

Planning and Rights of Way Panel

Tuesday, 14th February,
2012
at 9.30 am

PLEASE NOTE TIME OF MEETING

Conference Rooms 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

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PUBLIC INFORMATION

Terms of Reference

The Panel deals with various planning and rights of way functions. It determines planning applications and is consulted on proposals for the draft development plan.

Public Representations

At the discretion of the Chair, members of the public may address the meeting about any report on the agenda for the meeting in which they have a relevant interest.

Members of the public in attendance at the meeting are advised of the process to be followed.

Southampton City Council's 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 17th January 2012 and to deal with any matters arising, attached.

CONSIDERATION OF PLANNING APPLICATIONS

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

5 39 ARCHERS ROAD / 11/01336/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 10:15 AM TO 10:45 AM

6 ROSEBANK COTTAGE, STUDLAND ROAD, SO16 9BB / 11/01936/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 10:45 AM TO 11:30 AM

7 115-121 WILTON AVENUE / 11/01836/OUT

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

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

8 58 WEST END ROAD / 11/01987/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 12:15 PM TO 12:45 PM

9 24-28 JOHN STREET / 11/01625/OUT

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

ITEMS TO BE HEARD BETWEEN 1:30 PM AND 2:00 PM

10 GRACECHURCH HOUSE, 25-35 CASTLE WAY / 11/01844/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.

MAIN AGENDA ITEMS

11 ENFORCEMENT UPDATE REPORT IN RESPECT OF 3 BEDFORD PLACE

Report of the Planning and Development Manager regarding the authorisation of an enforcement notice in respect of 3 Bedford Place, attached.

12 STREET NAMING - OCEAN DOCK, PORT OF SOUTHAMPTON

Report of the Planning and Development Manager seeking approval of the street name 'White Star Way' for a new street that was built at the head of the Ocean Dock within the Port of Southampton, attached.

13 ZAZEN DEVELOPMENTS LTD - ROEBUCK HOUSE 24-28 BEDFORD PLACE

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

Monday, 6 February 2012

HEAD OF LEGAL, HR AND DEMOCRATIC
SERVICES

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PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 17 JANUARY 2012

Present: Councillors Jones (Chair), Claisse (Vice-Chair), Cunio, L Harris, Osmond, Thomas and Barnes-Andrews

Apologies: Councillor Mrs Blatchford

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

The Panel noted that Councillor Barnes-Andrews was in attendance as a nominated substitute for Councillor Mrs Blatchford in accordance with Procedure Rule 4.3.

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

The Panel referred to Minute 80 regarding Land Rear of 63 Manor Farm Road, Condition 3, and noted that it was their intention that any means of enclosure to site boundaries with adjoining gardens should be a minimum of 2 metres in height, when measured from the application site finished ground level.

RESOLVED that the Minutes of the Meeting held on 20th December 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.

86. **ADMIRALS QUAY, OCEAN WAY, OCEAN VILLAGE 11/01555/FUL**

Erection of three buildings of 9 - storeys, 16 - storeys and 26 - storeys to provide 299 flats (37 x 1-bedroom, 225 x 2-bedroom and 37 x 3 - bedroom) and 2764 square metres of commercial floor space comprising retail (Class A1) and/or cafes/restaurants (Class A3) and/or drinking establishments (Class A4) with associated storage and parking.

The presenting officer advised that English Heritage had withdrawn their objection and that the city ecologist was satisfied with the ecological report.

Mr Beck (Agent), Mr Clark (supporting) and Mrs Cooper (objecting) (Local Residents) 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

1. Authority be delegated to the Planning and Development Manager to grant conditional planning approval subject to:-

(a) the completion of a S.106 Legal Agreement to secure the following heads of terms:

- 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 improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D.
 - iii. Financial contributions towards open space improvements required by the development in line with policies CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended).
 - iv. Provision of affordable housing in accordance with Core Strategy Policy CS15.
 - v. A financial contribution towards public realm improvements in accordance with the adopted SPG relating to Planning Obligations (August 2005 as amended).
 - vi. 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.
 - vii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
 - viii. Obligations to ensure the permanent provision of public access to the promenade, raised terraces and public square.
 - ix. Submission, approval and implementation of a Waste Management Plan.
 - x. Submission and implementation of a Travel Plan.
 - xi. Obligations to prevent residential occupiers of the development using the public car parking spaces on a permanent basis.
 - xiii. Submission and implementation of a Flood Management Plan.
- (b) the conditions in the report and the amended and additional conditions set out below:

2. Delegated powers being given to the Planning and Development Manager to vary relevant parts of the Section 106 agreement and to vary or add conditions

as necessary as a result of further negotiations with the applicant and analysis of the viability appraisal.

3. If details of materials to be submitted pursuant to condition 2. are the same as those presented to Panel, then power is delegated to the Planning and Development Manager to discharge the requirements of Condition 2 (Details of Building Materials).
4. If there is a significant change to the details of materials from that presented to the Panel then the discharge of condition 2. should be determined by the Planning and Rights of Way Panel.
5. The Planning and Development Manager shall consult the Chair of the Planning and Rights of Way Panel to determine whether any change to materials submitted to condition 2. is significant.

Amended Condition

24 Hours of Use – Food/drink establishments

The food and drink uses / drinking establishments hereby permitted shall not operate (meaning that customers shall not be present on the premises, no sale or delivery of food or drink for consumption on or off the premises) outside the hours of 0730 to midnight on any day.

Reason:

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

Additional Conditions

37. 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 Report from Aluco Ecology dated December 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.

38. APPROVAL CONDITION - Doors within basement car park (Performance Condition)

Notwithstanding what is shown on approved drawing number 10.001.130, and before the basement car park is brought into use, the doors to the cycle stores shall be designed so as not to open outwards onto the manoeuvring areas for vehicles.

REASON

In the interests of public safety.

39. APPROVAL CONDITION - Traffic lights to car park (Pre-Occupation Condition)

The basement car park to Buildings 1 and 2 shall not be brought into use until traffic light controls on vehicle entry and exit has been installed in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. The approved traffic light controls shall subsequently be retained unless otherwise agreed in writing by the Local Planning Authority.

REASON

In the interests of highway safety and to prevent congestion in the access road.

REASONS FOR DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The Local Planning Authority is satisfied that the application site on the waterfront is an appropriate location for tall buildings and that the detailed design treatment is satisfactory. Furthermore the LPA is satisfied that the proposed development would not have a detrimental impact on the setting of listed buildings nearby or on the character and appearance of the adjoining Canute Road Conservation Area. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should be granted.

Policies - SDP1, SDP6, SDP7, SDP9, SDP10, SDP13, HE1, HE3, HE6, CLT5, CLT6, CLT11, CLT14, H1, H2, H7, REI7 and MSA1 of the City of Southampton Local Plan Review (March 2006) and Policies CS1, CS3, CS4, CS6, CS12, CS13, CS14, CS15, CS16, CS19, CS20, CS23, CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

87. **FORMER DILLONS GARDEN SHEDS SITE, OLD REDBRIDGE ROAD / 11/01506/FUL**

Part retrospective change of use from previous use for manufacture and sale of timber sheds to use for painting contractors premises, vehicle repair and MOT Testing and storage purposes together with the retention of 3m high close boarded fencing to the eastern site boundary and siting of a portable building (resubmission of 11/00199/FUL).

Mr Sayle (Agent), Mr Sanders (Vice President Redbridge Residents Association - objecting) and Councillor Pope (Ward Councillor - objecting) 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 permission be granted subject to the conditions in the report and additional conditions set out below.

Additional Conditions

13 APPROVAL CONDITION – Site Management Plan [performance condition]

Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall operated in accordance with the submitted Paris Smith Site Management Plan (October 2011).

REASON

In the interests of highway safety and the amenities of the occupiers of the neighbouring properties.

14 APPROVAL CONDITION – Restriction on Vehicle Movements [performance condition]

The number of HGV movement associated with the uses hereby approved shall not exceed a total of 35 trips per day and within three months of the date of this permission, a method for monitoring the number of HGV trips shall be submitted to and agreed in writing by the Local Planning Authority. The method of monitoring shall be in place three months after being approved in writing by the Local Planning Authority and thereafter retained as approved.

REASON

In order that the Local Planning Authority can control the number of vehicles entering and leaving the site in the interests of highway safety and residential amenity.

REASONS FOR DECISION

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 17.01.12 do not have sufficient weight to justify a refusal of the application. With the removal of the use of unit 3 for the storage and sorting of recycled materials, 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, SDP16, and T12 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS6, CS7, CS13, CS19 and CS23 and the Council’s current adopted Supplementary Planning Guidance.

88. **45 THE PARKWAY, SO16 3PD 11/01855/FUL**

Retention of engineering operations to terrace rear garden with associated landscaping to lower retaining wall.

Mr Sayle (Agent) and Mr Moore (East Bassett Residents Association - supporting) 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 permission be granted subject to the conditions in the report and amended condition set out below.

Amended Condition

3 Implementation/maintenance of soft planting

Insert date of 13 January 2012 to make condition complete.

Additional Note

The Panel asked the Planning Officer to consult the Tree Team to enquire if consideration could be given to the trees at the rear boundary of the garden being placed under a Tree Preservation Order, such that they might be retained/protected.

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 a recent Appeal decision dated 25 July 2011, impact on the character and appearance of the area and neighbouring residential amenities 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).

89. **ENFORCEMENT REPORT IN RESPECT OF 141 BURGESS ROAD, BASSETT**

The Panel considered the report of the Planning and Development Manager in respect of an unauthorised change of use of 141 Burgess Road and the possibility of serving a Planning Enforcement Notice. (Copy of report circulated with the agenda and attached to the signed minutes).

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

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION NOT TO SERVE AN ENFORCEMENT NOTICE WAS CARRIED UNANIMOUSLY

RESOLVED

- (i) that at the current time it is not expedient to service a planning enforcement notice in respect of the change of use of 141 Burgess Road from a single, four-bedroom dwelling to an office, even though it contravened Policy H6 of the City of Southampton Local Plan Review, as a new house had been

- constructed within the sub-plot of the site and therefore case 06/00075/UURES should be closed.
- (ii) that the unauthorised use should be kept under review if complaints are received until 1st March 2016, unless planning permission for business use of 141 Burgess Road was given before that date.

Reason for report recommendations

A new house has been constructed within the sub-plot of the site of 141 Burgess Road and therefore is no longer a contravention of Policy H6 of the City of Southampton Local Plan Review.

90. **PUBLIC RIGHTS OF WAY: ANNUAL UPDATE REPORT**

The Panel received and noted the report of the Head of Planning and Sustainability regarding an annual update on the main activities of the Council's Rights of Way function. (Copy of report circulated with the agenda and attached to the signed minutes).

Councillor Thomas expressed his thanks to the presenting officer for his hard work in compiling the annual update to the Panel.

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Agenda Annex

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 14 February 2012 - Conference Rooms 3 and 4, 1st floor, Civic Centre

PLEASE NOTE: THE PANEL WILL BREAK FOR LUNCH at or around 12.45 PM

Main Agenda Item Number	Officer	Recommendation	Type	PSA	Application Number / Site Address
<u>BETWEEN 9.30 AM AND 10.15 AM</u>					
5	JT	DEL	Q07	15	11/01336/FUL / 39 Archers Road
<u>BETWEEN 10.15 AM AND 10.45 AM</u>					
6	RP	DEL	Q07	15	11/01936/FUL / Rosebank Cottage, Studland Road, SO16 9BB
<u>BETWEEN 10.45 AM AND 11.30 AM</u>					
7	JT	DEL	Q07	15	11/01836/OUT / 115-121 Wilton Avenue
<u>BETWEEN 11.30 AM AND 12.15 PM</u>					
8	AA	DEL	Q07	15	11/01987/FUL / 58 West End Road
<u>BETWEEN 12.15 PM AND 12.45 PM</u>					
9	AA	DEL	Q07	15	11/01625/OUT/ 24-28 John Street
<u>LUNCH</u>					
<u>BETWEEN 1.30 PM AND 2.00 PM</u>					
10	JT	DEL	Q12	15	11/01844/FUL / Gracechurch House, 25 - 35 Castle Way
MAIN AGENDA REPORTS to be taken at any time during the meeting					
11	SL	Agree	N/A	5	Enforcement update report in respect of 3 Bedford Place
12	VW	Agree	N/A	5	Street naming report – Ocean Dock, Port of Southampton
13	Ann Greaves	Agree	N/A	5	Zazen Developments Ltd, Roebuck House, 24-28 Bedford Place

Abbreviations:

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

AA – Andrew Amery, ARL – Anna Lee, BS- Bryony Stala, JT - Jenna Turner, MP- Mathew Pidgeon, SH- Stephen Harrison, SL - Steve Lawrence, RP – Richard Plume, VW – Vanessa White

Southampton City Council - Planning and Rights of Way Panel

Report of Executive Director of Environment

Local Government (Access to Information) Act 1985

Index of Documents referred to in the preparation of reports on Planning

Applications:

Background Papers

1. Documents specifically related to the application
 - (a) Application forms, plans, supporting documents, reports and covering letters
 - (b) Relevant planning history
 - (c) Response to consultation requests
 - (d) Representations made by interested parties

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

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

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

- (p) Land between Aldermoor 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 Ethelburt Avenue (Bassett Green Estate) Conservation Area (1993)
- (z) Canute Road Conservation Area Character Appraisal (1996)
- (aa) The Avenue Conservation Area Character Appraisal (1997)
- (bb) St James Road Conservation Area Character Appraisal (1996)
- (cc) Banister Park Character Appraisal (1991)*
- (dd) Bassett Avenue Character Appraisal (1982)*
- (ee) Howard Road Character Appraisal (1991) *
- (ff) Lower Freemantle Character Appraisal (1981) *
- (gg) Mid Freemantle Character Appraisal (1982)*
- (hh) Westridge Road Character Appraisal (1989) *
- (ii) Westwood Park Character Appraisal (1981) *
- (jj) Cranbury Place Character Appraisal (1988) *
- (kk) Carlton Crescent Character Appraisal (1988) *
- (ll) Old Town Conservation Area Character Appraisal (1974) *
- (mm) Oxford Street Conservation Area Character Appraisal (1982) *
- (nn) Bassett Green Village Character Appraisal (1987)
- (oo) Old Woolston and St Annes Road Character Appraisal (1988)
- (pp) Northam Road Area Improvement Strategy (1987)*
- (qq) Houses in Multiple Occupation (1990)*
- (rr) Vyse Lane/ 58 French Street (1990)*
- (ss) Tauntons College Highfield Road Development Guidelines (1993)*
- (tt) Old Woolston Development Control Brief (1974)*
- (uu) City Centre Characterisation Appraisal (2009)

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

5. Documents relating to Highways and Traffic

- (a) Hampshire C.C. - Movement and Access in Residential Areas
- (b) Hampshire C.C. - Safety Audit Handbook
- (c) Southampton C.C. - Cycling Plan (June 2000)
- (d) Southampton C.C. - Access for All (March 1995)
- (e) Institute of Highways and Transportation - Transport in the Urban Environment
- (f) I.H.T. - Traffic Impact Assessment Guidelines
- (g) Freight Transport Association - Design for deliveries
- (h) DETR Traffic Advisory Leaflets (various)

6. Planning related Government Circulars in most common use

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

7. Government Policy Planning Advice

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

8. Government Policy Planning Advice in Preparation

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

9. Other Published Documents

- (a) Planning for Daylight and Sunlight - DOE
- (b) Coast and Countryside Conservation Policy - HCC
- (c) The influence of trees on house foundations in clay soils - BREDK
- (d) Survey and Analysis - Landscape and Development HCC
- (e) Root Damage to Trees - siting of dwellings and special precautions – Practice Note 3 NHDC
- (f) Shopping Policies in South Hampshire - HCC
- (g) Buildings at Risk Register SCC (1998)
- (h) Southampton City Safety Audit (1998)
- (i) Urban Capacity Study 2005 – 2011 (March 2006)
- (j) Strategic Housing Land Availability Assessment (March 2009)

10. Other Statutes

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

Partially Revised: 6/01/11

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Agenda Item 5

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 14 February 2012
Planning Application Report of the Planning and Development Manager

Application address: 39 Archers Road			
Proposed development: Redevelopment of the site. Demolition of the existing building and erection of a part 3-storey, part 4-storey and part 5-storey building to provide 20 flats (7 x 1-bedroom, 7 x 2-bedroom and 6 x 3-bedroom) with associated storage and parking.			
Application number	11/01336/FUL	Application type	FUL
Case officer	Jenna Turner	Public speaking time	15 minutes
Last date for determination:	13.12.11	Ward	Freemantle
Reason for Panel Referral:	Referred by the Planning & Development Manager due to wider interest	Ward Councillors	Councillor Parnell Councillor Moulton Councillor Ball

Applicant: Oakdene Construction Ltd	Agent: Tony Oldfield Architects
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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Reason for granting Permission

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 14.02.12 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 2011) and PPG13 (Transport 2011) are also relevant to the determination of this planning application.

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History

Recommendation in Full

1. 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. The provision of 35% of the net gain affordable housing in accordance with adopted LDF Core Strategy Policy CS15 and that the scheme is realised to shell and core within 24 months;
 - 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.
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. In the event that the legal agreement is not completed within two months of 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.

1.0 The site and its context

- 1.1 The application site currently comprises a three-storey Victorian property located on the corner of Archers Road and Northlands Road. The site is currently vacant but was last used as a health care clinic. There is an existing vehicular access from Northlands Road and a green landscaped area to the front of the building which is a lower level than Archers Road.
- 1.2 The surrounding area is predominantly residential in nature and comprises a high proportion of flatted developments. The site is neighboured to the north and east by three-storey, flat-roof blocks of flats. Opposite the site is the ten-storey Overdell Court. The site also lies broadly opposite the former Dell Site which contains four-storey flatted blocks.

2.0 Proposal

- 2.1 The application seeks planning permission for the demolition of the existing health clinic building and the construction of a block of 20 flats which provide a mix of 1, 2 and 3 bedroom accommodation. In total, 6 genuine family units with access to private amenity space is proposed.
- 2.2 The main entrance to the building is from Northlands Road. The development incorporates staggers to its building line on the street frontages.

- 2.3 The building ranges between 3 and 5 storeys in height and has been designed to take advantage of the change in levels across the site to provide basement level accommodation. The top floor of accommodation is set back from the parapets.
- 2.4 The building has a contemporary design approach. It has a flat roof design and the elevations would be constructed using a buff facing brick, over an engineering brick plinth with elements of cladding to the top floor.
- 2.5 Amenity space is provided in the form of private balconies, roof terraces and communal ground floor space to the front of the building. A total of 592 sq.m of amenity space would be provided which equates to approximately 29 sq.m per flat.
- 2.6 A total of ten car parking spaces would be provided to the rear of the site, utilising the existing access from Northlands Road. Integral storage is provided for cycle and refuse.

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 site is not allocated for a specific use within the Development Plan but lies within Public Transport Accessibility Levels 5 and 6. 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 A schedule of the relevant planning history for the site is included in **Appendix 2**. The Council has previously refused flatted development on the site and **Appendix 2** explains how the current scheme differs from those previously rejected.

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 (13.10.11) and erecting a site notice (03.10.11). At the time of writing the report **9** representations have been received from surrounding residents. The following is a summary of the points raised:
- 5.2 ***The level of car parking proposed is insufficient to serve the proposed number of flats. This would result in additional overspill car parking on Northlands Road, which could have a harmful impact on road safety.***
- 5.3 **Response**
The recently adopted Parking Standards Supplementary Planning Document permits a maximum of 33 car parking spaces to serve the proposed development. That said, there is no minimum level of parking provision required and as such the proposed 10 spaces accords with saved policy SDP5 of the Local Plan. The site

is within walking distance of the central train station and the shops and facilities within the Bedford Place area. As such, the level of car parking proposed is considered to be acceptable. The Highways Team have not raised concerns regarding the level of parking provision or the impact that any overspill car parking would have on highway safety.

5.4 ***The more intensive use of the access from Northlands Road is likely to conflict with cars queuing at the junction with Archers Road.***

5.5 **Response**

The visibility from the proposed access is acceptable and the presence of queuing cars would not create a highway safety issue for vehicles entering or leaving the site.

5.6 ***The colour of the materials to be used in the development does not reflect the character of the area.***

5.7 **Response**

Amended plans have been received which indicate a more neutral palette of materials and are considered to be more sympathetic to the surrounding development. A condition is recommended, which requires full details of the materials to be used including the requirement of samples to be reviewed by officers.

5.8 ***The proposal would result in a loss of light to the kitchen windows located within the west-facing elevation of the neighbouring 37 Archers Road.***

5.9 **Response**

The proposed building would be approximately 1 metre taller than the ridge height of the existing building and the same depth along the boundary with 37 Archers Road. The proposed building would be positioned further off of the boundary with the neighbour by 1 metre than the existing building. As such, it is considered that whilst the development would have an impact on the neighbouring habitable kitchen windows, this would not be significantly greater than the existing situation.

5.10 ***The development would result in overlooking of the neighbouring flats at 37 Archers Road.***

5.11 **Response**

There are no primary habitable room windows proposed on the east-facing elevation of the proposed building. A condition is suggested to ensure that any windows on this elevation are obscurely glazed and fixed shut up to a height of 1.7 metres from the internal floor level to avoid overlooking from the windows. In addition to this, a condition is also suggested requiring privacy screens to the side of the north and south facing balconies and roof terraces nearest to the boundary with 37 Archers Road.

5.12 ***The five-storey height of the proposed building is out of keeping with the area.***

5.13 **Response**

Whilst five levels of accommodation is proposed, the design makes use of the change in levels across the site to provide a basement level, meaning that when viewed from the street the development would have a four-storey massing. The development steps up from three-storeys on the Northlands Road frontage to the five-storey height on the corner with Archers Road. As such, it is considered that the height would appear acceptable in visual terms.

5.14 ***The proposed massing of the building would appear excessive.***

5.15 **Response**

The proposed building is designed with a deep recessed section to the Northlands Road frontage which provides a clear break in the massing of this elevation. Similarly, the Archers Road frontage of the building has a staggered building line which would successfully articulate this elevation. In addition to this, the use of

materials and the variation in building height also helps to break up the elevations of the building and prevent it from appearing overly bulky when viewed from the street and neighbouring properties.

5.16 **Consultee Responses**

5.17 **SCC Highways** - No objection. Having regard to the location of the site in relation to the city centre, the level of parking proposed is considered to be acceptable. Suggests conditions to secure details of the access and to manage the construction process.

5.18 **SCC - Planning Policy** - No objection.

5.19 **SCC Sustainability Team** – No objection. Suggests conditions to secure sustainability measures.

5.20 **SCC Architect's Panel** – No objection. Raise some concerns with depth of the south-facing balconies in terms of how this would appear and affect the internal accommodation of the proposed building.

5.21 **SCC Environmental Health (Pollution & Safety)** - No objection. Suggests conditions to ensure that the demolition process does not cause harm to residential amenity and to manage the construction process.

5.22 **SCC Environmental Health (Contaminated Land)** - No objection. Suggests conditions to investigation the site for contamination and to secure any remediation.

5.23 **SCC Ecology** – No objection. The application has satisfactorily addressed biodiversity issues. Suggests a condition to secure ecological mitigation measures.

5.24 **SCC - Archaeology** - No objection. Suggests conditions to secure an archaeological investigation and scheme of work.

5.25 **Southern Water** – No objection. Suggests conditions to secure details of surface water and foul water disposal.

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;
- v. Parking and highways and;
- vi. Mitigation of Direct Local Impacts and Affordable Housing.

The application needs to be assessed in light of the above key issues and the planning history of the site.

6.2 **Principle of Development**

6.2.1 The application site is previously developed land which is not safeguarded for commercial or a health care use in the Development Plan and, as such, the principle of redevelopment to provide residential accommodation is acceptable. The application proposes a genuine mix of accommodation including the required 6 family housing units.

6.2.2 Saved Local Plan policies support the redevelopment of vacant and underused commercial sites to provide residential accommodation. The application proposes a residential density of 142 dwellings per hectare and this accords with Core Strategy Policy CS5, which recommends densities of over 100 dwellings per hectares within the area of the application site.

6.3 Character and Design

- 6.3.1 In terms of the proposed layout, the development would result in less than 50% of the site being occupied by building and hardsurfacing. Furthermore, the applicants have demonstrated that the proposed degree of site coverage is not unusual within the vicinity of the site. The proposed building is set off the boundary with Northlands Road by between 3 and 5 metres, and the layout incorporates tree planting along this frontage to soften the appearance of the development. Similarly, the building is set back by between 12 and 20 metres from the front boundary of the site with Archers Road.
- 6.3.2 The existing properties at No.'s 37 and 39 Archers Road are somewhat unusual in their degree of set back from the front boundary with Archers Road. The layout of the building is designed to step forward gradually from the set back position of 37 Archers Road, which would enable the development to respond better to the wider context in Archers Road. That said, the development still provides a substantial soft landscape frontage to Archers Road and the stepped front elevation ensures that the building would not appear awkward in relation to the set back neighbouring development of 37 Archers Road.
- 6.3.3 Five levels of accommodation are proposed however, by incorporating basement level accommodation, the scheme would instead have a four-storey appearance within the street. In addition to this, the top floor of accommodation is set back from the parapet allowing the design to successfully step up from three-storeys on the Northlands Road frontage. The additional height of the building would provide a focus to this prominent corner location. Furthermore, as the surrounding area contains development of three and more storeys in height, it is not considered that the proposed height would appear unsympathetic with the character of the area. Saved Local Plan Policy SDP9 defines five-storey development as tall buildings and accepts the principle of tall buildings on corner site.
- 6.3.4 The elevations of the building are well articulated, with clear breaks in the massing and the building is designed to address both street frontages. The proposed building would have a contemporary appearance but, having regard to the variation in architectural styles within the area, the design approach is considered to be acceptable.

6.4 Residential Amenity

- 6.4.1 The main consideration in this respect is the relationship of the proposed building with the neighbouring block of flats at 37 Archers Road and in particular, the impact on kitchen windows directly facing onto the application site. In terms of overlooking, there are no primary habitable room windows located on the east-facing elevation of the proposed development and a condition is suggested to ensure any windows on this elevation are fixed shut and obscurely glazed up to a height of 1.7 metres from the internal floor level.
- 6.4.2 Where the proposed building lies adjacent to the boundary with 37 Archers Road, the depth of the building is reduced to correspond to that of the existing building. In addition to this, whilst the proposed building is taller than the existing, it is positioned 1 metre off of the boundary with the neighbouring property. As such, it is not considered that the proposal would have a significantly worse impact on the outlook, daylight and shading to the kitchen room windows on the west side elevation of the neighbouring property, which are already compromised in any event.
- 6.4.3 In addition to this, the development has also been designed to avoid affecting the principal habitable room windows within the north and south facing elevations of 37 Archers Road by reducing the depth and massing of the building adjacent to the eastern site boundary. As such, the proposal would accord with the 45 Degree

Test as set out in the Residential Design Guide.

6.5 Residential Environment

- 6.5.1 The level of amenity space proposed accords with the standards as set out in the Residential Design Guide. The submitted site sections demonstrate that since the communal amenity space is at a lower level to the adjacent highway, it would be suitably private. It is also proposed to retain and enhance the existing soft planting adjacent to the front and west-side site boundaries. Whilst the amenity space provided would be subject to some disturbance from road traffic noise, the space would be south-facing, relate well to the dwellings and provide a useable area. On balance, the amenity space is therefore considered to be acceptable.
- 6.5.2 The outlook from habitable rooms is considered to be acceptable and in particular, the basement units have fully above-ground windows and would be unaffected by retaining walls or structures. Whilst the Architects Panels raised some concern with the impact of the proposed balconies to the south of the building on the proposed internal living space, since these units have a southerly aspect, the internal quality is considered to be acceptable.
- 6.5.3 The development incorporates integral cycle and refuse storage, which is conveniently located in relation to the flats.

6.6 Parking and Highways

- 6.6.1 Saved Local Plan policy SDP5 confirms that car parking is a key determinant in the choice of the mode of travel and therefore the provision of ten off-road car parking spaces would comply with current planning guidance in the form of PPG13: 'Transport', PPS1 'Delivering Sustainable Development' and PPS3 'Housing, which emphasises the need to reduce car dependence. Furthermore, the level of parking proposed accords with the Council's adopted maximum car parking standards as set out in saved Local Plan policy SDP5 and the Parking Standards SPD.
- 6.6.2 There is sufficient space on site to enable vehicles to turn and so enter and leave the site in a forward gear. The Highways Team considers that were the development to generate any overspill parking, that this would not be harmful to highway safety. In addition to this, the vehicular access into the site is judged to be acceptable in highway safety terms.

6.7 Section 106 and Affordable Housing

- 6.7.1 The development 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.
- 6.7.2 Core Strategy policy CS15 requires the provision of 35% affordable housing on sites where there would be a net gain of 15 or more units. This policy however, builds in flexibility to ensure that issues of viability do not stifle development in difficult economic times. A viability appraisal of the proposal has been submitted with the application and it is proposed to make a reduced contribution towards affordable housing to be provided off-site. The submitted viability assessment has been independently tested by the Council and it is agreed that the provision of 35% affordable housing would make the scheme non-viable on a commercial basis.
- 6.7.3 The delivery of Affordable Housing needs to be balanced against other material consideration, such as the delivery of housing (the employment associated with this) during difficult economic circumstances. However, since the submitted viability appraisal reflects the current market conditions, a usual three year planning permission would not necessarily meet this aim. As such, it is recommended that the S.106 Legal Agreement includes a clause (as set out

above) that ensure the scheme is realised to shell and core within 24 months.

7.0 Summary

7.1 The proposal development makes good use of previously developed land to provide a genuine mix of accommodation and successfully responds to the constraints of the site without compromising the existing residential amenity of neighbouring dwellings.

8.0 Conclusion

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 14/02/12 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 - 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.

05. 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. The statement shall include measures for the suppression of dust during the demolition works. 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.

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

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

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

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

And at no time on Sundays and recognised public holidays.

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

Reason:

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

07. APPROVAL CONDITION - 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.

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

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

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

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

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

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

Reason:

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

09. APPROVAL CONDITION- 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.

10. 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.

11. 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).

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

Written documentary evidence demonstrating that the development will achieve at minimum Level 3 of the Code for Sustainable Homes, including at least 15% in category Ene1, shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted, unless an otherwise agreed timeframe is agreed in writing by the LPA. The evidence shall take the form of a post construction assessment and certificate as issued by a legitimate Code For Sustainable Homes certification body.

Reason:

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

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

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

Reason:

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

14. APPROVAL CONDITION – Archaeology Written Scheme of Investigation [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.

15. 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.

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

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement (CMS) for the development. The CMS shall include details of: (a) parking of vehicles of site personnel, operatives and visitors; (b) loading and

unloading of plant and materials; (c) storage of plant and materials, including cement mixing and washings, used in constructing the development; (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary; (e) measures to be used for the suppression of dust and dirt throughout the course of construction; (f) details of construction vehicles wheel cleaning; and, (g) details of how noise emanating from the site during construction will be mitigated. The approved CMS shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

Reason:

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

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

The amenity space areas shown on the plans hereby approved, 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 dwellings.

18. APPROVAL CONDITION - Cycle Storage [performance condition]

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

REASON:

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

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

Bin storage shall be laid out with a level approach prior to the first occupation of the development hereby approved in accordance with the plans hereby approved. The facilities shall include accommodation for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained whilst the building is used for residential purposes.

Reason:

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

20. APPROVAL CONDITION – Vehicular Access Details [performance condition]

The vehicular access to the development hereby approved shall be no less than 4.5 metres wide and must retain that width for the first 6 metres into the site.

Reason:

In the interests of highway safety

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

Notwithstanding the plans hereby approved, within 2 metres of the vehicular access into the site, the planting and boundary treatment on the northern boundary shall be no higher than 600mm in height and thereafter retained as such.

Reason:

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

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

Prior to the commencement of the development hereby approved, full details of means for foul and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details.

Reason:

To secure a satisfactory form of development.

23. APPROVAL CONDITION - Obscure Glazed Windows [performance condition]

Before the development first comes into occupation, the windows on the east-facing side elevation of the development hereby approved shall not obscurely glazed and non-opening up to a height of 1.7 metres from the internal floor level. The windows shall be thereafter retained in this manner.

Reason:

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

24. APPROVAL CONDITION - Balcony Privacy Screens [pre-commencement condition]

Prior to the commencement of the development hereby approved, full detail of privacy screens to the east sides of balconies and roof terraces positioned adjacent to the boundary with 37 Archers Road, shall be submitted to and approved in writing by the Local Planning Authority. The screens shall be installed in accordance with the agreed details before the development first comes into occupation and thereafter retained as approved.

Reason:

In the interests of the privacy of the neighbouring occupiers.

25. APPROVAL CONDITION - Approved Plans

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

Reason:

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

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
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
NE4	Protected Species
HE6	Archaeological Remains
CLT6	Provision of Children's Play Areas
CLT7	Provision of New Public Open Space
H1	Housing Supply
H2	Previously Developed Land
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 (September 2011)

Other Relevant Guidance

PPS1 Delivering Sustainable Development (February 2005)
PPS3 Housing (June 2011)
PPS9 Biodiversity and Geological Conservation (August 2005)
PPG13 Transport (January 2011)
PPS22 Renewable Energy (August 2004)

Relevant Planning History

1307/48

Conditionally Approved 26.04.66

Alterations and additions to form surgery

07/00716/FUL

Refused 10.08.07

Redevelopment of the site. Demolition of the existing building and erection of a 4-storey block of 14 flats with associated parking (Major Application).

The reasons for refusal and a analysis of the differences with the current scheme is detailed as follows:

01.

The proposed flatted development fails to respond to the its immediate context with regard to scale and massing, and would result in overdevelopment of the site in terms of the amount of hardstanding proposed including the footprint of the building and the area of car parking. The development exceeds the maximum 50% site coverage guidance. As such the development would result in a development that harms the viusal amenity of the area contrary to the provisions of Policies SDP1, SDP7, SDP9 & H7 of the City of Southampton Local Plan Review - Adopted Version March 2006 and guidance set out in the Residential Design Guide (2006).

Scale: The 2007 scheme was of uniform 4-storey height (11.9 m). The current application proposes a building which steps up from 3-storeys on Northlands Road and uses the change in levels of achieve basement accommodation. The proposed top floor would also be set back. From street level, the proposed building is less tall than the refused scheme (ranging from 7.8m to 11.4m in height).

Massing: As stated above, the 2007 scheme had a uniform ridge height where as the current scheme graduates the height which reduces the perceived massing. The current proposal also incorporates significantly more pronounced recessed elements to the building than this refused proposal.

Site Coverage: The current application proposes less than 50% site coverage. The car parking area is reduced in area and soft landscaping introduced. The current proposal also incorporates tree planting to the Northlands Road frontage. The scheme incorporates elements of green roof to areas to flat roof. In addition to this, the applicants have demonstrated that the proposed site coverage is not unusual within the surrounding area. Moreover, the improvements to the scale and massing of the development help to ensure that the level of development proposed would not appear excessive.

02. Notwithstanding the above the siting of the amenity space along the busy adjacent road frontages would result in the area being subject to noise, disturbance, pollution and lack of privacy and as such likely to be a deterrent to its use and is unlikely to offer a quality living environment for future occupiers contrary to the provisions of Policy SDP1 of the City of Southampton Local Plan Review - Adopted Version March 2006 and guidance set out in the Residential Design Guide (2006).

Amenity Space: The refused scheme relied solely on the communal area to the front of

the building as amenity space, where as the proposed scheme incorporates private balconies and roof terraces. The submitted sections demonstrate that the submitted that the communal amenity space would be suitably private. Furthermore, the issue relating to noise disturbance and pollution to amenity space has been tested at appeal for a similar arrangement (238 Weston Lane) and found not be justify the refusal of planning permission.

03. The development by virtue of the proposed windows on the east elevation would result in overlooking into the windows of the side elevation of the adjacent flats at Glyn Court to the detriment of the private amenities of adjoining occupiers. Additionally, due to the proximity of the proposed side elevation to Glyn Court (6m) the outlook from the proposed windows on that elevation would fail to comply with the Council's approved outlook distances. As such the proposed development proves contrary to SDP1, SDP7, SDP9 and H7 of the City of Southampton local Plan Review and the guidance set out within the Residential Design Guide (2006).

Privacy:

There are no primary habitable room windows proposed on the east facing elevation of the current proposal, when compared with the refused scheme which had 8 habitable rooms solely relying on windows directly looking onto the boundary with 37 Archers Road.

Outlook:

Adjacent to the neighbouring property at 37 Archers Road, the height of the proposed building has been reduced by approx 900mm and the top floor set back from the parapet when compared with the refused scheme. As discussed in section 6.4 above, the relationship with the neighbouring development is therefore considered to be acceptable.

04. The proposed location of the bin and cycle storage would result in an over-dominant and incongruous feature within the street scene. In addition, the size of the storage facility is not sufficient for the number of flats and is located too far away in terms of the carry distance for the residents of the proposed flats to deposit their waste. As such the proposed development is contrary to SDP1, SDP7 and H7 of the City of Southampton Local Plan Review and the guidance set out in the Residential Design Guide.

Cycle and Refuse Storage: The current application proposes integral cycle and refuse storage.

05. The proposals fail to satisfy the provisions of policy IMP1 of the City of Southampton Local Plan Review - Adopted Version March 2006 and the provisions of the Council's Supplementary Planning Guidance on Planning Obligations (November 2006) in the following ways:-

- a) Measures to satisfy the public open space and play space requirements of the development. As such the development is contrary to Policies CLT5 and CLT6 of the City of Southampton Local Plan Review - Adopted Version March 2006.
- b) Measures to support sustainable modes of transport such as necessary improvements to public transport facilities and pavements in the vicinity of the site contrary to policies SDP1, SDP2 and SDP3 of the City of Southampton Local Plan Review - Adopted Version March 2006.
- c) Measures to support strategic transportation initiatives.

Section 106 Agreement: The application proposed would also require a section 106 agreement to mitigate against the direct local impacts of the development and the

applicants have indicated their willingness to enter into such an agreement.

08/00383/FUL

Refused 11.06.08

Redevelopment of the site. Demolition of the existing building and erection of a 4-storey block of 11 x 2 bedroom flats with associated parking.

The reasons for refusal and a analysis of the differences with the current scheme is detailed as follows:

01.Excessive footprint

The proposed flatted development fails to respond to the its immediate context with regard to scale and massing, and would result in overdevelopment of the site in terms of the amount of hardstanding proposed including the footprint of the building and the area of car parking. The development exceeds the maximum 50% site coverage guidance. As such the development would result in a development that harms the viusal amenity of the area contrary to the provisions of Policies SDP1, SDP7, SDP9 & H7 of the City of Southampton Local Plan Review - Adopted Version March 2006 and guidance set out in the Residential Design Guide (2006).

Scale: The 2008 scheme proposed a building of a identical height to the 2007 application. Again, the building had a uniform 4-storey height (11.9 m). The current application proposes a building which steps up from 3-storeys on Northlands Road and uses the change in levels of achieve basement accommodation. The proposed top floor would also be set back. From street level, the proposed building is less tall than the refused scheme (ranging from 7.8m to 11.4m in height).

Massing: When viewed from the street, the 2008 application offered no improvements to the massing of the building when compared with the 2007 refusal. As detailed above, the current application incorporates a graduation in height which reduces the perceived massing and also incorporates significant recesses to the building when compared with the refused application.

Site Coverage: The current application proposes a reduced car parking area when compared with the refused scheme and also internalises cycle and refuse storage, which the 2008 application proposed in a separate store to the rear of the site. As stated above the current proposal also incorporates tree planting to the Northlands Road frontage and areas of green roof, which helps to reduce the perceived amount of development on the site.

02. Insufficient Amenity Area

Notwithstanding the above the siting of the amenity space along the busy adjacent road frontages would result in the area being subject to noise, disturbance, pollution and lack of privacy and as such likely to be a deterrent to its use and is unlikely to offer a quality living environment for future occupiers contrary to the provisions of Policy SDP1 of the City of Southampton Local Plan Review - Adopted Version March 2006 and guidance set out in the Residential Design Guide (2006).

Amenity Space: The 2008 application again mainly relied on the communal area to the front of the site to provide amenity space. The current application by contrast incorporates private balconies and roof terraces, above road level.

03. S106

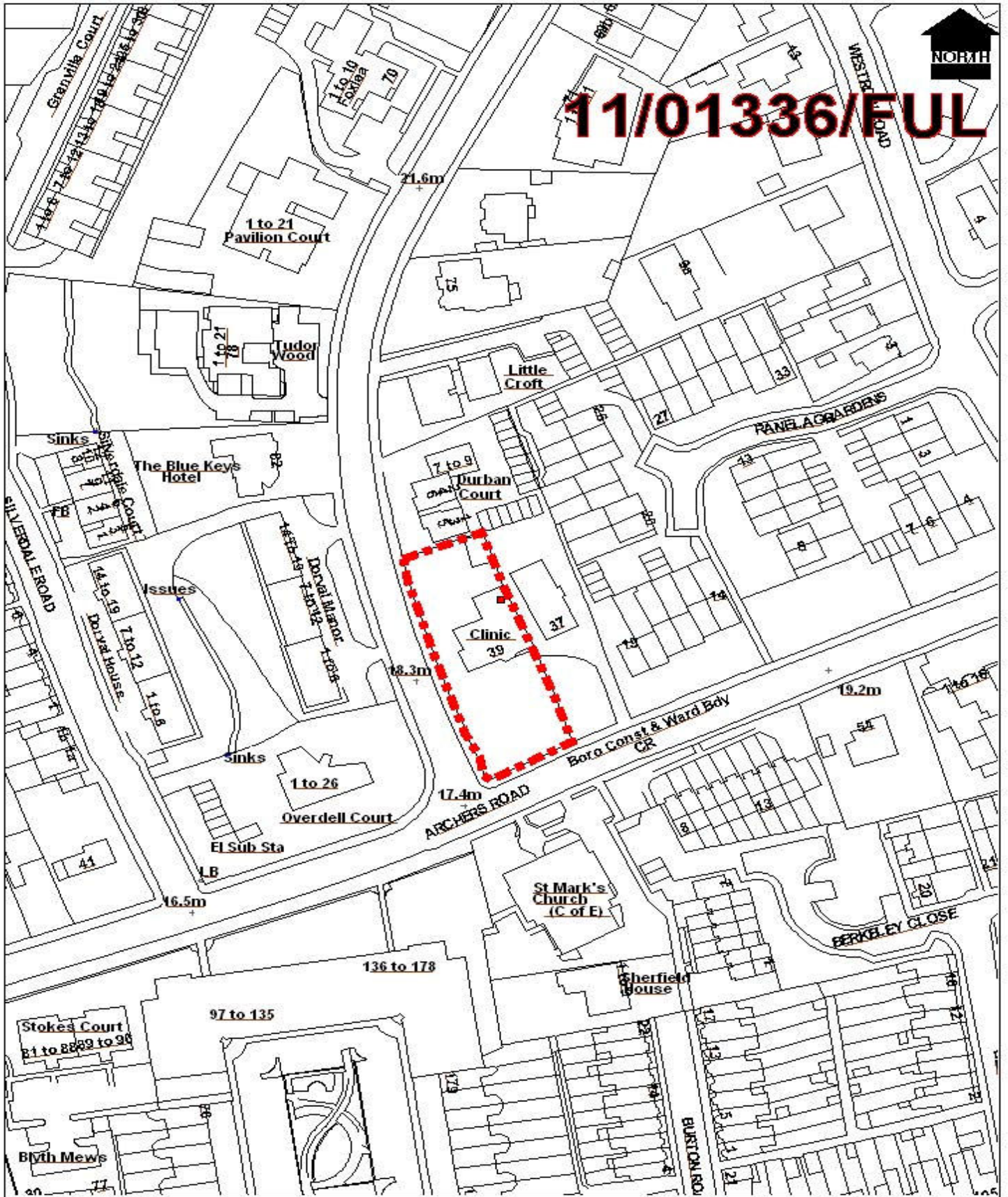
The proposals fail to satisfy the provisions of policy IMP1 of the City of Southampton Local Plan Review - Adopted Version March 2006 and the provisions of the Council's Supplementary Planning Guidance on Planning Obligations (November 2006) in the following ways:-

a) Measures to satisfy the public open space and play space requirements of the development. As such the development is contrary to Policies CLT5 and CLT6 of the City of Southampton Local Plan Review - Adopted Version March 2006.

b) Measures to support sustainable modes of transport such as necessary improvements to public transport facilities and pavements in the vicinity of the site contrary to policies SDP1, SDP2 and SDP3 of the City of Southampton Local Plan Review - Adopted Version March 2006.

c) Measures to support strategic transportation initiatives.

Section 106 Agreement: The application proposed would also require a section 106 agreement to mitigate against the direct local impacts of the development and the applicants have indicated their willingness to enter into such an agreement.



Scale : 1:1250

Date :01 February 2012

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Agenda Item 6

**Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 14 February 2012
Planning Application Report of the Planning and Development Manager**

Application address: Rosebank Cottage, Studland Road, SO16 9BB			
Proposed development: Re-development of the site. Demolition of the existing building and erection of two and three storey buildings to provide 9 x two-bedroom flats and 22 houses (5 x two-bedroom, 16 x three-bedroom and 1 x four-bedroom units) with associated access, parking and landscaping works.			
Application number	11/01936/FUL	Application type	FUL
Case officer	Richard Plume	Public speaking time	15 minutes
Last date for determination:	07.03.2012	Ward	Redbridge
Reason for Panel Referral:	Referred by the Planning and Development Manager	Ward Councillors	Cllr Holmes Cllr McEwing Cllr Pope

Applicant: Mr Nathan Cronk	Agent: Mr Christian Crawley
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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 loss of open space which was previously used as a playing field, although not within the last five years, and found that its loss can be adequately mitigated through a financial contribution to improve public open space locally. The precedent for this form of development has been set by the previous outline planning permission. Account has also been taken of the impact of the development on the adjoining school and found to be acceptable. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and planning permission should therefore be granted.

Policies - SDP1, SDP4, SDP5, SDP7, SDP8, SDP9, SDP10, SDP11, SDP13, SDP22, NE4, HE6, CLT3, CLT5, CLT6, H1, H2, H3, H6 and H7 of the City of Southampton Local Plan Review (March 2006) and Policies CS4, CS5, CS13, CS15, CS16, CS18, CS19, CS20, CS21, CS22 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

1. 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 improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D.
- iii. Financial contributions towards the open space improvements required by the development in line with Policies CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended) and to mitigate for the loss of that part of the site which is currently protected open space.
- iv. Provision of affordable housing in accordance with Core Strategy CS15.
- v. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.

In the event that the legal agreement is not completed within two months of the Panel resolution 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.

2. That the Planning and Development Manager be given delegated powers to vary relevant parts of the Section 106 agreement and to vary or add conditions as necessary.

1.0 The site and its context

- 1.1 The application site is broadly rectangular in shape, 0.53 hectares in area and lies on the west side of Studland Road near the junction with Cuckmere Lane. The site has previously been in three parcels. The front (east) part of the site is a hoarded/secured former works compound. The central part is occupied by a vacant two-storey detached house - Rosebank Cottage. The western part of the site is the largest area which used to form part of a playing field. There are a number of trees on the site which are covered by a Tree Preservation Order.
- 1.2 The surrounding area is predominantly residential in character with a mix of building designs and heights. Two-storey terraced houses are to the east on the opposite side of Studland Road with four-storey blocks of flats to the south fronting Cuckmere Lane. A much taller, 20 storey block of flats (Redbridge Towers) exists at the western end of Cuckmere Lane. Redbridge Primary School adjoins to the north, with the main single-storey school building being some 13 metres off the boundary with the application site. The school's grounds and playing field abut the northern and western boundaries of the application site.

2. Proposal

- 2.1 This full application proposes a three-storey block of 9 x 2 bedroom flats on the Studland Road frontage with the remainder of the site developed with two-storey houses of different styles, either terraced or semi-detached, providing a mix of two, three and four bedroom units. The density of the proposal would be approximately 58 dwellings per hectare.

- 2.2 The main vehicular access into the site would be in the same position as existing with an additional access point formed towards the northern boundary of the site serving 9 car parking spaces for the block of flats. A total of 39 car parking spaces are provided.
- 2.3 The majority of the extensive tree planting along the southern boundary of the site will be retained. 4 trees would be removed to accommodate the development and a total of 45 new trees will be planted. The proposed external materials have not been specified but are likely to be dark brickwork with timber detailing, white window frames and slate roofs.

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.

4.0 Relevant Planning History

- 4.1 The application site was originally the recreation ground for the former Southern Gas Board. The City Council then purchased the site for use by the Education department as playing fields. The wider site was last used as formal playing fields over 10 years ago.
- 4.2 In August 2011 outline planning permission was granted for the redevelopment of the site to provide 31 dwellings (12 x two-bedroom flats, 7 x two-bedroom houses, 10 x three-bedroom houses and 2 x four bedroom houses) with associated access and parking and closure of part of the public highway in Studland Road (Outline application seeking approval for access, layout and scale - reference 10/00565/R3OL).

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 29.12.2011 and displaying a site notice 15.12.2011. At the time of writing the report 1 representation had been received from the Headteacher of Redbridge Primary School raising the following concerns:

As Headteacher of the Primary School, I must raise safeguarding concerns regarding our school being overlooked by residents in the planned properties. Can this be taken into account when planning positioning of windows/ balconies please. Also there is already considerable problems with parking and road safety at peak times so additional cars near to the site will increase the risk to our children. The proposed site is so close to the school boundary that I worry about

the impact this will have when junior children are in their classrooms. Will the fencing provided be of a high enough standard to maintain the high levels of privacy and security needed by the would-be residents as well as the school?

Response

A meeting has taken place with the Headteacher of the school to discuss these concerns and the application has been amended and details of the boundary fencing submitted. These issues are addressed later in this report

Consultee Comments

- 5.2 **SCC Highways** - No objections to the proposal in terms of access arrangements, layout or car parking provision.
- 5.3 **SCC Housing** – As the scheme comprises 30 dwellings net (31-1 existing) the affordable housing requirement from the proposed development is 35% (CS15-sites of 15 + units = 35%). The affordable housing requirement is therefore 11 dwellings. Planning conditions and or obligations will be used to ensure that the affordable housing will remain at an affordable price for future eligible households, or for the subsidy to be recycled to alternative housing provision. In this case the planning application has been made by Raglan Housing Association who are seeking to provide 100% affordable housing – a mix of units for rent and shared ownership.
- 5.4 **SCC Sustainability Team** – pleased to see that the development has been designed to meet Code Level 4 and satisfactory information has been submitted as evidence. The maximum credits are planned to be achieved in the surface water run off category.
- 5.5 **SCC Planning Policy** – The principle of re-developing this brownfield site for residential development is supported by Policy H2 of the LPR and CS 5 of the Core Strategy which notes that the majority of development should be on previously developed land. The proposal would result in the loss of protected open space (CLT3 Appendix 5 Studland Road Playing Fields). Policy raised concerns under the outline permission with regard to re-providing the open space elsewhere as part of a strategic approach in the city in accordance with policy CS21. It is noted from the reason for granting for the outline permission that a financial contribution towards local open space, and the provision of outdoor facilities off site on the existing playing fields at Redbridge Community School was secured to mitigate the loss of open space. Therefore, the principle of loss of open space has been accepted by the outline permission.
- 5.6 **SCC Trees Team** –Trees on this site are protected by The Southampton (Studland Road) Tree Preservation Order 2009. The loss of four trees adjacent to Rosebank Cottage is considered acceptable and has been mitigated with the potential for some 45 new tree/shrub planting. Details of these should be confirmed. The relationship between dwellings and trees along the southern boundary has been improved and is now considered acceptable.
- 5.7 **SCC Environmental Health (Contaminated Land)** - Annex 2 of PPS23 considers the proposed land use as being sensitive to the affects of land contamination. Records maintained by Environmental Health Services indicate that the subject site is located on/adjacent to the following existing and historical land uses (tank on site). These land uses are associated with potential land contamination hazards. There is the potential for these off-site hazards to migrate from source and present a risk to the proposed end use, workers involved in construction and the wider environment. Therefore, to ensure compliance with Annex 2 of PPS23 and Policies SDP1 and SDP22 of the Local Plan this department would recommend that the site be assessed for land contamination risks and, where appropriate, remediated to ensure the long term safety of the

site.

5.8 **SCC Archaeology** –Although the site lies outside the main areas of, it lies adjacent to Redbridge, an area defined as having high archaeological importance. There is also considerable evidence for significant activity dating from the later prehistoric period through to the mediaeval period in the surrounding area. There have previously been discussions regarding the potential archaeological requirements for the site, and a phased programme of archaeological work will be required in advance of the development. The applicant has submitted a specification for an archaeological evaluation in support of the planning application and, if implemented, this will fulfil the initial phase of this work. A decision as to whether or not any subsequent archaeological work will be required can be reached once the results of the initial evaluation phase are known. Although there is the potential for archaeology to survive, there is unlikely to be anything on the site that will require preservation in-situ and prove to be an overriding constraint to development. Consequently, the required archaeological works can best be secured by conditions.

5.9 **City of Southampton Society** – approve of the development. The site is currently an eyesore and urgently needs some positive attention.

5.10 **Sport England** – The application site is allocated as open space in the Local Plan but it does not fall within the statutory definition of a playing field as it has not been used as such in the past 5 years. The planning permission for the new primary school granted in 2007 included proposals for additional playing field land and qualitative improvements to existing playing fields at Redbridge Community School as part of these proposals. The applicant proposes a financial contribution to make improvements to existing sports facilities in the area through the Section 106 agreement.

5.11 **Southern Water** – Initial investigations indicate there is currently inadequate capacity in the local network to provide foul and surface water sewage disposal to service this development. The proposed development would increase flows to the public sewerage system. Existing properties and land may be subject to a greater risk of flooding as a result. Additional off-site sewers, or improvements to existing sewers will be required to provide sufficient capacity to service the development. Southern Water have no objections subject to the imposition of a condition and informative.

6. **Planning Consideration Key Issues**

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

- The principle of this form of development including the loss of open space
- Design issues including the impact on the adjoining school premises
- Access and car parking
- Trees and sustainability

6.2 **Principle of Development**

The proposal would result in the loss of protected open space (Policy CLT3 Studland Road Playing Fields). However, the principle of developing the site in this manner has been established through the previous outline permission. When that application was determined it was considered to be acceptable as new open space is being achieved at the site of the former Redbridge Primary School, Redbridge Road which is reasonably accessible from the site by foot and bicycle. The new school has provided for enhanced recreational facilities which are accessible through a community use agreement and a financial contribution made by the developer through the Section 106 agreement could either be used to

achieve improvements at Mansel Park or helping to fund the improvements at the old school site. This form of mitigation was accepted for the previous application and circumstances have not changed significantly since that time. Sport England did not object to the previous application and their comments remain supportive of the current application.

6.3 The mix of dwellings now proposed provides more family sized houses. 17 out of the 31 dwellings would be family sized houses (55%) which is considerably above the guidelines of Policy CS16 which seeks 30% family housing on sites of this nature. The layout and amenity space provision is in accordance with the relevant policy standards. The application is submitted on the basis of at least 45% affordable housing provision which is in excess of the policy standard and is welcomed.

6.4 Design issues

The design approach is for simple contemporary properties which is appropriate for this location. The proposed houses differ in form and detailed design which gives a level of variety to the scheme. The layout provides a reasonably spacious feel, privacy within the development would be satisfactory and the scheme has been designed to limit overlooking to the blocks of flats to the south. The retention of the mature trees near the southern boundary would preserve the landscaped setting of the site. The adjoining school currently has an open aspect across this site and the boundary fence is an open 'weldmesh' style boundary enclosure. The concerns of the school are understandable as they have four classrooms with windows facing in this direction within 13 metres of the boundary. In response to these concerns, the application has been amended to incorporate a 2.5 metre high close boarded fence along the boundary with the school which will limit potential overlooking of the playground area directly adjoining the site. The upper floor windows in the houses directly adjoining the school boundary will be either high level or partially obscured to preclude overlooking of the school grounds and this can be secured through a condition. The houses at the western end of the site would have views over the far end of the school playing field but this area is already overlooked by windows in the much larger 4-storey blocks of flats which adjoin and the privacy situation would be no worse than at present.

6.5 Transportation

The road layout is similar to the outline approval although this scheme retains the vehicular access in the same position as existing which will prevent the need for a partial road closure as would have been necessary for the previous layout. The internal road layout has been designed as a 'home zone style' street but also incorporates a turning head for a large refuse vehicle at the end of the access road. The car parking arrangements are in accordance with the new standards and, at over one space per unit with adequate space for casual and visitor parking, would limit the potential for overspill parking into surrounding streets.

6.6 Landscaping and sustainability

The site contains a large number of mature trees, the majority of which are retained and incorporated into the new development. New tree planting is proposed including along the boundary with the school premises. The development has been designed to meet Level 4 of the Code for Sustainable Homes which is welcomed. However, as the application was submitted before the end of 2011 it would not be reasonable to impose a condition which requires anything more than Code Level 3.

7. Summary

7.1 The principle of this form of development has already been established and the loss of open space, with appropriate mitigation, has been accepted. This application proposes a high level of family housing and affordable units and is acceptable in parking and highways terms. The impact on the adjoining school has been adequately addressed with the proposed revisions.

8. Conclusion

It is recommended that planning permission is 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(f), 4(g), 4(vv), 6(a), 6(c), 7(a), 7(e), 7(n), 7(v), 9(a), 9(j), 10(a) and 10(b).

RP2 for 14/02/2012 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 - 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.

05. 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.

06. 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.

07. 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.

12. 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.

13. 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, wheel cleaning (so that no lorry shall leave the site until its wheels are sufficiently clean to prevent mud being carried onto the highway), 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

14. 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.

15. 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 and footpaths are constructed in accordance with standards required by the Highway Authority.

16. APPROVAL CONDITION - Cycle & Refuse facilities (Pre-Occupation Condition)

The cycle and refuse storage facilities, which shall include recycling facilities, as shown on the approved drawings shall be provided before the dwelling to which the storage facilities relate have been provided. The storage areas shall be retained thereafter.

REASON

To ensure suitable cycling, refuse and recycling storage facilities are provided and in the interests of visual amenity and the convenience of residents.

17. 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.

18. APPROVAL CONDITION - Code for Sustainable Homes [Pre-Commencement Condition]

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum Level 3 of the Code for Sustainable Homes in the form of a design stage assessment, including at least 20% in category Ene1, shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

REASON:

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

19. APPROVAL CONDITION - Code for Sustainable Homes [Performance Condition]

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Level 3 of the Code for Sustainable Homes in the form of post construction assessment and certificate as issued by a legitimate Code for Sustainable Homes certification body, shall be submitted to the Local Planning Authority for its approval.

REASON:

To ensure the development has minimised 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).

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

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

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

Class B (roof alteration),

Class C (other alteration to the roof).

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.

21. 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 northern elevation above ground floor level of Units 10-18 inclusive or Units 21 and 22 hereby permitted without the prior written consent of the Local Planning Authority.

Furthermore, those windows marked as obscured on the approved amended plans shall be fitted and retained with fixed shut obscured glass for the lifetime of the development.

Reason:

To protect the privacy of the adjoining school premises.

22. APPROVAL CONDITION - Deliveries restriction (Performance Condition)

No deliveries of construction materials or equipment or removal of demolition materials shall take place between the following times: Mondays to Fridays 0830 to 0915 hours and 1430 to 1530 hours.

Reason

To safeguard children at the adjoining Redbridge Primary School.

23. 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
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk
CS25	The Delivery of Infrastructure and Developer Contributions

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
SDP17	Lighting
SDP22	Contaminated Land
NE4	Protected Species
HE6	Archaeological Remains
CLT3	Protection of Open Spaces
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

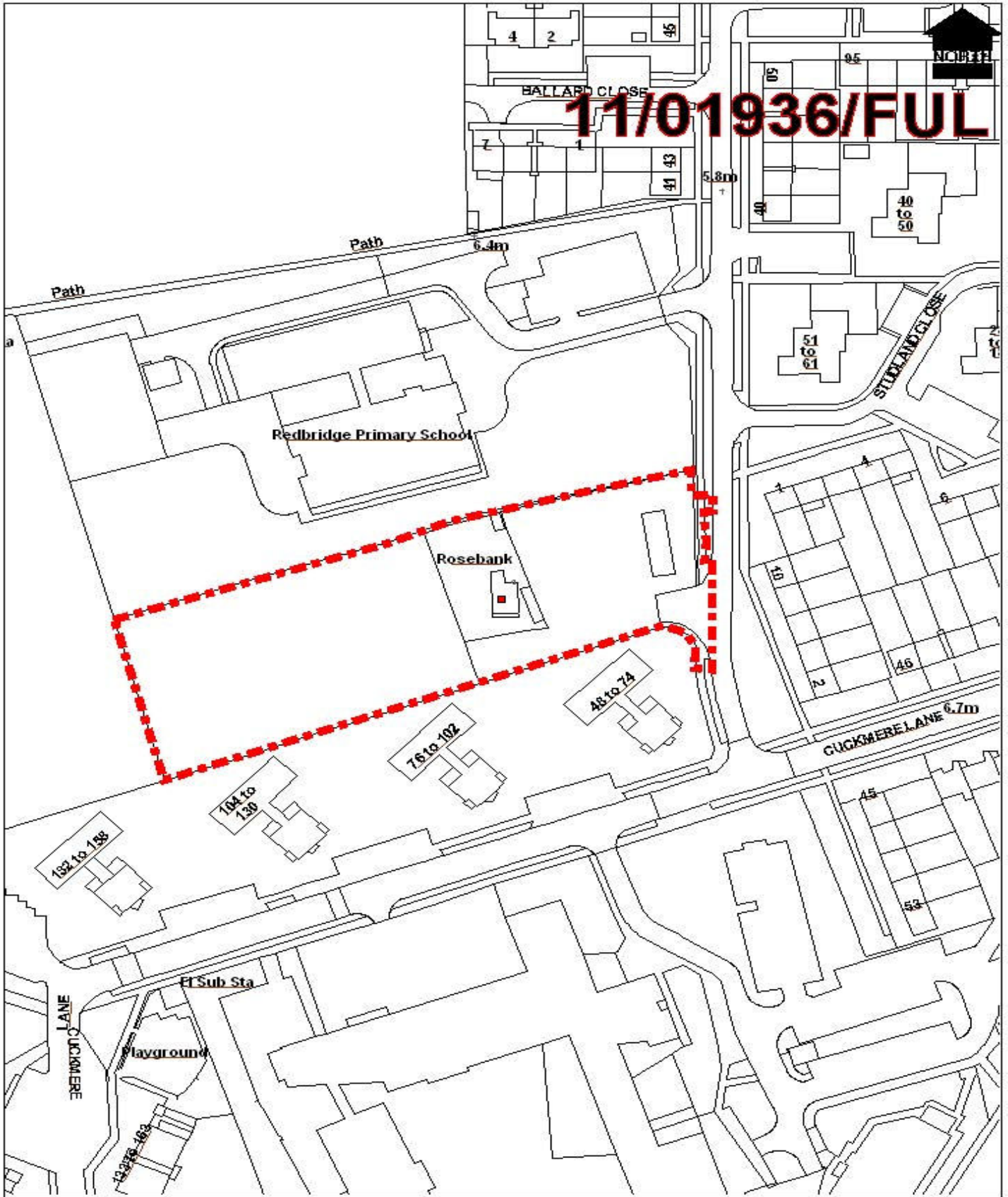
Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - August 2005 and amended November 2006)
Parking Supplementary Planning Document (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 (2010)
PPS5 Planning Policy Statement 5: Planning for the Historic Environment (March 2010)
PPG13 Transport (2011)
PPG17 Recreation
PPG24 Planning and Noise (October 1994)
PPS 25 Development and Flood Risk (December 2006)



Scale : 1:1250

Date :01 February 2012

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Agenda Item 7

**Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 14 February 2012
Planning Application Report of the Planning and Development Manager**

Application address: 115-121 Wilton Avenue			
Proposed development: Re-development of the site to provide a part three-storey, part four-storey and part five-storey building to provide a retail unit on the ground floor and 27 self contained student flats with associated refuse, cycle and car parking (Outline application seeking approval for access, appearance, layout and scale).			
Application number	11/01836/OUT	Application type	OUT
Case officer	Jenna Turner	Public speaking time	15 minutes
Last date for determination:	17.02.12	Ward	Bargate
Reason for Panel Referral:	Referred by the Planning and Development Manager due to wider interest	Ward Councillors	Cllr Bogle Cllr Noon Cllr Willacy
Applicant: Mr K Reeves		Agent: Concept Design & Planning	
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 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 14.02.12 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. The planning history of the site is material to this decision and the scheme has addressed the risk of flooding. 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 CS3, 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 2011) 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. 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;
 - vi. A clause restricting the occupation of the development to student occupation and;
 - vii. A car parking permit restriction.
2. 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
 3. In the event that the legal agreement is not completed within two months of 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.

1.0 The site and its context

- 1.1 The application site comprises a former petrol filling station which is currently used for car sales and a car wash. The site fronts both Milton Road and Wilton Avenue. There is a significant change in levels across the site; the Milton Road frontage is at a much higher level than the frontage to Wilton Avenue.
- 1.2 The surrounding area is residential in character and typically comprises late Victorian, two-storey terraced and semi-detached houses. Immediately to the west of the site however, is a four-storey block of flats and opposite the site on Milton Road is the 3 and 4 storey residential development of The Dell.

2. Proposal

- 2.1 The application seeks outline planning permission to demolish the existing buildings on site and construct a block of purpose built student flats. The only matter reserved from consideration is landscaping.
- 2.2 The proposed building ranges from 3 to 5 storeys in height. Due to the change in levels across the site, the development would have a 2 and 4 storey appearance when viewed from Milton Road. The top floor is set back from the parapets by

more than 3 metres. The development has a contemporary flat-roof appearance and the materials proposed to be used include a buff brick plinth, rendered elevations with elements of vertical timber cladding.

2.3 The flats are entirely self-contained with no communal living facilities. The main entrance to the flats would be from Milton Road. Each flat would have access to a private balcony with the exception of the top floor units which would not have direct access to private amenity space.

2.4 The development would be served by four car parking spaces to be accessed from Milton Road. Purpose built cycle and refuse storage is proposed to be located to the Milton Road frontage. This parking would be available for use on changeover days as students move into or out of the building but it is not intended that the spaces would be used outside of this time.

2.5 The development also incorporates a ground floor retail unit which would front Wilton Avenue. An enclosed service yard associated with this unit would be provided to the west of the site.

3.0 Relevant Planning Policy

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

3.2 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**. Historically, the site was used as a petrol filling station and after this, for car sales. The site benefits from a resolution to grant planning permission for a block of 8 flats with ground floor commercial space (application 02/01097/FUL refers). This decision was not been issued as the section 106 legal agreement was not completed. More recently, an application was refused planning permission for 12 flats for reasons relating to flood risk (application 06/01140/FUL).

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement 01.12.11 and erecting a site notice 28.11.11. At the time of writing the report **6** representations have been received from surrounding residents. The following is a summary of the points raised:

5.2 ***There should be a requirement for an on-site warden for the number of student rooms proposed. There are too many student properties already in the area and this results in noise and disturbance to other residents.***

5.3 **Response**

There is no planning requirement to provide an on-site warden within student blocks of accommodation. A planning condition is recommended to secure a management plan which will address aspects such as how incidences of noise complaints would be addressed, although typically these issues can be controlled with Environmental Health legislation.

5.4 ***The height, scale and massing is out of character with the surrounding area.***

5.5 **Response**

The proposed building would provide a step up from the two-storey development on Wilton Road to the neighbouring four-storey block of flats. Whilst the building would have a five-storey appearance from Wilton Avenue, the overall height of the building would appear no taller than the neighbouring block of flats at 135 Wilton Avenue. Furthermore, the top floor is well set back from the parapets, meaning it would not be readily visible from the streets. The form of the building is stepped which would ensure the massing of the building would not appear excessive. A comparison between the previous scheme and this proposal will form part of the presentation to Panel and will demonstrate clear improvements in design and its impact on the established character of the area.

5.6 ***The design of the building is out of character with the properties within the surrounding area.***

5.7 **Response**

The Council's adopted supplementary planning guidance, The Residential Design Guide encourages contemporary design and resists pastiche style developments. The City Design Manager has reviewed the proposal and raised no objection to the design of the development.

5.8 ***There is insufficient parking to serve the development and the proposal would exacerbate parking issues within the area.***

5.9 **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.

5.10 ***The balconies will result in noise and disturbance to neighbouring properties.***

5.11 **Response**

The proposed balconies are relatively small (1m x 3m) and as such would discourage congregation of groups of occupants which could be potentially noisy.

5.12 ***The level of amenity space is insufficient.***

5.13 **Response**

The level of amenity space is less than the standards set out in the Council's Residential Design Guide, however having regard to the single person occupancy of the proposed units and the accessibility of the site to public open space, on balance, the provision is considered to be acceptable.

5.14 ***The development would be over a watercourse and could lead to maintenance issues and localised flooding.***

- 5.15 **Response**
The development is designed to leave a 5 metre easement strip above the culverted watercourse to enable emergency and maintenance access to the culvert. As such, the Environment Agency have raised no objection to the proposal and the scheme is therefore considered to be acceptable in this respect.
- 5.16 **Consultee Comments**
- 5.17 **SCC Highways** - No objection subject to suggested planning conditions.
- 5.18 **SCC Sustainability Team** – No objection. Suggest conditions to secure the sustainability requirements.
- 5.19 **SCC Environmental Health (Pollution & Safety)** - No objection.
- 5.20 **SCC Environmental Health (Contaminated Land)** - Raise concern that no contamination information is submitted with the application. If permission is granted, recommend conditions to investigate and remediate any land contamination.
- 5.21 **SCC Ecology** – No objection or conditions suggested
- 5.22 **SCC Archaeology** - No objection or conditions suggested.
- 5.23 **BAA** – No objection. Suggest an informative on the decision notice to make the developers aware of the code of practice for the use of cranes.
- 5.24 **Environment Agency** – No objection subject to a condition to ensure that that essential maintenance and emergency access to the adjacent watercourse is retained.
- 5.25 **Southern Water** – No objection. Suggests a condition to secure details of foul and surface water disposal.

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;
 - v. Parking and highways;
 - vi. Flood Risk; and,
 - vii. Mitigation of direct local impacts and affordable housing.

The application needs to be assessed in light of these key issues and the planning history of the site.

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. This site however, is not identified as a housing site by the Council's Strategic Housing Land Availability Assessment (SHLAA). There is a recognised need for student accommodation within the city. As such, the planning policy team have indicated that student accommodation contributes to the council's housing numbers, particularly since it may contribute to freeing up other housing in the area suitable for families, that would otherwise be used for student occupation and raise no objection to the principle of student accommodation in this location.
- 6.2.2 The principle of mixed used development on previously developed land is accepted in the policies of the development plan. Furthermore, the development of this underused commercial site within a residential area is welcomed. The provision of 335sq.m of retail floorspace is well below the floorspace threshold for

retail uses outside of designated centres. The principle of the ground floor shop unit is therefore acceptable.

6.3 Character and Design

- 6.3.1 In terms of layout, the proposal is designed to address both street frontages with the main entrances to the building from both Milton Road and Wilton Avenue. The layout incorporates areas of soft landscaping to the Milton Road frontage which would soften the appearance of the development and represents an improvement on the current condition of the site, which is 100% developed. Whilst, the building and hardsurfacing would represent more than 50% of the site, given the dense urban grain of the area and the previously developed nature of the site, the level of development is considered to be acceptable.
- 6.3.2 The proposal would create a successful infill between the neighbouring two-storey houses on Wilton Avenue and the adjoining flatted block by providing a gradual step-up in height to the corner. Whilst five-storeys of accommodation are proposed to the Wilton Avenue frontage, the flat roof design of the proposal would ensure that the height would not appear excessive and furthermore, the set back top-floor would be less apparent from the street scene. The massing of the Wilton Avenue elevation is broken into three clear sections with a staggered building land.
- 6.3.3 Due to the change in levels across the site, the development would appear as a two and four-storey building when viewed from Milton Road. This section of Milton Road has a less coherent character than Wilton Avenue. However, the proposal would also represent a marked appearance on the existing Milton Road frontage. The height would not look out of keeping when taken in context with the Dell development opposite the site and the neighbouring 135 Wilton Avenue. Again, the fourth floor is set well back from the parapets, which reduces its impact. The building line to the rear of the site is also staggered, creating three separate elements and preventing the building from appearing bulky within the street scene.
- 6.3.4 The development is designed to have a contemporary appearance. The proposed building is positioned at the end of a more traditional street and marks a point where the design and character of buildings is more varied and furthermore, the current condition of the site is poor and has a detrimental impact on the character and appearance of the area. As such, it is considered that the proposal would not appear out of keeping within the streetscene and would represent a significant improvement on the current appearance of the site, thereby the scheme accords with the Council's design policies and guidance.

6.4 Impact on Residential Amenity

- 6.4.1 The key consideration in this respect is the impact of the development on the amenities of the neighbouring residential property at 113 Wilton Avenue. This property is at a lower level than the application site, and there is a significant difference in levels between the back garden of No. 113 and the Milton Road frontage of the site.
- 6.4.2 The proposed building is designed to step down in height adjacent to the boundary with this property as well as stepping down in height towards the Milton Road boundary of the site. This ensures that when viewed from the neighbouring property and garden, the proposed building would have a two-storey scale and massing. In addition to this, the depth of the building is also reduced adjacent to the boundary with the neighbouring property from that previously considered acceptable, to ensure that it does not project significantly further to the rear than the neighbouring property. As such, it is considered that the development would not have a harmful on the neighbouring property or garden.

6.5 Residential Environment

- 6.5.1 Whilst the level of amenity space proposed is less than the standards set out in The Residential Design Guide, each flat would have direct access to a private balcony. Furthermore, the site is within walking distance to The Common and the City Centre parks. Having regard to the single-occupancy nature of the units proposed and the occupation by students who commonly have access to the sport and recreational provision at the University, the level of amenity space is therefore considered to be acceptable.
- 6.5.2 The outlook from habitable room windows is considered to be acceptable and the cycle and refuse storage is conveniently located in relation to the proposed flats. Overall, the quality of the residential environment is judged to be acceptable. _
- 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.
- 6.7 Flood Risk
- 6.7.1 Running underneath the application site is the culverted Rollesbrook watercourse which is classified as a main river. The application scheme has been designed to leave a 5 metre wide strip of land to the west side of the site which is free from building. This easement strip would therefore enable access to be gained to the culvert for maintenance or emergency access. As such, the Environment Agency has raised no objection to the proposal on flood risk grounds and the application is considered to be acceptable in this respect.
- 6.8 Section 106 and Affordable Housing
- 6.8.1 The development 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.
- 6.8.2 Since the application proposes an entirely student scheme, there is no requirement to provide affordable housing units. As such, a clause is included in the Section 106 agreement to ensure that the development is occupied as student accommodation in perpetuity.

7.0 Summary

- 7.1 The proposed development would make good use of the site to provide purpose built student accommodation. The proposed building would make a positive contribution to the street scene and represent a significant improvement on the current condition of the site.

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 14.02.12 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Outline Permission Timing Condition

Outline Planning Permission for the principle of the development proposed and the following matters sought for consideration, namely the Layout of buildings and other external ancillary areas, the Means of Access (vehicular and pedestrian) into the site and the buildings, the Appearance and Design of the structure and the Scale, Massing and Bulk of the structure is approved subject to the:

- (i) Written approval of the Local Planning Authority being obtained for the Landscaping of the site specifying both the hard and soft treatments, external lighting and means of enclosures prior to any works taking place on the site
- (ii) An application for the approval of the outstanding reserved matters shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission
- (iii) The development hereby permitted shall be begun [either before the expiration of five years from the date of this Outline permission, or] before the expiration of two years from the date of approval of the last application of the reserved matters to be approved [whichever is the latter].

Reason:

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

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

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

Reason:

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

03. APPROVAL CONDITION - Code for Sustainable Homes [pre-commencement condition]

Unless otherwise agreed in writing by the Local Planning Authority, before the development commences, written documentary evidence demonstrating that the

development will achieve at minimum Level 3 of the Code for Sustainable Homes in the form of a design stage assessment, including at least 15% in category Ene1, shall be submitted to and approved in writing by the Local Planning Authority. Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Level 3 of the Code for Sustainable Homes in the form of post construction assessment and certificate as issued by a legitimate Code for Sustainable Homes certification body, including at least 15% in category Ene1, shall be submitted to the Local Planning Authority for its approval.

Reason:

To ensure the development has minimised 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 - 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 in writing by the Local Planning Authority prior to the implementation of the scheme. The scheme shall include measures to suppress dust during the demolition works. 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.

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

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

Reason:

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

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

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

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

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

And at no time on Sundays and recognised public holidays.

Any works outside the permitted hours shall be confined to the internal preparations of the

buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

07. APPROVAL CONDITION- 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.

08. APPROVAL CONDITION - Reuse of uncontaminated soils [Performance Condition]

No soils, sub-soil or other spoil material generated from the construction must be re-used on the near-surface soils unless it can be validated as being fit for use (i.e. evidently undisturbed, natural soils or, if otherwise, tested to ensure it is free of contamination).

Reason:

The property is in an area where there land has been unfilled or reclaimed. It would be prudent to ensure any potential fill material excavated during construction is not reused in

sensitive areas unless it is evident that it is unlikely to present a land contamination risk.

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

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

Reason:

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

10. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

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

Reason:

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

11. APPROVAL CONDITION – Details of commercial storage area [Pre-commencement condition]

Prior to the commencement of the development hereby approved, full details of the commercial storage area, including any structures, shall be submitted to the Local Planning Authority and approved in writing. The development shall proceed in accordance with the agreed details.

Reason:

To maintain essential maintenance and emergency access to the watercourse. The permanent retention of a continuous unobstructed area is an essential requirement for future maintenance and or improvement works.

12. APPROVAL CONDITION – Details of Drainage System [pre-commencement condition]

Prior to the commencement of the development hereby approved, full details of the drainage system shall be submitted to the Local Planning Authority and agreed in writing. The details shall take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding. The development shall proceed in accordance with the agreed details.

Reason:

To secure a satisfactory form of development.

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

Prior to the commencement of the development hereby approved, full details of the means of foul and surface water disposal shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the agreed details.

Reason:

To secure a satisfactory form of development.

14. APPROVAL CONDITION - Hours of Use (Performance Condition)

Those parts of the development to be used for purposes within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (or any order replacing or amending this Order) shall not be open for public use or accept deliveries outside the hours of 0730 to 2300.

Reason

To protect the amenities of residents within the site and occupiers of adjoining residential occupiers.

15. APPROVAL CONDITION – Management of Student Accommodation and Car Parking [pre-commencement condition]

Prior to the first occupation of the residential part of the development hereby approved, a detailed Management Plan to deal with the day-to-day running of the residential units shall be submitted to and agreed in writing by the Local Planning Authority prior to the first occupation of the residential part of the development hereby approved. The Management Plan shall include details of how the car parking is to be controlled to ensure use by students only on changeover days. The agreed details shall apply during the lifetime of the development.

Reason:

In the interests of reducing crime to an otherwise vulnerable development and to ensure that the student accommodation approved does not cause undue problems for existing residential neighbours.

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

The cycle and refuse storage shall be provided in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained as approved.

Reason:

To secure a satisfactory form of development.

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

The parking and access shall be provided in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained as approved. Unless otherwise agreed in writing by the Local Planning Authority, no more than four parking spaces shall be provided on the site.

Reason:

In the interests of highway safety and to secure a satisfactory form of development.

18. 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
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)
Parking Standards (September 2011)

Other Relevant Guidance

PPS1 Delivering Sustainable Development (February 2005)
PPS3 Housing (2010)
PPG13 Transport (2011)

Relevant Planning History

1297/29
Redevelopment as petrol filling station

Conditionally Approved 09.11.65

1331/P8
Use of accessory shop & forecourt fronting Milton Road for car sales

Conditionally Approved 13.06.67

971170/8829/E
Change of use of forecourt for the display and sale of motor vehicles

Conditionally Approved 15.12.97

02/01097/FUL
Construction of part two, part three and part four-storey block to form 8 self-contained flats and retail unit at lower ground level and associated accesses, parking areas and refuse storage facilities

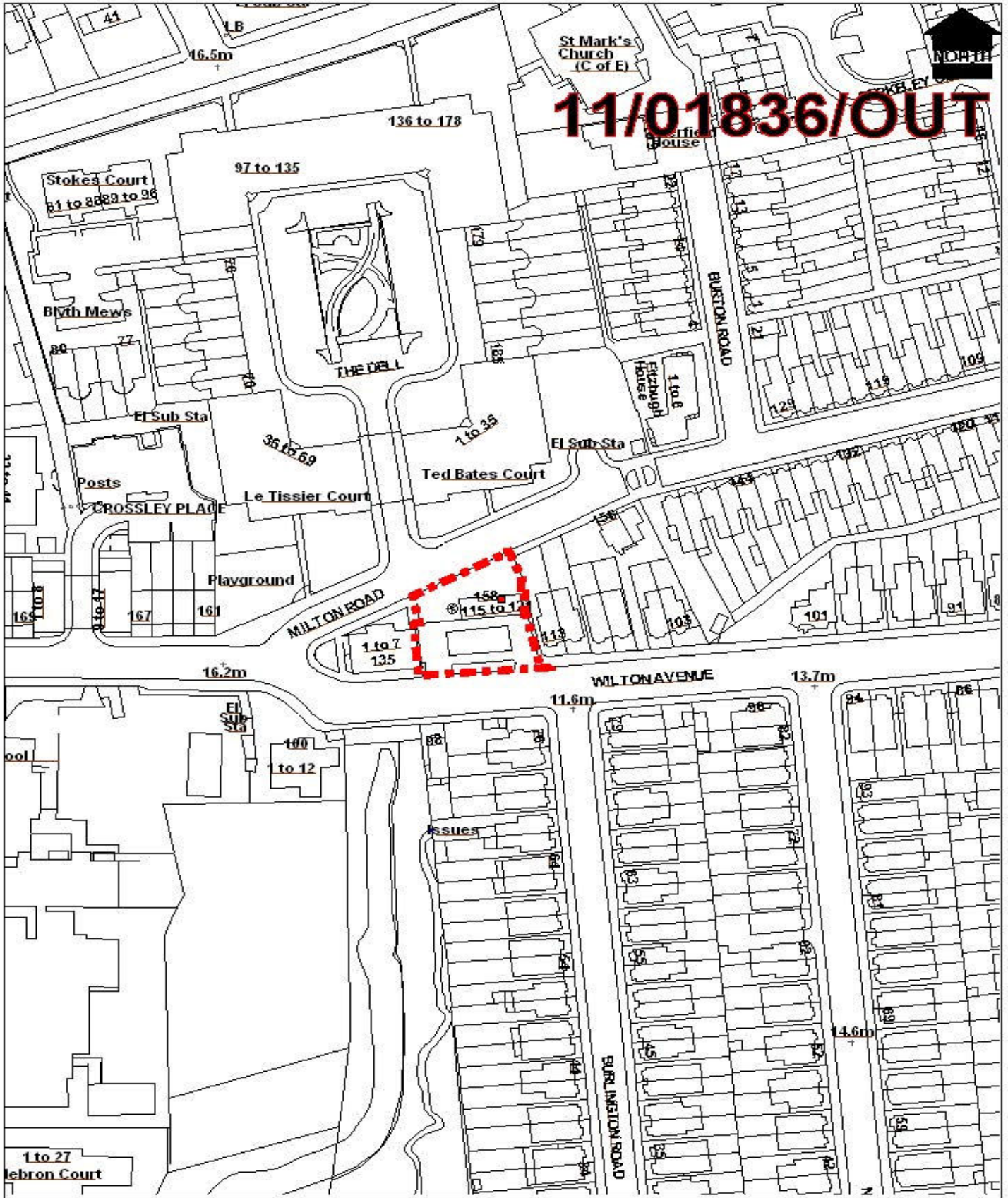
Pending Decision

06/01140/FUL
Redevelopment of the site, erection of a part three-storey, part four-storey and part five-storey building to provide a retail unit on the ground floor and 12 flats (1 x 1 bedroom, 11 x 2 bedroom) above with associated parking and vehicular access from both Milton Road and Wilton Avenue. (Major Application)

Refused 27.10.06

Reason for refusal:

01. The applicant has failed to demonstrate that the proposed development can be constructed without hindering access to the adjacent culvert which is classified as a Main River. Accordingly the development could increase flood risk to properties within the area contrary to the provisions of SDP20 of the City of Southampton Local Plan Review and guidance contained within PPG25.



Scale : 1:1250

Date : 01 February 2012

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Agenda Item 8

**Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 14 February 2012
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 one bedroom flat) with associated parking, vehicular access and landscaping.			
Application number	11/01987/FUL	Application type	Major
Case officer	Andy Amery	Public speaking time	15 minutes
Last date for determination:	22 February 2012	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
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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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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 policies CS18, CS19 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
- 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. 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.

1.0 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.

2.0 Proposal

- 2.1 The proposed scheme revises a similar scheme recently considered and refused by the Panel. The main revisions to the scheme can be summarised as follows:

- The rear bungalows have been re-orientated to face within the site and sharing vehicle and pedestrian access from West End Road. No access of any kind is proposed to Panwell Road.
- The Pine Tree close to the rear (Panwell Road) boundary and the pollarded Chestnut on the side boundary are now to be retained.
- The frontage parking area and bin store have been redesigned to provide 9 parking spaces (1 disabled) and a lower refuse store built into a raised front boundary wall.
- A 12m section of side boundary forward of the buildings (car parking area with landscaping) to be a 1.2m high wall with 0.45m trellis above. The next 27.6m section of boundary, between the site and the adjacent property at 60 West End Road, to be a 1.8m high brick wall with 0.45m trellis above.
- External changes to the position of windows on the rear bungalows to ensure privacy distances are achieved and the windows face onto the amenity space of those properties.

The proposals are otherwise broadly similar and continue to retain the existing building which is recognised as an attractive feature of some character within the existing street.

- 2.2 To the rear, a 1.8m high close-boarded fence, fronting onto Panwell Road.
- 2.3 The scheme continues to provide 1 x three bedroom flat, 7 x two bedroom flats and 2 x 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 2 x 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 11/01326/FUL - 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.

Refused for the following reason:

The proposal is considered to be an overdevelopment of the site as evidenced by the location of the bin store, the loss of the tree subject to a Tree Preservation Order, and is likely to lead to inconvenience to existing residents in Panwell Road due to the two family dwellings be accessed from Panwell Road. The proposals are therefore contrary to Policies SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review 2006 and CS13 of the Core Strategy 2010.

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 69 adjoining and nearby landowners, placing a press advertisement and erecting a site notice. At the time of writing the report

3 representations including 1 objection have been received from surrounding residents.

Summary of Representations made

- The revised plans do not change the impact on 60 West End Road in particular:
- Loss of light and sunlight to south facing windows. In particular ground floor windows which will be affected by the increased height of the rear extension to the existing house just 2m off the boundary.
- Two windows in flat 6 (first floor) and revised position of windows to one of the bungalows will overlook the garden of No. 60 and result in loss of privacy.
- The forward facing windows in the flats within the extension to the existing building will overlook the lounge window of No. 60 resulting in loss of privacy.
- The new boundary treatment along the side boundary between the site and No. 60 will not provide adequate security or privacy. The entire length of this boundary should be undertaken with a 2m high brick wall.
- The position of the bin store will cause noise and disturbance and odours.
- 9 cars using the West End Road cause additional congestion. This will be in addition to recent nearby approvals which have already had a significant impact.
- The retention of the pollarded Chestnut is welcomed but this requires long term and regular management.
- The existing drainage systems were not designed for developments of this scale.
- The development will be out of character and destroy what was a very attractive building and plot.
- The revised proposals are sensible in taking access from West End Road but a condition must be imposed to prevent any form of access being created from Panwell Road.

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 site's 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 site's 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 have been re-orientated to address the site itself. Behind the close boarded fence, only the roofs would be visible and this would not harm a harmful visual impact, nor would it detract from the character of properties in Panwell Road. A condition is suggested to prevent any access being created onto Panwell Road.
- 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 all the parking to the front of West End Road to serve the flats and the bungalows fronting Panwell Road makes full use of the existing access at West End Road and allows direct pedestrian 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.
- 6.23 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. Two trees originally shown to be removed; the pollarded Chestnut and the smaller Pine on the rear boundary are, however, now to be retained.

- 6.24 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

- 6.25 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.
- 6.26 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.
- 6.27 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.
- 6.28 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.
- 6.29 The use of an appropriate mix of walls and boundary fencing between sites is considered appropriate given that ground levels are flat.
- 6.30 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.
- 6.31 Within the site, back to back privacy distances of 21m are achieved, which are further improved by planting and the boundaries proposed.
- 6.32 Additional trees and hedging are to be planted along the rear part of the common boundary with 60 West End Road, the Churchills 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.
- 6.33 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 building's position 18m away from the boundary ensures that there is no loss of light or shadowing to this property.

- 6.34 External lighting should be carefully considered by condition to prevent harmful light pollution to neighbouring occupiers.
- 6.35 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

- 6.36 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.
- 6.37 The amenity space provision is acceptable in terms of amount, quality and usability, ranging in size from 53.4 – 68.5 square metres.
- 6.38 Cycle storage and refuse storage is provided for each dwelling in accordance with saved policy SDP5 and section 9 of the RDG.
- 6.39 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 site's frontage will further lessen its impact and ensure it does not detract from the character of the original dwelling 58 West End Road.
- 6.40 The layout of the design accords with secure by design standards and offers good levels of natural surveillance in and around the site.
- 6.41 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

- 6.42 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.
- 6.43 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 an energy display device to each dwelling.
- 6.44 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.

- 6.45 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

- 6.46 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 SPD adopted on 26th September 2011, which advocates a maximum level of car parking.
- 6.47 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.
- 6.48 Residents' concerns relating to potential impacts of parking on the wider area, in particular Panwell Road have been addressed by removing access from Panwell Road.
- 6.49 The only access to this site is from West End Road, which is a busy 'C' class highway, 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.

S.106 Legal Agreement

- 6.50 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)

AA for 14.2.2012 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

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.

19. APPROVAL CONDITION – Archaeological building-recording [Pre-Commencement Condition]

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

Reason: To ensure that the recording of the building is initiated at an appropriate point in demolition procedure.

**20. APPROVAL CONDITION – Archaeological work programme
[Performance Condition]**

The developer will secure the completion of a programme of archaeological building recording and assessment 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 building recording is completed.

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

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

Reason: To ensure satisfactory drainage provision for the area.

22. APPROVAL CONDITION - Boundary fence [Pre-occupation Condition]

Notwithstanding the landscaping plan hereby approved, prior to the occupation of the development hereby approved, details of the design and specifications of the boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed boundary enclosure details shall be subsequently erected prior to the occupation of any of the units provided under this permission and such boundary treatment shall thereafter be retained and maintained to the boundaries of the site.

Reason: In the interests of the visual amenities of the area and to protect the amenities and privacy of the occupiers of adjoining property.

23. APPROVAL CONDITION - Tree works (Performance Condition)

The development hereby approved must be carried out in accordance with the approved tree protection plan ref: dfc/0220 and arboricultural Impact Study and method statement dated 02.09.2011.

Reason: To ensure the adequate protection of trees on site.

**24. APPROVAL CONDITION - No access from Panwell Road -
Performance Condition**

No access (vehicular or pedestrian) shall be created along the rear boundary of the site onto Panwell Road.

REASON: In the interests of highway safety, the character of the area and the amenities of residents living in Panwell Road.

Notes to Applicant

- Southern Water

A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development please contact Atkins Ltd, Anglo St James House, 39A Southgate Street Winchester, SO23 9EH (Tel 01962 858688), or www.southernwater.co.uk

- 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.

- Performance Conditions

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

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
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)

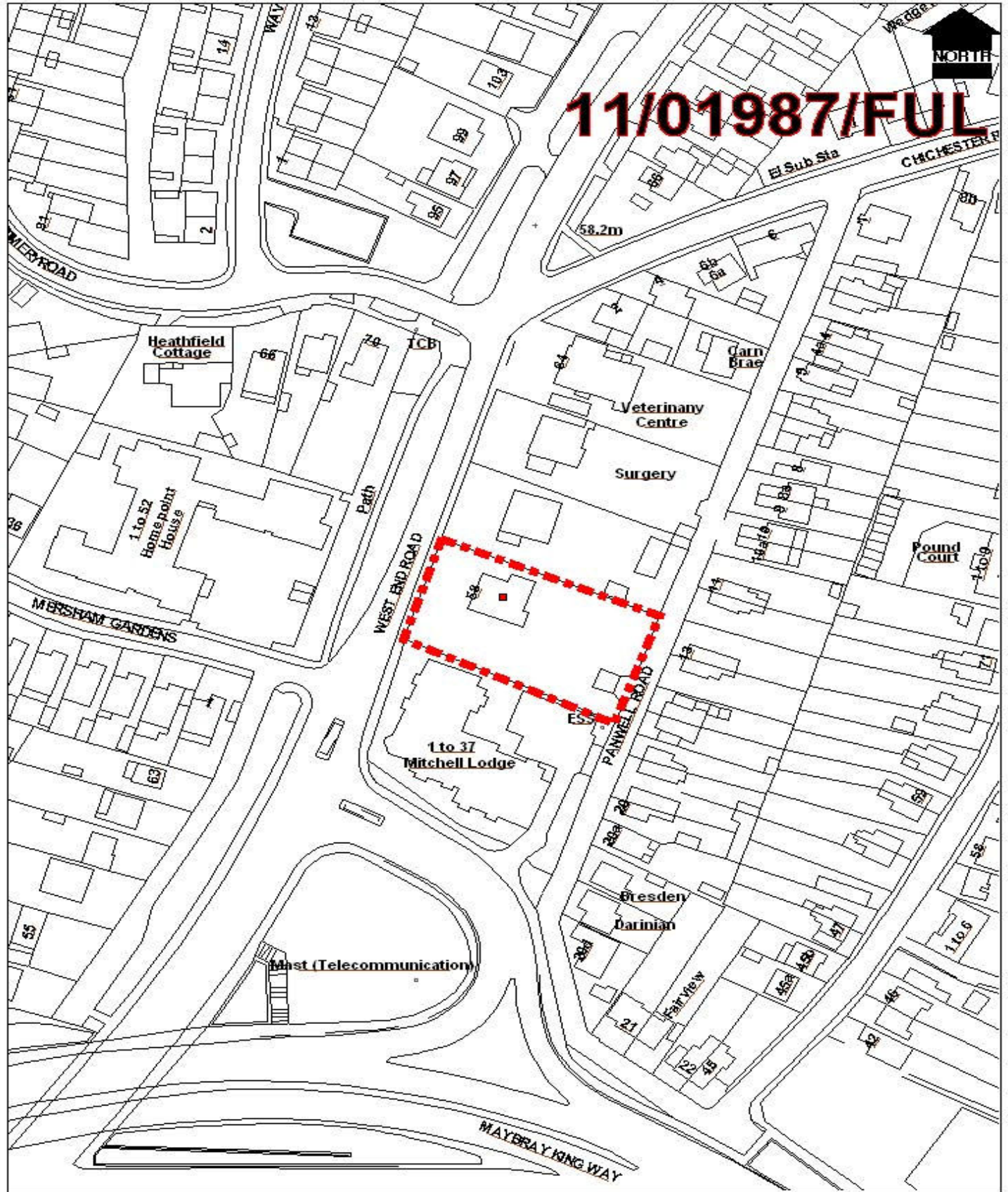
SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - August 2005 and amended November 2006)
Parking Standards (Adopted 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 (2010)
PPG13 Transport (2011)



Scale : 1:1250

Date :01 February 2012

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Agenda Item 9

**Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 14 February 2012
Planning Application Report of the Planning and Development Manager**

Application address: 24 - 28 John Street			
Proposed development: Erection of a 4-storey building to provide 19 self contained student residential units with a commercial unit (Class B1) on the ground floor and associated parking and refuse storage (outline application seeking approval for access, layout, scale and appearance)			
Application number	11/01625/OUT	Application type	Outline
Case officer	Andy Amery	Public speaking time	15 minutes
Last date for determination:	10.01.2012	Ward	Bargate
Reason for Panel referral	Major development subject to objection	Ward Councillors	Cllr Bogle Cllr Noon Cllr Willacy
Applicant: Mr A Bajar		Agent: Concept Design & Planning	

Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report		
Appendix attached			
1	Planning Policies	2	Planning History

Reason for granting Outline Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including the 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 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 outline planning permission should therefore be granted.

Policies - SDP1, SDP4, SDP5, SDP6, SDP7, SDP9, SDP10, H1, H2, H5, H7, HE1, HE2, HE6 and MSA1 of the City of Southampton Local Plan Review (March 2006) and CS1, CS4, CS5, CS13, CS14, CS15, CS16, CS19 and CS20 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Recommendation in Full

Delegate to the Planning and Development Manager to grant outline 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. Restriction on the occupation of the units to full time students only and entering into a student intake management plan.
- v. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer;
- vi. The restriction of parking permits for the surrounding streets for the future occupants of the development.

And that the Planning and Development Manager be delegated power to vary relevant parts of the Section 106 agreement and to add or vary conditions as necessary as a result of the full appraisal of the viability assessment submitted by the applicant and any further negotiations with the applicant.

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

1.0 The site and its context

- 1.1 The application site comprises a surface car park and servicing area at the rear of Oxfords Restaurant and adjacent to residential houses in John Street. The upper floors above Oxfords Restaurant have been

converted to residential use and one of the flats gains access across the site.

- 1.2 The site is located within John Street immediately adjacent to but not within the Oxford Street Conservation Area. John Street comprises relatively modern residential properties of three storey height in terraced form with integral garages. The site is located with Flood Risk Zone 3.

2.0 Proposal

- 2.1 The proposals are similar in scale, massing and design to that considered and approved by Panel in October 2011 to provide a four storey building. However, whilst those earlier schemes comprised 10 flats on the upper floors with an office on the ground floor the current proposal provides 19 self-contained student units with an office on the ground floor. A separate entrance point is provided for the student units in a similar manner to that approved on the flatted scheme and a similarly designed undercroft provides vehicular and pedestrian access to the servicing area at the rear which includes refuse storage, cycle storage and car parking for 3 cars.
- 2.2 The current proposals retain the approved traditional design which reflects the existing proportions and design of buildings found within the adjacent Conservation Area. It is also similar to earlier approved proposals for this site.
- 2.3 The upper floors continue to step forward of the adjacent terrace of houses in John Street and this projection has been maintained at 0.2m. The upper floor is recessed from the main façade by between 0.8m and 1.3m. The building is 11.4m high compared to the 10.6m height of the terraced housing in John Street. However, the buildings fronting Oxford Street in the immediate vicinity of John Street have a similar proportion of three vertical storeys with a fourth storey set back from the façade.
- 2.4 Two of the units on the upper floor would have access to a small area of roof terrace to the front and rear of the building. All other units have good outlook and daylight to each of the living spaces. The units range in size from 16sq m to 24sq m. A typical unit is 18sq m comprising a 'studio' arrangement with bed/living/kitchen area with separate en-suite bathroom. A small number of units have separate kitchen areas (4 units at second floor level) and one unit has a separate bedroom (first floor). The site is within close proximity to all the facilities of Oxford Street, Queens Park and Ocean Village. The roof terrace areas have been significantly reduced since the previous application and are limited to the southern most section of the roof (front and rear) away from the neighbouring houses in John Street.
- 2.5 The ground floor office visually relates to the commercial activity at the junction of Oxford Street and John Street and is considered to complement the healthy mix of uses within this part of the city centre.

3.0 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.

4.0 Relevant Planning History

- 4.1 The site has been used as a surface car park for many years and was historically connected to Oxfords Restaurant in ownership terms, with access and servicing arrangements still in place and intended to be retained. In 2002 an application was approved for a three storey building comprising two town houses and three flats on this part of the site. In 2005 an application for a 4 storey 47 bedroom hotel on the site was agreed by the then Planning Committee but as the S.106 was not completed the decision was never issued. More recently, application 10/00021/OUT was refused substantively on design grounds. An identical scheme in terms of number of units, but amended design was approved by Panel in October 2011 (11/01220/OUT).

The details of the above applications are included in **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 59 adjoining and nearby landowners, placing a press advertisement and erecting a site notice . At the time of writing the report **1** representation has been received from the City of Southampton Society.
- 5.2 **Objections**

- Object to the increased number of units and would prefer to see a mix of unit sizes aimed at families.

These matters are addressed in Section 6 of this report.

- 5.3 **SCC Highways** – No objections have been received to the proposals.
- 5.4 **Environmental Health** – No objections subject to the ground floor use being used and retained as a B1(a) office.
- 5.5 **B.A.A** – require an informative to be imposed regarding the use of cranes.
- 5.6 **Southern Water** – no objections. Note that the submission indicates that flood risk will not be increased as permeable materials will be used to ensure no increase in net surface run-off.
- 5.7 **Archaeology** – The archaeological information submitted with the application is totally inadequate and in other circumstances would result in a request for the application to be refused. However, given the unlikely event of the existence of archaeology that would prevent development taking place it is recommended that pre-commencement conditions can be used on a planning consent.
- 5.8 **Environment Agency** – The site is located within a flood zone and the ground floor is at risk from flooding. Whilst no objection is raised by the Agency on flood grounds it is noted that a detailed flood warning and evacuation plan has not been submitted. Advice in PPS 25 (Paras 7.23 – 7.31) suggests these can have a significant contribution to managing flood risk. It is suggested that condition be imposed requiring such a plan prior to commencement.

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 including the setting of the Conservation Area;
 - iii. The impact on the amenities of neighbours of the site;
 - iv. Flood Risk
 - v. Parking and highways

6.2 Principle of Development

- 6.2.1 The application site is previously developed land and has had the benefit of consents and resolutions to grant buildings of a similar scale and massing. The site would benefit from redevelopment in terms of the visual quality of the setting of the Conservation Area and a predominantly residential scheme is considered appropriate for this location. Student Housing in purpose built developments has become more prevalent in recent years with the private sector identifying a market for which there is a high demand in a City with 3 full time student establishments. Schemes of this nature can take the pressure off the demand for family houses to be turned into HMO's and

a City Centre location close to all amenities is an appropriate and sustainable location for such a development.

6.2.2 This is a high density scheme (480 units per hectare), Core Strategy Policy CS5 suggests that high densities (over 100 d.p.h.) should be limited to the most accessible areas, namely the city centre. However, this is a 'specialised' housing scheme based on similar models of student accommodation approved in other areas of the City. The units are designed for single occupation rather than the previously approved mix of one, two and three bedroom flats. Based on average occupation rates for units the approved scheme of 7 one bed' 2 two and 1 three bed flats would typically have an occupation level of 17 people. The slightly higher occupation rate of 19 individuals currently being proposed is not considered to have a material impact. A high density development is considered to be acceptable in this location as it would result in making efficient and effective use of previously developed land in a sustainable location as recommended in PPS 3 and local planning policies within a building of similar height and massing to that previously approved.

6.3 Character and Design

6.3.1 The design is externally similar to that recently approved and is considered to respect buildings in the wider area. The key to the successful delivery of a quality scheme will be attention to detailing and insistence on high quality materials. Conditions have been imposed to enable this level of quality to be delivered.

6.4 Impact on Residential Amenity

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

6.4.2 The occupiers of the two second floor units have access to amenity space on a very limited section of roof terrace. All other units have outlook and daylight serving the living areas. The development makes provision for cycle and refuse storage, which would be conveniently

located in relation to the flats. A collection point would be provided, accessible by the refuse collection vehicle and a condition is suggested to secure a management plan for the removal of containers to and from the collection point.

6.5 Flood Risk

6.5.1 The site is located within Flood Zone 3 and is therefore at risk from flooding. Advice in PPS 25 is therefore applicable and generally advises against residential development in such location and also requires a sequential approach to be undertaken. The applicant has submitted a brief flood risk assessment. The applicant has identified that as the residential units are all at first floor and above these will not be directly affected by predicted flood levels and that the risk to occupants from flooding is low. A condition is suggested in line with the advice from the Environment Agency as set out in the consultation response section of this report.

6.6 Rights of Way, Parking and Highways Issues

6.6.1 The site would be constructed in a manner which ensures rights of access to existing residents and emergency routes for the commercial unit. Three parking spaces are shown to serve the student units. 19 Cycle spaces will also need to be provided. Management of drop off and pick up are set out by the S.106 agreement. This level of parking proposed to serve the units is considered acceptable to serve a development of this scale in a city centre location. The maximum standards in the City Centre have not been affected by the recent approval of the Parking Standards SPD. It is noted that during the separation of the site from what was previously a single ownership the 3 parking spaces which were to serve the flats in Oxford House have been relinquished. A car-free scheme to serve the flats above Oxford House was considered to be acceptable given the city centre location.

7.0 Conclusion

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

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

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

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

AA for 14.01.2012 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Outline Permission Timing Condition

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

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

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

Reason:

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

02. APPROVAL CONDITION - Additional Details Required Condition

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

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

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

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

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

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

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

[G] Details of any external lighting.

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

Reason:

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

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

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

Reason:

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

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

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

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

Reason:

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

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

All works relating to the demolition, clearance and construction of the development hereby granted shall only take place between the hours of;
Monday to Friday 08:00 hours to 18:00 hours (8.00am to 6.00pm)
Saturdays 09:00 hours to 13:00 hours (9.00am to 1.00pm)

And at no time on Sundays and recognised public holidays.

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

Reason:

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

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

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

Reason:

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

07. 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.

08. 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.

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

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

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

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

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

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

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

REASON

To ensure appropriate facilities are provided to serve the development.

10. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

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

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

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

Reason:

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

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

Written documentary evidence demonstrating that the development will achieve at minimum Level 3 of the Code for Sustainable Homes, including at least 15%] in category Ene1, shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted, unless an otherwise agreed timeframe is agreed in writing by the LPA. The evidence shall take the form of a post construction assessment and certificate as issued by a legitimate Code for Sustainable Homes certification body.

REASON:

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

12. APPROVAL CONDITION - Drainage - Pre-Commencement Condition

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

REASON

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

13. APPROVAL CONDITION - Juliet Balconies to Rear Elevation - Performance Condition

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

REASON

In the interests of the privacy of nearby occupiers.

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.

POLICY CONTEXT

Core Strategy - (January 2010)

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

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment
HE1	New Development in Conservation Areas
HE6	Archaeological Remains

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

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

Other Relevant Guidance

PPS1 Delivering Sustainable Development (February 2005)

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

PPS3 Housing (2010)

PPG13 Transport (2011)

PPS25 Development and Flood Risk (March 2010)

Relevant Planning History

02/00554/FUL

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

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

Application Approved 13.07.2005 following completion of S.106.

05/01632/FUL

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

Date of Panel 18.07.2006

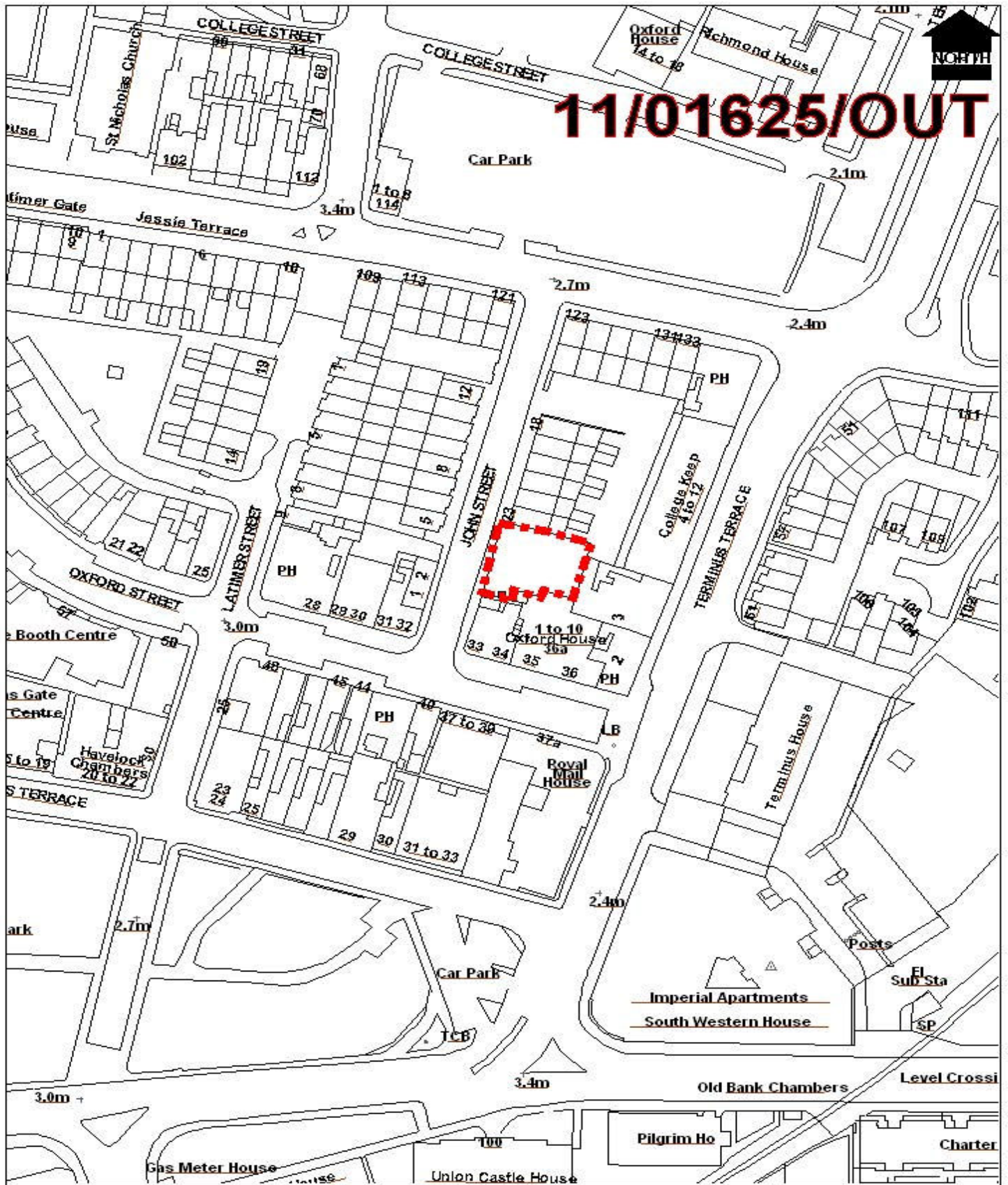
Application considered withdrawn following failure to complete S.106 25.07.2008.

11/00021/OUT

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

Date of Panel 19.07.2011.

Application Refused.



11/01625/OUT

Scale : 1:1250

Date : 01 February 2012

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Agenda Item 10

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 14th February 2012
Planning Application Report of the Planning and Development Manager

Application address: Gracechurch House, 25-35 Castle Way			
Proposed development: Alterations and extensions involving raising the height of the building and change of use from offices into an 84 room hotel.			
Application number	11/01844/FUL	Application type	FUL
Case officer	Jenna Turner	Public speaking time	15 minutes
Last date for determination:	20.02.12	Ward	Bargate
Reason for Panel Referral:	Referred by the Planning and Development Manager due to wider interest	Ward Councillors	Cllr Willacy Cllr Noon Cllr Bogle

Applicant: CHG Holdings - Mr L Pink	Agent: HFP Architects - Ian Hambly
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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 14.02.12 do not have sufficient weight to justify a refusal of the application. 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, SDP14, HE1, CLT1 and MSA7 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS1, CS6, CS7, CS13, CS14, CS18, CS19, CS20 and CS25 and the Council’s current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS1 (Delivering Sustainable Development) and PPG13 (Transport 2011) are also relevant to the determination of this planning application.

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

1. 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;
 - iii. 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;
 - iv. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended); and,
 - v. Provision of CCTV coverage, with linkages to the City Council's CCTV Control Room, in accordance with Policies CS13 & 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).
In the event that the legal agreement is not completed within two months of 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.
2. That the Planning and Development Manager be given delegated powers to vary relevant parts of the Section 106 agreement and to vary or add conditions as necessary.

1.0 The site and its context

- 1.1 Gracechurch House is a 3-storey, vacant office building which is located within the Old Town North Conservation Area and within the defined City Centre. The site fronts Castle Way and backs onto the High Street, with an intervening service road. There is a change in levels between the front and the rear of the site and the building itself has a basement car park, accessed from the rear of the site. The building has a rectangular form with tile-hung elevations and a mansard style roof.
- 1.2 Although the site lies on the outside edge of the Conservation Area, the surrounding properties are mixed in character. The context of the site is mainly commercial, although opposite the site, the Bugle Street area is more residential in nature. The site is generally neighboured by three-storey development, although opposite the site is the tall residential building of Castle House and to the north of the site there is four and five storey development.

2.0 Proposal

- 2.1 The application seeks to alter, convert and extend the existing building to provide an 84 bedroom hotel. The application proposed to remove the existing cladding to the elevations of the building, including the Mansard top floor, and provide two additional floors of accommodation, as well as a new elevational treatment for the building. The top floor of the building would be set back from the parapets and would have a slender, slightly curved profile.

- 2.2 The elevations of the building would be finished using render, and elements of coloured panelling to the first floor. It is intended that the roof would be constructed from aluminium. Aluminium cladding would also be used on the elevations of the building. The top floor would be clad in a contrasting material treatment to be agreed by condition.
- 2.3 The main entrance to the building would be from Castle Way. The ground floor of the building includes a reception area, bar, restaurant facility and some bedrooms.
- 2.4 A total of 25 car parking spaces would be provided; 23 within the basement car park area and a further 2 spaces to the southern end of the building.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**. The site is identified by saved policy MSA7 of the Local Plan Review for mixed used development as part of 144-164 High Street. The site lies within an area of High Accessibility to public transport (Public Transport Accessibility Level 6).
- 3.2 The policies of the South East Plan, Southampton’s Core Strategy and Local Plan Review have been taken into account in the consideration of this application. The Core Strategy is in general conformity with the South East Plan, and it is not considered that the policies in the South East Plan either conflict with or add particular weight to the policies in the Core Strategy for this application. Consequently only the local statutory development plan policies (Core Strategy and Local Plan Review) have been cited in this report.
- 3.3 Major developments are expected to meet high sustainable construction standards in accordance with the City Council’s adopted and emerging policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.

4.0 Relevant Planning History

- 4.1 1481/M19 Conditionally Approved 20.02.75
Use of existing building as offices with ancillary parking in basement
- 1632/M18 Conditionally Approved 26.07.83
Alterations to front and side elevations plus new office on existing roof.
- 4.2 There have been no recent applications relating to the application site. The last use of the site was for offices (Use Class B1) and planning permission was originally given for this use in 1975.

5.0 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (01.12.11) and erecting a site notice (28.11.11). At the time of writing the report **1** letter of objection has been received from surrounding residents and **1** letter of support has been received. The following is a summary of the points raised:
- 5.2 ***There is insufficient car parking proposed and therefore overspill parking from the proposed use will exacerbate on-site parking issues in the vicinity of the site.***
- 5.3 **Response**
The site is located within the City Centre and therefore highly accessible by

modes of transport other than the private car. As such the provision of 25 on-site car parking spaces is considered to be acceptable and accords with the maximum standards set out in saved Local Plan policy SDP5, which in this case would be 25.

5.4 ***The proposal will increase traffic and lead to disturbance to the neighbouring residential properties.***

5.5 **Response**

Having regard to the City Centre location of the site, it is not considered that the proposal would result in a notable increase in traffic generation. Moreover, since the proposed use would make use of existing car parking provision on the site, it is not therefore considered that there would be any increase in traffic when compared with the authorised use of the site as offices. Furthermore, it is more likely that at peak times, traffic levels will decrease.

5.6 **Consultation Responses**

5.7 **SCC Highways** - No objection subject to conditions.

5.8 **SCC Heritage** - No objection. The principle of development is acceptable. Raise some concerns with the choice of materials and a condition is suggested to secure the details.

5.8 **SCC Sustainability Team** – No objection. The application details that an on-site CHP unit would be provided and this is acceptable. Condition is suggested to secure the sustainability measures.

5.9 **SCC Environmental Health (Pollution & Safety)** - No objection. Suggests conditions to secure suitable refuse storage and details of extraction equipment and other plant and machinery.

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

5.11 **Southern Water** – No objection. Suggests conditions to secure details of foul and surface water disposal and suggest an informative to make the developer aware of the requirements to connect to the public sewerage and water supply.

5.12 **City of Southampton Society** - Supportive of the application

6.0 Planning Consideration Key Issues

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

- i. The principle of development;
- ii. The design of the proposal together with the impact on the character of the Conservation Area;
- iii. The impact on the amenities of neighbours of the site;
- iv. Parking and highways and;
- v. Mitigation of Direct Local Impacts.

6.2 **Principle of Development**

6.2.1 Policy CS1 of the Core Strategy supports hotel development within city centre locations such as this. The site is identified by saved policy MSA7 of the Local Plan as a major development area, which supports the development of the land fronted by 144-164 High Street for mixed use development. A planning condition is suggested to ensure privacy screening solution to the rear facing bedroom windows to ensure that the application proposal would not prejudice the development of the neighbouring sites in the future. Furthermore, bringing a vacant City Centre site back into use and the sustainability benefits of making good use of an existing building is welcome. The principle of development is therefore considered to be acceptable.

6.3 **Character and Design**

- 6.3.1 Having regard to the variation in building heights within the surrounding area and the City Centre location of the site, the proposed additional two floors of accommodation would not appear out of keeping. The top floor of the proposal is set back from the parapet which helps to integrate the additional height. Furthermore, the existing building has a long frontage to Castle Way and as such the three-storey height of the building results in it appearing somewhat squat within the street scene. The proposed roof extension would help to balance the horizontality of the elevation to Castle Way and represent a visual improvement on the existing situation. Whereas indicative building heights within the Old Town Development Strategy (2004) indicate this 'block' to be 3 storeys as a preference, the City Design Team and Historic Environment Team consider the additional height proposed to be supportable, as long as material detailing is controlled.
- 6.3.2 The mansard roof of the existing building also gives it a top-heavy appearance and the existing cladding of the building is not in good condition and has a bland appearance. It is considered that the proposed elevational treatment to the building would represent a marked improvement to the appearance of the building and would be sympathetic to the commercial nature of the area. The proposed material treatment would articulate and provide further relief and interest to the long Castle Way elevation.
- 6.3.3 The proposed building would provide activity to Castle Way, with the main entrance fronting the street. In addition to this, the location of the restaurant and bar area to the ground floor is designed to introduce natural surveillance of the street. As such, it is considered that the proposal would have a positive impact on the character of the Conservation Area.

6.4 Residential Amenity

- 6.4.1 There are no existing residential properties to the rear of the site, above the units fronting the High Street, however, a condition is suggested to secure details of privacy screening to the rear facing windows to ensure that the development does not prejudice the upper floors of these properties from coming forward for residential development. The neighbouring property at 21 Castle Way has no habitable room windows facing onto the application site and would therefore be unaffected by the additional height of the building. Having regard to the separation of the site from the residential properties on the opposite side of the road, it is also considered that the proposal would not create any additional impacts to the amenities of these occupiers.
- 6.4.2 The nature of the use is not considered to be unduly disruptive to neighbouring residential properties in terms of noise and disturbance. Furthermore, the submitted Design and Access indicates that the standard guest check in time is 15:00 and check out time is 12:00. A planning condition is suggested to restrict the hours of deliveries to the premises to minimise late night or early morning disturbance to nearby residential occupiers.

6.5 Parking and Highways

- 6.5.1 The site benefits from 23 car parking spaces within an existing basement and 2 spaces to the side of the building. This complies with the Council's adopted parking standards, which permits a maximum of 25 spaces for this level of hotel development. The site is very accessible by public transport and also within walking distance of public car parks. The level of car parking is therefore considered to be acceptable. In addition to this, Highways have raised no objection to the continuing use the existing vehicular access into the site.
- 6.5.2 The proposal would make use of the existing service road for deliveries and purpose built refuse storage would also be provided to the south of the building.

This would ensure that the proposal would not affect the safety and convenience of users of Castle Way. The layout also incorporates space for the secure storage of ten cycles within the basement, which is considered acceptable to serve a hotel use.

6.6 Mitigation of Direct Local Impacts

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

7.0 Summary

7.1 The proposed use is appropriate for a city centre location. Bringing a vacant site back into office use whilst making visual improvements to the building is welcomed.

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 14/02/12 PROW Panel

PLANNING CONDITIONS FOR 11/01844/FUL

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

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

Reason:

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

02. APPROVAL CONDITION – Implementation of Alterations to the Building [pre-occupation condition]

Unless otherwise agreed in writing by the Local Planning Authority, the physical alterations to the building hereby approved which include the removal of the mansard roof and cladding of the existing building, the re-cladding and roof alterations, shall be completed before the use first comes into occupation in accordance with the details hereby approved.

Reason:

To ensure the visual improvements to the site are secured.

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

Notwithstanding the information shown on the approved drawings and application form no development works shall be carried out unless and until a 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.

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

Notwithstanding the information already submitted, details of the elevations of the structure to be provided for 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.

05. APPROVAL CONDITION - Cycle Storage [performance condition]

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

Reason:

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

06. APPROVAL CONDITION - Hours of Construction [Performance condition]

In connection with the implementation of this permission any demolition, conversion and construction works, including the delivery of materials to the site, shall not take place outside the hours of 8am and 6pm Mondays to Fridays and 9am and 1pm on Saturdays. Works shall not take place at all on Sundays or Public Holidays without the prior written approval of the Local Planning Authority. Any works outside the permitted hours shall be confined to the internal preparation of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect local residents from unreasonable disturbances from works connected with implementing this permission.

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

Prior to the first occupation of the development hereby granted consent, the approved sustainability measures (CHP unit) shall be implemented unless otherwise agreed in writing by the Local Planning Authority and thereafter retained as approved.

Reason:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core

08. 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.

09. 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.

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

Prior to the commencement of the development hereby approved, full details of the means of foul and surface water disposal shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the agreed details.

Reason:

To secure a satisfactory form of development.

11. APPROVAL CONDITION - Parking and Access [performance condition]

The access and on-site car parking spaces shall be provided in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained as approved.

Reason:

To ensure a satisfactory form of development.

12. APPROVAL CONDITION – Hours of deliveries [performance condition]

No deliveries to the use hereby approved shall take place outside of the hours specified below:

Monday to Sunday: 07:00 to 19:30

Reason:

In the interests of the amenities of the neighbouring residential occupiers

13. APPROVAL CONDITION - Privacy screening to rear facing windows [pre-commencement condition]

Prior to the commencement of the development hereby approved, a scheme to introduce privacy screening to the windows above first floor level in the east-facing elevation of the

building, shall be submitted to and approved by the Local Planning Authority in writing. The scheme shall be implemented as approved, prior to the development first coming into use and thereafter retained.

Reason:

To ensure the neighbouring sites are not prejudiced from future development.

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.

POLICY CONTEXT

Core Strategy - (January 2010)

CS1	City Centre Approach
CS3	Promoting Successful Places
CS7	Safeguarding Employment Sites
CS13	Fundamentals of Design
CS14	Historic Environment
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
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
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP19	Aerodrome and Technical Site Safeguarding and Airport Public Safety Zone
HE1	New Development in Conservation Areas
CLT1	Location of Development
TI2	Vehicular Access
MSA1	City Centre Design
MSA7	144-164 High Street

Supplementary Planning Guidance

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

Old Town Development Strategy (adopted 2004)

Other Relevant Guidance

PPS1 Delivering Sustainable Development (February 2005)

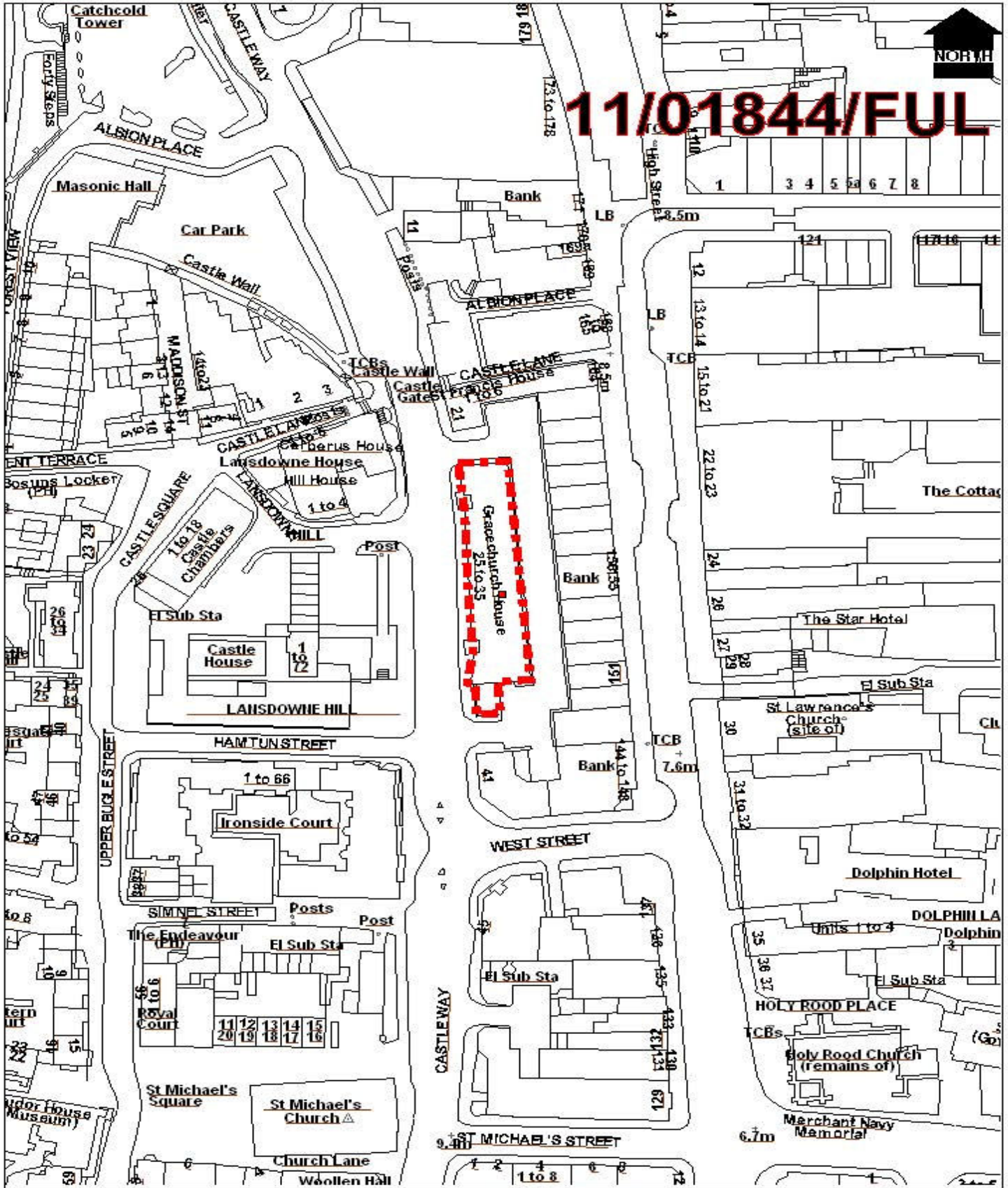
PPS4 Planning Policy Statement 4: Planning for Sustainable Economic Growth (December 2009)

PPS5 Planning Policy Statement 5: Planning for the Historic Environment (March 2010)

PPS6 Planning for Town Centres (March 2005)

PPG13 Transport (January 2011)

PPS22 Renewable Energy (August 2004)



Scale : 1:1250

Date : 01 February 2012

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DECISION-MAKER:	PLANNING AND RIGHTS OF WAY PANEL
SUBJECT:	ENFORCEMENT UPDATE REPORT IN RESPECT OF 3 BEDFORD PLACE, SOUTHAMPTON
DATE OF DECISION:	14 FEBRUARY 2012
REPORT OF:	PLANNING AND DEVELOPMENT MANAGER
STATEMENT OF CONFIDENTIALITY	
Not applicable	

BRIEF SUMMARY

Authorisation was given by Panel at its 19 July 2011 meeting to serve an Enforcement Notice at 3 Bedford Place (see **Appendix 1**).

Legal advice has since been given setting out that such action cannot be taken because the control of hours of trading has been executed through the description of development, which is ultra vires.

Such controls must be achieved by way of planning conditions. As such, the Council is unable to serve an Enforcement Notice in respect of this property.

The Panel's agreement is sought to rescind minute 25 to the 19.7.2011 minutes (see **Appendix 1**) and to take no further planning enforcement action in respect of these premises trading beyond the hours set out in the decision notice 7851/1463/P18 dated 4 September 1973 reproduced in **Appendix 1**.

RECOMMENDATIONS:

- (i) Agree that it is not possible to serve a planning enforcement notice and that case 11/00303/ENUDEV be formally closed.
- (ii) Agree that no further planning enforcement action be taken in respect of the premises trading outside the hours specified in the description of development set out in decision notice 7851/1463/P18 dated 4 September 1973.

REASONS FOR REPORT RECOMMENDATIONS

1. DCLG Circular 11/95 sets out that the only way to control the hours of operation of a business is by the imposition of a planning condition at the time of granting planning permission.
That has not happened in this case and it is therefore not possible to serve a planning enforcement notice to require the extended hours of trading to cease.

DETAIL

2. This report updates the 19 July 2011 report to the Planning and Rights of Way Panel. At the former meeting it was resolved to refuse retrospective planning permission for extended trading hours serve an Enforcement Notice requiring adherence to the trading hours set out in decision notice reference 7851/1463/P18 dated 4 September 1973. (see **Appendix 1**).
3. Subsequent discussions between the Development Management Team and the Planning Solicitor brought to light that the local planning authority had originally sought to control the hours of operation of the use through the wording used in the description of development.
4. The Government advises on the use of planning conditions though its

Circular 11/95. This sets out that the appropriate way to control such matters is by the imposition of a planning condition, which meets all relevant tests, including enforceability.

5. Caselaw has recently established that it is not possible to control matters through the description of development alone, particularly in the case of granting temporary planning permission for example, where the local planning authority must set out in a planning condition a date when the use of land is to cease on or before or in the case of physical development, the date when a building is to be removed before or by.

Conclusion

6. It is not possible to serve a planning enforcement notice to seek to control the extended trading hours beyond those set out in decision notice reference 7851/1463/P18 dated 4 September 1973.
7. No further planning enforcement action should be taken in respect of the extended trading hours at 3 Bedford Place and case 11/00303/ENUDEV should be formally closed, with original complaint advised of the council's decision.
8. Minute 25 of the 19 July 2011 meeting of the Planning and Rights of Way Panel should be rescinded.

RESOURCE IMPLICATIONS

Capital/Revenue

9. None.

Property/Other

10. None.

LEGAL IMPLICATIONS

Statutory Power to undertake the proposals in the report:

11. None.

Other Legal Implications:

12. None.

POLICY FRAMEWORK IMPLICATIONS

13. None.

AUTHOR:	Name:	Steve Lawrence	Tel:	023 8083 2552
	E-mail:	steve.lawrence@southampton.gov.uk		

SUPPORTING DOCUMENTATION

Non-confidential appendices are in the Members' Rooms and can be accessed on-line

Appendices

1.	Relevant Planning and Rights of Way Panel minute, Decision notice and application details for 7851/1463/P18
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Documents In Members' Rooms

1.	None.
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Integrated Impact Assessment

Do the implications/subject/recommendations in the report require an Integrated Impact Assessment to be carried out.	No
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Other Background Documents

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

Integrated Impact Assessment and Other Background documents available for inspection at:

WARDS/COMMUNITIES AFFECTED:	Bevois
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PLANNING AND RIGHTS OF WAY PANEL MINUTES OF THE MEETING HELD ON 19 JULY 2011

Appendix 1

Present:

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

CONSIDERATION OF PLANNING APPLICATIONS

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

25. 3 BEDFORD PLACE (CASPIAN KEBAB) 11/00939/FUL

Minor Material Amendment to planning permission 1463/P18 (The use of an existing shop at 3 Bedford Place, as a shop for the sale of cooked food (with opening hours of 9.00 a.m. to 11.30 p.m.)) to alter the operating hours from 09.00 - 23.30 hours to 11.00- 04.00 hours Monday to Sunday (resubmission of planning application reference 10/01424/MMA).

Mr Rathore (Agent), Mr Nouroozi (Owner of 9 Bedford Place), Mrs Barter (Local resident), Mrs Badham and Sergeant Marshman (Police), Councillor Noon (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO REFUSE PLANNING PERMISSION AND DELEGATE AUTHORITY TO SERVE AN ENFORCEMENT NOTICE WAS CARRIED

RECORDED VOTE

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

ABSTAINED: Councillor Thomas

RESOLVED

(i) that minor material amendment to planning permission be refused for the reasons set out below; and

(ii) that authority be given for the Head of Legal and Democratic Services to serve a Breach of Condition notice.

REASONS FOR REFUSAL

1 - Harmful Intensification

The proposed extension to opening hours would result in an extended late night use, which is situated in a location where there are nearby residential properties. As such, it is considered that the intensification of use into the early hours of the morning would cause further detriment to the residential amenities of neighbours by reason of noise, litter and disturbance as patrons leave the premises and disperse into the surrounding residential areas. Furthermore, the proposal in conjunction with other similar application proposals that would likely follow would set a precedent for late opening of other premises within the vicinity of the site would create a cumulative harmful impact on the residential amenity. The proposal would thereby prove contrary to the provisions of saved policies SDP1, SDP 16, REI7 and CLT 14 of the adopted City of Southampton Local Plan Review (2006) and policy CS1 of the adopted Local Development Framework Core Strategy Development Plan Document

(January 2010) as supported by the comments made to the application by Hampshire Constabulary.

2 - Impact on Crime and Disorder

The proposed extension to the opening hours encourages patrons of nearby nightclubs and drinking establishments to stay within the Bedford Place area for longer after they have left those premises and to also remain after the other uses have closed. This exacerbates the crime and disorder problems identified within this location and therefore proves contrary to the provisions of saved policies SDP1, REI7 and CLT14 of the City of Southampton Local Plan Review (adopted version 2006), policy CS1 of the Local Development Framework Core Strategy Development Plan Document and therefore also fails to meet the aims of the Crime and Disorder Act 1998, as evidenced by the comments made to the application by Hampshire Constabulary.

FORM OF CONDITIONAL PERMISSION FOR DEVELOPMENT

TOWN AND COUNTRY PLANNING ACT 1971

S. Vines Esq.,
Tower House,
West Dean,
Salisbury,
WILTS.



In pursuance of its powers under the above-mentioned Act, the Southampton City Council, as the local planning authority, hereby PERMITS:

The use of an existing shop at 3 Bedford Place, as a shop for the sale of cooked food (with opening hours of 9.00 a.m. to 11.30 p.m.)

in accordance with Application No. 1463/P18 and details submitted therewith and subject to the condition(s) specified below:

- (1) The development to which this permission relates must be started not later than the expiration of five years beginning with the date (specified below) on which this permission is granted.
- (2) Details of any external alterations, including extraction equipment, being agreed with the authority before the use of the premises hereby permitted commences.

The reason(s) for the condition(s) specified above, are:

- (1) To meet the requirements of Section 41 of the Town and Country Planning Act 1971.
- (2) In the interests of the amenities of the area.

Dated 4th September 1973


City Planning Officer

Bk 8. p. 122 4112 NE

CITY OF SOUTHAMPTON
TOWN AND COUNTRY PLANNING ACT, 1971

RECEIVED OFFICE
15 AUG 1973
Code No. 78 28/1463/P.78
CITY OF SOUTHAMPTON

TOWN PLANNING APPLICATION FORM

To the SOUTHAMPTON CITY COUNCIL—

I/We hereby apply for planning permission to carry out the building/engineering operations and for changes of use as described in this application and on the attached plans and drawings.

SIGNED S Vines

DATE 14 Aug 73

If signed by an Agent: Name of Agent: _____

Address of Agent _____

Telephone No. _____

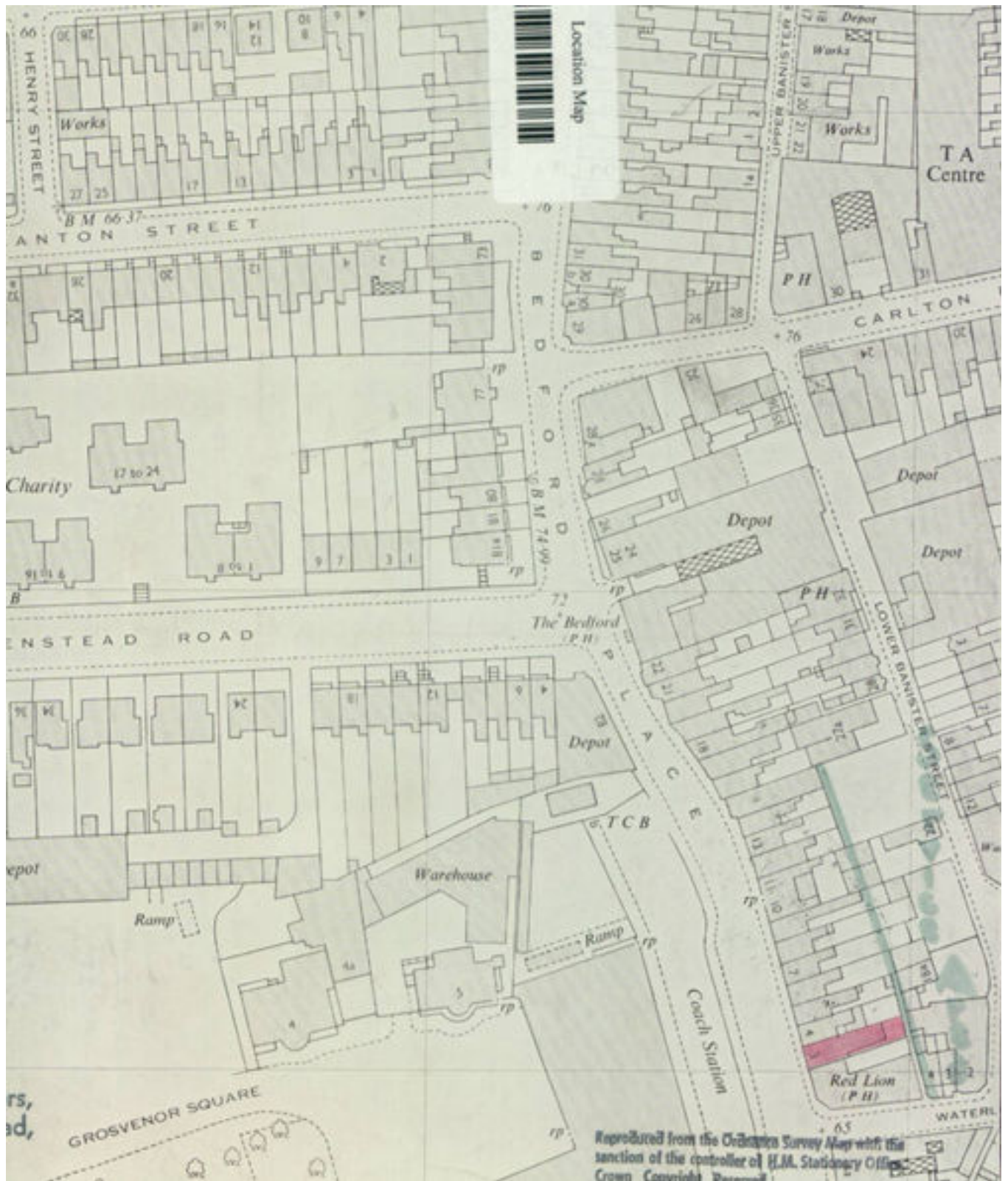
CITY PLANNING OFFICE
15 AUG 1973
CITY OF SOUTHAMPTON

(1) Name and address of applicant (i.e. developer)	Surname <u>VINES</u> Other Names <u>SIDNEY</u> Postal Address <u>Tower House West Dean</u> <u>Salisbury Wilts</u>
(2) Address or location of land to be developed.	<u>3 Bedford Place Southampton</u> <u>coloured RED on attached plans</u>
(3) Describe the proposed development	Change of use to "Take Away Shop" selling hot & cold food to take away. Opening hours - 9am to 11.30pm every day.
(4) State (a) the purpose to which the land is NOW put (if for more than one purpose, give details) (b) Other previous uses including that on 1st July, 1948	(a) <u>wet fish shop</u> (b) _____
(5) State whether the proposed development involves the construction of a new, or the alteration of an existing, access to or from a highway. If so, state the purpose for which the new or altered access is required.	<u>No</u>
(6) If development involves the erection or extension of a non-residential building, state: (a) Estimated number of occupants. (b) Estimated number of vehicles likely to be attracted.	(a) No. of occupants _____ (b) (i) Employees' cars/vehicles _____ (ii) Firm's cars/vehicles <u>NA</u> (iii) Visitors' cars/vehicles _____



NOTE: (1) This application is for planning permission only and does NOT cover Building Regulation approval.
(2) This application cannot be considered until the appropriate certificate has been submitted (see overleaf).
(3) If the application relates to an industrial building with an aggregate floor space of 5,000 square feet an Industrial Development Certificate must be submitted.

P.T.O.



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Agenda Item 12

DECISION-MAKER:	PLANNING AND RIGHTS OF WAY PANEL
SUBJECT:	STREET NAMING – OCEAN DOCK, PORT OF SOUTHAMPTON
DATE OF DECISION:	14 FEBRUARY 2012
REPORT OF:	HEAD OF PLANNING AND SUSTAINABILITY
STATEMENT OF CONFIDENTIALITY	
Not Applicable	

BRIEF SUMMARY

The Panel are asked to consider the proposed name and support this report's recommendation.

RECOMMENDATIONS:

- (i) That the name 'White Star Way' be approved for a new street located within the Port of Southampton.

REASONS FOR REPORT RECOMMENDATIONS

1. The purpose of this report is to decide the name of a new street.

DETAIL (Including consultation carried out)

2. The Council received a request from Associated British Ports (ABP) to name a new street that was built at the head of the Ocean Dock within the Port of Southampton (Appendix 1).
3. Ocean Dock was originally known as 'White Star Dock' and was where the White Star liners sailed from.
4. To coincide with the centenary of the Titanic sailing from its berth in the White Star dock. ABP thought it appropriate to provide a form of memorial by naming a street located within the Port.
5. The name 'White Star Way' has been suggested to commemorate the 100th anniversary.
6. It is intended that the street name be unveiled on 10th April 2012, exactly 100 years after the Titanic set sail.
7. The Royal Mail has been consulted and have raised no objection to the proposed name.
8. The name 'White Star Way' is not being used elsewhere in the City. It is recommended that the proposed name should be supported.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

9. No alternative names have been suggested.

RESOURCE IMPLICATIONS

Capital/Revenue

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

Property/Other

11. None.

LEGAL IMPLICATIONS

Statutory Power to undertake the proposals in the report:

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

Other Legal Implications:

13. None

POLICY FRAMEWORK IMPLICATIONS

14. None

AUTHOR:	Name:	Angelines Jagot	Tel:	023 8083 3990
	E-mail:	Helines.Jagot@southampton.gov.uk		

SUPPORTING DOCUMENTATION

Non-confidential appendices are in the Members' Rooms and can be accessed on-line

Appendices

1.	Location Plan
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Documents In Members' Rooms - None

Integrated Impact Assessment

Do the implications/subject/recommendations in the report require an Integrated Impact Assessment to be carried out.	No
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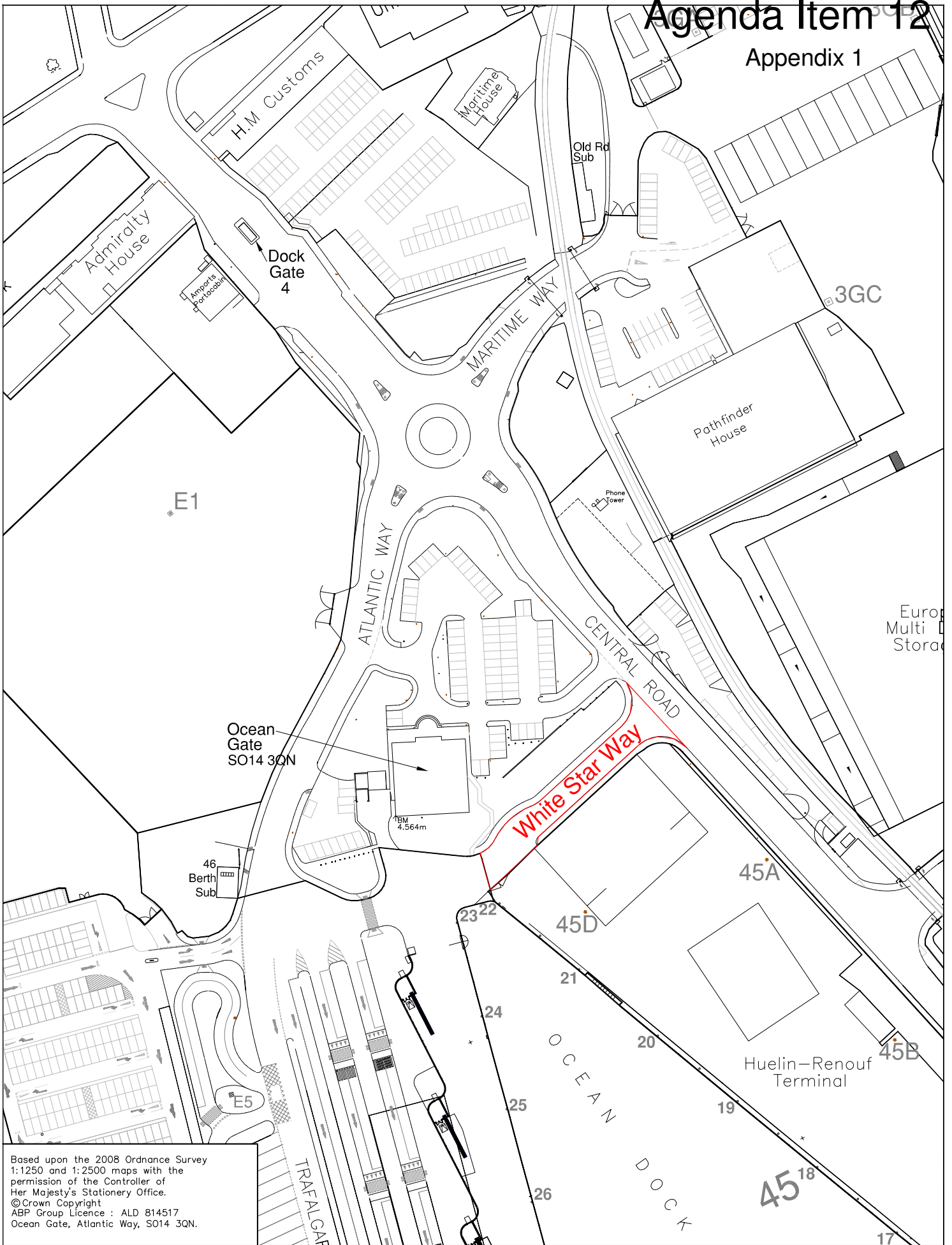
Other Background Documents

Title of Background Paper(s) - None


Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

Integrated Impact Assessment and Other Background documents available for inspection at:

WARDS/COMMUNITIES AFFECTED:	Bargate
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Based upon the 2008 Ordnance Survey 1:1250 and 1:2500 maps with the permission of the Controller of Her Majesty's Stationery Office.
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 ABP Group Licence : ALD 814517
 Ocean Gate, Atlantic Way, SO14 3QN.

 ASSOCIATED BRITISH PORTS SOUTHAMPTON Associated British Ports Ocean Gate, Atlantic Way Southampton SO14 3QN Telephone 023 80488800 Facsimile 023 80336402	Drawn SC	Scale 1:1000	Project EASTERN DOCKS PORT OF SOUTHAMPTON	Drawing White Star Way Proposed road to be named
	Date 15.11.11	Revision 0		
	Drawing No. 18497	Subject No. -		

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Agenda Item 13

DECISION-MAKER:	PLANNING AND RIGHTS OF WAY PANEL
SUBJECT:	ZAZEN DEVELOPMENTS LTD - ROEBUCK HOUSE 24-28 BEDFORD PLACE
DATE OF DECISION:	14 FEBRUARY 2012
REPORT OF:	HEAD OF PLANNING AND SUSTAINABILITY
STATEMENT OF CONFIDENTIALITY	
None.	

SUMMARY

This report is seeking authorisation to vary the terms of the previous Decision Report dated the 20th July 2010 to postpone the payment of the affordable housing contribution for up to 3 years provided that the administrator makes monthly payments to the council of £3,000 from the rental income obtained from letting the flats.

Unfortunately due to the current commercial environment these payments were not made and the Deed of Variation was not entered into, for which the Administrator takes full responsibility.

In an attempt to rectify this situation and the continued inability to clear the total debt, which now equals £205,891, the Administrator, in their letter dated the 18th January 2012 attached (see Appendix 1), initially proposed that they pay a lump sum of £48,000 to bring themselves up to date with the original payment arrangement and continue to pay the £3000 per month thereafter. The debt is to be crystallised at £205,891 which means that no further interest will be added during the further 3 year period.

This offer was deemed to be unacceptable because with the index-linked increases that had accrued, £3000 per month would not clear the debt within the three year timeframe. It was, however, felt that we should accept the principle of this arrangement but it was thought to be reasonable to keep within the three year payment arrangement after payment of the lump sum, so a revised proposal was put to the Administrator that the £48,000 should be paid on completion of the Deed of Variation with subsequent 36 monthly instalments of £4,386 per month, until either the debt was cleared or if the Administrator sells the property within this 3 year period then the deed of variation will provide that the remaining balance of the affordable housing contribution will be paid in full.

RECOMMENDATIONS:

- (i) To delegate authority to the Head of Legal, HR and Democratic Services to enter into a Deed of Variation of the Section 106 agreement crystallising the debt at £205,891, and postponing the payment of the affordable housing contribution for a period of up to 3 years provided a lump sum of £48,000 is paid on completion of the Deed of Variation to bring the Administrator in line with the previous payment arrangement of £3000 per month, and then a monthly payment of £4386 per month is made by the administrator until the debt is repaid, with provision that should a sale take place within the 3 year period then the entire outstanding affordable housing contribution shall be discharged.

REASONS FOR REPORT RECOMMENDATIONS

1. Currently the obligation remains outstanding with no prospect of the obligation being discharged in the near future, so a monthly payment

arrangement would reduce the debt liability and provide the Council with a commitment that the discharge of the obligation is being addressed.

The report is brought to you as the revised payment arrangement will extend over the initial three year timeframe granted in July 2010.

CONSULTATION

2. The offer has been reviewed with Legal Services (Ann Greaves) and Housing Enabling (Sherree Stanley) and is supported by both.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

3.
 1. Reject the offer and await a sale of the site
OR
 2. The affordable housing money could be recovered as a debt but given that the developer is in administration, and it is known that the Administrator does not have sufficient funds to pay the Affordable Housing contribution without selling the property, this is not recommended.

DETAIL

4. The original application referenced 04/00286/FUL and related Section 106 Agreement was completed and determined in February 2006, which gained consent for the:
“conversion of the existing retail/office block to provide 47 no. residential units with an extended retail unit at ground floor level and 2 no. restaurants at ground/first floor level. The extension of the 3rd floor level and the addition of a 4th floor with associated car parking and amenity space, including alterations to the external appearance of the building”
The build-out of the scheme was the subject of elevational alterations by planning application 08/00153/FUL and related section 106 completed and determined in June 2008.
5. The financial obligations within the section 106 Agreements required all contributions, save for the Affordable Housing contribution, to be paid prior to implementation. The Affordable Housing payment (£193,434 as at July 2010) was agreed to be paid prior to occupation. Occupation commenced but a cheque that was to pay the affordable housing contribution was dishonoured and unfortunately before the Affordable Housing contribution was paid, on the 19th December 2008 Zazen Developments Ltd went into administration.
6. Subsequently the Council acting through its officers agreed to allow the Administrator time to sell the development on the understanding that the Council would receive full payment of the Affordable Housing obligation from the proceeds of the sale of the development site.
7. Following a meeting with the Administrator on the 25th March 2010, it was understood that they had been unable to secure a sale of the property on terms that could be recommended and the council was asked to vary the terms of the section 106 agreement to allow for a further extension of time of up to three years to allow the property to be sold and the outstanding obligations repaid. Subsequent to this meeting the offer of £3000 per month, to reduce the amount of Affordable Housing contribution outstanding, was made by the Administrator to the Council from the rental income to reduce

the level of debt to the Council, until such time as the development site can be sold.

8. The Deed of Variation has not been entered into by the Administrator and the property still remains unsold but the Administrator now seeks to rectify the situation with the Council by means of now entering into a Deed of Variation, which will require payment of a lump sum of £48,000, to bring them in line with the previous payment arrangement and a further three year payment arrangement, of £4386 per month to clear the current level of Affordable Housing contribution. The administrator has asked that the debt crystallise so that no further interest will be added to the sum due over the remaining payment period. Officers recommend that this is agreed as this arrangement represents the best and least resource intensive way to recover the debt owed to the council.
9. The offer is recommended upon the basis that it is a pragmatic approach in an insolvency situation where the Administrator has a duty to ensure the best possible terms for the sale of the property, so that as many as possible of the insolvent companies debts can be discharged from the proceeds of sale.

FINANCIAL/RESOURCE IMPLICATIONS

Capital

10. None

Revenue

11. The implication of accepting proposals in the report would be to accept a payment arrangement, in lieu of the immediate and full Affordable Housing Contribution, which would not be forthcoming in the short-term.

Property

12. None

Other

13. None

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

14. S106A gives the Council power to modify a planning obligation by agreement

Other Legal Implications:

15. The applicant will be required to meet the Council's legal costs

POLICY FRAMEWORK IMPLICATIONS

16. Affordable Housing provision agreed with Housing Enabling Team to be met by a financial contribution, in accordance with Local Plan Policy of the time, which still accords with the Council's current Core Strategy (Adopted 2010).

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SUPPORTING DOCUMENTATION

Non-confidential appendices are in the Members' Rooms and can be accessed on-line

Appendices

1.	Grant Thornton Letter from Trevor O'Sullivan dated the 18 th January 2012
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Documents In Members' Rooms

1.	None
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Background Documents

Title of Background Paper(s)

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	None	
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Background documents available for inspection at: N/A

WARDS/COMMUNITIES AFFECTED:	Bevois
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18 January 2012

Dear Ms Greaves

Zazen Developments Limited - In Administration (the Company)

I write in connection with the Section 106 agreement in respect of Roebuck House, Southampton which is owned by the above company and your recent communications with Lizzy Crabb of Grant Thornton UK LLP.

As you are aware my colleagues in Southampton, acting on my behalf in my capacity as joint administrator, were in discussions with Southampton City Council (the Council) regarding the unpaid Affordable Housing Contribution relating to Roebuck House. These discussions took place in 2010 and an offer was made to the Council to settle the outstanding liability by way of monthly instalments of £3,000 commencing October 2010. This offer was accepted and a deed of variation was drafted but unfortunately not finalised. I note that the failure to finalise this document was not due to the Council and no payments have been made to settle this liability.

In recent communications with Lizzy Crabb, you confirmed that the payment now required is £205,891 (based upon a formula index linked against RPI) and that this amount is guaranteed if paid by 31 January 2012. Unfortunately, due to the nature of this case, I do not have sufficient funds to settle the liability in full immediately. However, I expect to be able to settle this amount over an extended period using future income derived from the property. Therefore, I propose the following terms for settling the liability:

- £205,891 to be crystallised as the amount outstanding in full and no further amounts added in respect of interest or index linking against RPI
- payments of £3,000 to be made monthly in line with the original discussions in 2010
- an initial catch-up payment of £48,000 to be made by the end of January 2012, representing 16 payments for October 2010 to January 2012 inclusive
- a further 52 monthly payments of £3,000 commencing February 2012 followed by a final payment of £1,891 to settle the balance of £157,891 after making the initial catch-up payment
- in the event that the property is sold before the full amount has been paid, any balance will be settled from the sale proceeds.

Chartered Accountants

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A list of members is available from our registered office.

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A list of personnel permitted by Grant Thornton to accept appointments as insolvency practitioners and of their respective authorising bodies may be inspected at the above address.

I trust the above offer will be acceptable to the Council and in the event that it is accepted, I will instruct my solicitors immediately to submit a marked up copy of the original deed of variation reflecting the above offer.

Yours sincerely
for and on behalf of Zazen Developments Limited



PP Trevor O'Sullivan
Joint Administrator

The affairs, business and property of Zazen Developments Limited are being managed by Trevor O'Sullivan, appointed as joint administrator on 19 December 2008 and Nigel Morrison, appointed as joint administrator on 8 December 2009.