

Planning and Rights of Way Panel

Tuesday, 22nd November,
2011

at 9.30 am

PLEASE NOTE TIME OF MEETING

Conference Rms 3 and 4 -
Civic Centre

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

Head of Planning and Sustainability
Paul Nichols
Tel: 023 8083 2553
Email: 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

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

CONDUCT OF MEETING

Terms of Reference

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

Business to be discussed

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

Rules of Procedure

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

Quorum

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

Disclosure of Interests

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

Personal Interests

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

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

A Member must disclose a personal interest.

/Continued...

Prejudicial Interests

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

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

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

There are some limited exceptions.

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

Principles of Decision Making

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

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

In exercising discretion, the decision maker must:

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

AGENDA

Agendas and papers are available via the Council's Website

1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

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

2 DISCLOSURE OF PERSONAL AND PREJUDICIAL INTERESTS

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

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

3 STATEMENT FROM THE CHAIR

4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)

To approve and sign as a correct record the Minutes of the meeting held on 25 October 2011 and to deal with any matters arising, attached.

CONSIDERATION OF PLANNING APPLICATIONS

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

5 58 WEST END ROAD 11/01326/FUL

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

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

6 222 - 252 MEGGESON AVENUE 11/01340/FUL

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

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

7 5-92 LAXTON CLOSE 11/01423/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.

ITEMS TO BE HEARD BETWEEN 12:00 PM AND 12:30 PM

8 LAND AT EXFORD DRIVE AND EXFORD AVENUE (INCLUDING EXFORD ARMS PH AND MULBERRY CENTRE) 11/01400/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.

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

9 TESCO STORES LTD, TEBOURBA WAY, SO16 4QE 11/01150/FUL

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

ITEMS TO BE HEARD BETWEEN 1.45 PM AND 2:30 PM

10 LAND AT CORNER OF BEVOIS VALLEY ROAD AND EARLS ROAD 11/01143/FUL

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

ITEMS TO BE HEARD BETWEEN 2.30 PM AND 3.10 PM

11 UNITS 20-21 ADMIRAL HOUSE, MOUNTBATTEN BUSINESS CENTRE, MILLBROOK ROAD EAST 11/01148/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.

Monday, 14 November 2011

HEAD OF LEGAL AND DEMOCRATIC
SERVICES

PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 25 OCTOBER 2011

Present: Councillors Jones (Chair), Cunio, L Harris, Osmond, Thomas and B Harris

Apologies: Councillor Claisse and Mrs Blatchford

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

The Panel noted that Councillor B Harris was in attendance as a nominated substitute for Councillor Claisse in accordance with Procedure Rule 4.3.

58. **MINUTES OF THE PREVIOUS MEETINGS (INCLUDING MATTERS ARISING)**

RESOLVED that the Minutes of the Meetings held on 6th September 2011 and 27th September 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.

59. **LAND REAR OF 36 EDWARD ROAD / 11/00986/FUL**

Erection of 2 x two-storey, three bed semi-detached houses with associated cycle/refuse storage. The officer advised that an amended site plan had been received moving the houses back 400mm and creating 2 additional parking spaces.

Ms Ward, Mr Pope (Local residents) and Councillor Furnell (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

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

RECORDED VOTE:

FOR: Councillors Jones, B Harris, L Harris and Osmond

AGAINST: Councillors Cunio and Thomas

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

Amended Conditions:

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 P02 Rev C received 21.10. 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 P02 Rev C received 21.10. 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.

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 the drawing no P02 Rev C received 21.10. 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.

Additional Conditions:

12. APPROVAL CONDITION - Obscured glazing [Performance Condition]

The first floor windows in the side elevations of the proposed dwellings hereby approved shall be glazed in obscure glass before the development hereby permitted is first occupied and shall be permanently maintained in obscure glass.

REASON

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

13. APPROVAL CONDITION - Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule, unless otherwise agreed in writing with the Local Planning Authority. In particular, two parking spaces per dwelling shall be provided and kept available at all times.

Reason:

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

REASONS FOR DECISION

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

60. **36 EDWARD ROAD SO15 3GZ / 11/00987/FUL**

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.

Ms Ward, Mr Pope (Local residents) and Councillor Furnell (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

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

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

Amended condition

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] above carriageway level within the sight line splays.

Additional conditions

13. APPROVAL CONDITION - Archaeological structure-recording [Pre-Commencement Condition]

No development shall take place within the site until the implementation of a programme of recording of the public house’s basement area has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

Reason:

To ensure that the recording of a significant structure is initiated at an appropriate point in development procedure.

14. APPROVAL CONDITION – Window/door refurbishment [Pre-Commencement Condition]

The existing wooden windows currently in situ shall be maintained and reused in accordance with a scheme to be submitted to and agreed in writing by the Local

Planning Authority before the development commences. In particular, UPVc window frames and door materials shall not be used. The development shall be carried out in accordance with the approved scheme unless agreed otherwise in correspondence with the Local planning Authority.

Reason:

To ensure that the character of the existing building is retained.

REASONS FOR DECISION

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, 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.

61. **3 BASSETT GREEN DRIVE SO16 3QN / 11/01329/FUL**

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.

The Panel noted that paragraph 6.5.4 of the report was no longer required and could therefore be deleted.

Ms English (Applicant), Mr Blasby and Mr Williams (Local residents) were present and with the consent of the Chair, addressed the meeting.

Councillor B Harris (Ward Councillor) was present and with the consent of the Chair, addressed the meeting. After speaking Councillor B Harris 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 WAS CARRIED

RECORDED VOTE:

FOR: Councillors Jones, Osmond and Thomas
AGAINST: Councillor L Harris
ABSTAINED: Councillor Cunio

RESOLVED that conditional 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. 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).

62. **LAND AT YEOVIL CHASE / 11/01304/R3OL**

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).

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

RESOLVED

that authority be delegated to the Planning and Development Manager to grant conditional planning approval subject to:-

- a) 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.
- b) 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 polices 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. that a Traffic Regulation Order within the access road serving the site be secured.
- c) The receipt of an undertaking from the Head of Children’s Services and Learning, to secure:
- i) controlled community use of the woodland area as a pocket park;
 - ii) Submission of a management plan to demonstrate how use of the pocket park will be controlled
- d) the conditions in the report and the deletion of condition no 28.

REASONS FOR DECISION

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.

63. **24-28 JOHN STREET / 11/01220/OUT**

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).

Mr Wiles (Agent) and Mr Townsend (Local resident) were present and with the consent of the Chair, addressed the meeting.

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

RESOLVED

that authority be delegated to the Planning and Development Manager to grant conditional planning approval subject to:

- a) the completion of a S.106 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 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) 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.

- b) the conditions in the report and the deleted and additional condition below.

Condition 3 to be deleted. (amend numbering to run concurrently).

Additional Condition:

15. APPROVAL CONDITION - Wheel Cleaning Facilities [Pre-Use Condition]

During the period of the preparation of the site, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on the site and no lorry shall leave the site until its wheels are sufficiently clean to prevent mud being carried onto the highway.

Reason:

In the interests of highway safety.

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 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).

64. **SOUTHAMPTON GENERAL HOSPITAL, TREMONA ROAD / 11/01270/FUL**

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).

Mr Bell and Mr Cook (Local resident) were present and with the consent of the Chair, addressed the meeting.

A PROPOSAL TO AMEND THE OFFICERS RECOMMENDATION WAS MOVED AND SECONDED TO REQUIRE THE PLANTING OF A GREEN SCREEN. UPON BEING PUT TO THE VOTE THE AMENDMENT TO THE RECOMMENDATION WAS LOST

THE PROPOSAL WAS LOST 3:4 WITH THE CHAIR USING HIS CASTING VOTE

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

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

Amended Condition:

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

The materials to be used shall match the existing decked car park unless an alternative 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 prior to the commencement of any site works. 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.

Additional Conditions:

5. PERFORMANCE CONDITION - Post construction traffic monitoring/junction improvement work

6 months after the parking deck extension hereby approved first becomes operational, the applicant shall re-survey the junction of Cxford Road and the hospital access road to assess the impact that the development has had on queuing traffic and junction capacity. Should it be found that the development has created an unacceptable impact on the junction, the applicant shall enter into consultation with Southampton City Council for carrying out appropriate works to the junction to minimise the impact of the development. These works shall be carried out at the applicant's expense and in accordance with all design principles agreed prior to the commencement of any junction improvement works. The improvements works - where necessary - shall then be implemented within a 12 month period of their being agreed in writing with the local planning authority.

Reason:

In the interests of highway safety and to ensure to safe and efficient flow of traffic on the adjoining highway network.

6. PERFORMANCE CONDITION - Additional 'green wall' planting.

Notwithstanding the 'green wall' planting agreed with the local planning authority under permission 10/00921/FUL, which has been planted out, before the first operational use of the decked car park extension hereby approved, the applicant shall submit a scheme of further planting to the existing decked car park for the written approval of the local planning authority. This scheme shall specify a more rapidly growing species, its density at planting and provision for its future maintenance. Once approved, that scheme of further planting shall be carried out before the car park extension is first brought into use or the first available planting season during construction of the car park extension, which ever is the sooner.

Reason: To mitigate the visual impact of the enlarged decked car park to occupiers of adjoining residential properties, given the relative slow rate of growth and limited 'spread' of what has already been planted.

7. PERFORMANCE CONDITION - Privacy screens

Privacy screens to match those placed on the adjoining decked car park, shall be installed on the south-west facing upper deck wall prior to the car park extension - hereby approved - first coming into use. Once installed, that screening shall be retained at all times thereafter.

Reason:

To protect the privacy and amenity of occupiers of adjoining residential properties from overlooking and glare from vehicle headlamps.

REASONS FOR DECISION

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.

65. **15 MERTON ROAD, SO17 3RB / 11/01195/FUL**

Part two storey part single storey side and rear extension with detached cycle and refuse store.

Ms Fox 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

RECORDED VOTE:

FOR: Councillors Jones, Cunio, L Harris, Osmond

AGAINST: Councillor B Harris

RESOLVED that authority be delegated to the Planning and Development Manager to grant conditional planning approval subject to the conditions in the report and the additional conditions set out below.

Additional conditions

6 APPROVAL CONDITION - Cycle storage for development only [Pre-Occupation Condition]

The cycle storage and storage outbuilding as shown on the approved plans shall be used for purposes ancillary to the main dwelling house only and for no other purpose unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To ensure adequate cycle store provision and in the interests of the local planning authority retaining control over the use of the store.

7 APPROVAL CONDITION - Tree Retention and Safeguarding [Performance Condition]

The two cherry trees on site shall be fully safeguarded during the course of all site works including preparation demolition, excavation, construction and building operations. Fencing shall be erected around the trees so as to protect them from the buildings works prior to the commencement of development, and no storage of goods including building materials, machinery and soil, shall take place underneath the crown spread of the trees at any time.

Reason:

To ensure that trees to be retained will be adequately protected from damage throughout the construction period in order to protect the said trees in the interests of the visual amenities and character of the locality.

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 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).

66. LAND AT 43 TO 45 VESPASIAN ROAD / 11/00959/FUL

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.

Mr Evans (Sea Cadets Chairman) was present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE AMENDED OFFICER RECOMMENDATION TO AUTHORISE THE HEAD OF LEGAL AND DEMOCRATIC SERVICES TO ENTER INTO A DEED OF VARIATION PRIOR TO ANY LAND TRANSFER TO RELEASE THE LAND FROM THE REQUIREMENT THAT IT IS USED FOR AFFORDABLE HOUSING AND RESTRICT THE USE OF LAND TO COMMUNITY USE WAS CARRIED UNANIMOUSLY

RESOLVED that authority be given for the Head of Legal and Democratic Services to enter into a deed of variation prior to any land transfer to release the land from the requirement that it is used for affordable housing and restrict the use of the land to community use.

REASONS 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.

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Agenda Annex

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 22 November 2011 - Conference Rooms 3 & 4 Civic Centre

PLEASE NOTE: IF NECESSARY THE PANEL WILL BREAK FOR LUNCH

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
<u>BETWEEN 9.30 AM AND 10.30 AM</u>				
5	BS	DEL	15	11/01326/FUL / 58 West End Road
<u>BETWEEN 10.30 AM AND 11.30 AM</u>				
6	RP	DEL	15	11/01340/FUL / 222 - 252 Meggeson Avenue
<u>BETWEEN 11.30 AM AND 12.00 AM</u>				
7	SH	CAP	15	11/01423/FUL / 5-92 Laxton Close
<u>BETWEEN 12.00 AM AND 12.30 PM</u>				
8	JT	CAP	15	11/01400/FUL / Land At Exford Drive and Exford Avenue (Including Exford Arms PH and Mulberry Centre)
<u>LUNCH BETWEEN 12.30 PM AND 1.15 PM</u>				
<u>BETWEEN 1.15 PM AND 1.45 PM</u>				
9	RP	DEL	15	11/01150/FUL / Tesco Stores Ltd Tebourba Way. SO16 4QE
<u>BETWEEN 1.45 PM AND 2.30 PM</u>				
10	JT	DEL	15	11/01143/FUL / Land At Corner of Bevois Valley Road and Earls Road
<u>BETWEEN 2.30 PM AND 3.10 PM</u>				
11	MP	CAP	5	11/01148/FUL / Units 20-21 Admiral House, Mountbatten Business Centre, Millbrook Road East

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 Stala, 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

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Agenda Item 5

**Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 22 November 2011
Planning Application Report of the Planning and Development Manager**

Application address: 58 West End Road			
Proposed development: Conversion and extension of the existing building, erection of a new two-storey building on the West End Road frontage and two bungalows fronting Panwell Road to provide a total of 10 residential units (2 x three bedroom houses, 7 x two bedroom flats and 1 x three bedroom flat) with associated parking, vehicular access and landscaping.			
Application number	11/01326/FUL	Application type	Major
Case officer	Bryony Stala	Public speaking time	15 minutes
Last date for determination:	13 October 2010	Ward	Harefield
Reason for Panel referral	Major development subject to objection	Ward Councillors	Cllr Fitzhenry Cllr Daunt Cllr Smith
Applicant: D&K Contracting Services Ltd		Agent: Tony Oldfield Architects	
Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report		
Appendix attached			
1	Planning Policies		

Reason for Granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including its design and impact on the character of the street scene, the level of car parking, access to the site, the number and layout of units and the amenity and privacy of adjacent occupiers have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus outline planning permission should therefore be granted.

Policies - SDP1, SDP4, SDP5, SDP6, SDP7, SDP9, SDP10, H2, H7, of the City of Southampton Local Plan Review (March 2006) and CS4, CS5, CS13, 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. A Site Waste Management Plan

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 an attractive but currently vacant two storey dwelling house with primary access from West End Road and a secondary access originally serving a double garage (now demolished) from Panwell Road to the rear. The site fronts the classified West End Road adjacent to the recently completed three storey retirement-flat scheme which is immediately to the south and is in close proximity to Bitterne District Centre and bus stops.
- 1.2 The property benefits from a large garden to its side and rear which includes mature trees covered by TPO's. Although the building is not listed, it dates to between 1883-1896 and is a good surviving example of a late Victorian villa. To the north of the site is a detached dwelling of identical age and design to the application site.
- 1.3 Panwell Road to the rear is an unadopted highway which is not maintained at the public expense. This is currently a single sided road with two storey residential dwellings along the eastern side and rear boundary treatments and ancillary outbuildings of the properties fronting West End Road along its western edge.

2. Proposal

- 2.1 The proposed scheme seeks to retain the existing building which is recognised as an attractive feature of some character within the existing street. Consent is sought to extend and convert the existing building into flats and provide a new, linked, two storey building adjacent to it to provide additional flats.
- 2.2 To the rear, the scheme proposes a semi-detached pair of bungalows with separate access and private amenity space fronting onto Panwell Road. One parking space each is provided to serve the bungalows with vehicular access only from Panwell Road but a choice of pedestrian access from Panwell and West End Road.
- 2.3 The scheme in total provides 1 three bedroom flat, 7 two bedroom flats and 2 three bedroom bungalows. All units are to be managed by a recognised housing association. There are to be 4 shared ownership units (2 x 2 bedroom bungalows and 2x 2 bedroom flats) and 6 affordable rented units.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 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.
- 3.4 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.
- 3.5 On June 9th 2010 private residential gardens were excluded from the definition of Previously Developed Land (PDL) in the Government's Planning Policy Statement on Housing (PPS3). Also, the requirement to achieve a minimum density of at least 30 dwellings per hectare was removed.
- 3.6 The adopted Core Strategy (in Policy CS4 Housing Delivery) indicates that 16,300 additional homes will be provided over the plan period, with 5,750 homes to be provided on allocated and identified sites between April 2009 and March 2014. The figures demonstrate that the city has a housing supply from identified sites sufficient to meet requirements until and beyond 2018/19, without reliance on windfall sites. The change to the definition of PDL, and the Council's current predicted supply, means that the principle of development will now be an issue for new windfall proposals for housing units to be built entirely on private residential gardens (often termed "garden grab").
- 3.7 That said, the revised PPS3 maintains that the planning system should provide *"a flexible, responsive supply of land that is managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate"* (Paragraph 10 refers). The national annual target that *"at least 60 per cent of new housing should be provided on previously developed land"* remains, suggesting that residential development can still take place on other land subject to the local circumstances of each site involved.
- 3.8 It is the view of the Council's Planning Policy Team that the recent changes to PPS3, along with the removal of the national indicative minimum density standards, are not intended to stop all development on private residential gardens. Instead it allows Councils greater powers to resist such development where there is a demonstrable harm to the character and appearance of an area. The judgement as to whether such proposals are acceptable will need to consider, amongst other factors:
 - the loss of private residential garden land;
 - the contribution the land currently makes to the character of the area;
 - the impact on the defined character of the area; and,
 - the contribution that the scheme makes to meeting housing need.

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

4.0 Relevant Planning History

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

5.0 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying 61 adjoining and nearby landowners, placing a press advertisement and erecting a site notice. At the time of writing the report **29** representations have been received from surrounding residents.

Summary of Representations made

- Insufficient on site parking leading to added pressure and congestion for on road parking in the surrounding area.
- Loss of mature trees with preservation orders on site.
- The addition of bungalows with parking onto Panwell Road will put added strain on the limited parking available and will potentially block the road to current residents due to the road's limited width.
- Overdevelopment of the site
- Over intensive use of the site
- Disruption during construction and its impact on the surface of Panwell Road
- Access to Panwell Road should be restricted in the same manner as recent developments on West End Road.
- Drainage in Panwell Road has continually had issues. The addition of 10 more dwellings would put a further strain on the system.
- The stress caused by the overdevelopment of the site will adversely affect the quality of life enjoyed by neighbouring dwellings.
- Refuse lorries can only just get up and down the road on collection days, additional traffic will affect this.
- The proposed development will affect the sunlight and privacy of neighbouring property 60 West End Road
- The proposed development will result in overlooking to 60 West End Road
- The proposed boundary treatment is not sufficient to protect the privacy of 60 West End Road
- The recent surge in development in the immediate area increases impacts of noise, pollution, traffic and numbers of people living in the area.
- The proposed style of the schemes' extension and bungalows are not in keeping with the Victorian style of the properties. There was no residential building previously in that location, they are not sympathetic

to the style and era of the properties in the immediate area, and they overlook the garden of 60 West End Road.

- The new build element containing flats is not sympathetic to the character of the original building.
- The proposed location of the refuse store is unacceptable. It will be an eyesore.
- The proposed parking to the front of the site is unacceptable. An underground parking facility should be considered with the front laid out as a garden.
- It is requested that a condition is imposed to restrict construction hours to Monday to Friday only.
- Concern regarding access for emergency vehicles.

These matters are addressed in Section 6 of this report.

Summary of Consultation comments

- **SCC Planning Policy** – No objection raised.
- **SCC Highways** – No objection raised.
- **SCC Environmental Health** – No objection raised.
- **SCC Contamination** – No objections raised.
- **SCC Trees** – No objections raised subject to appropriate landscaping and tree replacement on site.
- **SCC Archaeology** – Given the age of the building it is recommended that provision is made for the building to be recorded prior to its conversion. An appropriate condition is recommended.
- **SCC Sustainability** – No objections raised.
- **SCC Ecology** – No objections raised.
- **SCC Play Services** - No objections raised.
- **SCC Housing** – Support the provision of affordable housing.
- **Southern Water** – No objections raised.

6.0 Planning Consideration Key Issues

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

Principle of development

6.2 The proposal would involve the development of garden land which has been recently removed from the definition of previously developed land on the 9th July update to PPS3: Housing. PPS3 indicates that the priority for development is on previously developed land (paragraph 36 refers).

6.3 Whilst there is a presumption against development on garden land, where it can be demonstrated that new development would integrate successfully into its surroundings without causing harm and where the contribution that the garden itself makes to the character of the area is limited, planning applications for development on garden land should be considered with regards to the context and character of the surrounding area and the wider objectives of the Development Plan.

- 6.4 The government's strategic housing and planning policy objectives in PPS3 have not changed. These include increasing sustainable, inclusive and mixed communities and delivering well designed housing in suitable locations. In addition, using land efficiently is still a key consideration in planning for housing (paragraph 45 of PPS3 refers). Good design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.
- 6.5 The council's guidance note on the recent amendment to the definition of garden land within PPS3 states that 'the council is of the opinion that it may be possible to develop land that is within an existing garden if it does not raise new significant issues or impacts. The note goes on to advise that where new development is to be supported, it will have to be demonstrated that the proposal is in keeping with the character of the area by reflecting the existing urban grain.
- 6.6 The proposed new-build element which comprises a two storey building at the front of the site (facing West End Road) provides 4 flats and fills the space between the existing dwelling house and the neighbouring three storey retirement flat scheme to the south. At present this gap is wider than that which typically makes up the spatial character of this section of West End Road. The site provides sufficient room to achieve a building that reflects the scale and proportions of the existing dwelling house whilst retaining a sufficient gap between the existing and proposed buildings. As such it is judged that the addition of a building within the space responds appropriately to the spatial characteristics of the street scene.
- 6.7 The additional depth of the new build element is focused on the southern boundary away from the single detached house to the north but adjacent to the larger scale block of retirement flats. The scale and layout of the buildings therefore responds to the recently constructed three storey buildings to the south, whilst maintaining an appropriate scale and depth of development adjacent to the smaller scale building to the north.
- 6.8 The single storey nature of the bungalows to the rear of the site is consistent with development in the rear of neighbouring gardens. The single storey scale of the proposed bungalows is akin to the scale of outbuildings and modestly sized dwellings which add to the spatial characteristics of the immediate area. To the north of Panwell Road a chalet style bungalow has been built within the rear of 2 Chichester Road, fronting and gaining access via Panwell Road whilst other properties have single storey garages fronting Panwell Road.
- 6.9 For these reasons, the layout and footprint of the proposed development is judged to be in context with the surrounding pattern of development and makes efficient use of the land available.
- 6.10 Policy CS5 of the adopted Core Strategy states that the net density level of the site with a public transport accessibility level (PTAL) value of 3 should generally accord with between 50 and 100 dph. As such, the proposed site density of 60 dph accords with the requirements of this policy.

- 6.11 In accordance with policy CS15 of the Core Strategy the developer has committed to provide 20% on site affordable housing. A contribution of 2 units is therefore required. The developer has committed to providing affordable housing on site in accordance with the policy CS15.
- 6.12 The mix of housing type proposed is considered appropriate to the housing needs of the city. Policy CS16 of the Core Strategy requires 30% of the development to be provided as family homes. The site is to be provided as 100% affordable housing with 4 shared ownership units (2 x 2 bedroom bungalows and 2x 2 bedroom flats) and 6 affordable rented units and thus accords with policy CS16.
- Design and Impact on established character**
- 6.13 The retention of the existing Victorian villa is supported. Whilst not listable, the building is part of the local history of the area and makes a positive contribution to the street scene and the developer's willingness to retain this building is welcomed.
- 6.14 The immediate area of West End Road adjacent to the site has changed in character over a number of years, but the recent development of Churchills retirement home immediately to the south of the site has had a significant impact on this section of the street-scene as has the conversion of some of the original dwelling houses to the north of the site to commercial uses. That said, the overriding character of the area remains comprised of two storey residential dwellings.
- 6.15 The proposed buildings which maintains the two –storey height and scale along the site frontage 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 and houses opposite.
- 6.16 The new linked flatted block to the sites frontage has been designed to compliment the existing dwelling house whilst ensuring the existing dwelling remains as the dominant building on site. The overhang of the eaves and the recess to the right of the building articulates the elevation, creating a design that respects the scale and proportion of the existing dwelling house without dominating the sites frontage.
- 6.17 The recessed link between the two buildings has been designed to achieve maximum floor space within the development. The use of modern materials in the build coupled with its significant set back will not detract from the original character of the existing dwelling house, nor will it result in the building being read as one within the street scene.
- 6.18 The bungalows to the rear of the site are of their type. They do not detract from the character of properties in Panwell Road and through the use of appropriate materials can be visually linked with the flatted scheme to the sites frontage.
- 6.19 The layout of the site concentrates the greater depth, bulk and massing of the building along the southern boundary of the site, ensuring the

- original footprint of the existing building is retained and limiting impact on adjacent 60 West End Road.
- 6.20 The extensions to the existing property are modest in scale. Fenestration within the two storey side and rear extensions have been concentrated to the front and rear so as to avoid overlooking and loss of privacy to neighbouring dwellings. Their design responds to the existing style and proportion of the dwelling.
- 6.21 The provision of parking to the front of West End Road to serve the flats and to the front of the bungalows fronting Panwell Road makes efficient use of the existing access at West End Road and allows direct access to the rear bungalows. Landscaping enhancements will soften the appearance of parking within the street scene.
- 6.22 The 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.
- 6.24 The loss of mature trees on site is necessary in order to achieve a layout and footprint of development that responds positively to neighbouring properties. It was noted by SCC Tree Officers that the Western Red cedar is beginning to show slight die back in the top and has an unbalanced appearance while the sweet chestnut tree has limited views from public vantage points. Whilst the loss of trees is regrettable replacement tree planting on site can ensure additional, healthy and more appropriately placed trees to benefit the site and public amenity.
- 6.25 The landscaping enhancements are welcomed in terms of character and visual amenity, and also in terms of the sustainability and ecology benefits.
- Impact on Residential Amenity**
- 6.26 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.
- 6.27 The internal layout of habitable rooms and the arrangement of fenestration has been purposefully designed to ensure that there is no overlooking to neighbouring dwellings.
- 6.28 There are no first floor side windows proposed within the existing building. Side windows at ground floor level are at least 5m away from adjoining boundaries and are appropriately screened by a 1.8m high boundary fence and planting.
- 6.29 A window serving flat 8, which is located within the proposed two storey building, looks out over shared communal amenity space. The window is a distance of 18m from the boundary with 60 West End Road. Planting will limit views from this window across into neighbouring gardens.
- 6.30 The use of 1.8m high boundary fencing between sites is considered appropriate given that ground levels are flat. A 2.2m instant hedge screen is proposed immediately adjacent to the 60 West End Road for the length of the existing building to protect the privacy and residential amenity of this property.

- 6.31 Overlooking resulting from occupants of the bungalows will be limited by their single storey nature, retention of the Holly tree and Laurel Prunus adjacent to the boundary with 60 West End Road and proposed boundary treatments.
- 6.32 Within the site, back to back privacy distances of 21m are achieved, which are further improved by planting and the boundaries proposed.
- 6.33 Additional trees and hedging are to be planted along the rear part of the common boundary with 60 West End Road, the Churchill site and internal boundaries. It is considered that such arrangements provide an appropriate screening between existing and proposed properties and will mitigate against any perceived overlooking and loss of privacy.
- 6.34 The extension to the existing building does not significantly project past the rear build line of 60 West End Road and the proposed two storey buildings position 18m away from the boundary ensures that there is no loss of light or shadowing to this property.
- 6.35 External lighting should be carefully considered by condition to prevent harmful light pollution to neighbouring occupiers.
- 6.36 There will undoubtedly be an increase in the level of activity associated with the site compared to existing levels, leading to an increase in general noise and traffic movement in and around the site but it is not considered that the site exhibits features normally associated with over-development.

Residential Standards

- 6.37 In amenity terms the residential environment proposed for the potential occupants is acceptable. All habitable rooms are afforded appropriate light and outlook and have direct access to private and or usable amenity space.
- 6.38 The amenity space provision is acceptable in terms of amount, quality and usability, ranging in size from 53.4 – 68.5 square metres.
- 6.39 Cycle storage and refuse storage is provided for each dwelling in accordance with saved policy SDP5 and section 9 of the RDG.
- 6.40 The refuse store which is located to the front of the site has been reduced in scale from its original design to mitigate its visual appearance within the street scene. Planting around the store and to the sites frontage will further lessen its impact and ensure it does not detract from the character of the original dwelling 58 West End Road.
- 6.41 The layout of the design accords with secure by design standards and offers good levels of natural surveillance in and around the site.
- 6.42 Subject to the imposition and compliance with relevant conditions, the proposal is considered to accord with saved policies SDP1 and H7 of the development plan, policy CS13 of the adopted Core Strategy and relevant sections of the RDG.

Sustainability

- 6.43 The developer is committed to achieving code for sustainable homes level 3 for the proposed dwellings and a minimum 20% reduction in CO2 emissions over Building regulations 2010 over the life of the dwellings.
- 6.44 This is to be achieved through a number of fabric measures, photovoltaics and water efficient fittings, appliances, water recycling

systems, low energy specifications for external lights, water butts and energy display device to all dwellings.

- 6.45 In order to provide the required number of solar panels the rear roofs of the bungalows have been altered slightly from hipped to gable which allows for a greater surface area provision as per the requirement of the submitted energy report.
- 6.46 The siting of the photovoltaics are considered appropriate and will not detract from the appearance of the buildings or affect residential amenity.

Highways, access and parking

- 6.47 The application site is within an area which is defined as a 'high' accessibility zone. The level of parking provision proposed needs to be assessed against the parking standards set out in the adopted Parking Standards SPG adopted on 26th September 2011, which advocates a maximum level of car parking facility.
- 6.48 The previous parking standards set out under SDP5 of the adopted Local Plan Review required 7 car parking spaces. Under the recently adopted standards the maximum number of spaces that is considered acceptable for the site is 13. The proposed development proposes 9 car parking spaces, 7 to the front of the site to serve the proposed flats and 1 each for the proposed bungalows.
- 6.49 Residents concerns relating to potential impacts of parking on the wider area, in particular Panwell Road are understood. The proposed bungalows facing Panwell Road each have a dedicated parking space which will prevent parking on the road. To the front of the site, parking is under subscribed by 1 space only. The site is in close proximity to Bitterne District Centre and is within 300m of a minimum of 20 buses per hour during peak travel which makes it a convenient and accessible location and will encourage occupiers who do not wish to rely on a car.
- 6.50 The main vehicular access to this site is from West End Road, which is a busy C class Road, and is in close proximity to the traffic signals with the Maybray King Way slip road. This does not create any particular highway safety issue, as vehicles entering and leaving this site can do so in a forward gear, as there is sufficient turning space on site to allow this. When emerging from the site at busy times there may be need to wait until a gap occurs, but this is normal practice. When entering the site by crossing the carriageway, it may be necessary to wait for a gap to occur, which could cause some delay to other traffic in West End Road, but this is not considered to be sufficient to justify a refusal.
- 6.51 Particular concern has been raised regarding the creation of additional access to the site via Panwell Road and the implications an increase in traffic and parking may have on the safety and convenience of access to and along Panwell Road. The existing dwelling house benefits from rear vehicular rear access onto Panwell Road and as such the plot has a right of access over and onto the road.
- 6.52 Panwell Road is a quiet unmade public highway which is not maintained at the public expense. This status does not justify refusal on highways grounds.

6.53 The parking spaces to the front of the bungalows are of a greater width than the average space which will aid on site turning. It is considered that such an arrangement will not hinder existing users of the road or adversely affect highway safety.

6.54 The site provides appropriate pedestrian access to the dwellings and rear amenity space.

S.106 Legal Agreement

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

7.0 Conclusion

7.1 The addition of 10 well designed housing units would make a positive contribution to the city's housing stock. The design of the dwellings is responsive to the scale and context of the surrounding area.

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

7.3 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)

BS for 08.11.2011 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 - Samples details of building materials to be used [Pre-Commencement Condition]

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

Reason:

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

03. Approval Condition – Energy minimisation (Performance Condition)

The proposed development shall be built in accordance with the provisions of the energy strategy dated August 2011 which details the methods to be used to achieve Code for Sustainable Homes Level 3 and a reduction in 20% Co2 emissions over the building regulations measures. Measures include the installation of water butts to down pipes and solar photovoltaics to roofs as shown on drawing P04 rev C.

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).

04. APPROVAL CONDITION – Cycle and refuse store provision (Pre-Occupation Condition)

The refuse and cycle storage serving the development hereby approved, and pedestrian access to it, shall be made available prior to the first occupation of the development hereby approved and shall be retained with access to it at all times for the use of the residential units.

Reason

To ensure adequate refuse and cycle storage facilities are provided in accordance with policy SDP1 and SDP5 of the adopted local plan review (March 2006).

05. 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 (bungalow) hereby permitted without the prior written consent of the Local Planning Authority:

Class A (enlargement of a dwelling house), including a garage or extensions,
Class B (roof alteration),
Class C (other alteration to the roof),
Class D (porch),

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

Reason:

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

**06. APPROVAL CONDITION - No allocation of parking spaces
[Performance Condition]**

The car parking spaces hereby approved are to be available for the shared use of all occupants of the dwelling units hereby approved, and at no time shall they be allocated for use by individual units.

Reason:

To avoid congestion on the adjoining highway which might otherwise occur because the parking provision on site has been reduced to reflect the lower demand where car parking is provided for communal use.

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

The external amenity space serving the development hereby approved, and pedestrian access to it, shall be made available as a communal area prior to the first occupation of the development hereby permitted and shall be retained with access to it at all times for the use of the flat units.

REASON:

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

08. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

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

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

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

Reason:

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

09. APPROVAL CONDITION - Use of uncontaminated soils and fill [Pre-Commencement Condition]

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

Reason:

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

10. APPROVAL CONDITION - 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.

11. 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.

12. APPROVAL CONDITION - Bonfires [Performance Condition]

No bonfires are to be allowed on site during the period of demolition, clearance and construction.

Reason:

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

13. APPROVAL CONDITION - Landscaping plan [Pre-occupation Condition]

The development shall be carried out in accordance with approved landscape planting plan drawing no: 936/01 revision A dated July 2011.

The works include the replacement of tree T9 with a Pinus Himalayan Pine and the replacement of T12 Sweet Chestnut (the removed tall stump) with an Ostrya Tree.

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

14. 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.

15. APPROVAL CONDITION - Stopping up existing access [Pre-Commencement Condition]

Any redundant access to the site shall be stopped up and abandoned and the footway, and verge crossings and kerbs shall be reinstated before the development is brought into use.

Reason:

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

16. APPROVAL CONDITION - Parking [Pre-Occupation Condition]

The development to which this consent relates shall not be occupied in full or in part until space has been laid out within the site for 9 vehicles to be parked and for vehicles to turn so that they can enter and leave in a forward gear.

Reason:

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

17. APPROVAL CONDITION - Delivery times [Pre-Occupation Condition]

No deliveries (including construction materials) shall be taken in or dispatched from the premises outside the following times 7.30am -9.30am and 4pm - 6pm.

Reason:

To avoid traffic congestion.

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

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

Reason:

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

APPENDIX 1

POLICY CONTEXT

Core Strategy - (January 2010)

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

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
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

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

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

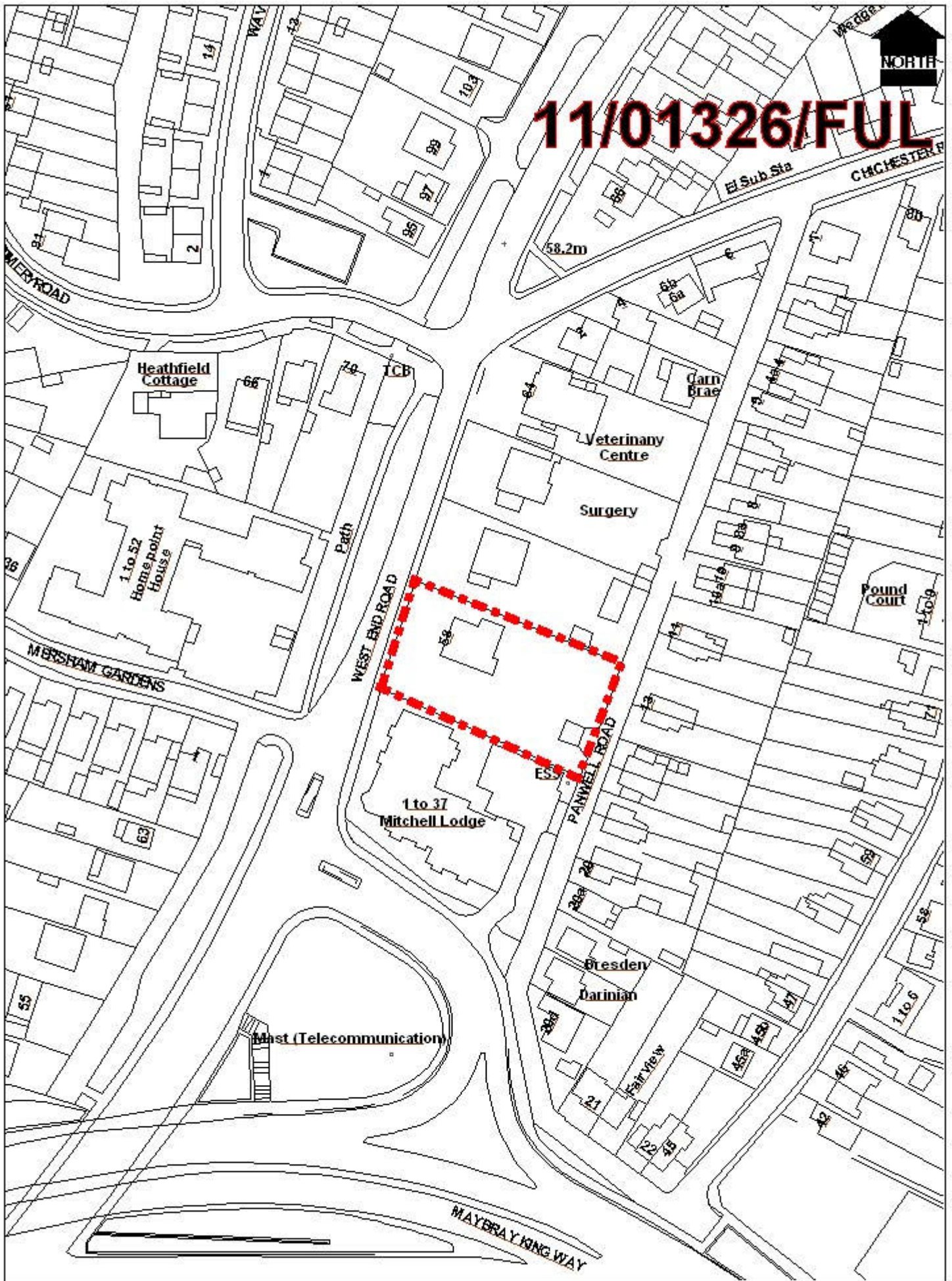
Other Relevant Guidance

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)



Scale : 1:1250

Date 08 November 2011

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Agenda Item 6

**Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 22 November 2011
Planning Application Report of the Planning and Development Manager**

Application address: 222-252 Meggeson Avenue			
Proposed development: Demolition of the existing block of flats and redevelopment to provide 10 x 3 bedroom houses and 23 flats (4 x 1 bedroom, 19 x 2 bedroom) in two, three and four-storey buildings with associated parking and other works including stopping up of highway/diversion of an existing public right of way.			
Application number	11/01340/FUL	Application type	FUL
Case officer	Richard Plume	Public speaking time	15 minutes
Last date for determination:	N/A - Planning Performance Agreement	Ward	Bitterne Park
Reason for Panel Referral:	Major Development on Council Land	Ward Councillors	Cllr Baillie Cllr White Cllr P. Williams
Applicant: Lovell Partnerships Ltd and First Wessex		Agent: Pope Priestley Architects Llp	
Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report		

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The Council finds the small loss of open space to be acceptable in this case given the quality of the proposed replacement open space. Particular account has also been taken of the third party response to the scheme, the quality of the proposed redevelopment proposals, the associated regeneration benefits and improvements to local housing (including a high percentage of affordable and family housing). Other material considerations, including the vehicular access arrangements, car parking arrangements, protection of trees and the impact on the amenities of neighbouring occupiers, have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and planning permission should therefore be granted.

Policies - SDP1, SDP 5, SDP7, SDP9, SDP10, SDP11, SDP13, SDP14, HE6, CLT5, CLT6, H1, H2 and H7 of the City of Southampton Local Plan Review (March 2006), Policies CS4, CS5, CS13, CS15, CS16, CS18, CS19, CS20, CS21 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010) and the relevant parts of supplementary planning guidance including the Residential Design Guide (September 2006).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

1. Conditional Approval - Subject to:

- (a) Confirmation in writing by the applicant prior to the grant of planning permission that the attached draft Heads of Terms are acceptable;
 - (b) 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 applicant (and any other landowner) entering into a S.106 legal agreement with the Council 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 improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
 - iii. Financial contributions towards the relevant elements of public open space required by the development in line with Policies CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
 - iv. Provision of affordable housing in accordance with Core Strategy Policy CS15.
 - v. Submission and implementation of a Training and Employment Management Plan committing to adopting local labour and employment initiatives in line with Core Strategy Policies CS24 and CS25.
 - vi. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
 2. That the Planning and Development Manager be given delegated authority to add or vary any of the attached planning conditions and relevant parts of the Section 106 agreement.
 3. The Panel agree to the necessary stopping up/diversion of the footpaths/public highway associated with this development.
-

1. The site and its context

- 1.1 The application site is approximately 0.51 hectares in area and is situated on the north-east side of Meggeson Avenue. There is a vacant five-storey block of 16 flats on the site at present with a car parking area to the rear. Amenity space around the building is a simple grassed area which is communal estate land and not allocated to the building. There is also a small childrens play area to the rear of the building. The land is generally flat, although there is a fall in levels to the north where the application site meets a public footpath off Cutbush Lane.
- 1.2 The surrounding area is predominantly residential with a mixture of two-storey

houses and mainly five-storey flats. Adjoining to the east of the site is a newly constructed community centre with an electricity substation to the rear. To the north of the site, beyond the public footpath, are two-storey houses in Coachmans Copse and Camelia Gardens. On the west side of the site is an extensive wooded area which is at the rear of existing blocks of flats.

2. Proposal

- 2.1 This application is part of Phase 2 of the Council's estates regeneration programme which is intended to tackle economic deprivation and social disadvantage on the Council's housing estates. It is proposed to demolish the existing block of flats and construct 33 new dwellings in two, three and four-storey buildings. The mix of dwellings proposed is: 4 x one bedroom flats, 19 x two bedroom flats and 10 x three bedroom houses. The proposed density would be 63 dwellings per hectare.
- 2.2 Vehicular access into the site would be in the same position as existing with a new shared surface vehicle and pedestrian route around the north and east sides of the development. A separate vehicular access would be formed to Meggeson Avenue on the west side of the frontage serving a new car parking area. A total of 33 car parking spaces would be provided for the development together with 4 spaces to be provided for the adjoining community centre.
- 2.3 The proposed materials are a mix of buff and grey flecked brickwork with natural colour mortar; white smooth faced render to the rear wall of the balcony recess; timber effect cladding to recessed plane of window framing; artificial slate to pitched roofs; grey framed windows and glazing system; and glazed balustrades to balconies.
- 2.4 The application is accompanied by a series of background reports: a Design and Access Statement; a Transport Statement; an Ecological Appraisal; Arboricultural Report; a Sustainability Report including a Renewable Energy Report.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with the City Council's adopted and emerging policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13.

4. Relevant Planning History

- 4.1 The existing building dates from the 1960's. The only subsequent planning history relevant to this application is a 'Screening Opinion' issued under Regulation 5 of the EIA Regulations in August of this year confirming that the development did not require the submission of an Environmental Statement (11/01186/SCR).

5. Consultation Responses and Notification Representations

- 5.1 An extensive pre-application consultation exercise was undertaken beginning in 2009, as part of the estates regeneration programme. Following the receipt of the planning application a publicity exercise in line with departmental procedures was also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (22.09.11) and erecting a site notice (13.09.2011). At the time of writing the report **13** representations have been received from

surrounding residents.

5.2 The grounds of objection, which are addressed later in this report, can be summarised as follows:

- The level of parking, at one space per dwelling is inadequate for visitors and residents with company vans etc. The provision of 4 spaces for the community centre is insufficient for such a busy facility;
- Overspill parking in surrounding streets leads to congestion and lack of visibility for pedestrians which is particularly dangerous during school opening and closing times;
- The new dwellings are considerably higher than the houses in Coachmans Copse which will result in overlooking and loss of light to neighbours.

5.3 **SCC Highways** - There is no objection to the layout or car parking arrangements subject to conditions.

5.4 **SCC City Design** – The scheme is well thought out and will on the whole present an excellent opportunity to regenerate the area and address the urban design issues of the existing development. For example the layout of the existing development fostered the opportunity for antisocial behaviour by its lack of definition of private and public space. Much of the open space immediately around the existing block on the site had limited practical function. Whilst the area of open space is reduced most of it is now designated as private or communal gardens. This means that the new residents benefit from all the advantages of having access to a private garden, whilst the maintenance burden on the Council is reduced. In addition the creation of clear definitions between public and private space will reduce the potential for anti-social behaviour. The amount of development is appropriate given the amount of existing open space elsewhere in the area. The plans propose the insertion of a complete new perimeter block into the estate. The development is of an appropriate scale and relates well to its context in this respect. The designs are strongly contemporary in style and promise an attractive and appropriate intervention into the townscape. The use of a variety of cladding materials and subtle modelling of the elevation will successfully break up the mass of the buildings.

5.5 **SCC Sustainability Team** – No objections subject to conditions being imposed. The applicants renewable energy report recommends the use of PV panels to achieve the required CO2 savings. The applicant has subsequently provided more information on the location of the PV panels which are considered to be satisfactory.

5.6 **SCC Trees Team** –There are woodland edge trees along the north western boundary of the site which have amenity value and are shown as being retained. In the applicant's arboricultural report, the trees shown as group G1 are to be removed. Although as a group these trees have amenity value, as individual specimens they are of poor form. The loss of these trees have been mitigated in the applicants landscaping scheme. In these circumstances the Trees Team have no objection to this proposal subject to conditions.

5.7 **SCC Housing** - A higher level of affordable housing is to be provided on site as part of this development and the scheme is fully supported by Housing.

5.8 **SCC Rights of Way Officer** - There appears to be no adopted highway carriageway, verges or footways within the development site and the "public" footpath referred to in the Design & Access Statement, is an unadopted highway that lies across land owned and administered by SCC's Housing Directorate.

However, it is noted that whilst the route is an unadopted highway, it is linked by two adopted highway footpaths from Coachman's Copse to the north-west of the site. The footpath is a right of way 'Research Project', number 135, for which there is evidence that it has accrued public right of way status by virtue of more than 20 years unchallenged, uninterrupted use. Further evidence also suggests that it has a higher status than simply a footpath, with cycling having played a major part of use for many years and therefore needs to be addressed within any future action towards recording the route on the Definitive Map & Statement for Public Rights of Way. Accordingly, should any part of the development impinge on the route, then a legal order will be required, under s.257 of the T&CP Act 1990, to stop-up and divert any part, or the whole of the route, from its current alignment. The rights of way section would vigorously oppose any move to extinguish any part, or the whole, of the route as it forms part of a 2km recreational route between West End Road and (a) Riverside Park or (b) the A27. However, as the application drawings show an intention that pedestrian access will remain along this route the rights of way section has no objection to the application provided the requirements outlined in the preceding paragraphs are met.

- 5.9 **SCC Environmental Health (Contaminated Land)** - Annex 2 of PPS23 considers the proposed land use as being sensitive to the affects of land contamination. Therefore, to ensure compliance with Annex 2 of PPS23 and policies SDP1 and SDP22 of the City of Southampton Local Plan Review (adopted version, March 2006) this department would recommend that the site be assessed for land contamination risks or assume that land contamination exists and take a precautionary approach. To facilitate this I recommend, if planning permission is granted, that conditions be imposed
- 5.10 **SCC Ecology** – The majority of the application site comprises buildings and hard standing with improved grassland and small areas of broadleaved woodland, scattered trees and introduced shrubs. There is limited biodiversity interest on this site but habitat with potential for bats and breeding birds has been identified along and just outside the boundaries. The retention and enhancement of vegetation around the perimeter is a useful enhancement which will help to safeguard biodiversity using adjacent land and allow movement around the edge of the site. Although foraging habitat is being retained a threat from inappropriate lighting still remains. To avoid any loss of foraging value lighting within the new development should be designed to minimise light spill and avoid direct illumination of tree and shrub canopies. A number of enhancements are suggested in the Ecological Appraisal, these include the introduction of disease resistant elm varieties and provision of bat and swift boxes. These enhancements should be implemented via a planning condition. The proposed development is unlikely to have an adverse impact on local biodiversity provided precautions in respect of vegetation removal and lighting are observed. There is also the potential for biodiversity gains through implementation of the recommendations in the Ecological Appraisal August 2011.
- 5.11 **BAA** – No aerodrome safeguarding objection providing a condition is imposed relating to a Bird Hazard Management Plan.
- 5.12 **Southern Water** – Initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. However, there appears to be currently inadequate capacity in the local network to provide surface water disposal. The applicant should investigate alternative means for surface water disposal which might include SUDS, although such facilities are not adoptable by sewerage undertakers.

6. Planning Consideration Key Issues

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

- The principle of this development and the form and mix of dwellings proposed.
- Design issues relating to the layout, the amount of development proposed and the impact on the character of the area.
- Transportation and parking issues.
- Environmental issues including trees and sustainability considerations.
- Section 106 considerations.

6.2 Principle of Development

The application site is not specifically allocated for development in the Local Plan. The existing building is unattractive, in poor condition and does not make efficient use of the land with a series of random unconnected spaces at the rear. However, the open grassed areas around the building do constitute open space which Core Strategy Policy CS21 seeks to retain and enhance. The justification for Policy CS21 recognises that as part of the estate regeneration programme some areas of amenity open space, which have little recreational, landscape or nature conservation value, may be converted to other uses as part of a wider programme of estate improvements. The application site is one such area where the amenity open space is of little such value. The open space area is split into several smaller spaces interrupted by a large tarmaced car parking area which significantly reduces its potential for recreational use. The proposed development does result in a reduction in the overall area of open space but the quality and useability of the space to be provided would be significantly improved. A range of different amenity areas are provided, private rear gardens, private shared amenity space, retained communal open space which offer landscape and visual amenity value. In these circumstances it is considered that the qualitative improvements are sufficient to justify an exception to Policy CS21. The priority for housing delivery should be previously developed land and not open space but the impact on the character of the area and the efficient use of land for housing are also material considerations.

6.3 The application proposes a good mix of dwelling types, size and tenure. 10 of the dwellings (30%) will be three-bedroom family homes, with access to private amenity space which complies with Core Strategy Policy CS16. It is currently proposed that the affordable housing provision on this site will be 63% of the dwellings. This level of provision significantly exceeds the policy requirement for the delivery of affordable housing and is to be welcomed.

6.4 Design Issues

The surrounding area is mixed in terms of building heights and style, although 5-storey blocks of flats and 2-storey houses are the dominant features. The proposed development is a mix of 2, 3 and 4-storey buildings with the taller buildings on the Meggeson Avenue frontage and lowering in scale towards the rear to integrate into the local context. The layout creates a perimeter block form of development which reflects good urban design practice and clearly delineates private and public areas thereby increasing the potential for surveillance of public areas. The form and scale of development, with flat roofs to the larger buildings and pitched roofs to the houses, is appropriate and relates satisfactorily to its context.

6.5 The design of the buildings is contemporary in style with appropriate references to the design of existing post-war buildings on adjoining sites. A good mix of external

materials is proposed, including facing brick, render and pitched slate roofs. Further details can be secured through imposition of a planning condition.

6.6 The scheme meets the relevant standards of the Council's approved Residential Design Guide. The garden sizes for the family houses are in accordance with the guidelines, being 10 metres deep. The separation between the buildings is satisfactory at 21 metres. The treatment of the Meggeson Avenue frontage is unusual in that it would effectively be a communal front garden serving both houses and flats. This area is of sufficient size to be attractively landscaped, provide a buffer from the traffic in Meggeson Avenue and encourage a sense of community feeling for those residents who adjoin the space.

6.7 The proposed buildings would be much closer to the neighbours in Coachmans Copse on the north side of the application site. These neighbours would experience a marked difference in the outlook from their houses compared with the existing situation. However, the northern part of the development would be two-storey properties, of a similar scale to the neighbouring houses and set at a slightly lower level. There would be the potential for a degree of overlooking into these adjoining gardens, but the separation distance of 10 metres to the boundary is not unusual in an urban situation. Window to window overlooking would generally not be possible due to the orientation of the houses in Coachmans Copse. Overall, it is considered that the amenities of neighbours would not be significantly affected by this development.

6.8 Highways/Parking

The proposed layout is based on the concept of 'shared surfaces' and mews courts which provide space for pedestrians and cyclists rather than just vehicles and ensure that the access routes do not dominate the appearance of the scheme. The existing footpath which directly adjoins the application site is a public highway not maintained at the public expense. This footpath will be realigned but retained as a shared surface as part of this development and the permeability through the site will remain. The level of car parking was established under the previous car parking standards and resulted in 1:1 provision. The layout has been designed for the buildings to take precedence with the parking tucked away into smaller parts of the site rather than in one large area. The recently adopted parking standards would allow for a maximum provision of 62 spaces but achieving this level of car parking would result in less housing development and a car dominated layout with less open space. Members are reminded that the new standards are a maximum and the government's advice in PPG 13 is that developers should not be required to include more car parking than they wish to provide. The Local Plan aims to reduce reliance on the private car and encourage alternative modes of transportation such as public transport, walking and cycling. The development incorporates 4 dedicated spaces for the community centre which previously has had no specific provision. Local residents feel that this provision is inadequate and is less than the current situation. Although visitors to the centre may have parked in the existing car parking area on the site, there has been no right to do this as this parking area is allocated to the block of flats.

6.9 Sustainability

There are no significant trees on the site which will be lost. The proposal will provide new landscaped areas which will enhance the character and appearance of the area. In terms of sustainability, the applicants have designed the scheme to meet Level 4 of the Code for Sustainable Homes and incorporated areas for solar panels at roof level which is welcomed.

6.10 Section 106 Matters

The applicants have agreed to enter into a S.106 legal agreement with the Council (at the land transfer stage). It is, however, likely that the application will

be supported by an up-to-date viability appraisal of the proposal which concludes that full contributions would make the delivery of the scheme non-viable on a commercial basis. A scheme's viability is a material consideration where it is directly linked to housing delivery and the wider regeneration benefits. The applicant's submitted appraisal will need to be independently tested before the Council can agree to waive any of its normal requirements. It is recommended that the Planning and Development Manager be authorised to vary relevant parts of the Section 106 agreement following the outcome of the viability appraisal.

7.0 Summary

7.1 This development offers significant regeneration benefits for this estate. The amount of development proposed is considered acceptable and the small loss of open space is more than compensated for by the improved quality of the replacement open space. A good mix of family and non-family units would be provided as well as a balance between market and affordable housing. The proposed layout and design is considered to be satisfactory and the amenities of neighbours would not be adversely affected. The level of parking provision is considered to be acceptable for this location.

8.0 Conclusion

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

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

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

RP2 for 22/11/2011 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 - Landscaping, lighting & means of enclosure detailed plan [Pre-Commencement Condition]

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

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

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

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

Reason:

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

04. APPROVAL CONDITION- 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.

05. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

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

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

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

Reason:

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

06. APPROVAL CONDITION - 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.

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

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

Reason:

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

08. APPROVAL CONDITION - 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.

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

Written documentary evidence demonstrating that the development will achieve at minimum Level 3 of the Code for Sustainable Homes, including at least [the percentage required by core strategy policy CS20] in category Ene1, shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted, unless an otherwise agreed timeframe is agreed in writing by the LPA. The evidence shall take the form of a post construction assessment and certificate as issued by a legitimate Code For Sustainable Homes certification body.

REASON:

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

10. APPROVAL CONDITION - Demolition - Dust Suppression [Pre-Commencement Condition]

Measures to provide satisfactory suppression of dust during the demolition works to be carried out on the site shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The agreed suppression methodology shall then be implemented during the demolition period.

Reason:

To protect the amenities of users of the surrounding area.

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

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

REASON

To protect the amenities of neighbours and the wider environment

12. APPROVAL CONDITION - Wheel Cleaning Facilities [Pre-Use Condition]

During the period of the preparation of the site, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on the site and no lorry shall leave the site until its wheels are sufficiently clean to prevent mud being carried onto the highway.

Reason:

In the interests of highway safety.

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

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

Reason:

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

14. 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.

No deliveries of construction materials or equipment, or removal of demolition materials associated with this development shall take place between the following times:

- 8am to 9am and 2:30pm to 3:30pm Mondays to Fridays

REASON:

To protect local residents from unreasonable disturbances from works connected with implementing this permission, and to ensure that construction traffic does not conflict unduly with the local school's peak hour traffic.

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

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

Reason

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

16. APPROVAL CONDITION - Bird Hazard Management Plan (Pre-Commencement Condition)

Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of management of any flat/shallow pitched/green roofs on the buildings within the site which may be attractive to nesting, roosting and "loafing" birds (possible different management strategies during the breeding season and outside the breeding season). The Bird Hazard Management Plan shall be implemented as approved upon the completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

REASON

It is necessary to manage the roofs of the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Southampton Airport.

For information: The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs, ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season, gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by BAA Airfield Operations Staff. In some instances, it may be necessary to contact BAA Airfield Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof.

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

17. APPROVAL CONDITION - Retained access arrangements (Performance Condition)

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any other Order revoking or re-enacting this Order) no walls, fences or other permanent means of enclosure shall be erected across those parts of the site shown as being open vehicular and pedestrian access routes through the site.

REASON

To ensure that permeability is retained through the site.

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

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

REASON

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

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

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

REASON

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

Informative:

All refuse stores identified on the approved plans listed should be constructed of brick under a suitable weatherproof roof with adequate ventilation. The doors should be hinged to open outwards with a minimum opening of 1.4m wide, and any lock system should comply with the Council's standard lock requirements operated by a fob system. Six spare fobs should be supplied to the Council prior to the first use of the relevant store. Each store should be fitted and retained with internal lighting that shall operate when doors are open and a tap and wash down gulley should also be provided. The access path to the bin store should be constructed to footpath standards and to be a minimum width of 1.5m. Any gates on the pathway are not to be lockable unless they comply with SCC standard fob lock details. The gradient of the access path to the bin store should not exceed 1:12 unless suitable anti-slip surfacing is used, and still should not exceed 1:10 and a single dropped kerb to the adjacent highway will be required to access the refuse vehicle with the Euro bins.

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

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, as set out in the submitted Ecological Appraisal from Campbell Reith dated August 2011 with the application which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place.

Reason

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

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

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

REASON

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

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

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

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

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.

23. APPROVAL CONDITION - Safety and Security measures (Pre-development condition)

No development shall commence until a scheme of safety and security measures has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall subsequently be implemented in accordance with the scheme before the development is first occupied unless otherwise approved in writing by the Local Planning Authority.

REASON

In the interests of safety and security and crime prevention.

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

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

- A specification of the type of construction proposed for the roads, cycleways and footpaths including all relevant horizontal cross-sections and longitudinal sections showing existing and proposed levels together with details of street lighting, signing, white lining and the method of disposing of surface water.
- A programme for the making up of the roads and footpaths to a standard suitable for adoption by the Highway Authority.

REASON:

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

25. APPROVAL CONDITION – Arboricultural Method Statement

Unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of development the approved development shall be implemented and completed only in accordance with the recommendations as set out in the applicant's DF Clarke Bionomique Ltd Arboricultural Impact Assessment (May 2011 - reference DFC 1066).

REASON:

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

26. APPROVAL CONDITION- Green roof feasibility study (Pre-Commencement)

A detailed feasibility study for a green roof must be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the development (excluding the demolition and site preparation phase) hereby granted consent. If the study demonstrates the site has the capacity for the green roof, a specification shall be agreed in writing with the Local Planning Authority. The green roof to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained and maintained thereafter.

REASON:

To reduce flood risk and manage surface water run off in accordance with core strategy policy CS20 (Tackling and Adapting to Climate Change) and CS23 (Flood risk), combat the effects of climate change through mitigating the heat island effect in accordance with policy CS20, enhance energy efficiency through improved insulation in accordance with core strategy policy CS20, promote biodiversity in accordance with core strategy policy CS22 (Promoting Biodiversity and Protecting Habitats), contribute to a high quality environment and 'greening the city' in accordance with core strategy policy CS13 (Design Fundamentals), and improve air quality in accordance with saved Local Plan policy SDP13.

27. APPROVAL CONDITION - Sustainable Drainage System (Surface Water)

Prior to development commencing (excluding the demolition and site preparation phase) details of the construction of the surface water drainage system for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the Planning Authority. The surface water drainage shall thereafter be undertaken only in accordance with the approved details. The submission shall include a feasibility study by independent consultants demonstrating the investigation and assessment of the potential for creation of a sustainable drainage system on site. 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 and fully operational prior to the first occupation of the development. It shall thereafter be retained and maintained for the benefit of the site and its users.

REASON:

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, to ensure future maintenance of the surface water drainage system and to comply with policy SDP13 (vii) of the City of Southampton Local (2006) and the LDF Core Strategy Policy CS20 and in accordance with the applicant's FRA, which was received by the LPA on 29 September 2011.

28. APPROVAL CONDITION – Archaeological work programme

No development shall take place within the application site until the applicant has secured the maintenance of an on site watching brief by a suitably qualified and experienced archaeologist during construction work in accordance with a written detail which has been submitted to and approved by the local planning authority.

REASON:

The Local Planning Authority wishes to ensure that adequate arrangements are made to

allow an archaeological watching brief to take place during all new foundations, below ground works and excavation phases of the development. The purpose of the watching brief is to ensure that any agreed design measures to preserve the archaeological remains in situ are correctly implemented on site and to allow investigation and recording of any archaeological evidence that might be revealed in areas not covered by preservation measures.

29. APPROVAL CONDITION - Junction Details [Pre-Commencement Condition]

Development shall not begin until details of the junction between the proposed service road and the highway have been approved in writing by the Local Planning Authority and the development shall not be brought into use until that junction has been constructed in accordance with the approved plans.

Reason:

To ensure a safe access to the site is achieved.

30. 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 north-western elevation of Plots 30 and 31 hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the adjoining residential properties.

31. 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
CS14	Historic Environment
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
HE6	Archaeological Remains
CLT5	Open Space in New Residential Developments
CLT6	Provision of Children's Play Areas
H1	Housing Supply
H2	Previously Developed Land
H3	Special Housing Need
H7	The Residential Environment

Supplementary Planning Guidance

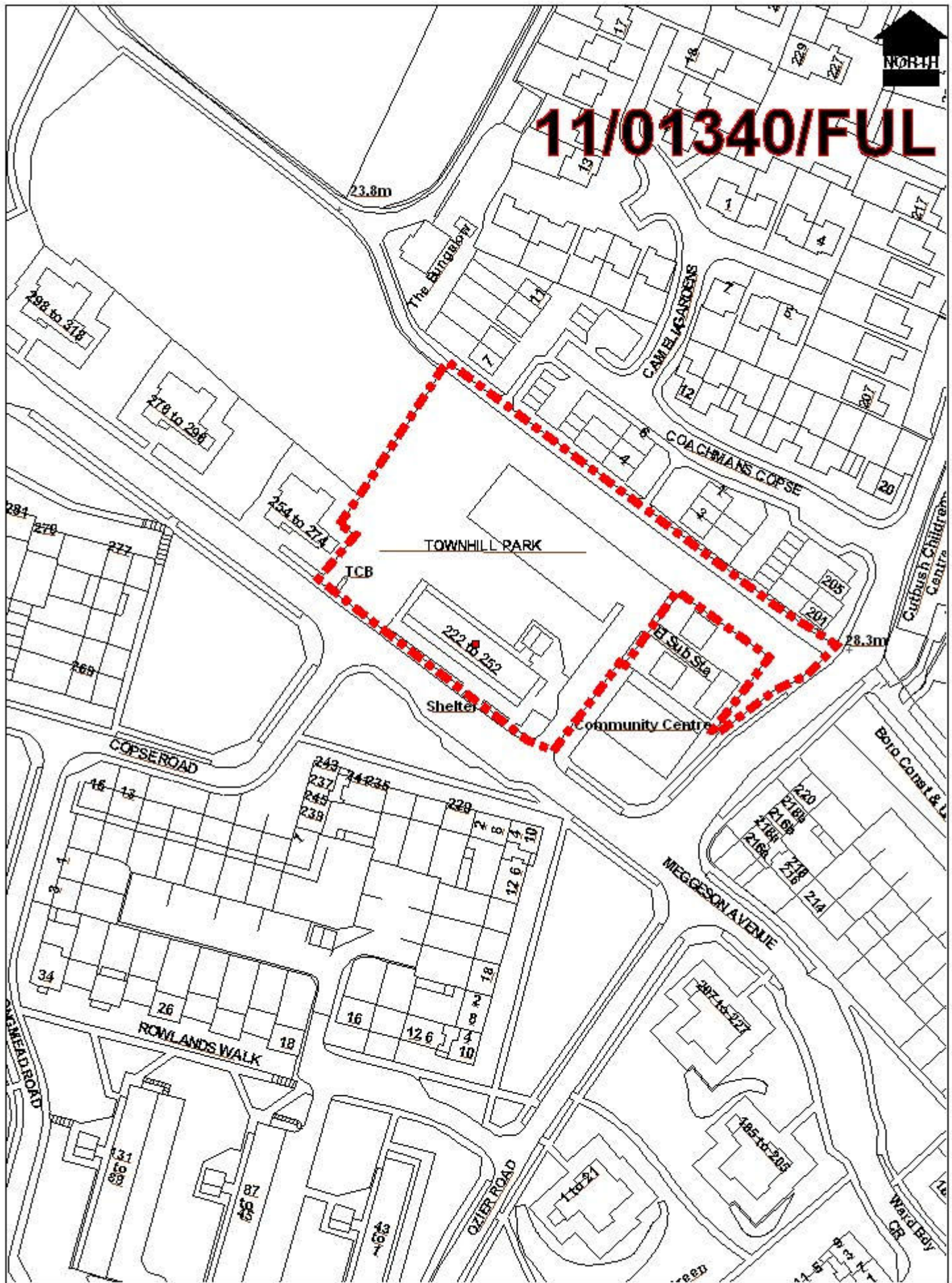
Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - August 2005 and amended November 2006)
Parking Standards SPD (September 2011)

Other Relevant Guidance

PPS1 Delivering Sustainable Development (February 2005)
Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 (December 2007)
PPS3 Housing (June 2010)
PPG13 Transport (2011)



11/01340/FUL



Scale : 1:1250

Date 08 November 2011

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Agenda Item 7

**Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 22 November 2011
Planning Application Report of the Planning and Development Manager**

Application address: 5-92 Laxton Close			
Proposed development: Demolition of the existing buildings and re-development to provide 30 houses (29 x 3 bedroom and 1x 4 bedroom) and 33 flats (7 x 1 bedroom and 26 x 2 bedroom) with associated parking and other works including diversion of an existing public footpath (affects a Public Right of Way).			
Application number	11/01423/FUL	Application type	FUL
Case officer	Stephen Harrison	Public speaking time	15 minutes
Last date for determination:	N/A Planning Performance Agreement	Ward	Sholing
Reason for Panel Referral:	Major Development on Council Land	Ward Councillors	Cllr Blatchford Cllr Fitzgerald Cllr Kolker
Applicant: Lovell Partnerships Ltd		Agent: Pope Priestley Architects Llp	
Recommendation Summary	Conditional Approval		

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The impact of the proposed development, in terms of visual and neighbour amenity, highway safety and parking are considered to be acceptable for the reasons detailed in the report to the Council's Planning and Rights of Way Panel on 22nd November 2011. Particular account has also been taken of the third party response to the scheme, the quality of the proposed redevelopment proposals, the associated regeneration benefits and improvements to local housing (including a high percentage of affordable and family housing), current market conditions 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, and application 11/01423/FUL should therefore be granted 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, HE6, CLT5, CLT6, CLT7, H1, H2, H3, H7 and TI2 and City of Southampton Core Strategy (January 2010) policies CS4, CS5, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS21, 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.

Appendix attached			
1	Development Plan Policies	2	SCC City Design Comments

Recommendation in Full

1. Conditional Approval - Subject to:

- (a) Confirmation in writing by the applicant prior to the grant of planning permission that the attached draft Heads of Terms are acceptable;
- (b) 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 applicant (and any other landowner) entering into a S.106 legal agreement with the Council to provide the following planning obligations:
 - i) A minimum on-site provision of 2 dwellings (ie.20% of the net gain) to be provided on-site as affordable housing in accordance with adopted LDF Core Strategy Policy CS15;
 - ii) A financial contribution and/or the implementation and maintenance of an agreed series of site specific transport 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 adopted LDF Core Strategy policies CS18 and CS25;
 - iii) A financial contribution and/or the implementation and maintenance of an agreed series of strategic transport projects for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
 - iv) Financial contributions towards the relevant elements of public open space required by the development – including the replacement of the existing children’s playarea - in line with Policy CLT5 of the City of Southampton Local Plan Review (March 2006) as supported by adopted LDF Core Strategy policies CS21 and CS25;
 - v) Submission and implementation of a Training & Employment Management Plan committing to adopting local labour and employment initiatives (during and post construction) in line with adopted LDF Core Strategy policies CS24 and CS25;
 - vi) 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;
 - vii) Agreement of construction vehicle routing; and,
 - viii) The funding of Traffic Regulation Orders (TRO) required to enable the development to be implemented.
- 2. That the Planning and Development Manager be given delegated authority to add or vary any of the attached planning conditions and relevant parts of the Section 106 agreement; and,
- 3. That approval is given by the Panel for the proposed works to the existing Right of Way linking Laxton Close with Bramley Crescent.

1.0 Background

- 1.1 This application forms part of the Council’s Phase II Estate’s Regeneration project that seeks to tackle economic deprivation and social disadvantage through the redevelopment of its existing housing estates. The applicants, in association with

First Wessex Housing Association, are the Council chosen development partner for this site.

2.0 **The Site and its Context**

2.1 This application relates to the redevelopment of 5-92 Laxton Close, which is a level site accessed directly from Upper Weston Lane and Laxton Close itself. The character of the area is predominantly residential with detached and semi-detached housing fronting the street. The application site sits in a backland location and appears somewhat alien to the established pattern of development with 5 detached five-storey flatted blocks sited within an open setting, which is itself characterised by mature trees, a children’s playarea and the railway line that forms the site’s southern boundary.

2.2 The application site is located within a flood zone 1 (assessed as having a less than 1 in 1000 annual probability of flooding). Locally it is identified as having ‘medium’ accessibility to local transport links and services. The site is designated as a ‘Noise Category A’ meaning that, despite its proximity to the railway line, noise is not a constraint to residential redevelopment.

3.0 **Proposal**

3.1 Full planning permission is sought for the redevelopment of this 1.06 hectare site for 63 dwellings with the following residential mix:

	1 bed flat	2 bed flat	3 bed house	4 bed house	Total
Private	4	17	14	0	35 (55.6%)
Affordable	3	9	15	1	28 (44.4%)
Total	7	26	29	1	63

3.2 A density of 62 dwellings per hectare is proposed, with 30 of the units (47.6%) identified as genuine family housing.

3.3 The development replaces 5 existing flatted blocks of five storeys, which once comprised 55 flats. These blocks are all currently vacant and in a state of disrepair.

3.4 The Laxton Close access is retained and is also required to serve the retained neighbouring properties at 1-4a Laxton Close. A total of 66 on-site parking spaces are provided, including 3 visitor spaces, and a 1:1 allocation located within private garages and semi-private parking courts is proposed.

3.5 All dwellings have access to private amenity space, in the form of balconies, gardens, and communal open space that is supplemented by the retention of on-site public open space and the children’s playarea. The proposals include the removal of some 16 existing trees (7 of which have been given a Category B rating worthy of retention); including the 4 mature trees at the site’s entrance. A full replacement on a 2:1 basis is proposed.

3.6 The application seeks to meet Code for Sustainable Homes Level 4, and will investigate the potential for solar panels and air source heat pumps to meet the Council’s carbon reduction requirements.

4.0 **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**. 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.

4.2 Major developments are expected to meet high sustainable construction standards in accordance with the City Council's adopted policies, namely Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13. The current proposals exceed the current requirements and seek to build to a Code for Sustainable Homes Level 4, although the planning conditions suggested currently only require the scheme meets Code 3 as the Council's current.

4.3 PPS3 Housing (2011) removes private residential gardens from the definition of Previously Developed Land (PDL). The revised PPS3 maintains that the planning system should provide "a flexible, responsive supply of land that is managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate" (Paragraph 10 refers). The national annual target that "at least 60 per cent of new housing should be provided on previously developed land" remains, suggesting that residential development can still take place on other land subject to the local circumstances of each site involved. The revised PPS3 maintains that "design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted" (Paragraph 13 refers).

5.0 Relevant Planning History

5.1 11/01188/SCR – Non EIA Development (10.08.11)
Request for a screening opinion under Regulation 5 of the Town and Country Planning Environmental Impact Assessment (England and Wales) Regulations 1999 prior to a planning application for redevelopment of the site to provide 62 residential units (30 houses and 32 flats).
1139/14/5 – Approved 29.09.1958

5.2 Erection of 55 maisonettes and flats

6.0 Consultation Responses and Notification Representations

6.1 The City Council have engaged with the local community regarding the scheme since November 2008, and the applicants presented the scheme to the Panel at the pre-application stage.

6.2 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 (22.09.11) and erecting a site notice (15.09.11). At the time of writing the report **2 representations** have been received from surrounding residents.

6.3 Planning related issues that are addressed later in this report include:

- Significant traffic generation – especially during the construction phase
- Concerned about the impact on local school children during the building works
- The nearest bus stops need further consideration and possibly moving

6.4 **The City of Southampton Society** – No objection raised but the RoW needs to be retained.

6.5 Summary of Consultee Responses

6.6 **SCC Highways** – No objection raised subject to the attached planning conditions. Parking provision is on a 1:1 basis which should help prevent any overspill impact on surrounding streets. The additional traffic flows associated with the site should not have a harmful impact on the neighbourhood or local highway network. The general layout of the site is acceptable, although parking spaces 1 and 2 should be moved north to meet the planting, and the pedestrian access point moved south thus providing a wider gap between the parking spaces of the entrance

square. The site compound will cater for contractor parking during the construction process. A Traffic Regulation Order to control parking on and near the site is required and site specific highway contributions will focus on sustainable modes of travel in the near vicinity.

Note: The applicants have submitted an amended layout plan that makes the requested changes.

- 6.7 **SCC Rights of Way** - Other than the adopted highway carriageway, verges and footways, there is one adopted highway footpath that will require a legal order under s.257 of the T&CP Act '90 to divert from its current alignment. The intention that pedestrian access will remain between Bramley Crescent and Upper Weston Lane is fully supported by this section. Overall, the rights of way section has no objection to the application subject to the RoW being reinstated.
- 6.8 **SCC Housing** – Fully support the scheme. As the scheme comprises a net gain of 8 dwellings the affordable housing requirement from the proposed development is 2 dwellings (although it is noted that 28 affordable units are to be provided)
- 6.9 **SCC Sustainability Team** – No objection raised. It is recommended in the renewable energy report that photovoltaics and air source heat pumps are utilised to achieve the required carbon savings. Water butts are also to be provided. It is recommended that the feasibility of green roofs are investigated as they will ensure ambient air temperatures are maintained at appropriate levels for optimum functioning of the PV, in addition to providing other benefits such as sustainable drainage, local cooling, air quality, biodiversity and insulation.

Note: Suitable planning conditions covering these issues have been included, although it should be noted that a minimum of Code 3 with a 20% carbon reduction through microrenewables has been conditioned in line with current policy notwithstanding the applicant's current offer of a Code 4 scheme.

- 6.10 **SCC City Design** – Support given. A full copy of their response is attached to this report at **Appendix 2**.
- 6.11 **SCC Environmental Health (Pollution & Safety)** – No objection raised subject to the development complying with the attached planning conditions.
- 6.12 **SCC Employment & Skills** - an employment and skills plan is required from this development and should be secured through the S.106 legal agreement.
- 6.13 **SCC Ecology** – The habitats within the site are of low ecological value and I have no objection to the proposed development, however, a number of potential impacts on bats and breeding birds need to be considered as set out in the attached planning conditions. The proposed development should not have an adverse impact on local biodiversity provided precautions in respect of vegetation removal and lighting are observed. There is also the potential for biodiversity gains through implementation of the recommendations in the Ecological Appraisal August 2011.
- 6.14 **SCC Environmental Health (Contaminated Land)** – No comments received
- 6.15 **SCC Heritage** – Planning conditions required in relation to archaeology.
- 6.16 **SCC Tree Team** – No objection raised. Overall there are 14 trees lost to the proposal. The significant trees to be lost include 2x Lombardy Poplars, T17 and T18 within the tree report. However this species can be prone to failure and due to their proximity to a rail line. I do not object to their loss with suitable replacements planted. Other significant trees include T10, T11 and T5 these are large mature cherries, these trees have a limited safe useful life expectancy therefore their loss should be mitigated with replacement planting. 2x Purple maples will also be lost to this proposal. Unfortunately one of these trees, T12,

shows evidence of decay within the tree. Therefore the loss of these trees should be mitigated with replacements. Overall I have no objections to this proposal provided that the arboricultural method statement and scheme of site supervision in the D F Clark Bionomique Arboricultural Impact Assessment report no. DFC 1065.

- 6.17 **SCC Playspace** – No objection subject to the replacement of the existing children’s playarea. The Council will continue to maintain the equipment.
- 6.18 **Environment Agency** – no objection is raised subject to suggested drainage planning condition (as attached to this recommendation).
- 6.19 **BAA** – No objection subject to the submission of a Bird Hazard Management Plan as part of the attached planning condition.
- 6.20 **Network Rail** – No objection raised
- 6.21 **Southern Water** – Although there is currently inadequate capacity in the local sewage network no objection is raised subject to the use of the suggested planning conditions attached to this recommendation.

7.0 Planning Consideration Key Issues

- 7.1 The key issues for consideration in the determination of this planning application are:
 - i. The Principle of Development;
 - ii. Design, Density & Impact on Established Character;
 - iii. Residential Amenity;
 - iv. Highways and Parking;
 - v. Biodiversity; and,
 - vi. S.106 Mitigation and Viability

7.2 Principle of Development

- 7.3 The application site is formed by 5 flatted blocks separated by parking courts and open space of various quality. Whilst the priority for housing delivery should be previously developed land, and not gardens or open space by definition, the merits of this case should be given careful consideration. In particular, an assessment of the scheme’s impact on the character of the area, and its efficient use of land for housing delivery, are material to the Council’s planning decision.

- 7.4 The application proposes that 30 of the dwellings (16 of which are identified as affordable) will be genuine family homes, with access to private amenity space. Some 44% of the dwellings will be managed by First Wessex as affordable. The proposals exceed existing development requirements for the delivery of affordable and family housing and are welcomed in principle.

- 7.5 In terms of open space and the requirements of LDF Core Strategy Policy CS21 care has been taken to ensure that access to external green space is retained. The existing site provides limited private amenity space for the flats. Whilst the amount of public open space is reduced by the proposed layout, the amount of external space set aside for combined private and public space is increased as part of the development and the open character is largely retained, particularly around the mature trees that frame the children’s playarea. As such, the scheme is not considered to be in conflict with Policy CS21.

7.6 Design & Density

- 7.7 This triangular shaped plot is bounded on two sides by residential development, with the railway line and associated fencing forming the southern boundary. The existing flatted blocks are alien to the established pattern of development, but provide precedence for additional height and scale, particularly within the centre of the site. The chosen design solution keeps development away from the neighbouring boundaries whilst strengthening the existing central spine road through the site. The existing Right of Way serving Bramley Crescent, the open

space and mature planting within is retained as part of the proposals.

- 7.8 The form of development includes terraced housing linked to flatted blocks of between 2 and 4 storeys. It creates a successful perimeter block development at an appropriate density that clearly delineates private and public areas. Parking is well scattered across the development, within private courtyards and garages, so as to reduce the dominance of the private car to the overall layout. It is considered that the proposed footprint and quantum of development is acceptable and would make an efficient use of land whilst providing a good mix and additional family dwellings within a mature landscape setting.
- 7.9 The design of the housing is simple and contemporary, which is appropriate given the surrounding context. A traditional palette of materials is proposed, including a mixture of facing brick, coloured render and tiled roof. Coloured panels are introduced as a feature around the balconies. Further details can be secured with the attached planning condition.
- 7.10 The current scheme, therefore, assists the Council in meeting its housing requirements without harming the character of the area. It is considered that the application accords in broad terms with Local Plan design policies SDP1, SDP7, NE7 and H7 as supported by Core Strategy Policy CS13. The Council's City Design team have worked with the applicant to reduce the scheme's impact and are supportive of the application. A full copy of their consultation response is attached to this report at **Appendix 2**.
- 7.11 Residential Amenity
- 7.12 The proposed dwellings have been designed to sit within their plot and are set away from the common boundary with immediate neighbours. Where development is closest to the neighbours there exists mature planting that will be retained to mitigate any impact. As a result of these proposed spatial characteristics the existing residential amenity of the area, in terms of daylight, shadowing, privacy and outlook will not be compromised by this proposal.
- 7.13 The internal layout of the dwellings and room sizes are acceptable. All flats and houses enjoy dual aspect, and noise transfer between units can be mitigated at the Building Regulations stage. The buildings have safe and convenient access to integral bin and cycle storage, which can be secured with a planning condition.
- 7.14 The scheme meets the external space standards of the Council's approved Residential Design Guide SPD (2006); namely paragraph 2.3.14 and section 4.4, as is required for a satisfactory development. In amenity terms the proposed separation between dwellings, the retention of the mature landscape setting, the orientation of the buildings within their plot and the generous area of retained public open space combine to create an acceptable addition to the area. The application accords with the adopted Local Plan policies SDP1(i), SDP7(v) and SDP9(v), as supported by the relevant sections of the Council's approved Residential Design Guide SPD, which seek to protect residential amenity.
- 7.15 Highways and Parking
- 7.16 Car parking is a key determinant in the choice of mode of travel. The Local Plan aims to reduce reliance on the private car and encourage alternative modes of transportation such as public transport, walking and cycling.
- 7.17 Applying the Council's revised adopted maximum standards (of 1 spaces per 1 bed, 2 spaces per 2 and 3 beds and 3 spaces per 4+ bed unit) as set in the recently adopted Car Parking SPD (September 2011) the proposed development could be supported by no more than 120 parking spaces.
- 7.18 Instead, each dwelling is served by a single parking space, with 3 additional spaces across the development proposed for visitors. This level of provision is acceptable and will not lead to a significant overspill into neighbouring streets. Achieving the maximum parking standard would result in a car dominated layout

with a significant reduction in open space.

- 7.19 Given that there is a net gain of 8 additional dwellings the impact on traffic generation will be marginal. The Council's Highways Officer has raised no objection to the proposal, subject to the attached planning conditions including means for controlling construction delivery times and routing so as not to conflict with local schools. The application is considered to accord with Local Plan policies SDP4, SDP5 and Core Strategy policies CS18 and CS19.

7.20 Biodiversity

- 7.21 As the development may affect bats, which are European Protected Species, the Local Planning Authority needs to demonstrate that it has discharged its duty. The applicant's submission satisfactorily deals with these requirements and the inclusion of a biodiversity strip along the railway line will assist with these aims. The Council's Ecologist has raised no objection to the proposals.

7.22 S.106 Mitigation and Viability

- 7.23 The applicants have agreed to enter into a S.106 legal agreement with the Council (at the land transfer stage). It is, however, likely that the application will be supported by an up-to-date viability appraisal of the proposal that concludes that a full S.106 contribution makes the delivery of the scheme non-viable on a commercial basis. A scheme's viability is a material consideration where it is directly linked to housing delivery and the wider regeneration benefits. The applicant's submitted appraisal will need to be independently tested before the Council can agree to waive any of its normal requirements. It is recommended that the Planning and Development Manager be delegated power to vary relevant parts of the Section 106 agreement following the outcome of the viability appraisal. As part of these negotiations due weight will be afforded to the applicant's offer that 28 of the 63 dwellings (44.4% of total) shall be provided as 'affordable'.

8.0 Summary

- 8.1 The impact of the proposed development, in terms of visual and neighbour amenity, highway safety and parking are considered to be acceptable for the reasons set out in this report. Particular account has also been taken of the third party response to the scheme, the quality of the proposed redevelopment proposals, the associated regeneration benefits and improvements to local housing (including a high percentage of affordable and family housing), current market conditions and the overall viability of the scheme.

9.0 Conclusion

- 9.1 The application is acceptable in planning terms and it is recommended that conditional approval is issued following confirmation from the applicant and the Council's Head of Property and Procurement Services that a S.106 legal agreement will form part of the land transfer thereby mitigating the impact of the development on the existing community.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1 a-d, 2 b-d, 4 f, g, k, 5 a, c, e, f, 7 a, b, e, g, j, n & v, 9 a & 10 a-b

SH2 for 22/11/11 PROW Panel

PLANNING CONDITIONS to include:

01. APPROVAL CONDITION - Implementation Commencement

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission was granted.

REASON:

In accordance with Section 91 of the Town & Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

02. APPROVAL CONDITION - Approved Plans

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

Reason:

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

03. APPROVAL CONDITION - Details of External Materials - Samples

Notwithstanding the submission to date no work for the construction of the buildings hereby permitted (excluding the demolition and site preparation phase) shall commence unless and until details and samples of the materials and finishes to be used for the external walls, windows, window and balcony reveals, doors and roof of the building have been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details.

REASON:

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

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

The external amenity space serving each dwelling hereby approved, and pedestrian access to it, shall be made available for use by the associated dwelling prior to the first occupation of that dwelling hereby permitted, and shall be retained with access to it at all times for the use of the dwellings.

REASON:

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

05. APPROVAL CONDITION - Noise Mitigation & Attenuation

Unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of development the approved development shall be implemented and completed only in accordance with the recommendations as set out in the applicant's MLM Noise and Vibration Impact Assessment (July 2011). For the avoidance of doubt those bedrooms with line of sight to the railway line and closer than 40 metres to the track will require an acoustic air brick instead of a trickle vent and this should be implemented prior to the first occupation of the development and retained thereafter.

REASON:

To protect occupants of the development from railway noise and to ensure that the amenity of existing residents is not unduly compromised during the implementation phase.

06. APPROVAL CONDITION - Hours of Construction & Associated Deliveries

In connection with the implementation of this permission any demolition, conversion and construction works, shall not take place outside the hours of:

- 8am and 6pm Mondays to Fridays; and,
- 9am and 1pm on Saturdays.

Works shall not take place at all on Sundays or Public Holidays without the prior written approval of the Local Planning Authority. Any works outside the permitted hours shall be confined to the internal preparation of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

No deliveries of construction materials or equipment, or removal of demolition materials associated with this development shall take place between the following times:

- 8am to 9am and 2:30pm to 3:30pm Mondays to Fridays

REASON:

To protect local residents from unreasonable disturbances from works connected with implementing this permission, and to ensure that construction traffic does not conflict unduly with the local school's peak hour traffic.

07. APPROVAL CONDITION - Construction Method Statement

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Demolition and Construction Method Statement (DCMS) for the development. The DCMS shall include, for instance, details of: (a) parking of vehicles of site personnel, operatives and visitors; (b) loading and unloading of plant and materials; (c) storage of plant and materials, including cement mixing and washings, used in constructing the development; (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of demolition and construction and their reinstatement where necessary; (e) measures to be used for the suppression of dust and dirt throughout the course of demolition and construction; (f) details of demolition and construction vehicles wheel cleaning; (g) details of how noise emanating from the site during demolition and construction will be mitigated; (h) details of the retained pedestrian and vehicular access for 1 to 4a Laxton Close throughout the build; (i) measures for fencing off the open space earmarked for retention during the demolition and construction phase; and, (j) details of the Site Manager's telephone number that residents can use in the event that they wish to raise concerns. The approved DCMS shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

REASON:

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

08. APPROVAL CONDITION - Landscaping

Notwithstanding the information submitted with the application (and detailed on the TGD Landscape Ltd plan 1411-101 and supported by the July 2011 Landscape Maintenance Plan) no development shall take place (excluding the demolition and site preparation phase) until full details of both hard and soft landscaping for the open spaces, landscape buffers, all car parking and the Laxton Close approach have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:

- i. proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas, hard surfacing materials, structures and ancillary objects (refuse bins etc);
- ii. external lighting (to include type and luminance);

- iv. 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;
- v. a specification for any green/brown/biodiverse wall(s) and roof(s) and the biodiverse strip adjacent to the railway line;
- vi. the provision of a 2 for 1 replacement of those trees to be lost (where practicable). The replacement trees shall be of a heavy standard size (12 - 14cm girth) as a minimum and will be planted within the site or at a place agreed in writing with the Local Planning Authority; and
- vii. A landscaping management plan, including long term objectives, management responsibilities and maintenance schedules for the landscaped areas.

The hard and soft landscaping works, including the provision of the open space and children's playarea, shall be carried out in accordance with the details approved. The works shall be carried out before any of the development is occupied or in accordance with a timescale which has been agreed in writing with the local planning authority prior to the commencement of development.

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 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.

09. APPROVAL CONDITION – Arboricultural Method Statement

Unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of development the approved development shall be implemented and completed only in accordance with the recommendations as set out in the applicant's DF Clarke Bionomique Ltd Arboricultural Impact Assessment (July 2011).

REASON:

To protect occupants of the development from railway noise and to ensure that the amenity of existing residents is not unduly compromised during the implementation phase.

10. APPROVAL CONDITION - Tree Retention and Safeguarding

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

REASON:

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

11. 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.

12. APPROVAL CONDITION - Code for Sustainable Homes Residential Development

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

An assessment of the development's total energy demand and a feasibility study for the inclusion of renewable energy technologies on the site, that will achieve a reduction in CO2 emissions [20% as required in core strategy policy CS20] must be conducted. Plans for the incorporation of renewable energy technologies to the scale that is demonstrated to be feasible by the study, and that will reduce the CO2 emissions of the development [20% as required in core strategy policy CS20] must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development (excluding the demolition and site preparation phase) hereby granted consent. Renewable technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

REASON:

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

14. APPROVAL CONDITION- Green roof feasibility study (Pre-Commencement)

A detailed feasibility study for a green roof must be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the development (excluding the demolition and site preparation phase) hereby granted consent. If the study demonstrates the site has the capacity for the green roof, a specification shall be agreed in writing with the Local Planning Authority. The green roof to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained and maintained thereafter.

REASON:

To reduce flood risk and manage surface water run off in accordance with core strategy policy CS20 (Tackling and Adapting to Climate Change) and CS23 (Flood risk), combat the effects of climate change through mitigating the heat island effect in accordance with policy CS20, enhance energy efficiency through improved insulation in accordance with core strategy policy CS20, promote biodiversity in accordance with core strategy policy CS22 (Promoting Biodiversity and Protecting Habitats), contribute to a high quality environment and 'greening the city' in accordance with core strategy policy CS13 (Design Fundamentals), and improve air quality in accordance with saved Local Plan policy SDP13.

15. APPROVAL CONDITION - Sustainable Drainage System (Surface Water)

Prior to development commencing (excluding the demolition and site preparation phase) details of the construction of the surface water drainage system for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the Planning Authority. The surface water drainage shall thereafter be undertaken only in accordance with the approved details. The submission shall include a feasibility study by independent consultants demonstrating the investigation and assessment of the potential for creation of a sustainable drainage system on site. 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 and fully operational prior to the first occupation of the development. It shall thereafter be retained and maintained for the benefit of the site and its users.

REASON:

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, to ensure future maintenance of the surface water drainage system and to comply with policy SDP13 (vii) of the City of Southampton Local (2006) and the LDF Core Strategy Policy CS20 and in accordance with the applicant's FRA, which was received by the LPA on 29 September 2011.

16. APPROVAL CONDITION - Sewers

No development shall commence (excluding the demolition and site preparation phase) until details of the proposed means of foul sewerage have been submitted to, and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed details prior to the first occupation of the development.

REASON:

As further capacity is required to accommodate the proposed intensification of development.

17. APPROVAL CONDITION - Flood Risk

Unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of development the development shall be implemented in accordance with the Campbell Reith Hill LLP Flood Risk Assessment (FRA), which was received by the LPA on 29 September 2011, prior to the first occupation of the development.

REASON:

To ensure that a site can be developed safely the FRA is proposing mitigation measures that ensure increased surface water flow does not create flooding to people / property nearby.

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

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

- A specification of the type of construction proposed for the roads, cycleways and footpaths including all relevant horizontal cross-sections and longitudinal sections showing existing and proposed levels together with details of street lighting, signing, white lining and the method of disposing of surface water.
- A programme for the making up of the roads and footpaths to a standard suitable for adoption by the Highway Authority.

REASON:

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

19. APPROVAL CONDITION – Residential Parking

The residential parking shall be provided prior to the first occupation of each dwelling at a ratio of 1 parking space per 1 dwelling. No more than 1 parking space shall be allocated to each dwelling unless otherwise agreed in writing with the Local Planning Authority and 3 visitor parking spaces shall be provided prior to the completion of the development and thereafter retained for public/general use.

REASON:

To ensure that the scheme provides a suitable level of parking to serve its needs in the interests of highway safety.

20. APPROVAL CONDITION - Refuse & Recycling Bin Storage – In accordance

Appropriate bin storage shall be laid out with a level approach prior to the first occupation of each dwelling hereby approved in accordance with the approved plans. The facilities shall include accommodation for the separation of waste to enable recycling. Refuse bins shall not be left in collection points or otherwise external to the approved refuse stores other than on the day of the designated collection. The approved refuse and recycling storage shall be retained whilst the development is used for residential purposes.

REASON:

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

Informative:

All refuse stores identified on the approved plans listed should be constructed of brick under a suitable weatherproof roof with adequate ventilation. The doors should be hinged to open outwards with a minimum opening of 1.4m wide, and any lock system should comply with the Council's standard lock requirements operated by a fob system. Six spare fobs should be supplied to the Council prior to the first use of the relevant store. Each store should be fitted and retained with internal lighting that shall operate when doors are open and a tap and wash down gulley should also be provided. The access path to the bin store should be constructed to footpath standards and to be a minimum width of 1.5m. Any gates on the pathway are not to be lockable unless they comply with SCC standard fob lock details. The gradient of the access path to the bin store should not exceed 1:12 unless suitable anti-slip surfacing is used, and still should not exceed 1:10 and a single

dropped kerb to the adjacent highway will be required to access the refuse vehicle with the Euro bins.

21. APPROVAL CONDITION – Right of Way

The existing right of way linking Laxton Close and Bramley Crescent shall be made available, with safe footpaths for pedestrians, prior to the first occupation of the development or in accordance with another timescale that shall have been agreed in writing with the Local Planning Authority prior to the first occupation of the development.

REASON:

As the development involves a temporary stopping up during the construction phase and to ensure that the existing right of way is correctly reinstated.

22. APPROVAL CONDITION - Cycle Storage

Appropriate, secure, covered cycle storage shall be laid out with a level approach prior to the first occupation of each dwelling hereby approved in accordance with the approved plans. The facilities shall include Sheffield style stands and shall be retained whilst the development is used for residential purposes.

REASON:

To encourage cycling as an alternative form of transport

23. APPROVAL CONDITION - Contamination – Desk Top Study

Notwithstanding the information already submitted no development shall take place until the developer has carried out adequate assessments to determine the likely presence of contamination on the site (desk study) and assessed the potential risks to human health and the wider environment. If any significant hazards are identified a scheme of further investigation will be required in order to assess the risk(s). If significant risk(s) are identified a detailed remediation scheme must be devised and implemented to ensure the long-term safety of the site.

Documented evidence of the above procedures shall be submitted to the Local Planning Authority for their written approval at each stage. Any remediation scheme required and approved shall be fully implemented and adhered to. Any amendments to the remediation scheme relevant to the risk associated with the contamination shall be submitted to the Local Planning Authority for prior approval in writing. On completion of the remediation works and, prior to occupation of the properties on the development, the developer and/or his approved agent shall submit written confirmation that works have been completed in full and in accordance with the approved scheme.

The presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of the Local Planning Authority and an investigation and management scheme implemented prior to occupation in accordance with details to be agreed.

REASON:

To identify unacceptable risks to human health and the environment and ensure investigation, assessment and remediation of the site is to an appropriate standard in accordance with the guidance given in Model Procedures for the Management of Land Contamination - Contaminated Land Report 11 - Environment Agency - 2001.

24. APPROVAL CONDITION - Contamination - Export of Soil

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 shall be submitted to the Local Planning Authority for approval prior to the first occupation of the development hereby approved.

REASON:

To ensure that no ground contamination risks to human health and the environment are introduced onto the application site.

25. APPROVAL CONDITION – Ecological Mitigation

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, [as set out in the submitted Campbell Reith Ecology Appraisal (August 2011)] 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. For the avoidance of doubt it is recommended that bat boxes are restricted to the flatted blocks and that, in addition to the swift bricks proposed, the scheme should include a house sparrow terrace, and they all should be installed prior to the first occupation of the development and retained thereafter.

REASON:

To ensure that the development mitigates against its impacts on local biodiversity and enhances (where appropriate) the application site as required by LDF Core Strategy Policy CS20, PPS9 and the Wildlife and Countryside Act 1981 (as amended)

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

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

REASON:

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

27. APPROVAL CONDITION - Bird Hazard Management Plan (BHMP) - BAA

Development shall not commence (excluding the demolition and site preparation phase) until a Bird Hazard Management Plan (BHMP) has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of the management of any flat or shallow pitched roof that may be attractive to nesting, roosting and loafing birds and include details for preventing birds from perching in the window reveals. The BHMP shall comply with BAA's Advice Note 8. The BHMP shall be implemented as approved upon completion of the roof and shall remain in force for the life of the development. No subsequent alterations to the BHMP are to take place unless first submitted to and approved in writing by the Local Planning Authority.

REASON:

It is necessary to manage the roofs in order to minimise its attractiveness to birds which could otherwise endanger the safe movement of aircraft and the operation of Southampton Airport – BAA comments dated 15th September refer.

28. APPROVAL CONDITION – Archaeological work programme

No development shall take place within the application site until the applicant has secured the maintenance of an on site watching brief by a suitably qualified and experienced archaeologist during construction work in accordance with a written detail which has been submitted to and approved by the local planning authority.

REASON:

The Local Planning Authority wishes to ensure that adequate arrangements are made to allow an archaeological watching brief to take place during all new foundations, below ground works and excavation phases of the development. The purpose of the watching brief is to ensure that any agreed design measures to preserve the archaeological remains in situ are correctly implemented on site and to allow investigation and recording of any archaeological evidence that might be revealed in areas not covered by preservation measures.

29. APPROVAL CONDITION – Obscured Glazing

Those windows marked as having obscured glazing on the approved plans shall be installed and retained as annotated.

REASON:

In the interests of protecting existing and proposed levels of privacy.

30. APPROVAL CONDITION - Residential - Permitted Development Restriction

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

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

Class B (roof alteration),

Class C (other alteration to the roof),

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

Class F (hard surface area)

or Class H (satellite antenna or dish)

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.

Note(s) To Applicant

Note to Applicant - Pre-Commencement Conditions

Your attention is drawn to the pre-commencement conditions above which require the full terms of the condition to be satisfied before development commences. In order to discharge these conditions you are advised that a formal application for condition discharge is required. You should allow approximately 8 weeks, following validation, for a decision to be made on such an application. If the Decision Notice includes a contaminated land condition you should contact the Council's Environmental Health Department, and allow sufficient time in the process to resolve any issues prior to the commencement of development. It is important that you note that if development commences without the conditions having been formally discharged by the Council in writing, any development taking place will be unauthorised in planning terms and this may invalidate 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 Management Service.

Note to Applicant - Performance Conditions

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

Note to Applicant - Southern Water – Water Supply - Informative

A formal application for connection to the public water supply is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39a Southgate Street, Winchester, SO23 9EH (tel. 01962 858688).

Note to Applicant - Southern Water – Sewers - Informative

The applicant should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Atkins Ltd, Anglo St James House, 39a Southgate Street, Winchester, SO23 9EH (tel. 01962 858688).

Note to Applicant – Nesting Birds

The applicant is reminded of their legal duty not to disturb any bats or birds found nesting on site.

Note to Applicant – Highway License

The applicant is reminded that the approval of the Highway Authority will be required prior to undertaking any works to the public highway required to facilitate the development.

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats
CS24	Access to Jobs
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting
SDP19	Aerodrome and Technical Site Safeguarding and Airport Public Safety Zone
SDP22	Contaminated Land
NE7	Rail Corridor
HE6	Archaeological Remains
CLT5	Open Space in New Residential Developments
CLT6	Provision of Children's Play Areas
CLT7	Provision of New Public Open Space
H1	Housing Supply
H2	Previously Developed Land
H3	Special Housing Need
H7	The Residential Environment
TI2	Vehicular Access

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - August 2005 and amended November 2006)
Parking Standards 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)
- PPS3 Housing (November 2006)
- PPS5 Planning Policy Statement 5: Planning for the Historic Environment (March 2010)
- PPS9 Biodiversity and Geological Conservation (August 2005)
- PPG13 Transport (April 2001)
- PPG16 Archaeology and Planning (November 1990)
- PPG17 Planning for Open Space, Sport and Recreation (July 2002)
- PPS22 Renewable Energy (August 2004)
- PPG24 Planning and Noise (October 1994)

SCC City Design Comments

The proposals for this site have evolved considerably over the last 16 months in response to comments from the City Design Team amongst others. As a result the scheme is now well thought out and represents an excellent opportunity to regenerate the area and remedy the many urban design problems of the existing development.

Much of the open space immediately around the pavilion blocks on the site had no practical function and presented a maintenance burden without contributing in a meaningful way to the recreation opportunities of the area. Whilst the area of open space is reduced most of it is now designated as private gardens. This means that the new residents benefit from all the advantages of having access to a private garden, whilst the maintenance burden on the Council is reduced. In addition the creation of clear definitions between public and private space will reduce the potential for anti-social behaviour.

Amount and Layout

Whilst this is a substantial development of a density much greater than in the general context area the amount of development is justified for three reasons. First, the site is geographically isolated from the neighbouring housing and second because the environment it promises to deliver is a significant improvement on the existing situation. Thirdly there is a precedent for multi-storey medium density development on the site; whereas the existing flats are five storeys the new is limited to a maximum of four storeys and only in limited places (albeit over a much greater built footprint area than the existing buildings).

The development creates three new 'part' urban blocks, roughly related to the three corners of the site. Each backs onto private land except in the North west corner where a short new close is created fronting onto the existing units 1, 2 and 4a. The block in the north east corner includes a mews courtyard arrangement accessed through a carriage arch. This is a suitable design response to the challenge of making the most of the land area in this awkward corner.

This perimeter block form provides good enclosure, definition and surveillance of the public realm. Public and private spaces are clearly distinguished and streets have clearly defined edges, leading to a more legible development than the existing one.

A modest public green space is focused around four existing trees in the south east of the site. At approximately 0.08 Ha this is slightly smaller than the 0.1 Ha area which is the minimum that the Open Spaces Team feel is efficient to adopt. However given that it backs onto the new gardens of Plots 9-22 and the existing gardens to the east it will have the feel of a slightly larger space.

The plans were altered during the pre-application discussions at the council's request to better facilitate connection to the existing footpath link to Bramley Crescent.

Scale

The existing development with its six storey blocks provides a precedent for tall buildings in the area. However through use of the perimeter block form with continuous built edges

the developer has managed to produce a relatively high density development without resort to excessive heights.

The development will have a strongly urban character, with the central route in particular feeling tightly enclosed and denser than is the norm in the context area. However, because of the design advantages over the existing layout described above this is considered acceptable. Also the proximity to the railway 'green corridor' and private gardens along the eastern and north western boundary will compensate for this.

Landscape

The sketch landscape strategy provided is of high quality. The handful of minor changes required by the City Design team can easily be addressed through the application of a suitable landscape condition. Principal of these is the need to introduce tree planting to the far north east corner of the site. The use of 'Home zone' principles to design most of the vehicular routes through the development will lead to limited vehicle speeds and an environment where children can play in relative safety.

There is a group of mature trees near the entrance to the site which will be lost as a result of the development. In part to compensate for this the developers have located three new trees in the parking square just inside the entrance to the site. Two of these trees need to be a species of substantial ultimate stature (forest canopy height).

There is a similar group of trees in the parking court to the north east corner of the site. It is highly unusual for trees to be planted in such cramped locations. It is recommended that the standard landscape condition be augmented by the following text; 'the developer shall provide detailed drawings in plan and in section of the construction of tree pits within paved areas for approval. The details shall include a vertical, cylindrical galvanised and powder coated steel grille for the protection of the tree. The detail shall also include use of StataCell soil structure system manufactured by Greenleaf or similar approved product, detail of finish to the tree pit, irrigation and aeration system and support system.

The proposed planting of trees and shrubs to the boundary with the railway will considerably enhance its value as a wildlife corridor and hence the biodiversity of the site. Despite the densification of the site the previous landscape comprised to a large extent of a 'green desert' low in species richness. The introduction of planting to some public areas and the potential variety of planting in private gardens presents the prospect of an increase in the quantity and diversity of wildlife despite the overall reduction in area of green space.

Appearance

The designs are strongly contemporary in style and promise an attractive and generally appropriate intervention into the townscape. The use of a variety of cladding materials and subtle modelling of the elevation will successfully break up the mass of the buildings.

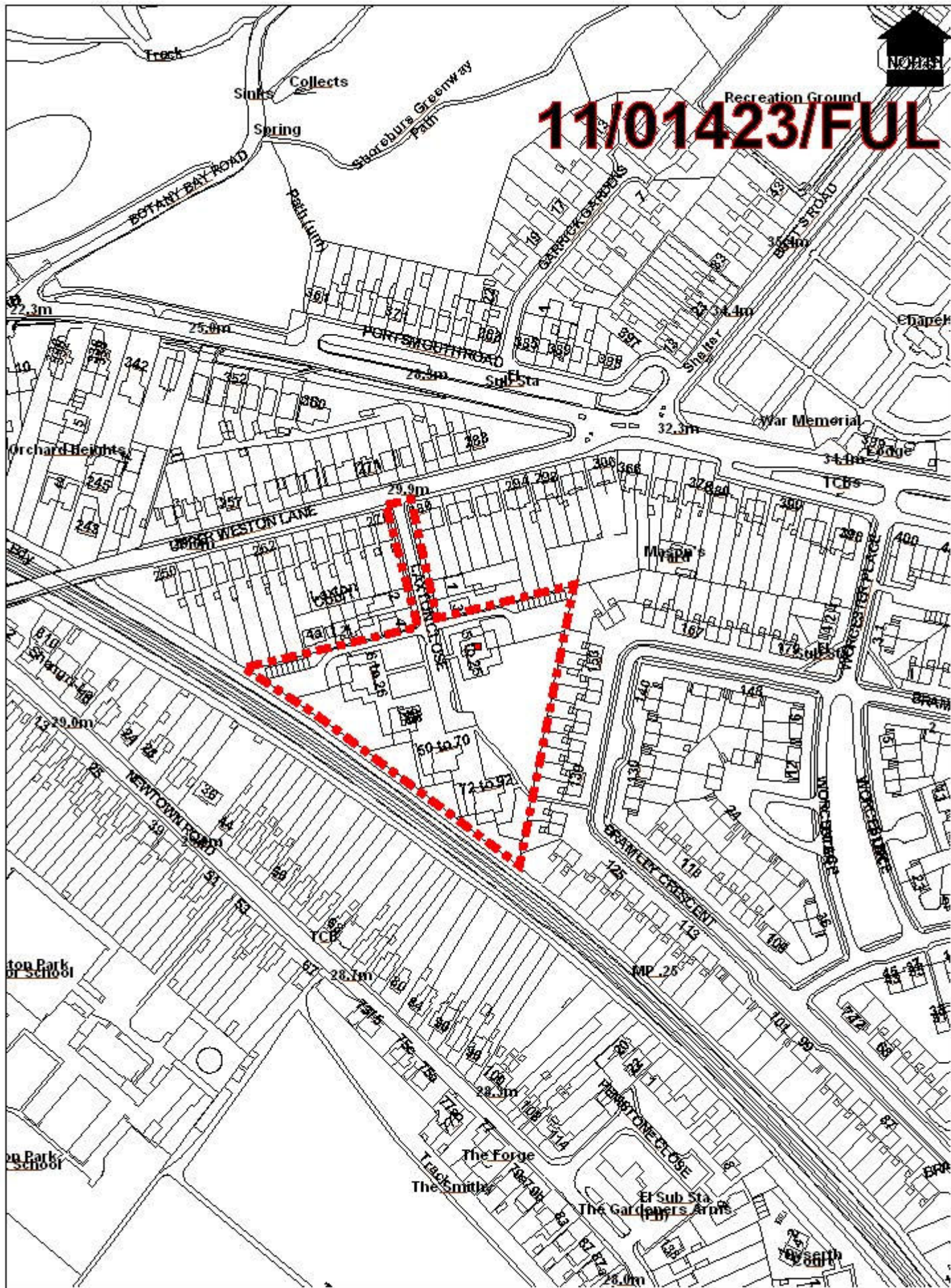
Although the site itself may not have much context of any quality the approach via Upper Weston Lane has considerable positive characteristics with its early 20th century gable fronted detached houses and the mid 20th century steeply pitched pyramidal roofs to bungalows on Laxton Close itself. The houses are typically red brick with bay windows with tile hanging and some render to gables and side elevations, chimneys, characteristic boundary walls with brick pillars to driveways, and with distinctive arched porches leading to a recessed front door. There is therefore much to go on to enrich the existing context

and provide inspirations for a contemporary take of the existing using the 'positive' aspects of the context that exist.

However the designs are for medium to high density development so in many respects cannot borrow easily from the existing context although it would have been good practise to have reflected some of these elements such as the introducing a contemporary version of the arched porches and recessed doorways to help the scheme relate to the context.



11/01423/FUL



Scale : 1:2500

Date 08 November 2011

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Agenda Item 8

**Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 22 November 2011
Planning Application Report of the Planning and Development Manager**

Application address: Land At Exford Drive and Exford Avenue (Including Exford Arms PH and Mulberry Centre)			
Proposed development: Demolition of all the existing buildings and redevelopment to provide 35 houses (25 x 3 bedroom and 10 x 4 bedroom), 90 flats (14 x 1 bedroom, 75 x 2 bedroom, 1 x 3 bedroom) and new retail/office/food and drink use on the former Exford Arms site (Classes A1/A2/A3/A4/A5) with associated parking and other works including diversion/extinguishment/creation of rights of way.			
Application number	11/01400/FUL	Application type	FUL
Case officer	Jenna Turner	Public speaking time	15 minutes
Last date for determination:	07.12.11	Ward	Harefield
Reason for Panel Referral:	Major planning application on Council Land	Ward Councillors	Cllr Fitzhenry Cllr Daut Cllr Smith
Applicant: Lovell Partnerships Ltd/First Wessex		Agent: Pope Priestley Architects Llp	
Recommendation Summary	Conditionally Approve		

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set out on the attached sheet. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on 22.11.11 do not have sufficient weight to justify a refusal of the application. The proposal would be in keeping with the site and surrounding properties and would not have a harmful impact on the amenities of the neighbouring properties. 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 taking account of the following planning policies:

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, H1, H2, and H7 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS4, CS5, CS13, CS16, CS19, and CS20 and the Council’s current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS1 (Delivering Sustainable Development), PPS3 (Housing 2010) and PPG13 (Transport 2011) are also relevant to the determination of this planning application.

Appendix attached			
1	Development Plan Policies	2	Planning History

Recommendation in Full

1. Conditional Approval - Subject to:

- (a) Confirmation in writing by the applicant prior to the grant of planning permission that the attached draft Heads of Terms are acceptable;
- (b) 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 applicant (and any other landowner) entering into a S.106 legal agreement with the Council to provide the following planning obligations:
 - i) A minimum on-site provision of 11 dwellings (ie.35% of the net gain) to be provided on-site as affordable housing in accordance with adopted LDF Core Strategy Policy CS15;
 - ii) A financial contribution and/or the implementation and maintenance of an agreed series of site specific transport 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 adopted LDF Core Strategy policies CS18 and CS25;
 - iii) A financial contribution and/or the implementation and maintenance of an agreed series of strategic transport projects for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
 - iv) Financial contributions towards the relevant elements of public open space required by the development – including the replacement of the existing children’s playarea - in line with Policy CLT5 of the City of Southampton Local Plan Review (March 2006) as supported by adopted LDF Core Strategy policies CS21 and CS25;
 - v) Submission and implementation of a Training & Employment Management Plan committing to adopting local labour and employment initiatives (during and post construction) in line with adopted LDF Core Strategy policies CS24 and CS25;
 - vi) 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;
 - vii) Agreement of construction vehicle routing; and,
 - viii) The funding of Traffic Regulation Orders (TRO) required to enable the development to be implemented.
- 2. That the Planning and Development Manager be given delegated authority to add or vary any of the attached planning conditions and relevant parts of the Section 106 agreement,

1. Background

- 1.1 The application has been submitted as part of the Council's Estates Regeneration programme, the central aim of which is to address economic deprivation and social disadvantage on the Council's estates through the renewal of existing neighbourhoods. Along with the sites at Laxton Close and Meggeson Avenue, the application site is one of the phase 2 Estates Regeneration sites. The applicant is in partnership with First Wessex affordable housing provider. The application

proposal has evolved following an extensive public consultation exercise and pre-application discussions.

2 The site and its context

- 2.1 The application site covers an area of 2.18 hectares and the current uses on the site include 93 residential units, which comprise flats and sheltered housing, the Exford Drive Local Centre, the Exford Arms public house and the Mulberry Centre. The Exford Arms is detached from the main site. The Local Centre comprises a parade of shops with flats above and the uses within it include a pharmacy, convenience shop and hot food takeaway.
- 2.2 The site was originally developed in the 1960s and the built form comprises 2, 3, 5 and 6 storey development which is predominantly flat roof design of poor architectural quality. The existing development on the site has been subject to a high degree of anti-social behaviour which can be attributed to the existing design and layout which incorporates extensive areas of dead frontages at ground floor level as well as open space and parking areas, which do not benefit from natural surveillance.
- 2.3 There is a large area of open space which wraps around the outer edge of the main site and this area contains several mature TPO trees, including a significant belt of trees to the east of the site. The open space also contains a children's play area and a number of public footpaths which traverse the open space and link the existing parade of shops with the surrounding residential area. There is a significant change in levels across the site; the land slopes upwards steeply from Somerset Avenue and the main development is built upon an engineered plateau.
- 2.4 The surrounding area is residential in nature and mainly comprises two-storey terraced and semi-detached dwellings, constructed of red brick and simply designed. The surrounding area has a clear suburban character with residential development interspersed with areas of green amenity open space.

3. Proposal

3.1 Type and level of accommodation

The application seeks planning permission for the demolition of the existing buildings on the site and the redevelopment to provide a mixture of flats and houses on the main site, and a mixture of commercial and flats on the Exford Arms site. A total of 119 units would be provided on the main site. When compared with the existing residential development, an overall increase in 32 dwellings would be achieved across the site. The residential development comprises 35 family dwellings (3 and 4 bedrooms) and 90 flats (1, 2 and 3 bedrooms). A total of 48% of the development would be affordable housing units.

- 3.2 The Exford Arms site would be redeveloped to provide 620 sq.m of commercial floorspace to the ground floor and 6 general purpose flats above. This commercial would comprise a convenience retail unit and another unit which could be subdivided into two and provide commercial uses which provide a direct service to the public.

3.3 Layout

The development of the main site would be laid out in a perimeter block form with the development designed to front onto the streets with amenity space internalised. The proposed family dwellings would be positioned to the west of the site and flatted development concentrated to the western edge of the site.

- 3.4 The large area of open space around the edge of the site would be retained, as would the large belt of trees to the east of the site as well as those between the

western site boundary and the neighbouring residential properties on White Hill Close and Steep Close. The development would result in the loss of 41 trees from the centre of the site but the proposed layout plans indicate that 52 new trees would be provided on the site. The existing children's play area would be re-provided to the south side of the site.

3.5 Scale and Design

The scale of the buildings across the main site would range from 3-storey townhouses and 3, 4, 5 and 6 storey flatted blocks. The taller buildings proposed on site are concentrated to the lower level eastern part of the site. The development would have a contemporary appearance which uses a varied materials palette which includes buff and grey facing brickwork, brown horizontal strip cladding and grey vertical seamed cladding.

3.6 The Exford Arms site would be redeveloped to provide a part single, part two and three storey building. The design approach for the Exford Arms site closely follows the main site.

3.7 Access and Parking

A total of 119 car parking spaces are proposed to serve the 119 residential units on the main site. A mixture of car parking types is provided including integral garages for many of the houses, on-street bays and rear car parking courts. A further 6 car parking space are proposed to the rear of the block on the Exford Arms site to serve the residential use and a further 15 car parking spaces are proposed in the existing lay by opposite the site to serve the commercial units.

3.8 Exford Drive would be retained as the vehicular route into and out of the main site and would be realigned slightly. New vehicular and pedestrian routes would be also provided through the site. As well as a service lay-by on Exford Avenue, two new points of vehicular access would be provided to the Exford Arms site, one to access the residential parking area to the west of the proposed building and another to a service yard to the south-east of the building.

3.9 All of the family housing units would be served by purpose built cycle and refuse stores and the flatted blocks incorporate integral communal cycle and refuse storage.

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 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.

4.3 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.

5. Relevant Planning History

5.1 The planning history for the site is set out in **Appendix 2**.

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, placing a press advertisement (22.09.11) and erecting a site notice (15.09.11). At the time of writing the report **2** representations have been received from surrounding residents and confirmation of no objection received from the City of Southampton Society. The following is a summary of the points raised:

6.2 ***The surface water and sewerage infrastructure is inadequate in the area and the proposed development will exacerbate existing issues with this.***

6.3 Response

Southern Water have raised no objection to the application and have indicated that measures will need to be put in place to ensure that there is an adequate sewerage infrastructure put in place to serve the development. In accordance with Southern Water's recommendations, a planning condition is suggested to ensure that details of these measures are agreed by the Local Planning Authority in association with Southern Water before development commences and that these measures are fully implemented as required. In addition to this, a condition is suggested to secure a Sustainable Urban Drainage System to address surface water disposal from the development. As such, it is considered that the existing issues with the surface water disposal and sewerage infrastructure in the area can be resolved.

6.4 ***The height of the development could cause a loss of privacy to existing residents in Somerset Avenue.***

6.5 Response

The height of the tallest building on site is 6 storeys and is 6 metres taller than the tallest existing buildings on site. The proposed taller buildings would be positioned to the edge of the existing open space and behind a mature tree screen, which acts as a buffer between the development and nearby residential neighbours. There would be 70 metres separation between the taller building and the nearest residential dwellings that they face on Somerset Avenue. As such, it is considered that no harmful overlooking would occur as a result of the development.

6.6 ***The service entrance for the commercial element on the Exford Arms site could create a safety issue for pedestrians using the adjacent footpath.***

6.7 Response

6.8 It is proposed to locate a service lay by on Exford Avenue to serve the proposed commercial units on the Exford Arms site. A dedicated public footpath would be provided between this lay by and the proposed building and the visibility of the footpath from the lay by would be acceptable. As such, the Highways Team have raised no objection to the proposal.

6.9 ***The commercial units could lead to noise and disturbance to the nearby residential properties.***

6.10 Response

The proposed commercial units would replace an existing public house use, the hours of operation of which are unrestricted by planning conditions. As such, subject to restricting the hours of operation for the proposed units, it is considered that the proposal would represent an improvement when compared with the lawful use of the site.

6.11 **Consultation Responses**

- 6.12 **SCC Highways** – No objection. The access arrangements are acceptable and the level of parking proposed should minimise the risk of overspill parking on the surrounding streets. Suggests conditions to secure detailed design of the roads and footpaths, the management of the construction process, to secure visibility sight lines and cycle and refuse storage.
- 6.13 **SCC Housing** – No objection. There is a requirement to provide 14 affordable (35% of the net gain of units proposed) housing units and the provision of these units on site is acceptable.
- 6.14 **SCC Policy** - No objection. The principle of development is acceptable. The reconfiguration of the open space and recreational facilities is acceptable.
- 6.15 **SCC City Design** – No objection. The scheme is well thought out and provides an excellent opportunity to regenerate the area and remedy many of the design problems of the existing development.
- 6.16 **SCC Sustainability Team** – No objection. The submitted information demonstrates that the residential development will achieve level 4 of the Code for Sustainable Homes and the commercial will meet a BREEAM rating of Very Good. This exceeds the policy requirements. Planning conditions are suggested to secure the sustainability measures.
Note: These conditions have been added
- 6.17 **SCC Trees Team** - No objection. The proposal will result in the loss of 41 low amenity trees, the loss of which can be mitigated with replacement planting. The important parkland trees on the site would be retained. Suggests conditions to secure replacement trees and to protect those to be retained throughout the construction process.
- 6.18 **SCC Rights of Way Officer** – No objection. The proposal will require the stopping-up, diversion and extinguishment of existing rights of way. Key pedestrian routes are retained and this is supported.
- 6.19 **SCC Environmental Health (Pollution & Safety)** – No objection. Suggests conditions to minimise disruption during the construction process and to control the hours of operation of the commercial units on the site.
Note: These conditions have been added
- 6.20 **SCC Environmental Health (Contaminated Land)** - No objection. There is a potential for the site to be subject to historic contamination and therefore conditions are suggest to investigate the risk and secure any mitigation measures, as well as to manage any materials imported to the site.
Note: These conditions have been added
- 6.21 **SCC Ecology** – No objection. The proposal should not have an adverse impact on local biodiversity. Suggests conditions to secure an ecological mitigation statement, the protection of nesting birds during the demolition and construction phase, a detailed lighting design and to secure hand stripping of features during the demolition phase in case of the presence of bats.
Note: These conditions have been added
- 6.22 **SCC Archaeology** – No objection. Suggests conditions to secure archaeological investigation of the site.
Note: These conditions have been added
- 6.23 **BAA** – No objection. Suggests a condition to secure a Bird Hazard Management Plan and a note to applicant regarding the use of cranes.
Note: This condition has been added
- 6.24 **Southern Water** – Initial investigations indicate that there is inadequate capacity in the existing network to provide foul sewerage disposal to serve the development. As such, additional off-site sewers and/or improvements to existing

sewers are likely to be required. A condition is suggested to ensure that details of arrangements for foul and surface water disposal are agreed before development commences.

Note: This condition has been added

7. Planning Consideration Key Issues

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

- i. The principle of development together with the development of open space and the redevelopment of a Local Centre and existing community facility;
- ii. The principle of a tall building;
- iii. The design of the proposal together with the impact on the character of the area together with the impact on the protected trees;
- iv. The impact on the amenities of neighbours of the site;
- v. The quality of the residential environment proposed;
- vi. The impact on protected trees;
- vii. Parking and highways;
- viii. Sustainability and;
- ix. Section 106 Mitigation and Viability

7.2 Principle of Development

7.2.1 The application site is not allocated for development purposes within the Development Plan but the principle of making more efficient use of previously developed land to provide residential development is acceptable.

7.2.2 The existing parade of shops on the site is identified as a Local Centre by saved policy RE16 of the Local Plan and policy CS3 of the Core Strategy. These policies require ground floor units to be used for purposes which provide a direct service to the public. Policy CS3 of the Core Strategy permits the comprehensive redevelopment of a local centre where the loss of retail facilities can be justified. As part of the application proposal, the existing commercial units that comprise the Local Centre would be demolished and replaced with new commercial units on the Exford Arms site. Overall, there would be a net loss of 410sq.m of commercial floorspace. Prior to the submission of the application, the Council undertook a detailed review of the existing Local Centre, which took into account the vitality and viability of the existing Local Centre. The study recommended that the replacement facility should provide no less than 600 sq.m of commercial floorspace and include convenience retail. The replacement Local Centre provision is therefore, considered to be acceptable and the proposal has met the provisions of saved policy RE16 of the Local Plan and CS3 of the Core Strategy.

7.2.3 Policy CS3 of the Core Strategy also requires the retention of existing community facilities such as the Mulberry Centre unless their loss can be fully justified or the facility re-provided elsewhere in the vicinity of the site. The Council has undertaken a review of existing community centres and the services provided by the existing community centre on the site will instead be provided by merging existing community facilities in the area. The loss of community facility is therefore considered to be acceptable in this instance.

7.2.4 Whilst, the significant belt of open space that wraps around the main site would be retained, the development would result in some loss of existing communal amenity space areas within the centre of the site. The proposed development incorporates a range of open space including hard landscaped open space, private residential gardens, play space and green open space. Overall, there would be an increase in the open space on site by approximately 400sq.m. In addition to this, the quality of the open space is considered to be a significant improvement to what currently exists, with enhanced functionality and usability

and an improved relationship with the built form. The development is therefore considered to meet the provisions of Core Strategy policy CS21.

- 7.2.5 The site lies within an area of Low Accessibility for public transport and the Core Strategy supports residential development of between 35 and 50 dwellings per hectare within such locations. The proposed density range of 57 dwellings per hectare is slightly in excess of this, and needs to be assessed in light of the Council's other standards for residential design and layout. This is discussed in more detail below.
- 7.2.6 The development provides 36 genuine family housing units which constitutes 28% of the development. This is slightly less than the 30% target which the Core Strategy seeks; however, the proposal represents a significant improvement on the existing mix of accommodation on site which does not provide any genuine family housing and 14 of the housing units would be provided as Affordable Housing. Furthermore, the proposal also provides a range of accommodation types and would therefore contribute to the creation of a mixed and balanced community. The proposal is therefore considered to accord with the provisions of policy CS16 of the Core Strategy.
- 7.3 Principle of a Tall Building
- 7.3.1 Saved policy SDP9 of the Local Plan describes tall buildings as those which are five or more storeys in height and accepts the principle of tall buildings at certain defined locations within the city. The application site is not identified as being suitable in principle for a tall building. That said, the site currently contains buildings of up to 6 storeys in height and the proposed tallest building would be just 6 metres taller than that which currently exists.
- 7.3.2 The location of the tall building on the site has been carefully chosen to have a positive impact on the site and the surrounding area. There is a clear graduation in height from the lower scale development at the top of the hill to the taller development at the bottom, allowing the taller elements to successfully integrate into the context. The proposed six storey building would be positioned at the lowest part of the site and aligns with the key junction of Somerset Avenue and Exford Avenue. As such the building would provide a key focal point and visual gateway into the main site.
- 7.3.3 In addition to this, the six storey element of the proposal would be positioned to the edge of the open space which, along with the mature TPO trees would soften the appearance of the development when viewed from surrounding streets. Furthermore, the proposed taller buildings on the site would provide a strong built edge to the development which would frame the open space.
- 7.3.4 The principle of the re-provision of a six-storey building on the site is therefore considered to be acceptable.
- 7.4 Character and Design
- 7.4.1 The proposed development would have a cohesive design approach with the flatted and housing blocks made clearly legible through their design. A contemporary design approach has been chosen which, whilst it does not replicate the appearance of properties within the surrounding area due to the comprehensive nature of the development, would essentially create its own character. Moreover, the high-quality appearance on this prominent site would have a positive impact on the surrounding area.
- 7.4.2 The development is well-articulated through the use of a varied palette of materials and design features which create a sense of rhythm throughout the development.
- 7.4.3 The lower scale houses on the site are positioned where they would clearly be read in the context of the two-storey dwellings which neighbour the site and ensures the development would integrate into its context. As discussed above,

the positioning of the taller building to the lower level of the site against the backdrop of the open space would ensure that the greater scale would not appear out of keeping with the surrounding area.

7.4.4 The perimeter block form of the development provides active frontages to pedestrian and vehicular routes and areas of open space and car parking would also benefit from a good level of natural surveillance. Key pedestrian links into and through the site are reinforced by the alignment of buildings.

The development proposal would therefore, help to remedy the design issues created by the existing development on the site.

7.4.5 The soft landscaping frontage to the development, together with the retention of the large area of green open space around the edge of the development, would ensure that the proposal would not appear over-intensively developed when viewed from the surrounding area. In particular, the use of soft landscaping and the positioning of hard-surfaced areas in relation to existing mature trees and open space would also ensure that the development would not appear car dominated. Whilst the proposal does result in the loss of trees from the site, the important mature amenity trees would be retained and the proposal incorporates replacement tree planting within the development to compensate for those to be lost. A condition is suggested to secure tree planting at a ratio of 2 replacement trees for every one to be removed.

7.4.6 The proposal for the Exford Arms site addresses the sensitivity of this block's proximity to the single and two-storey residential dwellings which closely neighbour it. The development steps up from the two-storey development on Somerset Avenue and the additional height to the junction of Somerset Avenue and Exford Drive helps to create a positive corner focus. Since the site is at a lower level than the neighbouring bungalows on Exford Avenue and the scale of development steps down again adjacent to the single-storey neighbours, the height of the development is acceptable within its context.

7.4.7 Furthermore, the relocation of the Local Centre to the Exford Arms site will enhance the vitality of the units by positioning them at this prominent corner location.

7.5 Residential Amenity

7.5.1 The key considerations in respect of residential amenity are; (i) the impact of the taller flats to the east of the site with the neighbouring properties in White Hill Close and Steep Close; (ii) the relationship of the proposed building on the Exford Arms site with the adjacent residential properties and; (iii) the relationship of the taller buildings with the properties in Somerset Avenue.

7.5.2 (i) Relationship with White Hill Close/Steep Close

The proposed development adjacent to this site boundary is between 10 and 22 metres of the boundary and ranges between 2 storeys and 5 storeys in height. The existing residential development on the site adjacent to this boundary is 5 storeys in scale and positioned between 5 and 10 metres of the site boundary. The proposal would therefore represent an improvement when compared with the existing situation.

7.5.3 Furthermore, it is important to note that the application site is at a lower level than the neighbouring residential properties and the site is well screened by mature boundary planting which is proposed to be retained. It is therefore considered that the proposal is acceptable in this respect.

7.5.4 (ii) Relationship of Exford Arms with adjacent neighbours

Whilst the single-storey element of this block projects further to the rear than its neighbours (of between 10 and 12 metres), the upper floors respect the rear building lines of the neighbouring properties. The southern elevation of the building which faces onto the garden with the neighbouring property at 55

Somerset Avenue, is positioned over 25 metres away from the boundary. No balconies are proposed on the rear elevation of the building. As such, it is considered that the development would not result in harmful overlooking, or outlook on the neighbouring residential properties. Furthermore, the removal of loss of a public house use is considered to be betterment in planning terms.

7.5.5 (iii) Relationship with tall buildings with Somerset Avenue

Having regard to the 70 metre separation between the taller buildings to the east of the site and the nearest properties on Somerset Avenue, as well as the intervening open space and mature trees, there would not be a harmful impact on the amenities of the occupiers of Somerset Avenue.

7.5.6 The impact of the development on the surrounding properties as detailed above, and in respect of the other nearby residential properties is judged to be acceptable.

7.6 Residential Environment

7.6.1 The family houses all have access to private gardens which comply with the minimum amenity space standards as set out in the Residential Design Guide. The flatted blocks would be served by a combination of private balconies and communal ground floor space. Amenity space areas would relate well to the dwellings which they serve and provide genuine useable areas. Furthermore, occupants of the development would have use of the retained public open space around the site and the children's play area.

7.6.2 The outlook from habitable room windows would provide a good quality internal environment for future occupants. The layout of the development has also been designed to minimise the number of units with a single northerly aspect. The position of buildings in relation to one another is compatible.

7.6.3 The dwelling units would all have access to purpose built cycle and refuse storage which are located conveniently in relation to the houses and the refuse collection points. The flatted developments are served by refuse and cycle stores which are integral to the building.

7.6.4 It is therefore considered that the development would create a high quality residential environment for prospective occupiers which would represent a significant improvement when compared with the existing development on site.

7.7 Parking and Highways

7.8.1 The proposed number of car parking spaces accord with the newly adopted Parking Standards Supplementary Planning Document and providing parking at a ratio of one space per dwelling, will minimise the potential for overspill car parking on the surrounding residential streets.

7.8.2 The vehicular routes through the site have been designed as shared surfaces between vehicles and pedestrians and the width, alignment and use of planting in these routes will create successful residential streets which will give priority to pedestrians and cyclists over the private car. Key pedestrian routes through the site have been retained. Overall, the proposed layout would create a positive public realm for future occupants and other users of the site.

7.8 Sustainability

7.8.1 The development has been designed to meet level 4 of the Code for Sustainable Homes which exceeds the requirements of the Core Strategy. The development would make use of photovoltaics and Air Source Heat pumps to achieve the required savings in carbon dioxide emissions and also includes measures for water conservation. The development is therefore, considered to be acceptable in this respect.

7.9 S.106 Mitigation and Viability

7.9.1 The applicants have agreed to enter into a S.106 legal agreement with the Council (at the land transfer stage). It is, however, likely that the application will

be supported by an up-to-date viability appraisal of the proposal that concludes that a full S.106 contribution makes the delivery of the scheme non-viable on a commercial basis. A scheme's viability is a material consideration where it is directly linked to housing delivery and the wider regeneration benefits. The applicant's submitted appraisal will need to be independently tested before the Council can agree to waive any of its normal requirements. It is recommended that the Planning and Development Manager be delegated power to vary relevant parts of the Section 106 agreement following the outcome of the viability appraisal. As part of these negotiations due weight will be afforded to the applicant's offer that 61 of the 125 dwellings (48% of total) shall be provided as 'affordable'.

8.0 Summary

8.1 The proposed redevelopment would significantly enhance the character and appearance of the area and provide a high quality residential environment for future occupants. The improvement in the choice of types of residential accommodation is welcome and in particular the provision of genuine family housing. The development would resolve existing issues that the current development experiences whilst respecting the amenities of the surrounding residential occupiers. The proposal would make more efficient use of the site but whilst retaining important open space and landscape features.

9.0 Conclusion

9.1 Subject to the imposition of the suggested conditions attached to this report and signing of the S.106 planning agreement, 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 (b) (f), 6 (a) (i), 7 (a) (e) (g) (t) 9 (a)

JT for 22/11/11 PROW Panel

PLANNING CONDITIONS

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

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

Reason:

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

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

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

surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site.

Reason:

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

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

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

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

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

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

Reason:

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

04. APPROVAL CONDITION - Code for Sustainable Homes [pre-occupation condition]

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

05. APPROVAL CONDITION - BREEAM Standards (commercial development) [Pre-Occupation Condition]

Written documentary evidence demonstrating that the development has achieved at minimum a rating of Very Good against the BREEAM standard shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted, unless an otherwise agreed timeframe is agreed in writing by the LPA. The evidence shall take the form of a post construction certificate as issued by a qualified BREEAM certification body.

Reason:

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

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

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

A specification of the type of construction proposed for the roads, cycleways and footpaths including all relevant horizontal cross-sections and longitudinal sections showing existing and proposed levels together with details of street lighting, signing, white lining and the method of disposing of surface water.

A programme for the making up of the roads and footpaths to a standard suitable for adoption by the Highway Authority.

Reason:

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

07. 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.

08. APPROVAL CONDITION – Parking, access and laybys [performance condition]

Unless otherwise agreed in writing by the Local Planning Authority, prior to the development first coming occupation the parking, access and service and parking lay-bys shall be provided and made available for use in accordance with the details hereby approved. These facilities shall thereafter be retained as approved.

Reason:

In the interests of highway safety

09. Refuse & Recycling Bin Storage – Details to be submitted [pre-commencement condition]

Notwithstanding the information already submitted, details of the elevations of the storage of refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved. The facilities shall include accommodation for the separation of waste to enable recycling. The approved refuse and recycling storage shall be thereafter retained.

Reason:

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

10. APPROVAL CONDITION – Cycle Storage [pre-commencement condition]

Prior to the commencement of the development hereby approved details of the external appearance of the cycle storage shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the approved details and the storage thereafter retained as approved.

Reason:

To promote cycling as an alternative mode of transport to the private car

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

Prior to the commencement of any development a written construction environment management plan shall be submitted to and approved by the LPA. The plan shall contain method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary. The plan shall also include details of lorry routing and delivery times for construction traffic, with delivery times avoiding peak times. All specified measures shall be available and implemented during any processes for which those measures are required.

Reason:

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

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

Sight lines shall be provided before the use of any building hereby approved commences, and notwithstanding the provisions of the Town and Country Planning General Development Order 1988 no fences walls or other means of enclosure including hedges shrubs or other vertical structures shall be erected above a height of 0.6m above carriageway level within the sight line splays

Reason:

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

13. 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.

14. 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.

15. APPROVAL CONDITION – Arboricultural Method Statement [performance condition]

Unless otherwise agreed in writing by the Local Planning Authority, the development shall proceed in accordance with the recommendations of the submitted DF Clark Arboricultural Impact Assessment report no DFC 1064.

Reason:

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

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

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

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

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

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

Reason:

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

17. 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.

18. 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.

19. APPROVAL CONDITION - Demolition Statement [Pre-Commencement Condition]

Precise details of the method and programming of the demolition of the existing property shall be submitted to and approved by in writing by the Local Planning Authority prior to the implementation of the scheme and shall include measures to provide satisfactory suppression of dust during the demolition works to be carried out The agreed scheme shall be carried out to the details as specified in the demolition programme unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of the amenity of adjacent residential properties.

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

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

Reason:

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

21. APPROVAL CONDITION - Extract Ventilation - control of noise, fumes and odour [Pre-Commencement Condition]

No development shall take place until a written scheme for the control of noise, fumes and odours from extractor fans and other equipment have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and findings.

Reason:

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

22. APPROVAL CONDITION - Bonfires [Performance Condition]

No bonfires are to be allowed on site during the period of demolition, clearance and construction.

Reason:

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

23. 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.

24. APPROVAL CONDITION - Hours of use commercial establishments [Performance Condition]

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

11.00 hours to 23.00 hours (11.00am to 11.00pm)

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

Reason:

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

25. 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.

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

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

Reason:

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

27. APPROVAL CONDITION – Lighting Scheme [pre-commencement condition]

Prior to the commencement of the development hereby approved a detailed lighting scheme shall be submitted to the Local Planning Authority for approval. This shall include details of the lighting of the entrances to the building, cycle and refuse store. The scheme shall be implemented in accordance with the approved details prior to the development first coming into occupation.

Reason:

To secure a safe and attractive environment for users of the site

28. APPROVAL CONDITION – Demolition/protection of bats [performance condition]

During the course of demolition works, unless otherwise agreed in writing by the Local Planning Authority, features that could support bats shall be hand stripped.

Reason:

In the interests of local biodiversity

29. APPROVAL CONDITION – Foul Water Disposal [pre-commencement condition]

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

Reason:

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

30. APPROVAL CONDITION – Sustainable Drainage Systems (Pre-commencement 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.

31. APPROVAL CONDITION - Amenity Space Access [performance condition]

The garden and amenity space areas shown on the site plan, and pedestrian access to it, shall be made available as amenity space prior to the first occupation of the flats hereby permitted and shall be retained with access to it at all times for the use of all occupiers of the development .

Reason:

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

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

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

Reason:

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

33. APPROVAL CONDITION- Green roof feasibility study (Pre-Commencement)

A detailed feasibility study for a green roof must be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the development hereby granted consent. If the study demonstrates the site has the capacity for the green roof, a specification shall be agreed in writing with the Local Planning Authority. The green roof to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained and maintained thereafter.

Reason:

To reduce flood risk and manage surface water run off in accordance with core strategy policy CS20 (Tackling and Adapting to Climate Change) and CS23 (Flood risk), combat the effects of climate change through mitigating the heat island effect in accordance with policy CS20, enhance energy efficiency through improved insulation in accordance with core strategy policy CS20, promote biodiversity in accordance with core strategy policy CS22 (Promoting Biodiversity and Protecting Habitats), contribute to a high quality environment and 'greening the city' in accordance with core strategy policy CS13 (Design Fundamentals), and improve air quality in accordance with saved Local Plan policy SDP13.

34. APPROVAL CONDITION - Bird Hazard Management Plan (BHMP) - BAA

Development shall not commence (excluding the demolition and site preparation phase) until a Bird Hazard Management Plan (BHMP) has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of the management of any flat or shallow pitched roof that may be attractive to nesting, roosting and loafing birds and include details for preventing birds from perching in the window reveals. The BHMP shall comply with BAA's Advice Note 8. The BHMP shall be implemented as approved upon completion of the roof and shall remain in force for the life of the development. No subsequent alterations to the BHMP are to take place unless first submitted to and approved in writing by the Local Planning Authority.

Reason:

It is necessary to manage the roofs in order to minimise its attractiveness to birds which could otherwise endanger the safe movement of aircraft and the operation of Southampton Airport

35. APPROVAL CONDITION – Archaeological work programme

No development shall take place within the application site until the applicant has secured the maintenance of an on site watching brief by a suitably qualified and experienced archaeologist during construction work in accordance with a written detail which has been submitted to and approved by the local planning authority.

Reason:

The Local Planning Authority wishes to ensure that adequate arrangements are made to allow an archaeological watching brief to take place during all new foundations, below ground works and excavation phases of the development. The purpose of the watching brief is to ensure that any agreed design measures to preserve the archaeological remains in situ are correctly implemented on site and to allow investigation and recording of any archaeological evidence that might be revealed in areas not covered by preservation measures.

36. APPROVAL CONDITION – Restricted Use by Classification [Performance Condition]

The ground floor commercial uses within block k (former Exford Arms site) hereby approved shall be limited to Use Classes A1/A2/A3/A4/A5 of the Town and Country Planning (Use Classes) Order 1987 (or any amendment to, replacement of, or reinstatement of that Order).

Reason:

To ensure that the ground floor provides a Local Centre which offer a direct service to the public.

37. APPROVAL CONDITION – replacement trees [Performance Condition]

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

Reason:

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

38. APPROVAL CONDITION - Active frontages

Notwithstanding the provisions of Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007 the occupier(s) of the ground floor commercial uses in block k (former Exford Arms) shall retain an 'active window display' along the length of the shop frontages hereby approved (ie. without the installation of window vinyls or roller shutters) unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of retaining a lively and attractive streetscene.

39. 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)

CS3	Promoting Successful Places
CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
HE6	Archaeological Remains
CLT3	Protection of Open Spaces
CLT5	Open Space in New Residential Developments
CLT6	Provision of Children's Play Areas
CLT7	Provision of New Public Open Space
H1	Housing Supply
H2	Previously Developed Land
H6	Housing Retention
H7	The Residential Environment
REI6	Local Centres
REI7	Food and Drink Uses (Classes A3, A4 and A5)

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - August 2005 and amended November 2006)
Parking Standards SPD (September 2011)

Other Relevant Guidance

PPS1 Delivering Sustainable Development (2005)
PPS3 Housing (June 2011)

PPS5 Planning Policy Statement 5: Planning for the Historic Environment (March 2010)
PPG13 Transport (April 2001)
PPG17 Planning for Open Space (July 2002)
PPS22 Renewable Energy (August 2004)

Application 11/01400/FUL

APPENDIX 2

Relevant Planning History

11/01189/SCR

Not EIA 26.08.2011

Request for a screening opinion under Regulation 5 of the Town and Country Planning Environmental Impact Assessment (England and Wales) Regulations 1999 prior to a planning application for redevelopment of the site to provide 121 residential units (35 houses and 86 flats) and 620 square metres of retail/commercial floorspace with associated communal landscaped areas, play areas, private gardens and parking.

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Agenda Item 9

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 22 November 2011
Planning Application Report of the Planning and Development Manager

Application address: Tesco Stores Ltd, Tebourba Way, SO16 4QE			
Proposed development: Alterations and extensions to the existing retail store to provide an additional 2,030 square metres floorspace with associated access, landscaping, servicing and parking arrangements.			
Application number	11/01150/FUL	Application type	FUL
Case officer	Richard Plume	Public speaking time	15 minutes
Last date for determination:	17.10.2011	Ward	Millbrook
Reason for Panel Referral:	Major planning application with objection	Ward Councillors	Cllr Furnell Cllr Thorpe Cllr Wells

Applicant: Tesco Stores Limited	Agent: Alsop Verrill Llp
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The Council has taken into account the applicants findings on the retail impact of the development and the sequential approach to site selection and found these issues to be satisfactorily addressed as required by Local Planning Policies and the guidance in PPS4. The Council considers the applicants 'fallback position' of a mezzanine floor to be an important material consideration in this case. Other material considerations have been considered including transportation, design and landscaping and these 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, SDP4, SDP5, SDP7, SDP9, SDP11, SDP13, SDP16, HE6 and TI2 of the City of Southampton Local Plan Review (March 2006) and CS3, CS6, CS13, CS18, CS19, CS20, CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

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

- i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), Policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
- ii. A financial contribution towards strategic transport projects for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
- iii. A financial contribution towards public realm and related improvements in Shirley Town Centre;
- iv. 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.
- 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. An obligation that the operator will not implement the mezzanine floor approval following the grant of this consent.
- vii. Submission and implementation of a Travel Plan

1. The site and its context

- 1.1 The application site is approximately 3.2 hectares in area and is situated on the western side of Tebourba Way between the junctions with Oakley Road and William Macleod Way. The existing retail foodstore is a single-storey building in the north western part of the site and currently comprises gross floorspace of 6,026 square metres and a retail sales area of 3,060 square metres floorspace. The site also includes a petrol filling station, a recycling centre and a large delivery area. There are currently 496 car parking spaces on site and several mature trees which are subject of a Tree Preservation Order. Vehicular access to the site is from Tebourba Way and William Macleod Way with pedestrian access points from Oakley Road and Tebourba Way.
- 1.2 The surrounding area is mixed in terms of uses, building age and type with industrial activities on the east side of Tebourba Way, two-storey houses to the south on Oakley Road and a mixture of health service buildings and offices adjoining to the north and west.

2. Proposal

- 2.1 The current application proposes to re-model and extend the existing retail store with additional sales floorspace at ground floor level and a customer cafe and staff area at mezzanine level. It is proposed to extend the gross internal floor area of the store by 2,269 square metres which would be an additional 2,030 sq.m. retail sales floorspace. As extended, the total gross internal floorspace of the store would be 8,295 square metres and a total retail sales area of 5,090 square metres. The proposed layout would extend the store to the east and provide a more regular square footprint. The proposed external materials would be predominantly timber and glass with a timber clad enclosure to the service yard.
- 2.2 The land the store would extend onto is currently occupied by the service yard and car park. It is proposed to alter the internal access roads to improve vehicle

circulation and the layout of the service yard with a one-way system for service vehicles. The car park would be remodelled and the number of parking spaces would increase by 2 from 496 to 498. 26 of these parking spaces will be designated disabled spaces to be located along the central pedestrian path. 15 of the parking spaces will be designated parent and child spaces. The number of cycle parking spaces will increase from 6 to 46. The existing Combined Heat and Power Station would be relocated within the service yard. The existing petrol filling station and public recycling facilities will be retained. Two trees would be removed adjoining the service yard, additional tree planting would be provided within the car park. The applicant states that the number of full time employees at the site would increase by 50 as a result of this scheme, from 391 to 441.

2.3 The application is accompanied by a series of supporting documents including a Design and Access Statement, Planning and Retail Assessment, Transport Assessment, Flood Risk Assessment, Landscape Statement, Noise Assessment and a Sustainability Assessment.

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**. National Planning Policy for all economic development, including main town centre uses such as retail are set out in PPS4: Planning for Sustainable Economic Growth.

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

4. Relevant Planning History

4.1 The original store was granted planning permission in 1993 for the redevelopment of land at the Western Hospital to provide a food superstore with associated car parking, petrol filling station, servicing and a new access from Tebourba Way (reference 92/10812/FUL).

4.2 In 2002, planning permission was granted for a single-storey extension to the east side of the store to increase the gross floorspace from 5,640 square metres to 6,095 square metres (reference 02/00655/FUL).

4.3 In March 2008, a Certificate of Lawfulness was issued for the installation of a mezzanine floor to provide additional retail sales floorspace (reference 07/00220/LDCE).

4.4 In October 2008, planning permission was granted for a combined heat and power unit in the service yard of the site (reference 08/01236/FUL). The position of the CHP unit was amended through a subsequent planning permission in May 2009 (reference 09/00312/FUL).

4.5 In July of this year, planning permission was granted for the erection of a single-storey canopy in the existing car park to provide a customer shopping collection facility (reference 11/00851/FUL).

5. Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (4 August 2011) and erecting a site notice (28 July 2011). At the time of writing the report **1** representation has been received from a surrounding resident raising the following points:

- There is no need for the additional space given the presence of other Tesco outlets in the vicinity.

Response: There is no longer a requirement for retail developments to demonstrate a need for the additional floorspace

- The extended height of the building would encroach on surrounding properties in terms of appearance, noise and light from the car park.

Response: There is currently an extensive tree screen along the southern site boundary which provides an effective tree screen. Although it is recognised that this screen is less effective during the winter months, the proposed store is some 120 metres away from the nearest residential properties in Oakley Road. It would be difficult to argue that this extension would have a significant impact on the amenities of neighbours given this amount of separation.

- The car park is often full already leading to overspill into adjoining streets. Providing just two extra parking spaces for this amount of development would be insufficient.

Response: As part of the applicant's Transport Assessment, car park surveys were undertaken which demonstrated a significant amount of spare capacity. Even at peak shopping times (Fridays and Saturdays) the level of occupancy was less than 60%.

- A larger store will fuel anti-social behaviour on the surrounding estate, partly due to the 24 hour operation and the sale of alcohol.

Response: This is essentially a management issue rather than a legitimate reason for with-holding planning permission. The existing hours of use of the store are 24 hour operation from 0600 hours on Monday to midnight on Friday, 0600 to 2200 hours on Saturday and 1000 hours to 1600 hours on Sundays and this is not intended to change. The Police have not objected to the application.

5.2 **SCC Highways** - No objections to the extension of the store or the re-design of the parking layout. Contributions through the Section 106 agreement will help to encourage sustainable modes of travel to and from the store via improved access and crossing facilities.

5.3 **SCC Planning Policy** - The key planning policies are Policy CS3 of the Core Strategy and PPS4. These policies seek to protect and enhance existing centres. The sequential approach means that out of centre retail proposals will not be supported if there is an alternative more centrally located site or if they would have a significant impact on the centre. However, in this case there is a 'fallback position' in the form of a mezzanine floor. In these circumstances there is no policy objection subject to mitigation measures which can be secured through a Section 106 agreement.

5.4 **SCC Sustainability Team** – Following the submission of an amendment to the energy statement confirming that the development would achieve a reduction of Co2 emissions of 12.8% when measured against the 2010 base case, there are no objections to this development subject to conditions being imposed.

5.5 **SCC Trees Team** –Trees on this site are protected by The Southampton (Western Hospital Site) T.P.O 1993. There appears to be suitable replacement planting which mitigates any tree loss. The majority of which is only young / semi-

mature planting within the existing car park. The only significant tree loss will be two mature Limes which again are to be replaced. This proposal will have very little affect on the visual amenity of the area as the existing tree planting in and around the site provides good screening. There are no tree reasons to support refusal of this application subject to suitable replanting and protection of retained trees.

5.6 **SCC Environmental Health (Pollution & Safety)** - No objections

5.7 **SCC Archaeology** – The site has considerable potential for archaeological remains. However, as long as a phased programme of works is carried out in advance of the development there is unlikely to be anything on the site that will prove to be an overriding constraint to development. The required works can best be secured by conditions.

5.8 **Hampshire Constabulary** – No objections to the development, although consideration should be given to the maintenance of foliage and trees which potentially aid in the concealment of criminal activity.

5.9 **Southern Water** – No objections to this proposal

5.10 **Environment Agency** - Any comments will be reported verbally at the meeting

6. Planning Consideration Key Issues

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

- The principle of the development and compliance with planning policy.
- Design, layout and trees.
- Transportation and car parking
- Section 106 issues

6.2 Principle of Development

The application site is not allocated in the Local Plan and in policy terms is not within or adjacent to a defined retail centre. The key policies are CS3 of the Core Strategy and government guidance within PPS4. These policies seek to protect and enhance centres. Out of centre retail proposals will not be supported if there is an alternative more centrally located site (the 'sequential approach') or if they would have a significant impact on the centre. The sequential approach is relevant to this application. In this case the proposal is for an extension and so an alternative site for the extension would not enable the whole store to operate as one. Nevertheless given the convenience – comparison split there could be scope for 'disaggregating' the store as in the case of the city centre where Tesco operate a non-food only store. Shirley Town Centre is the nearest centre to the application site being approximately 1km to the east of the site. The applicant has undertaken a sequential assessment of potential sites within Shirley Town Centre and found these alternative sites to be either too small or unavailable for development. Officers accept the findings of this sequential analysis.

6.3 Retail Impact

The applicants have indicated the size of the extension, the likely mix of convenience and comparison floorspace, and the likely size / mix of the mezzanine fall back. The extension would increase the net sales area of the existing store by just over 2,000 sq m. This is a slightly greater increase (by 241 sq m) than the mezzanine floor previously considered to be a lawful development. An extension is also likely to create a more attractive store, and so have slightly higher turnover per sq m than a mezzanine. Tesco suggest this will only be at most about 2% higher, and the Secretary of State has accepted this assumption elsewhere. Tesco also suggest, based on experience of their other stores, that an extension will lead to a lower pro rata increase in turnover than the floorspace

increase would suggest. It is important to bear in mind that the actual turnover achieved could vary and if the store upgrade were particularly successful it could be higher. The extension would increase the convenience floorspace by 284 sq m. This increase would not occur with the mezzanine as it is not the practice for supermarkets to provide convenience goods on an upper level. The applicant's retail impact assessment suggests that this increase will generate the following impact on nearby centres and their main supermarkets: 1.2% impact on convenience trade in Shirley Town Centre (impact on the existing Sainsbury's store of 1.4%, impact on Lidl store of 0.7%); impact on Lordshill Sainsbury's store of 1.1%; impact on City Centre convenience trade of 1% (Asda store - 1.8%); Portswood Centre 1.1% (Waitrose 1.5%). Officers have assessed the applicant's information and consider the key assumptions to be reasonable. These levels of impact on convenience trade would not have a significant impact on nearby centres.

6.4 The applicant has not assessed the impact on comparison trade on the basis that the mezzanine would have a similar level of comparison floorspace / turnover, and so there is no additional impact from the extension. The proposed comparison floorspace, at 1,745 sq m, is significant. Tesco's are likely to sell a range of non food goods from the store. They have indicated this would include: clothing, electrical goods, healthcare; and smaller amounts of home/cook ware, phones, toys, books, sports and car care. The comparison trade draw of the proposal is likely to come from a range of locations, including Southampton city centre, other (mainly out of centre) superstores, and surrounding town / district centres. The city centre is a regional centre and so the % impact of this proposal is likely to be relatively small. However the other centres are smaller and in some cases less robust, and the proposal is likely to trade in similar 'value' market niches. Therefore there is likely to be an impact, particularly on nearby centres such as Shirley. This impact would in itself be no greater than from a mezzanine. However there would be a cumulative impact with the additional convenience goods sold from the extension, which would have an overall impact on Shirley.

6.5 These retail impacts have to be considered against the 'fallback' position of the mezzanine floor which was granted a Certificate of Lawfulness in 2008. Work did commence on implementing this mezzanine floor and it is understood that Tesco have the legal right to complete these works. However, Tesco have stated they would much rather extend the store at ground level which would allow for wider improvements to the store. Compared with the mezzanine, the extension would result in an increase of just 284 square metres convenience sales floorspace whereas there would be a decrease of 129 sq.m. comparison sales floorspace. The applicants have also provided examples of stores in other locations, with similar floor to ceiling heights, where they have implemented mezzanines. Tesco have provided an illustration of the size of mezzanine they might construct. This might change if they needed to work up the proposal, although in broad terms it is within a range implemented elsewhere. In any case it is clear that Tesco would implement a mezzanine at Tebourba Way if they could not extend the store. Therefore the mezzanine is a genuine 'fall back' position and this is a significant material consideration in deciding this application. The Secretary of State has taken the same view in other similar cases for example at Ryde on the Isle of Wight where planning permission was granted for an extension instead of a mezzanine floor. Overall it is considered that the development is acceptable in retail policy terms given the specific circumstances of the case.

6.6 Design issues

The existing building now appears dated and undistinguished. The applicant considers the colonnade and entrance to be uninviting and they wish to create a more impressive contemporary building. The extension and re-modelling of the

store with an extensive glazed frontage would significantly enhance the appearance of the store and provide an improved customer shopping experience. An important characteristic of this site is its landscaped setting. There is an extensive screen of boundary planting which effectively screens the store and car parking area from public view for much of the year. This boundary planting would be retained. There is also extensive tree planting within the car park, including a central area which contains mature Monterey Pine trees. These trees will be retained and the revised layout will result in the loss of only two trees adjoining the service yard. The Council's trees team are satisfied with the proposals subject to securing replacement planting.

6.7 Transportation/Parking

Highways officers are satisfied with the applicant's Transport Assessment which demonstrates that the development would have limited impact on the capacity of the highways network. Vehicular movement around the site will be simplified and improved with a more regular grid of rows of parking spaces and a dedicated 'exit only' slip road providing egress from the car park. In terms of car parking numbers, the applicant has looked into various options for increasing the amount of car parking on site following pre-application consultation with interested parties. However, realistic options are limited without taking up the space occupied by the petrol filling station which is a well used facility or the large central area of trees which is an important feature of the area. Furthermore, car parking surveys carried out by the applicant has demonstrated that the car park is currently under-utilised. The recently adopted car parking standards define this area as being of low public transport accessibility. If this were a totally new build store of 8,200 square metres the maximum number of parking spaces would be 415. The small increase in the level of car parking is therefore acceptable.

6.8 Section 106 issues

The Section 106 agreement will secure contributions to encourage sustainable modes of travel to and from the store via improved access and crossing facilities. The applicant has also agreed to make a financial contribution towards improvements to Shirley Town Centre to mitigate the impact of the trade diversion arising from this development. As the acceptability of this development has been influenced by the 'fallback position' of the mezzanine floor it will be important to prevent the future implementation of that floorspace once this permission has been acted on.

7. Summary

7.1 Although this site is out of centre, the applicants have a genuine fallback position which is a significant material consideration in this case. The proposed extension would offer benefits compared with implementation of the mezzanine floor with an enhancement to the appearance of the building and an improved customer shopping experience due to the provision of an increased range of goods. The sequential approach has been satisfactorily addressed and the retail impact on adjoining centres is not considered to be significant. The development is considered to be satisfactory in design, layout and transportation terms

8. Conclusion

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

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 4(g), 4(vv), 6(c), 7(a), 7(f), 7(n), 10(a) and 10(b).

RP2 for 22/11/2011 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 - Landscaping, lighting & means of enclosure detailed plan [Pre-Commencement Condition]

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

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

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and

species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

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

Reason:

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

04. APPROVAL CONDITION – Archaeological investigation [Pre-Commencement Condition]

No development shall take place within the site until the implementation of a phased 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.

05. 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.

06. 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.

07. APPROVAL CONDITION - Limit on floorspace (Performance Condition)

The retail sales floorspace hereby approved shall be no more than 2,030 square metres in area.

Reason

To limit the development to the area subject of the retail assessment and to limit the impact on nearby centres.

08. APPROVAL CONDITION - Wheel Cleaning Facilities [Pre-Use Condition]

During the period of the preparation of the site, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on the site and no lorry shall leave the site until its wheels are sufficiently clean to prevent mud being carried onto the highway.

Reason:

In the interests of highway safety.

09. APPROVAL CONDITION - 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.

10. 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.

11. 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.

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

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

Reason:

To ensure the development minimises 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 - BREEAM Standards (commercial development) [Pre-Occupation Condition]

Written documentary evidence demonstrating that the development has achieved at minimum a rating of Very Good against the BREEAM standard shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted, unless an otherwise agreed timeframe is agreed in writing by the LPA. The evidence shall take the form of a post construction certificate as issued by a qualified BREEAM certification body.

Reason:

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

14. APPROVAL CONDITION - Cycle facilities (Pre-Occupation Condition)

The building as extended shall not be occupied until cycle facilities for members of staff including cycle racks, changing facilities and associated storage have been provided in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The cycle storage racks for visitors shall also be provided before the extended store is open to the public. The cycle facilities for the public and staff shall be retained thereafter.

Reason

To ensure suitable provision is made for cycling as a sustainable form of transport.

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

The development hereby approved shall not commence until a method statement and appropriate drawings of the means of construction of the development has been submitted to and approved in writing by the Local Planning Authority. The method statement shall specify vehicular access arrangements, routing of vehicles to and from the site, the areas to be used for contractor's vehicle parking and plant, storage of building materials and any

excavated material, temporary buildings and all working areas required for the construction of the development hereby permitted. The building works shall proceed in accordance with the approved method statement unless otherwise agreed in writing by the Local Planning Authority.

REASON

To protect the amenities of neighbours and the wider environment.

16. 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)

CS3	Town, district and local centres
CS6	Economic Growth
CS13	Fundamentals of Design
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS24	Access to Jobs
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

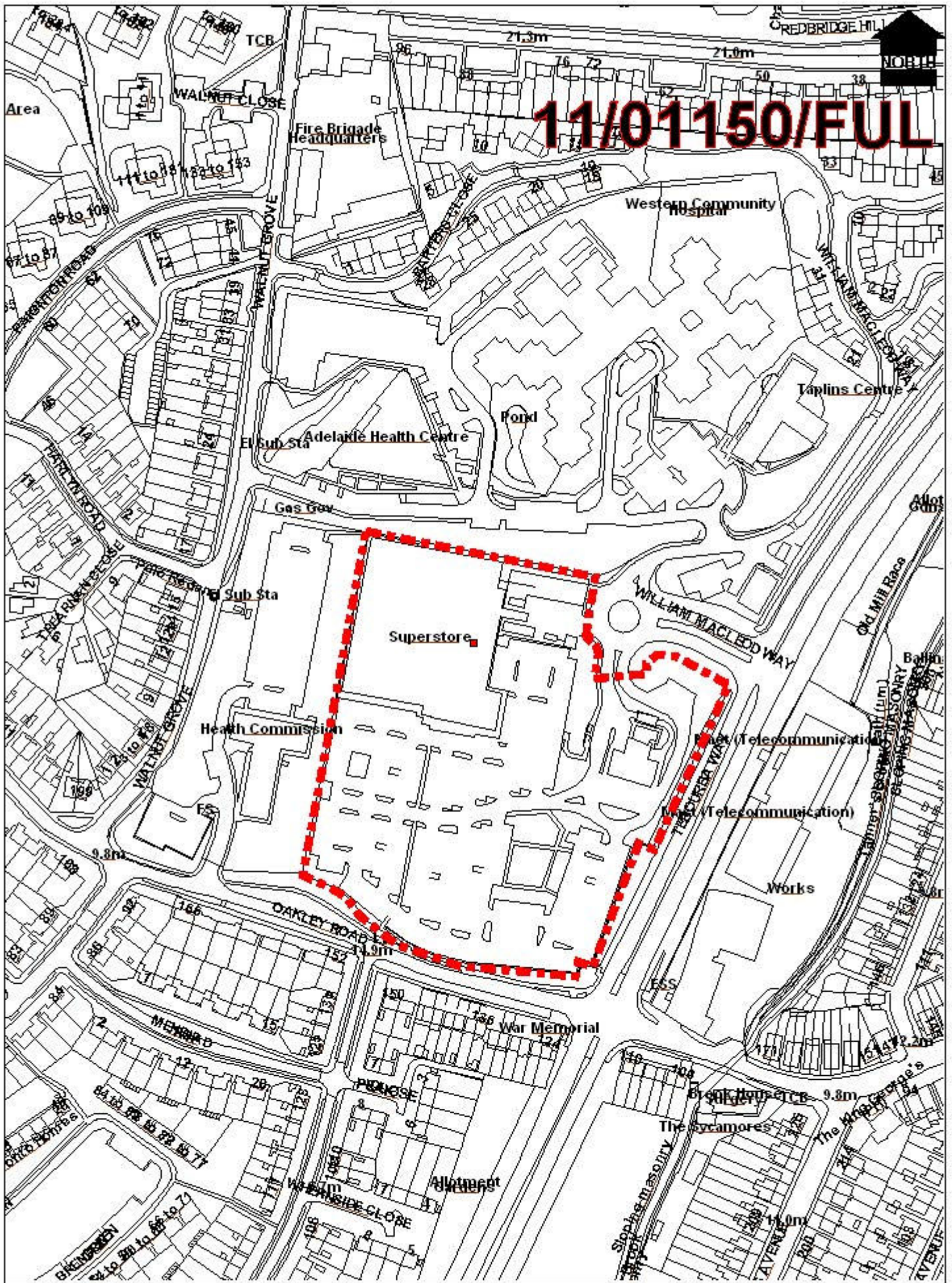
SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP13	Resource Conservation
SDP16	Noise
SDP17	Lighting
HE6	Archaeological Remains
TI2	Vehicular Access

Supplementary Planning Guidance

Planning Obligations (Adopted - August 2005 and amended November 2006)
Parking Standards SPD (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)
PPS4 Planning Policy Statement 4: Planning for Sustainable Economic Growth (December 2009)
PPG13 Transport (2011)
PPG24 Planning and Noise (October 1994)



Scale : 1:2500

Date 08 November 2011

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Agenda Item 10

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 22 November 2011
Planning Application Report of the Planning and Development Manager

Application address: Land at corner of Bevois Valley Road and Earls Road			
Proposed development: Erection of a building ranging in height from 2-storeys to 5-storeys to provide 24 flats for students (107 bedrooms) with associated parking, refuse facilities and landscaping, following alterations to the levels of the site.			
Application number	11/01143/FUL	Application type	FUL
Case officer	Jenna Turner	Public speaking time	15 minutes
Last date for determination:	14.11.11	Ward	Bevois
Reason for Panel Referral:	Referred by the Planning & Development Manager due to wider interest	Ward Councillors	Cllr Burke Cllr Rayment Cllr Barnes-Andrews

Applicant: Mrs A Hauser	Agent: Concept Design & Planning
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set out on the attached sheet. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on the 22.11.11 do not have sufficient weight to justify a refusal of the application. The proposal would be in keeping with the site and surrounding properties and would not have a harmful impact on the amenities of the neighbouring properties. 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 taking account of the following planning policies:

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, H1, H2, and H7 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS4, CS5, CS13, CS16, CS19, and CS20 and the Council’s current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS1 (Delivering Sustainable Development), PPS3 (Housing 2010) and PPG13 (Transport 2011) are also relevant to the determination of this planning application.

Appendix attached			
1	Development Plan Policies	2	Planning History

Recommendation in Full

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

- i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
- ii. A financial contribution towards strategic transport projects for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
- iii. Financial contributions towards the relevant elements of public open space required by the development in line with policies CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
Amenity Open Space ("open space")
Playing Field;
- iv. 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;
- v. The submission of a student intake management plan and;
- vi. A clause restricting the occupation of the development to

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

In the event that the legal agreement is not completed within two months of the date of the planning and rights of way panel, that 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 lies at the corner of Earls Road and Bevois Valley Road. It has been vacant for a considerable period of time and the last use of the site was for car parking purposes. Historically, the site comprised a row of terraced dwellings. There is a significant change in levels across the site; the land slopes steeply up from the boundary with Bevois Valley Road up to the rear boundary with Peterborough Road.
- 1.2 Bevois Valley Road has a mixed commercial and residential character whereas the streets to the north-west of the site are predominantly residential. The immediate site context is characterised by two and three storey development.

2. Proposal

- 2.1 The application seeks planning permission for a block of 24 student cluster flats containing a total of 107 bedrooms. The scheme has been amended since originally submitted. The footprint of the building has been reduced to provide improve the visibility in the vehicular access to the site and this has resulted in the loss of two bedrooms from the scheme.
- 2.2 The proposed building ranges from 3 to 5 storeys in height and would be constructed of a mixture of buff and grey facing brick. The building line of the building would be staggered.

- 2.3 To the rear of the site, five car parking spaces would be provided for use on changeover days. For the rest of the year, this area would provide an additional hard surfaced amenity space area.
- 2.4 Purpose built cycle and refuse storage would also be provided to the rear of the site and the slope at the rear of the site would be excavated to accommodate this.
- 2.5 A total of 204 sq.m of communal amenity space would be provided to the rear of the site and a stepped access would be provided to this. In addition to this, two roof top terrace areas would also be provided.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with the City Council’s adopted and emerging policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 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.

4.0 Relevant Planning History

- 4.1 The planning history for the site is set out in **Appendix 2**. There have been two previous applications seeking the development of the site to provide a community hall and four residential units linked to the adjacent temple. Both of these planning applications were withdrawn although the later application (application reference 05/01678/FUL) had a resolution of grant planning permission from the planning and rights of way panel.

5.0 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (25.08.11) and erecting a site notice (22.08.11). At the time of writing the report **3** representations have been received from surrounding residents. The following is a summary of the points raised:

- 5.2 ***The development would be served by insufficient car parking which would exacerbate existing car parking pressures and traffic issues within the surrounding area.***

5.3 Response

The proposed parking spaces are designed to serve the development on changeover days when students are moving in or out of the block. As part of the Section 106 agreement, a plan will be secured to manage changeover days and in particular the timings of vehicles arriving to the site. This is to minimise overspill parking on the surrounding streets. Highways are satisfied that outside of term times, that the site is sufficiently accessible to educational establishments to ensure that zero car parking provision for residents would not create significant overspill on the surrounding streets or a highway safety issue.

- 5.4 ***The number of students on the site is likely to increase noise and***

disturbance to surrounding residential occupiers.

Response

No on-site management is proposed to serve the development and as such, a planning condition is suggested to secure details of how incidents of noise and disturbance will be managed. Neither the Council's Environmental Health team or the police have objected to the scheme on this basis and the proposal is therefore considered to be acceptable in this respect.

5.5 ***The development would result in the overlooking of neighbouring properties***

Response

The development is designed to overlook the street and the rear amenity space area. There is approximately 25 metres between the rear elevation of the building and the neighbouring residential properties in Peterborough Road and due to the significant change in levels across the site, it is not considered that significant overlooking will occur.

5.6 ***The proposal would result in a loss of light to the neighbouring Gurdwara Nanaskar***

Response

The approved planning drawings of the Gurdwara do not indicate that any habitable room windows are positioned facing onto the boundary with the application site. As such, it is considered the proposal would not have a significantly harmful impact on the amenities of the users of this building.

5.7 **Consultation Responses**

5.8 **SCC Highways** - No objection. Suggests a management plan is needed to address arrangements for the arrival and departure of students at the start and end of term periods. Conditions are also suggested to ensure that delivery and servicing of the building takes place outside of peak times and to secure details of arrangements during the construction process.

Note: These conditions have been added

5.9 **SCC Planning Policy** - No objection

SCC Sustainability Team – No objection. Suggests conditions to secure the development meeting BREEAM Very Good and to achieve 15% savings in CO2 emissions by using renewable technologies.

Note: These conditions have been added

5.10 **SCC Architect's Panel** – No objection. As the site is positioned in the lowest section of Bevois Valley, the additional height can be accommodated on the site. The building is well articulated and the choice of materials is considered to be acceptable.

5.11 **SCC City Design** - No objection.

5.12 **SCC Environmental Health (Pollution & Safety)** - No objection. The site lies within category D for noise exposure and such applications are normally refused. However, the submitted report indicates that adequate glazing can bring the internal environment into an acceptable level of noise exposure and the use of mechanical ventilation can also provide residents with a choice as to whether or not they open windows.

5.13 **SCC Environmental Health (Contaminated Land)** - No objection. Suggests conditions to secure a contamination assessment and any remediation measures.

Note: These conditions have been added

5.14 **SCC Ecology** – No objection or conditions suggested.

5.15 **BAA** – No objection. Suggests a note to applicant regarding the use of cranes during construction.

5.16 **Hampshire Constabulary** – Raised concerns about the lack of surveillance to an entrance to the rear of the site and the potential for the roof terraces to create noise and disruption to surrounding residents.

Response

The scheme has been amended to move the entrance at the rear of the site to the side of the building to ensure that it is visible from the street. The scheme has also been amended to reduce the size of the roof terrace and a condition is suggested to limit the hours during which the terrace could be used.

- 5.17 **Southern Water** – No objection. Suggests a condition to secure measures to be undertaken to divert the public sewers and to agree the arrangements for sewerage infrastructure with Southern Water.

Note: This condition has been added

- 5.18 **SCC Structural Engineers** - No objection suggests a condition to secure a slope stability report and agreed measures of construction.

Note: This condition has been added

6.0 Planning Consideration Key Issues

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

- i. The principle of development;
- ii. The design of the proposal together with the impact on the character of the area;
- iii. The impact on the amenities of neighbours of the site;
- iv. The quality of the residential environment proposed and;
- v. Parking and highways

6.2 Principle of Development

- 6.2.1 The application site is an allocated housing site by saved policy H1 of the Local Plan Review and expected to deliver some 10 housing units. Furthermore, the site is identified as a housing site by the Council's Strategic Housing Land Availability Assessment (SHLAA). The planning policy team have indicated that student accommodation contributes to the council's housing numbers, particularly since it would contribute to freeing up other housing in the area that would otherwise be used for student occupation. Furthermore, as this is a previously developed site that has remained vacant for a long period of time, the development of the site is welcomed. There is a recognised need for student accommodation in the city and as such, the proposal is considered to be acceptable in principle.

6.3 Character and Design

- 6.3.1 The positioning and layout of the building on the site respects the positioning of buildings within the surrounding area. The building line is staggered which articulates the development and also helps to reduce the massing and reflect the vertical emphasis that is typical of buildings in this location. The use of materials also helps to reinforce the chosen design approach.

- 6.3.2 Whilst the surrounding area is typically two-storey in scale, the site is positioned at the lowest point of Bevois Valley Road and furthermore, the sloping nature of the site itself allows a building of a greater scale and massing to be accommodated. The design is considered to be functional and the massing is significant in the streetscene but as the five storey element of the scheme would align with the junction with Mount Pleasant Road, the development would help to provide a focus at this junction as encouraged by the Residential Design Guide. The development proposes a transition in height from three to five storeys, with the lower section of building positioned next to the two-storey properties on Earl's Road. Furthermore, the scheme is supported by both the Architects Panel and the City Design Team and, on balance, is considered to be acceptable.

6.4 Residential Amenity

- 6.4.1 The key consideration in this respect is the relationship of the proposed building with the neighbouring properties to the west of the site on Peterborough Road and with the neighbouring property on Earl's Road. Due to the significant change in

levels across the site and the back-to-back separation with the properties on Peterborough Road, the development is considered to have an acceptable relationship with these properties. The building is stepped away from the boundary with 11 Earl's Road and its lower scale at this point would ensure that no harmful impact on residential amenity would occur.

6.5 Residential Environment

6.5.1 The application site lies within an Air Quality Management Area and an Air Quality Report has been submitted with the application. This demonstrates that the proposed residential environment would be acceptable subject to ventilation being secured which draws air from the rear of the site. Environmental Health have raised no objection in this respect and therefore a condition has been suggested to the suggested ventilation.

6.5.2 A noise report has also been submitted with the application with regards to the impact of road transport noise on the development. The report recommends that adequate glazing would ensure that the internal accommodation would not be subject to undue disturbance from road transport noise. Clearly glazing would only be effective when fenestration was closed and so, it is also recommended to provide mechanical ventilation to the rooms. It is considered therefore, that the residential environment would be acceptable.

6.5.3 There are no adopted amenity space standards with regards to student accommodation but the level of on-site amenity space proposed is considered to be sufficient and fit for purpose.

6.5.4 Purpose built cycle and refuse storage would be provided that would be located conveniently in relation to the residential units and the public highway.

6.6 Parking and Highways

6.6.1 As stated above, the proposed parking spaces to the rear of the site are only intended to be used when students are moving in or out of the block. A planning condition is suggested to secure this. The absence of on-site car parking will discourage the future occupants from bringing a car to the site. It is recommended to secure a car parking management plan through the Section 106 agreement. This plan will look to stagger arrivals to the development to avoid peak times and to ensure that more vehicles do not arrive at the site than can be accommodated. The educational establishments in the city are accessible to the site through public transport and as such Highway have raised no objection to the scheme.

6.6.2 The scheme has been amended to improve the visibility within the access of the development. There is sufficient space at the site entrance to enable two vehicles to pass one another and the on-site turning of vehicles can also be accommodated on the site. The proposal is therefore considered to be acceptable in highway safety terms.

7.0 Summary

7.1 The proposed development would make good use of the site to provide purpose built student accommodation. Bringing a vacant site back into active use is welcomed and on balance, the scale and design of the building is judged to be acceptable.

8.0 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 (a), (c), (f), (i), 7 (a), (b), (e), (k), (m), (t)

JT for 22/11/11 PROW Panel

PLANNING CONDITIONS

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

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

Reason:

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

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

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

Reason:

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

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

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

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

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be

replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

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

Reason:

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

04. APPROVAL CONDITION- 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.

05. 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.

06. 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.

07. APPROVAL CONDITION - BREEAM Standards (commercial development) [Pre-Occupation Condition]

Written documentary evidence demonstrating that the development has achieved at minimum a rating of Very Good against the BREEAM standard shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted, unless an otherwise agreed timeframe is agreed in writing by the LPA. The evidence shall take the form of a post construction certificate as issued by a qualified BREEAM certification body.

Reason:

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

08. APPROVAL CONDITION - Energy (Pre-Commencement Condition)

Written documentary evidence demonstrating that the development will at minimum achieve a reduction in CO2 emissions [as required in core strategy policy CS20] over part L of the Building Regulations shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted.

Technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

Reason:

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

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

09. APPROVAL CONDITION – Public Sewer Diversion [pre-commencement condition]

Prior to the commencement of the development hereby approved, details of measures to divert the public sewers shall be submitted to the Local Planning Authority and approved in writing. The development shall proceed in accordance with the agreed details.

Reason:

To secure a satisfactory form of development.

10. APPROVAL CONDITION – Foul Water Disposal [pre-commencement condition]

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

Reason:

To secure a satisfactory form of development.

11. APPROVAL CONDITION – Slope Stability Report [pre-commencement condition]

Prior to the commencement of the development hereby approved, a Slope Stability Report shall be submitted to the Local Planning Authority and agreed in writing. Unless otherwise agreed in writing by the Local Planning Authority, the development shall proceed in accordance with the agreed recommendations of the report.

Reason:

To ensure that the development does not result in land stability issues for the site or surrounding development.

12. APPROVAL CONDITION – Roof Top Terrace [performance condition]

Unless otherwise agreed in writing, the roof top amenity space area hereby approved shall not be used between the hours of 22:00 and 07:00. In addition to this, the roof top amenity space shall be restricted to the areas shown on the plans hereby approved and the remaining areas of flat roof shall not be used as a balcony, terrace, roof garden or similar amenity area without the grant of further permission from the Local Planning Authority.

Reason:

In the interests of the amenities of the neighbouring occupiers.

13. APPROVAL CONDITION – Glazing specification [pre-commencement condition]

Prior to the commencement of the development hereby approved, a specification for the glazing to the windows to reduce road transport noise shall be submitted to and approved by the Local Planning Authority in writing. The glazing shall be installed in accordance with the agreed details before the development first comes into occupation and thereafter retained as agreed.

Reason:

To secure an acceptable residential environment

14. APPROVAL CONDITION – Ventilation [pre-commencement condition]

Prior to the commencement of the development hereby approved, details of the ventilation for the residential units shall be submitted to and approved by the Local Planning Authority in writing. The ventilation shall be installed and be in full working order before the

development first comes into occupation and thereafter retained as approved.

Reason:

To secure an acceptable residential environment.

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

The external amenity space serving the development hereby approved, and pedestrian access to it, shall be made available as a communal area prior to the first occupation of the development hereby permitted and shall be retained with access to it at all times for the use of the flat units.

Reason:

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

16. APPROVAL CONDITION – Site Management [pre-occupation condition]

Prior to the development hereby approved first coming into occupation, a Management Plan for the operation of the development shall be submitted to the Local Planning Authority for approval in writing. The plan shall address how incidences of noise and disturbance to neighbouring properties can be reduced.

Reason:

In the interests of residential amenity.

17. APPROVAL CONDITION - Approved Plans

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

Reason:

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

Note to Applicant

1. Use of Cranes

The developer should have regard to the requirements within the British Standard Code of Practice for the safe use of Cranes. Crane operators should consult the aerodrome before erecting a crane. This is explained further in Advice Note 4 "Cranes and Other Construction Issues".

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
CLT5	Open Space in new developments
CLT6	Provision of Children's Play Areas
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment
H13	New Student Accommodation

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)

Application 11/01143/FUL

APPENDIX 2

Relevant Planning History

955/RR/1289
Furniture repository

Temp consent 14.09.50

1396/P23/1289
Use as storage

Conditionally Approved 23.06.70

04/00080/FUL

Withdrawn 12.05.04

Redevelopment of the site to provide a community hall consisting of a 2/3 storeys with a link to the adjacent temple, 4 no. residential units and associated car parking.

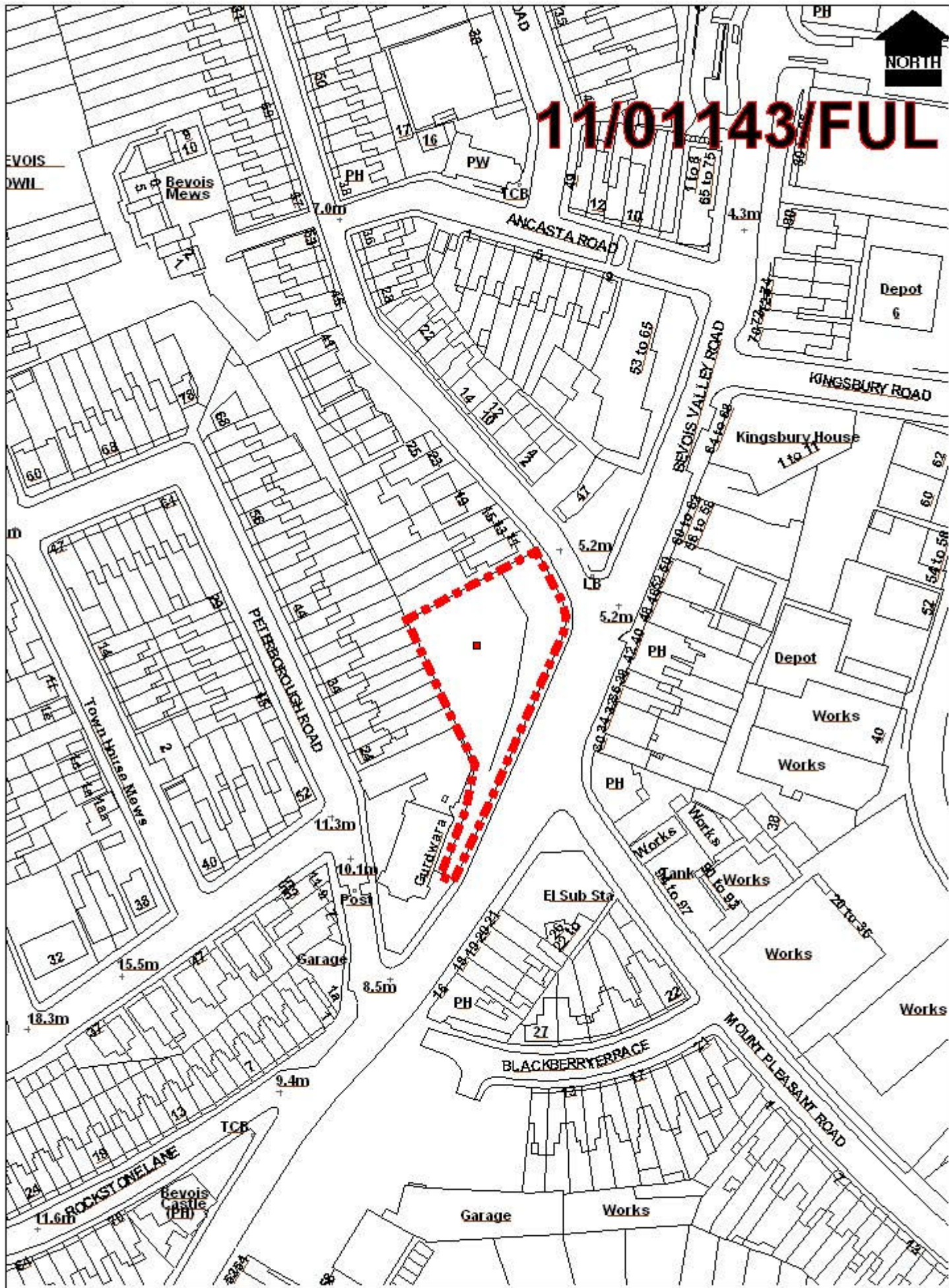
05/01678/FUL

Withdrawn 20.04.10

Redevelopment of the site to provide a community hall consisting of a 2/3 storeys building with a link to the adjacent temple, 4 no. residential units and associated car parking. (as amended by the addition of further supporting information received on the 11th July and 14th September 2006).



11/01143/FUL



Scale : 1:1250

Date 08 November 2011

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Agenda Item 11

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 22/11/2011
Planning Application Report of the Planning and Development Manager

Application address: Units 20-21 Admiral House Mountbatten Business Centre Millbrook Road East SO15 1HY			
Proposed development: Change Of Use From Office (Class B1) To Gym (Class D2) (Departure From Local Plan)			
Application number	11/01148/FUL	Application type	FUL
Case officer	Mathew Pidgeon	Public speaking time	5 minutes
Last date for determination:	25.10.2011	Ward	Freemantle
Reason for Panel Referral:	Departure from Local Plan	Ward Councillors	Cllr Parnell Cllr Moulton Cllr Ball

Applicant: Brightsidept Ltd Attn Mr Paul Laslett	Agent: N/A.
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Recommendation Summary	Conditionally approve
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Reason for Granting Permission

Notwithstanding the application constitutes a departure from the Development Plan 'saved' Policy REI 11 (vii) of the City of Southampton Local Plan March 2006 and CS7 of the Core Strategy January 2010 which allocates the site for B1(b) and (c) uses, the proposal is compliant with the wider objectives of the Development Plan, including the Healthy City, set out below. Currently, it is accepted that there is low demand for B1 use within this centre at this present time and the particular nature of this D2 use being appropriate to this location and securing the future of the business it is considered appropriate for full consent to be granted. In addition, other material considerations including amenity, parking, health and economic benefits, the previous vacancy of the unit and the importance of retaining employment within the city, outweigh compliance with this policy 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.

City of Southampton Core Strategy (January 2010) – CS1, CS3, CS6, CS7, CS8, CS10, CS18 and CS19.

City of Southampton Local Plan Review (March 2006) - SDP1, SDP4, SDP5, SDP10, SDP16 and REI11

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History

Recommendation in Full

Conditionally approve

1. The site and its context

- 1.1 The application site is located in a purpose built industrial estate comprising two storey buildings with surface car parking.
- 1.2 The industrial estate is set back from the main road and as such is not visible within the street scene. A long access road leads to the centre from Millbrook Road East.
- 1.3 The surrounding area is mixed in character, comprising of both residential and commercial uses.
- 1.4 The nearest residential properties are approximately 25m to the west. The neighbouring commercial unit is operated by Moore and Co Accountants. KP McGrath Education Centres operate out of unit 23 and PRS (Phoenix Resourcing Services) occupy 25 and 25. The units directly below are 14 and 15 which are at present used for long term storage purposes.
- 1.5 The site is within a high accessibility area and is well served by public transport links.

2. Proposal

- 2.1 The application seeks retrospective planning permission for a change of use from office (B1(a)) to Gym (Class D2).
- 2.2 The gym provides personal training on a one to one basis. The facility includes a training space for specific exercises including various weights and fitness equipment as well as specific areas for nutrition consultation and sports massage. The unit also includes a shower, changing facilities and a space for bike fitting.
- 2.3 The opening hours proposed are 06.30 – 20.00 Monday to Friday, 07.00 to 12.00 on Saturday and 08.00 to 12.00 Sundays and Bank Holidays.
- 2.4 The business would employ one member of full time staff and 3 part time. The part time staff include a specialist who fits road bikes for clients, a sports masseur and a second personal trainer.
- 2.5 The applicant has confirmed that there would be a maximum of two personal trainers and two clients in the building at any one time using the main area of the gym.
- 2.6 Four car parking spaces are specifically allocated for use by the unit. There is no allocation for cycle storage.
- 2.7 A permanent consent is being applied for so that the business can establish a client base and build a reputation.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Mountbatten Industrial Estate is allocated under policy REI 11 of the local plan review for the purposes of Light Industry (B1 b and c). The proposal must therefore be assessed as a departure from the Local Plan Review (March 2006). However, due to the service offered to the public and employment opportunity created (which does not adversely impact on the long term use of the site), it does not need to be brought to the attention of the Government’s National Planning Casework Unit for their consideration. The Panel retain the ability to make the decision without a need for referral.

4.0 Relevant Planning History

4.1 The most relevant Planning cases are set out at **Appendix 2**.

5.0 Consultation Responses and Notification Representations

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

5.2 **SCC Highways** – no objection.

5.3 **SCC Planning Policy** – no objection (see considerations below).

5.4 **SCC Environmental Health (Pollution & Safety)** – no objection subject to conditions ensuring that the proposal takes place in accordance with the acoustic report.

Note: These conditions have been added

6.0 Planning Consideration Key Issues

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

- The appropriateness of the change of use in light of the sites REI 11 policy designation.
- Operating hours and noise generation.
- Access, parking and cycle storage.

6.2 Change of Use

6.2.1 Policies contained within the Local Plan Review and the adopted Core Strategy seek to retain employment use within the city and safeguard employment sites for long term employment opportunities. In light of the current economic climate it is considered necessary to offer a degree of flexibility in the assessment of change of use applications in order to achieve this objective.

6.2.2 The Panel should be reminded of the government statement in the Chief Planning Officer's letter dated 31 March 2011 (Annex 2, p3 refers) which advises that whilst having regard to all relevant considerations, the LPA should give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions.

6.2.3 The Council's Economic Development Manager has confirmed that there are a number of units (on the estate) that are vacant and are struggling to find occupiers.

6.2.4 The applicants have provided supporting information to show that the premises have been marketed for appropriate employment uses for a significant period of time.

6.2.5 In light of the current economic climate, the relatively small amount of floorspace and the benefit of employment opportunities, the Local Planning Authority recognise the need to offer a degree of flexibility and thus the principle of the change of use is supported.

6.2.6 The council has previously allowed a D1 use on this estate (see Appendix 2) under similar justification (supporting marketing information) therefore a consistent approach would be to support the scheme subject to the remaining issues being considered acceptable.

6.2.7 Furthermore in order to ensure that the use of the unit can easily be reverted back to B1 (in the interest of future demand) a condition can be added to prevent the

need for planning permission for the change (over a 10 year period) in association with Schedule 2 Part 3 Class E of the 'General Permitted Development Order' 1995.

6.3 Operating hours and noise generation

6.3.1 The use as a gym has the potential to cause noise nuisance to neighbouring land users.

6.3.2 The potential for noise disturbance to be caused by the operation as a gym at the site is affected by the length of time, hours of the day and volume at which noise is generated.

6.3.3 The applicant has submitted a noise report with the application. The report has been assessed by our Environmental Health Colleagues. The report is supported and conditions to prevent noise disturbance to neighbouring land users are recommended.

6.3.4 It should be noted that since the use of the site changed from B1 to D2 in January this year there have been no complaints related to the proposal on noise grounds.

6.4 Access, parking and cycle storage.

6.4.1 Parking standards show that one cycle parking space is required (minimum of 1 space per 10 employees).

6.4.2 Being within a high accessibility area the maximum number of parking spaces allowed would be 2 however with 4 existing and available for use the reality is that all four will be used at certain times. It is not considered that refusing the application or reducing the parking available is necessary in this instance due to the layout and provision of the parking across the Estate.

6.4.3 Waste facilities and collection arrangements will remain as existing.

7.0 Summary

7.1 Allowing the use would enable what would otherwise be a vacant building to be occupied and provide three jobs. The use complements the Councils objectives of promoting a Healthy City and is not considered to prejudice the long term objectives of maintaining a stock of employment units across the City to meet future increases in demand.

7.2 In addition, providing a gym on the site which is within the Mountbatten Business Centre reduces the potential need for travel. Members of the public who work within the centre have the opportunity to be personally trained within close proximity to their work place.

7.3 The building had been vacant for some time. A change of use to deliver a personal training studio (gym) within the city rather than have a unit left vacant indefinitely is seen as beneficial to the wider community.

8.0 Conclusion

8.1 The proposed change of use is considered to be an appropriate use of this current vacant unit.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1 (a), 1(b), 2(b), 2(d), 6(c), 7 (a) and 7 (f)

MP3 for 22/11/22 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, Keep doors closed - [Performance Condition].

All personal training associated with this permission shall be carried out within the confines of units 20 and 21 Mountbatten Business Centre and whilst personal training associated with this permission is being undertaken all doors and windows to units 20 and 21 must remain closed.

REASON:

To limit the noise breakout from Units 20 and 21.

03. APPROVAL CONDITION - Restricted number of customers.

No more than two customers shall be training in the Gym at any one time.

Reason

To allow the local planning authority to control the specific nature of the use and range of the likely associated activities.

04. APPROVAL CONDITION - Hours of Operation. [Performance Condition]

The premises to which this permission relates shall only be open for business between the hours of 06.30 to 20.00 Monday to Friday, 07.00 to 18.00 on Sundays and 08.00 to 12.00 Sunday and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

REASON

To protect the amenities of those members of the public who choose not to use the facility and to protect the residential character and amenity of the area.

05. APPROVAL CONDITION, A1/A3 Use. [Performance Condition]

The "dual B1 (office) and/or D2 (Gym) use" hereby permitted for the development as located in accordance with Condition 26 above shall, under Class E, Part 3, Schedule 2 of the Town and County Planning (General Permitted Development) Order 1995, be for a limited period of 10 years only from the date of this Decision Notice. The units shall remain as the prevailing use at that time as hereby agreed in writing by the Local Planning Authority.

Reason:

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

06. APPROVAL CONDITION Cycle Storage Facilities [Performance Condition]

Provision within the site shall be made for the storage of at least one cycle. Such facilities shall be permanently retained for that purpose.

Reason:

To encourage cycling as an alternative form of transport.

POLICY CONTEXT

Core Strategy - (January 2010)

CS1	City Centre Approach
CS3	Promoting Successful Places
CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS8	Office Location
CS10	A Healthy City
CS18	Transport: Reduce – Manage and invest
CS19	Car & Cycle Parking

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP16	Noise
REI11	Light Industry

Supplementary Planning Guidance
N/A

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)
- PPS4 Planning Policy Statement 4: Planning for Sustainable Economic Growth (December 2009)

Relevant Planning History

16 – 18 Millbrook Road

88/11027/FUL. Redevelopment of the site by the erection of 5 x 2 and 3 storey class B1 unit blocks together with associated car parking. Approved (11.11.1988).

Unit 23, Mountbatten Business Centre.

10/00994/FUL. Change of use of first floor unit from office (Class B1(A)) to education centre (Class D1). Approved (29.12.2010).

APPROVAL CONDITION - Change of Use - Scope and Limitation within same Class

The use of the unit hereby approved shall be limited to those specific uses within the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking, amending, or re-enacting that Order) Use Class D1 for, or in connection with, a education centre as provided for and shall not be used for any other use within that Use Class.

Reason:

In recognition of the surrounding land uses and policy designation and to ensure that skills training makes a contribution to the regeneration of the city's economy.

APPROVAL CONDITION - Hours of Use - [Performance Condition]

The use hereby permitted shall not operate (meaning that customers shall not be present on the premises] outside the following hours:

Monday to Friday	9.00 hours to 20.30 hours	(9am to 8.30pm)
Saturday	9.00hours to 18.30 hours	(9am to 6.30pm)
Sunday and recognised public holidays	Closed	

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

Reason:

To protect the amenities of the occupiers of existing nearby business units and residential properties.

Approval Condition - Sign (Time bound performance condition)

Details of a non-illuminated, but reflective road sign, to alert drivers and users of the access into the Mountbatten Business Centre of the presence of children on site, shall be submitted to the local planning authority within 28 days of the date of this decision. The sign shall be a minimum size of 60cm by 30 cm and be placed a minimum of 1m above the prevailing ground level at the entrance of the Business Centre at its junction with Millbrook Road East. Once agreed in writing by the local planning authority, the sign must be in place within 14 days of it being agreed in writing. Once in place, that sign shall continue to be displayed and maintained in a legible form for as long as the use hereby approved is operating.

Reason:

In the interests of highway safety.

Approval Condition - Age limit (Performance Condition)

The use hereby permitted shall be provided for children and young adults up to the age of 18 years only.

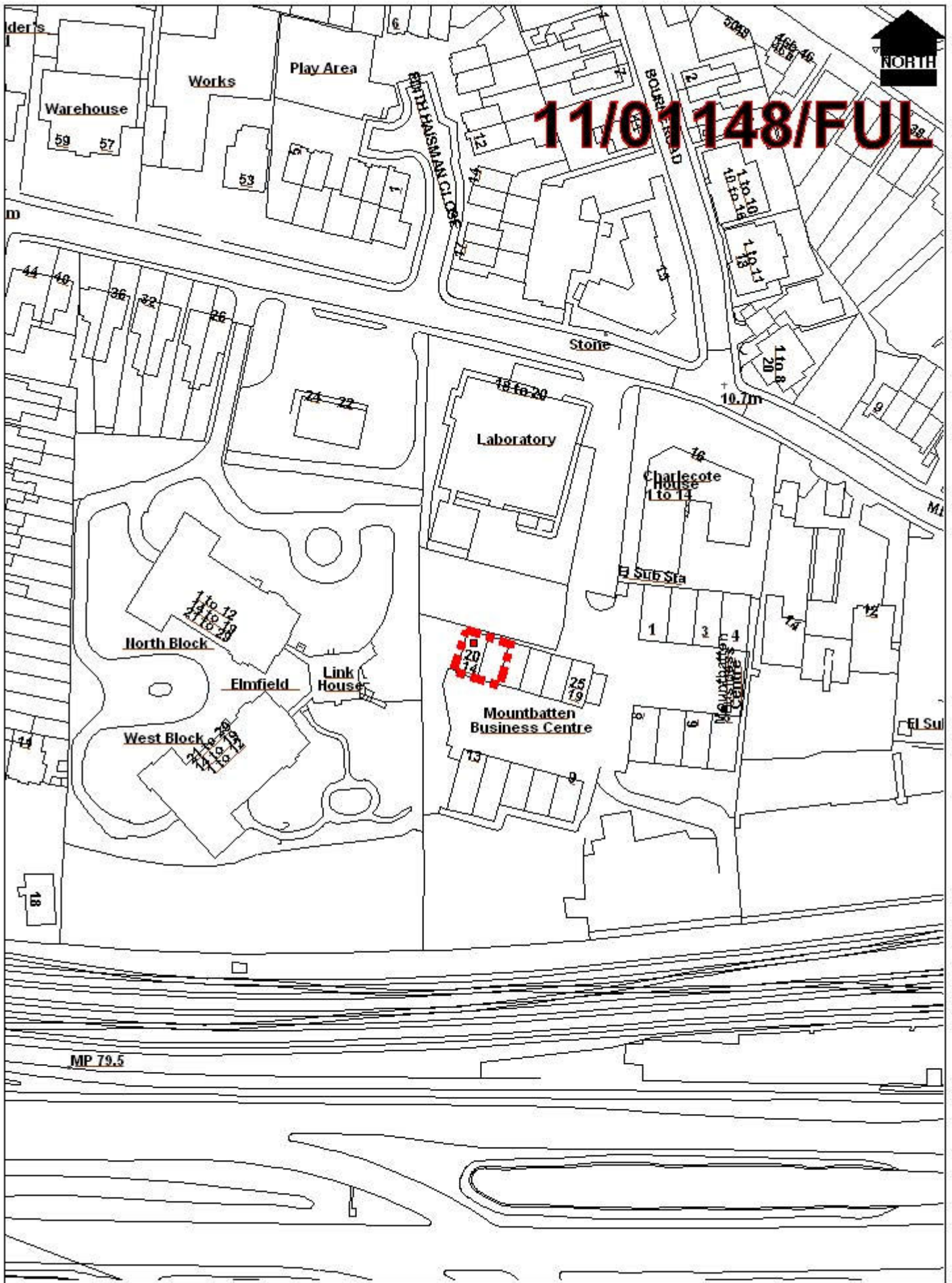
Reason:

To limit the potential number of car journeys to the premises in the interests of pedestrian and highway safety.

NB the age limit condition was appealed and subsequently allowed. The condition was applied as there was concern that the safety of children visiting the site would be compromised by allowing over 18's to also visit the site. The condition was considered both unreasonable and unnecessary.

Units 20 to 21 Mountbatten Business Centre

10/01460/PREAP1. Change of use from (B1) to (D1) usage. An application will need to be justified in terms of vacancy rates in the centre and length of time the unit(s) have been vacant for. It is reasonable to allow a temporary consent on the site. This will allow the unit to be occupied, retain employment within the immediate area and also allow the LPA to reassess the potential impact of such a change of use in future years.



11/01148/FUL

Scale : 1:1250

Date 08 November 2011

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