

# Planning and Rights of Way Panel

Tuesday, 25th October,  
2011  
at 9.30 am

## **PLEASE NOTE TIME OF MEETING**

Meon Suite, Sir James Matthews  
Building, Above Bar Street

This meeting is open to the public

### **Members**

Councillor Jones (Chair)  
Councillor Claisse (Vice-Chair)  
Councillor Mrs Blatchford  
Councillor Cunio  
Councillor L Harris  
Councillor Osmond  
Councillor Thomas

### **Contacts**

Democratic Support Officer  
Pat Wood  
Tel: 023 8083 2302  
Email: [pat.wood@southampton.gov.uk](mailto:pat.wood@southampton.gov.uk)

Head of Planning and Sustainability  
Paul Nichols  
Tel: 023 8083 2553  
Email: [paul.nichols@southampton.gov.uk](mailto:paul.nichols@southampton.gov.uk)

## **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 Seven Priorities**

- More jobs for local people
- More local people who are well educated and skilled
- A better and safer place in which to live and invest
- Better protection for children and young people
- Support for the most vulnerable people and families
- Reducing health inequalities
- Reshaping the Council for the future

**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**

<b>2011</b>	<b>2012</b>
<b>24 May 2011</b>	<b>17 January 2012</b>
<b>21 June</b>	<b>14 February</b>
<b>19 July</b>	<b>13 March</b>
<b>16 August</b>	<b>17 April</b>
<b>6 September</b>	
<b>27 September</b>	
<b>25 October</b>	
<b>22 November</b>	
<b>20 December</b>	

## CONDUCT OF MEETING

### **Terms of Reference**

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

### **Business to be discussed**

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

### **Rules of Procedure**

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

### **Quorum**

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

### **Disclosure of Interests**

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

#### **Personal Interests**

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

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

A Member must disclose a personal interest.

/Continued...

## **Prejudicial Interests**

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

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

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

There are some limited exceptions.

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

## **Principles of Decision Making**

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

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

In exercising discretion, the decision maker must:

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

## **AGENDA**

**Agendas and papers are available via the Council's Website**

### **1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)**

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

### **2 DISCLOSURE OF PERSONAL AND PREJUDICIAL INTERESTS**

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

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

### **3 STATEMENT FROM THE CHAIR**

### **4 MINUTES OF THE PREVIOUS MEETINGS (INCLUDING MATTERS ARISING)**

To approve and sign as a correct record the Minutes of the meetings held on 6<sup>th</sup> and 27<sup>th</sup> September 2011 and to deal with any matters arising, attached.

## **CONSIDERATION OF PLANNING APPLICATIONS**

### **ITEM TO BE HEARD BETWEEN 9:30 AM TO 10:10 AM**

### **5 LAND REAR OF 36 EDWARD ROAD / 11/00986/FUL**

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

### **ITEM TO BE HEARD BETWEEN 10:10 AM TO 10:50 AM**

### **6 36 EDWARD ROAD SO15 3GZ / 11/00987/FUL**

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

**ITEM TO BE HEARD BETWEEN 10:50 AM TO 11:30 AM**

**7 3 BASSETT GREEN DRIVE SO16 3QN / 11/01329/FUL**

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

**ITEM TO BE HEARD BETWEEN 11:30 AM AND 12:30 PM**

**8 LAND AT YEOVIL CHASE / 11/01304/R3OL**

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.

**ITEM TO BE HEARD BETWEEN 12:30 PM TO 1:15 PM**

**9 24-28 JOHN STREET / 11/01220/OUT**

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.

**ITEM TO BE HEARD BETWEEN 2:00 PM AND 2:45 PM**

**10 SOUTHAMPTON GENERAL HOSPITAL, TREMONA ROAD / 11/01270/FUL**

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

**ITEM TO BE HEARD BETWEEN 2.45 PM AND 3.15 PM**

**11 15 MERTON ROAD, SO17 3RB / 11/01195/FUL**

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

**ITEM TO BE HEARD BETWEEN 3.15 PM AND 3.45 PM**

**12 LAND AT 43 TO 45 VESPASIAN ROAD / 11/00959/FUL**

Report of the Planning and Development Manager recommending a variation to the S106 agreement signed in connection with the granting of planning permission for a development at the above address, attached.

Monday, 17 October 2011

HEAD OF LEGAL AND DEMOCRATIC  
SERVICES

This page is intentionally left blank



# Agenda Item 4

To approve and sign as a correct record the Minutes of the meetings held on 6<sup>th</sup> and 27<sup>th</sup> September 2011 and to deal with any matters arising, attached.

This page is intentionally left blank

---

PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 6 SEPTEMBER 2011

---

Present: Councillors Jones (Except Minutes 46 and 47) (Chair), Claisse (Vice-Chair), Mrs Blatchford, Cunio (Except Minute 45), L Harris, Osmond (Except Minute 45) and Thomas

45. **AREA HOUSING OFFICE, YOUTH CENTRE AND CAR PARK SITE, PARKVILLE ROAD 11/00204/FUL**

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.

Mr Kiddle (Agent), Mr Hopgood, Mr Plant, Mr Symes, Mr Dixon, Mr Richmond, Ms Purkiss (Local residents) and Councillor Vassiliou (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

Councillor Osmond (Ward Councillor) was present and with the consent of the Chair, addressed the meeting. After speaking Councillor Osmond withdrew from the meeting and was not present for the determination of this item.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 LEGAL AGREEMENT WAS LOST

RECORDED VOTE:

FOR: Councillors Jones and Mrs Blatchford  
AGAINST: Councillors Claisse, L Harris, Thomas

A FURTHER MOTION WAS PROPOSED BY COUNCILLOR JONES AND SECONDED BY COUNCILLOR L HARRIS THAT THE APPLICATION BE DEFERRED TO ENABLE FURTHER NEGOTIATION WITH THE AGENT AND LOCAL RESIDENTS TO TAKE PLACE REGARDING CAR PARKING

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO DEFER WAS CARRIED

RECORDED VOTE:

FOR: Councillors Jones, Claisse, L Harris and Thomas  
ABSTAINED: Councillor Mrs Blatchford

**RESOLVED** that the item be deferred.

## COUNCILLOR CLAISSE IN THE CHAIR

### 46. 13 GROSVENOR ROAD 11/01025/FUL

Change of use from Class C3 to a Sui Generis 15 bedroom student house (alternative proposal to planning application reference 11/01026/FUL)

Mr Singh (Applicant), Mr Willis, Mr Foster (Local Residents) and Mr Gillen (Highfield Residents Association) were present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO REFUSE PLANNING PERMISSION AND TAKE ENFORCEMENT ACTION TO SECURE THE CESSATION OF USE OF THE PROPERTY AS A SUI GENERIS HOUSE IN MULTIPLE OCCUPATION WAS CARRIED UNANIMOUSLY

### RESOLVED

- (i) that change of use of planning permission be refused for the reasons set out below; and
- (ii) that authority be given for the Planning and Development Manager to take enforcement action.

### REASONS FOR REFUSAL

The local planning authority considers that the intensification of residential occupation of the property from either family occupation within class C3, or from a C4 occupation by up to 6 unrelated persons, to occupation as a Sui Generis House in Multiple Occupation by 15 persons would cause serious harm, contrary to policies of the Development Plan for Southampton (SDP7 (v), H4 and SDP16) Local Plan Review (March 2006) and CS16 (3) Core Strategy (January 2010). The proposed use is also considered contrary to relevant advice set out in Planning Policy Statement 3 (Housing) and the consultation draft of the Draft National Planning Policy Framework. The harm from this over intensive use of the property would manifest itself in the following ways:-

- (i) Disturbance to neighbouring occupiers from comings and goings to and from the site by 15 separate students at various times of the day and night and their use of the garden at the property, potentially more likely to be at unsocial hours (being that the tenants are to be students with more active lifestyles), which would not be compatible with the surrounding family housing;
- (ii) Adversely affect the character and nature of occupation of this immediate part of the street, by causing the loss of a single family house, in a street predominantly comprised of family houses and making it more difficult for the local planning authority to resist similar proposals in this street in the future;
- (iii) Be likely to cause overspill parking difficulties in the street, prejudicial to highway safety with people having to park tight to others' driveways and access points, detrimentally interfering with driver visibility when emerging into the street, whilst also not demonstrating adequate secure cycle storage as an alternative to the private car;

- (iv) Not demonstrating adequate refuse storage facilities, where the visual impact of the quantum of such storage would be likely to be visually intrusive in the street scene, given that the open forecourt of the property is the only realistic place to store refuse; and,
- (v) Not demonstrating convenient access through the building by occupiers of the separate tenancy agreement for 8 persons in the front of the property, sought through 'saved' Policy H4 of the City of Southampton Local Plan Review (March 2006) as supported by Section 4.4 of the Residential Design Guide (September 2006).

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

47. **13 GROSVENOR ROAD 11/01026/FUL**

Conversion of existing dwelling to 2 sui generis houses in multiple occupation (1 x 7 bedroom dwelling and 1 x 8 bedroom dwelling) with associated bin and cycle storage (alternative proposal to application 11/01025/FUL).

Mr Singh (Applicant), Mr Willis, Mr Foster (Local Residents) and Mr Gillen (Highfield Residents Association) were present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO REFUSE PLANNING PERMISSION AND TAKE ENFORCEMENT ACTION TO SECURE THE CESSATION OF USE OF THE PROPERTY AS A SUI GENERIS HOUSE IN MULTIPLE OCCUPATION WAS CARRIED UNANIMOUSLY

**RESOLVED**

- (i) that change of use of planning permission be refused for the reasons set out below; and
- (ii) that authority be given for the Planning and Development Manager to take enforcement action.

**REASONS FOR REFUSAL**

The local planning authority considers that the intensification of residential occupation of the property from either family occupation within class C3, or from a C4 occupation by up to 6 unrelated persons, to occupation as a Sui Generis House in Multiple Occupation by 15 persons would cause serious harm, contrary to policies of the Development Plan for Southampton (SDP7 (v), H4 and SDP16) Local Plan Review (March 2006) and CS16 (3) Core Strategy (January 2010). The proposed use is also considered contrary to relevant advice set out in Planning Policy Statement 3 (Housing) and the consultation draft of the Draft National Planning Policy Framework. The harm from this over intensive use of the property would manifest itself in the following ways:-

- (i) Disturbance to neighbouring occupiers from comings and goings to and from the site by 15 separate students at various times of the day and night and their use of the garden at the property, potentially more likely to be at unsocial hours (being that the tenants are to be students with more active

- lifestyles), which would not be compatible with the surrounding family housing;
- (ii) Adversely affect the character and nature of occupation of this immediate part of the street, by causing the loss of a single family house, in a street predominantly comprised of family houses and making it more difficult for the local planning authority to resist similar proposals in this street in the future;
  - (iii) Be likely to cause overspill parking difficulties in the street, prejudicial to highway safety with people having to park tight to others' driveways and access points, detrimentally interfering with driver visibility when emerging into the street, whilst also not demonstrating adequate secure cycle storage as an alternative to the private car;
  - (iv) Not demonstrating adequate refuse storage facilities, where the visual impact of the quantum of such storage would be likely to be visually intrusive in the street scene, given that the open forecourt of the property is the only realistic place to store refuse; and,
  - (v) Not demonstrating convenient access through the building by occupiers of the separate tenancy agreement for 8 persons in the front of the property, sought through 'saved' Policy H4 of the City of Southampton Local Plan Review (March 2006) as supported by Section 4.4 of the Residential Design Guide (September 2006).

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

#### **COUNCILLOR JONES IN THE CHAIR**

48. **73 MILTON ROAD 11/00754/FUL**

Replacement two storey extension and part single storey rear extension.

Mr Barnes (Agent), Mrs Barter and Mrs Baker (Local Residents) were present and with the consent of the Chair, addressed the meeting.

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

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

#### **REASONS FOR DECISION**

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 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).

49. **SEA CITY MUSEUM, CIVIC CENTRE ROAD 10/01550/DIS**

Application for approval of details reserved by Conditions 5 (lighting scheme), 7 (details of signage), 11 (details of hard landscaping and highway works) and 13 (visitor cycle storage), of planning permission 10/00020/R3CFL for alterations connected with the use of the building as a museum.

Mr Purser (Architect) and Mrs Dyer-Slade (Applicant) were present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE AMENDED OFFICER RECOMMENDATION TO:

- (i) APPROVE THE PART DISCHARGE OF CONDITIONS 5, 7 AND 11 (EXCEPT FOR DETAILS OF THE LIGHTING SPECIFICATION AND THE APPEARANCE OF THE CYCLE STANDS); AND
- (ii) DELEGATE AUTHORITY TO THE PLANNING AND DEVELOPMENT MANAGER TO APPROVE A SUBSEQUENT SUBMISSION OF THE DETAILS OF THE LIGHTING SPECIFICATION AND THE APPEARANCE OF THE CYCLE STANDS WAS CARRIED.

RECORDED VOTE:

FOR: Councillors Jones, Claisse, Cunio, L Harris and Osmond  
AGAINST: Councillor Mrs Blatchford

**RESOLVED**

- (i) that conditions 5, 7 and 11 be discharged in part (save for details of the lighting specification and the appearance of the cycle stands); and
- (ii) that authority be delegated to the Planning and Development Manager to approve a subsequent submission of the details of the lighting specification and the appearance of the cycle stands.

**REASONS FOR DECISION**

The proposed landscaping works, lighting scheme, signage and visitor cycle storage is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations, such as those listed in the report to, and discussed at, the Council's Planning and Rights of Way Panel on 6th September 2011, do not have sufficient weight to justify an objection to the application. Full details of the lighting specification and the appearance of cycle stands will be need to be agreed by the Local Planning Authority before work on the landscaping commences. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 no objection is, therefore, raised and this notice is issued in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

Policies – SDP1, SDP8, SDP12 and HE3 of the City of Southampton Local Plan Review - Adopted March 2006 and Policies – CS13 and CS14 of the Southampton City

Council Local Development Framework Core Strategy – Adopted January 2010 as supported by the Council’s current adopted Supplementary Planning Guidance.

50. **UNIT 3A, NORTHBROOK INDUSTRIAL ESTATE, VINCENT AVENUE**

Use of the existing building for MoT Testing and Vehicle Repairs (Class B2).

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

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

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

Amended Condition

6. Parking Layout

The 8 internal parking spaces shall be marked out in accordance with the approved plans prior to the site undertaking MOT testing and servicing, or within 30 days of the date of this decision notice if the use has already commenced and shall thereafter be kept available for that purpose at all times thereafter.

REASON

To prevent harmful over spilling of parking and obstruction of the public highway.”

REASONS FOR DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including the affect which the proposal will have on the economic viability of the site and the potential for employment to continue at the site in addition to character, parking, and amenity have been considered and are not judged to have sufficient weight to justify a refusal of the application. Where applicable conditions have been applied in order to satisfy these matters. 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, SDP5, SDP16 and REI11 of the City of Southampton Local Plan Review (March 2006) and Policy CS7 of the Local Development Framework Core Strategy Development Plan Document (January 2010).



---

PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 27 SEPTEMBER 2011

---

Present: Councillors Jones (Chair), Claisse (Vice-Chair), Mrs Blatchford, Cunio, Fuller, L Harris and Thomas

Apologies: Councillor Osmond

51. **APOLOGIES AND CHANGES IN PANEL MEMBERSHIP**

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

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

**RESOLVED** that the Minutes of the Meeting held on 16<sup>th</sup> August 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.

53. **LAND BETWEEN 136-166 ABOVE BAR STREET 11/01074/FUL**

Erection of two buildings, one of which would be up to 10-storeys in height, to provide an arts complex incorporating two auditoria, gallery space etc; ground floor retail/restaurant/cafe/drinking establishments (Classes A1/A3/A4) and 29 flats (7 x one-bedroom, 15 x two-bedroom and 7 x three-bedroom) with underground parking of 33 spaces. The development proposes stopping up an existing right of way, stopping up an area of public highway on Above Bar Street and the formation of a new street between Above Bar Street and Park Walk incorporating a replacement public right of way.

Mr O'Brien was present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE AMENDED OFFICER RECOMMENDATION TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO THE RECEIPT OF AN UNDERTAKING FROM THE HEAD OF PROPERTY AND PROCUREMENT TO IMPOSE A CONDITION IN THE LAND SALE AGREEMENT THAT THE APPLICANT ENTER INTO A SECTION 106 LEGAL AGREEMENT PRIOR TO THE COMPLETION OF THE LAND SALE WAS CARRIED UNANIMOUSLY

**RESOLVED**

- (i) that authority be delegated to the Planning and Development Manager to grant conditional planning approval subject to:-
  - a) the conditions in the report and additional condition below;
  - b) confirmation in writing from the applicant prior to the grant of planning permission that the attached draft Heads of Terms are acceptable to the applicant;

- c) the receipt of an undertaking from the Head of Property and Procurement that the contract for the sale of Council owned land, the subject of this application will be conditional on the applicant or any other person with an interest in the land entering into a Section 106 legal agreement with the Council prior to completion of the land transfer to provide the following planning obligations:
- i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site, including paying for the necessary Traffic Regulation Order, in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), Policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended).
  - ii. A financial contribution towards strategic transport projects for 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 CS 15.
  - 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 of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
  - viii. Submission, approval and implementation of a Waste Management Plan.
  - ix. Financial contribution or works of improvement to the public realm in accordance with policy and the relevant SPG.

That the Planning and Development Manager be given delegated powers to vary relevant parts of the Section 106 agreement and to vary or add conditions as necessary as a result of further negotiations with the applicant and analysis of the viability

appraisal.

- d) the necessary stopping up of the footpath/public highway associated with this development.
- (ii) Authority is given for the making of a diversion order to divert the public right of way and to stop up the area of footway as it is necessary for the development to proceed.

#### Additional Condition

##### 29 Delivery Times

No deliveries to the commercial premises or the arts facilities hereby approved shall take place outside the hours of 0700 to midnight on any day.

#### REASON:

To safeguard the amenities of future occupiers of the residential accommodation

#### REASONS FOR DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The Local Planning Authority is satisfied that the proposed buildings would not have a detrimental impact on the setting of adjoining listed buildings or the adjoining park of historic interest. 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 planning permission should therefore be granted.

Policies - SDP1, SDP5, SDP7, SDP8, SDP9, SDP10, SDP11, SDP13, HE3, HE5, HE6, CLT1, CLT5, CLT6, H1, H2, H7, REI7 and MSA5 of the City of Southampton Local Plan Review (March 2006) and CS1, CS3, CS4, CS5, CS6, CS13, CS14, CS15, CS16, CS18, CS19, CS21 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

54. **AREA HOUSING OFFICE, YOUTH CENTRE AND CAR PARK SITE, PARKVILLE ROAD, SWAYTHLING 11/00204/FUL**

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.

Mr Kiddle (Applicant), Ms Ornsby (Legal representative), Mr Piccinino, Dr Waddington, Mr Crowther, Mr Symes, Mr Hopgood, Mr Dixon, Mr Purkiss, Mr Hamilton, Ms Lloyd (Local residents) and Councillors Turner and Vassiliou (Ward Councillors) were present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO DELEGATE TO THE PLANNING AND DEVELOPMENT MANAGER TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO THE RECEIPT OF AN UNDERTAKING FROM THE HEAD OF PROPERTY AND PROCUREMENT TO IMPOSE A CONDITION IN THE LAND SALE AGREEMENT THAT THE APPLICANT ENTER INTO A SECTION 106 LEGAL AGREEMENT PRIOR TO COMPLETION OF THE LAND TRANSFER WAS CARRIED

RECORDED VOTE:

FOR: Councillors Jones, Mrs Blatchford, Claisse, Fuller and L Harris

AGAINST: Councillors Cunio and Thomas

### **RESOLVED**

- (i) that authority be delegated to the Planning and Development Manager to grant conditional planning approval subject to:-
  - a) the conditions in the report;
  - b) confirmation in writing by the applicant prior to the grant of planning permission that the attached Heads of Terms are acceptable to the applicant;
  - c) the receipt of an undertaking from the Head of Property and Procurement Services that the contract for the sale of Council owned land, the subject of this application will be conditional upon Bouygues Development and any other person with an interest in the land entering into a S.106 legal agreement with the Council, prior to the land transfer taking place, to provide the following planning obligations:
    - 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);
    - ii) The submission and implementation of a Student Drop Off/Collection Management Plan committing to an ongoing review of the site;
    - iii) The scheme shall make a commencement within 6 months and achieve a shell and core finish within 36 months from the date of the planning permission so as to reflect the current viability assumptions made. In the event that this is not achieved a fresh viability appraisal shall be submitted with any uplift in value (up to an agreed sum) payable to the City Council;
    - iv) A financial contribution and/or the implementation and maintenance of an agreed series of site specific transport and off-site landscaping works (including the proposed Stoneham Way service layby and Parkville Road Improvement Scheme with a minimum of 12 parking spaces) under S.278 of the

Highways Act with implementation prior to first occupation 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;

- v) The funding of Traffic Regulation Orders (TRO) required to enable the development to be implemented;
- vi) A financial contribution and/or the implementation and maintenance of an agreed series of strategic transport projects for highway network improvements, including the potential for a new/revised UNlink bus route and bus stop serving the development with implementation prior to first occupation, in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
- vii) The submission and implementation of a public parking management plan for those spaces along Parkville Road dedicated for public use. Details to include additional explanatory signage to be erected in Parkville Road at the applicant's expense;
- viii) A Student Car Ownership Restriction Mechanism as part of any student contract of tenancy shall be agreed and imposed. No student shall be entitled to park on the land or to obtain parking permits to the Council's Controlled Parking Zones. Upon the offer of the place a clear written statement shall be given to the students detailing the implications for their tenancy in the event that they are found to have a car. All student contracts to include the agreed wording to the effect that they shall not bring a car to Swaythling Ward whilst living at City Gateway and may be evicted if found to have done so. In the event that evidence is provided by residents or the City Council that a resident has access to a car they will be given a warning leading to possible eviction. This will be at the discretion of the University of Southampton and/or any designated operator and/or the landowner upon receipt of valid evidence. Reception area to have an up-to-date telephone number with information about when and where breaches can be reported. Without prejudice to the above paragraph, the mechanism will be agreed between the University/operator and Southampton City Council prior to first occupation of the building;
- ix) A mechanism for replacing the existing community uses (both during and following the construction phase) in accordance with LDF Core Strategy Policy CS3;
- x) 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;

- xi) 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;
- xii) Submission and implementation within a specified timescale of a Travel Plan, including the provision of UNIlk bus passes to all residents;
- xiii) 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;
- xiv) Submission and implementation of a TV Reception Study committing to a pre and post construction assessment with off-site mitigation where necessary;
- xv) Submission and implementation of a Training & Employment Management Plan committing to adopting local labour and employment initiatives (during and post construction) in line with LDF Core Strategy policies CS24 and CS25;
- xvi) A Site Waste Management Plan;
- xvii) 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;
- xviii) Agreement of construction vehicle routing;
- xix) Developer shall be responsible for the cost of checking of drawings and construction;
- xx) Market Buildings Car Parking Improvement Scheme (MBCPIS) – Prior to implementation to have approved in writing by the Council a scheme of works for the MBCPIS - to include consultation with Market Building’s residents and business owners, a minimum of 37 parking spaces, tree protection measures during construction, and enhancements to the area’s appearance including the associated Herbert Collin’s Memorial Garden. The MBCPIS shall be provided prior to the first occupation of the development in accordance with an agreed S.278 and TRO for any additional parking restrictions; and,
- xxi) Details of additional explanatory signage to be erected in Ethelbert Avenue at the applicant’s expense.

In the event that such an undertaking is not forthcoming within 3 months from the date of this decision that delegated authority be given to the Planning and Development Manager to refuse the application for failing to secure an appropriate mechanism for dealing with the S.106 legal agreement mitigation measures listed above.

### REASONS FOR DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The proposed development has been revised to increase the level of on-site (including Parkville Road) car parking to 44 spaces and by making provision to rearrange the parking at Market buildings to provide a further 10 or so spaces. Furthermore, the applicant's traffic survey explains that there is sufficient capacity on roads nearer to the site than the Ethelbert Avenue Conservation Area to accommodate the anticipated overspill of vehicles belonging to student residents of the development. This conclusion is supported by the Council's Highways Officer as it is accepted that any student parking in breach of student tenancy agreements can be accommodated without detriment to local residents. The investigation of further Controlled Parking Zones and the use of a mandatory eviction clause for students found to have brought a car to the roads within the ward of the application site, enforceable through the Contracts (Rights of Third Parties) Act by local residents, have been investigated and discussed with the developer and it has been demonstrated that neither are an acceptable route for dealing with any overspill issue. There is, therefore, no need to make further provision for additional car parking spaces other than as described above.

Following the proposed change to the student-car ownership restriction in a section 106 agreement to allow eviction to be at the discretion of the developer/university, and the confirmation that the existing highway network can accommodate any overspill parking caused by students bringing cars to the site in breach of the requirement in their lease not to do so, the impact of the development, in terms of visual and neighbouring amenity, highway safety and parking is considered to be acceptable. In reaching this conclusion, as to the acceptability of the development, particular account has also been taken of the third party response to the scheme; the quality of the proposed redevelopment proposals; current market conditions; the economic regeneration benefits that will accrue as a result of the redevelopment proposals; the need for student housing and the potential reduction in demand for converting the City's existing family housing stock into shared housing; and the overall viability of the scheme.

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 (subject to confirmation from the Head of Property and Procurement Services that the development agreement for the site will contractually require the Developer to enter into a section 106 agreement to secure the planning obligations as set out in the report to panel dated the 27<sup>th</sup> September 2011 prior to the completion of the land transfer) and in accordance with the following policies:

City of Southampton Local Plan Review (March 2006) policies SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13,, SDP14, SDP15, SDP16,

SDP17, SDP19, SDP22, NE7, HE1, CLT5, CLT7, H1, H2, H3, H7, H13, REI6 and TI2 and City of Southampton Core Strategy (January 2010) policies CS4, CS5, CS6, CS10, CS11, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS22, CS24 and CS25 as supported by the relevant national planning guidance and the Council's current supplementary planning guidance listed in the Panel report.

55. **UNIT 10 STANTON INDUSTRIAL ESTATE STANTON ROAD, SO15 4JA**  
**11/01199/FUL**

Single storey rear extension facing Mill Road.

Mr Tutte (Agent) and Mr Galton (Local Resident) were present and with the consent of the Chair, addressed the meeting.

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

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

Additional Condition

7 Cycle Storage

Before the development commences, the developer shall submit details of the location of one 5 berth Sheffield cycle stand to be positioned within the application site to allow the secure and covered parking of 5 staff bicycles for approval in writing to the local planning authority. Once approved, that cycle parking provision shall be provided before any part of the approved extension first comes into use. Once provided, that cycle parking shall be retained at all times thereafter.

REASON:

To promote the use of sustainable forms of travel and in mitigation for the 4 No. car parking spaces being lost as a result of the approved development.

REASONS FOR DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including the affect which the proposal will have on the economic viability of the site, the potential for employment to continue at the site have been taken into account. Impact to the character of the area, parking, and neighbouring amenity have been considered and are not judged to have sufficient weight to justify a refusal of the application. Where applicable conditions have been applied in order to satisfy these matters. The proposal, however, is not considered to be a significant departure from the Local Plan's allocation of the site for housing, as the proposal is a modest scale extension to an existing B2 use and therefore will not compromise the future development potential of the site to residential. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.



Policies - SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (March 2006) and Policy CS6 and CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

56. **15 B BROOKVALE ROAD 11/00849/FUL**

Loft conversion to first floor flat including 2 flat roof dormers.

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

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

**REASONS FOR DECISION**

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).

This page is intentionally left blank

# Agenda Annex

## INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 25 October 2011 - Meon Suite, Ground floor, Sir James Matthews Building,

157 - 187 Above Bar Street

PLEASE NOTE: THE PANEL WILL BREAK FOR LUNCH

Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
<b><u>BETWEEN 9.30 AM AND 10.10 AM</u></b>				
5	ARL	CAP	5	11/00986/FUL / Land rear of 36 Edward Road
<b><u>BETWEEN 10.10 AM AND 10.50 AM</u></b>				
6	ARL	CAP	5	11/00987/FUL / 36 Edward Road, SO15 3GZ
<b><u>BETWEEN 10.50 AM AND 11.30 AM</u></b>				
7	MP	CAP	5	11/01329/FUL / 3 Bassett Green Drive, SO16 3QN
<b><u>BETWEEN 11.30 AM AND 12.30 PM</u></b>				
8	AG	DEL	15	11/01304/R3OL / Land At Yeovil Chase
<b><u>BETWEEN 12.30 PM AND 1.15 PM</u></b>				
9	AA	DEL	15	11/01220/OUT / 24-28 John Street
<b><u>LUNCH BETWEEN 1.15 to 2.00 PM</u></b>				
<b><u>BETWEEN 2.00 PM AND 2.45 PM</u></b>				
10	AA	CAP	5	11/01270/FUL / Southampton General Hospital, Tremona Road
<b><u>BETWEEN 2.45 PM AND 3.15 PM</u></b>				
11	BS	CAP	5	11/01195/FUL / 15 Merton Road, SO17 3RB
<b><u>BETWEEN 3.15 PM AND 3.45 PM</u></b>				
12	SL	Vary S.106	5	11/00959/FUL / Land At 43 to 45 Vespasian Road

### **Abbreviations:**

PSA – Public Speaking Allowance; CAP - Approve with Conditions: DEL - Delegate to Officers: PER - Approve without Conditions: REF – Refusal: TEMP – Temporary Consent REC – Recommendation S.106 – Involves planning legal agreement

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 Economic Development**

**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)
- (vv) Parking Standards Supplementary Planning Document (2011)

\* 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 (2011)
- (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: 11/10/11

This page is intentionally left blank



# Agenda Item 5

**Southampton City Planning & Sustainability  
Planning and Rights of Way Panel meeting 25 October 2011  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Land rear of 36 Edward Road SO15 3GZ			
<b>Proposed development:</b> Erection of 2 x two-storey, three bed semi-detached houses with associated cycle/refuse storage.			
<b>Application number</b>	11/00986/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Anna Lee	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	15.09.2011	<b>Ward</b>	Millbrook
<b>Reason for Panel Referral:</b>	Request by Councillor Furnell & more than 5 objections received	<b>Ward Councillors</b>	Councillor Furnell Councillor Thorpe Councillor Wells

<b>Applicant:</b> Goodstone Developments Ltd	<b>Agent:</b> Tony Oldfield Architects
--	--

<b>Recommendation Summary</b>	<b>Conditionally approve</b>
-------------------------------	------------------------------

## Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set on the attached sheet. Other material considerations do not have sufficient weight to justify a refusal of the application. The proposed dwellings would be in keeping with the surrounding area and would not have a harmful impact on residential amenity or highway safety and the proposal is considered to be acceptable. 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.

<b>Appendix attached</b>			
1	Development Plan Policies		

## Recommendation in Full

### Conditionally approve

#### 1. The site and its context

- 1.1 The application site contains a public house located on the corner of Edward Road and Kentish Road which leads to Henry Road. The public house, which is now vacant, included residential accommodation at first floor level. The existing building is an attractive character property within the street. The application site is to the rear of the site which is currently the garden area and car park of the pub.
- 1.2 The surrounding area is predominantly residential in character and typically comprises two-storey, semi-detached and terraced properties.

## **2. Proposal**

- 2.1 The application seeks planning permission to construct a pair of two-bedroom, semi-detached dwellings which would front Kentish Road. A residential density of 84 dwellings per hectare would be achieved which is acceptable in an area of high accessibility. The dwellings have a two-storey scale with the eaves and ridge heights reflecting that of the neighbouring residential properties. The dwellings have a traditional design appearance with hipped roofs and a projecting porch. The elevations would be rendered to the top of the ground floor windows and then a red facing brick construction is proposed for the rest of the property. Detailing in the form of stone lintels and cills is proposed to add interest. One photovoltaic cell is proposed per dwelling to the roof slope of the rear projection.
- 2.2 One car parking space for each dwelling is provided. Purpose built cycle storage would be provided to the rear of the properties and 0.9 metre wide external access paths would be incorporated to the side of each dwelling. Storage for refuse and recycling would also be provided to the rear of the site. Each dwelling would be served by private rear gardens of 85sq.m in area and the frontage of the properties would incorporate soft landscaping and be bounded by a dwarf brick wall. A brick pillar and wooden fencing boundary separate the driveway from the amenity space.

## **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 The policies of the South East Plan, Southampton’s Core Strategy and Local Plan Review have been taken into account in the consideration of this application. The Core Strategy is in general conformity with the South East Plan, and it is not considered that the policies in the South East Plan either conflict with or add particular weight to the policies in the Core Strategy for this

application. Consequently only the local statutory development plan policies (Core Strategy and Local Plan Review) have been cited in this report.

#### **4. Relevant Planning History**

- 4.1 11/00986/FUL Erection of 2 x two-storey, three bed semi-detached houses with associated cycle/refuse storage. Pending.
- 4.2 None of the other applications approved at the site are relevant to this proposal as they formed external changes to the public house building.

#### **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 (4.8.2011). At the time of writing the report **22** (21 objections and 1 letter of no objection) representations have been received from surrounding residents and **2** objections from ward Councillors. Councillor Furnell has requested this application be considered by the Panel.

#### **5.2 Concerned that a covenant was imposed on the pub to require it to remain as a pub and forcing redevelopment**

##### **Response**

Covenants are not planning issues as they relate to civil law.

#### **5.3 The proposals would result in an overdevelopment of the site**

##### **Response**

The development utilises a brownfield site and the dwellings proposed have adequate amenity space and residential amenities. The proposal complies with the residential standards. See section 6.0 for further discussion.

#### **5.4 The proposal will add to parking pressures in the vicinity of the site as the number of off-road parking spaces proposed is insufficient to serve the development**

##### **Response**

The surrounding road does have a high level of on-street car parking; however, the application site lies within an area of high accessibility for public transport and is within close proximity of Shirley Town Centre. The provision of one parking space per dwelling is acceptable in this highly accessible area. The maximum car parking spaces for three bedroom units is two spaces as stated in the Parking Standards Supplementary Planning Document for a high accessibility area. However, this scheme was submitted prior to the approval of these documents and these are still maximum standards and the number of spaces are considered to be acceptable and is in accordance with policy CS19 of the Core Strategy and SDP5 of the Local Plan which looks to reduce reliance on the private car.

#### **5.5 Loss of light to 22 and 24 Henry Road**

### **Response**

The proposal does lie south of the site and therefore there would be some element of loss of light. However, due to the distance and that the dwellings are no taller than adjacent properties the loss of light would not be significantly detrimental as it would only occur in the morning and in the winter months.

#### **5.6 The proposal does not provide social housing**

### **Response**

A scheme of this size does not require social housing, however, both schemes together provide family housing and smaller units which provides a development which caters for different social groups and as such the proposal complies with policy.

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

5.8 **SCC Sustainability Team** – No objection as the proposal complies with policy CS20 as the scheme provides renewable energy in the form of photovoltaic cells but suggests the inclusion of a condition to secure the proposal will meet Code Level 3.

5.9 **Hampshire Constabulary** – No objection in principle to this development

5.10 **Southern Water** – No objection but a formal application to connect to the foul sewer is required.

5.11 **Environmental Health** – Request a hours of work condition and no bonfires to be allowed on site. The hours of work condition has been recommended but the no bonfires condition has not as it seems excessive for this development.

## **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 application site constitutes previously development land as defined by PPS3: Housing and lies within an area which is accessible by public transport and within easy reach of local shops and services. As such the introduction of two dwellings would accord with local and national policy aims to make more efficient use of Brownfield sites to provide additional housing and the residential density is appropriate for the area of High Accessibility to public transport. The provision of two family houses is also welcome.

### **6.3 Character and Design**

6.3.1 The scale and layout of the proposed development are strongly informed by the character of the area. The proposal provides good legibility to the street by providing an active street frontage to Kentish Road. The proposal respects the building line and provides adequate space between the proposed dwellings, the pub and the properties on Henry Road. The design is well proportioned and respects the character of the area and maximises natural surveillance of this side street. A key positive aspect of the scheme is providing an active frontage on Kentish Road which currently is formed by garages and outbuildings.

6.3.2 The density proposed is acceptable as the built form of the dwellings would occupy less than 50% of the plot size. Overall, the introduction of two well-designed dwellings in this location would have a positive impact on the street scene as required by the Core Strategy and Local Plan design policies and as supported by the Residential Design Guide (RDG).

#### 6.4 Residential Amenity

6.4.1 There is between 12.5 metres separation between the side gable wall of the proposed dwellings and the neighbouring properties in Henry Road which is meets the separation distance guidance recommended by the Residential Design Guide. There would be no direct overlooking as the proposal only seeks to provide an obscured glazed bathroom window on that elevation at first floor. Habitable room windows are positioned to overlook either the street or the amenity space to the rear and as such would not impact upon privacy. As stated in section 5.5 the dwellings would introduce additional over-shadowing of the neighbouring gardens at Henry Road within the morning but the majority of the garden areas would not be detrimentally affected for the greater part of the day.

6.4.2 In terms of the impact on the proposed units in the converted pub the internal layout of both schemes has been designed to prevent loss of light and privacy by providing no windows on the elevation of the pub fronting the new dwellings at first floor and only an obscured glazed bathroom on the side elevations of the dwellings. It is noted that the proposal does not meet the privacy distance guidance set out in the Residential Design Guide. However, due to the proposed windows configuration on each of the properties this close proximity would not be harmful to either proposal.

6.4.3 On balance, therefore, the relationship of the proposal with the neighbouring residential properties is considered to be acceptable in principle.

#### 6.5 Residential Standards

6.5.1 The private rear gardens to serve the dwellings are 11m in depth and therefore comply with the Residential Design Guide. As discussed in paragraph 6.3.2 above, it is considered that the building to plot relationship proposed would be acceptable and that the site would not appear over-development within the street scene or when viewed from neighbouring properties.

6.5.2 There is an area of defensible space to the Kentish Road frontage and a condition is suggested to secure a front boundary wall and soft landscaping to protect the privacy of the occupants. Secure cycle storage would be provided within the rear garden areas and this can be directly accessed from the

dwelling or via the driveway and cycles could be moved with ease to the public highway via the side accessway. Refuse storage would also be provided to the rear of the site and would not be readily visible from the street.

## 6.6 Highways and Parking

- 6.6.1 As set out in section 5.4 the level of parking 1: 1 complies with the policy requirements at the time of submitting the application. Although the adopted standards have changed as the site lies in an area of high accessibility the number of spaces provided is deemed acceptable. Local Plan policy SDP5 confirms that car parking is a key determinant in the choice of the mode of travel and therefore the provision of two off-road car parking spaces would comply with current planning guidance in the form of PPG13: 'Transport', PPS1 'Delivering Sustainable Development' and PPS3 'Housing', which emphasises the need to reduce car dependence.
- 6.6.2 The policies within the Core Strategy and the Local Plan seek to promote more sustainable forms of transport to the private car and the availability of car parking is highlighted as a key determinant of the mode of travel. As such the provision of two car parking spaces is fully in accordance with the policy aims and intentions for sustainable patterns of development within accessible locations. Prospective residents of the development will be aware that the development has only one space and as the average household in Southampton only has an average of 1.0 car this proposal is acceptable (Source - Parking Standards Supplementary Planning Guidance). The site is within walking distance of shops and services within Shirley Town Centre and highly accessible by public transport and as such there is no reason to believe that the proposal will exacerbate on street parking pressures.
- 6.6.3 The provision of secure and convenient cycle storage would promote cycling as an alternative to the private car. The level of car parking proposed to serve the development is therefore considered to be acceptable.

## 6.7 Sustainability

- 6.7.1 The application is accompanied by a Code for Sustainable Home pre-assessment report and a Sustainability Checklist. The submitted documentation demonstrates that the development can achieve Level 3 of the Code for Sustainable Homes and through low energy technologies achieve a reduction of between 21% and 24% in Carbon Dioxide emissions over standard building regulations requirements. This is compliant with policy CS20 of the Core Strategy and a condition is suggested to secure these measures.
- 6.7.2 The driveways proposed would be brick paving in design to reduce surface run off and aid sustainably drainage.

## 7. Summary

- 7.1 The proposed development would make good use of the site to provide residential accommodation in this accessible location. The proposed design approach would create a visual improvement at the rear of the site. Overall, the fact the scheme does meet the suggested amenity standards indicates the proposal is not an overdevelopment of the site.

## **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) 7 (a) (b) (e) (k) 9 (a), 10(a) and 10 (b)

### **ARL for 25/10/2011 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 Boundary Treatment [performance condition]**

Prior to the development first coming into occupation the boundary treatment shall be fully implemented in accordance with the drawing no P25 received 07.09.2011 hereby approved and thereafter retained as approved unless agreed otherwise in writing by the Local Planning Authority.

REASON

To secure a satisfactory form of development

#### **04. APPROVAL CONDITION - Landscaping Implementation [Performance condition]**

The hard and soft landscaping works shall be carried out in accordance with the drawing no P26 received 06.10.2011 hereby approved . The works shall be carried out before any

of the development is occupied unless agreed otherwise in writing by the local Planning Authority.

**REASON:**

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

**05. APPROVAL CONDITION - Landscaping Replacement [performance condition]**

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

**REASON:**

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

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

Bin and cycle storage shall be laid out with a level approach prior to the first occupation of the development hereby approved in accordance with drawing P26 received 06.10.2011 and drawing no P05 received 21.07.2011. The approved storage shall be retained whilst the development is used for residential purposes, with bins kept in their allotted stores on non collection days.

**REASON:**

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

**07. APPROVAL CONDITION - Code for Sustainable Homes Residential Development [Pre-Occupation Condition]**

Written documentary evidence demonstrating that the development will achieve at minimum Level 3 of the Code for Sustainable Homes, including at least an average of 1 credit 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).

**08. 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.

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

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

Reason:

In order to safeguard the public sewer.

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

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

Reason:

To protect the amenities of the adjoining residential properties.

**11. APPROVAL CONDITION - Residential - Permitted Development Restriction [Performance Condition]**

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

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

Class B (roof alteration),

Class C (other alteration to the roof),

Class D (porch),

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

Class F (hard surface area)

Reason:

In order that the Local Planning Authority may exercise further control in this locality given the small private garden and amenity areas provided as part of this development in the interests of the comprehensive development and visual amenities of the area.

**Notes to Applicant**

1. Pre-Commencement Conditions: Your attention is drawn to the pre-commencement conditions above which require the full terms of the condition to be satisfied before development commences. In order to discharge these conditions you are advised that a formal application for condition discharge is required. You should allow approximately 8 weeks, following validation, for a decision to be made on such an

application. It is important that you note that if development commences in without the condition having been formally discharged by the Council in writing, any development taking place will be unauthorised in planning terms, invalidating the Planning Permission issued. Furthermore this may result in the Council taking enforcement action against the unauthorised development. If you are in any doubt please contact the Council's Development Control Service.

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

**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
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
NE4	Protected Species
H1	Housing Supply
H2	Previously Developed Land
H5	Conversion to residential Use
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Parking Standards Supplementary Planning Document (SPD) (Approved - September 2011)

Other Relevant Guidance

PPS1 Delivering Sustainable Development (February 2005)

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

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

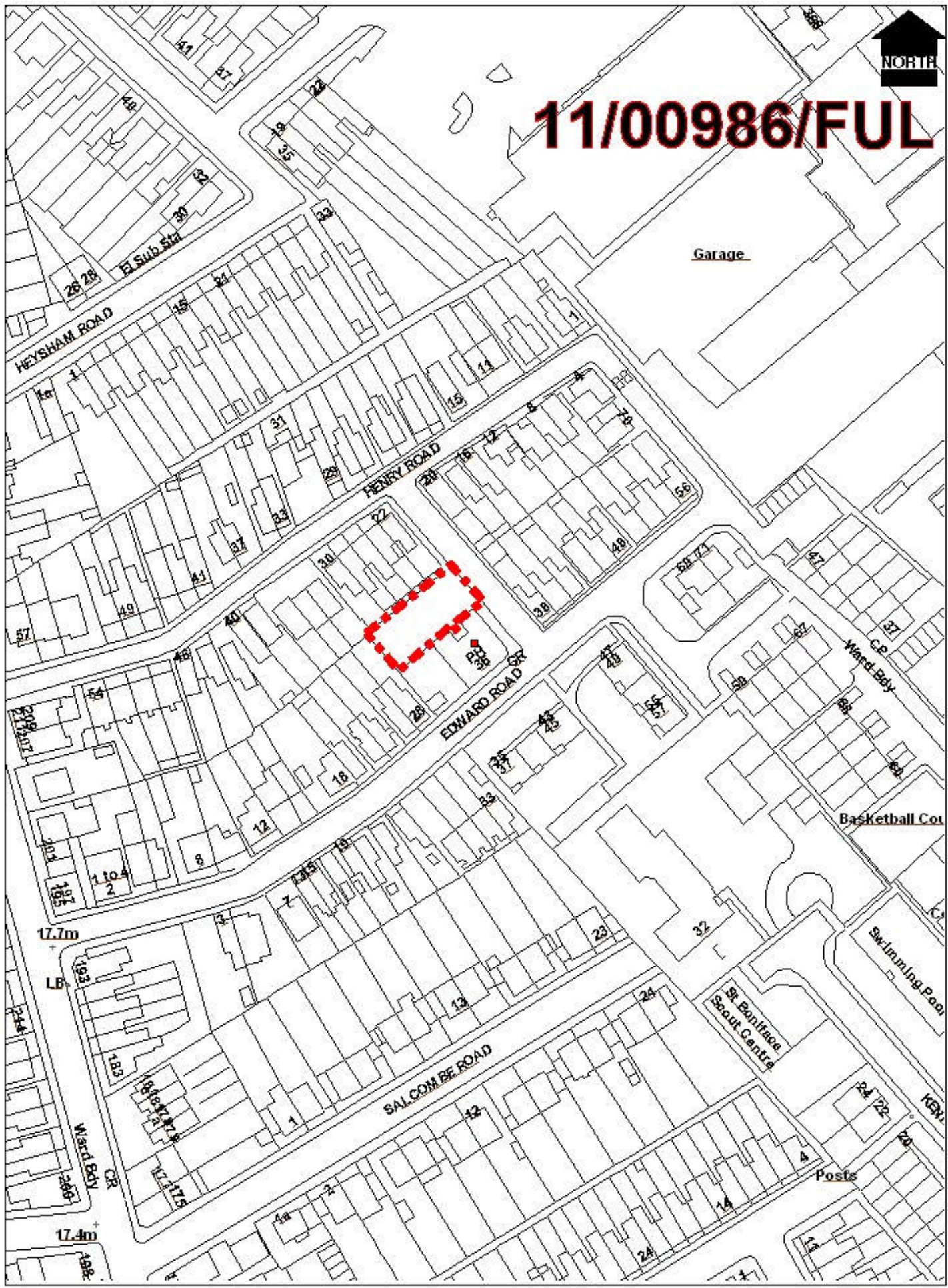
PPS3 Housing (November 2006)

PPG13 Transport (April 2001)

PPS22 Renewable Energy (August 2004)



# 11/00986/FUL



Scale : 1:1250

Date :12 October 2011

© Crown copyright. All rights reserved. Southampton City Council 100019679 2004.



# Agenda Item 6

**Southampton City Planning & Sustainability  
Planning and Rights of Way Panel meeting 25 October 2011  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 36 Edward Road SO15 3GZ			
<b>Proposed development:</b> Conversion of existing building into 3 flats comprising of 1x 3-bed and 2x 2-bed with external alterations including new windows and doors and associated parking and cycle/refuse storage			
<b>Application number</b>	11/00987/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Anna Lee	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	15.09.2011	<b>Ward</b>	Millbrook
<b>Reason for Panel Referral:</b>	Request by Councillor Furnell & more than 5 objections received	<b>Ward Councillors</b>	Councillor Furnell Councillor Thorpe Councillor Wells

<b>Applicant:</b> Goodstone Developments Ltd	<b>Agent:</b> Tony Oldfield Architects
--	--

<b>Recommendation Summary</b>	<b>Conditionally approve</b>
-------------------------------	------------------------------

## **Reason for granting Permission** Reason for Granting Outline Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set on the attached sheet. Other material considerations do not have sufficient weight to justify a refusal of the application. The proposed conversion would not have a harmful impact on residential amenity or highway safety and the proposal is considered to be acceptable. Where appropriate planning conditions have been imposed to mitigate any harm identified. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Outline Planning Permission should therefore be granted having account of the following planning policies:

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

<b>Appendix attached</b>			
1	Development Plan Policies		

## **Conditionally approve**

### **1. The site and its context**

1.1 The application site contains a public house located on the corner of Edward



Road and Kentish Road which leads to Henry Road. The public house, which is now vacant, included residential accommodation at first floor level. The existing building is an attractive character property within the street.

- 1.2 The surrounding area is predominantly residential in character and typically comprises two-storey, semi-detached and terraced properties.

## **2. Proposal**

- 2.1 The application seeks to convert the existing building to provide 3 flats (1 no. 3 bed, 2 no. 2 bed units). The application proposes to remove single storey elements to keep the original footprint of the pub. A residential density of 90 dwellings per hectare is proposed.
- 2.2 Three parking spaces are proposed to serve this site and a rear amenity space is proposed for the three units. The area is divided into two to provide a private area for the three bed unit which could house a family. Boundary treatment between the parking spaces and the amenity space is to be a dwarf road topped by close boarded fencing. The parking area is to be bordered by soft landscaping to reduce the harsh appearance. The rest of the building is enclosed by 0.9m high iron railings which would add to the existing interest of the building.
- 2.5 Approximately 32sq.m of private and useable amenity space would be provided to the rear of the site with 20sqm to be provided for the three bed unit. This amenity space is accessed to the side as are units 2 and 3. Unit one is accessed either via the side via or via the entrance on the front elevation. Within this amenity area there would be the refuse bins and cycle storage for the ground floor unit the cycle store for the other units is in the hallway to those units.

## **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 The policies of the South East Plan, Southampton’s Core Strategy and Local Plan Review have been taken into account in the consideration of this application. The Core Strategy is in general conformity with the South East Plan, and it is not considered that the policies in the South East Plan either conflict with or add particular weight to the policies in the Core Strategy for this application. Consequently only the local statutory development plan policies (Core Strategy and Local Plan Review) have been cited in this report.

#### **4. Relevant Planning History**

- 4.1 11/00986/FUL Erection of 2 x two-storey, three bed semi-detached houses with associated cycle/refuse storage. Pending.
- 4.2 None of the other applications approved at the site are relevant to this proposal as they formed external changes to the public house building.

#### **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 (enter date) and erecting a site notice (enter date). At the time of writing the report **22** (21 objections and 1 letter of no objection) representations have been received from surrounding residents and **2** objections from ward Councillors. Councillor Furnell has requested this application be considered by the Panel.
- 5.2 **Concerned that a covenant was imposed on the pub requiring it to remain as a pub and forcing redevelopment.**

##### **Response**

Covenants are not planning issues as they relate to civil law.

- 5.3 **The proposals would result in an overdevelopment of the site**

##### **Response**

The development utilises a brownfield site and all the units proposed have adequate amenity space and residential amenities. The proposal broadly complies with the residential standards, albeit the communal amenity space is 8 sq.m short of the guideline. This of itself is not seen as sufficient reason to warrant refusal of the proposals. See section 6.0 for further discussion.

- 5.4 **The proposal will add to parking pressures in the vicinity of the site as the number of off-road parking spaces proposed is insufficient to serve the development**

##### **Response**

The surrounding road does have a high level of on-street car parking; however, the application site lies within an area of high accessibility for public transport and is within close proximity of Shirley Town Centre. The provision of one parking space per unit is acceptable in this highly accessible area. The maximum car parking spaces for three and two bedroom units is two spaces as stated in the Parking Standards Supplementary Planning Document for a high accessibility area. However, this scheme was submitted prior to the approval of these documents and these are still maximum standards and the number of spaces are considered to be acceptable and is in accordance with policy CS19 of the Core Strategy and SDP5 of the Local Plan which looks to reduce reliance on the private car.

- 5.5 **The pub could be a bat roost and the grounds could house other protected species**

### **Response**

No evidence of roosting bats or other protected species were found. See section 6.7 for further details.

## **5.6 The proposal does not provide social housing**

### **Response**

A scheme of this size does not require social housing, however, both schemes together provide family housing and smaller units which provides a development which caters for different social groups and as such the proposal complies with policy.

5.7 **SCC Highways** – No objection. Suggests conditions to secure details of the site set up during the construction process, provision of wheel cleaning facilities during construction and that landscaping surrounding the car parking is only 600mm high.

5.8 **SCC Sustainability Team** – No objection as the proposal complies with policy CS20 as the scheme provides renewable energy in the form of photovoltaic cells but suggests the inclusion of a condition to secure the proposal will meet Code Level 3.

5.9 **SCC Ecology** – No objection satisfied with the bat survey submitted (see section 6.7).

5.10 **Hampshire Constabulary** – No objection in principle to this development

5.11 **Southern Water** – No objection but a formal application to connect to the foul sewer is required.

5.12 **Environmental Health** – Request a hours of work condition and no bonfires to be allowed on site. The hours of work condition has been recommended but the no bonfires condition has not as it seems excessive for this development.

## **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.
- vi. Ecology

### **6.2 Principle of Development**

6.2.1 The saved policies of the Local Plan Review encourage the conversion to residential accommodation of un-neighbourly, non-residential uses within residential areas such as this. The retention and conversion of the existing building is welcome both in terms of sustainability benefits and since the existing property is an attractive character property within the street scene. The application proposes a mix of accommodation which would contribute to creation



of a balanced community by providing additional housing on previously developed land.

### 6.3 Character and Design

- 6.3.1 The proposal utilises the existing property and only provides minor changes to the elevations. The main alterations are the removal of the brick wall to the front elevation and the insertion of a car parking area fronting Edward Road. The existing doors on the corner of the building will be converted into windows and the windows and doors on the rear elevation will be replaced by a high level window. The changes at first floor level are the removal of two windows on the rear elevation to prevent loss of privacy.
- 6.3.2 The proposal seeks to alter the boundary treatment on site by providing iron railings to front and the side of the building facing the properties at Edward Road. On the side facing the properties at Edward Road set back from highway is a dwarf wall topped with wooden fencing.
- 6.3.3 Whilst the proposed level of density at 90 dwellings per hectare this is acceptable in an area of High Accessibility, the proposal result in the redevelopment of a building which adds character to the street. The proposal due to the minimal alterations including the insertion of the car parking area is deemed acceptable as it will not detract from the character of the area.

### 6.4 Residential Amenity

- 6.4.1 In terms of the impact on the proposed dwelling to the rear of the site both schemes has been designed to prevent loss of light and privacy by providing no windows on the elevation of the pub fronting the new dwellings at first floor and only an obscured glazed bathroom on the side elevations of the dwellings. It is noted that the proposal does not meet the privacy distance guidance set out in the Residential Design Guide. However, due to the proposed windows configuration on each of the properties this close proximity would not be harmful to either proposal. With regard to the properties on Edward Road there are two windows at first floor facing the side elevation of no 28 Edward Road one is to be obscured and one serves the lounge. These windows are currently in situ and serve a residential unit so the proposal would not cause further harm. The side elevation is 12.5m away and therefore complies with the Residential Design Guide.
- 6.4.2 On balance, therefore, the relationship of the proposal with the neighbouring residential properties is considered to be acceptable in principle.

### 6.5 Residential Standards

- 6.5.1 The amount of amenity space proposed is less than the amount required by the Residential Design Guide, however this space would be private and not restricted by an awkward shape or undue enclosure. All of the flats would have direct access to the garden area and, furthermore, a landscaping condition is suggested to secure improvements to the space. The three bed unit has sufficient private separate space which complies with policy. As such the lack of amenity space is not a sufficient reason for refusal as the proposal complies with policy and the guidance in the Residential Design guide in all other matters.

6.5.2 There is an area of defensible space along Edward Road and the Kentish Road frontage to private loss of privacy from people passing by. A condition is suggested to secure this iron railing boundary wall and landscaping details of the area between the railings and the property's wall in order to prevent this area being used for the housing or rubbish. Secure cycle storage would be provided within the rear garden area for the ground floor and the shared hallway for the first floor flats. The access to the amenity area and the flats is via a footpath on Edward Road adjacent to the parking spaces. Refuse storage would also be provided to the rear of the site and would not be readily visible from the street. A bin collection point is included; containers could be moved with ease to the public highway for collection purposes.

## 6.6 Highways and Parking

6.6.1 As set out in section 5.4 the level of parking 1: 1 complies with the policy requirements at the time of submitting the application. Although the adopted standards have changed as the site lies in an area of high accessibility the number of spaces provided is deemed acceptable. Local Plan policy SDP5 confirms that car parking is a key determinant in the choice of the mode of travel and therefore the provision of two off-road car parking spaces would comply with current planning guidance in the form of PPG13: 'Transport', PPS1 'Delivering Sustainable Development' and PPS3 'Housing, which emphasises the need to reduce car dependence.

6.6.2 The policies within the Core Strategy and the Local Plan seek to promote more sustainable forms of transport to the private car and the availability of car parking is highlighted as a key determinant of the mode of travel. As such the provision of three car parking spaces is fully in accordance with the policy aims and intentions for sustainable patterns of development within accessible locations. Prospective residents of the development will be aware that the development has only one space and as the average household in Southampton only has an average of 1.0 car this proposal is acceptable (Source - Parking Standards Supplementary Planning Guidance). The site is within walking distance of shops and services within Shirley Town Centre and highly accessible by public transport and as such there is no reason to believe that the proposal will exacerbate on street parking pressures.

6.6.2 The provision of secure and convenient cycle storage would promote cycling as an alternative to the private car. The level of car parking proposed to serve the development is therefore considered to be acceptable.

## 6.7 Ecology

6.7.1 A phase 1 Bat Survey was submitted and the results submitted indicate that there is no evidence of bats as there are no spaces or voids in the building as it has been well maintained. In addition, the site is considered to offer a negligible potential for other protected species. As such the proposal complies with European Directives and 'saved' Local Plan policies.

## 6.8 Sustainability

6.8.1 The application is accompanied by a Code for Sustainable Home pre-assessment report and a Sustainability Checklist. The submitted documentation demonstrates

that the development can achieve Level 3 of the Code for Sustainable Homes and through low energy technologies achieve a reduction of between 43%- 51% in Carbon Dioxide emissions over standard building regulations requirements. This is compliant with policy CS20 of the Core Strategy and a condition is suggested to secure these measures.

- 6.8.2 The car parking area proposed would be brick paving in design to reduce surface run off and aid sustainably drainage.

## **7. Summary**

- 7.1 The proposed conversion makes good use of the existing building and having regard to the positive appearance of the existing building, a conversion solution, is deemed more appropriate than a redevelopment. Overall, the fact the scheme meet the suggested amenity standards indicates the proposal is not an overdevelopment of the site. There are no planning grounds that outweigh the re-use of this existing building and the recommendation is therefore to approve.

## **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) 7 (a) (b) (e) (k) 9 (a), 10(a) and 10 (b)

### **ARL for 25/10/2011 PROW Panel**

### **PLANNING CONDITIONS**

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

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

Reason:

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

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

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

Reason:

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

**03. APPROVAL CONDITION Boundary Treatment [performance condition]**

Prior to the development first coming into occupation the boundary treatment shall be fully implemented in accordance with the drawing no P25 received 07.09.2011 hereby approved and thereafter retained as approved unless agreed otherwise in writing by the Local Planning Authority.

**REASON**

To secure a satisfactory form of development

**04. APPROVAL CONDITION - Landscaping Implementation [Performance condition]**

The hard and soft landscaping works shall be carried out in accordance with the drawing no P25 received 07.09.2011 hereby approved . The works shall be carried out before any of the development is occupied unless agreed otherwise in writing by the local Planning Authority.

**REASON:**

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

**05. APPROVAL CONDITION - Landscaping Replacement [performance condition]**

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

**REASON:**

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

**06. APPROVAL CONDITION - Defensible Space details [Pre-Occupation Condition]**

Notwithstanding the approved drawing P25 received 07.09.2011 details of the proposed landscaping between the proposed iron railing and the property's walls shall be submitted to and be agreed in writing by the Local Planning Authority. The approved scheme shall be implemented and retained at all times.

**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.

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

Bin and cycle storage shall be laid out with a level approach prior to the first occupation of the development hereby approved in accordance with drawing no P25 received 07.09.2001 and drawing no P23 received 21.07.2011. The approved storage shall be retained whilst the development is used for residential purposes, with bins kept in their allotted stores on non collection days.

**REASON:**

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

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

The external amenity space serving the development hereby approved in accordance with drawing P25 received 07.09.2011, and pedestrian access to it, shall be made available

prior to the first occupation of residential flats hereby approved and shall be retained with access to it at all times for the use of the residents to this scheme.

REASON:

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

**09. APPROVAL CONDITION - Sustainability statement implementation [Pre-Occupation Condition]**

Prior to the first occupation of the development hereby granted consent, the approved sustainability measures as detailed in CO2 reduction report submitted 31.08.2011 shall be implemented unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

**10. APPROVAL CONDITION - 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.

**11. 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.

**12. APPROVAL CONDITION - Sightlines specification [Pre-Commencement Condition]**

Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 no fences walls or other means of enclosure including hedges shrubs or other vertical structures shall be erected above a height of [0.6m / 0.75m] above carriageway level within the sight line splays.

Reason:

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

Notes to Applicant

1. Pre-Commencement Conditions: Your attention is drawn to the pre-commencement conditions above which require the full terms of the condition to be satisfied before

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

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

**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
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
NE4	Protected Species
H1	Housing Supply
H2	Previously Developed Land
H5	Conversion to residential Use
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)

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

PPS3 Housing (November 2006)

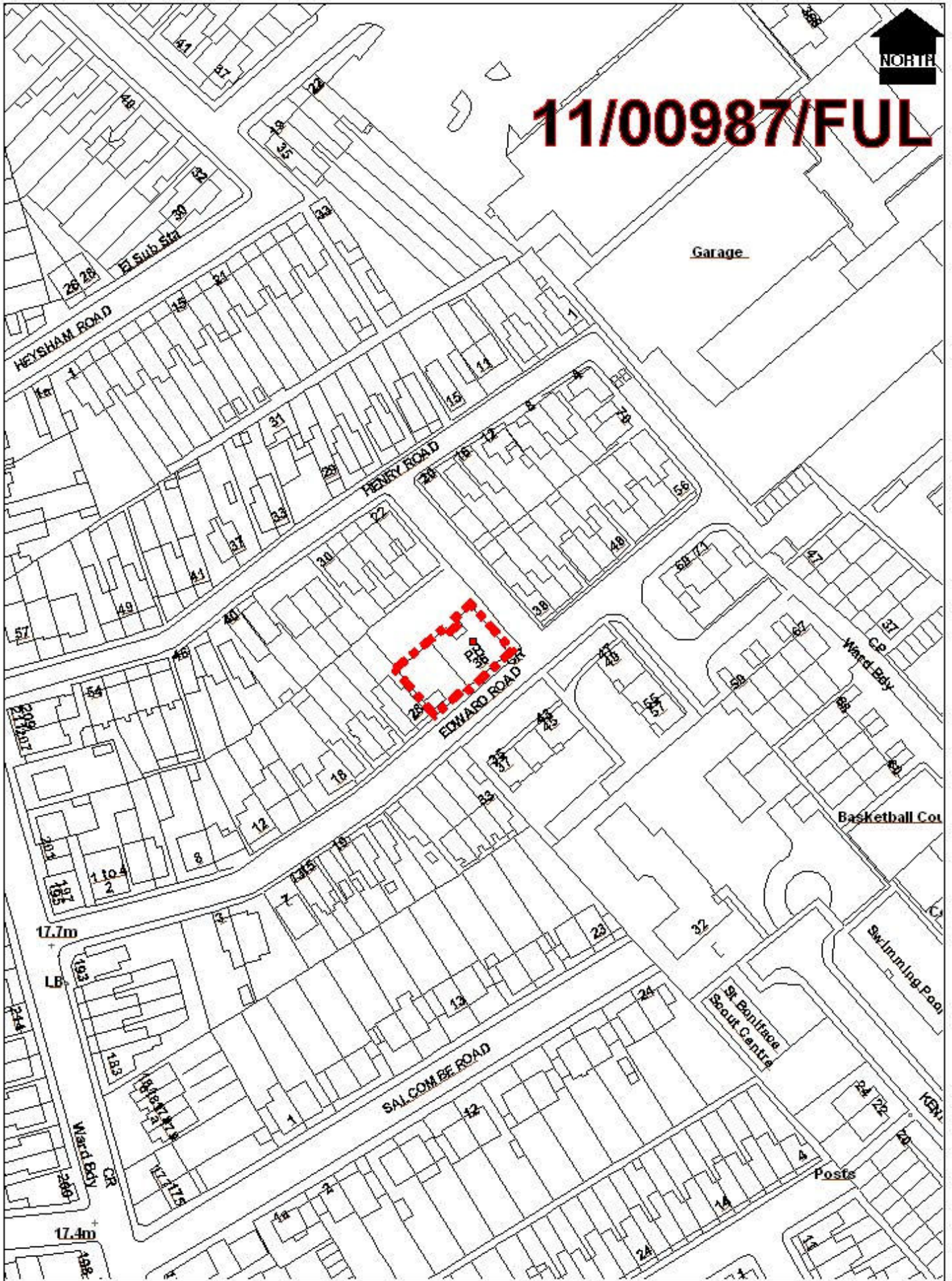
PPG13 Transport (April 2001)

PPS22 Renewable Energy (August 2004)



NORTH

# 11/00987/FUL



Scale : 1:1250

Date :12 October 2011

© Crown copyright. All rights reserved. Southampton City Council 100019679 2004.





# Agenda Item 7

**Southampton City Planning & Sustainability**  
**Planning and Rights of Way Panel meeting 25 October 2011**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 3 Bassett Green Drive SO16 3QN			
<b>Proposed development:</b> Part first floor and part ground floor extension of bungalow to form two storey dwelling, incorporating existing detached garage as part of the house and formation of car port.			
<b>Application number</b>	11/01329/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Mathew Pidgeon	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	04/10/2011	<b>Ward</b>	Bassett
<b>Reason for Panel Referral:</b>	Referred by the Planning & Development Manager	<b>Ward Councillors</b>	Cllr L Harris Cllr B Harris Cllr Hannides
<b>Applicant:</b> Mrs Joanna English		<b>Agent:</b> N/A.	
<b>Recommendation Summary</b>	<b>Conditionally approve</b>		

## 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 surrounding character and neighbouring amenity have been considered and are not judged to have sufficient weight to justify a refusal of the application. Where applicable conditions have been applied in order to satisfy these matters. 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).

<b>Appendix attached</b>			
1	Development Plan Policies		

## Recommendation in Full: Grant conditional planning permission

### 1. The site and its context

- 1.1 The application site contains a detached single storey dwelling house (bungalow) within a wholly residential area. The context of the site and wider area is characterised by detached dwellings of a variety of design and scale set in spacious and generally well landscaped plots. The landscaped nature of the area has been established by providing large frontages/settings to properties, comprising well established large trees (many of which are covered by Tree Preservation Order's) and mature hedging.
- 1.2 The variety of dwelling design, including both bungalows and two storey dwellings, contributes to the overall interest and unique setting, nature and architectural interest of the neighbourhood.

- 1.3 The direct neighbours, numbers 1 and 5, are also bungalows; as are numbers 7 and 9. There is also a modern single storey structure positioned at the top of the road which has accommodation at basement level. Directly opposite the site is the junction with Northwood Close. The opposite side of the street is well landscaped along the street frontage (to the South of Northwood Close).
- 1.4 From the top of Bassett Green Drive where it joins Bassett Green Road the road slopes steeply down towards the middle of the road where the land flattens. As a consequence the ground floor level of the host dwelling is slightly higher than the neighbour at number 5. The road also curves slightly to the south at the junction of Northwood Close.
- 1.5 The two neighbouring properties (3 and 5) do not share the same front building line and as a consequence number 5 is set slightly further back towards the rear of the plot.
- 1.6 The southern most corner of the host dwelling meets the boundary of the site with number 5. Much of the boundary between number 3 and 5 is defined by dense vegetation. A garage is positioned adjacent to the flank wall of number 3, where it meets the boundary with number 5. A secondary entrance to number 5 is located on its northern flank behind the garage and slightly behind the host dwelling.

## **2. Proposal**

- 2.1 The planning application seeks to add an additional storey to the building and a ground floor extension. The 1<sup>st</sup> floor element would however have a smaller floor area than the ground floor footprint, set into the existing bungalow's roof. The roof of the first floor element would have a shallow pitch and would be hipped. The roof at ground floor level would also be pitched and therefore would rise up to meet the elevations of the first floor element. The maximum height of the roof will increase from 4.9m to 7m.

## **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 policies of the South East Plan, Southampton's Core Strategy and Local Plan Review have been taken into account in the consideration of this application. The Core Strategy is in general conformity with the South East Plan, and it is not considered that the policies in the South East Plan either conflict with or add particular weight to the policies in the Core Strategy for this application. Consequently only the local statutory development plan policies (Core Strategy and Local Plan Review) have been cited in this report.

#### **4. Relevant Planning History**

- 4.1 11/00695/PREAP2 - Replacement roof with dormer windows and conversion of existing garage and carport into annexe. Advice given:- The addition of a first floor to an existing modest bungalow does not achieve subservience normally required of extensions. However, the overriding context of larger two storey dwellings will be taken into account when considering its impact on the character and appearance of the area.

1530/W11 – Single storey side extension – Conditionally Approved 18.10.1977.

1217/33 – Erection of bungalow and garage – Conditionally Approved 27.02.1962.

#### **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. At the time of writing the report **14** representations have been received from surrounding residents, including two from local Ward Councillors and one from a the North East Bassett Residents Association).

- Inappropriate design (height, appearance).
- Out of keeping/proportion given the immediate neighbours (6 bungalows) and established character.
- Contrary to local vernacular.
- Adverse impact on the character of the area.
- Erosion of vernacular - bungalows - good example of 1960's architecture.
- Undulating landscape is used to maximum benefit at present, to deviate from the original landscape design would be detrimental to the community and character of the area.
- Gradual transition of roof heights down the slope of the street will be interrupted by the two storey element.
- Roof pitch is greater than 22.5 degrees which is the established roof pitch for properties in the area.
- Negative impact on the visual amenity of the area.
- Harm to the woodland setting of the area – originally an arboretum
- Incongruous 2 storey building within the grouping of 5 bungalows.
- Neighbouring properties would have their daylight, sunlight and privacy compromised.
- Overdevelopment.
- Traffic and Parking, suggested conditions safeguarding/protection of grass verges.
- Suggest additional conditions regarding tree protection if supported.
- Contrary to restrictive covenants covering the site.
- Precedent for future development.

#### RESPONSE

The above considerations are responded to in detail in section 6 of the report - Planning Considerations.

5.2 **SCC Highways** - no objections.

5.3 **SCC Trees** – Little or no potential damage to the protected trees on site (Southampton (Bassett Wood North) TPO 1960). New pitch roof will suffer less nuisance from falling debris than the existing flat roof. No objections to this application subject to the submitted Method Statement (Professional Tree Services Ltd., ref: ENGL/1720ms. dated 08/08/2011) forming part of any conditions.

## **6. Planning Consideration Key Issues**

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

- i. The principle of development.
- ii. the impact on character of the host dwelling;
- iii. the impact on the character of the surrounding area; and
- iv. the affect of the development on neighbouring amenity.

### **6.2. Principle of Development**

6.2.1 There are no relevant policies which object in principle to extending the property. The proposal must therefore be judged in terms of its potential impact as a result of the physical characteristics of the extension.

### **6.3 The impact on character of the host dwelling**

6.3.1 The character of the host property is principally that of a single storey family dwelling house with gable ended roof.

6.3.2 The proposal, makes a substantial addition to the existing roof of a bungalow and is therefore not strictly compliant with section 2.5.4 of the Residential Design Guide (RDG), albeit that usually deals with much smaller dormer window additions. Section 2.3 of the RDG calls for extensions to be sub-ordinate to the host dwelling. The first floor addition has a smaller footplate to the host dwelling and in that sense is sub-ordinate ( $72.77\text{m}^2$  as compared to  $163.72\text{m}^2$ ), but there is no escaping that the appearance of the host dwelling would be radically altered, albeit in a context where large two storey dwellings pre-dominate the character of the area. It is noteworthy that the maximum height of the roof will increase from 4.9m to 7m.

6.3.3 Furthermore the position of the first floor element and design of the roof serving the ground floor element would not significantly increasing the bulk, mass and scale of the dwelling, compared to simply building off the external walls. Furthermore with window openings proposed at first floor level being narrower than the ground floor openings and with the use of timber cladding at first floor level, the impact of the extension on the character of the host dwelling is not considered to be harmful.

6.3.5 Upon careful consideration and comparison between the original design and that which is proposed Officers do not believe that the extension is significantly harmful to the character and appearance of the dwelling. The dwelling remains fairly modest in scale and retains its appearance as a dwelling house.

#### **6.4 The impact on the amenity of the surrounding area**

6.4.1 The proposals are not considered to be an overdevelopment of the plot, where a generous garden would remain.

6.4.2 The immediate neighbours do share common characteristics with the host dwelling. However, each property has been positioned differently within each plot and most have been extended since their original construction. The neighbouring properties and small group of bungalows are not read within the street scene as a collection of identical properties with shared character. This is due to the well landscaped nature of the area, the distance which the properties are set back from the public highway and curve in the road. As such and given wider context of the area where a large variety of building design is evident it is Officers' opinion that bungalows do not form the dominant character of the neighbourhood. In which case it is difficult to demonstrate that the alteration of the dwelling to form a modest first floor element would be harmful to the appearance of the area.

6.4.3 The change in levels between the plots at the upper end of Bassett Green Drive also results in a change in levels to the roof heights of dwellings. Although the addition of the first floor element shall alter the transition of roofs across the slope the extension's set back from the front building line and position of the property within the plot and verdant screening on the boundaries reduce its visual impact. Again it can be concluded that no significant harm to the character of the area (in particular roofs cape) will result as a consequence of the development. The development is supported by the Tree Team and as such the proposal, for reasons discussed above, shall not adversely affect the woodland setting of the dwelling and wider environment.

6.4.4 Whilst one can appreciate that incremental changes can harm visual character and amenity over a long period of time the application submitted for determination is not considered unacceptable given the scale of the extension and its surroundings.

#### **6.5 The affect of the development on neighbouring amenity.**

6.5.1 The boundary to the North East which divides the host dwelling from number 1 Bassett Green Drive is well landscaped. Number 1 is located higher on the slope. As such there will be no impact on the residential amenities enjoyed by the occupiers of that property.

6.5.2 The flank elevation of the host dwelling, as discussed in section 1.6, is positioned close to the flank elevation of the neighbour at number 5. The proposal could be improved by shifting the main element of the extension closer to the north eastern side of the dwelling. However, on balance, because the proposed extension position is set off the flank boundary wall, no significant harm is concluded to neighbouring amenity. Harm would have been far greater if the flank wall had been extended straight up. Upon careful consideration, owing to the present

relationship between the two dwellings the mass and scale of the extension is not found to be sufficiently harmful to justify refusal on the basis of being judged as overbearing or dominant. It is noted that the neighbour's garage is positioned on the boundary and is partially adjacent to the location of the extension.

- 6.5.3 The extension is also to the north of number 5 and therefore the proposal will not lead to shadowing of amenity space or habitable room windows. The neighbour at number 5 also does not have habitable room windows looking directly north and occupants would therefore not be subjected to any loss of outlook.
- 6.5.4 With regard to overlooking there is one habitable room window proposed in the south west flank elevation of the extension, the window would serve a bedroom and has been placed in this elevation rather than the rear in order to prevent overlooking of the main entrance to the neighbours property. The outlook afforded to that room would be directly across the neighbour's front garden, it is unlikely that the window will allow occupants of the room to look into habitable room windows facing the front garden (north west direction) of number 5 owing to the layout and relative positions of the properties and windows. If a view into the neighbours' habitable room could be achieved it would be at an acute angle and not considered to significantly compromise neighbouring privacy.
- 6.5.5 With regard to overlooking there is one habitable room window proposed in the south west flank elevation of the extension. The window would serve a bedroom and has been placed in this elevation rather than the rear in order to prevent overlooking of the secondary entrance to the neighbours' property. The outlook afforded to that room would be directly across the neighbour's front garden, it is unlikely that the window will allow occupants of the room to look into habitable room windows facing the front garden (north west direction) of number 5 owing to the layout and relative positions of the properties and windows. If a view into the neighbours habitable room could be achieved it would be at an acute angle and not considered to significantly compromise neighbouring privacy.
- 6.5.6 With regard to the use of the neighbours land for outlook, owing to the sloping nature of the area; and the variety of building design and orientation in the area, the proposed relationship is not considered to be uncommon and therefore on balance this element of the scheme is acceptable.
- 6.5.7 The council do not have any policies which do not prevent parking on the public highway furthermore there is no intention to increase the number of bedrooms.

## **7. Summary**

- 7.1 Significant harm to neighbouring amenity and to the character of the area will not occur in this instance and taking into account the setting and wider context of the neighbourhood justification for refusal is difficult to achieve. The application has been considered on its own merits having regard to the particular site characteristics and relationship to neighbouring properties. If approved, it is not considered to represent a general precedent for similar development.

## **8. Conclusion**

- 8.1 Although the proposal does change the appearance of the dwelling that impact is considered to be acceptable. There is not sufficient justification to warrant a refusal in this case.

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

1(a), 1(b), 1(c), 1(d), 2(b), 2 (d), 4 (f), 6(c), 7(a), 7 (e), 9(a) & 10 (a) and (b)

### **MP3 for 25/10/2011 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 - No other windows or doors other than approved [Performance Condition]**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings including roof windows or dormer windows other than those expressly authorised by this permission shall be inserted into the ground floor southern flank elevation of the property or within any elevation at first floor level without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the adjoining residential properties

#### **03. APPROVAL CONDITION - Glazing panel specification [Pre-Occupation Condition]**

The window in the side elevation of the building hereby approved [to the room indicated as a bathroom] shall be glazed in obscure glass and shall be none opening / shall only have a top light opening above a height of 1.7m above floor level. The window as specified shall be installed before the development hereby permitted is first occupied and shall be permanently maintained in that form.

Reason:

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

#### **04. 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.

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

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

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

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

And at no time on Sundays and recognised public holidays.

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

Reason:

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

**06. APPROVAL CONDITION, Compliance with Arboricultural Impact Assessment and Method Statement, (Performance Condition)**

The hereby approved development shall be completed in compliance with the submitted; Method Statement (Professional Tree Services Ltd., ref: ENGL/1720ms. dated 08/08/2011).

Reason:

To ensure the retention of trees which make an important contribution to the character of the area.

**07. 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)

CS13          Fundamentals of Design

City of Southampton Local Plan Review – (March 2006)

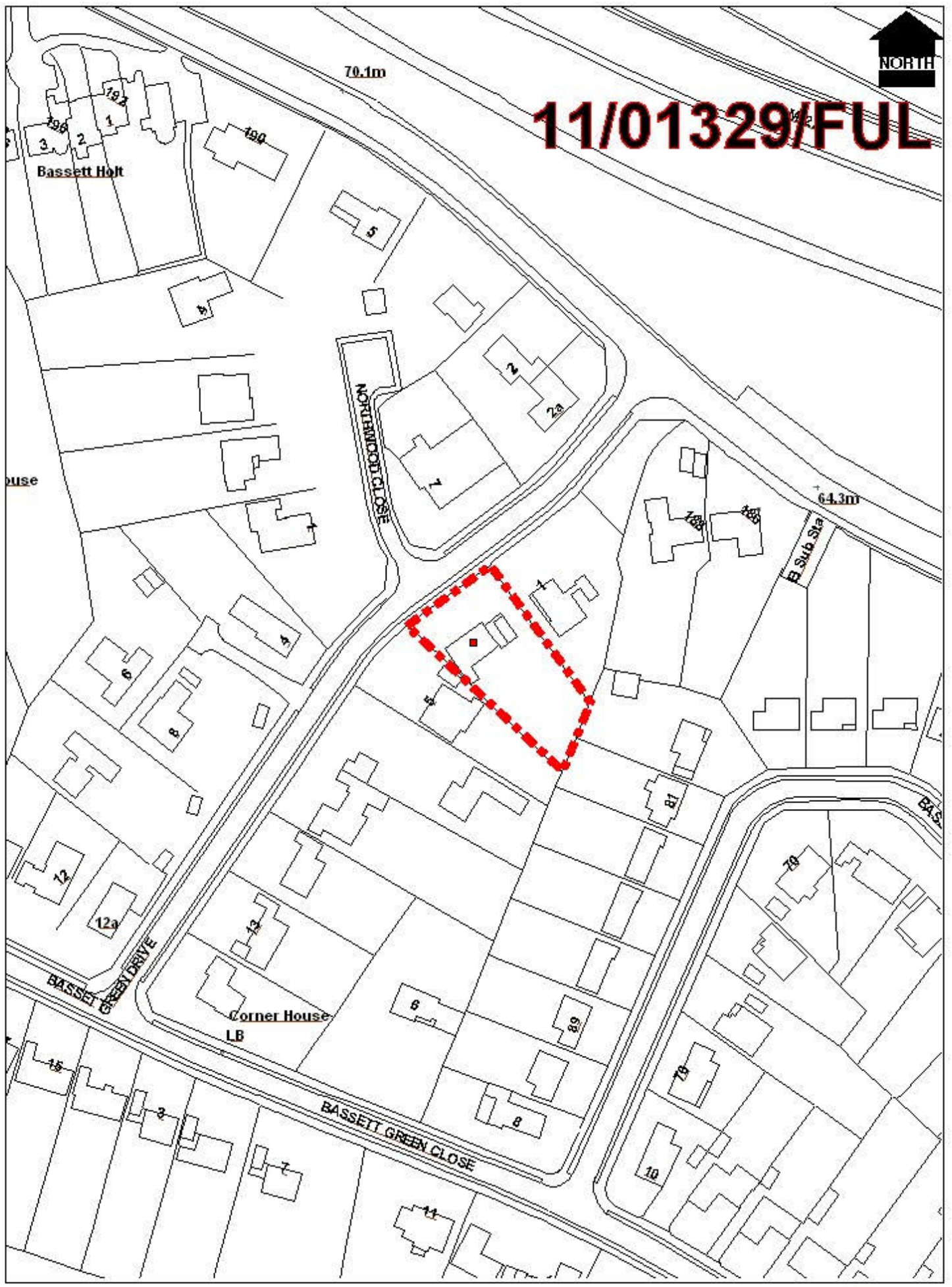
SDP1          Quality of Development  
SDP7          Urban Design Context  
SDP9          Scale, Massing & Appearance

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)



**11/01329/FUL**



Scale : 1:1250

Date : 12 October 2011

© Crown copyright All rights reserved. Southampton City Council 100019679 2004.



# Agenda Item 8

**Southampton City Planning & Sustainability  
Planning and Rights of Way Panel meeting 25 October 2011  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Land at Yeovil Chase			
<b>Proposed development:</b> Redevelopment of the former school playground to provide 21 residential units (13 x 2 bedroom houses, 5 x 3 bedroom houses and 3 x 4 bedroom houses) with associated car parking and amenity space and vehicular access from Yeovil Chase (Outline application seeking approval for access, layout and scale.)			
<b>Application number</b>	11/01304/R3OL	<b>Application type</b>	OUT
<b>Case officer</b>	Andrew Gregory	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	09.11.2011	<b>Ward</b>	Harefield
<b>Reason for Panel Referral</b>	Departure from the Development Plan	<b>Ward Councillors</b>	Cllr Fitzhenry Cllr Daunt Cllr Smith

<b>Applicant:</b> Southampton City Council	<b>Agent:</b> Capita Symonds
--	------------------------------

<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report</b>
-------------------------------	---

## **Reason for granting Deemed Outline Permission**

The proposal represents a departure from Policies CS21 of the City of Southampton Core Strategy (January 2010) and 'saved' Policy CLT3 of the City of Southampton Local Plan Review (March 2006), because it involves a net loss of protected open space. However the mitigation offered for that set out below is considered acceptable to allow a departure from the Development Plan for Southampton. The development is otherwise acceptable taking into account the policies and proposals of the Development Plan as set out below. A suitable balance has been achieved between securing additional housing, parking, on-site amenity space and landscaping, whilst ensuring that existing residential amenity is protected.

The element of the site previously used as a playing field has not been in use for 3 years and was fenced off as part of the redevelopment of the school in 2008. The loss of this open space will be mitigated by the provision of a green within the development site, and controlled public access of the woodland fronting Yeovil Chase. The woodland will form a pocket park to be open at weekends. Whilst there will still be a net loss of open space (2,387 square metres), it is considered that this will have a limited impact on the quality of open space provision in the locality due to the existing level of provision in the locality and there would be a gain in terms of the amount and quality of publically accessible open space.

Sport England raises no objection to the loss of playing fields on the basis that substantial investment has taken place to improve the drainage of the retained playing fields thereby improving the quality and usability of the retained playing fields; and also on the basis that a community use agreement and sports development plan can be secured through

planning permission 08/01317/R3CFL. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 deemed Outline Planning Permission should therefore be granted.

'Saved' Policies - SDP1, SDP4, SDP5, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP21, SDP22, NE4, HE6, CLT5, CLT6, H1, H2, H3, H6 and H7 of the City of Southampton Local Plan Review (March 2006) as supported by the City of Southampton Core Strategy (January 2010) policies CS4, CS5, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS22, CS23 and CS25.

<b>Appendix attached</b>			
1	Development Plan Policies		

### Recommendation in Full

Delegate to the Planning and Development Manager to grant planning permission subject to:

- (1) Confirmation in writing by the applicant prior to the grant of planning permission that the attached draft Heads of Terms are acceptable to the applicant.
- (2) The receipt of an undertaking from the Head of Property and Procurement Services that the contract for the sale of Council owned land, the subject of this application, will be conditional upon the purchaser and any other landowner entering into a S.106 legal agreement with the Council, prior to or simultaneously with the land transfer taking place, to provide the following planning obligations:
  - i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
  - ii. A financial contribution towards strategic transport projects for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
  - iii. Financial contributions towards the relevant elements of public open space required by the development in line with policies CLT3, CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policies CS21 CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended), to mitigate for the loss of that part of the site which is currently protected open space:-
    - Amenity Open Space (“open space”);
    - Playing Field;
    - Play space/equipment.
  - iv. The provision of a minimum of 35% of the dwellings as affordable housing, in accordance with Policy CS15 of the adopted LDF Core Strategy (2010);
  - v. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer;

- vi. Submission of a management plan for the controlled public use of the woodland pocket park.

## **1. Background**

- 1.1 On 17 March 2008 the Cabinet resolved to declare 1.9 hectares of land at Harefield Primary School surplus to educational requirements and agreed to a capital works programme to re-model and extend the school. This followed consent from the Secretary of State for Education for the disposal of playing fields, dated 13 December 2007.
- 1.2 On 25 November 2008 planning permission was granted for the demolition of the existing REEMA block and the former two-storey Junior School building, erection of a new single-storey building to the north of the former infant school building with associated external works, a new hard surfaced play area with associated fencing , a new car park and delivery area with lighting and a new access road off Yeovil Chase. Provision of a new car parking area accessed from Yeovil Chase was subsequently approved 25 August 2010 in an adjusted position. All works have been completed. The proposed development site has been fenced off and isolated from the new school and is served by the new access road.

## **2. Site and its context**

- 2.1 The application site comprises former hard play ground and soft playing fields at Harefield Primary School with an area of 0.5 hectares. A belt of mature trees, including birch and 3 oaks, runs through the middle of the site. The land has become surplus to the requirements of the school and Southampton City Education Authority and has been isolated from the remodelled Primary school. A new access road has been installed which serves both this site and a new secured staff car parking area immediately to the south. The site is bordered by school playing fields to the east, Glebian private tennis club to the north and east and residential gardens to the west.
- 2.2 Woodland within the school curtilage is located to the south, fronting Yeovil chase. A mature hedgerow forms the western boundary with neighbouring residential properties. Fencing has been installed to secure the site access, the woodland, staff parking and the proposed development site.
- 2.3 The surrounding area is predominantly residential in nature comprising two-storey housing and bungalows. The housing in Yeovil Chase has limited private parking with on-street parking prevailing without restrictions, except at the school access. The street layout includes lay-by parking.

## **3. Proposal**

- 3.1 Outline proposal is sought for residential development with consideration of access, layout and scale only. The outstanding reserves matters comprising appearance and landscaping would need to be assessed as part of a separate application should the Outline Permission be granted.
- 3.2 The application proposes redevelopment of the former school playground and playing fields to provide 21 residential units (13 x 2 bedroom houses, 5 x 3 bedroom

houses and 3 x 4 bedroom houses) with associated car parking and amenity space. New vehicular access from Yeovil Chase has already been established under deemed permission 08/01317/R3CFL.

- 3.3 The tree belt running through the middle of the site is proposed to be retained and will form the central focus, as part of a door step green. The proposed housing will frame the green with a perimeter layout. The majority of the housing is arranged into two-storey semi-detached pairs, however a detached two-storey dwelling (gatehouse) is located at the site entrance and a detached bungalow is located in the north-western corner, it should also be noted that unit 20 along the southern boundary is identified as a bungalow. Private rear gardens are provided which range in area from 52 to 233 square metres, the majority of which back onto the site boundary. However the layout includes a semi-detached pair situated more centrally within the site, with gardens backing onto the green.
- 3.4 An energy centre is identified at the site entrance; this area will give the developer the opportunity to provide a bio mass plant should this be viable and the renewable energy choice of the developer.
- 3.5 The access and car parking has been designed as a home zone arrangement to allow people and vehicles to share the road space safely and on equal terms, with road narrowing to slow traffic and play markings to increase pedestrian use of the space. 1:1 parking provision has been in a mix of single and small grouped (2-3 spaces) parking areas with natural surveillance of these spaces. The access has been designed to allow a refuse truck to enter and turn within the site. 1:1 bin and bike storage has also been made
- 3.6 Although detailed design and external appearance is not under consideration, the indicative outline of the buildings indicates that the proposed scale of buildings can be achieved through the incorporation of pitched roofs.
- 3.7 The existing trees and planting along the western and northern boundaries is to be retained with additional hedging proposed along the northern and eastern boundaries.

#### **4. Relevant Planning Policy**

- 4.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 4.2 The primary policy considerations here relate to the site allocation as protected open space, the need to secure a reasonable housing density and car parking provision relating to the sites accessibility.
- 4.3 Major developments are expected to meet high sustainable construction standards in accordance with the City Council’s adopted and emerging policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 4.4 The policies of the South East Plan, Southampton’s Core Strategy and Local Plan Review have been taken into account in the consideration of this application. The

Core Strategy is in general conformity with the South East Plan, and it is not considered that the policies in the South East Plan either conflict with or add particular weight to the policies in the Core Strategy for this application. Consequently only the local statutory development plan policies (Core Strategy and Local Plan Review) have been cited in this report.

- 4.5 Core Strategy Policy CS5 sets out what density targets housing development should provide in an area of low accessibility such as this (PTAL band 2). In such areas, density levels of 35-50dph are recommended. This proposal achieves a density of 34 dwellings per hectare and is policy compliant.
- 4.6 Although the Council has taken the executive decision to dispose of these playing fields, as agreed by the Secretary of State for Education, the land however remains safeguarded as open space under 'saved' policy CLT3 of the City of Southampton Local Plan Review (March 2006) and policy CS21 of the City of Southampton Core Strategy (January 2010). Therefore this proposal represents a departure from the aforementioned policies and has been advertised accordingly.
- 4.7 Substantial investment has been made to provide improved drainage to the retained school playing fields therefore allowing improved use of this place, previously restricted due to water logging. These works are considered to represent enhancement of this existing space by improving its quality and usability.
- 4.8 Policy CS21 (criterion 2) does allow for reconfiguration of open spaces in order to achieve wider community benefits such as improving the quality of open space. To mitigate against the loss of open space, provision has been made to allow controlled public access of the adjacent wooded area to provide a pocket park, in addition to the doorstep green; together this will provide 3,098 square metres of replacement open space. Whilst there will still be a net loss of 2,387 square metres of safeguarded open space, it is considered that the qualitative improvements to the Harefield school playing field and the offer of woodland directly off Yeovil Chase for public use would be adequate mitigation for the loss of the CLT3 open space on the school site. The woodland would give an enhanced provision of open space over that of the hard surface playground (which in any case is not available to the public at present). On this basis it is considered that sufficient mitigation makes up for the loss of CLT3 (open space) land on this site.

## **5. Relevant Planning History**

### **08/01317/R3CFL**

Demolition of the existing REEMA block and the former two-storey Junior School building, erection of a new single-storey building to the north of the former infant school building with associated external works, a new hard surfaced play area with associated fencing, a new car park and delivery area with lighting and a new access road off Yeovil Chase (which is proposed to serve the new school layout and a proposed future housing development on part of the site).  
Granted 25.11.2008 and implemented.

### **10/00803/R3CFL**

Formation of new car park and new access road off of Yeovil Chase following the part demolition of the Junior school building  
Granted 25.08.2010

## **6. Consultation Responses and Notification Representations**

- 6.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners. At the time of writing the report **4** representations have been received from surrounding residents and a local Ward Councillor.

### Summary of Representations made

- Dwelling no. 15 is positioned too close to the boundary with 16 & 18 Wynter Road leading to concerns regarding noise nuisance, loss of privacy and safety implications (fire hazard);
- Overdevelopment of the site;
- The sketch drawings provide limited detail;
- Loss of school playing fields - the capacity of the school may increase in the future and therefore the open space could be needed
- Yeovil Chase is congested at peak and off peak times. This narrow estate road cannot accommodate the proposed additional traffic. The carriageway narrows in places leading to vehicle conflict which will be exacerbated as a result of the additional traffic.
- Displacement parking will obstruct emergency vehicle access
- Traffic calming should be introduced at the bend.

### Summary of Consultation comments

- 6.2 **SCC Highways** – No objection, the layout as shown is acceptable, and there is scope to add a couple of casual unallocated parking spaces adjacent to the flank wall of plot no.6 which will help with visitor spaces. At school start and finish times Yeovil Chase is heavily parked with parents vehicles, and the risk of overspill occurring in this development has been designed out through layout.

There will need to be a transitional element designed into the scheme as vehicles enter the site and the footpaths end, and this element will be further deterrent from entering this area without need. With 1:1 parking this development should not have a detrimental impact on adjoining streets.

Conditions should be applied to secure: the car parking spaces; the specification of the internal access road; wheel cleaning facilities; bin & bicycle storage; controls to the hours of delivery for construction traffic to ensure deliveries take place outside of school start and finish times; and a delivery lorry routing agreement to prevent conflict with existing traffic within Yeovil Chase.

- 6.3 **SCC Sustainability Team** – No objection, pleased to see that the majority of houses have a north-south orientation which gives potential to take advantage of solar gain. Passive solar gains can provide significant contributions to space heating, lighting and ventilation in a building. The proposed Sustainable Drainage System (SUDS) system which includes buffer strips, swales and rain gardens are supported and should be secured. Permeable paving and rainwater harvesting should also be shown in the detailed design. Green roofs should also be considered as part of the SUDS system. The development must achieve Code for Sustainable Homes Level 3 plus a 20% CO<sub>2</sub> reduction over Building Regulations through renewable or low carbon energy sources, or alternatively, Code Level 4. Apply conditions to secure the code level, 20% CO<sub>2</sub> reduction and a feasibility study regarding the provision of SUDS.



- 6.4 **SCC Ecology** – No objection however Ecological Mitigation should be secured by condition.

The retention of the line of trees and creation of a pocket park is considered a very positive measure. The ecology report produced for the redevelopment of the school buildings identified the tree line as a key biodiversity feature with bats using it for foraging and as a corridor to the woodland in the south west corner of the school site. In order to retain this foraging value it is important that the tree line is not subjected to unnecessary illumination.

It is noted that the proposal includes opening up the woodland to public access. This area is currently the school's wildlife area and the previous ecology report identified it as supporting the highest levels of biodiversity on the site. It is important therefore that increased public access does not lead to adverse impacts on the biodiversity.

The incorporation of rain gardens and other features to manage surface water is very positive. Careful design of these features could also produce biodiversity gains.

- 6.5 **SCC Environmental Health (Pollution & Safety)** – No objection subject to a condition to control hours of work.
- 6.6 **SCC Trees** – No objection subject to conditions to safeguard the existing trees.
- 6.7 **Southern Water** – No objection subject to condition to secure details of means of foul and surface water disposal.
- 6.8 **Environmental Health (Land Contamination)** – Potentially contaminated site; adequate assessments will need to be carried out on site to determine the likely presence of contaminants. Planning conditions recommended.
- 6.9 **SCC Housing** – No objection. 35% affordable housing should be secured in accordance with policy CS15 of the Core Strategy which equates to 7 dwellings.
- 6.10 **Sport England** – No objection on the basis that enhancement works have taken place to improve the quality and usability of the retained school playing fields. Sport England also seek a condition to secure a community use agreement to investigate the opportunity for wider community use of the upgraded playing fields serving the school.
- 6.11 **Architects Panel** – Critical of external appearance and roof design of the proposed dwellings. Internal layout of two-storey units should be considered. 1100mm separation distance should be achieved between units 1 and 15 and the common boundaries.

Response – Detailed design is not being considered as part of this outline submission, this will need to be considered as part of a reserved matters or full application. The design shown is indicative. The plans have been amended to show the outline/roofline of the buildings (only). The 1100mm separation distance of the bungalow adjoining back gardens of Wynter Road can be secured by condition.

## **7. Planning Consideration Key Issues**

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

### Principle of Development

- 7.2 The Council has Secretary of State and Cabinet approval to dispose of the play ground and playing fields which form this application site. Sport England raises no objection to the loss of playing fields on the basis, part of the site is occupied by hard surfacing and play equipment and that substantial investment has taken place to improve the drainage of the retained playing fields thereby improving the quality and usability of the school playing fields. Sport England also seek a community use agreement in order for wider community use to be considered on the upgraded playing fields.
- 7.3 The school has retained approximately 1.4 hectares of playing fields with an additional 0.1 hectares of hard surface play ground. On this basis it is considered that the retained playing fields are sufficient to meet the needs of the new school
- 7.4 The application site is safeguarded as open space under saved policy CLT3 of the Local Plan and policy CS21 of the Core Strategy and therefore this application has been advertised as a departure. The Councils planning policy team are satisfied that sufficient mitigation is being offered to make up for the loss of open space, in that controlled public access is being made of the adjacent woodland, a doorstep green is being provided as part of the development and having regard to the enhancement of the retained playing fields and the availability of open space within this area. S106 contributions will also be secured towards open space and play space within the area.
- 7.5 The proposed residential development seeking outline permission for 21 residential units is acceptable in principle and accords with policies contained within the development plan and central government's wishes to promote sustainable and efficient use of land for housing development providing that the character of the area is not compromised.
- 7.6 The proposed level of residential development has a density of 34 dwellings per hectare; which is broadly compliant with Policy CS5 of the Core Strategy which advocates a density range of between 35-50dph in areas of low accessibility such as this. Regard should also be given to the recent changes to PPS3 which remove minimum densities.
- 7.7 In any event, it is considered that density should not be an arbitrary figure that defines the manner in which the City develops. Instead, density should be taken as a guide to the appropriateness of a scheme; if a residential layout and design is considered to be appropriate for its context (as is the case here) it is these assessments that should prevail.
- 7.8 The provision of 13 x 2 bedroom houses, 5 x 3 bedroom houses and 3 x 4 bedroom houses will provide a greater choice and availability of housing within this area, in accordance with central government planning guidance on housing development (PPS3). Policy CS16 sets out that the council will provide a mix of housing types and more sustainable and balanced communities. The policy seeks a target of 30%

of total dwellings as family homes on sites of ten or more dwellings; this proposal achieves 38% on the basis that a family home is defined as housing with 3 or more bedrooms.

#### Residential design and impact on established character

- 7.9 The application seeks outline consent for access, layout and scale. Detailed design and landscaping will need to be considered separately as part of a reserved matters application. Access into the site, including a footway and lighting has been established by planning 08/01317/R3CFL. The access road also serves the school and staff car parking which have been made secure from the development site with acceptable gates and fencing.
- 7.10 The proposed development which includes two-storey and single-storey housing bungalows is compatible and in keeping with the existing scale of housing development within the area. The accommodation mix includes single-storey bungalows which have been incorporated on the basis of housing need but also to ensure the scale of development is reduced when in close proximity to adjoining gardens.
- 7.11 The bungalow, identified as unit 15, located adjacent to the gardens of 16 and 18 Wynter Road is shown as incorporating a pitched roof with a height of 5.5 metres to ridge set behind a tall hedge which is approximately 4.5 metres in height; this scale of development is not considered harmful to neighbouring residential properties having regard to the single-storey scale of the bungalow, mitigation provided by the existing hedgerow and depth of the neighbouring gardens which are approximately 37 metres in length.
- 7.12 The layout and scale of development is considered acceptable in relation to the adjacent school playing fields and tennis club. A condition will be added to ensure that windows, incorporated into a future application seeking approval of detailed design, do not overlook the school playing fields. The 10 metre separation distance from the rear elevations of the two-storey housing and the neighbouring playing fields is considered an acceptable privacy distance.
- 7.13 The proposed layout is reflective of the schemes relatively low density (34 dwellings per hectare) incorporating detached and semi-detached dwellings framing a doorstep green, with all dwellings provided with private rear gardens. This layout is considered in keeping with the spatial character of the area whilst still having regard to the need to make more efficient use of land for housing delivery as advocated by PPS3.
- 7.14 The retention of the existing trees on site and landscaping enhancements are welcomed in terms of character and visual amenity, and also in terms of the sustainability (SUDS) and ecology benefits.

#### Impact on Residential Amenity

- 7.15 The residential amenities of neighbouring residents will not be adversely harmed. The proposed development will not give rise to a harmful sense of enclosure, loss of light, shadowing or overlooking / loss of privacy.
- 7.16 The proposed bungalow adjacent to the boundary with 16 and 18 Wynter Road will

not give rise to harmful noise nuisance nor will it represent a fire hazard, having regard to the indicative layout to this dwelling and separation distance from neighbouring dwellings. The scale of this proposed bungalow coupled with the height of the hedging will not lead to harm to these neighbouring occupiers. The existing hedgerow will be safeguarded by condition, however in the event the hedge dies, the detailed design of the bungalow will be carefully considered to ensure that no windows are incorporated within the west facing roof slope to ensure no overlooking or loss of privacy occurs. The back to back privacy distances between the existing and proposed dwellings far exceed the minimum 21 metres advocated by the Residential Design Guide, with an approximate distance of 45 metres. The proposed two-storey dwelling houses have been provided with 10 metre length rear gardens which provide an acceptable separation distance from neighbouring gardens.

- 7.17 External lighting should be carefully considered by condition to prevent harmful light pollution to neighbouring occupiers.

#### Residential Standards

- 7.18 In amenity terms the residential environment proposed for the potential occupants is acceptable. However the internal layout of the dwellings will need to be considered as part of a separate application seeking consideration of detailed design to ensure the units are compatible with modern living standards and all habitable rooms are served by natural lighting and ventilation. The amenity space provision is acceptable in terms of amount, quality and usability, ranging in size from 56 to 233 square metres.

#### Highway Issues

- 7.19 The application site is within an area, which is defined as a “low” accessibility zone. The level of parking provision proposed needs to be assessed against the parking standards set out in the adopted Local Plan and Parking Standards SPG, which are maximums, therefore careful consideration needs to be made of the implications of the proposed number of spaces. The scheme proposes 21 parking spaces, which is lower than the maximum level of 45 spaces that would be allowed under the Parking Standards SPD. However the level of provision proposed is considered acceptable in terms of meeting the travel demands of the development and to ensure the layout of the development is not car dominated. The layout has been carefully designed to prevent additional parking within the site.
- 7.20 In respect of displacement parking, there already appears to be significant take-up of street parking within Yeovil Chase providing limited opportunity for additional street parking. In any event it is considered that it would be difficult to defend a reason on the basis of under provision of car parking having regard to the fact that 1:1 provision has been made, the parking standards are maximums and that central government advice in PPG13 still advocates that applicants should not provide more parking than they wish (Paragraph 51 refers).
- 7.21 Representations have been received concerned that the development will compound existing problems of congestion and obstruction of traffic flow within Yeovil Chase. It is clear there is high demand for on-street parking spaces during peak times and this has led to a single lane traffic flow. However it would appear the problem is self regulatory, in that drivers have no option but to follow the one way

direction within the single lane of traffic. Future occupiers will have no choice but to turn left out of the site at peak times and follow the self-regulating flow of traffic. A condition is recommended to secure the routing of construction traffic.

7.22 Highways Development Management is satisfied that the level of parking provision and access arrangement will not prejudice highway safety.

7.23 The bin storage and cycle storage provision is also acceptable.

## **8. Summary**

8.1 Overall the scheme is acceptable and the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area. The departure from policies CLT3 and CS21 is supported on the basis that appropriate mitigation is being offered to make up for the loss of open space on this site. The proposal is consistent with all other adopted local planning policies. A suitable balance has been achieved between securing additional housing, parking, on-site amenity space and landscaping, whilst ensuring that existing residential amenity is protected.

## **9. Conclusion**

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

### **Local Government (Access to Information) Act 1985**

#### **Documents used in the preparation of this report Background Papers**

1(a), (b), (c), (d), 2(b), 2(d), 4(f), (g), (vv), 6(a), 6(c), 6(f), 7(a), (b), (e), (j), (n), (p), 9(a) and 10 (b) & (b)

### **AG for 25/10/11 PROW Panel**

#### **PLANNING CONDITIONS - 11/01304/R3OL**

##### **01. APPROVAL CONDITION - Outline Permission Timing Condition**

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

- (i) Written approval of the details of the following awaited reserved matters shall be obtained from the Local Planning Authority prior to any works taking place on the site for;  
the appearance and architectural design specifying the external materials to be used,  
and the landscaping of the site specifying both the hard, soft treatments and means of enclosures.

- (ii) An application for the approval of the outstanding reserved matters shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission
- (iii) The development hereby permitted shall be begun [either before the expiration of five years from the date of this Outline permission, or] before the expiration of two years from the date of approval of the last application of the reserved matters to be approved [whichever is the latter].

Reason:

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

## **02. APPROVAL CONDITION - 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 - 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 - Specification/proposed roads/footpaths**

No development hereby permitted shall be commenced until the Local Planning Authority have approved:(i) A specification of the type of construction proposed for the roads and footpaths including all relevant horizontal cross-sections and longitudinal sections showing existing and proposed levels together with details of street lighting and the method of disposing of surface water.(ii) A programme for the making up of the roads and footpaths.

REASON: To ensure that the roads are constructed to an adoptable highway standard.

#### **05. APPROVAL CONDITION - Car Parking**

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

REASON: To prevent obstruction to traffic in neighbouring roads.

#### **06. 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.

#### **07. APPROVAL CONDITION - Bicycle Storage**

The development to which this consent relates shall not be brought into use in full or in part until secure, covered space has been laid out within the site for 01 bicycle per dwelling with plans to be submitted to and approved in writing by the Local Planning Authority. The cycle storage hereby approved shall thereafter be retained on site for that purpose.

REASON: To encourage cycling as a sustainable form of transport.

#### **08. APPROVAL CONDITION – Storage / Removal of Refuse Material [Pre-Occupation Condition]**

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

Reason:

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

#### **09. APPROVAL CONDITION - Construction delivery times**

During construction no deliveries shall arrive during school start (8.30am) and finish times (3.30pm), and within half an hour either side of those times.

REASON: To avoid congestion and in the interests of highway safety.

#### **10. APPROVAL CONDITION - Lorry Routing**

A delivery lorry routing agreement shall be submitted and agreed in writing by the Local Planning Authority prior to the commencement of development.

The agreed lorry routing shall be complied with during the construction period.

REASON: To avoid congestion and in the interests of highway safety.

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

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

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

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

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

Reason:

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

## **12. APPROVAL CONDITION - Use of uncontaminated soils and fill [Pre-Commencement Condition]**

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

Reason:

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

## **13. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]**

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been



identified no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority.

Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority.

Any changes to the agreed remediation actions will require the express written consent of the Local Planning Authority.

Reason:

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

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

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

Reason

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

**15. APPROVAL CONDITION - 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 20% 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).

**16. 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.

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

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

**Reason:**

To ensure satisfactory drainage provision for the area.

**18. 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

**19. APPROVAL CONDITION - Tree Retention and Safeguarding [Pre-Commencement Condition]**

All trees to be retained pursuant to any other condition of this decision notice shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations. No operation in connection with the development hereby permitted shall commence on site until the tree protection as agreed by the Local Planning Authority has been erected. Details of the specification and position of all protective fencing shall be indicated on a site plan and agreed with the Local Planning Authority in writing before any site works commence. The fencing shall be maintained in the agreed position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority following which it shall be removed from the site.

Reason:

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

**20. 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.

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

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

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

Reason

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

**22. APPROVAL CONDITION - Securing of outline details**

The development shall be carried out strictly in accordance with the building storey heights as shown within accommodation schedule revision P5 and shall achieve a minimum separation distance of 1.1 metres between dwellings 1 & 15 and the common boundary.

REASON: To secure a satisfactory form of development

**23. APPROVAL CONDITION - Tree Survey and Arboricultural Impact Assessment (Pre-commencement)**

Notwithstanding the submitted Sapling Arboriculture Tree Survey and Arboricultural Impact Assessment, carried out in February 2008, an updated Tree Survey and Arboricultural Impact Assessment shall be submitted and agreed in writing prior to the commencement of development. Details to include:

An accurate land plot survey showing all trees on site (see section 4.1 of BS5837:2005);

A tree survey carried out by a suitably competent arboriculturalist (see section 4.2 of BS5837:2005);

A tree constraints plan (see section 5.2 and 5.3 of BS5837:2005);

An Arboricultural implications assessment (see section 6 of BS5837:2005);

An Arboricultural method statement including a tree protection plan (see section 7 of BS5837:2005);

An appropriately designed development plan showing all relevant tree information (see BS5837:2005 Section 7.1 f).

REASON: To ensure that the trees to be retained are adequately protected

**24. APPROVAL CONDITION - Overhanging tree loss [Performance Condition]**

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

Reason:

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

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

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

Induction and personnel awareness of arboricultural matters

Identification of individual responsibilities and key personnel

Statement of delegated powers

Timing and methods of site visiting and record keeping, including updates

Procedures for dealing with variations and incidents.

Reason:

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

**26. APPROVAL CONDITION - No windows [Permanent Condition]**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking or re-enacting that Order) and unless otherwise agreed in writing by the Local Planning Authority, no windows (including dormer windows) shall be inserted above ground floor level within the east facing elevation of dwelling unit no. 1 and the west facing roof slope of dwelling no. 15.

REASON:

To protect the privacy of the adjacent school playing fields and neighbouring residential occupiers.

**27. APPROVAL CONDITION - Western Boundary**

Unless otherwise agreed in writing by the Local Planning Authority the hedgerow along the western boundary shall be safeguarded during construction works and retained over the lifetime of the development.

REASON: To secure a satisfactory form of development

**28. APPROVAL CONDITION - Community Use Scheme**

Prior to the commencement of the use/development a Community Use Scheme relating to the retained and upgraded school playing field shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved Scheme shall be implemented upon commencement of use of the development.

Reason: To secure well managed safe community access to the sports facility and to ensure sufficient benefit to the development of sport.

**29. 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
CS5	Housing Density
CS13	Fundamentals of Design
CS16	Housing mix and type
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

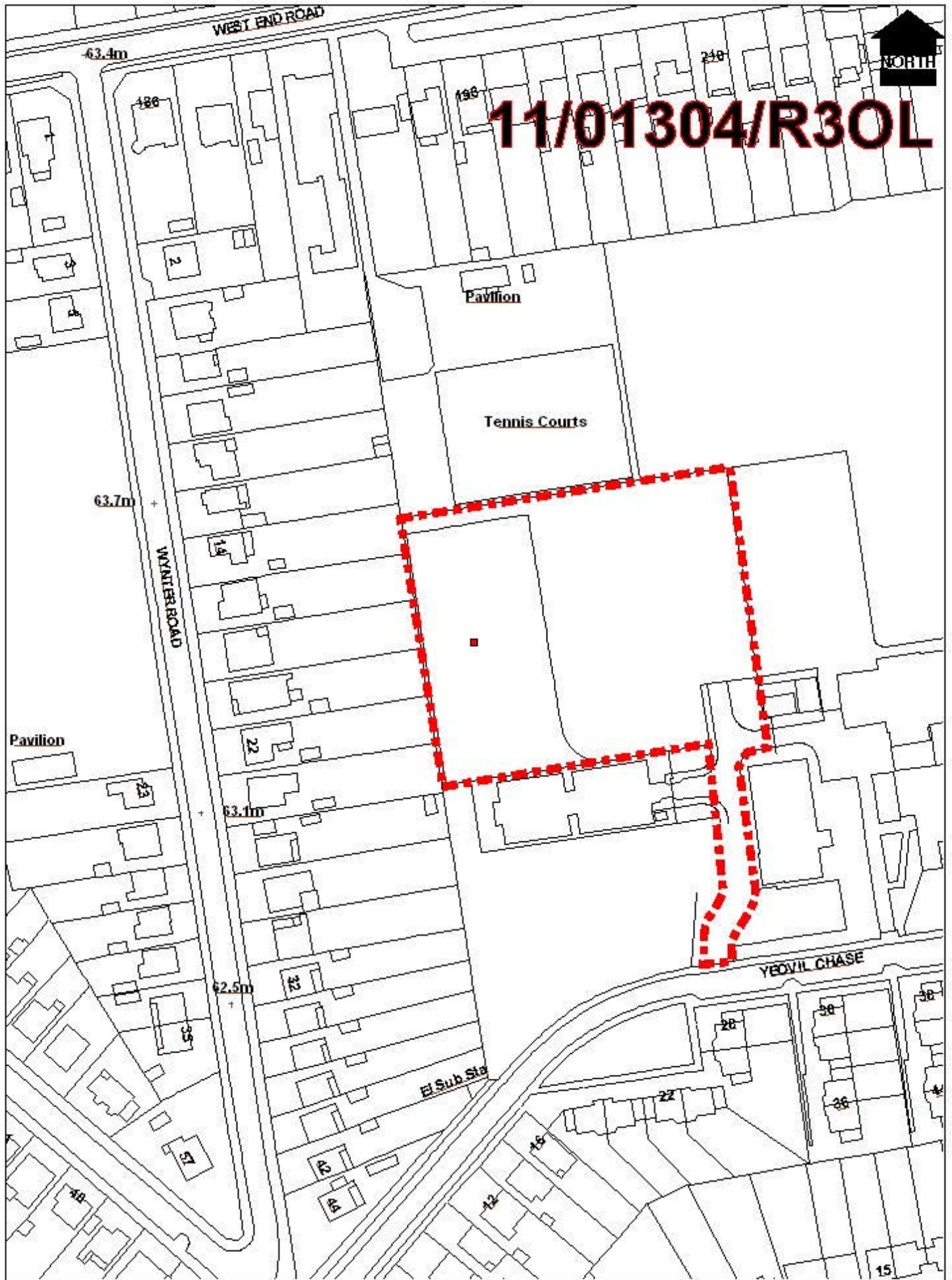
SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP16	Noise
SDP17	Lighting
CLT3	Protection of Open Spaces

Supplementary Planning Guidance

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

Other Relevant Guidance

PPS1	Delivering Sustainable Development (2004)
PPS3	Housing
PPG13	Transport (2011)
PPG17	Planning for open space, sport and recreation



**11/01304/R30L**

Scale : 1:1250

Date : 12 October 2011

© Crown copyright. All rights reserved. Southampton City Council 100019679 2004.



This page is intentionally left blank



# Agenda Item 9

**Southampton City Planning & Sustainability  
Planning and Rights of Way Panel meeting 25 October 2011  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 24 - 28 John Street			
<b>Proposed development:</b> Re-development of the site to erect a four-storey building containing 10 flats (7 x one-bed, 2 x two-bed and 1 x three-bed) and commercial unit on ground floor with associated parking, cycle and refuse storage (Outline application seeking approval of means of Access, Appearance, Layout and Scale with landscaping reserved) (Resubmission of 11/00021/OUT).			
<b>Application number</b>	11/01220/Out	<b>Application type</b>	Out
<b>Case officer</b>	Andy Amery	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	13 October 2010	<b>Ward</b>	Bargate
<b>Reason for Panel referral</b>	Major development subject to objection	<b>Ward Councillors</b>	Cllr Bogle Cllr Noon Cllr Willacy

<b>Applicant:</b> Mr A Bajar	<b>Agent:</b> Concept Design & Planning
------------------------------	---

<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report</b>
-------------------------------	---

<b>Appendix attached</b>			
1	Planning Policies	2	Planning History

## **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 revised more traditional design and its impact on the setting of the Conservation Area and the character of the street scene, the potential risk to future occupiers from flooding, the level of car parking, the number and layout of units, the amenity and privacy of adjacent occupiers and the provision of a commercial unit at ground floor level have been considered and are not judged to have overcome the original reasons for refusal and do not have sufficient weight to justify a refusal of the application. Where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - SDP1, SDP4, SDP5, SDP6, SDP7, SDP9, SDP10, H1, H2, H5, H7, HE1, HE2, HE6 and MSA1 of the City of Southampton Local Plan Review (March 2006) and CS1, CS4, CS5, CS13, CS14, CS15, CS16, CS19 and

CS20 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

### **Recommendation in Full**

Delegate to the Planning and Development Manager to grant planning permission subject to:

The completion of a S.106 Legal Agreement to secure the following heads of terms which are the subject of a viability assessment:

- i. Financial contributions towards site specific highway improvements in the vicinity of the site in accordance with polices CS18, CS19 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
- ii. A financial contribution towards strategic transport improvements in the wider area in accordance with policies CS18 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
- iii. Financial contributions towards the relevant elements of public open space required by the development in line with polices 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) with regard to
  - Amenity Open Space (“open space”);
  - Play Space and;
  - Playing Field.
- iv. Provision of affordable housing in accordance with Policies CS15, CS16 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
- v. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer;
- vi. The restriction of parking permits for the surrounding streets for the future occupants of the development and;

That the Planning and Development Manager be delegated power to vary relevant parts of the Section 106 agreement and to add or vary conditions as necessary as a result of the full appraisal of the viability

assessment submitted by the applicant and any further negotiations with the applicant.

In the event that the legal agreement is not completed within two months 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 comprises a surface car park and servicing area at the rear of Oxfords Restaurant and adjacent to residential houses in John Street. The upper floors above Oxfords Restaurant have been converted to residential use and one of the flats gains access across the site.
- 1.2 The site is located within John Street immediately adjacent to but not within the Oxford Street Conservation Area. John Street comprises relatively modern residential properties of three storey height in terraced form with integral garages. The site is located with Flood Risk Zone 3.

## **2. Proposal**

- 2.1 The proposals are similar to those considered by Panel in July 2011 to provide a four storey building comprising 10 flats on the upper floors with an office on the ground floor. A separate entrance point is provided for the flats and an undercroft provides vehicular and pedestrian access to the servicing area at the rear which includes refuse storage, cycle storage and car parking for 4 cars.
- 2.2 That application was refused substantively on design grounds as set out in the planning history section of the report. Rather than the bold modern design previously sought, the current proposals introduce a traditional design which reflects the existing proportions and design of buildings found within the adjacent Conservation Area. It is also similar to earlier approved proposals for this site.
- 2.3 The upper floors step continue to forward of the adjacent terrace of houses in John Street but this projection has been reduced from 0.8m to 0.2m. The upper floor is recessed from the main façade by between 0.8m and 1.3m. The building is 11.4m high compared to the 10.6m height of the terraced housing in John Street. However, the buildings fronting Oxford Street in the immediate vicinity of John Street have a similar proportion of three vertical storeys with a fourth storey set back from the façade.
- 2.4 The three bedroom flat on the upper floor would have access to a roof terrace. All other flats have good outlook and daylight to each of the habitable rooms. The site is within close proximity to all the facilities of

Oxford Street, Queens Park and Ocean Village. The roof terrace areas have been significantly reduced since the previous application are limited to the southern most section of the roof (front and rear) away from the neighbouring houses in John Street.

- 2.5 The ground floor office visually relates to the commercial activity at the junction of Oxford Street and John Street and is considered to complement the healthy mix of uses within this part of the city centre.

### **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 policies of the South East Plan, Southampton’s Core Strategy and Local Plan Review have been taken into account in the consideration of this application. The Core Strategy is in general conformity with the South East Plan, and it is not considered that the policies in the South East Plan either conflict with or add particular weight to the policies in the Core Strategy for this application. Consequently only the local statutory development plan policies (Core Strategy and Local Plan Review) have been cited in this report.

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

### **4. Relevant Planning History**

4.1 The site has been used as a surface car park for many years and was historically connected to Oxfords Restaurant in ownership terms with access and servicing arrangements still in place and intended to be retained. In 2002 an application was approved for a three storey building comprising two town houses and three flats on this part of the site. In 2005 an application for a 4 storey 47 bedroom hotel on the site was agreed by the then Planning Committee but as the s106 was not completed the decision was never issued. The most recent application, 10/00021/Out was refused substantively on design grounds as set out below:

4.2 The proposed contemporary design including the proportions of window openings, the proposed external materials and the step forward of existing houses in John Street would result in a development that would be out of character with the established pattern of development in John Street and would have a detrimental visual impact on the setting of the Oxford Street Conservation Area.

The proposals are therefore contrary to policies SDP1, SDP7, SDP9 and HE1 of the City of Southampton Local Plan Review 2006 and policies CS13 and CS14 of the Core Strategy 2010.

The details of the above applications are included 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 61 adjoining and nearby landowners, placing a press advertisement and erecting a site notice. At the time of writing the report 2 representations have been received from surrounding residents.

### **5.2 Objections**

- No refuse storage is shown to serve the development.

These matters are addressed in Section 6 of this report.

5.3 **SCC Highways** – The separation of the site from what was originally to be a comprehensive development complicates matters. The approvals show. An earlier consent for conversion of Oxford House to flats and a Hotel along the John Street frontage indicated 7 spaces in total to serve both developments. 3 to serve Oxford House and 4 for the hotel. The proposed layout shows 4 spaces all of which are to serve the proposed flats. Given the city centre location the now proposed 4 spaces to serve the flats would be compliant with adopted parking standards.

5.4 **Environmental Health** – No objections subject to the ground floor use being used and retained as a B1(a) office.

5.5 **B.A.A** – require an informative to be imposed regarding the use of cranes.

5.6 **Southern Water** – no objections. Note that the submissions indicates that flood risk will not be increased as permeable materials will be used to ensure no increase in net surface run-off.

## **6. Planning Consideration Key Issues**

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

- i. The principle of development;
- ii. The design of the proposal together with the impact on the character of the area including the setting of the Conservation Area;
- iii. The impact on the amenities of neighbours of the site;

- iv. Flood Risk
- v. Parking and highways

## **6.2 Principle of Development**

- 6.2.1 The application site is previously developed land and has had the benefit of consents and resolutions to grant buildings of a similar scale and massing. The site would benefit from redevelopment in terms of the visual quality of the setting of the Conservation Area and a predominantly residential scheme is considered appropriate for this location.
- 6.2.2 This is a high density scheme (250 dwellings per hectare), Core Strategy Policy CS5 suggests that high densities (over 100 d.p.h.) should be limited to the most accessible areas, namely the city centre, A high 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 within a building of similar height and massing to that previously approved.

## **6.3 Character and Design**

- 6.3.1 Design was the substantive reason for refusal on the earlier proposal. The revised scheme proposes a more traditional 'pastiche' which reflects buildings in the wider area and previous consents on the site. The key to the successful delivery of a quality scheme will be attention to detailing and insistence on high quality materials. Conditions have been imposed to enable this level of quality to be delivered.

## **6.4 Impact on Residential Amenity**

- 6.4.1 The projection of the upper floors forward of the houses in John Street has been reduced by 0.6m to 0.2m. Whilst this will still have a small impact on the occupier of the adjacent house at 23 John Street it will cause little shadowing across the front elevation during late morning until early afternoon. This relationship is not considered to be harmful. The access to the roof terrace has also been restricted to front and rear facing areas on the southern most element of the building away from the houses in John Street to prevent overlooking of the rear gardens of those houses. The buildings to the rear appear to be in residential use but the separation distance is no less than the current relationship with the houses in John Street or the previously approve schemes. The relationship with Oxford House is similar to that proposed on earlier schemes when the objector had ownership of both elements of the site. It was always intended for the site to be developed comprehensively with Oxford House. The separation of the site by the previous owner (now objector) complicates matters a little with regard to access arrangements and facilities for cycles and refuse. However, the relationship between the proposed building and the flats in the upper

floor of Oxford House is not considered to be harmful or unusual for a city centre location.

- 6.4.2 The occupiers of the upper floor three bedroom unit have access to amenity space on the roof terrace. All other flats have good outlook and daylight serving habitable rooms. The development makes provision for cycle and refuse storage which would be conveniently located in relation to the flats. A collection point would be provided, accessible by the refuse collection vehicle and a condition is suggested to secure a management plan for the removal of containers to and from the collection point.

## **6.5 Flood Risk**

- 6.5.1 The site is located within Flood Zone 3 and is therefore at risk from flooding. Advice in PPS 25 is therefore applicable and generally advises against residential development in such location and also requires a sequential approach to be undertaken. The applicant has submitted a flood risk assessment. The applicant has identified that as the residential units are all at first floor and above these will not be directly affected by predicted flood levels and that the risk to occupants from flooding is low.

## **6.6 Rights of Way, Parking and Highways Issues**

- 6.6.1 The site would be constructed in a manner which ensures rights of access to existing residents and emergency routes for the commercial unit. Four parking spaces are shown to serve the new flats which is the same as was intended to serve the originally approved hotel. This level of parking proposed to serve the new flats is considered acceptable to serve a development of this scale in a city centre location. The maximum standards in the City Centre have not been affected by the recent approval of the Parking Standards SPD. It is noted that during the separation of the site from what was previously a single ownership the 3 parking spaces which were to serve the flats in Oxford House have been relinquished. A car-free scheme to serve the flats above Oxford House was considered to be acceptable given the city centre location.

## **7. Conclusion**

- 7.1 The revised design is considered to reflect the character and proportions of buildings within the Conservation and has addressed the original reason for refusal. The likely risk to occupants from flooding is low given the floor heights of the habitable accommodation being above predicted flood levels. Given the benefits in terms of urban design and housing supply within this part of the City Centre on what is an under-used previously developed site it is considered the proposals will make a positive contribution to the locality.

7.2 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), 1(b), 1(c), 2(b), 2(c), 2(d), 3(a), 6(c), 6(h), 7(a), 8(a), 9(a), 9(b) 10(a) and 10(b)

### **AA for 25.10.2011 PROW Panel**

### **PLANNING CONDITIONS**

#### **01. APPROVAL CONDITION - Outline Permission Timing Condition**

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

(i) Written approval of the details of the following awaited reserved matters shall be obtained from the Local Planning Authority prior to any works taking place on the site:

the landscaping of the site specifying both the hard, soft treatments and means of enclosures.

(ii) An application for the approval of the outstanding reserved matters shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission

(iii) The development hereby permitted shall be begun [either before the expiration of five years from the date of this Outline permission, or] before the expiration of two years from the date of approval of the last application of the reserved matters to be approved [whichever is the latter].

Reason:

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

#### **02. APPROVAL CONDITION - Additional Details Required Condition**

Details of the following particulars of the proposed development in addition to the submission of Matters Reserved from the Outline Planning Permission hereby approved shall be submitted to and approved in writing by the Local Planning Authority (or on behalf of the Secretary of State for the Environment on appeal) :

(A) In addition to Reserved Matters for the appearance and design of the building(s) a detailed plan specifying the external materials, including colour finish, to be used on the building.



[B) Details of the treatment to the boundaries of the site, and all screen walls or fences within the proposed development including privacy screen details to be provided at rooftop level;

[C) Details at no less than 1:10 scale of any rainwater goods, vents or flues to be provided on the front elevation including colour finish and materials.

[D) Details at no less than 1:10 scale, including sections where necessary, of the detailing of all windows and doors including the depth of recesses and dimensions of frames and glazing bars including the horizontal panels to windows on the front elevation, the depth of the recesses to the vertical bands and the design and method of fixing of the balustrades to the Juliet balconies on the rear elevation.

[E) Details of the materials to be used for the external hardsurfacing areas within the site.

(F) Full details of any enclosures to be provided for the refuse storage area and identification of collection points;

[G) Details of any external lighting.

[H) Detailed plans specifying the areas to be used for contractors vehicle parking and plant; storage of building materials, and any excavated material, huts and all working areas required for the construction of the development hereby permitted;

Reason:

To ensure the proposed development is undertaken to a standard appropriate for the sensitive location adjacent to the Conservation Area.

### **03. APPROVAL CONDITION - Change of Use - Scope and Limitation within same Class**

Permission is hereby granted for the use of the building / premises / site as a [dance studio] within Use Class [D2] of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking, amending, or re-enacting that Order) and shall not be used for any other use within that Use Class.

Reason:

In recognition of the limited parking facilities available on the site and in order to avoid congestion on the adjoining highway for other forms of use within the same use class given the intended periods of use (after normal business hours) of the building within this commercial and industrial area.

### **04. APPROVAL CONDITION - Change of Use - Scope and Limitation within B1(a) Use Class**

Unless otherwise agreed in writing by the Local Planning Authority the ground floor commercial unit shall only be used as an office within Use Class B1(a) of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking, amending, or re-enacting that Order) and shall not be used for any other use within the B1 Use Classes.

Reason:

In recognition of the sensitive location of the site adjacent to a Conservation Area and close to residential properties.

**05. APPROVAL CONDITION - Hours of Use - office use [Performance Condition]**

Unless otherwise agreed in writing with the Local Planning Authority the office use or any subsequent use of the ground floor commercial unit that may be approved by the Local Planning Authority shall not operate outside the following hours:

Monday to Sunday and recognised public holidays : 0700 hours to 24.00 hours (7.00am to 12.00 midnight)

Reason:

To protect the amenities of the occupiers of existing and proposed nearby residential properties including the flats above..

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

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

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

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

And at no time on Sundays and recognised public holidays.

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

Reason:

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

**07. APPROVAL CONDITION - 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.

**08. 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.

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

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

Reason:

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

**10. APPROVAL CONDITION - Cycle and Refuse Storage - Pre-Occupation/Performance Condition**

Prior to first occupation of any of the flats the refuse and cycle storage facilities shall be provided in accordance with additional details to be provided prior to first occupation of any of the flats. The approved details shall be thereafter retained and maintained for use by the occupiers of the flats.

The cycle store for the residents shall be shall be secure and have lighting which is activated when used.

The bin stores shall be constructed of brick under a suitable weatherproof roof, with adequate ventilation. The collection doors are to be of sturdy construction and hinged to open outwards with a minimum opening of 1.4m wide, and the lock system to comply with SCC standard lock requirements which utilises a fob. Six fobs to be provided to SCC refuse collection service.

Internal lighting to operate when doors are open, and a tap and wash down gulley to be provided, with suitable falls to the floor.

Any gates on route to access the bins are not to be lockable, unless they comply with SCC standard lock detail.

The gradient of the access path to the bin store shall not exceed 1:12 unless suitable anti-slip surfacing is used, and still shall not exceed 1:10.

REASON

To ensure appropriate facilities are provided to serve the development.

**11. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]**

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority.

Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority.

Any changes to the agreed remediation actions will require the express written consent of the Local Planning Authority.

Reason:

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

**12. APPROVAL CONDITION - 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 15% ] 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 - Drainage - Pre-Commencement Condition**

No development shall commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority in Consultation with Southern Water.

REASON

To ensure appropriate drainage facilities are provided to serve the site.

**14. APPROVAL CONDITION - Juliet Balconies to Rear Elevation - Performance Condition**

The balustrade detail shown to the Juliet Balconies on the first and second floor elevations of the rear elevation shall be designed and fitted so as to prevent occupiers of those units from standing or sitting beyond the rear wall of the building and to enable the full height windows to open inwards only.

REASON

In the interests of the privacy of nearby occupiers.

**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)

CS1	City Centre Approach
CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
CS16	Housing Mix and Type
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS25	The Delivery of Infrastructure and Developer Contributions

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
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment
HE1	New Development in Conservation Areas
HE6	Archaeological Remains

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 (2010)

PPG13 Transport (2011)

PPS25 Development and Flood Risk (March 2010)

**Relevant Planning History**

02/00554/FUL Conversion of Oxford House to provide 11 flats (7 x 1 bedroom and 5 x 2 bedroom) and redevelopment of 25-28 John Street to provide 2 four storey three bedroom town houses and a four storey block comprising 3 x 2 bedroom flats.

Date of Panel 30.09.2003 and referred back for amended plans 27.01.2004.

Application Approved 13.07.2005 following completion of s106.

05/01632/FUL Redevelopment of 22-28 John Street by the erection of a four-storey building and conversion of 1st, 2nd and 3rd floors of Oxford House to create a 47 bedroom hotel.

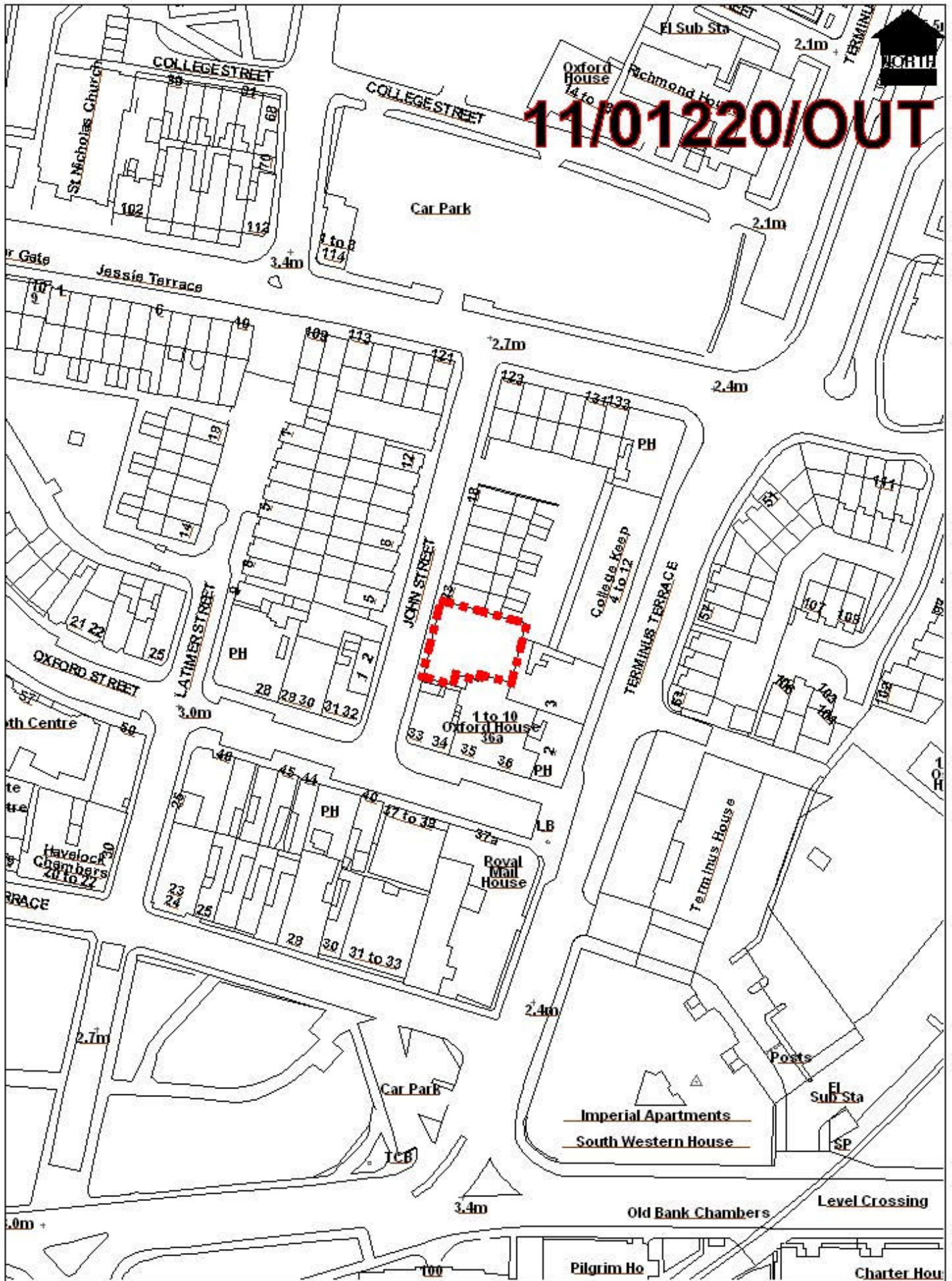
Date of Panel 18.07.2006

Application considered withdrawn following failure to complete s106 25.07.2008.

11/00021/Out Re-development of the site to erect a 4-storey building containing 10 flats (3 studios, 4 x 1-bedroom, 2 x 2-bedroom, 1 x 3-bedroom units) and commercial unit on ground floor with associated parking, cycle and refuse store (outline application seeking approval of means of access, appearance, layout and scale)

Date of Panel 19.07.2011.

Application Refused.



Scale : 1:1250

Date : 12 October 2011

© Crown copyright. All rights reserved. Southampton City Council 100019679 2004.



This page is intentionally left blank



**Southampton City Planning & Sustainability  
 Planning and Rights of Way Panel meeting 25 October 2011  
 Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Southampton General Hospital, Tremona Road.			
<b>Proposed development:</b> Demolition of the Transport Depot Building and extension of the adjoining Fast Park Car Park to create new ground and first floor parking. (94 additional Spaces)			
<b>Application number</b>	11/01270/Ful	<b>Application type</b>	FUL
<b>Case officer</b>	Andy Amery	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	13 October 2010	<b>Ward</b>	Coxford
<b>Reason for Panel referral</b>	Major development	<b>Ward Councillors</b>	Cllr Morrell Cllr Thomas Cllr Walker
<b>Applicant:</b> Southampton University Hospitals NHS Trust		<b>Agent:</b> Mr Mark Burman (Mrba)	
<b>Recommendation Summary</b>	<b>Conditionally approve</b>		

<b>Appendix attached</b>			
1	Planning Policies		

**Reason for Granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The provision of additional car parking spaces within the allocated campus of Southampton General and Princess Anne Hospitals to make up some of the currently permitted shortfall of parking on the site is fully in accordance with Policy CS10 of the Core Strategy and Policy HC1 of the City of Southampton Local Plan Review which promotes and safeguards the Hospital site for the development of Healthcare and support facilities. Other material considerations such as light pollution, visual impact, loss of privacy, noise disturbance, air quality and impact on ecology have been mitigated through the design of the car park and do not have sufficient weight to justify a refusal of the application. on the site In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 Planning Permission should therefore be granted.

“Saved” Policies – SDP1, SDP5, SDP7, SDP9, SDP10, SDP12, SDP15, SDP16 and HC1 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS10, CS13 and CS22, and the Council’s current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS1 (Delivering Sustainable Development) and PPG13 (Transport) are also relevant to the determination of this planning application.

## **Recommendation in Full**

### **Conditionally approve**

#### **1. The site and its context**

- 1.1 The General Hospital is located 4km to the north west of the City centre in the Coxford area of the city. The Southampton University Hospitals Trust, who own and operate the site, provides health care facilities to over half a million people on an annual basis and employ 7,500 members of staff. It is a site of regional and national importance for healthcare, research and teaching.
- 1.2 The site is tightly constrained being surrounded by residential roads on all sides. The limited site area combined with the continual need to provide new and improved healthcare facilities served by appropriate transport options means that development proposals have to be carefully managed. The Trust has therefore developed a Vision document and an Estates Strategy to guide new development up to 2020.
- 1.3 At the present time the Hospital has authorisation to provide up to 3240 car parking spaces across the General and Princess Anne Campuses. This figure does not include an additional 120 park and ride spaces currently operated by SUHT at Lordshill. At the present time, due to site area constraints and continuous development pressures, only a maximum of 3169 spaces are capable of being provided, of which at any one time, some may not be available or accessible.
- 1.4 The most recent data for August 2011, following recent car park only permissions, indicates a shortfall of 71 spaces. However, this figure regularly fluctuates and there is often a greater shortfall.

#### **2. Proposal**

- 2.1 The proposal seeks to extend the recently approved decked car park (114 spaces granted under planning permission 10/00921/Ful) as part of a long-term solution to reducing the shortfall of permitted parking spaces on the site. The works would require the demolition of the existing Transport Depot – a single storey building previously used for maintenance of vehicles.
- 2.2 A total of up to 94 additional spaces would be provided (37 spaces at ground level and 57 on the upper decked area).
- 2.3 The structure would be similar in design and materials to the decked car-park already approved. The maximum height of the structure, including the privacy screen to avoid overlooking and car headlights disturbing neighbours, is 5m above ground level. The height of the

lighting columns serving the car park would be 8m above ground level which is similar to the height of the lighting columns used in the open air surface columns along the south-west boundary of the site backing onto houses and flats in Laundry Road.

- 2.4 The rear of houses in Laundry Road are approximately 30m away. As the proposed extension to the deck sits behind the approved and constructed decked area it would not be visible from houses in Coxford Road.
- 2.5 The car park would be for staff permit holders only and would be accessed from the existing internal access roads which already benefit from barrier access controls to ensure proper management of the on-site parking areas. Access to the upper deck would be from the existing ramp facing the rear of houses in Laundry Road. The access to the ground level car park would be from the internal access road served directly from the existing priority junction in Coxford Road.
- 2.6 The proposals would therefore potentially free-up 94 parking spaces in the main car park which is used by both visitors and staff.

### **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 policies of the South East Plan, Southampton’s Core Strategy and Local Plan Review have been taken into account in the consideration of this application. The Core Strategy is in general conformity with the South East Plan, and it is not considered that the policies in the South East Plan either conflict with or add particular weight to the policies in the Core Strategy for this application. Consequently only the local statutory development plan policies (Core Strategy and Local Plan Review) have been cited in this report.

### **4. Relevant Planning History**

- 4.1 Accompanying the planning application in 2002 (02/01358/Ful) for an additional storey to be provided to the main multi-storey car-park was a s106 agreement which formed the basis for the management of car parking on the site.
- 4.2 An audit of spaces undertaken as part of that application identified the total number of spaces available on the site at that time. Since that date any additional parking spaces had to be attributable to new development providing parking in accordance with our adopted standards.

- 4.3 The current permitted total stands at 3240 of which currently up to a maximum of 3169 can be accommodated within the overall campus. The layout of the site dictates that car parking is generally limited to the periphery of the site with the central core and other zones being dedicated to building infrastructure.
- 4.4 The recently approved and now operational decked car park (10/00921/Ful) was the first phase at looking at a long term solution of parking on the site. Given the limited site area and the potential for future capital investment large areas of surface parking are not an efficient use of space.

## 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 61 adjoining and nearby landowners, placing a press advertisement and erecting a site notice . At the time of writing the report 1 representation has been received from surrounding residents.

### 5.2 Objections

- The planning application highlights surplus parking spaces
- The existing Coxford Road junction will be operating at full capacity
- The capacity and arrangements for this junction should be reviewed as part of this application and not at a later date
- The Hospital had previously indicated that the decked car park was a temporary solution but this now appears to be an early phase of a permanent solution
- Access to adjacent residential properties will become more difficult due to increased congestion
- The increase in traffic will cause safety problems for pedestrians who need to cross that junction
- Increase in fumes and emissions which puts health at risk.

These matters are addressed in Section 6 of this report.

- 5.3 **SCC Highways** – Support the proposals as part of the wider initiatives being explored by the Hospital and the City Council to deliver a workable transport strategy for the site including additional visitor spaces being freed up in the entrance car park as a result of reducing the current shortfall of staff parking. The capacity issue of the junction on Coxford Road is noted but this can be done as a proper review over a period of time (suggested that this be 6 months after the car park becomes operational) to identify what measures, if any, need to be implemented. It is not considered that the application be delayed or refused on the grounds of lack of capacity of this junction as there is no evidence that this is the case.

- 5.4 SCC Environmental Health (Pollution & Safety)** – No objection is raised to the proposed lighting which is designed to direct light downwards onto the car-park deck. The lighting columns proposed on the raised deck are no higher than existing lighting columns used on the surface car parks or closer to adjoining residential properties.

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

### **6.2 Principle of Development**

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

- 6.2.2 Such a facility is in compliance with the requirements of saved policy HC1 of the City of Southampton Local Plan and Policy CS 10 of the Core Strategy.

### **6.3 Impact on the amenities and health of Neighbours**

- 6.3.1 The most affected neighbours by the physical form of car park deck are those in Laundry Road whose properties are located 30m from the raised deck of the car park. The use of privacy screens has been successful on the existing deck to avoid overlooking. The height of the car park deck is similar to that of the existing car park and therefore issues of visual impact will be similar.

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

- 6.3.3 The existing building to be demolished is of similar height and distance from the nearest houses in Laundry Road. The visual impact and any sense of enclosure, loss of outlook or potential overshadowing would be no greater than currently exists.
- 6.3.4 The privacy screen to be provided avoids light from cars spilling into habitable room window on the closest houses and acts as a privacy screen between activity on the deck and the rooms and gardens.
- 6.3.5 An air quality assessment has not been provided with the application. The proposals represent an increase of less than 5% on-site parking which is not considered to represent a significant additional impact on transport activity or emissions coming from the site. The car-park is located to the east of the nearest houses and with prevailing winds generally from the south-west, any additional emissions will generally dissipate to the north-east away from these houses.
- 6.3.6 The lighting columns on the deck will also be visible from the adjacent houses. However, these columns will be no higher than existing columns on the site and will be designed more efficiently than the older style columns to ensure light is directed downwards and spillage is minimised.
- 6.3.7 The car-park will be used for staff only and will be managed and controlled by the Hospital Trust to ensure misuse by those who should not be present on the site does not occur.
- 6.3.8 The raised deck is some 30 metres from the rear of houses and flats in Laundry Road. This separation distance combined with the privacy screen and other design matters will ensure that whilst the deck and the lighting columns will be visible from the rear of these properties, residential amenity will not be harmed.

#### **6.4 Need for Additional Car Parking**

- 6.4.1 For any Hospital to function effectively adequate access must be available for staff, patients and visitors. The location of the site is acknowledged to be tightly constrained as it is surrounded by residential roads on all sides. This, combined with the very limited site area, and the continual need to provide new and improved healthcare facilities, served by appropriate transport options, means that development proposals have to be carefully managed. This is particularly so given the Major Trauma status of the Hospital and the fact that Southampton University Hospitals Trust, who own and operate the site, provides health care facilities to over half a million people on an annual basis and employ 7,500 members of staff. It is a site of regional and national importance for healthcare, research and teaching.

- 6.4.2 The provision of adequate car parking is just one element of the overall transport strategy for the site which is continually monitored and reviewed. Contrary to some representations, the Hospital does operate a park and ride facility which currently provides 120 spaces at Lordshill. Additional park and ride facilities are part of the review of the overall transport strategy but not directly related to this application. There are currently over 600 cycle spaces and 55 motor-cycle spaces provided across the campus. 45 additional cycle spaces are to be provided in May 2010.
- 6.4.3 However, the basis of this application is that through the mechanism of the original s106 agreement and subsequent planning permissions for new developments on this site the Hospital are not currently able to provide the full quota of parking spaces permitted. The additional 94 spaces provided as part of this application could potentially lead to 23 spaces being provided over and above those that are currently permitted from existing consents. This scenario is unlikely to occur however due to the day to day unavailability of spaces for logistical reasons across the site.

## **6.5 Alternative potential locations**

- 6.5.1 The site is recognised as being very tightly constrained. The masterplan needs to achieve a site layout that can accommodate the construction of new buildings to deliver new and improved healthcare facilities across the campus with efficiencies of internal space, whilst at the same time satisfying the planning requirements of appropriate car-parking, landscaping and safe circulation routes around the campus.
- 6.5.2 This inevitably results in the need for parking to be at the periphery of the site so to allow the central core and other areas to be developed for new healthcare buildings.
- 6.5.3 Space within the site being at a premium also dictates that the existing surface level car parks are not an effective use of a scarce resource and an inefficient use of land.
- 6.5.4 In order to meet all these competing demands it is inevitable that raised car-parks of appropriate design will be sought. The current layout of the internal access roads and the configuration of the existing car parks and the proposed deck car park mean that this location has least impact on hospital operations.
- 6.5.5 Alternative locations would be restricted to surface car park areas along the rear of Laundry Road which at the present time would have implications for the design of internal access roads and the layout of the existing car-parks.

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

## **6.6 Impact on Surrounding Road network**

6.6.1 The Council's transport officers have assessed the application and do not consider that the additional 94 spaces to be provided, which already effectively have planning consent from earlier developments but are currently unable to be accommodated on the site, will not have a significant impact on the surrounding road network or on highway safety.

6.6.2 The occupiers of properties in Coxford Road may experience additional traffic and queuing times at the existing priority junction into the site. This has been assessed as is not considered to represent a major problem for highway safety. It is suggested however that a review of this junction be undertaken after the car park has been operational for 6 months to identify if improvements to the flow of traffic can be made.

## **7. Summary**

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

## **8. Conclusion**

8.1 Subject to appropriate conditions planning permission should be granted.

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

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

**AA for 25.10.2011 PROW Panel**

## **PLANNING CONDITIONS**

**01. APPROVAL CONDITION – Full Permission Timing Condition – Physical Works**



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

Reason:

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

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

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

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

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

And at no time on Sundays and recognised public holidays.

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

Reason:

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

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

Notwithstanding the information shown on the approved drawings and application form no development works shall be carried out unless and until a schedule of materials and external finishes including colour to be used for external walls including privacy screen has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented and maintained only in accordance with the agreed details.

Reason:

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

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

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

REASON

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

**POLICY CONTEXT**

Core Strategy - (January 2010)

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

City of Southampton Local Plan Review – (March 2006)

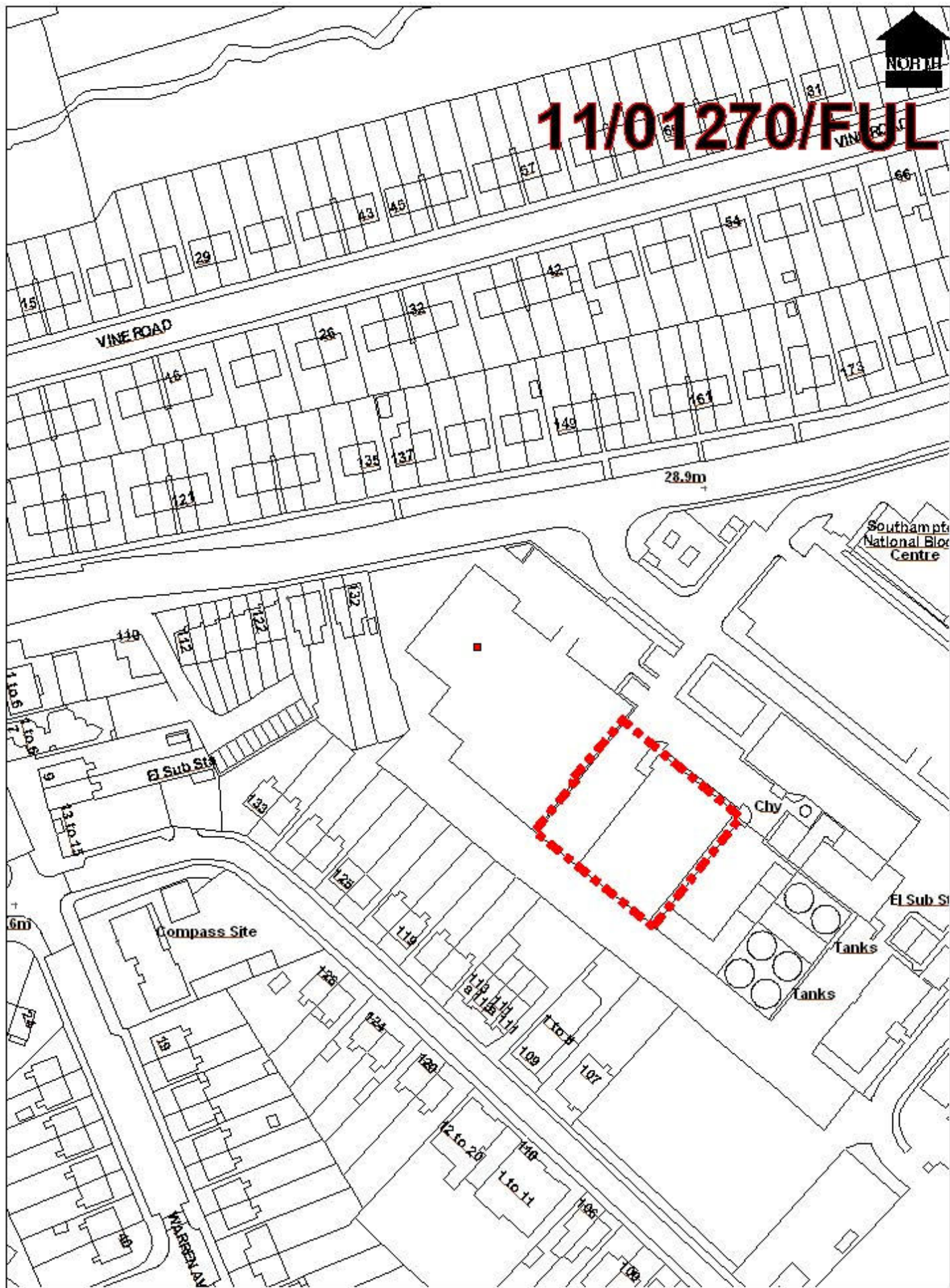
SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP15	Air Quality
SDP16	Noise
HC1	Hospital related development

Other Relevant Guidance

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



**11/01270/FUL**



Scale : 1:1250

Date : 12 October 2011

© Crown copyright. All rights reserved. Southampton City Council 100019679 2004.



This page is intentionally left blank

# Agenda Item 11

**Southampton City Planning & Sustainability  
Planning and Rights of Way Panel meeting 25<sup>th</sup> October 2011  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 15 Merton Road, SO17 3RB			
<b>Proposed development:</b> Part two storey part single storey side and rear extension with detached cycle and refuse store.			
<b>Application number</b>	11/01195/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Bryony Stala	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	21/09/2011	<b>Ward</b>	Portswood
<b>Reason for Panel Referral:</b>	Referred by the Planning & Development Manager	<b>Ward Councillors</b>	Councillor Claisse Councillor Capozzoli Councillor Vinson
<b>Applicant:</b> Mr B Punia		<b>Agent:</b> BPS Design Consultants Ltd	
<b>Recommendation Summary</b>	<b>Conditionally approve</b>		

## 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 the appearance of the host dwelling, character and appearance of the area and residential amenities (including the intensification of use) 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 (i) (ii), SDP7 (iv) and SDP9 (i) (v) of the City of Southampton Local Plan Review (March 2006) and CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

<b>Appendix attached</b>			
1	Development Plan Policies		

## Recommendation in Full

### Conditionally approve

#### 1. The site and its context

- 1.1 The site comprises of two-storey semi-detached property located on the western side of Merton Road. The property has a 22m long rear garden and has previously been extended with a single storey rear extension of 3.7m in depth.
- 1.2 The surrounding area is predominately residential, comprising a mix of family dwelling houses (C3), shared houses (C4) and houses in multiple occupation (HMO).

- 1.3 The site lies within close proximity to Southampton University.
- 1.4 A number of dwellings within the immediate area have been extended at ground and first floor in a manner similar to the proposed.

## **2. Proposal**

- 2.1 The application proposes a part single storey rear extension and two storey side extension.
- 2.2 The existing single storey rear extension is to be extended by 0.3m giving an overall depth of 4m from the original rear wall of the dwelling.
- 2.3 The two storey side extension would widen the property by 1.5m and would be 3.6m in length. It would be set back from the front of the property by 4.5m with a roof that matches the angle of the existing hipped roof and is subservient in height.
- 2.4 If approved, these extensions would achieve an additional bedroom and shower-room at ground floor level and an enlarged existing bedroom at first floor level. Overall the property would then have 6 bedrooms, compared to the five bedrooms and one bathroom shown on existing floor plans.

## **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 policies of the South East Plan, Southampton’s Core Strategy and Local Plan Review have been taken into account in the consideration of this application. The Core Strategy is in general conformity with the South East Plan, and it is not considered that the policies in the South East Plan either conflict with or add particular weight to the policies in the Core Strategy for this application. Consequently only the local statutory development plan policies (Core Strategy and Local Plan Review) have been cited in this report.

## **4. Relevant Planning History**

- 4.1 There is no planning history relating to the site.

## **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. At the time of writing the report 4 representations have been received from surrounding residents, residents association and a local ward councillor. Councillor Vinson has asked that the application be determined by the Planning & Rights of Way Panel.
  - The proposal would be disproportionate development in both bulk and size for a single plot and will be out of character with the area.

- It represents an overdevelopment of the site.
- Overlooking to neighbouring properties will occur as a result of the development
- The increase in the number of tenants will put further pressure on parking in the area.
- The property should remain as an individual dwelling house.
- The cycle and garden store to the rear of the property is excessive and would be an unsightly addition.
- Concern that the two cherry trees will be lost as a result of the development.
- Whilst being let to student it is present form the property is one that could be reverted back to a family home. The alterations and extensions proposed irreversibly convert this into a large dwelling as a house of multiple occupancy.
- Merton Road is now 80% student lets and residents are being driven out as a result of the increasing number of student lets and issuing arising from this type of occupancy.

5.2 Listed below is a summary of the issues raised by the objectors to the scheme:

5.3 **SCC Highways** – no objection.

5.4 **Pollution and Safety** – No objection.

## **6. 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 At present, the property can accommodate up to 5 bedrooms. The proposed extension reconfigures the internal layout to enlarge and improve the accommodation provided, and provides 1 additional bedroom meaning that the property could be occupied by up to 6 persons.

6.2.2 At present, planning consent is not required for the property to be occupied as a C4 dwelling (shared houses occupied by 3 to 6 unrelated people). If the applicant intended to let the property to more than 6 people an application for change of use to a house in multiple occupation would be required.

6.2.3 Should such an application be received, the local planning authority would give careful consideration to the impact an increase in the number of tenants may have on the amenities of neighbouring dwellings and the character of the surrounding area.

6.2.4 Southampton City Council is currently in the process of introducing an Article 4 Direction across the city which would require development comprising a change of use from a use of a dwelling house to a house used for multiple occupancy, including C4 occupancy to first gain planning permission. The Article 4 is expected to be in place by March 2012. Until that time planning permission is not required to change or 'flip' between a C3 and C4 Use.

6.2.5 For the purpose of this application, the applicant does not intend to increase the dwelling beyond the use of a C4 dwelling which is currently permissible under the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 and

the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010. Thus the application must only be assessed in relation to the impact of the proposed extension.

### 6.3 Impact on Residential Amenity

- 6.3.1 The proposed two storey side extension is set back from the front build line of the house by 4.5m and does not project past its rear build line. Neighbouring property at No. 17 Merton Road has been extended at two storeys beyond its rear build line. Windows in the side elevation of the neighbouring property are secondary and as such it is judged that no adverse harm will be caused to the existing residential amenity.
- 6.3.2 The two storey side extension is sufficiently set back from the front of the property to ensure a terracing effect does not occur and the original character of the property is retained within the street scene. A similar design of extension has been built at opposite the application site which demonstrates that the design, scale and proportions of the proposal are sympathetic to its original character.
- 6.3.3 The small scale design of the two storey element accords with the RDG and cannot be considered out of character with the surrounding area or detrimental to the character of the dwelling house and should therefore be supported.
- 6.3.4 At a depth of 4m, the single storey rear extension is only 1m greater than the depth allowed under the property's permitted development allowance. It is also a depth that is commonly considered acceptable when extending a semi-detached dwelling at single storey level. Adjoining property 13 Merton Road has an existing single storey extension. As such, it is judged that no adverse harm will be caused to the existing residential amenity of 13 Merton Road. The new ground floor extension appears to be further pulled off the common boundary than the existing extension.
- 6.3.5 Whilst the extension will be visible from the neighbours' gardens, it is not judged to effect light, outlook or privacy.
- 6.3.6 The remaining garden area for both sites is sufficient and as such the residential environment for the proposed residents, given that the scheme will increase the scale of accommodation on site, is acceptable.
- 6.3.7 The ancillary storage building to the rear of the site has been reduced to a height of 2.5m. This is an appropriate height for an outbuilding and is consistent with the height of outbuildings permissible under the property's permitted development regulations. It is judged that no adverse harm will result to the residential amenity of neighbouring dwellings.

### 7. 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.

### Local Government (Access to Information) Act 1985

#### Documents used in the preparation of this report Background Papers

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 4(f), 6(c), 7(a),7(e), 7(x), 9(a) and 10 (a) & (b)



**BS for 25.10.2011 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.

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

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

Reason:

To protect the amenities of the adjoining residential properties.

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

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

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

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

And at no time on Sundays and recognised public holidays.

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

Reason:

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

**POLICY CONTEXT**

Core Strategy - (January 2010)

CS13 Fundamentals of Design  
CS16 Housing Mix and Type  
CS20 Tackling and Adapting to Climate Change

City of Southampton Local Plan Review – (March 2006)

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

Supplementary Planning Guidance

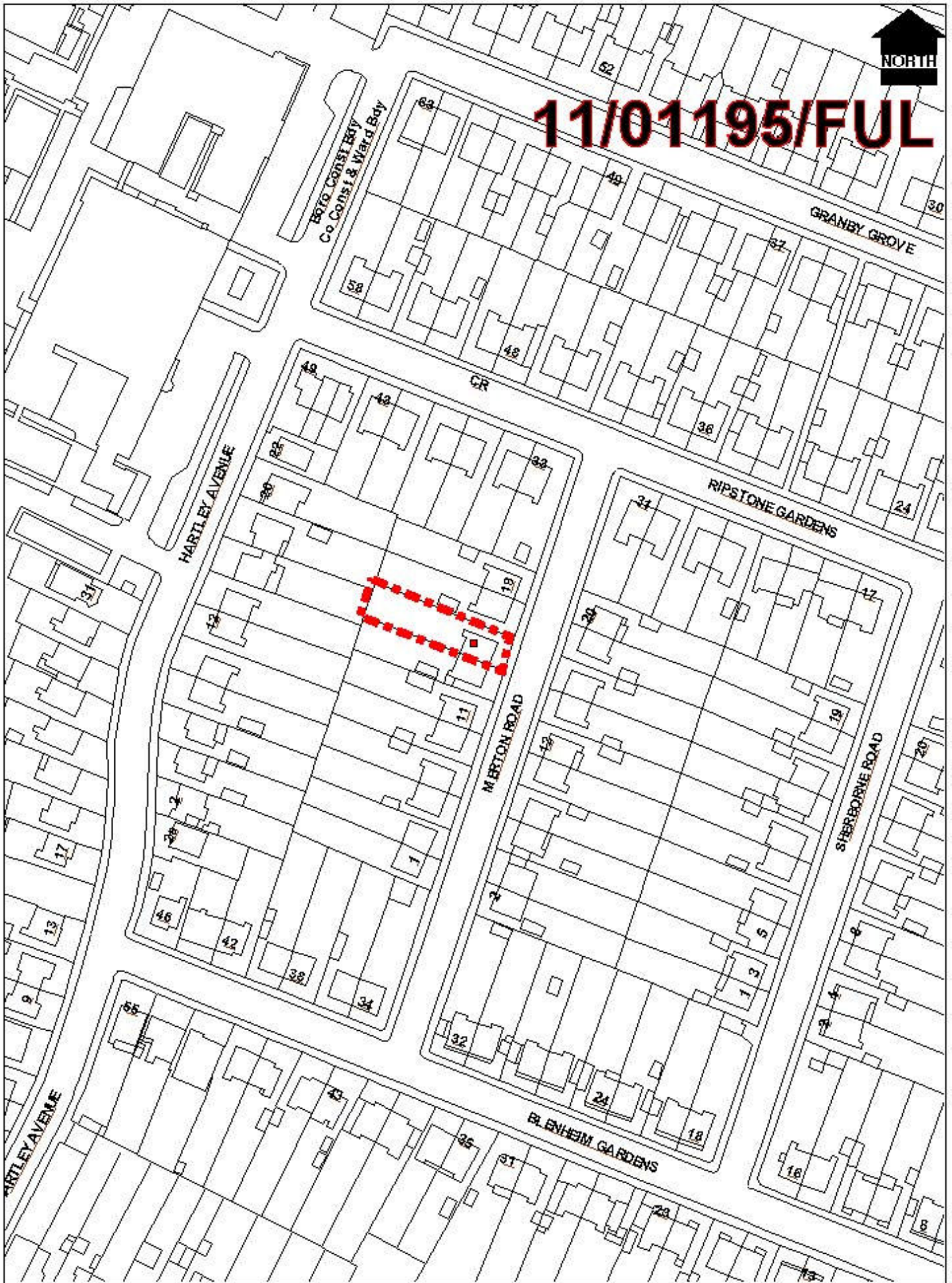
Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

PPS1 Delivering Sustainable Development (February 2005)

NORTH

11/01195/FUL



Scale : 1:1250

Date :12 October 2011

© Crown copyright. All rights reserved. Southampton City Council 100019679 2004.



# Agenda Item 12

**Southampton City Planning & Sustainability  
Planning and Rights of Way Panel meeting 25 October 2011  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Land at 43 to 45 Vespasian Road			
<b>Proposed development:</b> Application to waive the requirement to provide affordable housing (5x 2-bed flats) at 43-45 Vespasian Road under the relevant clauses and schedules of planning agreement dated 10th May 2002, signed in connection with the granting of planning permission reference 00/00320/FUL			
<b>Application number</b>	11/00959/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Steve Lawrence	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	01.08.2011	<b>Ward</b>	Bitterne Park
<b>Reason for Panel Referral:</b>	Referred by the Planning & Development Manager due to wider public interest	<b>Ward Councillors</b>	Cllr White Cllr Baillie Cllr P Williams
<b>Applicant:</b> Swaythling Housing Society Limited		<b>Agent:</b> Capita Symonds	
<b>Recommendation Summary</b>	<b>Approve variation of S.106 to require land to be used for community group use purposes</b>		

## Reason for decision

It is considered reasonable to remove the requirement to provide affordable housing at 43-45 Vespasian Road under the relevant clauses and schedules of planning agreement dated 10th May 2002, signed in connection with the granting of planning permission reference 00/00320/FUL. This is because the applicant has demonstrated that there are sequentially preferable sites to develop for housing, which are not located within a high category flood risk zone, as advised by Planning Policy Statement 25 (Flood Risk). The Local Planning Authority is also satisfied that even if habitable accommodation within a building were raised up above the relevant level, a satisfactory means of escape away from the site in times of flood could not be achieved successfully. This is in respect of adverse visual/amenity impact of some form of gantry oversailing the highway and the prohibitive cost of constructing and maintaining such a means of escape in terms of the overall viability of such a development. As such, the Local Planning Authority is satisfied that 43-45 Vespasian Road should no longer be developed residentially. By providing an alternative requirement to develop the land for community group use purposes, the agreement will continue to serve a useful purpose to the wider benefit of the local community.

<b>Appendix attached</b>			
1	Development Plan Policies	2	Legal agreement pertaining to decision 00/00320/FUL signed 10 May 2002

## Recommendation in Full

**Agree to vary the agreement dated 10 May 2002, signed in connection with the granting of planning permission reference 00/00320/FUL so as to remove**

**requirement to provide affordable housing at 43-45 Vespasian Road and instead impose a requirement to develop the land for community group use purposes.**

## **1. The site and its context**

- 1.1 The 432 sq.m site is located on the northern side of an unmade cul-de-sac spur of Vespasian Road. The site is currently overgrown. A steel container, some wheeled trailers, as stack of tyres and two dilapidated boats are situated on the western part of the site (No.43). The Sea Cadet Corps occupy the land abutting to the east. To the west are two plots previously used for the storage of scrap but now open and grassed. The site has a frontage to the River Itchen, where the rotting hulls of two boats and the remnants of an old jetty sit in the adjacent mudflats.
- 1.2 The site is unallocated on the Proposals Map of the City of Southampton Local Plan Review (March 2006), but abuts intertidal mudflats protected by Policy NE5 and is within a zone of importance for archaeology (Policy HE6).
- 1.3 The site is located within Flood Zone 3, which is land classified as having a 1 in 100 year or greater annual probability of river flooding or a 1 in 200 year tidal flooding (high probability). The design flood level for the site, during a 1 in 200 year tidal plus climate change event, is 4.2mAOD. The ground levels of the site vary between 2.5-2.9mAOD; this equates to 1.3-1.7m depth of flooding during the design flood event.

## **2. Proposal**

- 2.1 The application is made under Section 106A (1)(a) of the Town and Country Planning Act 1990 (as amended) and seeks to remove the requirement under a valid planning agreement signed in connection with application 00/00320/FUL to provide affordable housing at 43-45 Vespasian Road. The applicant has submitted a Flood Risk Assessment and sequential test assessment, which demonstrates that the site is located in the highest risk flood zone identified by the Environment Agency and that there are other sequentially preferable sites available for housing on land of less flood risk.
- 2.2 Analysis undertaken has demonstrated that there are sites within the geographical study area that are subject to lower flood risk than the application site and are of a comparable size, deliverable and without overriding development plan or other constraints. This includes sites less than 0.5ha and with capacity for less than 10 dwellings. In total there is likely to be 289 dwellings across 31 sites. In addition, planning permission has been granted for 249 dwellings on sites with a capacity between 5-10 dwellings (non subdivisions) which can be described as reasonably available. The likelihood of further sites coming forward is also extremely high given the Council's recorded experience of windfall sites. Some 'reasonably available' sites assessed in the Sequential Test Matrix fail in some way, when compared to the application site by reason of their size or capacity. In light of the above and assuming a five year time horizon to reflect current government guidance, set out within paragraph 71 of Planning Policy Statement 3 (2010), SCC can fulfil its commitment maintain a rolling five-year supply of deliverable land for housing. Even with a reduced rate of housing competitions, the past pattern of housing delivery and extent of supply does not necessitate reviewing the housing supply situation in the short-medium term, as more than 10-15 years supply is identified.



- 2.3 The site therefore fails the sequential test based upon the five year housing supply position and as there are other sites in lower areas of flood risk that could deliver a comparable development. Whilst there remains an overriding demand for housing and planned growth within the SCC boundary, this places a requirement and reliance upon sites in the flood zones 2 and 3 although delivery would most likely be beyond the 5-year time horizon. However, the combined magnitude of these additional sites, proposing approximately 2000 dwellings, offer wider sustainability and regeneration benefits too. Similar regeneration or sustainability benefits would not arise from such a small proposal of 5 dwellings on the site.
- 2.4 Due to the water depths predicted on the site during the design flood event, it is recommended any residential development incorporates:-
- Raising site levels to approximately 3.9mAOD to manage the effect of climate change and the uncertainty regarding the future construction of defences in the area;
  - The site to be set back a distance of 8m from the River Itchen provisionally to allow for the possible future construction of defences; and
  - Finished floor levels for habitable development at a minimum of 4.8mAOD (design flood level plus 600mm freeboard), as per Environment Agency guidance.

The site is small and it is likely to be difficult to accommodate 1-1.5m of landraising within the context of the surrounding land uses, as well as maintain access onto Vespasian Road.

- 2.5 If approved, it is understood that the adjoining land occupier – The Sea Cadet Corps – would be likely to request to lease the land after seeking to secure planning permission to use 43-45 Vespasian Road as an enclosed boat storage compound.

### **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 policies of the South East Plan, Southampton’s Core Strategy and Local Plan Review have been taken into account in the consideration of this application. The Core Strategy is in general conformity with the South East Plan, and it is not considered that the policies in the South East Plan either conflict with or add particular weight to the policies in the Core Strategy for this application. Consequently only the local statutory development plan policies (Core Strategy and Local Plan Review) have been cited in this report.

### **4. Relevant Planning History**

- 4.1 Under application 99/01143/FUL, Beazer Homes sought planning permission for a redevelopment of 37 Vespasian Road to provide 3 storey block of 21 flats and rebuilding of quay wall and pontoons. That development has been built out and occupied

- 4.2 It was resolved to grant planning permission, subject to a planning agreement, one of the clauses of which required facilitating the provision of affordable housing off-site at 43-45 Vespasian Road by transferring the land to Swaythling Housing Association. The land was transferred.
- 4.3 Beazer homes separately sought planning permission under reference 00/00320/FUL to construct 5 x 2 bedroom flats.
- 4.4 It was also resolved to grant planning permission for 00/00320/FUL, subject to a separate planning agreement requiring that on the grant of planning permission, Clause 1.1 of the First Schedule of the agreement specifies:- “The site shall not be used other than for the provision of affordable housing”, that a contribution be paid to enable the council to construct pedestrian walkway between the river frontage (the contribution was paid) and that public access be provided to the site’s river frontage. (See **Appendix 2**)
- 4.5 Whereas there is no history pertaining to No. 45 on its own, No. 43’s authorised use appears to be use for slipping & storage of boats, workshop & shed granted in 1963 under reference 1255/P26.

## **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 (23.6.2011) and erecting a site notice (20.6.2011). At the time of writing the report **1** representation has been received from surrounding residents.

1 Letter of support has been received from the Sea Cadets, who operate out of 41 Vespasian Road.

- 5.2 **SCC Housing** – No objections.
- 5.3 **Environment Agency** – No objections.

## **6. Planning Consideration Key Issues**

- 6.1 The key issues for consideration in the determination of this application to alter an existing planning legal agreement are:
- 6.2 Principle of waiving the requirement to provide affordable housing on the site
- 6.2.1 Permission 00/320/FUL has expired but notwithstanding this expiry, the planning obligation to use 43-45 Vespasian “other than for the provision of AH” binds the land since it came into effect upon the grant of the permission and not upon implementation. Were a renewal application to be received then the Environment Agency have indicated that they would oppose the application/ comment that a safe means of egress and access would need to be provided. Under Section 106 A (1)(a) such an agreement can be varied or discharged if there is agreement between all the persons against whom the obligation is enforceable. The test for the LPA in deciding whether to discharge the obligation, rather than just modify it, is whether it considers that the obligation no longer serves any useful purpose (s106A (6)). If the obligation would serve a useful purpose equally well with the



modifications specified by the applicant, the local planning authority can decide to consent to the modifications sought. Circular advice states that the Secretary of State considers that the expression “no longer serves any useful purpose” should be understood in land-use planning terms”.

The question of “a useful purpose” is different from the question whether the obligation still serves its original purpose. It means that the planning merits of the current situation can be argued and that an application could be refused as the obligation serves a different useful purpose from that originally stated.

This site is no longer capable of accommodating residential development, owing to a greater level of flood risk subsisting than when the original legal agreement was drawn up. Planning permission 00/00320/FUL has lapsed and is no longer capable of implementation. To make the development acceptable, a safe means of escape away from the site to higher ground would need to be provided and that is not possible/impracticable in land use planning terms. In addition, the cost of constructing some form of high level gantry leading away from the site to higher ground could well make a residential development financially unviable.

- 6.2.2 Whilst the loss of 5 x 2 bed affordable flats to the city’s aspirations to provide affordable housing is regrettable, the original developer met their obligation by transferring the land to Swaythling Housing Association, beyond which there was no requirement to build out that housing. The current owner is now unlikely to obtain planning permission again for housing, owing to the higher flood risk. It is therefore possible to conclude that the obligation no longer serves its original purpose as there is no prospect that it will come forward for affordable housing thus meeting the community need for affordable housing. The obligation to could be used instead for a community group use. It is possible to conclude that the land can still serve a useful purpose in terms of providing a public benefit, albeit a different type of benefit. There is evidence of need for community group uses. As such it is reasonable to conclude that a useful purpose could still be met in land use planning terms by agreeing to a variation of the obligation. There is no prospect of the applicant being in a position to provide an alternative site for affordable housing in exchange for a total discharge of the obligation.
- 6.2.3 In terms of other original obligations referred to in Appendix 2 and paragraph 4.4 above, the agreement provides that there is no obligation to carry out any works or pay any monies if the permission is not implemented and therefore they cannot be enforced under this agreement as the consent was not implemented and is time expired. Issues of public access to the site’s river frontage would need to be addressed under any planning application to use the land for community group purposes.

## **7. Summary**

- 7.1 The degree of flood risk and government advice on flood risk when determining planning applications has changed since the granting of permission 00/00320/FUL. The applicant has demonstrated that it is no longer practicable or safe to develop 43-45 Vespasian Road for housing purposes and as such it is no longer possible to provide affordable housing on this site.

## **8. Conclusion**

- 8.1 Whilst it is regrettable that 5 affordable dwellings would be lost to the city’s stock

of housing, the original agreement was specific in terms of provision at 43-45 Vespasian Road. The applicant and landowner Swaythling Housing Association have identified an alternative user – The Sea Cadet Corps – who, subject to obtaining planning permission, could provide a socially beneficial community based use of the site, whilst also meeting the original aspirations for public access to the waterfront in the fullness of time.

**Local Government (Access to Information) Act 1985**

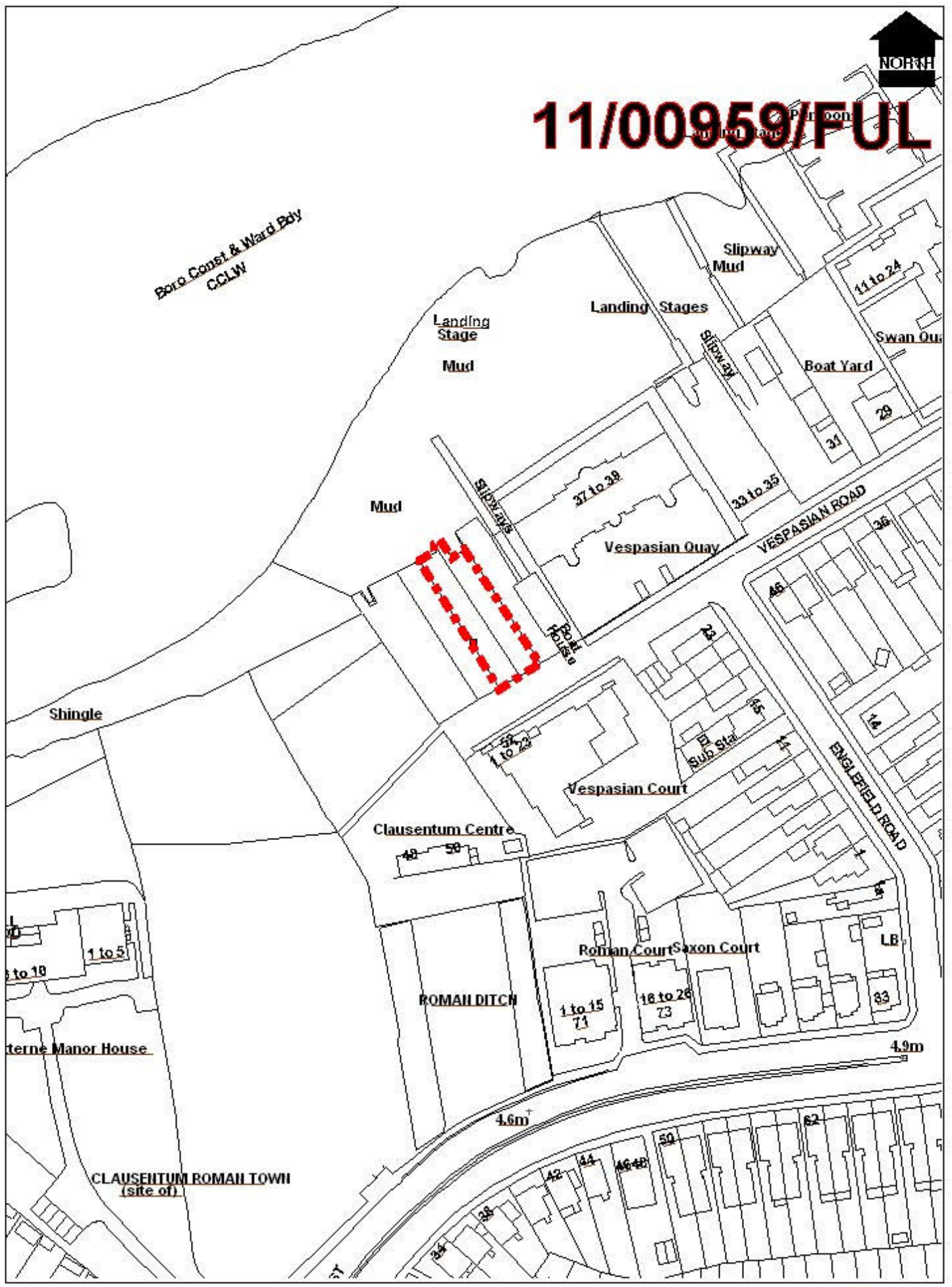
**Documents used in the preparation of this report Background Papers**

1 (a), (b), (c), (d), 2 (b), (d), 4 (g), 6 (a), 7 (a), (e), (w), 8 (b) and 10 (a) & (b)

**SL2 for 25/10/11 PROW Panel**



# 11/00959/FUL



Scale : 1:1250

Date : 12 October 2011

© Crown copyright. All rights reserved. Southampton City Council 100019679 2004.



This page is intentionally left blank

**Application** 11/00959/FUL

## **POLICY CONTEXT**

### Core Strategy - (January 2010)

CS4 Housing Delivery  
CS5 Housing Density  
CS12 Accessible and attractive waterfront)  
CS13 Fundamentals of Design  
CS14 Historic environment)  
CS15 Affordable housing  
CS19 Car and cycle parking  
CS20 Tackling and Adapting to Climate Change  
CS22 Promoting biodiversity and protecting habitats  
CS23 Flood risk  
CS25 The delivery of infrastructure and developer contributions

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

SDP1 Quality of Development  
SPD4 Development Access  
SDP5 Parking  
SDP6 Urban design principles  
SDP7 Urban Design Context  
SDP8 Urban form and public space  
SDP9 Scale, Massing & Appearance  
SDP10 Safety and security  
SDP11 Accessibility and movement  
SDP12 Landscape and biodiversity  
SDP13 Resource conservation  
SDP17 Lighting  
SDP21 Water quality and drainage  
SDP22 Contaminated land  
HE6 Archaeological remains  
CLT5 Open space in new residential developments  
CLT6 Provision of children's play areas  
CLT11 Waterside development  
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)

This page is intentionally left blank

DATED: 10 May 2002



Appendix 2

**SOUTHAMPTON CITY COUNCIL (1)**

- and -

**BEAZER HOMES LIMITED (2)**

*Mr. [unclear]*

*ctt/18/81 25*

---

**Agreement pursuant to  
Section 106 of the Town and Country Planning Act 1990 and  
Section 111 of Local Government Act 1972  
in relation to development at  
43-45 Vespasian Road, Southampton**

---

We hereby certify this to be  
a true copy of the original  
*BL*  
Berwin Leighton Paisner  
Adelaide House  
London Bridge  
London EC4R 9HA

\*berwinleightonpaisner

THIS AGREEMENT is made the 10th day of May 2002

**BETWEEN:**

- (1) **SOUTHAMPTON CITY COUNCIL** of Civic Centre Southampton SO14 7PE ("the Council") and
- (2) **BEAZER HOMES LIMITED** whose registered office is situate at Persimmon House Fulford York YO19 4FE ("the Owner")

**RECITALS**

- (A) The Council is the local planning authority for the purposes of Section 106 of the Act for the area within which the Site is situated and by whom the obligations contained in this Agreement are enforceable
- (B) The Owner is the owner in fee simple of the Site subject to restrictive covenants
- (C) The Planning Application was made to the Council for the Development by the Owner's predecessor in title
- (D) The Council has resolved that the Planning Permission be granted in accordance with the Planning Application subject to the making of this Agreement without which planning permission for the Development would not have been granted

**OPERATIVE PART**

**1 Statutory Powers**

This Agreement is a planning obligation for the purposes of Section 106 of the Act and is entered into pursuant also to Section 111 of the Local Government Act 1972 and it is acknowledged by the parties that the obligations contained within it are enforceable by the Council as local planning authority against the Owner and its successors in title in respect of its interests in the Site

**2 Interpretation**

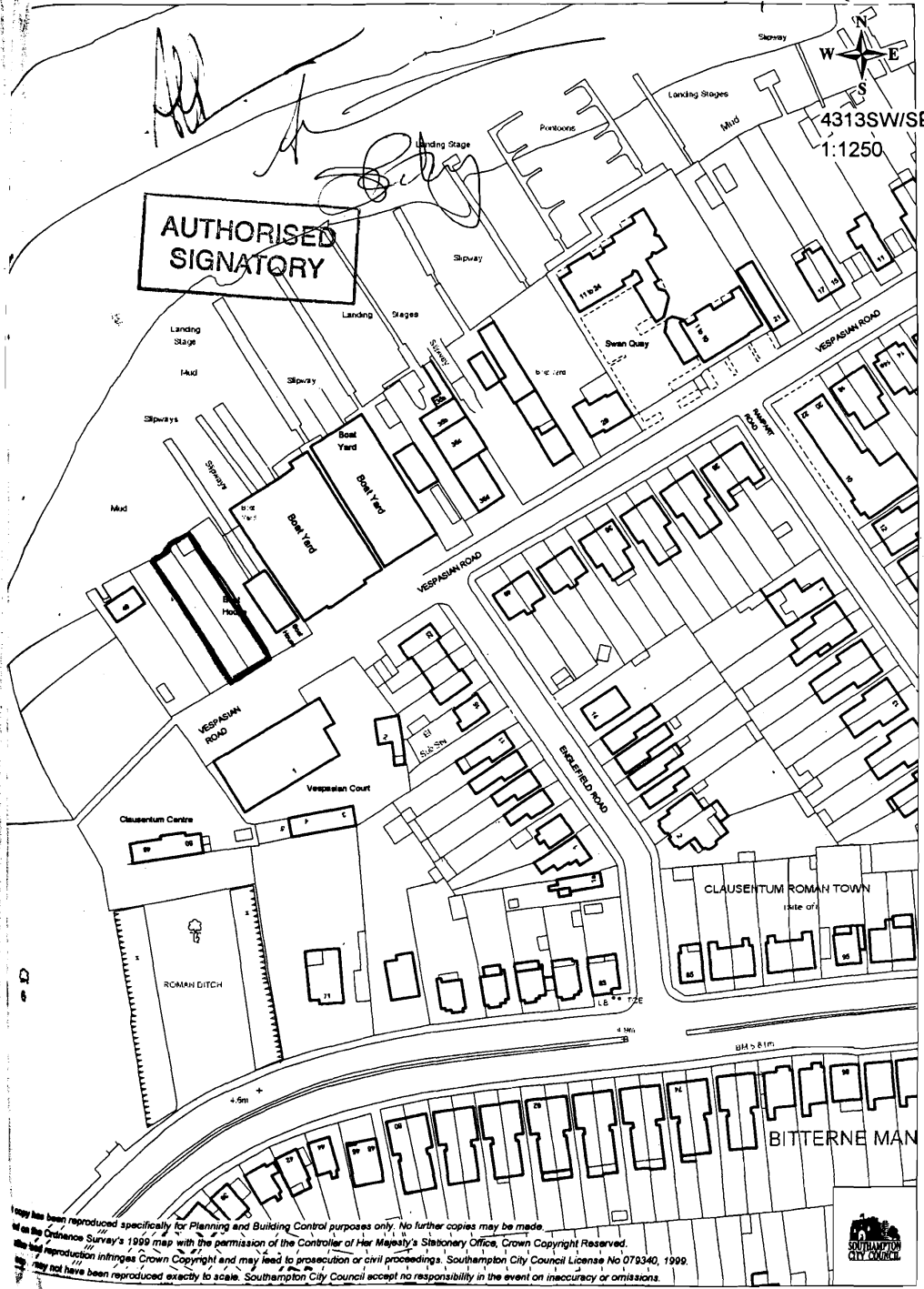
2.1 In this Agreement unless the context otherwise requires the following terms (arranged in alphabetical order) shall have the following meanings:

"the Act"	the Town and Country Planning Act 1990 (as amended)
-----------	---



"Affordable Housing"	the provision of affordable housing available to households whose incomes do not enable them to obtain adequate housing accommodation locally consistent with their needs on the open market in accordance with Policy H2 of the City of Southampton Adopted Local Plan (1996)
"the Contribution"	the sum of £30,000 (thirty thousand pounds) plus the difference between (1) the cost of removing a slipway and pontoons which are located on the river frontage of the Site and (2) £10,000 (ten thousand pounds)
"the Development"	the redevelopment of the Site in the manner and for the uses specified in the Planning Application
"Linked Property"	the land known as 37-39 Vespasian Road Southampton shown coloured blue and edged red on Plan B
"Plan A"	the plan marked "Plan A" attached to this Agreement
"Plan B"	the plan marked "Plan B" attached to this Agreement
"the Planning Application"	the planning application reference number 00/00320/FUL for the construction of five two-bedroom flats with allocated parking facilities
"the Planning Permission"	planning permission for the Development in the form of the model decision notice attached to this Agreement
"Registered Social Landlord"	a housing association or other non-profit making body either of which being registered or eligible to register as a social landlord as defined by the Housing Act 1996

AUTHORISED  
SIGNATORY



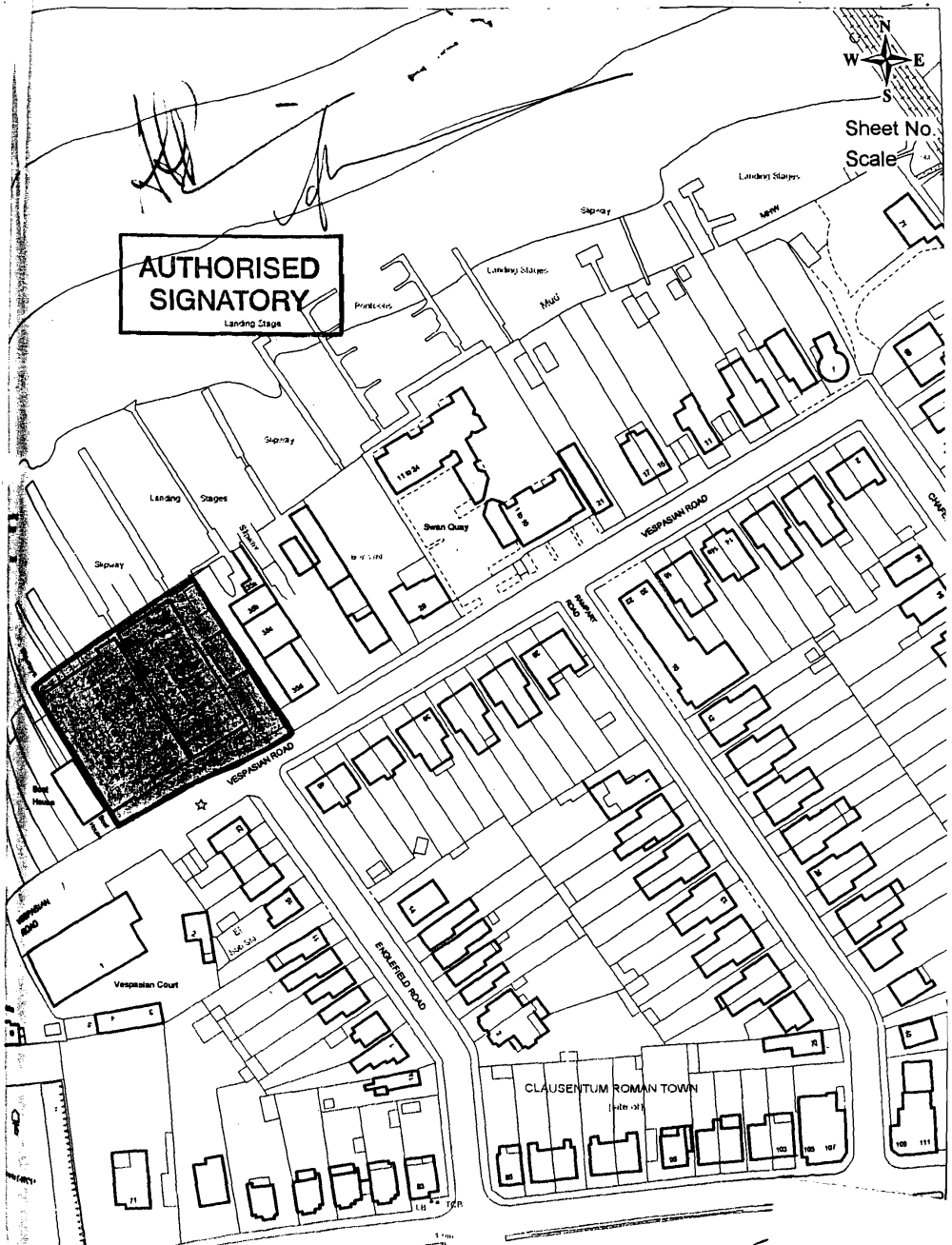
This copy has been reproduced specifically for Planning and Building Control purposes only. No further copies may be made.  
 as on the Ordnance Survey's 1999 map with the permission of the Controller of Her Majesty's Stationary Office, Crown Copyright Reserved.  
 Any other reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Southampton City Council License No 079340, 1999.  
 This copy may not have been reproduced exactly to scale. Southampton City Council accept no responsibility in the event of inaccuracy or omissions.





Sheet No. 100  
Scale 1:1000

**AUTHORISED SIGNATORY**  
Landing Stage



This map has been reproduced specifically for Planning and Building Control purposes only. No further copies may be made.  
This map is based on Ordnance Survey's 1999 map with the permission of the Controller of Her Majesty's Stationary Office. Crown Copyright Reserved.  
Any reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Southampton City Council License No 070340, 1999.  
This map may not have been reproduced exactly to scale. Southampton City Council accept no responsibility in the event of inaccuracy or omissions.

"the Site"	the land known as 43-45 Vespasian Road Southampton shown edged red on Plan A
------------	--

- 2.2 References in this Agreement to "the Owner" shall include its successors in title to the Site and its assigns
- 2.3 References in this Agreement to "the Council" shall include any successor to its functions as local planning authority
- 2.4 The clause headings in this Agreement are for convenience only and do not form part of the Agreement
- 2.5 References to clauses paragraphs and schedules shall (unless the context otherwise requires) be references to clauses paragraphs and schedules in this Agreement
- 2.6 References to the singular shall include the plural and vice versa

**3 Conditionality**

The covenants contained in this Agreement shall take effect upon the grant of the Planning Permission PROVIDED THAT in the event of the Owner not implementing the Planning Permission by the carrying out of specified operations as defined by Section 56(4) of the Act nothing in this Agreement shall oblige the Owner to carry out any works or pay any monies to the Council

**4 Owner's Covenants**

The Owner **COVENANTS** with the Council to observe and perform the restrictions and obligations set out in the Schedules below:

First Schedule – general covenants as to the Development

Second Schedule – Affordable Housing

**5 Council's Covenants**

(Subject to the due performance by the Owner of its obligations under this Agreement) the Council **HEREBY COVENANTS** with the Owner that it will as soon as possible after completion of this Agreement grant and issue the Planning Permission

6 **Release and Lapse**

6.1 No person shall be liable for breach of a covenant contained in this Agreement after he shall have parted with all interest in the Site or the part in respect of which such breach occurs but without prejudice to liability for any subsisting breach prior to parting with such interest

6.2 If the Planning Permission granted pursuant to the Planning Application shall expire before the Development is begun as defined above or shall at any time be revoked this Agreement shall forthwith determine and cease to have effect

6.3 Nothing in this Agreement shall prohibit or limit the right to develop any part of the Site in accordance with a planning permission (other than one relating to the Development as specified in the Planning Application) granted (whether or not an appeal) after the date of this Agreement

7 **Local Land Charge**

7.1 This Agreement is a local land charge and shall be registered as such by the Council

7.2 The Council will upon the written request of the Owner at any time after the obligations of the Owner under this Agreement have been fulfilled issue written confirmation thereof and thereafter entries in the Register of Local Land Charges

8 **No Fetter on Discretion**

Nothing contained in this Agreement shall cancel all related prejudice or affect the Council's rights powers duties and obligations in the exercise of their functions as a Local Authority and the rights powers duties and obligations of the Council under all public and private statutes byelaws and regulations

9 **Legal Costs**

The Owner **COVENANTS** with the Council that it will on or before the date of this Agreement pay the Council's reasonable costs in connection with the preparation and completion of this Agreement

10 **Contracts (Rights of Third Parties) Act 1999**

Notwithstanding the provisions of the Contracts (Rights of Third Parties) Act 1999 no part of this Agreement shall be enforceable by a third party who is not a party to the Agreement and for the avoidance of doubt the terms of the Agreement may

be varied by agreement between the parties without the consent of any such third party

**IN WITNESS WHEREOF** the parties have executed this Agreement as a Deed on the date written above

## The First Schedule

### (general covenants as to the Development)

- 1 Within 12 months from the date of commencement of the Development of the Site to create and thereafter maintain to the reasonable satisfaction of the Council pedestrian and cycle access (the walkway) running along the full length of the river frontage of the Site ~~with access along north east boundary of the Site~~ *SWR*
- 2 The Owner hereby grants to the Council its successors in title all those authorised by it and the general public at large the right to use the walkway for recreational purposes at all times
- 3 On the date hereof the Owner shall pay to the Council a financial contribution of £4,200.00 (four thousand two hundred pounds) (receipt of which is acknowledged) towards the securing by the Council under the Private Street Works Code of a pedestrian footway link to the public highway of Englefield Road/Vespasian Road
- 4 The Owner shall on the date hereof pay to the Council the sum of £800 (eight hundred pounds) (receipt of which is acknowledged) to enable the Council to procure a pair of dropped kerbs across Vespasian Road near the junction with Englefield Road

#### Note

Any payments to be made under this First Schedule to be by way of cheque payable to Southampton City Council and sent to the Highways Development Control Team Leader.

## **The Second Schedule**

### **(Affordable Housing)**

#### **1 Affordable Housing**

- 1.1 The Site shall not be used other than for the provision of Affordable Housing
- 1.2 Prior to the occupation of the 17<sup>th</sup> (seventeenth) dwelling on the Linked Property the Owner shall transfer the freehold or grant a long leasehold interest (for a period of not less than 99 years) in the Site to a Registered Social Landlord on terms that ensure the Affordable Housing is and remains bound by the obligations in this First Schedule and the Owner shall forthwith on completion of the transfer or grant (as the case may be) notify the Council in writing that it has occurred

#### **2 Affordable Housing : General Provisions**

- 2.1 The Affordable Housing to be provided shall be used for Affordable Housing only
- 2.2 The Owner shall use its reasonable endeavours to dispose of the Affordable Housing to a Registered Social Landlord by way of transfer of the freehold or the grant of a long lease (for a period of not less than 99 years) within six months from the date of this Agreement
- 2.3 In the event that the Affordable Housing is owned or leased by the Registered Social Landlord and there is a default under any legal charge or mortgage of the Affordable Housing then any chargee or mortgagee ("the Chargee") shall be entitled to exercise its power of sale free from the restrictions set out in paragraphs 1 and 2 of this Schedule provided that the Chargee shall first have followed the procedure set out below:-
- 2.3.1 The Chargee shall give written notice ("the Sale Notice") to the Council of its intention to exercise its power of sale
- 2.3.2 At the same time as giving the Sale Notice the Chargee shall make an offer ("the Offer") to sell the Affordable Housing to the Council for an amount to be agreed or determined in accordance with subparagraph 2.3.5.2 ("the Purchase Price")
- 2.3.3 The Council may notify the Chargee in writing within one month of the date of the Offer whether or not it wishes to accept the Offer (in



the case of an acceptance such acceptance to be conditional upon the Purchase Price being acceptable to the Council)

2.3.4 If the Council shall notify the Chargee within the time specified in sub-paragraph 2.3.3 that it does not wish to accept the Offer the Council shall then have one month from the date upon which it notifies in writing its refusal of the Offer within which to arrange for the transfer of the Affordable Housing in consideration of the Purchase Price to a Registered Social Landlord

2.3.5 If either the Council shall notify the Chargee within the time specified within sub-paragraph 2.3.3 that it wishes to accept the Offer or if within the time specified in sub-paragraph 2.3.4 the Council gives written notice to the Chargee that arrangements can be made in accordance with sub-paragraph 2.3.4 then:

2.3.5.1 the Chargee shall co-operate with the Council to secure the transfer; and

2.3.5.2 the Council and the Chargee shall endeavour to agree the Purchase Price which shall represent the open market value of the Affordable Housing but subject to all or any tenancies of the Affordable Housing as may be subsisting at the date of the Sale Notice and disregarding the provisions of paragraphs 2.1 and 2.2 of this Schedule AND in default of such agreement the Purchase Price shall be determined on the same basis of valuation by an independent surveyor ("the Surveyor") experienced in valuing residential land and property who shall act as an expert and whose costs shall be borne by the Council and the Chargee in equal shares and the Surveyor shall be appointed in default of agreement between the parties on the application of either party by or on behalf of the President for the time being of the Royal Institution of Chartered Surveyors and the Surveyor's determination shall be binding on both parties

2.3.6 Subject to the provisions of sub-paragraph 2.3.7 the transfer to the Council or to a Registered Social Landlord shall be completed within

two months of the date the Purchase Price is agreed or determined in accordance with sub-paragraph 2.3.5.2 ("the Completion Period")

2.3.7 If the Chargee does not wish to exercise its power of sale at any time after giving the Sale Notice or the Council does not wish to continue with the exercise of its power under the provisions of this paragraph 2 that party shall give to the other not less than seven days' written notice of its intention to discontinue

2.3.8 If either:

2.3.8.1 the Council fails to give notification to the Chargee within the time specified in sub-paragraph 2.3.3 or

2.3.8.2 having given notification of refusal of the Offer in accordance with sub-paragraph 2.3.3 the Council fails to give notification to the Chargee within the time specified in sub-paragraph 2.3.4 or

2.3.8.3 the Council having complied with the time periods specified in sub-paragraph 3.3.3 and (in the case of a refusal of the Offer) sub-paragraph 3.3.4 the transfer to either the Council or to the Registered Social Landlord shall not be completed within the Completion Period or

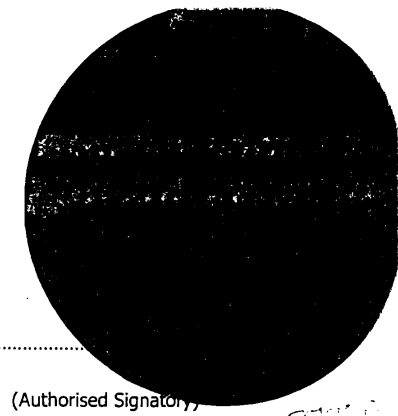
2.3.8.4 the Council shall serve notice of its intention to discontinue under sub-paragraph 2.3.7 then

the Chargee shall be under no obligation to sell the Affordable Housing either to the Council or to a Registered Social Landlord and shall be entitled to exercise its powers of sale without any of the provisions of the Second Schedule of this Agreement being binding on the purchaser or purchasers of the Affordable Housing or any part thereof or any successor in title hereto

2.3.9 The Council shall in formulating or promoting any arrangements referred to in sub-paragraph 2.3.4 give consideration to protecting the interests of the Chargee in respect of monies outstanding under the charge or mortgage

- 2.4 The sale price for the transfer of the Site by the Owner to the Registered Social Landlord shall be £1 (one pound) plus the Contribution which shall be payable by the Owner to the Registered Social Landlord
- 2.5 In the event that:
- 2.5.1 the Owner has not been able to transfer the Site to a Registered Social Landlord within 6 months from the date of this Agreement AND
- 2.5.2 the Planning Committee of the Council (the Committee) have previously consented to this provision
- the Owner shall at the Owner's absolute discretion pay to the Council within 14 days of a request in writing the sum of £22,500 in lieu of its obligations in paragraph 2.2 of this Schedule and upon payment of such sum the Site shall be released from the provisions in this Schedule and the Site may be developed or sold free from such provisions
- 2.6 For the purpose of clarification the Committee has not at the date of this Agreement consented in the form required by paragraph 2.5.2 above and the Committee is under no obligation to give such consent.

THE COMMON SEAL of  
SOUTHAMPTON CITY COUNCIL was  
hereunto affixed in the presence of:



(Authorised Signatory)

8/11/02

EXECUTED AS A DEED by  
BEAZER HOMES LIMITED acting  
by its Attorneys Alastair John Dineen  
and Allen William Smith in the  
presence of:



*C. Light*  
CLAIRE LIGHT  
c/o PERSHORE HOUSE  
18 HIGH STREET  
FAREHAM PO16 7AF