of flats and deleting solely north facing flats;
 - various detailed elevational changes;
 - It is also now proposed that the existing road closure device in Henry Road would be removed as part of the works.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with the City Council’s adopted and emerging policies. In

accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.

4. Relevant Planning History

- 4.1 The application site is a long established business for vehicle related activities. There have been various planning decisions for extensions to buildings, minor alterations and signs which are not relevant to the current application for redevelopment.
- 4.2 In 1979, planning permission was refused for the retention of a vehicular access to Randolph Street at the rear of the Bristol Street Motors site (reference 1778/1550/W12). The reason for refusal was based on protecting residential amenity and restricting the vehicular access to this commercial site.
- 4.3 In 1999, planning permission was granted to extend the vehicle use by changing the use of the land to the rear of the Rising Sun P.H. for car parking (reference 990160/W).

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement on 21.10.10 and erecting a site notice. At the time of writing the report **83** representations had been received from surrounding residents, including Councillor Furnell. Reconsultation has taken place on the amended application, see paragraph 5.3 below.
- 5.2 The following relevant planning issues were raised:

i) Highways/parking

Henry Road and Edward Road are very narrow already with existing traffic and parking problems, the new access will increase traffic and disturbance and make a difficult situation worse. All vehicular access should be from Shirley Road. Road safety problems would increase due to inadequate sight lines. Access for emergency services and waste collection would be made more difficult due to the already over-subscribed parking in the area. Insufficient car parking is proposed which will result in detrimental overspill into adjoining streets. Residents have previously opposed the area becoming a Controlled Parking Zone.

Response

Henry Road and Edward Road were not designed to accommodate large numbers of vehicles and there are existing parking and vehicle passing issues. The majority of the proposed dwellings would be serviced from Shirley Road and the vehicular access into the site from Randolph Street to the rear has now been removed. However, the amended layout does result in a terrace of 11 new houses fronting Randolph Street with their associated on-plot car parking (a total of 13 spaces). These houses would therefore be accessed via Henry Road and Edward Road. It is not accepted that this proposal would increase road safety problems or make access difficult for large vehicles. In fact, the removal of the existing road barrier should improve manoeuvring for refuse vehicles and the emergency services. The Council's car parking standards are set at maximum levels

according to the public transport accessibility of the site. This is an area of medium public transport accessibility with a wide choice of bus services along Shirley Road. The amount of car parking has been increased with the amended application, which has also reduced the number of dwellings. The proposed development is now very close to the maximum standards (only 3 spaces less) and this provision is considered to be acceptable.

ii) Character

The development would drastically change the visual character of the area with a dramatic impact on noise and air pollution levels. Too much development is proposed, a smaller development of 2 and 3 bedroom terraced houses with some green open spaces and access from Shirley Road would be more appropriate.

Response

It is accepted that this redevelopment will result in a significant change to the appearance of the area, which will be significantly enhanced by the replacement of industrial style buildings and large areas of car parking with contemporary residential properties and areas of landscaping. Noise and air pollution should not be increased as a result of this application: the number of vehicle movements will significantly reduce following relocation of the car dealership and there would be no further industrial processes on site.

iii) Impact on amenities

The proximity of the development to the adjoining site fronting Shirley Road results in an overbearing impact which would constrain any future development of this adjoining site. The house proposed adjoining 1 Henry Road would result in a loss of light and outlook, this adjoining land should be used for car parking only.

Response

The amended application has resulted in part of Block B2 being set further back from the adjoining site to the north. These adjoining sites are currently in commercial use (car sales use, Royal Mail and gym). The design and layout of the proposed buildings would not preclude these adjoining sites from being redeveloped for residential development. The amended application realigns the houses along the rear boundary, removes the house which was proposed next to 1 Henry Road and replaces it with parking as requested.

Reconsultation

5.3 Neighbours have been reconsulted following the receipt of amended drawings. At the time of writing this report 41 letters of objection had been received on the following grounds: **the existing roads, Henry Road and Edward Road, are cul-de-sacs, the proposal would open up the site and allow public access from Shirley High Street, this would increase late-night anti-social behaviour and disrupt a peaceful neighbourhood; there would be increased overspill car parking and additional traffic due to the new houses only being accessed from this side of the site; opposed to the removal of the traffic barrier which is there to limit traffic in these streets; would cause additional traffic hazards, noise and air pollution.**

Response

These issues are addressed elsewhere in this report and any additional responses will be

reported verbally to the meeting.

Consultation responses

- 5.4 **SCC Trees** – Objected to the application as originally submitted due to the loss of protected trees but satisfied with the revised layout as it retains the trees and provides space for them to develop. The applicants will need to provide a detailed method statement of how the trees are to be protected through the development, this can be conditioned.
- 5.5 **SCC Architect's Panel** – (Comments on the application as originally submitted): The site layout needs re-considering especially in relation to Edward Road/Henry Road where there is a preference for a conventional frontage to these streets; the overall height and massing is probably reasonable for this location; the layout and the treatment of the central part of the site appears to represent an overdevelopment of the site. (The application has been amended to take these comments into account, in particular the site layout has been changed and the central turning area has been landscaped).
- 5.6 **SCC Environmental Health (Pollution & Safety)** – No objections subject to conditions covering the hours of construction, working methods and limiting noise and vibration.
- 5.7 **SCC Environmental Health (Contaminated Land)** - Annex 2 of PPS23 considers the proposed land use as being sensitive to the affects of land contamination. The existing garage use is associated with potential land contamination hazards. There is the potential for these off-site hazards to migrate from source and present a risk to the proposed end use, workers involved in construction and the wider environment. Therefore, to ensure compliance with Annex 2 of PPS23 and policies SDP1 and SDP22 of the City of Southampton Local Plan Review (adopted version, March 2006) the site should be assessed for land contamination risks and, where appropriate, remediated to ensure the long term safety of the site. Planning conditions should be imposed to address these issues.
- 5.8 **SCC Ecology** – The application site consists of a number of buildings and extensive areas of hard standing with some trees and amenity grassland. The ecological interest of the site has been assessed as having some potential for breeding birds but a low likelihood of bats and reptiles being present. The proposed development is unlikely to have an adverse impact on local biodiversity so there is no objection subject to a condition securing biodiversity enhancement.
- 5.9 **SCC Archaeology** - The full archaeological potential of the area around the development site is currently unknown due to the lack of formal fieldwork conducted in the area. There are numerous buildings shown on the historic maps, however, the exact nature and extent of these buildings is unknown. Conditions should be attached to safeguard the potential of remains.
- 5.10 **Southern Water** – Initial investigations indicate there is inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. Additional off-site sewers or improvements to existing sewers will be required to provide sufficient capacity to service the development. Conditions and informatives should be imposed covering further details of foul and surface water disposal.

6. Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
- The principle of this development and the form and mix of dwellings proposed.
 - Design issues relating to the layout, the amount of development proposed and the impact on the character of the area.
 - Transportation and Parking issues.
 - Environmental matters including trees and sustainability considerations.

Principle of Development

- 6.2 This is a long established car dealership use which is on the edge of, but not within, Shirley Town Centre as defined in the Local Plan. The site is not allocated or safeguarded for employment use and there is therefore no presumption of retaining an employment use on the site. Government guidance in PPS 3 (2010) encourages local authorities and developers to make efficient use of previously developed land for housing. This part of Shirley Road is of mixed character, part residential and part commercial, with the adjoining site to the south being entirely residential. In these circumstances it is considered that a residential only development is acceptable in principle. The applicant has explained that the existing business is proposing to relocate from this site irrespective of the outcome of this application. It is proposed to move the existing jobs to other locations run by the same business in the surrounding area.
- 6.3 This is a large site and it is capable of accommodating a range of building types and size and mix of dwellings. The proposal includes family sized houses and flats as well as a range of smaller units. 29 of the dwellings would be family sized units with private amenity areas to comply with Core Strategy Policy CS 16 which seeks 30% family unit provision. The applicant has stated that at least 35% of the proposed new dwellings will be provided as affordable housing to comply with Policy CS 15 of the Core Strategy. The applicants are discussing the possible provision of more than 35% of affordable housing with Housing Associations and it is possible that the affordable provision may eventually amount to between 35% and 70% of the total dwellings. The actual percentage will depend on further negotiations later on in the development process. The development therefore complies with government guidance in PPS 3 and local planning policies in achieving a good mix of market and affordable housing.

Design Issues

- 6.4 The layout of the development provides a logical response to the character of the surroundings with the larger blocks of flats on the Shirley Road frontage and the scale of buildings reducing within the central part of the site and along the rear site boundary. The blocks of flats are in 'perimeter block form' which provides a well defined landscaped frontage to Shirley Road, as opposed to the layout of the mansion flats adjoining, which are end on to the street with a perimeter road. This form of development is recommended in the Residential Design Guide and supported in this case as it would create a better sense of enclosure to Shirley Road than the existing buildings on the site. The two blocks of flats on the Shirley Road frontage are, however, sufficiently set back from the street to allow a reasonable depth planting area to be provided which can accommodate further tree planting to continue the tree screen on the adjoining site. The development includes

sufficient amenity space in accordance with the guidance in Core Strategy Policy CS 16 and the Residential Design Guide. The amenity space is a mixture of private garden areas for the family-sized units, balconies and communal roof terraces on the top of the 4-storey buildings fronting Shirley Road. These different amenity areas would adequately cater for the day to day needs of future occupiers with additional contributions towards enhanced off-site facilities such as play space and playing fields being secured through the Section 106 agreement.

- 6.5 The scale and massing of the proposed buildings is considered to be acceptable to the character and appearance of the surrounding area. There are existing 4-storey buildings in the immediate vicinity on Shirley Road. The mansion blocks on the adjoining site are a series of 4-storey flat-roofed buildings, the Royal Mail building on the other side of the site is of similar scale as are the 3-storey traditional buildings on the opposite side of Shirley Road, some of which have received approval for an additional floor to be added. The application site has a wide frontage to Shirley Road, some 65 metres, and the scale and form of the proposed blocks of flats, separated by a central access road, is appropriate in this context. The other blocks of flats within the centre of the site, although also 4-storeys, are much smaller in volume and set well off the side boundaries. The proposed houses, 3-storeys within the centre of the site, and predominantly 2-storeys to the rear of the site are compatible with adjoining properties. The amended scheme provides a traditional terraced frontage to Randolph Street which is acceptable in design terms and should enhance safety and security on this street. The detailed design treatment is of a simple contemporary form which is appropriate for this location.
- 6.6 This is a high density scheme (118 dwellings per hectare), Core Strategy Policy CS 5 recommends a general density range of 50 - 100 dwellings per hectare in areas of medium public transport accessibility. However, the policy suggests that high densities (over 100 d.p.h) should be limited to the most accessible areas, namely the city centre, areas close to and within Shirley Town Centre and the district centres. The application site directly adjoins Shirley Town Centre and the public transport corridor of Shirley High Street/Shirley Road. A higher density development is considered to be acceptable in this location as it would result in making efficient and effective use of previously developed land in a sustainable location as recommended in PPS 3 and local planning policies. There are other high density housing developments in the area, for example, the mansion blocks adjoining (Withewood Mansions etc) which has a density of approximately 180 d.p.h.

Transportation and parking issues

- 6.7 The traffic and parking issues arising from this development have resulted in a significant number of objections from local residents. This is understandable, but it has been demonstrated that this residential development would result in a significant reduction in daily traffic movements compared with the long established car dealership use. The majority of vehicle movements would be from Shirley Road with only 11 houses and 13 car parking spaces accessing the site via Henry Road and Edward Road. It is considered to be preferable in urban design terms for these new houses to have on-plot parking at the front so access solely from the rear via Shirley Road is not considered to be satisfactory.
- 6.8 The existing traffic barrier at the corner of Henry Road would appear to be a traffic calming measure installed at a time when Randolph Street was used as a rat-run. This is no longer possible due to a previous road closure and retention of this

barrier seems to serve no useful purpose as Henry Road and Edward Road already form a cul-de-sac. The removal of this barrier would improve access for larger vehicles, including refuse vehicles and the emergency services, provide additional space for on-street car parking and have no adverse affect on highway safety. The removal of a previously proposed vehicular access into the site will prevent a through access between Shirley Road and Edward/Henry Roads but retain a cycle and pedestrian route through the site, which can be controlled by a condition. Increased permeability for pedestrians is encouraged by good design practice and the Council's RDG.

Environmental Issues

- 6.9 As already stated in this report, the proposal will result in a reduction in daily traffic movements compared with the existing use and the removal of industrial processes. This will reduce noise and air quality problems. Furthermore, the appearance of the site will be significantly enhanced especially at the rear of the site which is dominated by industrial buildings and unattractive fencing. The majority of existing trees on the site will be retained including those subject of the Tree Preservation Order and those on the boundary with the mansion blocks. In sustainability terms the standard conditions can be imposed relating to the Code for Sustainable Homes, carbon emissions and the potential for SUDS.
- 6.10 In terms of neighbour amenity considerations, the layout of the scheme is such that overshadowing of neighbouring properties will not result to an unacceptable degree given the nature of adjoining uses. Privacy distance standards would be met and in most instances the outlook for neighbouring occupiers should be significantly improved compared with the existing situation.

7. Summary

- 7.1 This is a high density residential development of a mixed commercial site which is not protected by Council policy. The amount of development proposed is considered acceptable for a large previously developed site in a sustainable location adjoining Shirley Town Centre and in environmental terms a significant enhancement would be achieved. A good mix of family and non-family units would be provided as well as a good balance between market and affordable housing. As amended, the proposed layout and design is considered to be acceptable and the amenities of neighbours would not be adversely affected. There are some traffic and parking concerns but these can be mitigated by the Section 106 agreement and conditions.

8. Conclusion

- 8.1 It is recommended that planning permission be granted subject to a Section 106 agreement and conditions.

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(c), 2(d), 4(b), 4(f), 4(g), 6(a), 6(c), 7(a), 7(e), 7(n), 7(v), 9(a), 10(a) and 10(b).

RP2 for 24/05/11 PROW Panel

PLANNING CONDITIONS

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

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

Reason:

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

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

Notwithstanding the information shown on the approved drawings and application form no development works shall be carried out unless and until a written schedule of external materials and finishes has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, doors and the roof of the proposed buildings. It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site.

Reason:

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

03. APPROVAL CONDITION - Landscaping, lighting & means of enclosure detailed plan [Pre-Commencement Condition]

Notwithstanding the submitted details before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted, which includes:

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

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

of planting.

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Reason:

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

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

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

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

Reason

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

05. 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.

06. APPROVAL CONDITION - replacement trees [Performance Condition]

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

Reason:

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

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

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

1. A desk top study including;
historical and current sources of land contamination
results of a walk-over survey identifying any evidence of land contamination
identification of the potential contaminants associated with the above
an initial conceptual site model of the site indicating sources, pathways and receptors
a qualitative assessment of the likely risks
any requirements for exploratory investigations.
2. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.
3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.
4. On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scene of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development.
Any changes to these agreed elements require the express consent of the local

planning authority.

Reason:

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

08. APPROVAL CONDITION- 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.

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 - 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 - 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, including at least [the percentage required by core strategy policy CS20] in category Ene1, shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted, unless an otherwise agreed timeframe is agreed in writing by the LPA. The evidence shall take the form of a post construction assessment and certificate as issued by a legitimate Code For Sustainable Homes certification body.

REASON:

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

13. APPROVAL CONDITION - Sustainable Drainage Systems (Pre-Occupation Condition)

Prior to the commencement of development a feasibility study demonstrating an assessment of the potential for the creation of a sustainable drainage system on site shall be carried out and submitted to the Local Planning Authority. Any measures shown to be feasible shall be verified in writing by the Local Planning Authority and implemented prior to first occupation of the development hereby granted consent. If the study demonstrates the site has the capacity for the implementation of a sustainable drainage system, a specification shall be agreed in writing with the Local Planning Authority. A sustainable drainage system to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter. In the development hereby granted consent, peak run-off rates and annual volumes of run-off shall be no greater than the previous conditions for the site.

REASON:

To conserve valuable water resources, in compliance with and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010) and to prevent an increase in surface run-off and reduce flood risk.

14. 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 extensions),

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.

15. 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.

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

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

Reason:

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

17. 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.

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

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

Reason:

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

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

A waste management plan containing full details of measures to reduce the wastage of

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

Reason:

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

20. APPROVAL CONDITION - Construction Method Statement (Pre-Commencement Condition)

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

REASON

To protect the amenities of neighbours and the wider environment

21. APPROVAL CONDITION - Layout of Car Parking/Servicing (Pre-Occupation Condition)

The whole of the car parking, cycle storage and servicing facilities shown on the approved plans shall be laid out and made available before the use of the building to which these facilities relate commences and thereafter retained solely for the use of the occupants and visitors to the site and for no other purpose.

REASON

To ensure adequate on-site parking and servicing facilities and to avoid congestion in the adjoining highway.

22. APPROVAL CONDITION - Access road restriction (Pre-Occupation Condition)

Unless otherwise agreed in writing by the Local Planning Authority, no part of the development shall be occupied until bollards, or some other form of physical barrier, has been installed across the cycle and pedestrian route into the site between house numbers 9 and 10 as shown on approved drawing number 07-045-002 Rev D. The approved barrier shall be permanently retained thereafter.

REASON

To ensure this access into the site is for cycles and pedestrians only thereby preventing vehicular use to safeguard the amenities of neighbours.

23. APPROVAL CONDITION - Foul and Surface Water Drainage (Pre-Commencement Condition)

No development shall commence, apart from demolition of the existing buildings, until details of the proposed means of foul and surface water sewerage disposal has been submitted to, and approved by, the Local Planning Authority in consultation with Southern Water. The development shall be carried out in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason

In order that the Local Planning Authority may be satisfied that the development would not increase the risk of flooding in the area.

24. APPROVAL CONDITION - Protection of sewers (Pre-commencement condition)

No demolition shall commence, apart from demolition of the existing buildings, until details of measures to protect or divert the public sewers which cross the site, have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall be carried out in accordance with the approved measures unless otherwise agreed in writing by the Local Planning Authority.

REASON

To ensure this important public infrastructure is protected during the course of construction of the development.

25. APPROVAL CONDITION - Refuse facilities (Pre-Occupation Condition)

The refuse storage facilities, which shall include recycling facilities, as shown on the approved drawings shall be provided before the dwelling to which the facility relates has been provided. The storage areas shall be retained thereafter.

REASON

To ensure suitable refuse and recycling facilities are provided and in the interests of visual amenity.

26. APPROVAL CONDITION - Biodiversity enhancement (Performance Condition)

The biodiversity enhancement measures shown on the submitted soft landscape plan shall be carried out in accordance with the implementation timetable to be approved as required by Condition 3 of this planning permission.

REASON

To ensure the development contributes to the ecological value of the area.

27. APPROVAL CONDITION - Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

For the avoidance of doubt and in the interests of proper planning.

Reason for granting Planning Permission

The development is acceptable taking into account the policies and proposals of the

Development Plan as set out below. Other material considerations, including the vehicular access arrangements, car parking arrangements, protection of trees and the impact on the amenities of neighbouring occupiers, 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, SDP 5, SDP7, SDP9, SDP10, SDP11, SDP13, SDP14, HE6, CLT5, CLT6, H1, H2 and H7 of the City of Southampton Local Plan Review (March 2006), Policies CS4, CS6, CS13, CS15, CS16, CS18, CS19, CS20 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010) and the relevant parts of supplementary planning guidance including the Residential Design Guide (September 2006) .

Note to Applicant

You are advised of the need to enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. For further advice, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel 01962 858688) or www.southernwater.co.uk

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

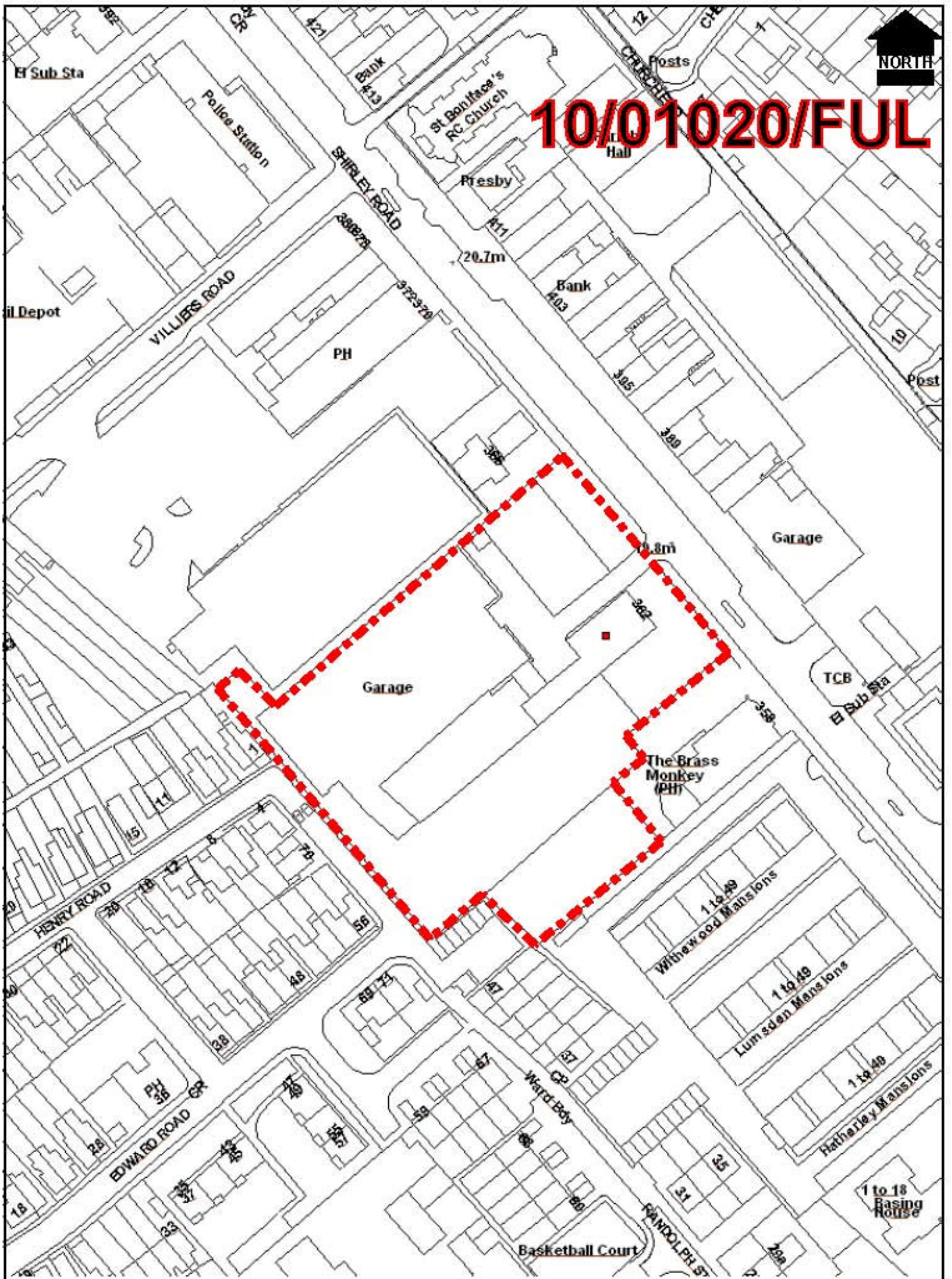
SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
HE6	Archaeological Remains
CLT5	Open Space in New Residential Developments
CLT6	Provision of Children's Play Areas
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

Supplementary Planning Guidance

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

Other Relevant Guidance

PPS1 Delivering Sustainable Development (February 2005)
Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 (December 2007)
PPS3 Housing (November 2006)
PPG13 Transport (April 2001)



Scale : 1:1250

Date : 10 May 2011

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Agenda Item 7

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 24th May 2011
Planning Application Report of the Planning and Development Manager

Application address: Area Housing Office, Parkville Road, Southampton			
Proposed development: Redevelopment of the site. Demolition of the existing buildings and erection of a building ranging in height from 3-storeys to 15-storeys to provide student residential accommodation (53 cluster flats comprising a total of 348 rooms, 4 x 2-bedroom flats and 12 x 1-bedroom flats); a medical centre (Class D1 use), retail units (Class A1) and two units for community use or non-residential institution use (Class D1) or retail (A1) or food and drink use (A3) with associated landscaping, parking and site works, including the stopping up of existing highway.			
Application number	11/00204/FUL	Application type	FUL
Case officer	Stephen Harrison	Public speaking time	15 minutes
Last date for determination:	N/A Planning Performance Agreement	Ward	Swaythling
Reason for Panel Referral:	Major Development on Council Land	Ward Councillors	Cllr Vassiliou Cllr Osmond Cllr Turner

Applicant: Bouygues Development	Agent: Fluid Architecture Ltd FAO: Mr Christopher Pickering
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Recommendation Summary	Refuse
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Appendix attached			
1	Reasons for Refusal	2	Scheme Comparison Table
3	Development Plan Policies	4	Relevant Planning History
5	SCC Highways Objection	6	Community Use Offer

Recommendation in Full

Refuse for the reasons set out at **Appendix 1** of this report.

Background

The Council resolved to grant planning permission (ref: 08/00081/FUL) in April 2008 for the redevelopment of this site for:

“The erection of new buildings (part two-storey, part three-storey, part four-storey, part five-storey and part fourteen-storeys) to provide a mixed use development comprising a health centre, community use, retail use and 119 flats with associated parking, landscaping and access facilities - Description amended following reduction in height of tower element by 3 storeys.”

Subsequently, the Council granted planning permission (ref: 08/01489/FUL) in January 2009 for a revised scheme comprising:

“Redevelopment of the site. Demolition of the existing buildings and erection of new buildings (part two-storey, part three-storey, part four-storey and part fourteen storeys) to provide a mixed use development comprising a Medical Centre, community use, retail use and 81 flats (40 x two-bedroom, 41 one-bedroom) with associated parking, landscaping and access facilities (amended application to ref. 08/00081/FUL to include additional land).”

Neither development has proven to be deliverable in the current economic climate, although permission 08/01489/FUL is extant and still implementable.

The site is within the ownership of the City Council. The Council’s Cabinet agreed, on 25th October 2010, that the site is again, in principle, suitable for disposal.

1. The Site and its Context

- 1.1 This application relates to the redevelopment of the existing Parkville Road car park (66 parking spaces, of which 54 are public), youth centre (308sq.m) and local housing office (243sq.m), which is currently vacant.
- 1.2 This level site is accessed directly from Parkville Road and is bounded to the east by Thomas Lewis Way and the railway line beyond, and to the west by Stoneham Way/High Road and its junction with Stoneham Lane. Both boundaries are defined by mature planting.
- 1.3 The character of the area is mixed in terms of land use and architectural styles. The terrace to the south of Parkville Road forms part of the Swaythling Local Centre, which is characterised by two storey development with retail space fronting the road. The red brick Market Buildings on the opposite side of Stoneham Way/High Road are of three storey construction. They also form part of the defined Local Centre. Swaythling Railway Station is located approximately 220 metres from this site, with existing pedestrian linkages.
- 1.4 The application is located within a defined area of “medium” accessibility, albeit with good access to the Swaythling Railway Station. The application site area measures 0.37 hectares.

2. Proposal

- 2.1 Full planning permission is sought for a mixed use development following the redevelopment of the site with a tall building.
- 2.2 It is intended to provide improved health care facilities over two floors of accommodation (756sq.m), which will enable the existing Stoneham Lane Surgery to relocate. The proposed building has also been flexibly designed to accommodate a future expansion of the medical centre into the first floor (200sq.m) should this be required.
- 2.3 The existing community space (formed by the youth centre) will not be re-provided on site. Instead, the Council has agreed to find alternative off-site provision for the youth club users as part of the land deal between the applicant and the Council as landowner. The Council’s existing housing office use has also been consolidated off-site.

- 2.4 Small scale retail (918sq.m), including a new/replacement pharmacy, and four additional 'flexible' retail units (use class A1/A3/D1), a plant room and storage, and a site manager's office will occupy the remaining ground floor space.
- 2.5 The development provides student accommodation for 368 bed spaces (comprising 53 shared 'pods' formed from 348 bedrooms, 4 no.2 bed flats and 12 no.1 bed flats). Given the proposed use no affordable housing is provided.

The Building

- 2.6 The proposed building is a perimeter block development formed by two wings of between one (4.2 metres high) and seven (19.8m) storeys that are hinged together by a fifteen-storey (42.8m) landmark tower around an internal courtyard and parking area. The chosen design provides a southerly aspect to this courtyard and takes a similar form and footprint as that previously consented. The wings incorporate a communal roof terrace and a series of green roofs and walls as the building steps upwards. The building is modern in design with a facing brick, horizontal timber cladding, and through colour rendered finish. The main tower element and wings are formed by a high pressure laminate Trespa cladding.

External Space(s)

- 2.7 As with permission 08/01489/FUL the current scheme has removed the basement car park that was originally approved under application 08/00081/FUL.

- 2.8 A total of 36 spaces are provided at surface level within the courtyard and off-site along Parkville Road. The parking spaces are allocated as follows:

13	Permit controlled spaces for medical centre staff use	On-site
11	spaces for patients of the medical centre (inc. 2 disabled spaces)	On-site
7	Public spaces to serve the retail and community uses	Parkville Rd
3	Informal University Servicing Spaces	On-site
1	Car Club Space	Parkville Rd
1	Private space serving 1 Parkville Road following de-adoption	Parkville Rd
0	Residential spaces	

- 2.9 Permission 08/01489/FUL was approved with 59 parking spaces (including 5 disabled spaces) split across Parkville Road including the former Bower's garage site on the opposite side the road. These spaces were to be allocated between the residential flats (19 spaces) medical staff (14 spaces) and public use (25 spaces) with 1 car club space. A summary comparison table of this scheme with the previous approvals is provided at **Appendix 2** to this report.

- 2.10 The scheme includes a service layby on Stoneham Way/High Road and there is also scope for a bus stop to be located on this frontage following a re-route to the Unilink bus service. A communal bin store is integral to the proposed building as is a cycle store for students with provision for 1 space per 2 students proposed. Additional spaces are provided for visitors to the scheme. All can be secured and retained with a planning condition.

- 2.11 The proposal seeks to retain all existing trees and landscaping along the site's Thomas Lewis Way frontage, although replacement planting is proposed along the

Stoneham Way/High Road frontage. Although these trees are not formally protected by a TPO they are located on Council owned land and are, therefore, afforded protection from inappropriate works. In total 20 trees will be felled to accommodate this development, 14 of which have been identified as Grade B (“worthy of retention”). The scheme proposes their replacement with 16 stand alone trees, 48 densely planted trees in a large courtyard planter, and 13 densely planted trees in a small courtyard planter (77 in total).

- 2.12 The scheme includes a semi-private courtyard and approximately 316sq.m of shared and usable amenity space located on a private roof terrace. All students have access to the communal roof terraces and lower courtyard and management controls are suggested to restrict access after dusk.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 3**.
- 3.2 The proposed mixed-use development is in principle considered to provide substantial positive regeneration benefits to the Swaythling Local Centre. At ground floor level appropriate retail and community services are provided that will positively extend and enhance the local centre (Local Plan Policy REI6 and Core Strategy Policy CS3 refer). The location of the site provides the opportunity for a tall landmark building that, by its nature, accompanies an intensive form of development.
- 3.3 The existing community uses are protected by adopted LDF Core Strategy Policy CS3.
- 3.4 Policy CS10 is permissive of additional health care facilities in appropriate locations.
- 3.5 Local Plan Policy H13 seeks to ensure that the growth of the city’s Universities is co-ordinated with the provision of student accommodation.
- 3.6 Core Strategy Policy CS16 requires that schemes of 10 or more dwellings provides at least 30% of the units as “family homes” with at least 3 bedrooms and access to private amenity space. An exception is made for “specialist” housing schemes including purpose built student accommodation.
- 3.7 Major developments are expected to meet high sustainable construction standards in accordance with the City Council’s adopted and emerging policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13. In this instance the applicants will achieve a ‘Very Good’ BREEAM standard and will meet their micro-renewables obligations with an air source heat pump located within the plant room.

Planning Policy Guidance Note PPG13 - Transport (2010)

- 3.8 The Government is committed to reducing the need to travel by the private car as part of an integrated transport policy. Land use planning has a key role to play in delivering this strategy. PPG13 explains that by “influencing the location, scale,

density, design and mix of land uses, planning can help to reduce the need to travel". One element of this approach is the implementation of maximum car parking standards, as set out at Policy SDP5 and Appendix 1 of the adopted City of Southampton Local Plan Review (2006).

- 3.9 PPG13 states that Council's should "not require developers to provide more (parking) spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications for road safety which cannot be resolved through the introduction or enforcement of on-street parking controls" (Paragraph 50 refers).

4.0 Relevant Planning History

- 4.1 The relevant planning history for this site is set out at **Appendix 4**.

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 validation stage and following the receipt of amended information), placing a press advertisement (21st February 2011) and erecting a site notice (24th February and 3rd March 2011). The application was also advertised as a potential departure from the Development Plan (28th February 2011). Those that objected were notified as the scheme was amended.

Third Party Comment

- 5.2 At the time of writing the report **85** representations have been received from surrounding addresses (excluding multiple responses from the same address), including an objection from Ward Cllrs Odgers and Turner to the submitted and amended scheme.
- 5.3 **City of Southampton Society** – Supportive of the proposals for this site. No objection raised to the current proposals, but have requested that a clock is added to the top of the tower.
- 5.4 1 letter of support has been received from the existing Stoneham Lane Surgery, and 9 representations explain that, whilst objecting to the detailed application, they welcome the principle of a regeneration project on the site.
- 5.5 In addition 4 separate petitions have been lodged comprising:
1. 190 signatures objecting to the sale of the site by the City Council and its subsequent redevelopment for student accommodation and shops;
 2. 188 signatures in support of the provision of university accommodation, new healthcare facilities and retail;
 3. 149 signatures (131 from Ethelbert Avenue) objecting because of inadequate parking and subsequent overspill into the Ethelbert Avenue Conservation Area;
 4. 6 signatures requesting that if permission is granted a condition is imposed restricting car ownership to residents
- 5.6 Relevant planning issues raised include:

i) Highways

- There is a lack of on-site parking to serve the development as evidenced by the applicant's own transport assessment. The University have accepted that restricting student car ownership is unenforceable. This will result in pressure to park off-site in already over-parked streets (such as Parkville Road, Phillimore Road, Rayners Gardens, Ethelbert Avenue, Stoneham Lane, Carnation Road, Laburnum Road and other streets within the Flowers Estate). The submission does not take account of the likely Controlled Residents Parking Zone in the Lower Flowers' roads, which will also lead to additional overspill. This scheme will result in highway safety problems and access difficulties for the emergency services. The number of discrepancies within the transport assessment undermines the credibility of the survey work.

Response

Agreed in part. The adopted Local Plan aims to reduce reliance on the motor car in line with advice contained in PPG13 (Transport). The provision of 32 parking spaces and 1 car club space to serve the proposed level of development in this area of 'medium' accessibility to public transport routes and local facilities is insufficient for the reasons detailed in the Planning Considerations section of this report as informed by the comments of the Council's Highways Officer (attached at **Appendix 5**). That said, the applicant's Transportation Assessment suggests that the existing car park is under utilised, and the City Council has taken steps to close it permanently.

- The management plans for the drop-off and collection of students are inadequate and impractical, particularly for students travelling long distances.

Response

These concerns are shared by the Council's Highways Officer, although it is likely that a planning condition or planning agreement could be used to properly assess the likely demand and make appropriate arrangements with ongoing monitoring. This, in itself, is not a sustainable planning objection.

- Cycle parking is inadequate for a student block and there are no motorcycle spaces.

Response

Since the original submission the level of on-site cycle parking to serve the students has been significantly increased so that a secure store with 1 bike space per 2 students is now available. As part of this change motorcycle parking has been introduced into the site layout.

- The existing public car park will not be replaced to the detriment of the existing Local Centre.

Response

A total of 18 spaces will be available to serve the patients of the doctors (11 identified), users of the commercial floorspace (7 identified) and the existing local centre. As the existing car park has been underused it is likely that many trips to the Local Centre already take place by non-car modes. That said, the level of parking proposed has raised an objection from the Council's Highways Officer.

- The location of the nearest bus stop is too far from the development to encourage the use of public transport.

Response

The applicants propose to re-route the existing Unilink service, and the amended scheme introduces a new stop to the front of the development. These measures could be secured with a S.106 Legal Agreement.

- In the event that planning permission is issued it is essential that the University includes a clause in the tenancy agreements that the student residents will not bring a car to Southampton.

Response

The applicants agree that such a clause is not legally binding or enforceable.

- The development will result in additional trips on the network, which is already at capacity particularly during peak times.

Response

Agreed in part. Discussions with the developers have identified a package of highway works that could be implemented to mitigate against this impact and make the scheme workable. Similarly, it should not be forgotten that there are existing uses on site (including a car park) and that an extant planning permission could be implemented that also yields additional trips on the network.

ii) Community Use

- The existing youth centre provides a valuable resource to the Swaythling community that should be kept or replaced. Similarly, the existing boxing club is providing a valuable activity at minimal cost to its users. The closure of this building without proper replacement will harm Swaythling, which already has high levels of unemployment and social deprivation.

Response

Agreed. This issue is discussed further in the Planning Considerations section of this report. The Council has confirmed the measures it will undertake to replace the youth club provision and the applicants are working with the boxing club to ensure ongoing provision is possible (**Appendix 6** refers).

iii) Design & Residential Amenity

- A 15 storey tower and the chosen design are grossly out of keeping with its context. The proposal would be visually intrusive.

Response

The issue of design, height, scale and the suitability of a tall building for this site is discussed in the Planning Considerations section of this report. Refer also to the comments of the Council's City Design Manager. The Council has previously resolved to grant permission for a 14 storey tower with a similar building height.

- The application fails to respect views out from the nearby Ethelburt Conservation Area. Overspill parking may take place within the CA to the detriment of its character.

Response

The application was previously considered to be suitably removed from the nearby conservation area so as not to harm its setting. The previous scheme was also assessed as having an appropriate level of on-site car parking. The submission includes a full visual impact assessment (as was presented with the previous scheme) and the tower element, whilst visible, is considered to be acceptable. The highway concerns of overspill parking are shared by the Council's Heritage Team Leader.

- The tower will restrict the flight path to Southampton Airport.

Response

BAA are a statutory consultee on this matter and have raised no objection to the proposals.

- The scheme does not provide sufficient details of the proposed external lighting and fails to demonstrate how light spill will be reduced.

Response

The detailed lighting scheme could be resolved by a planning condition following further consultation with colleagues in Environmental Health.

- A 15 storey tower will result in significant overshadowing of surrounding buildings.

Response

The applicants submission includes a detailed shadow path analysis, which confirms that the majority of the shadow caused will fall across the existing highway network rather than nearby residents (the nearest of which are located to the south of the development and away from any shadow caused).

- The submitted noise survey does not include any new survey work since the previous application (including noise from the likely occupants) and is inadequate. The site should be reclassified as Noise Category D where PPG24 recommends that planning permission is refused.

Response

The Council's Environmental Health Officer has reviewed the submission and the detailed objection to it. The EHO agrees, in part, with the objectors criticisms but comments that "the proposal recognises that this site is in a noisy area, on the cusp of category C/D of PPG 24 and the criticisms will not make a great deal of difference to the calculated levels and, therefore, the high specification windows with acoustically treated ventilation that are proposed should be sufficient to ensure the internal noise climate is suitable. No objection has been raised to the assessment and planning conditions are recommended to resolve any detailed issues.

- The nearby residents will suffer from noise and antisocial behaviour from the student residents – as evidenced elsewhere in the City where concentrations of students live.

Response

The applicants have given careful consideration to the impact that the development (and its users) will have on its neighbours. The site will have a 24 hour concierge/manned site office and external gates will be locked at an agreed time to ensure that all pedestrian movements take place through the tower and away from Parkville Road residents. Similarly, the proposed roof terrace will be locked after dusk. Further details of this management plan and CCTV can be secured with a planning condition.

- Loss of privacy to the resident of 1 Parkville Road and others who live nearby.

Response

The proposed alterations to the wings of the building and the removal of any communal roof terrace or window with a southerly aspect from the Thomas Lewis Way wing will remove any possible overlooking. The main building is sufficiently separated from its neighbours to cause any concern. For instance, the tower is some 42 metres from Market buildings and 63 metres from the rear of those dwellings fronting Phillimore Road. A separation distance of 49 metres between the tower and 1 Parkville Road is achieved, which reduces to some 11.7 metres to the nearest wing. There are no windows proposed at this point. The level of overlooking proposed is no worse than those previously assessed as acceptable.

- The quality of television reception will be reduced by this tower scheme (and certain addresses, particularly within the Ethelbert Avenue Conservation Area, are unable to erect a satellite dish).

Response

PPG8 Telecommunications (2001) advises that “large, prominent structures such as tower blocks, cranes, warehouses or football stadiums can cause widespread disruption to analogue television reception... Digital television signals are far more robust than analogue and, as viewers change to digital over time, offer the prospect of the elimination of such problems.... Certain factors can be taken into account at the planning application stage, in particular the height and width of each face of the structure, the material and outside surface finish, and the orientations of the sides of the structure in relation to any local transmitter”. Whilst the issue is material to Planning, as with the previous scheme the S.106 legal agreement could be used to secure a pre and post construction TV reception study with any change in circumstances rectified at the developer’s expense.

- The building will have a wind funnelling effect

Response

As with the previous scheme(s) the proposed design reduces any significant harmful microclimate impacts as detailed in the applicant’s submission.

iv) Other

- There are nesting birds using the site, and the submitted ecology report fails to make any assessment of the site’s bat population. The loss of trees and habitat should be resisted.

Response

The Council’s Ecologist and Natural England have identified that the site has a very limited biodiversity value and have raised no objection to the application. The Council has already accepted the principle of redevelopment. The issue of nesting birds can be resolved by carefully programming the commencement of development.

- The proposed retailing will compete with the existing Local Centre, which is already suffering from high vacancy rates. The submitted Retail Impact Report contains deficiencies.

Response

The Local Plan identifies this junction as a Local Centre. Although the application site does not form part of this designation the use of retail space along Stoneham Way will activate the ground floor of this building, whilst linking the Stoneham Way retail frontages with Market Buildings. The proposed commercial space is formed by 5 separate units with a combined floor area of 918sq.m. At the time of writing the applicant’s have indicated that two of these units have been earmarked for a convenience retailer and a pharmacy respectively. Given the relative small-scale operations the proposal will not significantly impact upon existing trading but should compliment the existing Centre. The Council has previously resolved to grant permission for 608sq.m of complimentary retail serving a mixed-use redevelopment proposal on this site.

- The public consultation undertaken as part of the pre-application stage was inadequate. It comprised 1 evening session on 8th December at the Jury’s Inn with little notice.

Response

Noted. The Council has undertaken its own consultation exercise in line with statutory requirements.

- There would be vandalism to medical staff cars (off and on-site).

Response

The scheme has been designed to accommodate the needs of the Surgery so as to reduce the likelihood of staff needing to park off-site. On-site provision has been made for CCTV coverage and management that should deter any vandalism taking place.

Consultation Responses

- 5.7 **SCC Highways** – Objection raised. A full copy of the objection is attached to this report at **Appendix 5**.
- 5.8 **SCC Heritage** – Concerns raised. There are potential implications arising from the implementation of the Gateway scheme and the nearby Residents Parking Scheme. Concerns are raised that casual parking would relocate to other areas, the Conservation Area included. As Ethelburt Avenue is a private road managing casual parking will prove problematic as the Council will not be able to enforce a Residents Parking scheme. Such parking may be detrimental to the character and appearance of the Conservation Area.
- 5.9 **SCC City Design** – following detailed discussions at both pre-application and application stage no objection raised. Previously advised that the form, height and massing is acceptable and promises to provide a dramatic gateway building on this key approach to the city. The wings are tall, given the context and local plan policy SDP 9 (5 storeys or greater), and the same applies as above. These wings, particularly on Stoneham Way, complement and relate more closely to the local context providing a human scale at street level. The pedestrian route through to the medical centre includes windows to allow some natural surveillance as well as being well lit. The route should also be clearly legible through to the medical centre entrance. In response to this scheme it is considered that the strip windows to the wings introduce a rhythm of windows and mullions that reflects the proportions of the Market buildings. They will improve their visual relationship whilst reducing the scale of the wing, as does the use of the timber cladding to the top floor and the black brick plinth ground floor detailing.
- 5.10 **SCC Tree Team** - The trees on this site are under Council ownership and are therefore considered to have the same protection as a Tree Preservation Order. They do, therefore constitute a material consideration in the planning process. The objection raised from previous consultations (ref. 08/00081/FUL) is still relevant although constrained by the outstanding permission. There are some 20 trees and hedgerow trees shown to be removed. It was previously recommended that this application is refused due to the loss of important visual amenity trees without suitable mitigation.
- 5.11 **SCC Housing** – No objection raised to nil affordable housing provision providing a restriction on the use of the units for students only is imposed. The provider should also be required to sign up to SASSH - Southampton Accreditation Scheme for Student Housing.
- 5.12 **SCC Landscaping** - No objection subject to the imposition of appropriate planning conditions. This is an acceptable solution, which is a mature and thoughtful response to both the new development and the existing context.
- 5.13 **SCC Sustainability** – No objection subject to the imposition of appropriate planning conditions. The BREEAM pre-assessment indicates that at least a ‘Very Good’

standard will be achieved, however there is a lack of additional information on the residential and retail assessments on how each of the credits is planned to be achieved. The design and access statement says 'A 10% improvement or better over Building Regs Part L2A shall be achieved.' The applicants should be aware that the multi-residential element should be achieving at least 15% improvement.

- 5.14 **SCC Ecology** – No objection subject to the imposition of appropriate planning conditions. It is pleasing to see the introduction of a bio-diverse green roof, although it only accounts for a small proportion of the available roof space. This roof will provide some mitigation for the loss of foraging provided by the tree belt. The proposed development is unlikely to have a significant adverse impact on local biodiversity. Implementation of the enhancement measures listed in the Ecological Appraisal January 2011 should be secured through a planning condition. An informative should be placed on any permission advising of the legal duty to avoid disturbance to nesting birds.
- 5.15 **SCC Environmental Health (Pollution & Safety)** - No objection subject to the imposition of appropriate planning conditions relating to noise attenuation, hours of construction, piling method, demolition method and the management of operational deliveries. The proposal recognises that this site is in a noisy area, on the cusp of category C/D of PPG24. A high specification window with acoustically treated ventilation is proposed and should be sufficient to ensure the internal noise climate is suitable. It should be noted that mechanical ventilation may be required for the lower levels of the site to overcome any potential concerns for air quality issues from the traffic.
- 5.16 **SCC Environmental Health (Air Quality)** – No objection subject to the imposition of appropriate planning conditions. The Air Quality Report is acceptable.
- 5.17 **SCC Environmental Health (Contamination)** - No objection subject to the imposition of appropriate planning conditions. Annex 2 of PPS23 considers the proposed land use as being sensitive to the affects of land contamination. Therefore, to ensure compliance with Annex 2 of PPS23 and policies SDP1 and SDP22 of the City of Southampton Local Plan Review (adopted version, March 2006) this department would recommend that the site be assessed for land contamination risks or assume that land contamination exists and take a precautionary approach.
- 5.18 **SCC Archaeology** – No objection subject to the imposition of appropriate planning conditions. A desk-based assessment and programme of field evaluation was undertaken back in February 2009. Although prehistoric material (including Bronze Age pottery and burnt flint) was discovered on the site, the archaeological potential for the site can best be dealt with by carrying out a Watching Brief on the groundwork associated with the development.
- 5.19 **BAA** - No objection subject to the imposition of appropriate planning conditions relating to bird hazard management, removal of permitted development rights for telecoms, lighting and cranes.
- 5.20 **Natural England** – No objection. The site is within 500m of the habitats that form part of the River Itchen Site of Special Scientific Interest (SSSI), which also forms part of the River Itchen Special Area of Conservation (SAC). It is the opinion of NE

that this project, either alone or in combination, would be unlikely to have a significant effect.

- 5.21 **Southern Water** - No objection subject to the imposition of appropriate planning conditions. A public sewer crosses the site and will need to be diverted as part of the proposals.
- 5.22 **Hampshire Constabulary** – No objection following confirmation that the proposed lighting will be either column or building mounted to avoid Secured By Design issues. Previously advised that the Design & Access Statement addresses the context of the site in compliance with PPS1.
- 5.23 **The Environment Agency** – Previously raised no objection in principle, but requested that planning conditions are imposed to ensure that the development complies with the applicant's Flood Risk Assessment.

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 mixed-use & the replacement of community facilities;
 - ii. The principle of a tall building development in this location;
 - iii. The design approach & its impact on the established character;
 - iv. The level of on-site parking and servicing, and its impact on highway safety; and,
 - v. The impact on existing and proposed residential amenity;
 - vi. Impact on Local Trees;
 - vii. The requirement for a S.106 Agreement and the provision of affordable housing.

6.2 Principle of Mixed-use Redevelopment

The re-use of this previously developed land with a mixed-use proposal is consistent with the requirements of 'saved' Local Plan policies H2 and H13 as supported by policies CS3, CS5 and CS10 from the Council's adopted LDF Core Strategy (2010) and the national guidance identified above.

- 6.3 The Council's favourable determination of the previous applications (08/00081/FUL and 08/01489/FUL) is also a material consideration that should be afforded significant weight in the determination of this application, especially as the latter scheme could still be implemented

i) Community Uses

- 6.4 Policy CS3 seeks to prevent the loss of existing community uses unless the use can be relocated to a site providing equivalent community benefit or there is no community need for the building.
- 6.5 As submitted the application proposed to replace the existing community uses, but as discussions have developed so has the ground floor layout and the proposed uses. Rather than replace the community uses on site, the Council's Children's and Services Team have confirmed that from September 2011 they will maintain youth support provision in the Swathing area via an advertised programme of activities (taking place once a week) utilising existing venues such as Cantell School, Swaythling Neighbourhood Centre, Woodmill and the new MUGA on Daisy Dip (when it is completed).

6.6 The existing youth centre operates in tandem with the Inner City Boxing Club, which is a voluntary organisation. The boxing club have an informal arrangement with the Council to operate from the site on a temporary basis whilst redevelopment plans are fixed. As such, whilst the value of their work cannot be overstated, in planning terms they should be afforded only limited weight when assessed against Policy CS3 as they took the space in the knowledge of the Council's planned redevelopment proposals. That said, the applicants are working with the Boxing Club and propose to assist in finding alternative provision for the club as detailed in their attached letter at **Appendix 6**.

6.7 The application accords with the aims of Policy CS3.

(ii) Retail (Use Class A1)

6.8 As with the extant permission the application seeks a commercial ground floor use. The application proposes 3 retail units (use class A1) to include a pharmacy, a flexible retail unit (use class A1/A3 food and drink) and a Unit for D1 uses (Non-Residential). A combined floor area of 918sq.m is proposed. Policy CS3 states that "new development must be at a scale appropriate to the size and role of the centre" and identifies Swaythling as being served by a 'Local Centre' that meets 'day to day' needs for the immediate neighbourhood. The Policy is permissive of new development to protect the vitality and viability of these existing centres. The application site is located outside of the existing defined centre, but is an obvious link between the designation along High Road and the Market buildings.

6.9 The applicant's updated 'Retail Report' (2011) explains the retail impact of the proposal and concludes that the existing centre is still struggling (since their assessment of earlier, similar, proposals). Vacancy rate has increased from 5% in 2007 to 14% in 2011. The proposed uses will regenerate the area as part of the mixed-use proposals and should compliment the existing centre. The application is considered to have addressed the requirements of Policy CS3 and the additional retail floorspace proposed is again deemed to be acceptable. The application has, nevertheless, been advertised as a departure from the development plan as it proposes more than 750sq.m of retail floorspace outside of a recognised centre.

6.10 In accordance with previous discussions the applicants propose the following hours for trading:

- 6:30am to 10:30pm Monday to Saturday
- 7am to 10pm on Sundays and Public Holidays
- The pharmacy shall not operate outside of the hours of 7am and 11pm 7 days a week

6.11 Site deliveries will be restricted to between 6am and 7pm (7 days a week including Sundays and public holidays) with deliveries between 6am and 7am restricted to one transit van delivery only. Any deliveries by articulated vehicles shall take place no earlier than 7am (Monday to Friday) and 8am on weekends and public holidays.

6.12 These suggested hours are considered to be acceptable.

iii) Medical Centre (Use Class D1)

6.13 The application proposes 756sq.m for a medical centre serving the catchment of the existing Stoneham Lane Surgery. Policy CS10 is permissive, in principle, of applications for primary care facilities in existing accessible centres and where there is a need as part of an expansion of an existing facility. This part of the application accords with these aims and is supported by officers.

(iv) Residential (Use Class C3)

6.14 The principle of additional housing on this previously developed site is supported and will assist in providing a genuine “mixed and balanced community” as required by PPS3 (2010), Core Strategy Policy CS16 and Part 6 of the approved Residential Design Guide (2006). A high-density residential scheme will facilitate the provision of improved community and health facilities and has already been accepted.

6.15 The key change following the consideration of application 08/01489/FUL is that the residential element of the scheme is to be taken by the University of Southampton for student accommodation. With the exception of the 16 self-contained flats the accommodation is provided in pods or “cluster flats”, where 5 or 6 students share a communal living space with one another. There are 53 of these flats. The principle of this type of accommodation is supported by saved Policy H13 and is well suited for the site and the Swaythling Local centre. Furthermore, the provision of purpose built student accommodation reduces the pressure, in part, on the City’s existing family housing stock to be converted to housing in multiple occupation. Policy H13 requires such housing to be restricted by a planning condition or an appropriate legal agreement. Where this is accepted the Council’s normal affordable housing requirements do not apply.

Principle of a Tall Building

6.16 The application site is defined by mature planting and a low density context of between two and three storeys. The provision of a 15 storey building requires further justification and consideration before it can be accepted within this defined context. Adopted Local Plan Policy SDP9 defines a tall building as having 5 or more storeys of accommodation and states that the principle of tall(er) buildings is accepted on major routes into and out of the City, at junctions and at “gateway” locations. The application site meets these requirements and has already been assessed as acceptable, in principle, for a tall building proposal. The form of the current tower is similar to that previously considered to be acceptable, and the additional storey within the tower can be accommodated by reducing the storey heights throughout the building with no additional overall height required.

6.17 A material change following the approval of application 08/01489/FUL relates to the High Road and Thomas Lewis Way wings, which have been increased in height from 4 to 6/7 storeys.

6.18 A tall building scheme on this site is acceptable. This conclusion is shared by the Council’s City Design Manager and the Council’s “Gateways and Approaches Initiative” document (2006), which remains an un-adopted strategic document at this time.

Design Approach and Impact on Established Character

- 6.19 The proposed design approach should be assessed against the development plan unless other material considerations dictate otherwise.
- 6.20 In particular, PPS3 (2010) states that “good design should contribute positively to making places better for people. 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).
- 6.21 Local Plan Policy SDP7 states that “development which would cause material harm to the character and/or appearance of an area will not be permitted”. The supporting text explains that “context is about understanding the uses, visual characteristics and the patterns of local life of an area” (paragraph 2.49 refers). The Council’s Residential Design Guide SPD explains that one of its key objectives is to positively enhance local character. In line with national urban design guidance the RDG recognises that the scale, massing and appearance of a dwelling or a group of dwellings should create a balanced composition in relation to each other and be in harmony with existing nearby development (paragraph 3.9.5 refers).
- 6.22 In terms of immediate context, it is clear that only a building of domestic scale would truly respect the existing Swaythling Local Centre. However, it does not follow that development of a greater scale and massing will automatically be viewed as alien or harmful to a given context. The site’s redevelopment potential has already been accepted and it sits on land bounded by significant highway distributors (in terms of volume and width). The site has an urban feel and appearance and its gateway location is recognised in the Council’s “Gateways and Approaches Initiative” document (2006). Marking a gateway with a landmark building is an established design technique. The Council has accepted a modern tall building proposal on this site already, and circumstances have not changed significantly, despite the subsequent adoption of the LDF Core Strategy in January 2010. The current proposal is formed using a very similar building footprint and envelope. The massing of the tower element has remained similar to the consented scheme, with the height and width being identical. The scheme is still compliant with Policy SDP19 in terms of airport safety and BAA have again raised no objection to the application’s height or form.
- 6.23 The chosen design expands on that already approved, albeit the wings have been increased in height by two/three storeys and all balconies have been omitted. The tenure has been amended and now proposes a scheme comprising wholly student residential accommodation above the ground floor commercial uses. The Council’s City Design Manager has commented that the taller strip windows to the wings provide a rhythm of windows and mullions that reflects the proportions of the Market buildings and will improve their visual relationship whilst reducing the scale of the wing, as does the use of the timber cladding to the top floor and the black brick plinth ground floor detailing. No objection to the proposed scale, design or massing is made.
- 6.24 The proposed quantum of residential development enables the provision of a good “community” offer as part of a wider regeneration scheme. It is, therefore, considered that the proposed footprint and quantum of development (in terms of its built form) is acceptable, and would not result in any substantial harm to the visual

amenities of the locality. The current application enables the applicant to make better use of this previously developed land and assists the Council in addressing its housing requirements.

- 6.25 The application is considered to have addressed the requirements of local and national design guidance identified above and supported by Local Plan policies SDP6, SDP7, SDP8 and SDP9 as supported by Core Strategy Policy CS13 and CABE's guidance relating to "Tall Buildings".
- 6.26 Finally, the impact of the development on the nearby Ethelbert Avenue Conservation Area has also been considered as required by Local Plan Policy HE1. The impact of the physical form on the setting of this conservation area is considered to be negligible given the separation distances involved and the existing development between the two. The Council's Heritage Team Leader has raised concerns, however, to the impact that any overspill parking may have on the character of the conservation area itself, especially as Ethelbert Avenue is currently an un-adopted unmade road with no parking restrictions (unlike others in the vicinity of the site) and its adoption or use for parking to serve the development would affect its character.

Highways and Parking

- 6.27 Car parking is a key determinant in the choice of mode of travel, and the site is close to principal bus routes and Swaythling Train Station. The Local Plan aims to reduce reliance on the private car and encourage alternative modes of transportation such as public transport, walking and cycling. Since submission the level of on-site car parking has increased from 24 to 36 (including 3 spaces to meet the University's servicing needs) with the use of Parkville Road for designated parking. Whilst this parking is located outside of the submitted 'red line' it is highway land and could be secured with a S.106 legal agreement.
- 6.28 The Council's Highways Officer has raised an objection to the proposals based on the lack of appropriate on-site parking to meet the needs of this mixed-use development, and the local centre following the loss of the existing public car park. Furthermore, during the consideration of the application it has become evident that neither the University nor the City Council could reasonably restrict any student from bringing a car to University and parking on nearby roads. Whilst there is no certainty that any student will choose to do so, especially given the availability of on-site cycle parking, a car club space, the 'free' Unilink bus pass to residents (with a possible diversion of the UNilink bus route) and the close proximity of the proposal to a Local Centre and the University itself, there is a possibility that additional demand for off-site parking spaces will be caused by the residential element of the scheme. An Assessment of whether this off-site demand is likely and harmful is, therefore, required. A full copy of the Highways Officer's response that informs the recommended reason for refusal is set out at **Appendix 5** to this report. In light of this objection it is considered that the scheme fails to accord properly with the Local Plan and Core Strategy policies relating to parking and highway safety, and this shortfall in provision will give rise to additional inconvenience to those existing residents of Parkville Road.

The Impact on Existing Residential Amenity

- 6.29 It is accepted that the introduction of a 15 storey building will have an impact on the existing amenities enjoyed by residential neighbours. An assessment of the significance of any harm caused by this proposal in terms of proximity to neighbours, overlooking and overshadowing was previously undertaken and accepted. A similar assessment has been submitted and the same conclusion reached with regard to the tower.
- 6.30 The increase in the height of the wings will have little bearing on existing neighbours given the separation distances involved. The additional height is stepped away from the nearest neighbour in Parkville Road and the nearest part of this two/three storey wing is 11.7 metres away. The first floor of this part of the proposed building is again dedicated to medical use and has omitted any windows fronting 1 Parkville Road. Instead, a green wall is proposed to this part of the site.
- 6.31 The proposed roof terraces have been sensitively designed to limit any overlooking of nearby neighbours. Concerns had been raised by other residents in Parkville Road that the tower element will afford significant overlooking of their property. Although there are no established guidelines for suitable privacy distances for a building of the height proposed it should be noted that the tower is itself located some 49 metres from the boundary of 1 Parkville Road. There will be no significant overlooking afforded towards this property and its neighbours from the student accommodation located in the lower sections of this scheme as the building's eastern wing will obscure any views. At the higher storeys the outlook from these pods will relate more to the wider context and the skyline than the nearest neighbours. In any event the minimum separation distance of 49m is considered to reduce any harmful overlooking afforded.
- 6.32 Finally, the application has again been supported with shadow diagram information to demonstrate that the majority of any shadow cast will fall across the public highway (particularly in the early and late afternoon, when private amenity space is more likely to be used by residents).
- 6.33 Given the building's proposed siting it is not considered that the proposed development will lead to any adverse impact on the surrounding properties in terms of overshadowing, loss of outlook or a significant loss of privacy. As such the application is again considered to address the requirements of adopted Local Plan 'saved' policies SDP1(i), SDP7(v) and SDP9(v) as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006).

Living Environment

- 6.34 The site is located at a major highway junction and close to the railway line and is still located within Noise Exposure Category C (as defined by PPG24). The potential for noise nuisance to prospective residents is, therefore, significant. PPG24 states that, in such locations, planning permission should not normally be granted without planning conditions that can secure a commensurate level of protection against noise.
- 6.35 The applicants have submitted an Air Quality Assessment and Acoustic Assessment that suggest mitigation measures that can make this scheme

acceptable for this location. These reports have been forwarded to Environmental Health for consideration and no objection has been raised. The provision of fixed shut glazing and mechanical ventilation is considered to be an appropriate solution in these circumstances. In addition, it is noted that 10 of the proposed bedrooms (less than 3% of the total) have compromised outlooks, particularly those in the tower that look out towards the wings. On a scheme of this nature this type of accommodation is mitigated by access to other (internal and external) communal spaces that provide for a satisfactory living environment. As such, the layout of the building is again judged acceptable. All room sizes are acceptable and noise transfer between units can be mitigated at the Building Regulations stage. The applicant's previous "Micro-climate Study" confirmed that the building has been designed to sensitively mitigate any changes in microclimate and the wind environment, especially around the base of the building. Pedestrian comfort is deemed to be acceptable. The building has safe and convenient access to integral bin and cycle storage. Lift access is provided to serve all floors.

- 6.36 In accordance with the Council's current external space standards a 69 flat scheme should be supported by some 1,380sq.m of amenity space that is "fit for its intended purpose". This level of provision cannot be achieved on a scheme of this nature and would make any such scheme undevelopable. A degree of flexibility is therefore recommended (as was the case with the previous scheme). In this instance, the amenity space provision is met by approximately 316sq.m of shared and usable amenity space located on the proposed roof terrace. Additional external space is provided in the semi-private ground floor courtyard. The scheme does not comply with the external space standards of the Council's approved Residential Design Guide SPD (2006); namely paragraph 2.3.14 and section 4.4. That said, these units are not for private market accommodation and will serve a student need. As such, an exception to these requirements can be afforded, especially as students often have good access to social and sporting groups (and the University's formal sports pitches). An off-site financial contribution towards local open space is proposed.

Impact on Local Trees

- 6.37 Adopted Local Plan policies SDP6(vii), SDP7(i), SDP12 (as supported by section 4.7 of the Council's approved Residential Design Guide and Core Strategy Policy CS13) seek to ensure that major planning applications are supported by tree survey work and details of tree protection.
- 6.38 In total 20 trees will be felled to accommodate this development, 14 of which have been identified as Grade B ("worthy of retention"). The scheme proposes their replacement with 16 stand alone trees, 48 densely planted trees in large courtyard planters and 13 densely planted trees in a small courtyard planter (77 in total). The majority of the trees earmarked for removal are located along the Stoneham Way elevation. The proposed building seeks to activate the ground floor to this street frontage with the introduction of additional retail space and pedestrian entrances. The building is also serviced from a proposed lay-by taken from Stoneham Way. In order to provide a building that successfully relates to the street, whilst ensuring that the development's servicing requirements are not met from Parkville Road, it is deemed necessary to remove the existing trees along this frontage. The internal courtyard will be landscaped and tree pits will be utilised to accommodate further planting within the heart of the development. The loss of these trees is again considered to be acceptable.

Section 106 Legal Agreement

- 6.39 In the event that the recommendation were to approve the applicants have agreed to enter into a S.106 Legal Agreement with the Council (at the land transfer stage) in order to secure contributions towards transport and open space improvements that mitigate against the development's direct impacts.
- 6.40 A development of this scale would normally trigger the need for 35% affordable housing in accordance with Core Strategy Policy CS15. However, as the proposal is for student accommodation no affordable housing requirement is required. Any S.106 legal agreement could have included a restriction that occupiers of the flats would be in full time higher education in accordance with Local Plan Review Policy H13(v).

7.0 Summary

- 7.1 The determination of this application has to be considered in the context of the recent approval for a very similar scheme on this site. This application again proposes a landmark building at one of the City's gateways and there are only marginal changes to the external appearance of this building (when compared to the recent approval) with the main change being the increase in height to the wings, an alternative design finish and the accommodation type. It again offers a mixed-use scheme with significant regeneration and community benefits, including an improved health care offer for this catchment. In order to achieve these benefits and make the scheme viable the application seeks permission for a high-density residential tower. The site is accessible to good public transport links and the consideration of density should follow that of good urban design. On that basis the proposed density is not considered to be unduly harmful and in conjunction with the other changes to the proposal (outlined above) it represents an improvement to the extant permission. The re-provision of the existing youth club use can be resolved by the Council as landowner, and the applicants are working with the Boxing Club to resolve their accommodation difficulties in the event that the existing buildings are lost to a redevelopment proposal.
- 7.2 It is evident that there are many positives arising from the development, including the provision of specialist housing that may reduce demand on existing family housing stock, an exciting landmark design fit for Southampton and the re-provision of improved medical facilities with wider regeneration and community benefits. It is also considered, however, that the level of development proposed and the further intensification of the site is not properly served by a level of on-site car parking to meet its own needs. The stated benefits should not be at any cost and the proposed level of parking will result in a demand for off-site parking to serve the commercial and, possibly, residential uses. The applicant's submission fails to deal with this properly and, in light of the highway safety concerns raised by the Council's Highway Officer, the recommendation is that planning permission should be refused.

8.0 CONCLUSION

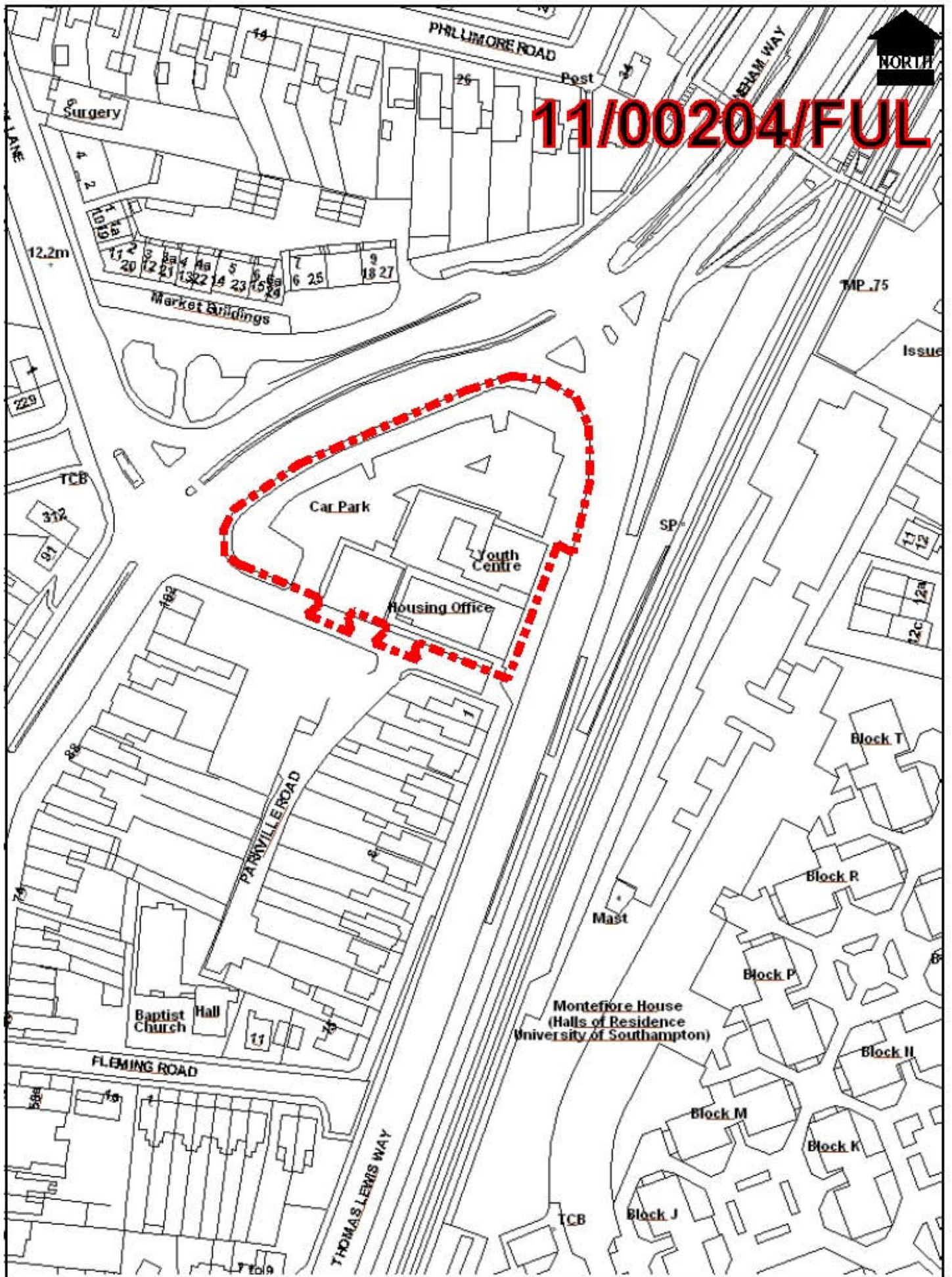
8.1 The application is recommended for refusal for the reasons set out in ***Appendix 1*** to this report.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1a, b, c, d, 2b, c, d, 4b, f, 6a, c, d, h, 7a, b, f, g, i, n, p, t, u, v, w, 9a, 10a & b

SH2 for 24/05/11 PROW Panel



Scale : 1:1250

Date : 10 May 2011

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11/00204/FUL

Suggested Reasons for Refusal

1. REFUSAL REASON – Parking & Highway Safety

In the absence of a robust Transport Assessment the proposed level of parking located within the red line, and along Parkville Road, is considered to represent a shortfall to that required to serve the proposed mixed-use development. This deficiency is symptomatic of an over-intensive use of the site and, in the opinion of the Local Planning Authority, will result in additional pressures on existing off-site parking spaces and will result in inconvenient parking taking place within Parkville Road, the proposed service layby and neighbouring streets (including those forming the Ethelbert Avenue Conservation Area) to the detriment of highway safety, visual amenity and the convenience of Parkville Road residents as users of the site attempt/wait to park. The application has, therefore, been assessed as contrary to 'saved' policies SDP1(i), SDP5 (as supported by Appendix 1), SDP7(v), H13(iv) and HE1 of the adopted City of Southampton Local Plan Review (2006), policies CS14, CS18 and CS19 of the adopted LDF Core Strategy (2010) and the relevant guidance contained within the Government's PPG13 (2011).

2. REFUSAL REASON – Infrastructure Mitigation

In the absence of a completed S.106 legal agreement or other mechanism for securing necessary measures to mitigate against the scheme's direct impacts, the planning application fails to accord with the requirements of Circular 05/05 (Planning Obligations), LDF Core Strategy Policy CS25 as supported by the Council's adopted 'Planning Obligations' SPG (November 2006). This objection could be removed following the completion of an agreement to secure the following:

- i) An occupation restriction to ensure that all residents are in full time higher education and that the provider is a member of the Southampton Accreditation Scheme for Student Housing (SASSH) in accordance with Local Plan Policy H13(v) and the submission and implementation of a Student Drop Off/Collection Management Plan committing to an ongoing review of the site;
- ii) Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS18 and CS25;
- iii) The implementation and maintenance of an agreed series of site specific transport and off-site landscaping works (including the proposed service layby and Parkville Road Improvement Scheme) under S.278 of the Highways Act in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS18 and CS25;
- iv) The funding of Traffic Regulation Orders (TRO) required for the above measures and to enable the development to be implemented;

- v) A financial contribution towards strategic transport projects for highway network improvements, including the potential for a new UNIlk bus route and bus stop serving the development, in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
- vi) The submission and implementation of a public parking management plan for those spaces within the red line application site and along Parkville Road dedicated for public use;
- vii) A mechanism for replacing the existing community uses (both during and following the construction phase) in accordance with LDF Core Strategy Policy CS3;
- viii) Financial contributions towards the relevant elements of public open space required by the development in line with Policy CLT5 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS21 and CS25;
- ix) The submission, approval and implementation of public art – possibly to include an art fence - that is consistent with the Council’s Public Art ‘Art People Places’ Strategy;
- x) Submission and implementation within a specified timescale of a Travel Plan, including the provision of UNIlk bus passes to all residents;
- xi) Provision of on-site CCTV coverage and monitoring in line with Policy SDP10 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS13 and CS25;
- xii) Submission and implementation of a TV Reception Study committing to a pre and post construction assessment with off-site mitigation where necessary;
- xiii) Submission and implementation of a Training & Employment Management Plan committing to adopting local labour and employment initiatives in line with LDF Core Strategy policies CS24 and CS25;
- xiv) A Site Waste Management Plan; and,
- xv) Submission and implementation of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.

11/00204/FUL
Comparison Summary Table

	08/00081/FUL - Approved	08/01489/FUL - Approved	11/00204/FUL - Proposed
Residential Units	119 flats	81 flats	69 pods and flats
Residential Mix	11 studios 67 no.1 bed 41 no.2 bed	0 studios 41 no.1 bed 40 no.2 bed	53 student pods 12 no.1 bed 4 no.2 bed
Affordable Housing	15 units (ie.13% on-site) comprising: 0 no.1 bed flats 15 no.2 bed flats	62 units (ie. 77% on-site) comprising: 31 no.1 bed flats 31 no.2 bed flats	N/A
Affordable Mix	All 15 shared ownership Remaining 12% provided off-site Tenure unspecified	50% socially rented 50% intermediate rented/shared ownership	N/A
Non Residential Uses	D1 Medical - 746sq.m+ A1 Retail - 610sq.m D2 Community – 322sq.m	D1 Medical - 746sq.m+ A1 Retail – 608sq.m D2 Community – 320sq.m	D1 Medical - 756sq.m+ A1/A3/D1 Commercial – 918sq.m D2 Community – 0sq.m
Employment	43 employees	43 employees	50 employees
Parking	Total – 97 spaces comprising Basement 72 spaces Surface Level - 25	Total – 59 spaces comprising Basement - removed Surface Level - 25 Bowers site - 34 spaces	Total – 36 spaces comprising Basement – N/A Surface Level – 36 i) 9 – Parkville Road ii) 27 – On-site Bowers site – N/A
Parking Split	Residential - 52 spaces Staff - 20 spaces Shared Public - 25 spaces	Residential - 19 spaces Staff - 14 spaces Shared Public - 25 spaces Car Club – 1 space	Residential – 0 spaces Staff – 13 spaces Shared Public – 18 spaces i) 7 Retail/Community ii) 11 Patients Car Club – 1 space

11/00204/FUL
Comparison Summary Table

			University Servicing – 3 spaces Private (1PR) – 1 space
Amenity Space	13sq.m per unit	19sq.m per unit	316sq.m (0.9sq.m per student)
Sustainable Homes	Code Level 2	Code Level 3	BREEAM - Very Good
Site Area	0.38 hectares	0.49 hectares	0.37
Residential Density	314 dph	165 dph	186dph
Building Height	Tower – 14 storeys (44 metres) Wings – Up to 5 storeys (17.4 metres)	Tower – 14 storeys (44 metres) Wings – Up to 4 storeys (14 metres)	Tower – 15 storeys (42.8 metres) Wings – Up to 7 storeys (19.8 metres)
Tree Loss	24 trees removed Replaced with 10 trees on site	24 trees removed Replaced with 18 trees on site	20 trees removed Replaced with 77 trees on/off site

11/00204/FUL
Planning Policy Context

Core Strategy - (January 2010)

CS4	Housing Delivery
CS6	Housing Density
CS6	Economic Growth
CS10	A Healthy City
CS11	An Educated City
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS24	Access to Jobs
CS25	The Delivery of Infrastructure and Developer Contributions

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting
SDP19	Aerodrome and Technical Site Safeguarding and Airport Public Safety Zone
SDP22	Contaminated Land
NE7	Rail Corridor
HE1	New Development in Conservation Areas
CLT5	Open Space in New Residential Developments
CLT7	Provision of New Public Open Space
H1	Housing Supply
H2	Previously Developed Land
H3	Special Housing Need
H7	The Residential Environment
H13	New Student Accommodation

REI6 Local Centres
TI2 Vehicular Access

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - August 2005 and amended November 2006)
Draft "Gateways and Approaches Initiative" (2006)

Other Relevant Guidance

PPS1 Delivering Sustainable Development (2005)
PPS: Planning and Climate Change - Supplement to Planning Policy
Statement 1 (2007)
PPS3 Housing (2010)
PPS4 Planning Policy Statement 4: Planning for Sustainable Economic
Growth (2009)
PPS5 Planning Policy Statement 5: Planning for the Historic Environment
(March 2010)
PPG8 Telecommunications (2008)
PPS9 Biodiversity and Geological Conservation (August 2005)
PPG13 Transport (2011)
PPS22 Renewable Energy (August 2004)
PPG24 Planning and Noise (October 1994)

11/00204/FUL

Relevant Site History

92/11403/R3OL Conditionally approved 26/11/92

Erection of local housing office

07/01702/SCR Confirmed this is not a development requiring EIA 13/11/07

Request for a Screening Opinion under Regulation 5(1) (for SCR) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 prior to a formal planning application for the redevelopment of the site with a mixed used development

08/00081/FUL Resolved to Grant 29.04.08 before being withdrawn

The erection of new buildings (part two-storey, part three-storey, part four-storey, part five-storey and part fourteen-storeys) to provide a mixed use development comprising a health centre, community use, retail use and 119 flats with associated parking, landscaping and access facilities - Description amended following reduction in height of tower element by 3 storeys.

08/01489/FUL Conditional Approval 09.01.09

Redevelopment of the site. Demolition of the existing buildings and erection of new buildings (part two-storey, part three-storey, part four-storey and part fourteen storeys) to provide a mixed use development comprising a Medical Centre, community use, retail use and 81 flats (40 x two-bedroom, 41 one-bedroom) with associated parking, landscaping and access facilities (amended application to ref. 08/00081/FUL to include additional land).

09/00529/FUL Withdrawn

Implementation of planning permission 08/01489/FUL for a mixed use development comprising a tall building not in accordance with condition 11 relating to hours of deliveries. Variation proposes the removal of the approved A1 retail units from any restrictions affecting deliveries, subject to further receipt of a detailed management plan - Description amended following validation.

09/00537/FUL Withdrawn

Implementation of planning permission 08/01489/FUL for a mixed use development comprising a tall building not in accordance with condition 12 relating to A1 retail/non residential use hours. Variation proposes an extension to the opening hours of the A1 retail units from 07:00 (7am) - 22:00 (10pm) daily (as approved) to 06:00 (6am) - 23:00 (11pm) daily (as proposed) - Description amended following validation.

09/01006/FUL Withdrawn

Implementation of planning permission 08/01489/FUL for a mixed use development comprising a tall building not in accordance with Condition 11 relating to hours of deliveries and Condition 12 relating to A1 retail non residential use hours. Variation proposes the removal of the approved A1 retail unit on the corner of Stoneham Way and Parkville Road from the

approved delivery hours. Amended restriction for deliveries to be undertaken between 06:00 (6am) and 19:00 (7pm) daily with additional restrictions to the type of vehicle that may be used as detailed in a Deliveries Management Plan Variation proposes an extension to the opening hours of the A1 retail unit on the corner of Stoneham Way and Parkville Road from 07:00 (7am) 22:00 (10pm) daily (as approved) to 06:30 (6:30am) 22:30 (10:30pm) (Mondays-Saturdays) and 07:00 (7am) 22:00 (10pm) (Sundays and recognised public holidays) (as proposed) as supported by a Security Management Plan (Resubmission)

100-102 High Road – includes the Bower's Garage

08/00435/LDCE Conditionally approved 04/06/08

Application for Lawful Development Certificate for continued use of a self contained first floor flat

08/00094/FUL Conditionally approved 10/04/08

Change of use of ground floor from Use Class A1 (Retail) to Use Class A2 (Financial and Professional Services) with residential retained above, demolition of rear extension and alterations to rear including re-positioned bin store (amendment to previous planning permission ref. 07/00312/FUL)

07/00312/FUL Conditionally approved 18/10/07

Redevelopment of the site. Demolition of the existing buildings, erection of a two-storey building for retail use fronting High Road and a three/two-storey block of 13 flats at the rear (8 one-bedroom, 4 two-bedroom, 1 three-bedroom flats) with associated parking

06/01600/FUL Refused 19/01/07

Redevelopment of the site by the erection of a two-storey building for retail use fronting High Road and a three/two-storey block of 13 flats at the rear (6 one- bedroom, 5 two-bedroom, 2 three-bedroom flats) with associated parking following demolition of the existing buildings

84/01096/FUL Conditionally approved 03/04/84

Use of ground floor for sale of cars and accessories

Agenda Item 7

Appendix 5

From: White, Vanessa

Sent: 10 May 2011 13:33

To: Harrison, Stephen

Cc: White, Kevin

Subject: Highway comment on Planning Application 11/00240/ful-Swaythling Gateway

Based on the Odyssey TA Adendum/Technical note dated 3rd May 2011, my recommendation for refusal of this planning application is as follows:

The development the subject of this application proposes the following parking:

Permit parking for 13 staff members of the doctors surgery.

11 further spaces for use by patients and retail shop visitors on a limited parking basis (two of which are designated for disabled use).

8 on street parking spaces plus 1 space for a car club vehicle, which will be subject to waiting restrictions. (I have included the one space the applicants wished to designate for the sole use of a Parkville Road resident, as the space will be subject to the same controls of all other parking on the public highway) One further space is designated for the Student accommodation use, although the applicants wish to claim 3 vehicles can park in this space, but this is for sole use anyway. The total number of available parking spaces is therefore 32 for the entire development, with 19 to be used by car borne visitors to the site (2 of which are for disabled use), and 13 are dedicated for doctors use during surgery hours.

Current SCC maximum parking standards allow for the following in an area of medium accessibility Doctors Surgery (3 spaces per consulting room, 75% of that figure for medium accessibility. This proposed surgery has 8 consulting rooms, but the practice likely to relocate here require 13 parking spaces as a minimum to operate.)

Low accessibility would therefore allow 24 parking spaces, 13 for permitted staff, and 11 for patients.

Medium accessibility permits 18 spaces, but with the medical staff requiring 13 spaces, only 5 remain for patients, which has been proved inadequate by the studies undertaken by this application and the previous applicants.

The most recent submission of ground floor uses now includes 918m² of shop use, with potentially a part of this being for D1 use. Because this is not clear, to be more realistic in car parking calculations I have used the Retail shopping calculation rather than Food shopping which is a lesser requirement.

(Retail shop 1 space per 20m² gfa = 45 spaces, 75% of that for medium accessibility). = 34 spaces. Included in the 918m² is the pharmacy (150m²), which will have linked trips associated with the doctors surgery, and is responsible for 5-6 of the above spaces, so requirement of 34 could be argued to be reduced to 31 spaces. (this excludes any provision for student parking).

2 earlier schemes have been approved with 25 spaces shared between doctors surgery patients, and visitors to the smaller shop and community facility. The parking for the residential element of these schemes was provided in addition to this, and the doctors having their own secured number of parking spaces. The residential was also able to use the shared parking area for overnight parking. also, in both cases, the retail element was restricted to one unit, with community facilities in the other ground floor areas. Community uses often generate more movement during evening and week end periods which would then not clash with the main demand of the doctors surgery.

The applicants have failed to demonstrate that the level of car parking to be provided to serve this proposed mixed use development will be adequate and will not result in overspill parking which will be to the harm and detriment of both highway safety and local amenity. With the lack of available space accessed from Parkville Road visitors will be likely to illegally use the delivery lay by on High Road for short visits. Also, any backing up of traffic trying to enter Parkville Road would cause a serious highway hazard at the junction with High Road. Longer term overspill parking will impact on neighbouring streets, public and private, increasing kerbside parking pressure to the detriment of existing users.

Whilst it is recognised that some drivers may decide to continue driving if they see that this site seems congested, this will still result in attention loss and slowing whilst driving along High Road. The numbers of parking spaces needed to serve 918m² of retail shopping is 31 (based upon the previously described rationale) for a medium accessibility area, and the applicant has not been able to provide numbers near this. Whilst SCC would be prepared to reduce this figure on the basis that a proportion of visits to the site would be local and linked, (as already stated) and therefore on foot/cycle, bearing in mind the comments below on the parking for the doctors and student demand, plus accommodation of existing demand, the provision shown is inadequate.

The developer proposes to provide a resident of Parkville Road with a parking space on the public highway which is not technically possible, such parking should be provided off of the public highway, all parking on the public highway would be subject to waiting restrictions.

The original submission was made on the basis of site enforcement against students bringing their cars, which will no longer be the case, due to the applicants advise that the university are now not wishing to enforce against such measures. This is contrary to the SCC Local Plan guidance for student accommodation. This will likely result in overspill parking in surrounding streets to the detriment of residents of those areas, notwithstanding the point raised that if the potential car parking is remote that students will be deterred from bringing cars with them to University. Such overspill parking can result in obstructions to the public highway creating a safety hazard. This problem is only exacerbated by the fact that this site is currently a public car park which is to be lost, and although under used, will have some effect on the neighbourhood with regard to displaced parking. Some near streets are subject to some parking restrictions as 2 hour/residents parking controls are in place, and it is likely that these areas will be further widened in the near future under current SCC policy. This will not be a deterrent to prevent all students from bringing cars with them, and they will seek parking further afield.

The applicant has suggested in their amended Transport Assessment that up to 42 of these students may bring their cars to University with them. overspill car parking caused by students will result in long term parking, as students do not have any parking provision at the university, so the cars would be left not only at night, but during the daytime also.

The 3 parking spaces for the University use cannot be counted as such, one vehicle will have some difficulty in manoeuvring, 3 will create a problem of blocking in and awkward vehicular movements.

The arrangements for student arrivals and departures is not fully explained, and as currently described, there is insufficient time and space to accommodate these movements without risk to backing up of traffic on the public highway waiting to access Parkville Road, which will be in addition to all other movements which would normally be happening, causing serious highway safety risk as vehicles may find they cannot clear the junction.

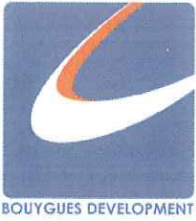
The lay by for deliveries and the carriageway improvements and provision of parking spaces in Parkville Road are essential for this scheme, and should not be counted as part of the overall S106 contribution which is subject to a viability assessment, these form essential build costs for the development to come forward. In the absence of a Section 106 Agreement to secure the following measures to mitigate against a successful scheme, I would suggest a further reason for refusal based on the lack of adequate servicing provision and further exacerbation of the lack of parking provision.

The changes to the Transport Assessment do not take into account the changes to the ground floor uses. When community uses were proposed, it was possible that demand could be out of normal hours, but now the use is retail/D1, the travel demands are different, and have not been considered. Also, trip generation needs to be considered with regard to S106 contributions, and travel demands needed site specific works.

Whist PPG 13 provides flexibility for the provision of parking for developments, it also states that a balance has to be struck between adequate levels of parking to be provided, which may exceed parking standards to guard against the development causing harm to its neighbourhood. In this instance, we do not expect the developer to exceed current policy, but to be more realistic in provision to prevent harm to highway safety and local amenity to adequately accommodate the proposed development.

Regards

Vanessa White
Highways Development Management Team Leader
Southampton City Council
Tel: 023 8083 3952



Stephen Harrison
Planning Projects Team Leader
Planning & Sustainability Division
Southampton City Council
Civic Centre
Southampton
SO14 7LY

5 May 2011

Dear Stephen

Southampton City Gateway – 11/00204/FUL – Inner City Boxing Club

Bouygues Development are aware that the issue of the continuing operation of the Inner City Boxing Club is something which is very important to the successful grant of planning permission for the above scheme. To this end, we have been working very hard to find a solution to the problem. I write to clarify what our position is on this matter as we look to gain your approval prior to you writing your recommendation for the planning application.

We had originally hoped that the provision of a new home for the boxing club could be dealt with via commuted sum as part of the S106 with Southampton City Council assuming responsibility for the delivery of the new facility. We understand from conversations with Council officers that this approach is not favoured due to the cost of the ongoing management of such a unit.

To this end, we would be prepared to commit to a three step process in order to guarantee the boxing club with our support and ensure a suitable location will be provided. We are happy to accept the following stepped obligations:-

1. To use all reasonable endeavours to find an alternative location for the boxing club to relocate from such date as vacant possession of the Parkville Road site is requested.
2. Should we not be able to find a suitable solution, we would be prepared to set-up temporary accommodation on site to ensure that the activities of the boxing club will carry on until such time the development will be complete. In parallel to this stage, we will continue to provide all reasonable endeavours to look for a suitable accommodation to relocate the boxing club at the earliest opportunity.
3. In the improbable event where we have not been able to identify such a location during step one and two, we are happy to commit to relocate the boxing club on site and to provide them with the adequate room for them to operate as currently done on site.

As you are aware, we have been searching for a new venue and are currently looking at the building at Swaythling Neighbourhood Centre. We are also regularly in touch with Gino Piccinino, the coach of the boxing club and we will remain so, until together we have found a place suitable to the boxing club.

In addition to providing a new home for the boxing club we are committing to sponsor them to provide new equipment, which is of great benefit to the club and the local community.

I would very much like your agreement to the above strategy and would be delighted to work with you in drafting a satisfactory planning condition in advance of the planning committee meeting.

I look forward to hearing from you soonest.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Gilles Leonard".

Gilles Leonard
Area Manager - Head of South UK & Student Accommodation Projects

BOUYGUES DEVELOPMENT

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Agenda Item 8

**Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 24th May 2011
Planning Application report of the Planning and Development Manager**

Application address: 23 Caxton Avenue			
Proposed development: Demolition of existing bungalow and erection of a three storey building to provide 1x two bedroom flat and 2 x three bed flat (resubmission)			
Application number	11/00336/FUL	Application type	FUL
Case officer	Jenna Turner	Public speaking time	5 minutes
Last date for determination:	21.04.11	Ward	Bitterne
Reason for Panel Referral:	Referred by Ward Councillors Fuller and Letts	Ward Councillors	Cllr Fuller Cllr Stevens Cllr Letts

Applicant: Mr George Hatchard	Agent: Design ACB
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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 and other guidance as set on the attached sheet. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on the 24.05.11 do not have sufficient weight to justify a refusal of the application. The proposal has addressed the previous reasons for refusal and where appropriate planning conditions have been imposed to mitigate any harm identified. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Planning Permission should therefore be granted having account of the following planning policies:

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

Appendix attached			
1	Development Plan Policies	2	Planning History

Recommendation in Full

Conditionally approve

1. The site and its context

- 1.1 The application site contains a detached, single storey dwelling which is currently vacant. Last year, demolition works commenced on the property and the roof was removed. There is a significant change in levels between the front and the rear of the site and other properties within the street have taken advantage of this to create two-storey extensions at the rear. Beyond the rear boundary of the site are allotments.
- 1.2 The property is located within a residential cul-de-sac of similar style properties and the surrounding area is suburban in character.

2. Proposal

- 2.1 The application seeks planning permission to demolish the existing property and erect a three-storey building comprising 1 x two bedroom flat and 2 x 3 bedroom flats. The proposed building would have a two-storey form when viewed from Caxton Avenue, albeit with accommodation in the roof space and the scheme takes advantage of the change in levels across the site to achieve an additional basement level of accommodation to the rear of the site. The building would have a contemporary appearance with a double gabled design and staggered building line. The elevations would be finished with a grey cladding system and timber panelling.
- 2.2 The two, three bedroom units are comprised of split level accommodation; both flats are accessed at ground floor level from the front of the building, with living space on the ground floor and bedrooms above. The two-bedroom flat would be located within the lower-ground floor and access to this unit would be in the rear of the building.
- 2.3 Approximately 153 sq.m of communal amenity space would be provided to the rear of the site and all flats would also have access to private inset balconies.
- 2.4 Two off-road car parking spaces are provided to the front of the building with a level approach at street level. Purpose built cycle and refuse storage has been integrated into the design of the proposal.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The application site is not allocated in the current development plan. The Council’s usual requirements for achieving context-sensitive residential design as required by Core Strategy policy CS13 and policies SDP1, SDP7 and SDP9 of the Local Plan are applicable. Applications for new residential dwellings are expected to meet high sustainable construction standards in accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 On June 9th 2010 private residential gardens were excluded from the definition of Previously Developed Land (PDL) in the Government’s Planning Policy Statement

on Housing (PPS3). Also, the requirement to achieve a minimum density of at least 30 dwellings per hectare was removed.

- 3.4 The revised PPS3 maintains that the priority for development should be PDL (Paragraph 36 refers).
- 3.5 The adopted Core Strategy (in Policy CS4 Housing Delivery) indicates that 16,300 additional homes will be provided over the plan period, with 5,750 homes to be provided on allocated and identified sites between April 2009 and March 2014. The figures demonstrate that the city has a housing supply from identified sites sufficient to meet requirements until and beyond 2018/19, without reliance on windfall sites. The change to the definition of PDL, and the Council's current predicted supply, means that the principle of development will now be an issue for new windfall proposals for housing units to be built entirely on private residential gardens (often termed "garden grab").
- 3.6 That said, the revised PPS3 maintains that the planning system should provide "*a flexible, responsive supply of land that is managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate*" (Paragraph 10 refers). The national annual target that "*at least 60 per cent of new housing should be provided on previously developed land*" remains, suggesting that residential development can still take place on other land subject to the local circumstances of each site involved.
- 3.7 It is the view of the Council's Planning Policy Team that the recent changes to PPS3, along with the removal of the national indicative minimum density standards, are not intended to stop all development on private residential gardens. Instead it allows Councils greater powers to resist such development where there is a demonstrable harm to the character and appearance of an area. The judgement as to whether such proposals are acceptable will need to consider, amongst other factors:
- the loss of private residential garden land;
 - the contribution the land currently makes to the character of the area;
 - the impact on the defined character of the area; and,
 - the contribution that the scheme makes to meeting housing need.
- 3.8 The revised PPS3 maintains that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted (Paragraph 13 refers).

4. Relevant Planning History

- 4.1 The proposal is a resubmission of refused application 10/00254/FUL which also sought the redevelopment of the site to provide 1 x two bedroom flat and 2 x 3 bedroom flats. The agent has engaged in pre-application discussions with officers to try and overcome the reasons for refusal. The key differences between the two schemes are listed as follows:
- The depth of the building has been reduced by one metre to improve the relationship with the neighbouring property at 21 Caxton Avenue;
 - The layout has been altered with the entrances to the building relocated away from the boundaries with the neighbouring properties;

- The layout of the front parking area has been amended to include a pedestrian access to the building and to introduce soft landscaping to the frontage;
- An area of hardstanding has been removed from the rear of the site to improve the amount of amenity space proposed and;
- Further soft landscaping has been introduced throughout the site.

4.2 There has also been one other previous planning application in 2007 which looked to extend the existing property to provide two additional dwellings on the site. The details of these applications are set out in **Appendix 2**.

5. Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application, a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners and erecting a site notice (03.03.11). At the time of writing the report **23** representations have been received from surrounding residents including objections from two of the local ward councillors. The following is a summary of the points raised:

5.2 ***The proposal has insufficient car parking proposed which would lead to overspill car parking on the already congested road and the turning circle. The frontage of the site cannot accommodate the two car parking spaces as shown***

Response

The proposal provides the maximum number of car parking spaces permitted in this location. Whilst two vehicles could not pass one another at the site entrance, there is sufficient space to accommodate both parking spaces on the property frontage and allow for pedestrian access between the parking spaces. The proposed parking and access arrangements are therefore considered to be acceptable, and accords with current standards.

5.3 ***The proposal is an over-development of the site***

Response

The level of residential density at 75 dwellings per hectare accords with the density range recommended by the Core Strategy for this location. The level of amenity space to serve the proposed flats is more than double the minimum amenity space standards. Furthermore, parking, access, landscaping and the relevant storage is accommodated in the proposal. It is therefore considered that the level of development proposed is acceptable. The development does exceed 50% of the site area contrary to paragraph 3.9.2 of the Residential Design Guide, however as discussed in paragraph 6.3.2 below, it is difficult to conclude that this in itself is harmful.

5.4 ***The proposed building would be out of keeping with the existing properties within Caxton Avenue***

Response

The proposed development has been designed to respond to the existing context in a contemporary manner and this approach is supported by the Residential Design Guide. The design of the proposed building in relation to the site's context is discussed in more detail at 6.3, below.

5.5 ***The proposal would lead to disruption during the construction process. There are no details of how the construction process would be managed***

Response

Planning conditions are suggested to secure details of how the construction process will be managed before works start. This information would be agreed by both Environmental Health and the Council's Highways officers to ensure that disruption to residents and road users would be minimised.

5.6 *Flats are not in keeping with the surrounding properties*

Response

Since the application proposes less than 10 residential units and the existing property on site is a two-bedroom dwelling, there is no policy requirement to incorporate a family dwelling in this proposal. Planning policies support a mix of types of residential accommodation to create balanced communities and the introduction of flats into an area is not in itself harmful.

5.7 *The proposal does not incorporate sufficient storage for refuse*

Response

Two integral bin and bike stores have been designed to the front of the property to serve the three-bedroom units and a further refuse and cycle store would be provided to the north side elevation of the property, which would serve the lower ground floor flat. The storage facilities are of a sufficient size to accommodate the requisite number of refuse containers.

5.8 *The proposal would lead to a loss of privacy to the neighbouring properties*

Response

The development would primarily take outlook from either the front or rear of the site. A condition is suggested to ensure any windows in the side elevations of the building are either fixed shut and obscurely glazed, or high-level windows to avoid loss of privacy to the neighbouring properties. The balconies to the rear of the site are inset to prevent overlooking from occurring.

5.9 Consultation Responses:-

5.10 **SCC Contaminated Land Team** – No objection. The site may be subject to historic contamination and therefore conditions are recommended to assess the risk and to secure any necessary remediation works.

5.11 **SCC Highways Team** – No objection. Suggests conditions to secure the lay out of the parking and pedestrian access into the site and to minimise disruption during the construction process.

6. Planning Consideration Key Issues

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

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

6.2 Principle of Development

6.2.1 The site comprises a combination of previously developed land and garden land. The principle of the redevelopment of the existing property to provide a more

intensive form of residential development is acceptable, in principle, since the proposal would make efficient use of the site to provide further residential accommodation. The introduction of smaller units of accommodation in this location would contribute towards a mixed and balanced community in accordance with PPS3:Housing.

- 6.2.2 The proposal would also involve the development of approximately 60sq.m of garden land, which has been recently removed from the definition of previously developed land by the recent update to PPS3. PPS3 indicates that the priority for development is previously developed land. However, that is not to say that development on garden land is harmful per se, but rather it needs to be balanced against the impact of the development on the character of the area and other planning policies which require the efficient use of land to provide housing. This is discussed in more detail in 6.3, below.
- 6.2.3 The agents have submitted existing floorplans which demonstrates that the property is a two-bedroom dwelling and as the scheme proposes less than 10 residential units, there is no policy requirement to incorporate family housing into the scheme. As such the second reason for refusal of application 10/00254/FUL should not have formed part of the decision notice. A residential density of 75 dwellings per hectare is proposed which is in accordance with the density requirements of policy CS5 of the Core Strategy for this area of Medium Accessibility to public transport.

6.3 Character and Design

- 6.3.1 The proposal for a contemporary building is in accordance with the Residential Design Guide Supplementary Planning Document which resists pastiche developments and requires new developments to respond to their context in a new and imaginative way, utilising modern materials and construction techniques. The position of the site at the corner of the cul-de-sac also means that the contemporary appearance of the building would not appear unduly prominent within the street scene. Whilst the proposed building would provide three floors of accommodation, when viewed from the street scene, the building would have a 1 storey scale and massing, albeit approximately 1 metre taller to the ridge than the existing dwelling on site and the neighbouring property at 21 Caxton Avenue. However, the manner in which the building is set back from its neighbours combined with the change in levels across the site would ensure that the additional scale would not appear unsympathetic with the surrounding development. The front elevation is well articulated and reflects the double bay fronts of the existing properties in a contemporary manner. The three storey nature of the building at the rear of the site would not be readily visible from public vantage points and would therefore not have a significant impact on the character of the area. Nonetheless, the development has made use of the change in levels to achieve three-storeys to the rear of the site, whilst ensuring that the building has a two-storey form. Other examples of two-storey development and roof accommodation to the rear of properties can be found elsewhere within Caxton Avenue.
- 6.3.2 In terms of the previous reason for refusal, the proposal has omitted an existing area of vehicular hardstanding to the rear of the site to enable a generous rear garden area to be provided. In addition to this, the alteration to the layout incorporates appreciable areas of landscape planting to the front of the site. The previous scheme resulted in building and hardsurfacing occupying approximately 78% of the site area, whilst the current proposal would result in building and

hardsurfacing equating to 54% of the site area. This is slightly more than the degree of site coverage suggested by the Residential Design Guide as being acceptable. However, the landscape setting to the front of the building would soften the appearance of the building and ensure that the site would not appear over-developed when viewed from public vantage points. Furthermore, since many properties in Caxton Avenue have frontage hardstandings and rear outbuildings additions, it is not considered that the degree of site coverage would appear excessive in relation to the character of the area. As such it is considered that the fifth reason for refusing application 10/00254/FUL has been addressed.

6.4 Residential Amenity

- 6.4.1 The main consideration in this respect is the relationship of the proposed building with the immediate neighbours at 21 and 25 Caxton Avenue. Both of the immediate neighbours have been extended previously and have a two-storey scale at the rear. The proposed building would project further to the rear of the site and would be taller when compared with the existing dwelling and neighbouring properties. However, having regard to the angled position of the neighbour at 25 Caxton Avenue, the proposed building would not have a harmful impact on the outlook from this property or impact on the useable amenity space area to this property.
- 6.4.2 In addition to this, the proposed building would be angled away from the boundary with No. 21, giving between a 6 and 9 metre separation between the neighbouring decked amenity area and the proposed building. This separation also ensures that the proposal would not have a harmful impact on the property itself or the remaining garden area. The depth of the building has been reduced which provides an improved level of outlook from a bedroom window of the side of number 21 when compared with the previously refused scheme and the existing situation. As such, it is considered that the first reason for refusal of application 10/00254/FUL has been addressed.

6.5 Residential Standards

- 6.5.1 The level of amenity space proposed is more than double the amenity space standards required by the Residential Design Guide, and a mixture of private and communal space is provided to serve the development. The lower-ground floor would have direct access to this space and the upper floor flats would have access via the communal pathway to the side of the building.
- 6.5.2 The outlook from habitable room windows is considered to be acceptable. The storage needs of the units would be met by the facilities proposed and there would be convenient access from the storage to the public highway. An acceptable pedestrian access can be provided to the site without conflicting with the parked cars. The proposed residential environment is therefore considered to be acceptable.

6.6 Highways and Parking

- 6.6.1 The site lies within an area of Medium Accessibility to public transport and the maximum number of parking spaces permitted by adopted standards would be provided to the front of the site. The alterations to the layout of the proposal ensures that the two car parking spaces can be accommodated to the property frontage whilst allowing for pedestrian access to the building itself. As such, it is considered

that the third reason for refusing application 10/00254/FUL has been addressed.

6.6.2 The proposed cycle and refuse storage has been relocated in the site to provide two integral stores to the front of the building and a further store to the side of the property. All storage would have a level access to the public highway and accordingly the fourth reason for refusal has been addressed.

7. Summary

7.1 The proposed development would make good use of the site to provide additional residential accommodation and has addressed the previous reasons for refusal. The construction of a contemporary development of flats is considered to be acceptable in planning terms.

8. Conclusion

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

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1 (a) (b) (c) (d) 2 (b) (c) (d) 4 (f) 6 (c) (i) 7 (a) (b) (e) (o) 9 (a)

JT for 24/05/11 PROW Panel

PLANNING CONDITIONS

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

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

Reason:

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

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

Notwithstanding the information shown on the approved drawings and application form no development works shall be carried out unless and until a written schedule of external materials and finishes has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, doors and the roof of the proposed buildings. It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site.

Reason:

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

03. APPROVAL CONDITION - Landscaping, lighting & means of enclosure detailed plan [Pre-Commencement Condition]

Notwithstanding the submitted details before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

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

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

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Reason:

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

04. APPROVAL CONDITION - 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.

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

Bin storage shall be laid out with a level approach prior to the first occupation of the

development hereby approved in accordance with the plans hereby approved. The facilities shall include accommodation for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained whilst the building is used for residential purposes.

Reason:

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

06. APPROVAL CONDITION - Cycle Storage [performance condition]

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

Reason:

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

07. APPROVAL CONDITION – Obscure Glazing [performance condition]

The windows in the side elevations above ground floor level shall be glazed using obscure glass and fixed shut up to a height of 1.7 metres from the internal floor level of the property. High level windows hereby approved on the side elevations of the building shall have a cill height of no lower than 1.7 metres from the internal floor level. The fenestration shall be permanently maintained in this condition.

Reason:

In the interests of the privacy of the neighbouring occupiers

08. 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.

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

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement (CMS) for the development. The CMS shall include details of: (a) parking of vehicles of site personnel, operatives and visitors; (b) loading and unloading of plant and materials; (c) storage of plant and materials, including cement mixing and washings, used in constructing the development; (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of

construction and their reinstatement where necessary; (e) measures to be used for the suppression of dust and dirt throughout the course of construction; (f) details of construction vehicles wheel cleaning; and, (g) details of how noise emanating from the site during construction will be mitigated. The approved CMS shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

Reason:

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

10. 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.

11. 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.

12. 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.

13. 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, including at least [the percentage required by core strategy policy CS20] in category Ene1, shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted, unless an otherwise agreed timeframe is agreed in writing by the LPA. The evidence shall take the form of a post construction assessment and certificate as issued by a legitimate Code For Sustainable Homes certification body.

Reason:

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

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

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

and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

Reason:

To reduce the impact of the development on climate change and finite energy resources and to comply with adopted policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

15. APPROVAL CONDITION - Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

For the avoidance of doubt and in the interests of proper planning.

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP22	Contaminated Land
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

PPS1 Delivering Sustainable Development (February 2005)

Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 (December 2007)

PPS3 Housing (November 2006)

Relevant Planning History

07/01384/FUL - Erection of a two-storey rear extension to create an additional 2 x two-bed dwellings with associated parking and storage - Refused 25.10.07

10/00254/FUL - Demolition of existing bungalow and erection of a three-storey building to provide 1 x two-bed flat and 2 x three-bed flats – Refused under delegated authority 04.05.10

The reasons for refusal are listed as follows:

REFUSAL REASON – Impact on Residential Amenity

The proposed development by reason of its degree of rearward projection and height when compared with the existing building on site, would have a harmful impact on the amenities of the occupiers of neighbouring properties. In particular, the proposal would create a sense of enclosure from a bedroom in 21 Caxton Avenue which is served solely by a window in the north side elevation of the property. The proposal would thereby prove contrary to the provisions of policy CS13 of the adopted Southampton Local Development Framework Core Strategy Development Plan Document (January 2010) and policies SDP1, SDP7 and SDP9 of the adopted City of Southampton Local Plan Review (March 2006) and as supported by The Residential Design Guide Supplementary Planning Document (September 2006) (with specific reference to paragraphs 2.2.1 to 2.2.9).

REFUSAL REASON – Residential Environment

The 3 bedroom accommodation within the proposed development would not provide genuine family housing, as defined by local planning policy, since they would not benefit from direct access to private amenity space which is fit for purpose. With the loss of the existing family dwelling on site the proposal would not, therefore, contribute towards a mixed and balanced community or assist the Council with its current housing needs as required by policy CS16 of the adopted Southampton Local Development Framework Core Strategy Development Plan Document (January 2010) and will result in a net loss of family housing.

REFUSAL REASON – Parking and Access

The two parking spaces to the front of the property are not shown to be sufficient size. The Local Planning Authority is not satisfied that the two car parking spaces can be provided in the location shown whilst enabling an adequate pedestrian access to the building and the cycle and refuse stores. As such the proposal would not be in accordance with policies CS13, CS18 and CS19 of the adopted Southampton Local Development Framework Core Strategy Development Plan Document (January 2010) and policies SDP1, SDP4 and SDP5 of the adopted City of Southampton Local Plan Review (2006) and as supported by section 5 of the Council's approved Residential Design Guide Supplementary Planning Document (September 2006).

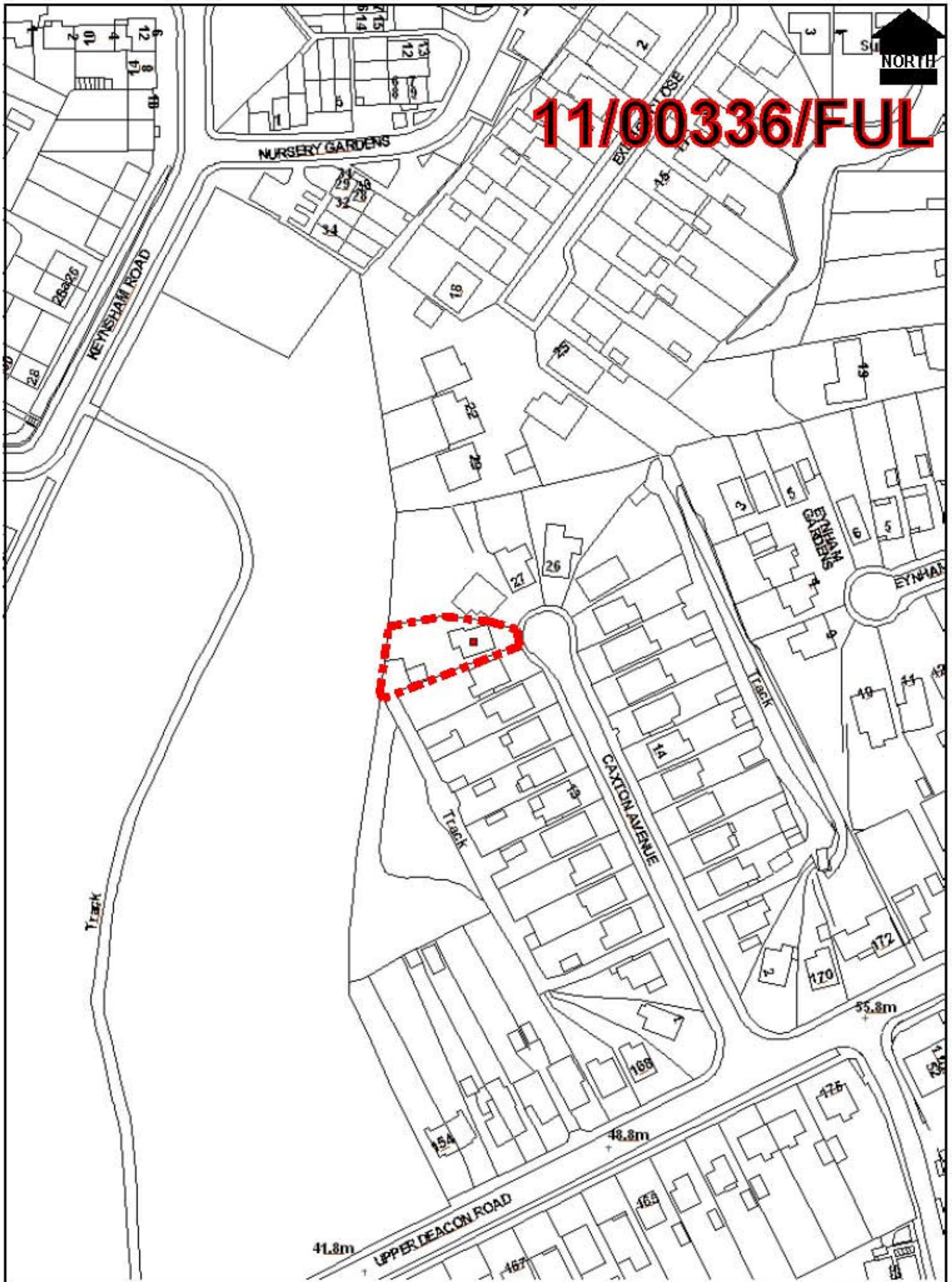
REFUSAL REASON – Location of Cycle and Refuse Storage

The movement of cycles and refuse containers from the storage which serves the lower

ground floor flat to the public highway would be via a flight of steps. This would not be convenient for occupants of the flat and would therefore fail to promote cycling as a sustainable mode of travel to the private car and result in refuse containers being stored on the property frontage which would have a harmful impact on the visual amenity of the street and could further hinder access to the building. The proposal would thereby prove contrary to policies of CS13 of the Southampton Local Development Framework Core Strategy Development Plan Document (January 2010) and policies SDP1 and SDP4 of the adopted City of Southampton Local Plan Review (September 2006) and as supported by paragraphs 5.3.1 to 5.3.4 and section 9 of the Council's approved Residential Design Guide Supplementary Planning Document (September 2006).

REFUSAL REASON: Overdevelopment

The design concerns raised in the above reasons for refusal are symptomatic of a site overdevelopment and, additionally, the proposed layout results in an excessive site coverage (by buildings and hardstanding - including the existing parking area) when compared to the existing building and the character of the existing pattern of development along Caxton Avenue. The development is, therefore, considered as contrary to the provisions of policy CS13 of the adopted Southampton Local Development Framework Core Strategy Development Plan Document (January 2010) and policies SDP7 and SDP9 of the adopted City of Southampton Local Plan Review (March 2006) as supported by relevant sections of the Council's approved Residential Design Guide Supplementary Planning Document (September 2006) (with specific reference to section 3.9).



11/00336/FUL

Scale : 1:1250

Date : 10 May 2011

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Agenda Item 9

**Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 24 May 2011
Planning Application Report of the Planning and Development Manager**

Application address: 8 Shaftesbury Avenue, SO17 1SA			
Proposed development: Rear roof extension with additional windows to provide additional bedroom to existing C4 HMO (House of Multiple Occupancy) resulting in an 8 bedroom HMO.			
Application number	10/00584/FUL	Application type	FUL
Case officer	Mathew Pidgeon	Public speaking time	5 minutes
Last date for determination:	02.07.2010	Ward	Portswood
Reason for Panel Referral	Referred by the Planning & Development Manager	Ward Councillors	Cllr Capozzoli Cllr Claisse Cllr Vinson

Applicant: Posh Pads	Agent: Barclay And Phillips
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Recommendation Summary	Conditionally Approve
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Appendix attached	
1	Development Plan Policies

Recommendation in Full

Conditionally approve

Background: The application seeks to enlarge an existing sui generis House of Multiple Occupancy and has been objected to by a local ward member who requested that should the application be recommended for approval the determination of the application should be made at the Planning and Rights of Way Panel.

The application was initially considered by the Planning and Rights of Way Panel dated 12/04/2011 and was deferred to allow officers to determine the established use of the property. Having carried out further research the following has been identified:

Since the year 2000 the Electoral Register, indicates that the site has not been occupied by 7 occupants at any time other than in the year 2008. When the survey was undertaken in October 2010 there were 8 occupants.

Council tax records indicate that the property was vacant between 16/02/2010 and 01/07/2010 (being exempt from Council Tax) and it is noted that the Council Tax records hold no evidence to suggest that the property has been occupied by more than 6 residents during the past 10 years.

The property has however gained an HMO licence for 7 occupants in 2007 and for 8 occupants in October 2010.

At the time of writing this report the applicant is making enquiries to identify whether there is any evidence (in terms of tenancy agreements) to demonstrate occupancy level of the past ten years.

However, the authorised planning use of the property is a C4 HMO having previously been a C3 dwelling house. At the present time planning permission is not required to alternate between a C3 dwelling house and a C4 HMO lived in by up to 6 people.

Reason for Granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The occupation of this property is not considered likely to result in an unacceptable intensification of activity resulting in a material increase in the level of noise and refuse generated from the site. Other material considerations including the impact on the amenity of adjoining occupiers or the character of the street 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, SDP9 and H4 of the City of Southampton Local Plan Review (March 2006); and CS13 and CS16 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

1.0 The site and its context

- 1.1 The property is one half of a semi detached pair located in an area dominated by Edwardian semi detached family dwelling houses. The property fronts Shaftesbury Avenue with a typically imposing façade and a subservient section to the rear. The property is positioned on the Eastern side of Shaftesbury Avenue towards the end closest to the Portswood Shopping Centre.
- 1.2 The property is located in an area which is popular with student landlords due to the close proximity to the main campus of the University of Southampton.
- 1.3 In February 2010 the roof area of the properties at 8 and 10 Shaftesbury Avenue were subject to a major fire. The application therefore sought to repair damage caused and by altering the shape of the roof increase the number of bedrooms from 7 to 8. The work has now been completed (vacancy lasting approximately 5 months) prior to the decision being made but following the receipt of the planning application.
- 1.4 Owing to the proximity of the road to the University of Southampton (0.5 miles) many of the properties in the road have become Houses of Multiple Occupancy. Having researched the councils HMO Private Sector Housing records along with the Electoral Register 18 properties have been identified as being occupied by three or more unrelated individuals out of a total of 76 residential properties (24%).

2.0 Proposal

- 2.1 The planning application seeks to alter the shape of the roof of the dwelling house and it is noted that the roof profile of the neighbouring dwelling (number 10) has been undertaken in a similar manner.
- 2.2 When the application was submitted the repairs to the fire damage were underway. At the time of writing this report the development had now been completed. The application includes the addition of three windows into the roof of the dwelling. Two of the windows will serve bedrooms and one will serve a bathroom. An additional window is also proposed at first floor level.

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 N/A.

5.0 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application, a publicity exercise in line with department procedures was undertaken, which included notifying adjoining and nearby landowners. At the time of writing the report, **three** letters of representation have been received from surrounding residents including one from a local ward member. The main points raised were:

- Disproportionate development in bulk and size
- Overdevelopment of the site
- Out of character with the area
- Insufficient Parking
- Lack of amenity space
- Over-intensive HM occupation
- Loss of privacy and increased disturbance

- 5.2 **SCC Highways** - No Objection.

- 5.3 **SCC Environmental Health (Pollution & Safety)** – There is no record of any complaints relating to the site; this includes specific noise, parking, litter and/or odour issues in relation to the host dwelling or neighbouring properties.

6.0 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
- i. The principle of development;
 - ii. The impact on character of the host dwelling;
 - iii. The impact on the amenity of the surrounding area; and
 - iv. The adequacy of the living environment for the residents.

6.2 Principle of Development

6.2.1 The application is for an extension to the property and an increase in the number of bedrooms; as a consequence the amount of accommodation provided has increased. The principle of the proposal by increasing the size of the property and the formation of an additional bedroom and bathroom at second floor level is not objected to. There are no policies which directly prevent the proposed form of development taking place in this location as a matter of principle.

6.3 The impact on character of the host dwelling;

6.3.1 The element of the roof which has been enlarged (by raising the eaves and parapet wall height) concerns the rear section and additional alterations include the removal of one of the existing (redundant) chimneys.

6.3.2 The change to the roof profile is considered acceptable in appearance and does not poorly relate to the original building as the adopted design has retained the subordinate nature of the rear section of the building.

6.3.3 The comprehensive development, reflected by the semi-detached partner, helps to ensure that the scheme does not adversely affect the character of the dwelling. The width of the extension is also considered acceptable and the roof extension does not appear top heavy due to the scale of the largest element of the dwelling which fronts Shaftesbury Avenue.

6.3.4 The development adequately respects and maintains the character of the original dwelling.

6.4 The impact on the amenity of the surrounding area

6.4.1 Additional windows can cause overlooking however where concern is raised in regard to overlooking windows can be obscured to prevent loss of privacy. Obscure glazing should therefore be conditioned for the rear facing velux window, the side facing bathroom velux window and the side facing first floor window.

6.4.2 It should be noted that by obscuring the windows as suggested above the habitable rooms which they serve will not become devoid of outlook for there are also windows serving these rooms which will not be obscurely glazed.

6.4.3 The increased level of accommodation for the site, from 7 bedrooms to 8, is not considered to significantly alter the amenity enjoyed by neighbouring occupants; the council have not received any letters of complaints relating to the development or associated activity since the works were completed.

6.5 The adequacy of the living environment for the residents.

6.5.1 The garden area is sufficient (approximately 113.5m²) for the increased occupancy level.

7.0 Conclusion

- 7.1 The extension satisfies the requirements of the Residential Design Guide and has not caused harm to neighbouring amenity. In addition the site is considered large enough to deal with the increased level of occupancy and the design is sympathetic to the character of the property. Since the construction and occupation of the property there have been no recorded complaints submitted to the Environmental Health Team and for these reasons the scheme can be supported.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a), 1(b), 1(c), 1(d), 2(c), 2(e), 4(s), 6(c), 6(l), 7(a),7(c), 7(x), 9(a) and 9(b), and the Residential Design Guide SPD 2006 (MP 12/10/2010 for 26/10/20103PROW Panel).

MP3 for 12/04/2011 PROW Panel

PLANNING CONDITIONS

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

Within 28 days of the date of this decision the window in the southern elevation at second floor level serving the bathroom, the window in the eastern elevation at second floor level serving a bedroom and the window in the southern elevation at first floor level serving a bedroom of the hereby approved development shall be glazed in obscure glass and shall only have a top light opening above a height of 1.7m above the floor level of the room to which it serves. The window as specified shall be installed before the development hereby permitted is first occupied and shall be permanently retained in that form.

Reason:

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

02. APPROVAL CONDITION - Restricted use of flat roof area [Performance Condition]

The roof area of the extension hereby approved which incorporates a flat roof surface shall not be used as a balcony, terrace, roof garden or similar amenity area without the grant of further specific permission from the Local Planning authority.

Reason:

In order to protect the privacy of adjoining occupiers.

POLICY CONTEXT

Core Strategy - (January 2010)

CS13 Fundamentals of Design
CS16 Housing Mix and Type

City of Southampton Local Plan Review – (March 2006)

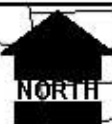
SDP1 Quality of Development
SDP7 Urban Design Context
SDP9 Scale, Massing & Appearance
H4 Houses in Multiple Occupation

Supplementary Planning Guidance

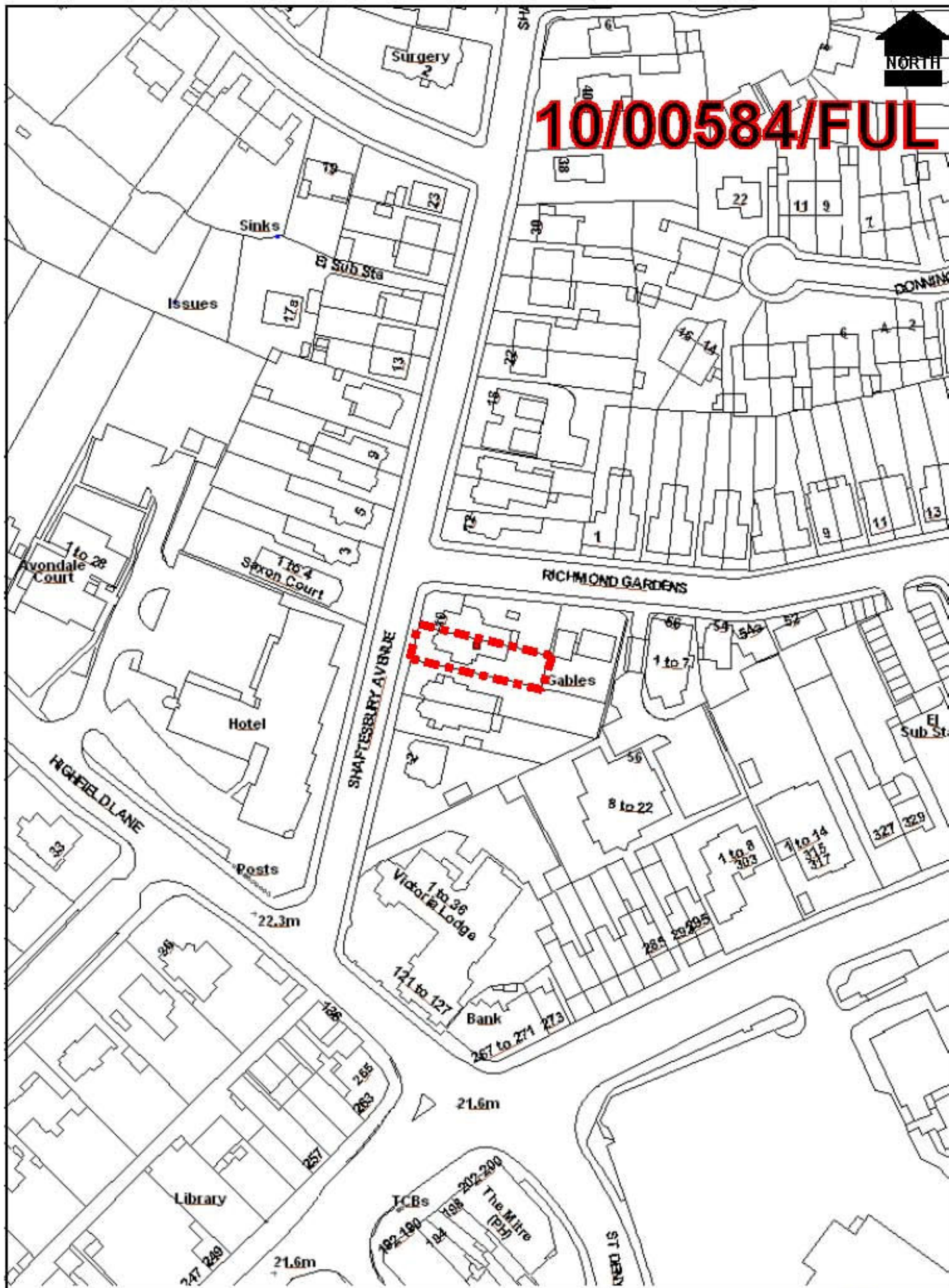
Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

PPS3 Housing



10/00584/FUL



Scale : 1:1250

Date : 10 May 2011

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**Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 24 May 2011
Planning Application report of the Planning and Development Manager**

Application address: 7 Brighton Road, Southampton, SO15 2JJ			
Proposed development: Erection of a single storey rear extension to facilitate change of use of property to an 7 bed HMO (Sui Generis).			
Application number	11/00296/FUL	Application type	FUL
Case officer	Mathew Pidgeon	Public speaking time	5 minutes
Last date for determination:	20.04.2011	Ward	Freemantle
Reason for Panel Referral	Referred by the Planning & Development Manager	Ward Councillors	Cllr Parnell Cllr Moulton Cllr Ball
Applicant: Mr Floyd Barnes		Agent: Mr Paul Bulkeley	
Recommendation Summary	Conditionally Approve		
Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally approve

Reason for Panel Referral: The application is seeking to enlarge an existing property in order to create a seven bed House of Multiple Occupancy which has been objected to by a local ward member who has requested that should the application be recommended for approval the determination of the application should be made at the Planning and Rights of Way Panel.

Reason for Granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The occupation of this property is not considered likely to result in an unacceptable intensification of activity resulting in a material increase in the level of noise and refuse generated from the site. Other material considerations including the impact on the amenity of adjoining occupiers or the character of the street 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, SDP9 and H4 of the City of Southampton Local Plan Review (March 2006); and CS13 and CS16 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

1.0 The site and its context

- 1.1 The property is a semi-detached dwelling house located in Brighton Road which is characterised by semi detached dwellings with hipped roofs and bay window features. The property is positioned on the Northern side of the road. To the rear of the property there is a two storey projection, the depth of projection is 2.5m at first floor and 4.5m at ground floor. The width of both elements is 4.4m and the extension is 1.8m from the boundary of the property with the neighbour at number 8 Brighton Road.
- 1.2 The property is located in an area which is popular with student landlords due to the close proximity to the main campus of Solent University.
- 1.3 Records held by the Private Sector Housing Team do not hold any evidence to suggest that the application site has been used as a House of Multiple Occupancy in the past. Council tax records indicate that the site has previously been used as a family dwelling house in the same ownership between 1994 and 2011 and it is noted that a single person discount was granted for the property between February 2009 and April 2010. The electoral register states that the property has had no more than 2 occupants during the past ten years.
- 1.4 Owing to the proximity of the road to Solent University (0.75 miles) many of the properties in the road have become Houses of Multiple Occupancy. Having researched the councils HMO Private Sector Housing records along with the Electoral Register 15 properties have been identified as being occupied by three or more unrelated individuals out of a total of 23 residential properties (65%).

2.0 Proposal

- 2.1 The planning application seeks to extend the dwelling house so that additional communal space can be formed.
- 2.2 The applicant proposes a ground floor extension only. The single storey extension would add 3m to the depth of the property. The flank wall adjacent to number 8 Brighton Road would be extended to the rear so that the extension would become no closer to the neighbouring property than it is at present. The extension would be 5.5m wide and therefore would be 1.2m wider than the existing rear projection. The result will be to partially obscure the view to the rear which one of the host dwellings habitable

windows currently enjoy.

- 2.3 As a result of the development there would be approximately 94m² of amenity space remaining.

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 N/A.

5.0 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application, a publicity exercise in line with department procedures was undertaken, which included notifying adjoining and nearby landowners. At the time of writing the report, **seven letters of representation** have been received from surrounding residents and letters of objection have been received from **two local ward members**.

Summary of objections:

- Small Road which is already under pressure for from the number of occupants and visitors.
- Shortage of family properties in the area.
- Potential increase in noise generated in the evening.
- Misuse of wheelie bins.
- Parking pressure.
- Increased burglaries.
- Loitering of strange people.
- Increased volume of waste.
- Rear extension is considered overdevelopment and unsightly.
- No off street parking.

Response: Please refer to Section 6.0 for a discussion which covers the above issues.

- 5.2 **SCC Highways** - Although the proposed use of this development may generate more trips, the local on street parking facilities are heavily restricted with parking permits zones and double yellow lines. Brighton Road is filled with parking permit bays and double yellow lines, with no 1

hour parking areas, and is effective through 8am-6pm. Because of the parking restrictions and that the proposed HMO will still be classed as one address, the entire site will only get one parking permit.

5.3 **Southern Water** – The development would be built upon a public sewer and therefore prior to commencement (should planning permission be granted) the development must advise the Local planning Authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewer.

5.4 **Private Sector Housing** – No objection.

6.0 Planning Consideration Key Issues

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

- i. The principle of development;
- ii. The impact on character of the host dwelling;
- iii. The impact on the amenity of the surrounding area; and
- iv. The adequacy of the living environment for the residents.

6.2 Principle of Development

6.2.1 The application is for an extension to the property and an increase in the number of bedrooms; as a consequence the amount of accommodation provided will be increased. There is no current policy objection in principle to extending the property or increasing the number of potential occupants. The proposal must therefore be judged in terms of its potential impact due to the physical characteristics of the extension and the increased level of occupation.

6.2.2 The change of use to sui generis HMO is not considered to be the loss of a family dwelling house and as such is not contrary to policy CS16 as the property is not being altered in a physical manner which would prevent the property from being used as a family dwelling house (C3 use) at any time in the future, as such there is no loss of a family unit in policy terms.

6.3 The impact on character of the host dwelling;

6.3.1 The change to the rear is considered acceptable in appearance and does not poorly relate to the original building as the adopted design has ensured harmony with the original design of the building, incorporating a shallow pitched roof.

6.3.2 The width of the extension is also considered acceptable as is the scale

and degree of projection.

- 6.3.4 The development adequately respects and maintains the character of the original dwelling.

6.4 The impact on the amenity of the surrounding area

- 6.4.1 The proposed extension is at ground floor level, overlooking of neighbouring gardens will not be caused due to the boundary treatment which exists on site. The incorporation of roof lights will not result in loss of neighbouring privacy.
- 6.4.2 The increased level of accommodation for the site, from a family dwelling house to a House of Multiple Occupation of 7 bedrooms (sui generis use) is not considered to significantly alter the amenity enjoyed by neighbouring occupants; it is noted that the applicant could, at present, convert the property without planning permission to a 6 bed House of Multiple Occupation. The additional harm generated by one additional occupant, provided the household behave considerably, is considered to be negligible in this case. On balance the link between additional noise, refuse and disturbance to neighbours caused by the additional occupant is tenuous.
- 6.4.3 An increased number of occupants in a property cannot be directly linked to increased burglaries or the loitering of strange people as suggested in letters of representation, as such it would be unreasonable to refuse an application on these grounds.
- 6.4.4 Again, the misuse of wheelie bins is a matter related to the behaviour of occupants rather than the number of people occupying a property.
- 6.4.5 Parking permits are required for the parking of vehicles in the street between the hours of 08.00 – 18.00 and it is noted that there are no temporary parking bays in the street. Upon reflection it is considered unlikely that parking pressure will be significantly increased as the property will not be allocated any additional parking permits. Confirmation has been received from the Highways Development Management Team who state that where there is a single postal address for a dwelling only one permit will be allocated. Therefore there will be no change to the parking allocation for the site as a result of the change of use. Furthermore it is unlikely that the change of use will increase parking in the area during the evening as that would require residents to move their vehicles on a daily basis.

6.5 The adequacy of the living environment for the residents.

6.5.1 The garden area is sufficient (approximately 94m²) for the increased occupancy level and the outlook obscured by the extension to the rear is not deemed to be significant enough to justify refusal given that outlook can be achieved, albeit at a slight angle. It should be noted that the extension is at least 2.3m away.

7.0 Conclusion

7.1 The extension satisfies the requirements of the Residential Design Guide and would not cause harm to neighbouring amenity. In addition the site is considered large enough to deal with the increased level of occupancy and the design is sympathetic to the character of the property; and for these reasons the scheme can be supported.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a), 1(b), 1(c), 1(d), 2(c), 2(e), 4(s), 6(c), 6(l), 7(a), 7(c), 7(x), 9(a) and 9(b), and the Residential Design Guide SPD 2006 (MP 12/10/2010 for 26/10/20103PROW Panel).

MP3 for 12/04/2011 PROW Panel

PLANNING CONDITIONS

CONDITIONS for 11/00296/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 - Materials to match [Performance Condition]

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

Reason:

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

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

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

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

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

And at no time on Sundays and recognised public holidays.

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

Reason:

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

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

No work shall be carried out on site unless and until provision is available within the site 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.

05. 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

06. APPROVAL CONDITION - Approved Plans

The development hereby permitted shall be carried out in accordance with the

approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

For the avoidance of doubt and in the interests of proper planning.

Note to Applicant

1. The applicant's attention is also drawn to the approved use of the property as a 7 bed HMO (sui generis). In the event that more than 7 people reside at the address a material change of use will have occurred and a further planning application will be required.

POLICY CONTEXT

Core Strategy - (January 2010)

CS13 Fundamentals of Design
CS16 Housing Mix and Type

City of Southampton Local Plan Review – (March 2006)

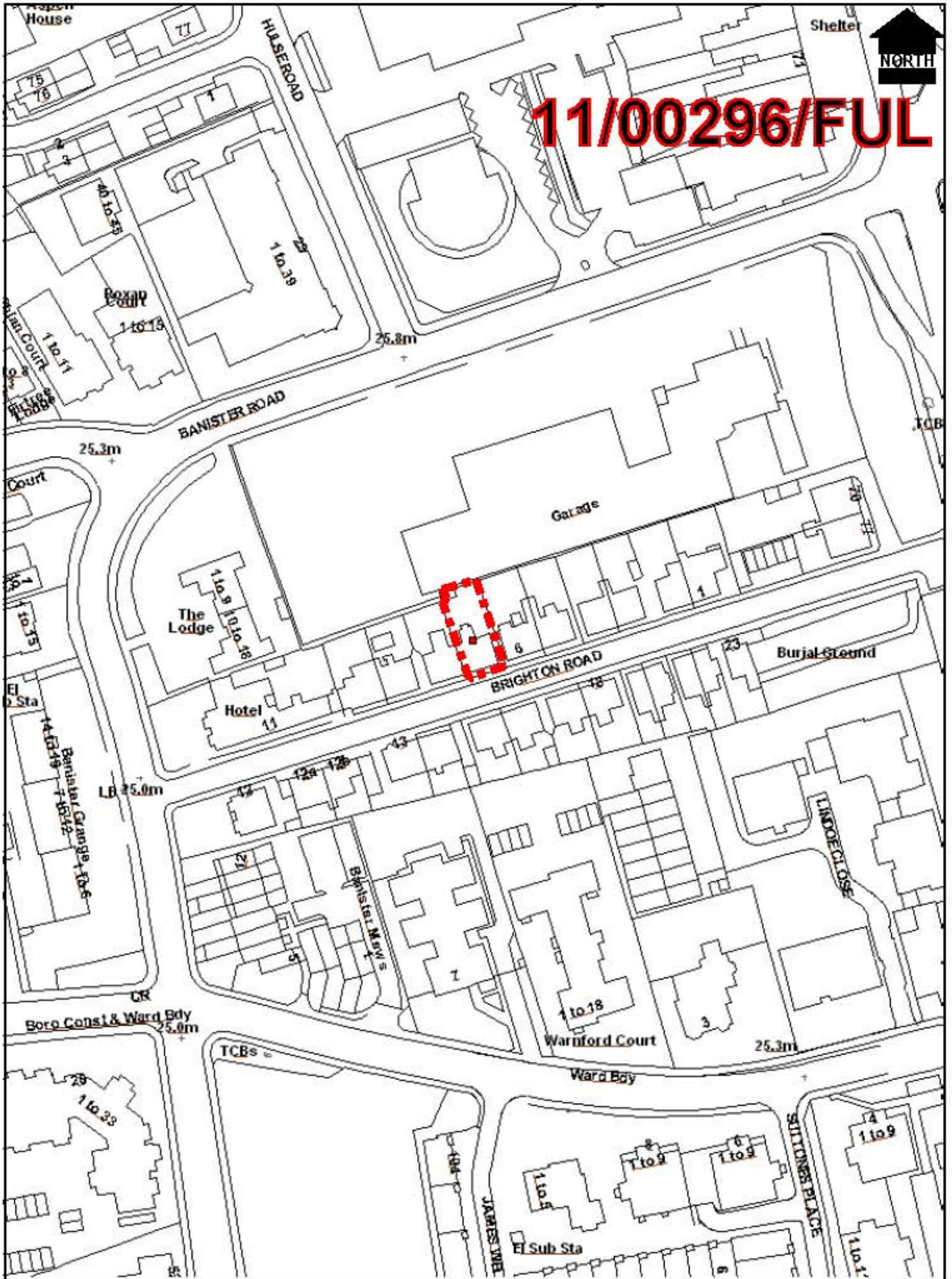
SDP1 Quality of Development
SDP7 Urban Design Context
SDP9 Scale, Massing & Appearance
H4 Houses in Multiple Occupation

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

PPS3 Housing



11/00296/FUL



Scale: 1:1250

Date: 10 May 2011

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**Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 24 May 2011
Planning Application report of the Planning and Development Manager**

Application address: 32 Highfield Road SO17 1PJ			
Proposed development: Two-Storey side extension and loft conversion with north and south facing dormer windows.			
Application number	11/00493/FUL	Application type	FUL
Case officer	Jagdeep Birk	Public speaking time	5 mins
Last date for determination:	20 May 2011	Ward	Portswood
Reason for Panel Referral:	Referred by the Planning & Development Manager	Ward Councillors	Cllr Vinson Cllr Claisse Cllr Capozzoli
Applicant: Mr & Mrs S Salimi		Agent:	
Recommendation Summary	Conditionally approve		

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The proposed extension is not considered to be harmful to the appearance of the host dwelling nor harmful to the character of the surrounding area. Furthermore, no harm would result to the amenities of the neighbouring occupiers. 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 CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 The application site is located within an attractive well landscaped, predominantly residential road characterised by traditionally designed two storey properties comprising a varying mix and style.
- 1.2 Southampton Common lies immediately to the west of the site on the opposite side of the road. However, the property is not within a conservation area.
- 1.3 The property is a detached dwelling set on a long narrow plot, set well back from the street edge by the drive way. The property is individual in style and has many attractive architectural features including a turret and gables.

2.0 Proposal

- 2.1 It is proposed to provide additional living accommodation through the erection of a two-storey side extension and loft conversion with north and south facing dormer windows. There is no increase to the current building footprint. The extension is set back 12m from the front building line and will replace an existing single storey element.

3.0 Relevant Planning Policy

- 3.1 The Development Plans for Southampton comprise of 'saved' policies from the City of Southampton Local Plan Review 2006 and the Core Strategy 2010.
- 3.2 Policies generally seek to safeguard the amenity of the city and its citizens, achieving high quality design, to integrate into the local context, in terms of the scale, massing and appearance of proposals.
- 3.3 These aspirations are supported by the guidance in the Council's Residential Design Guide. Section 2 of the Guide sets out standards for extensions to existing homes, to ensure that the access to natural light, outlook and privacy for existing occupants and their neighbours is protected (paragraph 2.2.1 - 2.2.23 refers). Furthermore, paragraph 2.2.3 specifies that the best way of ensuring privacy between houses is to avoid windows to habitable rooms (living room, dining room, kitchen, bedroom) directly facing one another. The guidance in paragraph 2.2.3 under paragraphs 2.3.1 - 2.3.5 seeks the design of extensions to be subordinate to the original dwelling, and to respect the character and rhythm of the street.

4.0 Relevant Planning History

4.1 Planning application 11/00008/FUL was refused for a two storey side extension in March 2011. The original scheme sought to introduce a contemporary design to the property and was refused primarily as the design, proposed materials and finish were deemed unsympathetic to the original dwelling (refer to appendix 2 for details). A secondary element to the refusal was that, the new windows to the extension would have resulted in direct overlooking of the private amenity space of 1 Omdurman Road.

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 **6** representations have been received from surrounding residents. The concerns raised in the representations are summarised below:

- unsympathetic to the existing dwelling and harmful to the character of the area
- design of the windows and dormers are out of keeping
- roof form and pitch does not relate to the original design of the dwelling
- windows and dormers proposed result in a loss of privacy to neighbouring occupiers
- insufficient number of amenity facilities and inadequate internal floorspace of new rooms once the dwelling is extended
- overdevelopment of the property in terms of amenity space

6.0 Planning Consideration Key Issues

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

- i. Impact on the character of the area;
- ii. Impact on residential amenity.

6.2 Impact on the character of the area

6.2.1 Properties along Highfield Road vary in style and design. The property is not located in a conservation area and therefore not afforded the same status level of protection as a property in a conservation area. As the original dwelling is considerably set back from the street within its narrow plot there will only be limited views of the extension.

6.2.2 In relation to the proposal under application 11/00008/FUL, the design is

considered to be a significant improvement through lessening the bulk of the dormers on the south and north roof slope, whilst using more traditional materials which relates to the style of the property.

- 6.2.3 Although the dormer windows are flat roofed in design, the size of the dormers is much less bulky than the previous application. Furthermore, there would be a limited view of the dormers from the street due to their considerable set back from the front building line, as well as screening from other physical and built features in and surrounding the plot.
- 6.2.4 Although a flat roof is proposed for the extension, this will not be overly noticeable from the streetscene or out of keeping with the varied style of the property. A hipped roof is proposed for the two storey extension which will match the pitch of the existing roof, with a ridge height is set lower than that of the existing dwelling to appear subordinate in size.
- 6.2.5 The design and form of scale and massing of the proposed extension is considered to harmonise and appear subordinate with the appearance of the original dwelling. The footprint of the proposed extension will remain in the existing building envelope of the dwelling. The materials and finishes to be used for construction of the extension will be sympathetic to the original dwelling and blend in with the street scene.
- 6.2.6 As such the proposal is judged to be in keeping with the character of the local area and therefore have an acceptable impact on visual amenity.

6.3 Impact on residential amenity

- 6.3.1 The layout of the proposed two storey extension will replace the existing single storey building on the south elevation adjacent to 1 Highfield Road, and will be no greater than the footprint of the existing dwelling. The north facing kitchen window at 1 Highfield Road is obscured glazed and does not serve as a primary window and therefore the impact from the proposed extension will not significantly worsen the outlook and daylight of the neighbouring occupiers.
- 6.3.2 There will be no direct overlooking afforded of habitable rooms or the private amenity of 1 Highfield Road due to the siting of the proposed dormers on the south roof slope. A high cill level window (1.7 metres above floor level) on the west elevation has been introduced, which prevents direct overlooking of the private amenity space of 3 Omdurman Road and 1 Highfield Road. The proposed dormer window on the north elevation facing onto 33 Highfield Road will be obscure glazed and fixed shut. Therefore, the proposal will not significantly worsen the privacy enjoyed by the neighbouring occupiers.

- 6.3.3 The proposal will not result in the loss of amenity space as the built footprint of the proposed extension will remain within the building envelope of the existing dwelling. The Council does not have a standard for minimum floorspace of habitable rooms nor minimum number of amenity facilities to be provided for a family dwelling.
- 6.3.4 As such the proposal is judged to have an acceptable impact on residential amenity.

7.0 Summary

- 7.1 The proposal is considered to address the reasons for refusal under application 11/0008/FUL and is judged not be harmful to the surrounding character and amenity of the local area.

8.0 Conclusion

- 8.1 The application has been assessed as being acceptable to residential amenity and visual amenity. The application is recommended for approval.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a), 1(b), 1(c), 1(d), 2(c), 2(e), 6(c), 6(l), 7(a), 7(c), 9(a), 9(b)

JB for 24/05/11 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 - Samples details of building materials to be used [Pre-Commencement Condition]

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

Reason:

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

03. APPROVAL CONDITION - 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 development hereby permitted, all windows at first floor level or above on the north facing roof slope shall be non-opening and fitted with obscure or tinted glass. 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.

04. APPROVAL CONDITION - Window specification limitation

The window at first floor level serving the library inserted in the elevation facing west shall be constructed at a minimum clear height of 1.7m above floor level.

Reason:

To protect the amenity and privacy of the adjoining residential properties.

05. APPROVAL CONDITION - Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

For the avoidance of doubt and in the interests of proper planning.

Application 11/00493/FUL

APPENDIX 1

POLICY CONTEXT

Core Strategy - (January 2010)

CS13 Fundamentals of Design

City of Southampton Local Plan Review – (March 2006)

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

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

PPS1 Delivering Sustainable Development (February 2005)
PPS3 Housing (November 2006)

PLANNING HISTORY

11/00008/FUL
18.02.2011

Refused

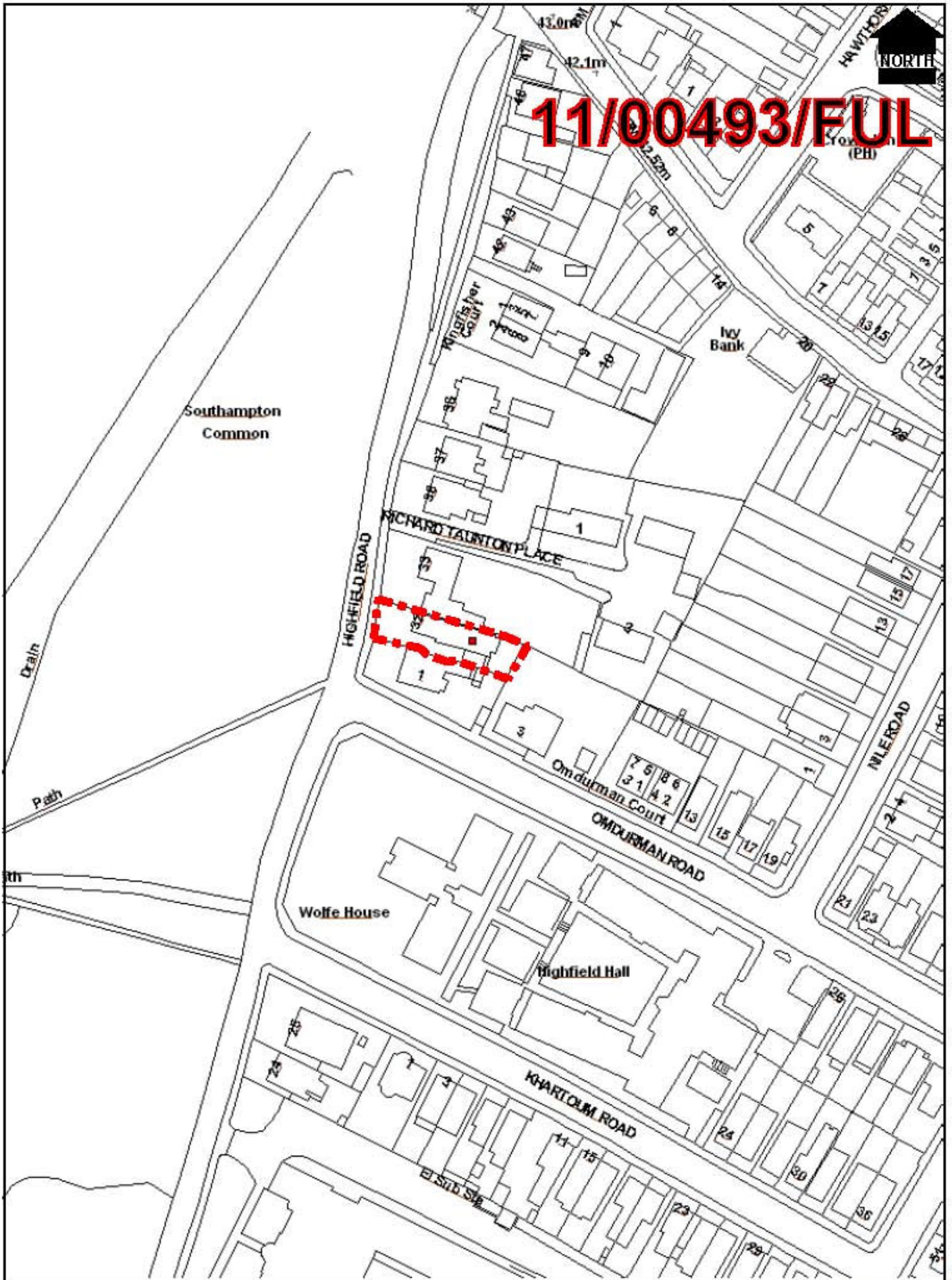
Erection of part-1, part 2-storey side extension and loft conversion to include north and south facing dormer windows.

REASON FOR REFUSAL - Design and form

Notwithstanding the limited public views of the extension from Highfield Road, the detailed design and form of the proposed extension including the materials and finish represents an unsympathetic and incongruous addition to the character and appearance of the original dwelling and therefore be harmful to the visual amenities of the local area. As such the proposal would be contrary to saved policy 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) as supported by paragraphs 2.5.5 of the Council's approved Residential Design Guide (September 2006).

REASON FOR REFUSAL - Loss of privacy

The proposed extension would introduce first floor windows to the rear in close proximity to the private amenity space of 1 Omdurman Road immediately adjacent to the common boundary, resulting in an increased sense of overlooking and loss of privacy to the neighbouring occupiers. As such the proposal would have an unacceptable impact on residential amenity and therefore be contrary to saved policy SDP1 of the Local Plan Review (March 2006) as supported by paragraph 2.2.1 of the Council's approved Residential Design Guide (September 2006).



11/00493/FUL



Scale: 1:1250

Date: 10 May 2011

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Agenda Item 12

**Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 24th May 2011
Planning Application report of the Planning and Development Manager**

Application address: 2 Hartley Avenue SO17 3QZ			
Proposed development: Single Storey Rear Extension And First Floor Side Extension.			
Application number	11/00394/FUL	Application type	FUL
Case officer	Arleta Miszewska	Public speaking time	5 minutes
Last date for determination:	5/05/2011	Ward	Portswood
Reason for Panel Referral:	Referred by the Development Control Manager	Ward Councillors	Councillor Capozzoli Councillor Vinson Councillor Claisse

Applicant: Mr and Mrs Purewal	Agent: Mr Robert Narramore
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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. Other material considerations including impact on appearance of the host dwelling, character and appearance of the area and residential amenities in terms of a loss of privacy, outlook and overshadowing 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 CS13 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 The site comprises of two-storey detached property located on the eastern side of Hartley Avenue, which is residential area comprising a mix of family dwelling houses and houses in multiple occupation (HMO).
- 1.2 The site lies within close proximity to the University.

2. Proposal

- 2.1 Single storey rear extension and first floor side extension.

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 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 **5** representations have been received from surrounding residents, residents association and a local ward councillor.
- 5.2 Listed below is a summary of the issues raised by the objectors to the scheme:
 - Out of keeping with other properties in the road.
 - Potential for an HMO complex to be formed which would add significantly to the current pressure and will alter the character of the area
 - Parking pressure.
 - Loss of light to the adjoining properties.
 - Disproportionate development in bulk and size.
 - Overdevelopment of the site.
 - Loss of amenity.
 - Loss of outlook.
 - Overlooking of gardens of houses in Merton Road.
 - Front garden will potentially be changed into car park.
 - Loss of habitats and species.
 - Detrimental to well-being of local residents.
- 5.3 **SCC Highways** – no objection.

6.0 Planning Consideration Key Issues

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

6.2 Principle of Development

- 6.2.1 The scheme involves a proposal to extend the property by first floor side extension and single storey rear extension.
- 6.2.2 The proposed first floor extension would enable the enlargement of an existing bedroom. The proposed single storey rear extension would accommodate kitchen, WC and an additional bedroom. As a result the number of bedrooms would be increased from four to five.

6.3 Impact on character and appearance of the local area.

- 6.3.1 The proposed scheme is similar to previously granted schemes at Nos. 4 and 6 Hartley Avenue. When viewed from a public highway, fronts of both properties look almost identical. The proposed scheme would match these in appearance and scale.
- 6.3.2 As the space between the application site and no. 46 Blenheim Gardens has already been developed, the proposed rear extension would have very limited visual impact from the public highway and would not harm the appearance of the street scene.

6.4 Impact on residential amenities.

- 6.4.1 Impact on 2A Hartley Avenue: The proposed first floor side extension would face a blank side wall of this property, and therefore, it would not result in a harmful impact on the residential amenities of the neighbours. As this property projects further than the application property, the proposed rear extension would not contravene the 45 degree rule, and therefore there would be no loss of outlook. Furthermore, from the movements of the sun it is clear that the extension would not cause overshadowing to this neighbouring property.
- 6.4.2 Impact on Properties to the rear of application site: The proposed development would not cause a loss of privacy to these properties as it would not result in an increase of the number of first floor windows. Furthermore, due to the existing boundary treatment in a form of wooden panel fencing, there would be no loss of privacy caused by the proposed single storey rear extension.
- 6.4.3 Impact on 4 Hartley Avenue: Building works resulting in a single storey rear extension similar to the proposed one have already started. Furthermore, from the approved plans (10/00497/FUL) it is clear that the existing shed adjoining the common boundary with the application site will be retained. This shed is approx. 6m long and its eaves height is approx. 2.2m. As such, the proposed extension would not harm residential amenities of the current and future occupiers of this neighbouring property, in terms of overshadowing, loss of privacy and outlook.

6.5 Amenity space

- 6.5.1 As the proposed extension would replace existing rear extensions and detached shed, the real additional footprint would be approx. 12.5 square metres. The existing rear garden is approx 180 square metres, and therefore, it is considered that the extension would leave enough of usable amenity space.

7.0 Conclusion

7.1 The proposed extension satisfies the requirements of the Residential Design Guide and will not cause harm to neighbouring amenity or character and appearance of the local area. For these reasons the scheme can be supported.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

[1(a), 1(b), 1(c), 1(d), 2(c), 2(e), 4(s), 6(c), 6(l), 7(a),7(c), 7(x), 9(a) and 9(b), and the Residential Design Guide SPD 2006

LSAM4 for 24/05/2011 PROW Panel.

PLANNING CONDITIONS

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

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

Reason:

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

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

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

Reason:

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

3. APPROVAL CONDITION - Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

For the avoidance of doubt and in the interests of proper planning.

8. POLICY CONTEXT

9.1 Core Strategy - (January 2010)

9.1.1 CS13 Fundamentals of Design

9.2 City of Southampton Local Plan Review – (March 2006)

9.2 .1 SDP1 Quality of Development

9.2 .2 SDP7 Urban Design Context

9.2 .3 SDP9 Scale, Massing & Appearance

9.3 Supplementary Planning Guidance

9.3.1 Residential Design Guide (Approved - September 2006)

9.4 Other Relevant Guidance

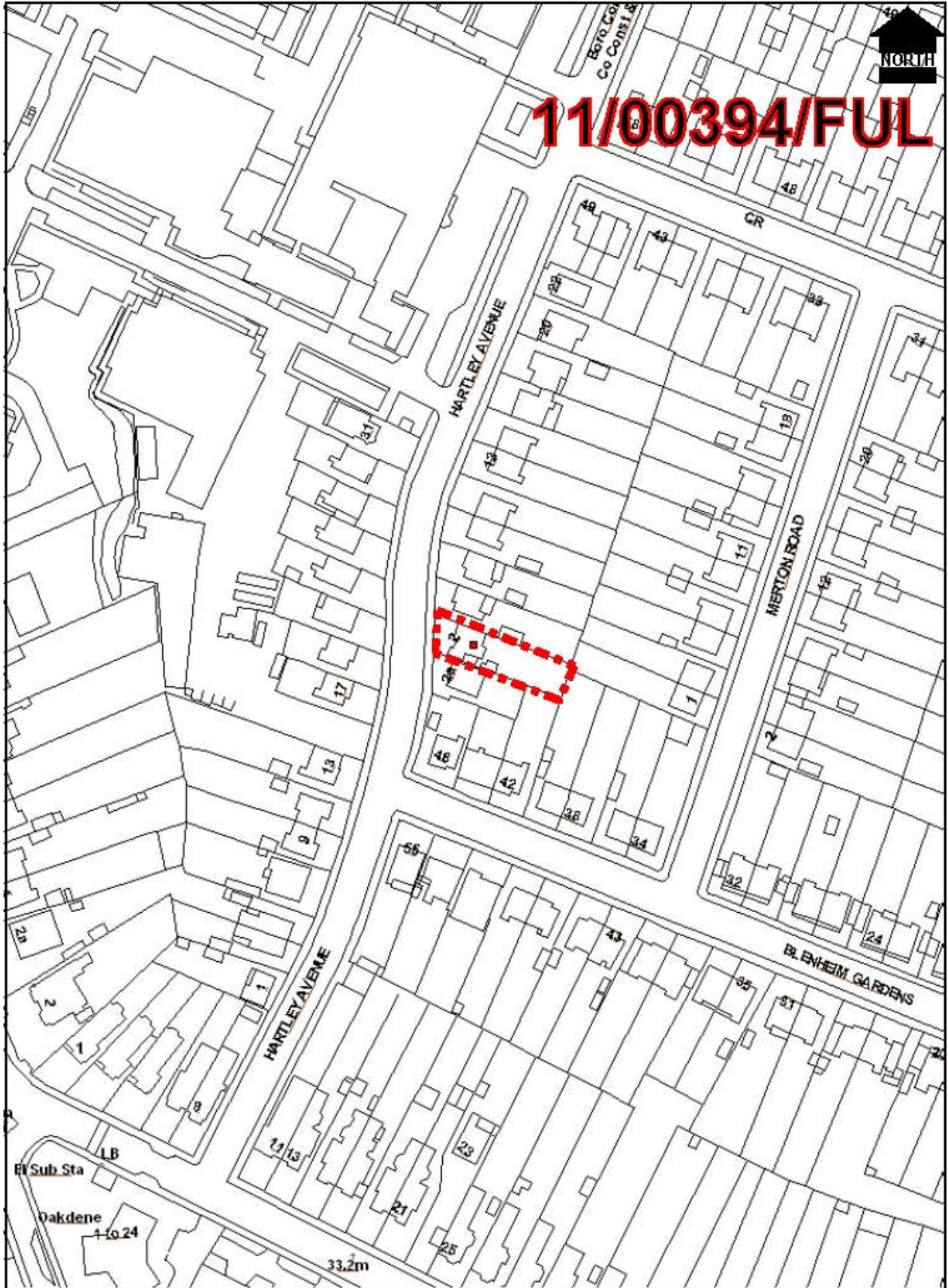
9.4.1 PPS1 Delivering Sustainable Development (February 2005)

9.4.2 Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 (December 2007)

9.4.3 Planning Policy Statement: Eco-towns - Supplement to Planning Policy Statement 1 (July 2009).



11/00394/FUL



Scale : 1:1250

Date : 10 May 2011

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**Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 24th May 2011
Planning Application report of the Planning and Development Manager**

Application address: 137 Wilton Road			
Proposed development: Single Storey Rear Extension			
Application number	11/00450/FUL	Application type	FUL
Case officer	Stephen Harrison	Public speaking time	5 minutes
Last date for determination:	13.05.11	Ward	Shirley
Reason for Panel Referral:	Council Employee known to Planning	Ward Councillors	Cllr Kaur Cllr Matthews Cllr Mead

Applicant: Mrs Karen Hunter	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. The proposed rear extension is acceptable in visual terms and will not have any significant impact on existing neighbours as detailed in the report to the Planning and Rights of Way Panel on 24th May 2011. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 Planning Permission should therefore be granted.

Policies - SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the Council's current adopted Supplementary Planning Guidance.

Recommendation in Full

Conditionally approve

1. The site and its context

- 1.1 The application site is a two storey detached dwelling house with a large rear garden located on the western side of Wilton Road.

2. Proposal

- 2.1 Full planning permission is sought for a flat roof single storey rear extension with a 4 metre projection. An additional 16sq.m of floorspace is created. The extension exceeds the building's permitted development allowances.

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 SDP1 and SDP7 as supported by the Council's approved Residential Design Guide (2006)

4.0 Relevant Planning History

- 4.1 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. At the time of writing the report **0 representations** have been received from surrounding residents.

6.0 Planning Consideration Key Issues

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

- Design; and
- The impact on existing residential amenity;

Design

- 6.1 The proposed kitchen extension is subservient in design and employs contemporary materials with matching brickwork. The chosen design is entirely appropriate for this context and the dwelling will retain a good sized garden. As such, the proposed design is considered to meet the requirements of Local Plan policies SDP1 and SDP7 as supported by section 2.3 of the Council's approved Residential Design Guide.

Impact on Residential Amenity

- 6.2 The proposed extension is located on the boundary with 139 Wilton Road. As the extension is located to the north of this neighbour and has a maximum height of 2.8 metres the application will not have a significant effect on the living conditions of this neighbour.

7.0 CONCLUSION

- 7.1 The proposed extension is acceptable in design terms and will not impact on the existing amenity enjoyed by neighbours. The application is recommended for approval accordingly.

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

1 a-d, 2b & d

SH2 for 24/05/2011 P&RWP

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 - Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

For the avoidance of doubt and in the interests of proper planning.



11/00450/FUL

Scale : 1:1250

Date : 11 May 2011

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Agenda Item 14

DECISION-MAKER:	PLANNING AND RIGHTS OF WAY PANEL		
SUBJECT:	ADDITIONAL TREE REMOVAL AT THE AT THE ROMSEY ROAD/WIMPSON LANE JUNCTION		
DATE OF DECISION:	24 MAY 2011		
REPORT OF:	HEAD OF NEIGHBOURHOOD SERVICES		
AUTHOR:	Name:	Mike Harris	Tel: 023 8083 3422
	E-mail:	Mike.p.harris@southampton.gov.uk	
STATEMENT OF CONFIDENTIALITY			
None.			

SUMMARY

The 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.

Subsequent to the Panel's earlier approval, on the 28th September 2010, for the removal of 10 trees and their replacement on a "2 for 1" basis, it has recently come to light that the scheme requires the removal of an additional sycamore tree.

RECOMMENDATIONS:

- (i) To allow the removal of an additional sycamore tree to enable the road widening scheme.
- (ii) To provide "2 for 1" tree replacement in the adjacent area. Replacement tree species, size and location to be agreed with a Senior Tree Officer.

REASONS FOR REPORT RECOMMENDATIONS

- 1 To allow the scheme to be completed to the required design.

CONSULTATION

- 2 Tony Chapman of ADL Engineering, the company carrying out the road improvement scheme on behalf of Kier, has commented.

"We have looked at the possibility of modifying the design to avoid this tree but this would require significant alterations to the drawings that have been approved by highways. I think that the required alterations would result in a reduction in capacity of the junction with increased queuing and congestion at peak times and I also think that the alternative layout would be poorer in highway safety terms.

On this basis I would be grateful if you would include the removal of this tree on the agenda for the April meeting of the Planning Panel. Obviously we would expect to provide replacement trees on a two for one basis as set out in the S278 Agreement that is currently being prepared.

Subject to Panel approval we would remove the tree when the main highway works are carried out later in the year.”

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

3 None provided.

DETAIL

4 The ongoing 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 and Parking Services to cope with the anticipated increase in post-development traffic.

5 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.

6 Following the accurate marking out of the site it became apparent that an additional 10 metre tall sycamore tree along the southern margin of the scheme would need to be removed to allow the agreed design to be completed. The tree and its location are shown in Appendix 1.

7 The two replacement trees could be accommodated on nearby council land in Thorndike Road.

8 If the Panel approves the author’s recommendation for the removal of the additional sycamore then the section 278 agreement can be amended and the costs for removing the trees and providing replacement planting agreed with Kier.

FINANCIAL/RESOURCE IMPLICATIONS

Capital

9 None.

Revenue

10 None.

Property

11 None.

Other

12 None.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

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

Other Legal Implications:

14 If consent to remove the tree is refused then the developer will either, not be

able to undertake the agreed 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

15 None.

SUPPORTING DOCUMENTATION

Appendices

1	Photograph of tree and location map
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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.	Planning application S 106 agreement	
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Background documents available for inspection at:

FORWARD PLAN No:

KEY DECISION?

NO

WARDS/COMMUNITIES AFFECTED:	Redbridge, Millbrook and Shirley wards. Woodside Lodge social service site.
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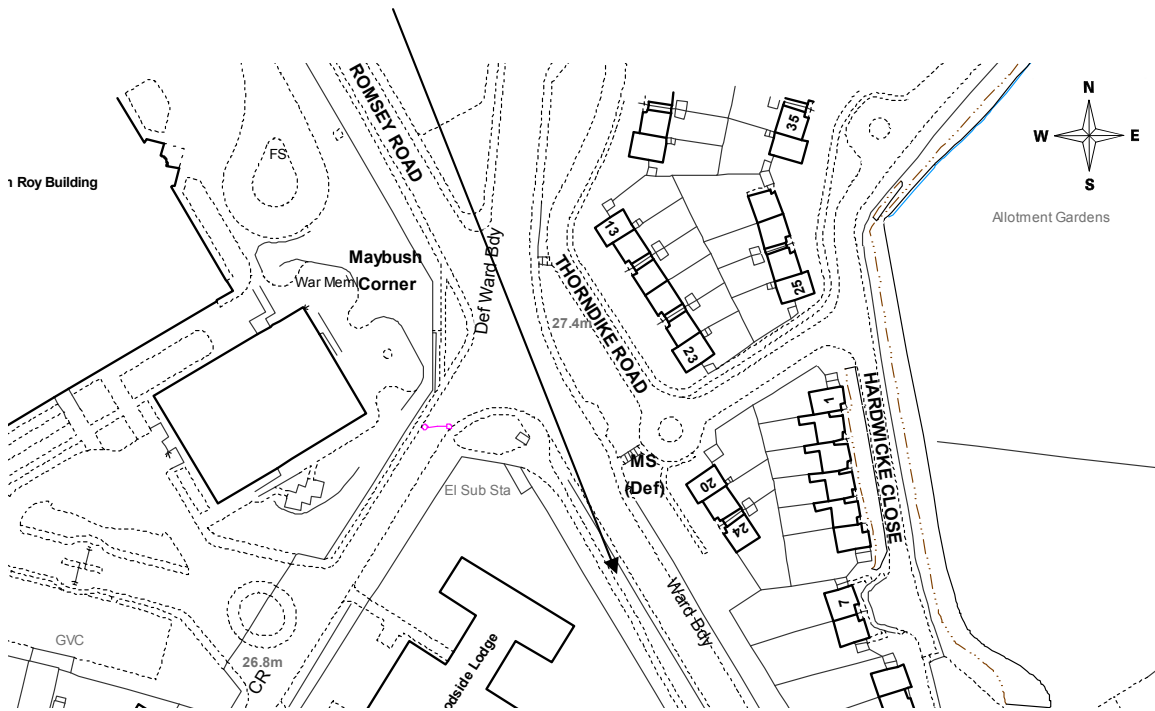
PLANNING AND RIGHTS OF WAY PANEL – 24 MAY 2011

Additional sycamore tree for removal.



PLANNING AND RIGHTS OF WAY PANEL – 24 MAY 2011

Location of additional sycamore tree for removal.



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