

Planning and Rights of Way Panel

Tuesday, 29th May, 2012
at 9.30 am

PLEASE NOTE TIME OF MEETING

Conference Room 3 and 4 - Civic
Centre

This meeting is open to the public

Members

Councillor Mrs Blatchford (Chair)
Councillor Claisse
Councillor Cunio
Councillor L Harris
Councillor Lloyd
Councillor Shields
Councillor Smith

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 2012/13

| 2012 | 2013 |
|---------------------|------------------------|
| 29 May 2012 | 15 January 2013 |
| 26 June | 19 February |
| 24 July | 26 March |
| 21 August | 23 April |
| 18 September | |
| 16 October | |
| 20 November | |
| 11 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 APPOINTMENT OF VICE-CHAIR

To appoint a Vice-Chair to the Panel for this municipal year.

2 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

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

3 DISCLOSURE OF PERSONAL AND PREJUDICIAL INTERESTS

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

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

4 STATEMENT FROM THE CHAIR

5 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)

To approve and sign as a correct record the Minutes of the meeting held on 29 March and 17 April 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

6 21-35 ST DENYS ROAD / 11/01856/FUL

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

ITEMS TO BE HEARD BETWEEN 10:15 AM TO 11:15 AM

ALL ITEMS RELATING TO THE FORMER BULLS EYE PH WILL BE GIVEN A SINGLE OFFICER PRESENTATION. MEMBERS WILL VOTE ON EACH APPLICATION SEPARATELY

7 THE BULLS EYE PUBLIC HOUSE, BUTTS ROAD, SO19 1BJ / 12/00358/FUL

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

8 THE BULLS EYE PUBLIC HOUSE, BUTTS ROAD, SO19 1BJ / 12/00356/FUL

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

9 THE BULLS EYE PUBLIC HOUSE, BUTTS ROAD, SO19 1BJ / 12/00355/FUL

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

10 THE BULLS EYE PUBLIC HOUSE, BUTTS ROAD, SO19 1BJ / 12/00360/FUL

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

11 THE BULLS EYE PUBLIC HOUSE, BUTTS ROAD, SO19 1BJ / 12/00359/FUL

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

12 THE BULLS EYE PUBLIC HOUSE, BUTTS ROAD, SO19 1BJ / 12/00353/FUL

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

13 THE BULLS EYE PUBLIC HOUSE, BUTTS ROAD, SO19 1BJ / 12/00357/FUL

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

14 THE BULLS EYE PUBLIC HOUSE, BUTTS ROAD, SO19 1BJ / 12/00361/ADV

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

ITEMS TO BE HEARD BETWEEN 11:15 AM TO 12:00 PM

15 FIRST FLOOR FLAT, WARWICK HOUSE, 12 CARLTON ROAD, SO15 2HL / 12/00053/FUL

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

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

16 14 YORK TERRACE, HENSTEAD ROAD, SO15 2DD / 12/00245/FUL

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

ITEMS TO BE HEARD BETWEEN 12:30 PM TO 1:00 PM

17 97 REGENTS PARK ROAD, SO15 8NZ / 12/00096/FUL

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

ITEMS TO BE HEARD BETWEEN 1:45 PM AND 2:15 PM

18 28 - 30 ALMA ROAD, SO14 6UP / 12/00339/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 2.15 PM AND 2.45 PM

19 34 ALBANY ROAD, SO15 3EG / 12/00338/FUL

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

ITEMS TO BE HEARD BETWEEN 2.45 PM AND 3.30 PM

20 LAND AT INKERMAN ROAD / JOHNS ROAD / 12/00039/R3OL

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

ITEMS TO BE HEARD BETWEEN 3.30 PM AND 4 PM

21 PEMBROKE COURT, 62 - 70 WESTWOOD ROAD / 11/02025/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.

Monday, 21 May 2012

HEAD OF LEGAL, HR AND DEMOCRATIC
SERVICES

SOUTHAMPTON CITY COUNCIL
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 29 MARCH 2012

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

Apologies: Councillor Thomas

110. **BERTHS 201/202, WESTERN DOCKS, WESTERN AVENUE 12/00139/FUL AND 12/00138/OPA**

The Panel considered the report of the Planning and Development Manager recommending confirmation of the appropriate assessment (concluding that there will be no adverse effect on the integrity of European Sites by the prior approval works) and that delegated authority be granted to the Planning and Development Manager to grant and issue prior approval decision subject to the completion of a legal agreement as referred to in the report. (Copy of the report circulated with the agenda and appended to the signed minutes)

The presenting officer reported that the S106 Legal Agreement would secure only condition (i) listed in the report relating to the submission and implementation of a Construction Environment Management Plan and that the development be carried out in accordance with the approval plans. Items (ii), (iii) and (iv) would instead form part of the Construction Environment Management Plan.

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

RESOLVED

- (i) Unanimously that the appropriate assessment under Regulation 75 of the Conservation of Habitats and Species Regulations 2010, concluding that there will be no adverse effect on the integrity of the European Sites by the prior approval works, be confirmed;
- (ii) Unanimously to delegate authority to the Planning and Development Manager to grant and issue prior approval decision subject to the completion of a legal agreement incorporating (i) as set out in the report and incorporating items (ii) to (iv) into the Construction Environment Management Plan.

111. **EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED that in accordance with the Council's Constitution, specifically the Access to Information Procedure Rules contained within the Constitution, the press and public be excluded from the meeting in respect of the confidential item below.

This is based on Category 3 of paragraph 10.4 of the Access to Information Procedure Rules. The information contained therein is potentially exempt as it relates to the

business affairs of ABP the disclosure of which may have a detrimental impact upon the operation of their business and further contains legal advice, the disclosure of which could affect the ability of the Council to conduct any future litigation proceeding in the best interest of the Council. The public interest in maintaining the exemption therefore outweighs the public interest in disclosing the information. The public interest test is best served by the information remaining exempt.

112. **PLANNING OBLIGATION**

The Panel considered the confidential report of the Head of Legal, HR and Democratic Services regarding a request that Southampton City Council enter into a Planning Obligation to regulate the use of land owned and operated by ABP in order to address issues raised in relation to the Marine Licence.

RESOLVED that the Head of Legal, HR and Democratic Services be authorised to:

- (i) agree the terms of and to enter into an agreement under section 106 of the Town and Country Planning Act 1990 to regulate the use of land owned and operated by ABP; and
- (ii) enter into any deed of variation of this S106 agreement to the extent as is necessary to secure the issue of the marine licence.

SOUTHAMPTON CITY COUNCIL
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 17 APRIL 2012

Present: Councillors Jones (Chair), Claisse (Vice-Chair), Mrs Blatchford, Cunio, L Harris, Osmond (Except Minute 121) and Thomas

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

RESOLVED that the Minutes of the Meetings held on 14th February 2012 and 13th March 2012 be approved and signed as a correct record.

114. **PART OF FORMER ORDNANCE SURVEY SITE 11/01994/FUL**

The Panel considered the 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.

Redevelopment of the site to provide 193 dwellings (113 houses and 80 flats) within 2, 3 and 4 storey buildings and conversion of Crabwood House with associated access, parking and landscaping works (As amended by plans received 27.02.2012). (Copy of the report circulated with the agenda and appended to the signed minutes).

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

RESOLVED unanimously to delegate authority to the Planning and Development Manager to **grant** planning permission subject to the criteria listed in the report and subject to the following additional Heads of Terms to the S106 Agreement:

- (ix) Submission of a Habitat Management Plan;
- (x) Details of public routes to be provided and maintained;
- (xi) A restriction on future occupiers so they will not be able to receive parking permits, if a TRO is introduced.

115. **RIDGEWAY SCHOOL AND PROSPECT HOUSE, FREEMANTLE COMMON ROAD 12/00168/R30L**

The Panel considered the 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.

Re-development of the site, demolition of the existing buildings and provision of 30 new houses (23 x three bedroom, 7 x four bedroom) with associated parking and access from Freemantle Common Road with provision of new pedestrian footpath. (Outline application seeking approval for access, layout and scale). (Copy of the report circulated with the agenda and appended to the signed minutes).

Mrs Martin and Mrs Iron-Smith (objecting) (Southampton Commons and Parks Protection Society) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an adjustment to the report so that it should read “Application Type – Outline” and two adjustments to the Delegation Recommendation so that it should read:

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

The receipt of an undertaking from the Head of Property and Procurement Services that the contract for the sale of council owned land, the subject of this application, will be conditional upon the purchaser and any other landowner entering into a S.106 legal agreement with the Council, prior to or simultaneously with the land transfer taking place, to provide the following planning obligations”.

The presenting officer suggested, and it was agreed unanimously, that an additional head of term be added to the section 106 agreement to require a contribution to be made towards making a Traffic Regulation Order to provide for double yellow lines be put in place on Freemantle Common Road.

RESOLVED unanimously to delegate authority to the Planning and Development Manager to **grant** planning permission subject to the revised recommendation; the additional head of term for the section 106 agreement; the criteria listed in the report and the amended and additional conditions below:

Amended Conditions

1. 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, massing and bulk of the structure, and the landscaping (both hard, soft and including enclosure details) of the site is approved subject to the following:

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

a) The appearance and architectural design specifying the external materials to be used (RESERVED MATTER);

b) Landscaping of the site specifying a planting plan (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), hard and soft treatments, all means of enclosure to be formed within the site and to site boundaries surface treatments for parking layout, pedestrian access, surface areas and property frontages and ancillary objects (refuse bins, external lighting, lighting columns etc)(RESERVED MATTER);

(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).

4. APPROVAL CONDITION - Temporary parking area for construction vehicles (Pre-Commencement Condition)

No construction or building work shall be carried out on the site unless and until there is available within the site, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority, provision for the temporary parking of vehicles and the loading and unloading of vehicles associated with the building and other operations on the site throughout the period of work required to implement the development hereby permitted. Temporary parking and/or storage of materials or any other item associated with the development works must not take place on the adjacent common land at any time.

REASON

In the interests of road safety and in order to protect the appearance and biodiversity value of the adjacent common land.

15. APPROVAL CONDITION – Access to allotments (Performance condition)

Pedestrian and Vehicular access to the adjoining allotments must be kept available during the course of construction and thereafter retained at all times.

REASON

To ensure a satisfactory form of development and that the proposed development does not hinder the use of the allotments.

Additional Conditions

27. APPROVAL CONDITION - Rainwater /Grey-water Harvesting (Pre-Commencement Condition)

A feasibility study demonstrating the investigation of the potential for the installation of a rainwater/grey-water harvesting system on site shall be carried out and verified in writing by the Local Planning Authority prior to the pre-commencement of the development hereby granted consent. If the study demonstrates that the installation of such a system would be technically and financially viable, a specification shall be agreed in writing with the Local Planning Authority. A system to the approved specification must be installed and be rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

REASON

To reduce overall water consumption and demand on resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

28. APPROVAL CONDITION – Access to common land and allotments (Performance Condition)

At no time shall there be any direct access made or encroachment of activity onto the adjacent common land from the development hereby approved. In addition, there is to be no access made from private residential gardens into the adjacent allotments or adjacent common land.

REASON

In order to protect the adjacent land in the interests of public and private amenity.

116. **PROMONTORY AND CAR PARK ADJOINING THE OCEAN VILLAGE MARINA, OCEAN WAY/MARITIME WALK 11/02000/FUL**

The Panel considered the 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.

Site clearance and erection of a 76 bedroom hotel (Class C1) with associated spa, restaurants, bars/club and function rooms with 12 residential units (Class C3) in a building ranging in height from 5-storeys to 7-storeys and erection of a building ranging in height from 6-storeys to 10-storeys to provide 82 flats and 1,139 square metres of commercial floorspace (Use Classes A1, A2, A3, A4, A5 or B1) with associated parking and landscaping works. (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Hall (Agent) and Professor Park (objecting) (Pacific Close Residents Association) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that the Environment Agency had withdrawn their objection and revised the recommendation to delete original condition 35 and insert a Head of Term in the S106 Agreement instead, to read as follows:

xiii) An obligation to ensure the approved residential accommodation is not occupied until the hotel building has been completed and is available for use.

RESOLVED to delegate authority to the Planning and Development Manager to **grant** planning permission subject to the criteria listed in the report; the additional head of term for the legal agreement referred to above and the following amended and additional conditions:

RECORDED VOTE:

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

AGAINST: Councillor Cunio

Amended Condition

35. APPROVAL CONDITION – Flood proofing measures (Pre-Occupation Condition)

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment dated December 2011 ref: “31085 Ocean Village, Southampton” by Such Salinger Peters and the supplementary notes dated 23/03/2012 ref: “31085 Ocean Village, Southampton” and the following mitigation measures detailed within the FRA:

1. Finished floor levels of residential development, including hotel bedrooms, are set no lower than 8.97m above Ordnance Datum (AOD).
2. Land between the proposed hotel building and the proposed residential development should be raised to a level of 4.2m AOD prior to the first occupation of the residential building.
3. Demonstration within the FRA that the improvement/protection and maintenance of existing flood defences (namely the quay wall) will be provided.
4. Flood-proofing measures detailed in paragraphs 3.9, 8.1 and 8.5 are incorporated within the proposed development.

REASON

1. To reduce the risk of flooding to the proposed development and future occupants.
2. To not compromise the delivery of the SMP and Southampton FCERMS and eliminate a potential flood flow route.
3. To ensure the structural integrity of existing flood defences thereby reducing the risk of flooding.
4. To reduce the impact of flooding on the proposed development and future occupants.

Additional Condition

41. APPROVAL CONDITION – Car Parking for Disabled Users [Pre-Commencement Condition]

Development shall not commence until details of car parking for people with disabilities has been submitted to and approved in writing by the Local Planning Authority. The approved car parking arrangements shall be provided before the development is first occupied and retained thereafter.

REASON

To ensure satisfactory facilities are provided for people with disabilities.

117. **39 THORNBURY AVENUE 11/02002/FUL**

The Panel considered the report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address.

Erection of a detached two-storey building to provide 2 x residential care units, in association with the existing residential care home, following demolition of existing

garage. (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Wiles (Agent) and Mr McMahon (objecting) (Local Resident) were present and with the consent of the Chair, addressed the meeting.

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

RECORDED VOTE:

FOR: Councillors Jones, Mrs Blatchford, Osmond

AGAINST: Councillors Claisse, Cunio, L Harris

ABSTAINED: Councillor Thomas

NOTE: This item was carried with the use of the Chair's second and casting vote.

Amended Condition

03 APPROVAL CONDITION – Boundary Treatment [performance condition]

Unless otherwise agreed in writing by the Local Planning Authority, with the exception of boundary treatment marked 9 on drawing number C11/028.03 rev A, the boundary treatment shall be installed in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained as approved. For the avoidance of doubt, the boundary treatment between the site and the rear garden of 17 Darwin Road shall be demarcated by a brick boundary wall of no less than 1.8 metres in height. 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 boundary treatment shall be erected to the north of the building hereby approved which divides the site from the existing building at 39 Thornbury Avenue.

REASON

To ensure a satisfactory form of development and in the interests of the amenities of the occupiers of the neighbouring properties.

118. **37-75 CUMBRIAN WAY AND ADJOINING LAND 12/00048/FUL**

The Panel considered the 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.

Re-development of the site following demolition of the existing buildings to provide 38 x 2 bedroom flats and 12 x 3 bedroom houses within two, three and four-storey buildings and a ground floor commercial unit (Use Class A1 Retail or Use Class A3 Restaurants and Cafes) with associated car parking, landscaping and external works including alterations to the existing road (affects existing public rights of way). (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Groucott (Architect) and Councillor Baillie (supporting) (Cabinet Member) were present and with the consent of the Chair, addressed the meeting.

The presenting officer stated that paragraph 2.5 of the report should be amended to read "A total of 71 new car parking spaces would be provided which includes 3 re-positioned car parking spaces for the Phase 1 development, 2 new spaces and 15 unallocated spaces"

RESOLVED unanimously to delegate authority to the Planning and Development Manager to **grant** planning permission subject to the criteria listed in the report and the following additional condition:

29 APPROVAL CONDITION– Disabled Car Parking Spaces [pre-commencement condition]

Prior to the commencement of the development hereby approved, details of two additional disabled car parking spaces to be provided adjacent to the entrance to the development, shall be submitted to and approved by the Local Planning Authority in writing. The development shall proceed in accordance with the agreed details.

REASON

To ensure sufficient disabled car parking spaces are provided.

119. **224 PORTSWOOD ROAD 11/01877/FUL**

The Panel considered the report of the Planning and Development Manager recommending delegated authority be granted in respect of an application to vary planning conditions 20, 41 and 58 of consent number 10/01399/OUT.

The requested variations to these conditions were: Variation of **condition 20** to allow opening hours of 07:00 to 23:00 Monday to Saturday and 09:00 to 17:00 on Sundays and imposition of restrictions on the use of the car park by the public to prevent access earlier than 30 minutes prior to the store opening and 60 minutes after the store closing time. Variation of **condition 41** delivery hours, to allow no more than 3 deliveries to be received or items despatched from the retail building between the hours of 2300 to 0700 Monday to Saturday. On Sundays no deliveries to be take place before 0800 and no more than two deliveries to take place after 6pm. Variation of **condition 58** to restrict the allocation of the parking spaces for the D1 use to between the hours of 0900 and 17.30 Monday to Friday.(As amended by letter dated 01.03.2012). (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Pepler (Applicant), Mr Reed (objecting) (Highfield Residents Association), Simon Ward (objecting) (representing client in Portswood Road), Dr Buckle and Mrs Jameson (objecting) (Portswood Residents Gardens), Mr Mortimore and Mrs Norris (objecting) (Local Residents) and Councillor Vinson (objecting) (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an amendment to the recommendation to adjust to new Condition 40 (replacing Condition 41 of permission 10/01399/OUT) so that it should read:

40 APPROVAL CONDITION - Retail Store Delivery Times - Performance Condition

Unless otherwise agreed in writing by the Local Planning Authority other than for a maximum of 3 deliveries to be received or dispatched from the retail building between the hours of 2300 - 0700 Monday to Saturday and no more than 2 deliveries to be received or dispatched between 1800 - Midnight on Sundays.

REASON

To protect the amenity of neighbouring residential dwellings.

RESOLVED unanimously that variation to Condition 20 be **refused** for the following reason:

To protect the amenity of nearby residents.

RESOLVED that variation to Condition 40 be **approved**, as above.

RECORDED VOTE:

FOR: Councillors Jones, Cunio, L Harris and Osmond

AGAINST: Councillors Blatchford, Claisse and Thomas.

RESOLVED unanimously that variation to Condition 56 (replacing Condition 58 of permission 10/01399/OUT) be **refused** for the following reason:

To ensure appropriate numbers of spaces are made available in a safe and convenient location to serve the D1 floorspace hereby approved.

120. **ARRANGEMENTS FOR PRE-APPLICATION CONSULTATION FOR THE BIOMASS PLANT AT SOUTHAMPTON PORT**

The Panel considered the report of the Head of Planning and Sustainability seeking approval of the proposed arrangements for pre-application consultation, as set out in the revised draft Statement of Community Consultation and Community Consultation Strategy. (Copy of report circulated with the agenda and attached to the signed minutes).

Paul Brighton (Applicant), Steven Galton (objecting) (Local Resident) and Councillor Vinson (objecting) were present and with the consent of the Chair, addressed the meeting.

RESOLVED

- (i) that the proposed arrangements for pre-application consultation, as set out in the revised draft SoCC and CCS be agreed and reported to the NID and Helius Energy as acceptable.
- (ii) that details of how an operator would deal with unexpected large scale fires are included at the public consultation events.

121. **AREA HOUSING OFFICE, PARKVILLE ROAD - REVOCATION OF PERMISSION 11/00204/FUL**

The Panel considered the report of the Head of Legal, HR and Democratic Services seeking revocation of planning permission 11/00204/FUL. (Copy of report circulated with the agenda and attached to the signed minutes).

RESOLVED that authority be delegated to the Head of Legal, HR and Democratic Services to revoke planning permission 11/00204/FUL and that the developer be given the option of entering into an additional covenant not to implement consent 11/00204/FUL in the S106 Agreement for 12/00033/FUL.

NOTE: Councillor Osmond declared an interest and withdrew from the meeting for this item.

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Agenda Annex

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 29 May 2012 - Conference Rooms 3 and 4, 1st floor, Civic Centre

PLEASE NOTE: THE PANEL WILL BREAK FOR LUNCH at or around 13.00 PM

| Main Agenda Item Number | Officer | Recommendation | Type | PSA | Application Number / Site Address |
|--|---------|----------------|------|-----|--|
| <u>BETWEEN 9.30 AM AND 10.15 AM</u> | | | | | |
| 6 | AA | REF | Q18 | 5 | 11/01856/FUL/ 21-35 St Denys Road |
| <u>BETWEEN 10.15 AM AND 11.15 AM (NB all items relating to the former Bulls Eye PH will be given a single officer presentation, but Members will vote on each application separately)</u> | | | | | |
| 7 | AA | CAP | Q18 | 5 | 12/00358/FUL / The Bulls Eye Public House, Butts Road, SO19 1BJ |
| 8 | AA | CAP | Q18 | 5 | 12/00356/FUL / The Bulls Eye Public House, Butts Road, SO19 1BJ |
| 9 | AA | CAP | Q18 | 5 | 12/00355/FUL / The Bulls Eye Public House, Butts Road, SO19 1BJ |
| 10 | AA | CAP | Q18 | 5 | 12/00360/FUL / The Bulls Eye Public House, Butts Road, SO19 1BJ |
| 11 | AA | CAP | Q18 | 5 | 12/00359/FUL / The Bulls Eye Public House, Butts Road, SO19 1BJ |
| 12 | AA | CAP | Q18 | 5 | 12/00353/FUL / The Bulls Eye Public House, Butts Road, SO19 1BJ |
| 13 | AA | CAP | Q18 | 5 | 12/00357/FUL / The Bulls Eye Public House, Butts Road, SO19 1BJ |
| 14 | AA | CAP | Q22 | 5 | 12/00361/ADV / The Bulls Eye Public House, Butts Road, SO19 1BJ |
| <u>BETWEEN 11.15 AM AND 12.00 PM</u> | | | | | |
| 15 | MP | REF | Q13 | 5 | 12/00053/FUL / Warwick House, 12 Carlton Road, SO15 2HL |
| <u>BETWEEN 12.00 PM AND 12.30 PM</u> | | | | | |

| | | | | | |
|--|-----|-----|-----|----|---|
| 16 | MP | REF | Q20 | 5 | 12/00245/FUL / 14 York Terrace, Henstead Road, SO15 2DD |
| <u>BETWEEN 12.30 PM AND 1.00 PM</u> | | | | | |
| 17 | MP | REF | Q20 | 5 | 12/00096/FUL / 97 Regents Park Road, SO15 8NZ |
| <u>BETWEEN 1.45 PM AND 2.15 PM</u> | | | | | |
| 18 | MP | DEL | Q07 | 15 | 12/00339/OUT / 28 - 30 Alma Road, SO14 6UP |
| <u>BETWEEN 2.15 PM AND 2.45 PM</u> | | | | | |
| 19 | BS | CAP | Q13 | 5 | 34 Albany Road / 12/00338/FUL, SO15 3EG |
| <u>BETWEEN 2.45 PM AND 3.30 PM</u> | | | | | |
| 20 | ARL | DEL | Q13 | 15 | 12/00039/R3OL / Land At Inkerman Road/ Johns Road |
| <u>BETWEEN 3.30 PM AND 4.00 PM</u> | | | | | |
| 21 | RP | DEL | Q12 | 15 | 11/02025/FUL / Pembroke Court, 62 - 70 Westwood Road |

Abbreviations:

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

AA – Andrew Amery, ARL – Anna Lee, BS- Bryony Stala, MP- Mathew Pidgeon, RP – Richard Plume

Southampton City Council - Planning and Rights of Way Panel

Report of Executive Director of Environment

Local Government (Access to Information) Act 1985

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

Applications:

Background Papers

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

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

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

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

- (o) Portswood Residents' Gardens Conservation Area Character Appraisal (1999)
- (p) Land between Alder Moor Road and Worston Road Development Brief Character Appraisal (1997)
- (q) The Bevois Corridor Urban Design Framework (1998)
- (r) Southampton City Centre Urban Design Strategy (2000)
- (s) St Mary's Place Development Brief (2001)
- (t) Ascupart Street Development Brief (2001)
- (u) Woolston Riverside Development Brief (2004)
- (v) West Quay Phase 3 Development Brief (2001)
- (w) Northern Above Bar Development Brief (2002)
- (x) Design Guidance for the Uplands Estate (Highfield) Conservation Area (1993)
- (y) Design Guidance for the Ethelbert Avenue (Bassett Green Estate) Conservation Area (1993)
- (z) Canute Road Conservation Area Character Appraisal (1996)
- (aa) The Avenue Conservation Area Character Appraisal (1997)
- (bb) St James Road Conservation Area Character Appraisal (1996)
- (cc) Banister Park Character Appraisal (1991)*
- (dd) Bassett Avenue Character Appraisal (1982)*
- (ee) Howard Road Character Appraisal (1991) *
- (ff) Lower Freemantle Character Appraisal (1981) *
- (gg) Mid Freemantle Character Appraisal (1982)*
- (hh) Westridge Road Character Appraisal (1989) *
- (ii) Westwood Park Character Appraisal (1981) *
- (jj) Cranbury Place Character Appraisal (1988) *
- (kk) Carlton Crescent Character Appraisal (1988) *
- (ll) Old Town Conservation Area Character Appraisal (1974) *
- (mm) Oxford Street Conservation Area Character Appraisal (1982) *
- (nn) Bassett Green Village Character Appraisal (1987)
- (oo) Old Woolston and St Annes Road Character Appraisal (1988)
- (pp) Northam Road Area Improvement Strategy (1987)*
- (qq) Houses in Multiple Occupation (2012)
- (rr) Vyse Lane/ 58 French Street (1990)*
- (ss) Tauntons College Highfield Road Development Guidelines (1993)*
- (tt) Old Woolston Development Control Brief (1974)*
- (uu) City Centre Characterisation Appraisal (2009)
- (vv) Parking standards (2011)

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

5. Documents relating to Highways and Traffic

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

(h) DETR Traffic Advisory Leaflets (various)

6. Planning related Government Circulars in most common use

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

7. Government Policy Planning Advice

- (a) National Planning Policy Framework (27.3.2012)

8. Other Published Documents

- (a) Planning for Daylight and Sunlight - DOE
- (b) Coast and Countryside Conservation Policy - HCC
- (c) The influence of trees on house foundations in clay soils - BREDK
- (d) Survey and Analysis - Landscape and Development HCC
- (e) Root Damage to Trees - siting of dwellings and special precautions – Practice Note 3 NHDC
- (f) Shopping Policies in South Hampshire - HCC
- (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)

9. Other Statutes

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

Revised: 2.4.2012

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Agenda Item 6

**Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 29 May 2012
Planning Application Report of the Planning and Development Manager**

| | | | |
|---|--|-----------------------------|--|
| Application address: 21-35 St Denys Road | | | |
| Proposed development: Redevelopment of the site for use as a petrol station. Erection of a single storey sales kiosk and installation of 6 pumps with canopy. | | | |
| Application number | 11/01856/FUL | Application type | FUL |
| Case officer | Stephen Harrison | Public speaking time | 5 minutes |
| Last date for determination: | 20.01.2012 | Ward | Portswood |
| Reason for Panel Referral: | Planning & Development Manager's request | Ward Councillors | Cllr Claisse Cllr Norris Cllr Vinson |

| | |
|---|---------------------------------------|
| Applicant: Sainsbury's Supermarkets Ltd. | Agent: Wyg Planning and Design |
|---|---------------------------------------|

| | |
|-------------------------------|---------------|
| Recommendation Summary | Refuse |
|-------------------------------|---------------|

| | | | |
|--------------------------|---------------------------|---|---------------------------|
| Appendix attached | | | |
| 1 | Development Plan Policies | 2 | Relevant Planning History |

Recommendation in Full

REFUSE for the reasons set out at the end of this report

Background

An application for a similar proposal was refused planning permission under delegated authority in November 2011 (LPA 10/01213/FUL refers). The current application seeks to address the previous reasons for refusal.

1. The site and its context

- 1.1 The application site is located at the junction of St Deny's Road and Thomas Lewis Way (A335) in Portswood. The site is neighboured by residential property of various architectural styles and form to the north, west and south.
- 1.2 The site slopes upwards in a westerly direction and is currently operated as a car sales (sui generis) use, with the majority of the site given to open storage of cars for sale. The existing operation includes a showroom building and an ancillary workshop/servicing area. The site has previously been used as a petrol filling station.

2. Proposal

- 2.1 Full planning permission is sought for the redevelopment of the existing car sales site with a six dual aspect pumps (ie. 12 pumps in total) and petrol filling station

kiosk. No car wash is proposed, but the site will be partly filled (by up to 1.4 metres) and levelled to facilitate easier access from St Deny's Road.

2.2 The existing site access from St Deny's Road will be closed and replaced with a new access approximately 30 metres along towards the District Centre.

2.3 Since the refusal of application 10/01213/FUL the applicants have made the following changes to the proposal:

- Additional (indicative) landscaping, including green walls to the kiosk, has been provided to screen the development and soften its impact on neighbours and pedestrians;
- The tanker standing location has been moved away from 72c Belmont Road and is now located between the pumps;
- A 2 metre high acoustic fence replaces the boundary fencing to the most sensitive locations;
- The retaining walls along St Deny's Road have been lowered and stepped and a railing added to the top; and
- A full Transport Assessment accompanies the planning application.

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 National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. Having regard to paragraph 214 of the NPPF the local policies and saved policies listed in this report retain their full material weight for decision making purposes.

4.0 Relevant Planning History

4.1 The relevant planning history for this site is summarised at **Appendix 2** of this report. Of particular relevance was the recent refusal of a similar scheme for a petrol filling station for the following reasons (10/01213/FUL refers):

4.2 **01.REFUSAL REASON - Scale, Level of Activity and Impact on Neighbours**
The increased activity associated with the use of the site as a petrol filling station of this scale with associated facilities will result in an increase in disturbance to the occupiers of residential occupiers both adjacent to and opposite the site in particular by means of noise and also from vehicle headlights entering and leaving the site. The proposals would be detrimental to the level of amenity currently enjoyed by the occupiers of those properties contrary to "saved" policy SDP1(i) of the adopted City of Southampton Local Plan Review 2006.

4.3 **02.REFUSAL REASON - Visual Appearance**
The proposals require significant re-engineering of the site levels resulting in the kiosk structure being raised above the ground levels for adjacent residential properties in Osborne Road South and the need to introduce retaining walls and other structures to the site boundary's and also within the site to mitigate the impact from car headlights. The resulting development would appear visually dominant an overly engineered when viewed from adjacent residential properties and the public highway to the detriment of residential amenity and the character of the area contrary to "saved" policies SDP1, SDP7 and SDP9 of the adopted City of Southampton Local Plan Review 2006.

4.4 **03.REFUSAL REASON - Highway Safety**

The proposals will introduce additional traffic movements close to existing busy traffic controlled junctions and given the configuration of St Denys' Road requires vehicles turning right into or out of the site to cross the carriageway is likely to result in disruption to traffic flows and add to congestion in the immediate vicinity of the site to the detriment of highway safety contrary to "saved" policies SDP1 and SDP3 of the adopted City of Southampton Local Plan Review 2006.

4.5 The applicants have revised their scheme in an attempt to address these reasons for refusal.

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners and erecting a site notice (15.12.2011). At the time of writing the report **39** representations have been received from surrounding residents. The following planning related comments have been made and are dealt with in the following report and/or the proposed reasons for refusal:

- 5.2
- No need in the area for another petrol filling station
 - There has been little material change from the previous scheme
 - Highways safety concerns raised by proximity to the junction
 - Traffic generation and existing congestion problems exacerbated
 - Interferes with the servicing of the existing Sainsbury's store
 - Transport Assessment fails to provide up-to-date data
 - Traffic congestion will affect emergency vehicles access
 - Pollution arising from noise and light spill – loss of amenity
 - Inappropriate use within a residential area
 - Affects an existing sewer

5.3 **Ward Cllr Vinson** has requested a Panel determination of this application (if minded to approve). The modifications made are too minor to override the 'in principle' objection previously made. Concerned about the implications for traffic and especially right turns into and exiting the site. Petrol fumes are a health and safety issue.

5.4 Consultee Response

5.5 **SCC Highways** – Objection raised. Historically this site was a petrol filling station, but this was before Thomas Lewis Way was constructed, and it is noted that there are 4 other petrol filling stations within a 2km radius, and a further 3 within a 3.5m radius. Thomas Lewis Way is the A335, a principle arterial route to the city centre. The site is located just off of the A335, adjacent to the traffic light controlled junction with St Denys Road, the A3035, a principle link road running between Bitterne Triangle and Portswood, and places beyond.

5.6 The proposed access to the site is located on the south side of St Denys Road, approximately 70m west of the traffic lights with Thomas Lewis Way and 50m east of the Belmont Road traffic signals. The carriageway past the site is regularly subject to queuing traffic due particularly to the traffic lights on Thomas Lewis Way, and the sheer volumes of traffic using these roads.

5.7 The new Sainsburys store in Portswood is now open, and is drawing customers in from all directions, as would be expected. The store will likely offer discounted fuel to their own shoppers, encouraging use of their petrol filling station. Traffic passing the site when exiting Sainsburys will not result in additional traffic,

although there will be additional turning traffic, vehicles turning right into and right out of the site, the most disruptive and dangerous traffic manoeuvre at such a junction. However, traffic which would normally exit Sainsburys and leave in other directions will be encouraged to use this section of St Denys Road to get to the filling station, before returning back to their normal routes away from the area.

5.8 The result of this development will, therefore, not just be the introduction of turning traffic on a busy section of highway, but increasing the volume, and resulting in traffic delays which could interfere with the flow of traffic on Thomas Lewis Way. The previous highway safety reason for refusal in my opinion has not been overcome. I therefore recommend refusal on the following grounds

- The development will result in large numbers of turning vehicles on a busy section of carriageway, close to the junction with an arterial route, which may interfere with the flow of traffic resulting in the backing up of traffic causing the risk to highway safety and flow of traffic on an arterial route.
- The development itself does not allow for sufficient arrival, and waiting space for vehicles waiting to use the pumps, which could result in vehicles tailing back onto the highway, interrupting the flow of traffic on St Denys Road.
- The introduction of a new access in this location, causing traffic to make large numbers of right turns will result in risks to highway safety.

5.9 **SCC Environmental Health Officer** - Does not consider that statutory nuisance will occur as a result of the proposals, but does consider that the amenity of those residents close to the site will be affected as is reflected in the suggested reasons for refusal.

5.10 **Southern Water** – No objection

6.0 Planning Consideration Key Issues

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

- Additional activity and the impact on residential amenity.
- Impact on the character and appearance of the area.
- Traffic generation and impact on the local highway network and safety.
- Whether or not the revised scheme has overcome the previous reasons for refusal

6.2 Residential Amenity

The impact of the proposed intensification of use on the residential amenity of immediate neighbours is, again, a material consideration.

Despite the introduction of a new acoustic fence to mitigate some of the impact it is considered that the likely increased activity, when compared to the relatively static car sales that currently exists, will generate additional noise and lighting issues for these nearby neighbours. A further impact to visual amenity will also result due to the nature of the site levelling works, the necessary retaining walls and acoustic fencing which are required as part of the re-grading of the site, and the introduction of the kiosk building on raised land adjacent to 97 Osborne Road South.

The change in levels across the site also means that vehicles leaving the petrol filling station will have headlights directly facing towards the front of houses in St Deny's Road (namely 20-26 St Deny's Road) as they leave the site. This loss of local residential amenity is sufficient to warrant a planning refusal.

6.3 Character & Appearance

The proposal requires further engineering works to re-grade the levels on the site to provide the new tanks and access routes to and from the filling station. The effect is for the eastern end of the site (closest to Thomas Lewis Way) to be raised up effectively creating a plinth for the shop and sales kiosk to sit upon with a series of retaining structures around the perimeter. This amendment, in contrast to the relatively open nature of the existing site, is considered to be over-engineered and harmful to the character of the area and the visual amenities of the area.

A smaller scale facility may be able to address these issues by reducing the level of activity and amount of site coverage. However, despite the introduction of additional landscape screening, the proposals as submitted are considered to represent too great an impact on the character of the area to overcome the previous concerns.

6.4 Highway Safety

The principle of a petrol station on this site may be acceptable. The site was operated from the 1950's for nearly 40 years as a garage and small scale petrol station with ancillary workshop and staff parking. The nature of the site changed in the early 1990's to a more static car sales place with workshop.

The currently proposed petrol filling station is larger in terms of number of pumps and capacity than that which operated from the site previously, and is likely to generate more activity and vehicles trips. There will be significantly more vehicle movements compared to what is effectively a static car sales premises at the present time. The likely increase in car-borne trips to and from the site has led to a highway objection to the proposals.

There is genuine concern that the proposed scale of the operation will lead to the potential for obstructing further the flow of traffic in St Deny's Road along what is already a busy section of road, and which acts as a primary west to east link across the city.

Vehicles turning right into and out of the site will have to cross a busy and, at peak hours, very congested section of road. This arrangement is likely to exacerbate the current congestion. There is also the potential for a high number of customers to undertake linked trips with the approved nearby Sainsbury's superstore all of whom would need to make this right turn manoeuvre into the site. Furthermore, If problems arise with vehicles attempting a right turn out from the site there could be congestion problems within the site as vehicles back up leading to further congestion and inconvenience for users.

In light of the scale of the proposal, and the requirement for significant right hand turns into and exiting the site, the proposed development is not considered to have addressed the previous highway safety objection.

7.0 Summary

The proposed revisions to the scheme are not sufficient to overcome the previous concerns raised to a similar application on this site for a petrol filling station. As such, the same objections still stand.

8.0 Conclusion

This application has failed to address the previous planning and highway objections raised to the introduction of a 12 pump petrol filling station on the site. The application is recommended for refusal.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1a, b, c, d, 2b, d, 7a, 9a and b

AA for 29/05/11 PROW Panel

REASONS FOR REFUSAL

01.REFUSAL REASON - Scale, Level of Activity and Impact on Neighbours

Notwithstanding the introduction of an acoustic fence to parts of the common boundary the increased activity associated with the use of the site as a petrol filling station of this scale with associated facilities will result in an increase in disturbance to the occupiers of residential occupiers both adjacent to and opposite the site in particular by means of noise and also from vehicle headlights entering and leaving the site. The proposals would be detrimental to the level of amenity currently enjoyed by the occupiers of those properties contrary to "saved" policy SDP1(i) of the adopted City of Southampton Local Plan Review 2006.

02.REFUSAL REASON - Visual Appearance

Notwithstanding the additional landscaping and remodelling of the site proposed the proposals require significant re-engineering of the site levels resulting in the kiosk structure being raised above the ground levels for adjacent residential properties in Osborne Road South and the need to introduce retaining walls and other structures to the site boundary's and also within the site to mitigate the impact from car headlights. The resulting development would appear visually dominant an overly engineered when viewed from adjacent residential properties and the public highway to the detriment of residential amenity and the character of the area contrary to "saved" policies SDP1, SDP7 and SDP9 of the adopted City of Southampton Local Plan Review 2006..

03.REFUSAL REASON - Highway Safety

The proposals will introduce additional traffic movements close to existing busy traffic controlled junctions and given the configuration of St Denys' Road requires vehicles turning right into or out of the site to cross the carriageway is likely to result in disruption to traffic flows and add to congestion in the immediate vicinity of the site to the detriment of highway safety contrary to "saved" policies SDP1 and SDP3 of the adopted City of Southampton Local Plan Review 2006.

POLICY CONTEXT

Core Strategy - (January 2010)

| | |
|------|---------------------------------|
| CS6 | Economic Growth |
| CS13 | Fundamentals of Design |
| CS18 | Transport: Reduce-Manage-Invest |
| CS24 | Access to Jobs |

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 |
| SDP15 | Air Quality |
| SDP16 | Noise |
| SDP17 | Lighting |
| REI5 | District Centres |
| TI2 | Vehicular Access |

Other Relevant Guidance

National Planning Policy Framework

Relevant Planning History

The first recorded planning records for the site date back to 1952 when planning permission was granted for a garage and workshop.

In 1953 planning permission was twice refused to use the site for car sales. In 1954 planning permission was granted for a 'garage and petrol station'. In 1960 planning permission was granted for the use of the land for car sales.

Throughout the 1960's it is clear the commercial activity on the site expanded. In 1961 permission was granted to use part of the rear garden of 74 Belmont Road for car sales, and during this period additional consents were given for enlarged petrol tanks (6 000 gallon), a canopy and lighting.

The 1970's saw a continuation of the establishment of the commercial activity with office structures, sales office, new showroom and further enlarged petrol tanks (8000 gallon) all being approved. During this period, to the west of the site, the new relief road known as Thomas Lewis Way was constructed resulting in the re-alignment of road systems and the loss of houses.

In 1982 consent was given for a new canopy, a new pump island and two new underground fuel tanks. In 1988 an appeal was allowed allowing the existing rear workshop and a re-organisation of the forecourt area.

In the late 1980's a series of applications were submitted seeking 'extensions and alterations to form (a) new workshop plus alterations to (the) facade fronting Osborne Road and revised forecourt arrangements'. The revised forecourt arrangements included the proposed removal of the petrol pumps and the introduction of a frontage area of car sales. The schemes were initially resisted by the Council on the grounds of increased intensification of use and the resultant impact on the amenity of neighbours. However, the scheme was allowed on appeal. A slightly revised scheme to that allowed on appeal was approved by the Council on 30 January 1991.

09/01243/FUL – Withdrawn (26.01.10)

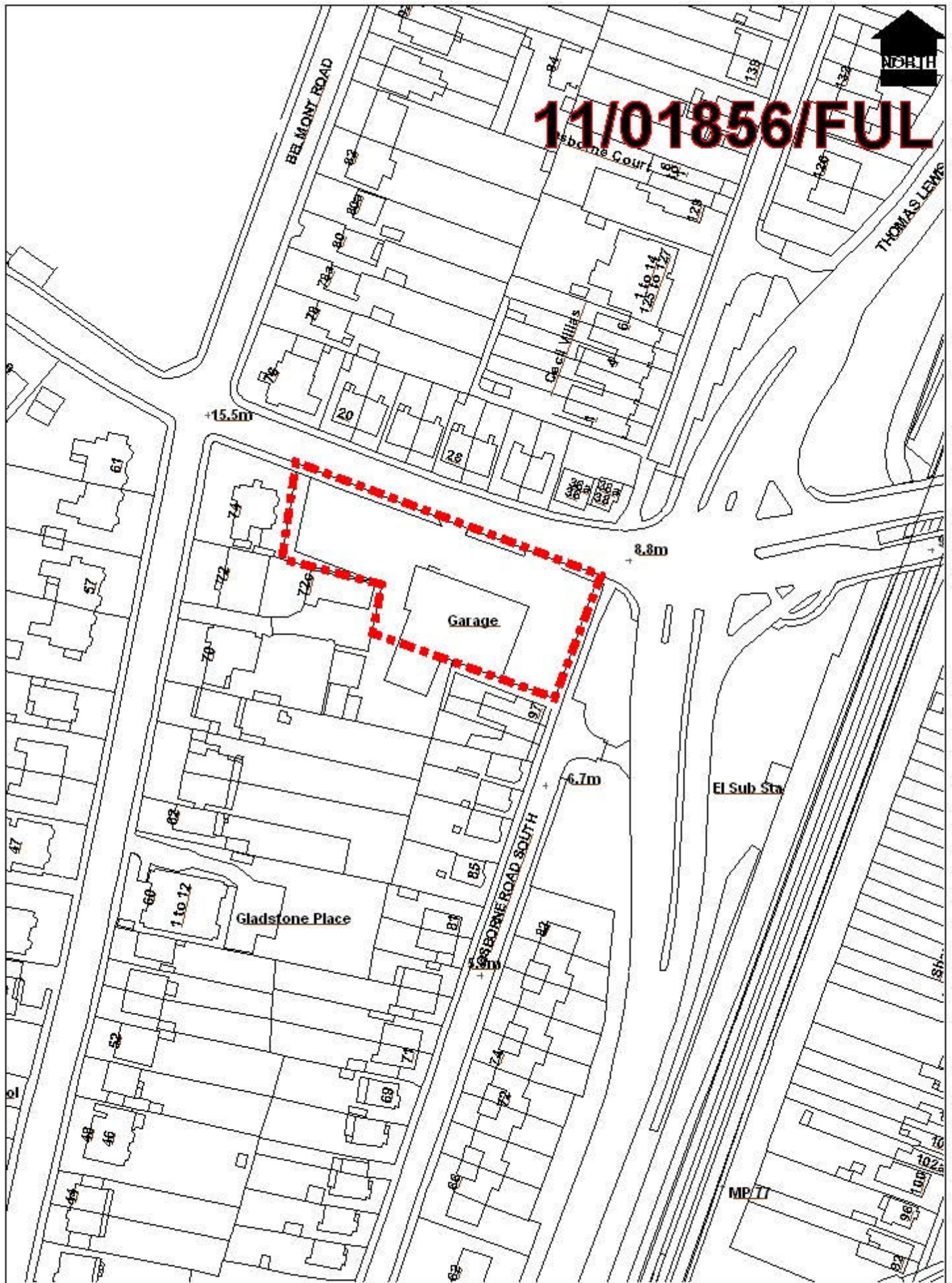
Redevelopment of the site for use as a petrol station. Erection of a single storey sales kiosk, installation of 6 twin sided pumps with canopy and a car wash (after removal of existing building)

10/01213/FUL – Refused (26.01.2011)

Redevelopment of the site for use as a petrol station. Erection of a single storey sales kiosk and installation of 6 twin sided pumps with canopy.



11/01856/FUL



Scale : 1:1250

Date : 17 May 2012

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Agenda Item 7

**Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 29 May 2012
Planning Application Report of the Planning and Development Manager**

| | | | |
|--|--|-----------------------------|--|
| Application address: The Bulls Eye Public House, Butts Road SO19 1BJ | | | |
| Proposed development: Extension and reconfiguration of existing car park hard standing | | | |
| Application number | 12/00358/FUL | Application type | FUL |
| Case officer | John Fanning | Public speaking time | 5 minutes |
| Last date for determination: | 07.05.12 | Ward | Sholing |
| Reason for Panel Referral: | Referred by Planning and Development Manager at request of Ward Cllr Fitzgerald, Cllr Blatchford and public interest | Ward Councillors | Cllr Jeffery Cllr Blatchford Cllr Kolker |

| | |
|------------------------------------|------------------------|
| Applicant: Tesco Stores Ltd | Agent: Cgms Ltd |
|------------------------------------|------------------------|

| | |
|-------------------------------|------------------------------|
| Recommendation Summary | Conditionally approve |
|-------------------------------|------------------------------|

Reason for granting Permission

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

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

| | | | |
|--------------------------|---------------------------|---|------------------|
| Appendix attached | | | |
| 1 | Development Plan Policies | 2 | Planning history |

Recommendation in Full

Conditionally approve

1. The site and its context

- 1.1 The site is located on the corner of Butts Road and Heathfield Road. The site is currently occupied by a two-storey building which was previously in use as a public house. Land surrounding the building includes existing hard standing and open areas. There is no change in site levels on the site. The site currently has two vehicular access points, one from Butts Road and one from Heathfield Road.

1.2 The site is location within a predominately residential area, with the adjoining Butts Road frontage featuring a row of commercial use. Butts Road is a Class C classified road.

2. Proposal

2.1 This application is part of a set of 8 applications which seek to facilitate the change of the property from a pub (Class A4) to a retail unit (Class A1). The change of use from pub to a retail unit does not require permission. This application refers only to the details outlined below and should be assessed on this basis.

2.2 The application seeks planning permission for the remodelling of the existing car parking area and the extension of the hard standing to cover a larger area of the site.

2.3 The proposal will wrap the hard standing around the entirety of the site and replace the area which was previously in use as the pub garden.

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 Having regard to paragraph 214 of the National Planning Policy Framework dated 27 March 2012 the policies and saved policies set out in **Appendix 1** which have been adopted since 2004 retain their full material weight for decision making purposes.

4.0 Relevant Planning History

4.1 Permission was originally granted for the erection of a licensed premises on this site in 1954. The opening hours were not restricted as part of this permission. More recently, in 2011, an application was refused for the redevelopment of the site to provide a retail unit and 8 flats.

4.2 This application is part of a set of 8 applications aimed at facilitating alterations to allow the permitted change from a public house to a retail unit. A list of all the relevant applications is included within **Appendix 2**.

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners and erecting a site notice on 22.03.12. At the time of writing the report **21** representations have been received from surrounding residents. The following is a summary of the points raised:

5.2 ***Lorries will not be able to manoeuvre successfully through the site/will make the road unsafe***

5.3 Response

The potential for increased traffic and parking issues associated with the proposed development have been taken into account by the Highways officer consulted as part of this application.(See 5.6 below).

5.4 ***Blocking access to bus stop***

5.5 **Response**

The proposal utilises existing authorised access points. Planning permission would not be required to continue to use the site in its current form. As such the proposal will help to alleviate potential parking issues by providing additional parking on site.

Consultation responses:

5.6 **SCC Highways** – Due to the increase in potential trips associated with the site the original proposals were not considered acceptable. After discussion, amended plans were submitted whereby the site was made 1-way with an entrance on Butts Road and an exit on Heathfield Road. On the basis of these amendments and the further submission of a servicing management plan no objection is raised.

5.7 **SCC Sustainability Team** – Noted that surface drainage will need to be dealt with on site to mitigate potential impacts of increased hard surfaced area.

6.0 **Planning Consideration Key Issues**

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

6.2 **Principle of Development**

The hard surfacing of additional land is an issue which has ramifications on surrounding properties with relation to the drainage of surface water. On balance, considering the nature of the site, its surrounds and the scale of the proposal, it is not judged that a refusal on these grounds would be considered reasonable.

6.3 **Highways safety**

With reference to the comments from the Highways team, the amended parking layout is not considered to have a significantly detrimental impact on highways safety. An agreed servicing management plan will need to be submitted.

7.0 **Summary**

7.1 Pending the submission of a servicing management plan, the proposals are considered to be supportable taking into account the context and scale of the proposals.

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) (d) 4 (vv) 6 (a) (i)

JF1 for 29/05/12 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 - Servicing management plan [Performance Condition]

An application detailing a servicing management plan shall be submitted and agreed in writing with the Local Planning Authority within three months of the issuing of this decision.

Reason:

In the interests of highways safety in line with SDP1(i) of the City of Southampton Local (2006).

03. APPROVAL CONDITION - Site access [Performance condition]

Vehicles shall only enter the site via the access on Butts Road and exit via the access on Heathfield Road. The site shall be maintained in this arrangement unless agreed in writing by the Local Planning Authority.

REASON

In the interests of highway safety.

04. APPROVAL CONDITION - Servicing hours [Performance condition]

All servicing of the premises, including loading and unloading, shall take place between the hours of 06:00-22:00 (6AM-10PM) unless agreed otherwise in writing by the Local Planning Authority.

REASON

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

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

The premises shall not operate outside the following hours:

Monday to Saturday 06.00 hours to 23.00 hours (6.00am to 11pm)

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 - Approved Plans

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

Reason:

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

POLICY CONTEXT

Core Strategy - (January 2010)

CS13 Fundamentals of Design
CS20 Tackling and Adapting to Climate Change

City of Southampton Local Plan Review – (March 2006)

SDP1 Quality of Development
SDP5 Parking
SDP7 Urban Design Context
SDP9 Scale, Massing & Appearance

Other Relevant Guidance

National Planning Policy Framework (March 2012)

Relevant Planning History

1006/E - Erection of licensed premises, Permitted 27/11/52

1031/24 - Erection of licensed premises, Conditionally Approved 12/1/54

1546/E8 - Formation of a new entrance porch and alterations to the external appearance, Conditionally Approved 17/10/78

1665/E40 - Erection of single storey extension, Conditionally Approved 23/7/85

11/00508/FUL - Redevelopment of the site. Erection of a 3-storey building to provide a new convenience store (class A1) on the ground floor, and 8 flats on the first and second floors (6x2-bed and 2x1-bed flats) with associated parking and cycle/refuse storage, Refused 7/7/11

Current applications

12/00353/FUL, External alterations to the building including: creation of new shopfront, and infilling of existing openings at ground and first floor level

12/00355/FUL - Erection of 11 no. steel bollards on Butts Road and Healthfield Road frontages (description modified following amended plans)

12/00356/FUL - Installation of ATM to front of proposed store (description modified following amended plans)

12/00357/FUL - Erection of open sided canopy to rear of building

12/00358/FUL - Extension and reconfiguration of existing car park hard standing

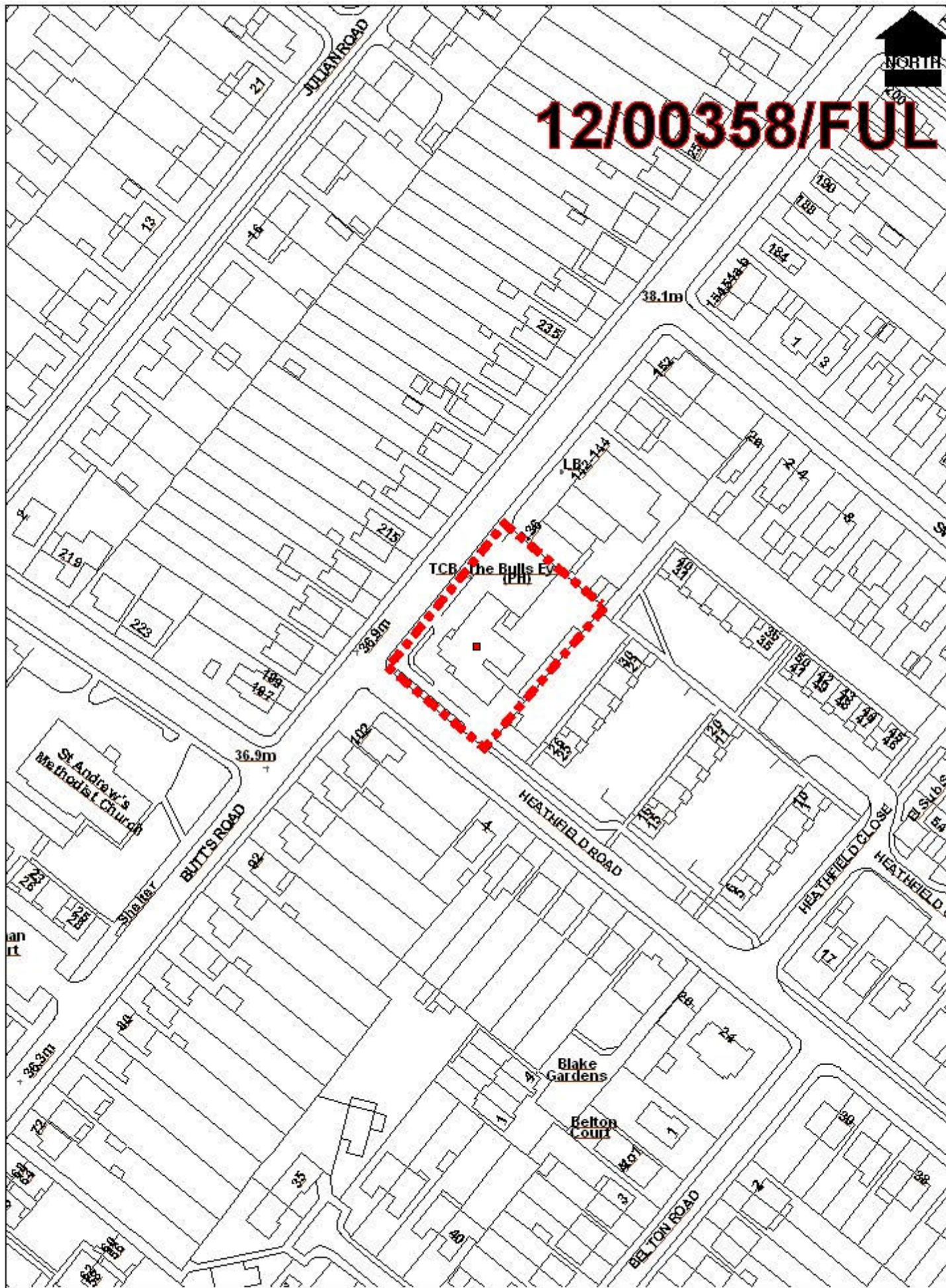
12/00359/FUL - Installation of plant equipment comprising of 3no. A/C units and external condenser unit, within contained rear plant yard

12/00360/FUL - Installation of external chiller/freezer unit to servicing area

12/00361/ADV - Advertisement application for 3 internally illuminated fascia signs, 1 projecting sign, 1 replacement gantry sign and 2 free-standing signs (description modified following amended plans)



12/00358/FUL



Scale : 1:1250

Date : 17 May 2012

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Agenda Item 8

**Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 29 May 2012
Planning Application Report of the Planning and Development Manager**

| | | | |
|---|--|-----------------------------|--|
| Application address: The Bulls Eye Public House Butts Road SO19 1BJ | | | |
| Proposed development: Installation of ATM to front of proposed store (description modified following amended plans) | | | |
| Application number | 12/00356/FUL | Application type | FUL |
| Case officer | John Fanning | Public speaking time | 5 minutes |
| Last date for determination: | 07.05.12 | Ward | Sholing |
| Reason for Panel Referral: | Referred by Planning and Development Manager at request of Ward Cllr Fitzgerald, Cllr Cunio, Cllr Blatchford and public interest | Ward Councillors | Cllr Jeffery Cllr Blatchford Cllr Kolker |

| | |
|------------------------------------|------------------------|
| Applicant: Tesco Stores Ltd | Agent: Cgms Ltd |
|------------------------------------|------------------------|

| | |
|-------------------------------|------------------------------|
| Recommendation Summary | Conditionally approve |
|-------------------------------|------------------------------|

Reason for granting Permission

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

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

| | | | |
|--------------------------|---------------------------|---|------------------|
| Appendix attached | | | |
| 1 | Development Plan Policies | 2 | Planning history |

Recommendation in Full

Conditionally approve

1. The site and its context

- 1.1 The site is located on the corner of Butts Road and Heathfield Road. The site is currently occupied by a two-storey building which was previously in use as a public house. Land surrounding the building includes existing hard standing and

open areas. There is no change in site levels on the site. The site currently has two vehicular access points, one from Butts Road and one from Heathfield Road.

- 1.2 The site is location within a predominately residential area, with the adjoining Butts Road frontage featuring a row of commercial use. Butts Road is a Class C classified road.

2. Proposal

- 2.1 This application is part of a set of 8 applications which seek to facilitate the change of the property from a pub (Class A4) to a retail unit (Class A1). The change of use from pub to a retail unit does not require permission. This application refers only to the details outlined below and should be assessed on this basis.
- 2.2 The application seeks planning permission for the installation of an external ATM unit, located at the north-east side of the existing building.
- 2.3 The proposed unit would face towards the main entrance.

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 Having regard to paragraph 214 of the National Planning Policy Framework dated 27 March 2012 the policies and saved policies set out in **Appendix 1** which have been adopted since 2004 retain their full material weight for decision making purposes.

4.0 Relevant Planning History

- 4.1 Permission was originally granted for the erection of a licensed premises on this site in 1954. The opening hours were not restricted as part of this permission. More recently, in 2011, an application was refused for the redevelopment of the site to provide a retail unit and 8 flats.
- 4.2 This application is part of a set of 8 applications aimed at facilitating alterations to allow the permitted change from a public house to a retail unit. A list of all the relevant applications is included within **Appendix 2**.

5.0 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners and erecting a site notice on 22.03.12. At the time of writing the report **26** representations have been received from surrounding residents. The following is a summary of the points raised:

5.1.1 The ATM would attract additional traffic throughout the day and night

5.1.2 Response

The potential for increased traffic and parking issues associated with the proposed development have been taken into account by the Highways officer consulted as part of this application. The recommendation made below (see paragraph 5.2) is considered to address this issue.

5.1.3 ***The ATM would result in an increase in anti-social behaviour associated with the site***

5.1.4 **Response**

The police have been consulted as part of this application (see paragraph 5.3) and the Local Authority will rely on their assessment of this issue.

5.1.5 ***The local area has ample ATMs so the development is not required***

5.1.6 **Response**

It is for the applicant to consider if they feel a proposal is viable given local circumstances and as part of the customer service they wish to provide.

5.1.7 ***The ATM will require 24 hour lighting which will detract from the residential amenity of the surrounding properties***

5.1.8 **Response**

It is not judged that the level of lighting required for the proposed development would represent a significantly harmful impact on the residential amenities of the surrounding properties.

5.1.9 ***The ATM should be provided internally, not externally***

5.1.10 **Response**

ATMs are a common feature of retail frontages which are generally considered to have a minimal impact. Without objection from an external consultee (such as the Police or Highways department) it would not generally be considered that the addition of an external ATM would have a significantly harmful impact to a retail unit or the character of the area.

Consultation responses:

5.2 **SCC Highways** – Relocation of proposed ATM was suggested to minimise potential for inconsiderate/unsafe parking. Amended plans relocated the ATM adjacent to the car park. No objections in terms of highways safety on the amended design.

5.3 **Police** – No objection to the proposal

6.0 Planning Consideration Key Issues

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

6.2 Principle of Development

The application site is adjacent to several other retail units. For this reason it is judged that the proposed ATM unit would not represent an incongruous or harmful addition to the street scene in the proposed location in terms of visual character.

6.3 Highways safety

At the request of the highways department, amended plans have been submitted which relocate the proposed ATM to a site adjacent to the car park associated with the site. It is considered that this has sufficiently reduced the likelihood of potentially unsafe parking associated with the use of the ATM to a sufficient degree such that a reason for refusal is no longer justified on these grounds.

6.4 Residential amenity

ATM have become a common feature on retail premises and provide a community facility as well as serving the retail unit directly. Given the minimal lighting required for the operation of the ATM and the comments received from the Police regarding the proposal, it is not considered that harm or anti-social behaviour will be caused by the proposal.

7.0 Summary

7.1 Given the amended plans, the application is considered to be supportable taking into account the context and scale of the proposals.

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) (d) 4 (vv) 6 (a) (i)

JF1 for 29/05/12 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 - Site access [Performance condition]

Vehicles shall only enter the site via the access on Butts Road and exit via the access on Heathfield Road. The site shall be maintained in this arrangement unless agreed in writing by the Local Planning Authority.

REASON

In the interests of highway safety.

03. APPROVAL CONDITION - Servicing hours [Performance condition]

All servicing of the premises, including loading and unloading, shall take place between the hours of 06:00-22:00 (6AM-10PM) unless agreed otherwise in writing by the Local Planning Authority.

REASON

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

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

The premises shall not operate outside the following hours:

Monday to Saturday 06.00 hours to 23.00 hours (6.00am to 11pm)

Unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

05. APPROVAL CONDITION - Approved Plans

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

Reason:

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

POLICY CONTEXT

Core Strategy - (January 2010)

CS13 Fundamentals of Design

City of Southampton Local Plan Review – (March 2006)

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

Other Relevant Guidance

National Planning Policy Framework (March 2012)

Relevant Planning History

1006/E - Erection of licensed premises, Permitted 27/11/52

1031/24 - Erection of licensed premises, Conditionally Approved 12/1/54

1546/E8 - Formation of a new entrance porch and alterations to the external appearance, Conditionally Approved 17/10/78

1665/E40 - Erection of single storey extension, Conditionally Approved 23/7/85

11/00508/FUL - Redevelopment of the site. Erection of a 3-storey building to provide a new convenience store (class A1) on the ground floor, and 8 flats on the first and second floors (6x2-bed and 2x1-bed flats) with associated parking and cycle/refuse storage, Refused 7/7/11

Current applications

12/00353/FUL, External alterations to the building including: creation of new shopfront, and infilling of existing openings at ground and first floor level

12/00355/FUL - Erection of 11 no. steel bollards on Butts Road and Healthfield Road frontages (description modified following amended plans)

12/00356/FUL - Installation of ATM to front of proposed store (description modified following amended plans)

12/00357/FUL - Erection of open sided canopy to rear of building

12/00358/FUL - Extension and reconfiguration of existing car park hard standing

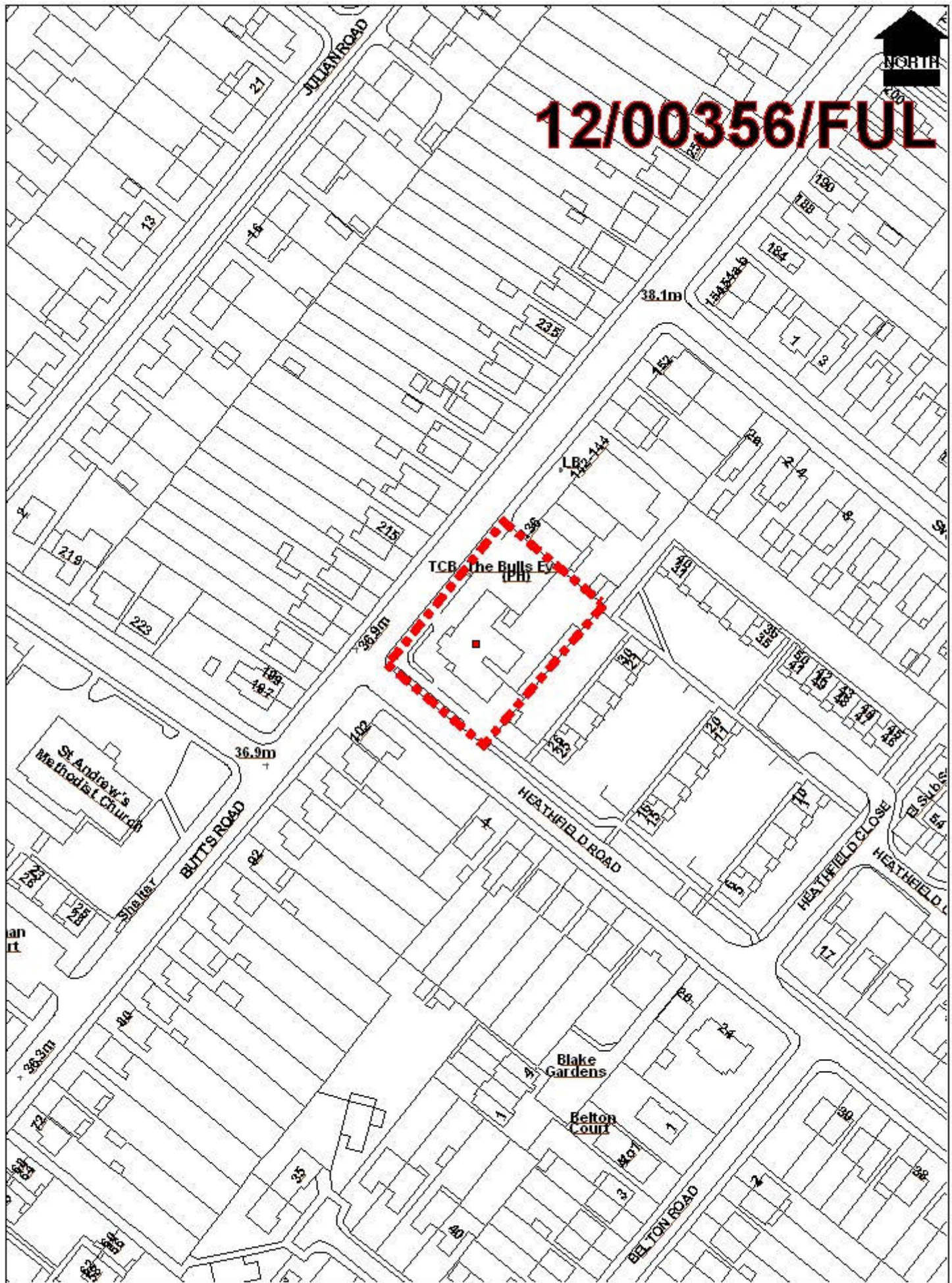
12/00359/FUL - Installation of plant equipment comprising of 3no. A/C units and external condenser unit, within contained rear plant yard

12/00360/FUL - Installation of external chiller/freezer unit to servicing area

12/00361/ADV - Advertisement application for 3 internally illuminated fascia signs, 1 projecting sign, 1 replacement gantry sign and 2 free-standing signs (description modified following amended plans)



12/00356/FUL



Scale : 1:1250

Date : 17 May 2012

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Agenda Item 9

**Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 29 May 2012
Planning Application Report of the Planning and Development Manager**

| | | | |
|---|--|-----------------------------|--|
| Application address: The Bulls Eye Public House, Butts Road SO19 1BJ | | | |
| Proposed development: Erection of 11 no. steel bollards on Butts Road and Heathfield Road frontages (description modified following amended plans) | | | |
| Application number | 12/00355/FUL | Application type | FUL |
| Case officer | John Fanning | Public speaking time | 5 minutes |
| Last date for determination: | 07.05.12 | Ward | Sholing |
| Reason for Panel Referral: | Referred by Planning and Development Manager at request of Ward Cllr Fitzgerald, Cllr Blatchford and public interest | Ward Councillors | Cllr Jeffery Cllr Blatchford Cllr Kolker |

| | |
|------------------------------------|------------------------|
| Applicant: Tesco Stores Ltd | Agent: Cgms Ltd |
|------------------------------------|------------------------|

| | |
|-------------------------------|------------------------------|
| Recommendation Summary | Conditionally approve |
|-------------------------------|------------------------------|

Reason for granting Permission

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

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

| | | | |
|--------------------------|---------------------------|---|------------------|
| Appendix attached | | | |
| 1 | Development Plan Policies | 2 | Planning history |

Recommendation in Full

Conditionally approve

1. The site and its context

1.1 The site is located on the corner of Butts Road and Heathfield Road. The site is currently occupied by a two-storey building which was previously in use as a public house. Land surrounding the building includes existing hard standing and open areas. There is no change in site levels on the site. The site currently has

- two vehicular access points, one from Butts Road and one from Heathfield Road.
- 1.2 The site is location within a predominately residential area, with the adjoining Butts Road frontage featuring a row of commercial use. Butts Road is a Class C classified road.

2. Proposal

- 2.1 This application is part of a set of 8 applications which seek to facilitate the change of the property from a pub (Class A4) to a retail unit (Class A1). The change of use from pub to a retail unit does not require permission. This application refers only to the details outlined below and should be assessed on this basis.
- 2.2 The application seeks planning permission for the installation of 11x 1.1m tall bollards located at the north-west frontage of the existing building.
- 2.3 A set of 4 bollards run across the entrance to the site, on the Butts Road frontage. Another set of 4 run adjacent to the ATM and disabled parking bay. A final set of 3 bollards run at a right angle to Heathfield Road, adjacent to the site access onto that road.

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 Having regard to paragraph 214 of the National Planning Policy Framework dated 27 March 2012 the policies and saved policies set out in **Appendix 1** which have been adopted since 2004 retain their full material weight for decision making purposes.

4.0 Relevant Planning History

- 4.1 Permission was originally granted for the erection of a licensed premises on this site in 1954. The opening hours were not restricted as part of this permission. More recently, in 2011, an application was refused for the redevelopment of the site to provide a retail unit and 8 flats.
- 4.2 This application is part of a set of 8 applications aimed at facilitating alterations to allow the permitted change from a public house to a retail unit. A list of all the relevant applications is included within **Appendix 2**.

5.0 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners and erecting a site notice on 22.03.12. At the time of writing the report **20** representations have been received from surrounding residents. No specific concerns were raised.

Consultation responses:

- 5.2 N/A

6.0 Planning Consideration Key Issues

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

6.2 Principle of Development

Permitted development would allow the erection of bollards up to 1m in height without the need for planning permission. The proposed 1.1m bollards are not judged to have a significantly harmful impact on the character of the property or the local area.

7.0 Summary

7.1 The alterations are considered to be supportable in the context of the scale and location of the proposed development.

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) (d) 4 (vv) 6 (a) (i)

JF1 for 29/05/ 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 - Site access [Performance condition]

Vehicles shall only enter the site via the access on Butts Road and exit via the access on Heathfield Road. The site shall be maintained in this arrangement unless agreed in writing by the Local Planning Authority.

REASON

In the interests of highway safety.

03. APPROVAL CONDITION - Servicing hours [Performance condition]

All servicing of the premises, including loading and unloading, shall take place between the hours of 06:00-22:00 (6AM-10PM) unless agreed otherwise in writing by the Local Planning Authority.

REASON

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

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

The premises shall not operate outside the following hours:

Monday to Saturday 06.00 hours to 23.00 hours (6.00am to 11pm)

Unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

05. APPROVAL CONDITION - Approved Plans

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

Reason:

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

POLICY CONTEXT

Core Strategy - (January 2010)

CS13 Fundamentals of Design

City of Southampton Local Plan Review – (March 2006)

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

Other Relevant Guidance

National Planning Policy Framework (March 2012)

Relevant Planning History

1006/E - Erection of licensed premises, Permitted 27/11/52

1031/24 - Erection of licensed premises, Conditionally Approved 12/1/54

1546/E8 - Formation of a new entrance porch and alterations to the external appearance, Conditionally Approved 17/10/78

1665/E40 - Erection of single storey extension, Conditionally Approved 23/7/85

11/00508/FUL - Redevelopment of the site. Erection of a 3-storey building to provide a new convenience store (class A1) on the ground floor, and 8 flats on the first and second floors (6x2-bed and 2x1-bed flats) with associated parking and cycle/refuse storage, Refused 7/7/11

Current applications

12/00353/FUL, External alterations to the building including: creation of new shopfront, and infilling of existing openings at ground and first floor level

12/00355/FUL - Erection of 11 no. steel bollards on Butts Road and Healthfield Road frontages (description modified following amended plans)

12/00356/FUL - Installation of ATM to front of proposed store (description modified following amended plans)

12/00357/FUL - Erection of open sided canopy to rear of building

12/00358/FUL - Extension and reconfiguration of existing car park hard standing

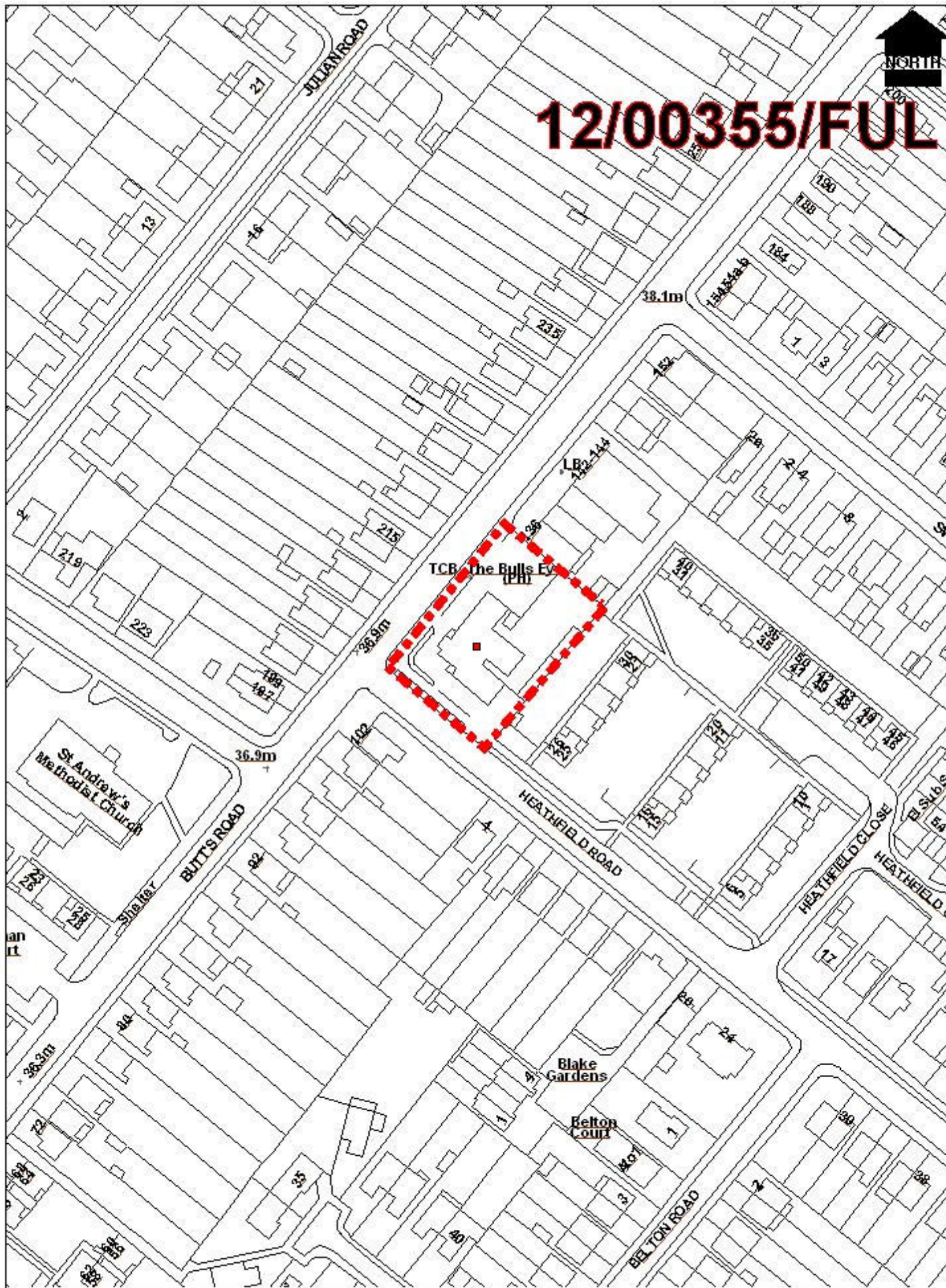
12/00359/FUL - Installation of plant equipment comprising of 3no. A/C units and external condenser unit, within contained rear plant yard

12/00360/FUL - Installation of external chiller/freezer unit to servicing area

12/00361/ADV - Advertisement application for 3 internally illuminated fascia signs, 1 projecting sign, 1 replacement gantry sign and 2 free-standing signs (description modified following amended plans)



12/00355/FUL



Scale : 1:1250

Date : 17 May 2012

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Agenda Item 10

**Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 29 May 2012
Planning Application Report of the Planning and Development Manager**

| | | | |
|---|---|-----------------------------|--|
| Application address: The Bulls Eye Public House, Butts Road SO19 1BJ | | | |
| Proposed development: Installation of external chiller/freezer unit to servicing area | | | |
| Application number | 12/00360/FUL | Application type | FUL |
| Case officer | John Fanning | Public speaking time | 5 minutes |
| Last date for determination: | 07.05.12 | Ward | Sholing |
| Reason for Panel Referral: | Referred by Planning and Development Manager at request of Ward Cllr Fitzgerald, Cllr Cunio and public interest | Ward Councillors | Cllr Jeffery Cllr Blatchford Cllr Kolker |

| | |
|------------------------------------|------------------------|
| Applicant: Tesco Stores Ltd | Agent: Cgms Ltd |
|------------------------------------|------------------------|

| | |
|-------------------------------|------------------------------|
| Recommendation Summary | Conditionally approve |
|-------------------------------|------------------------------|

Reason for granting Permission

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

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

| | | | |
|--------------------------|---------------------------|---|------------------|
| Appendix attached | | | |
| 1 | Development Plan Policies | 2 | Planning history |

Recommendation in Full

Conditionally approve

1. The site and its context

- 1.1 The site is located on the corner of Butts Road and Heathfield Road. The site is currently occupied by a two-storey building which was previously in use as a public house. Land surrounding the building includes existing hard standing and open areas. There is no change in site levels on the site. The site currently has two vehicular access points, one from Butts Road and one from Heathfield Road.

1.2 The site is location within a predominately residential area, with the adjoining Butts Road frontage featuring a row of commercial use. Butts Road is a Class C classified road.

2. Proposal

2.1 This application is part of a set of 8 applications which seek to facilitate the change of the property from a pub (Class A4) to a retail unit (Class A1). The change of use from pub to a retail unit does not require permission. This application refers only to the details outlined below and should be assessed on this basis.

2.2 The application seeks planning permission for the installation of a freezer/chiller unit in an area to the rear of the property.

2.3 The proposed units will be in an area enclosed by a fence intended to be erected at a height of 2m under permitted development.

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 Having regard to paragraph 214 of the National Planning Policy Framework dated 27 March 2012 the policies and saved policies set out in **Appendix 1** which have been adopted since 2004 retain their full material weight for decision making purposes.

4.0 Relevant Planning History

4.1 Permission was originally granted for the erection of a licensed premises on this site in 1954. The opening hours were not restricted as part of this permission. More recently, in 2011, an application was refused for the redevelopment of the site to provide a retail unit and 8 flats.

4.2 This application is part of a set of 8 applications aimed at facilitating alterations to allow the permitted change from a public house to a retail unit. A list of all the relevant applications is included within **Appendix 2**.

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners and erecting a site notice on 22.03.12. At the time of writing the report **20** representations have been received from surrounding residents. The following is a summary of the points raised:

5.2 ***The units would produce noise which would be detrimental to the residential amenity of neighbouring properties***

Response

The potential for increased noise issues associated with the proposed development have been taken into account by the Environmental Health officer (see paragraph 5.5) consulted as part of this application.

5.4 **Consultation responses:**

5.5 **SCC Environmental Health** – Due to the location of the application in a predominately residential area it is recommended that additional acoustic shielding is provided to improve on the levels above background to -5dB during the daytime and -10dB during the night time.

6.0 Planning Consideration Key Issues

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

6.2 Principle of Development

The units are located to the rear of the property and will not have a significant impact on the visual character of the unit.

6.3 Residential Amenity

The location of the units to the rear of the property places them towards the surrounding residential units, albeit at a distance of over 20m. With reference to the comments in paragraph 5.2 by the Environmental Health department it is judged that there is limited potential for the increased noise pollution. However, this can be adequately mitigated by the imposition of a condition requiring sound attenuation measures to be put in place.

7.0 Summary

7.1 The provision of the units is supportable provided that the potential for additional noise pollution can be mitigated.

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) (d) 4 (vv) 6 (a) (i)

JF1 for 29/05/12 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 - Noise [Performance Condition]

An application submitting further details of measures to mitigate noise levels shall be submitted and agreed in writing with the Local Planning Authority within 28 days of the

issuing of this decision and implemented within 3 months of those details being approved.

Reason:

To protect the residential amenity of neighbouring properties in line with SDP1(i) of the City of Southampton Local (2006).

03. APPROVAL CONDITION - Site access [Performance condition]

Vehicles shall only enter the site via the access on Butts Road and exit via the access on Heathfield Road. The site shall be maintained in this arrangement unless agreed in writing by the Local Planning Authority.

REASON

In the interests of highway safety.

04. APPROVAL CONDITION - Servicing hours [Performance condition]

All servicing of the premises, including loading and unloading, shall take place between the hours of 06:00-22:00 (6AM-10PM) unless agreed otherwise in writing by the Local Planning Authority.

REASON

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

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

The premises shall not operate outside the following hours:

Monday to Saturday 06.00 hours to 23.00 hours (6.00am to 11pm)

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 - Approved Plans

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

Reason:

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

POLICY CONTEXT

Core Strategy - (January 2010)

CS13 Fundamentals of Design

City of Southampton Local Plan Review – (March 2006)

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

Other Relevant Guidance

National Planning Policy Framework (March 2012)

Relevant Planning History

1006/E - Erection of licensed premises, Permitted 27/11/52

1031/24 - Erection of licensed premises, Conditionally Approved 12/1/54

1546/E8 - Formation of a new entrance porch and alterations to the external appearance, Conditionally Approved 17/10/78

1665/E40 - Erection of single storey extension, Conditionally Approved 23/7/85

11/00508/FUL - Redevelopment of the site. Erection of a 3-storey building to provide a new convenience store (class A1) on the ground floor, and 8 flats on the first and second floors (6x2-bed and 2x1-bed flats) with associated parking and cycle/refuse storage, Refused 7/7/11

Current applications

12/00353/FUL, External alterations to the building including: creation of new shopfront, and infilling of existing openings at ground and first floor level

12/00355/FUL - Erection of 11 no. steel bollards on Butts Road and Healthfield Road frontages (description modified following amended plans)

12/00356/FUL - Installation of ATM to front of proposed store (description modified following amended plans)

12/00357/FUL - Erection of open sided canopy to rear of building

12/00358/FUL - Extension and reconfiguration of existing car park hard standing

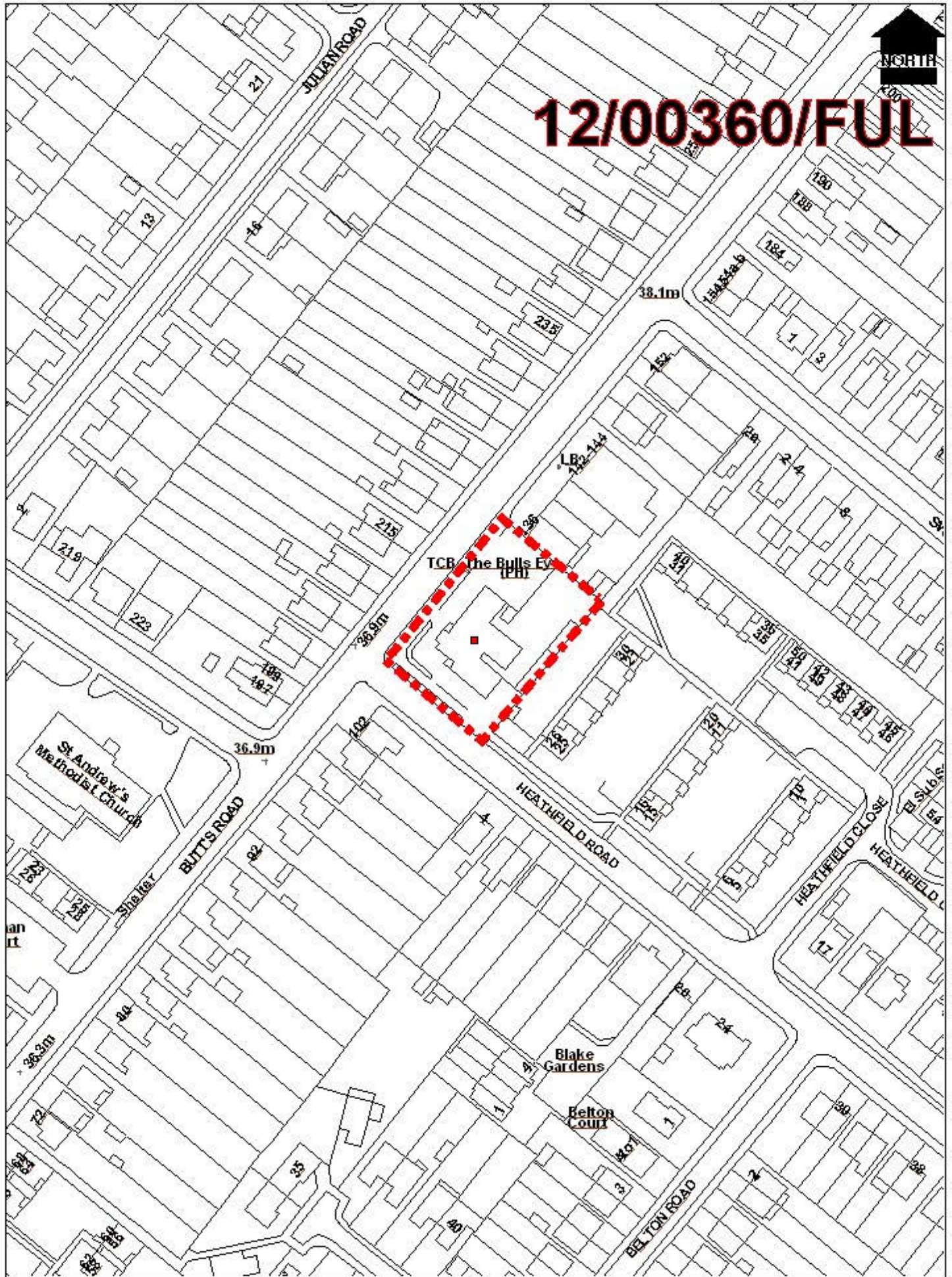
12/00359/FUL - Installation of plant equipment comprising of 3no. A/C units and external condenser unit, within contained rear plant yard

12/00360/FUL - Installation of external chiller/freezer unit to servicing area

12/00361/ADV - Advertisement application for 3 internally illuminated fascia signs, 1 projecting sign, 1 replacement gantry sign and 2 free-standing signs (description modified following amended plans)



12/00360/FUL



Scale : 1:1250

Date : 17 May 2012

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Agenda Item 11

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 29 May 2012
Planning Application Report of the Planning and Development Manager

| | | | |
|--|---|-----------------------------|--|
| Application address: The Bulls Eye Public House, Butts Road SO19 1BJ | | | |
| Proposed development: Installation of plant equipment comprising of 3no. A/C units and external condenser unit, within contained rear plant yard | | | |
| Application number | 12/00359/FUL | Application type | FUL |
| Case officer | John Fanning | Public speaking time | 5 minutes |
| Last date for determination: | 07.05.12 | Ward | Sholing |
| Reason for Panel Referral: | Referred by Planning and Development Manager at request of Ward Cllr Fitzgerald and public interest | Ward Councillors | Cllr Jeffery Cllr Blatchford Cllr Kolker |

| | |
|------------------------------------|------------------------|
| Applicant: Tesco Stores Ltd | Agent: Cgms Ltd |
|------------------------------------|------------------------|

| | |
|-------------------------------|------------------------------|
| Recommendation Summary | Conditionally approve |
|-------------------------------|------------------------------|

Reason for granting Permission

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

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

| | | | |
|--------------------------|---------------------------|---|------------------|
| Appendix attached | | | |
| 1 | Development Plan Policies | 2 | Planning history |

Recommendation in Full

Conditionally approve

1. The site and its context

- 1.1 The site is located on the corner of Butts Road and Heathfield Road. The site is currently occupied by a two-storey building which was previously in use as a public house. Land surrounding the building includes existing hard standing and open areas. There is no change in site levels on the site. The site currently has two vehicular access points, one from Butts Road and one from Heathfield Road.

1.2 The site is location within a predominately residential area, with the adjoining Butts Road frontage featuring a row of commercial use. Butts Road is a Class C classified road.

2. Proposal

2.1 This application is part of a set of 8 applications which seek to facilitate the change of the property from a pub (Class A4) to a retail unit (Class A1). The change of use from pub to a retail unit does not require permission. This application refers only to the details outlined below and should be assessed on this basis.

2.2 The application seeks planning permission for the installation of air conditioner and condenser units in an area to the rear of the property.

2.3 The proposed units will be in an area enclosed by a fence intended to be erected at a height of 2m under permitted development.

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 Having regard to paragraph 214 of the National Planning Policy Framework dated 27 March 2012 the policies and saved policies set out in **Appendix 1** which have been adopted since 2004 retain their full material weight for decision making purposes.

4.0 Relevant Planning History

4.1 Permission was originally granted for the erection of a licensed premises on this site in 1954. The opening hours were not restricted as part of this permission. More recently, in 2011, an application was refused for the redevelopment of the site to provide a retail unit and 8 flats.

4.2 This application is part of a set of 8 applications aimed at facilitating alterations to allow the permitted change from a public house to a retail unit. A list of all the relevant applications is included within **Appendix 2**.

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners and erecting a site notice on 22.03.12. At the time of writing the report **20** representations have been received from surrounding residents. The following is a summary of the points raised:

5.2 ***The units would produce noise which would be detrimental to the residential amenity of neighbouring properties***

5.3 Response

The potential for increased noise issues associated with the proposed development have been taken into account by the Environmental Health officer (see paragraph 5.5) consulted as part of this application.

5.4 **Consultation responses:**

5.5 **SCC Environmental Health** – Due to the location of the application in a predominately residential area it is recommended that additional acoustic shielding is provided to improve on the levels above background to -5dB during the daytime and -10dB during the night time.

6.0 **Planning Consideration Key Issues**

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

6.2 Principle of Development

The units are located to the rear of the property and will not have a significant impact on the visual character of the unit.

6.3 Residential Amenity

The location of the units to the rear of the property places them towards the surrounding residential units, albeit at a distance of over 20m. With reference to the comments in paragraph 5.2 by the Environmental Health department it is judged that there is limited potential for the increased noise pollution. However, this can be adequately mitigated by the imposition of a condition requiring sound attenuation measures to be put in place.

7.0 **Summary**

7.1 The provision of the units is supportable provided that the potential for additional noise pollution can be mitigated.

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) (d) 4 (vv) 6 (a) (i)

JF1 for 29/05/12 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 - Noise [Performance Condition]

An application submitting further details of measures to mitigate noise levels shall be submitted and agreed in writing with the Local Planning Authority within 28 days of the issuing of this decision, to be implemented within 3 months of those details being approved.

Reason:

To protect the residential amenity of neighbouring properties in line with SDP1(i) of the City of Southampton Local (2006).

03. APPROVAL CONDITION - Site access [Performance condition]

Vehicles shall only enter the site via the access on Butts Road and exit via the access on Heathfield Road. The site shall be maintained in this arrangement unless agreed in writing by the Local Planning Authority.

REASON

In the interests of highway safety.

04. APPROVAL CONDITION - Servicing hours [Performance condition]

All servicing of the premises, including loading and unloading, shall take place between the hours of 06:00-22:00 (6AM-10PM) unless agreed otherwise in writing by the Local Planning Authority.

REASON

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

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

The premises shall not operate outside the following hours:

Monday to Saturday 06.00 hours to 23.00 hours (6.00am to 11pm)

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 - Approved Plans

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

Reason:

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

POLICY CONTEXT

Core Strategy - (January 2010)

CS13 Fundamentals of Design

City of Southampton Local Plan Review – (March 2006)

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

Other Relevant Guidance

National Planning Policy Framework (March 2012)

Relevant Planning History

1006/E - Erection of licensed premises, Permitted 27/11/52

1031/24 - Erection of licensed premises, Conditionally Approved 12/1/54

1546/E8 - Formation of a new entrance porch and alterations to the external appearance, Conditionally Approved 17/10/78

1665/E40 - Erection of single storey extension, Conditionally Approved 23/7/85

11/00508/FUL - Redevelopment of the site. Erection of a 3-storey building to provide a new convenience store (class A1) on the ground floor, and 8 flats on the first and second floors (6x2-bed and 2x1-bed flats) with associated parking and cycle/refuse storage, Refused 7/7/11

Current applications

12/00353/FUL, External alterations to the building including: creation of new shopfront, and infilling of existing openings at ground and first floor level

12/00355/FUL - Erection of 11 no. steel bollards on Butts Road and Healthfield Road frontages (description modified following amended plans)

12/00356/FUL - Installation of ATM to front of proposed store (description modified following amended plans)

12/00357/FUL - Erection of open sided canopy to rear of building

12/00358/FUL - Extension and reconfiguration of existing car park hard standing

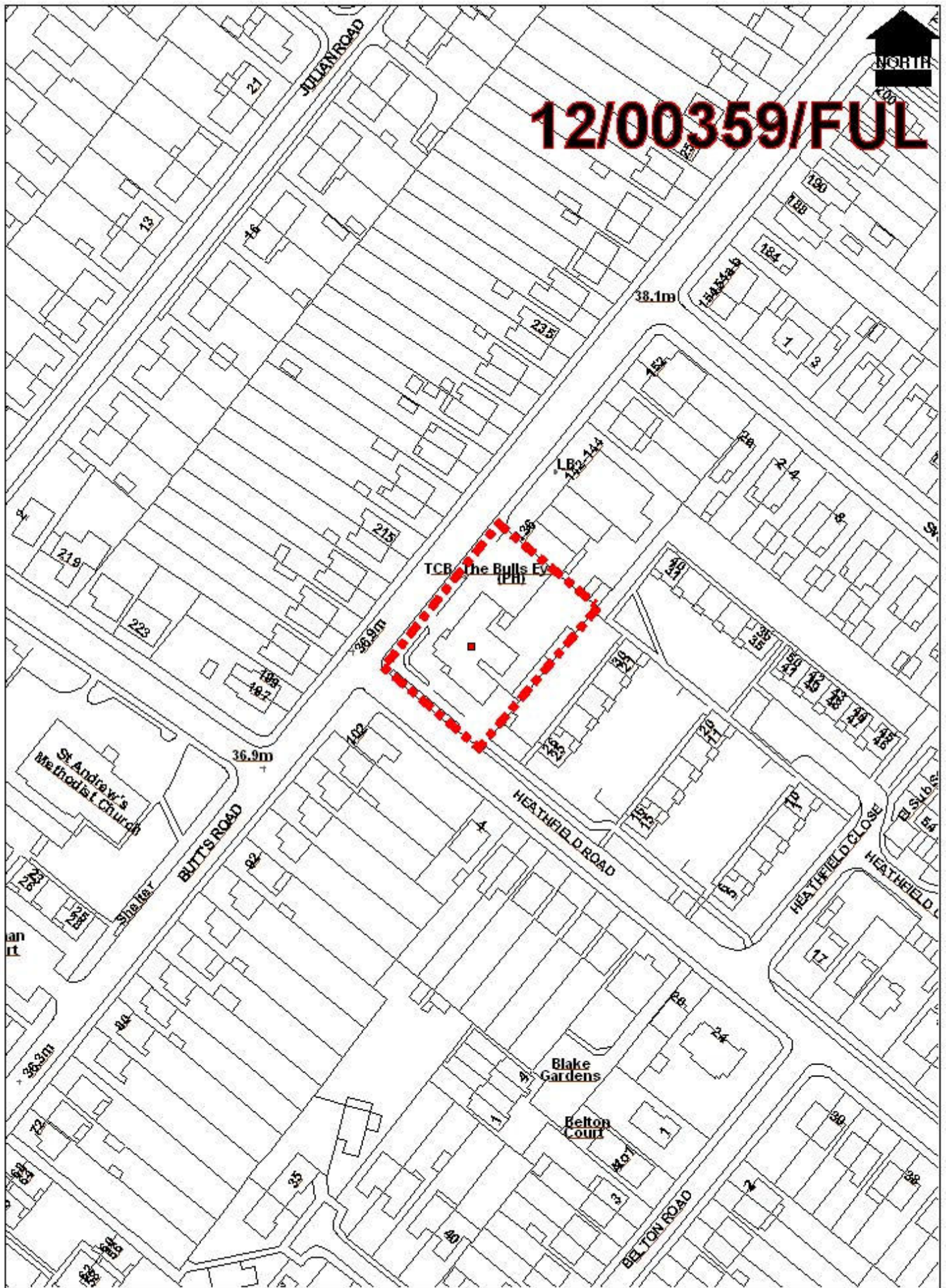
12/00359/FUL - Installation of plant equipment comprising of 3no. A/C units and external condenser unit, within contained rear plant yard

12/00360/FUL - Installation of external chiller/freezer unit to servicing area

12/00361/ADV - Advertisement application for 3 internally illuminated fascia signs, 1 projecting sign, 1 replacement gantry sign and 2 free-standing signs (description modified following amended plans)



12/00359/FUL



Scale : 1:1250

Date : 17 May 2012

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Agenda Item 12

**Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 29 May 2012
Planning Application Report of the Planning and Development Manager**

| | | | |
|---|---|-----------------------------|--|
| Application address: The Bulls Eye Public House, Butts Road SO19 1BJ | | | |
| Proposed development: External alterations to the building including: creation of new shopfront, and infilling of existing openings at ground and first floor level | | | |
| Application number | 12/00353/FUL | Application type | FUL |
| Case officer | John Fanning | Public speaking time | 5 minutes |
| Last date for determination: | 07.05.12 | Ward | Sholing |
| Reason for Panel Referral: | Referred by Planning and Development Manager at request of Ward Cllr Fitzgerald and public interest | Ward Councillors | Cllr Jeffery Cllr Blatchford Cllr Kolker |

| | |
|------------------------------------|------------------------|
| Applicant: Tesco Stores Ltd | Agent: Cgms Ltd |
|------------------------------------|------------------------|

| | |
|-------------------------------|------------------------------|
| Recommendation Summary | Conditionally approve |
|-------------------------------|------------------------------|

Reason for granting Permission

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

Policies - SDP1, SDP7, SDP9, SDP12 and NE4 of the City of Southampton Local Plan Review (March 2006), CS13 and CS22 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

| | | | |
|--------------------------|---------------------------|---|------------------|
| Appendix attached | | | |
| 1 | Development Plan Policies | 2 | Planning history |

Recommendation in Full

Conditionally approve

1. The site and its context

- 1.1 The site is located on the corner of Butts Road and Heathfield Road. The site is currently occupied by a two-storey building which was previously in use as a public house. Land surrounding the building includes existing hard standing and open areas. There is no change in site levels on the site. The site currently has two vehicular access points, one from Butts Road and one from Heathfield Road.

1.2 The site is location within a predominately residential area, with the adjoining Butts Road frontage featuring a row of commercial use. Butts Road is a Class C classified road.

2. Proposal

2.1 This application is part of a set of 8 applications which seek to facilitate the change of the property from a pub (Class A4) to a retail unit (Class A1). The change of use from pub to a retail unit does not require permission. This application refers only to the details outlined below and should be assessed on this basis.

2.2 The application seeks planning permission for the external physical alterations associated with the installation a new shop front and the conversion of the existing building into a retail unit.

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 Having regard to paragraph 214 of the National Planning Policy Framework dated 27 March 2012 the policies and saved policies set out in **Appendix 1** which have been adopted since 2004 retain their full material weight for decision making purposes.

4.0 Relevant Planning History

4.1 Permission was originally granted for the erection of a licensed premises on this site in 1954. The opening hours were not restricted as part of this permission. More recently, in 2011, an application was refused for the redevelopment of the site to provide a retail unit and 8 flats.

4.2 This application is part of a set of 8 applications aimed at facilitating alterations to allow the permitted change from a public house to a retail unit. A list of all the relevant applications is included within **Appendix 2**.

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners and erecting a site notice on 22.03.12. At the time of writing the report **20** representations have been received from surrounding residents. No specific concerns were raised regarding this application.

Consultation responses:

5.2 **SCC Ecology** – Insufficient works were completed prior to the commencement of development to establish any potential impacts on bats which may have been resident within the property. A condition is recommended requiring the installation of bat boxes to mitigate against any potential harm the development may have caused.

6.0 Planning Consideration Key Issues

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

6.2 Principle of Development

The alterations are judged to be minor in the scope of the visual impact on the property and are not judged to have a significantly harmful impact on the character of the property or local area.

7.0 Summary

7.1 The alterations are considered to be supportable provided that the potential impacts on bats which may have been resident in the site can be successfully mitigated through the imposition of conditions.

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) (d) 4 (vv) 6 (a) (i)

JF1 for 29/05/12 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 - Bats [Performance Condition]

An application submitting full details of the provision of bat boxes shall be submitted and agreed in writing with the Local Planning Authority within 28 of the issuing of this decision, to be implemented within 3 months of those details being approved.

Reason:

To protect biodiversity in line with SDP12(i),(ii) and NE4(i),(ii) of the City of Southampton Local (2006).

03. APPROVAL CONDITION - Site access [Performance condition]

Vehicles shall only enter the site via the access on Butts Road and exit via the access on Heathfield Road. The site shall be maintained in this arrangement unless agreed in writing by the Local Planning Authority.

REASON

In the interests of highway safety.

04. APPROVAL CONDITION - Servicing hours [Performance condition]

All servicing of the premises, including loading and unloading, shall take place between the hours of 06:00-22:00 (6AM-10PM) unless agreed otherwise in writing by the Local Planning Authority.

REASON

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

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

The premises shall not operate outside the following hours:

Monday to Saturday 06.00 hours to 23.00 hours (6.00am to 11pm)

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 - Approved Plans

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

Reason:

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

POLICY CONTEXT

Core Strategy - (January 2010)

CS13 Fundamentals of Design
CS22 Promoting Biodiversity and Protecting Habitats

City of Southampton Local Plan Review – (March 2006)

SDP1 Quality of Development
SDP7 Urban Design Context
SDP9 Scale, Massing & Appearance
SDP12 Landscape & Biodiversity
NE4 Protected Species

Supplementary Planning Guidance

Biodiversity Action Plan

Other Relevant Guidance

National Planning Policy Framework (March 2012)

Relevant Planning History

1006/E - Erection of licensed premises, Permitted 27/11/52

1031/24 - Erection of licensed premises, Conditionally Approved 12/1/54

1546/E8 - Formation of a new entrance porch and alterations to the external appearance, Conditionally Approved 17/10/78

1665/E40 - Erection of single storey extension, Conditionally Approved 23/7/85

11/00508/FUL - Redevelopment of the site. Erection of a 3-storey building to provide a new convenience store (class A1) on the ground floor, and 8 flats on the first and second floors (6x2-bed and 2x1-bed flats) with associated parking and cycle/refuse storage, Refused 7/7/11

Current applications

12/00353/FUL, External alterations to the building including: creation of new shopfront, and infilling of existing openings at ground and first floor level

12/00355/FUL - Erection of 11 no. steel bollards on Butts Road and Healthfield Road frontages (description modified following amended plans)

12/00356/FUL - Installation of ATM to front of proposed store (description modified following amended plans)

12/00357/FUL - Erection of open sided canopy to rear of building

12/00358/FUL - Extension and reconfiguration of existing car park hard standing

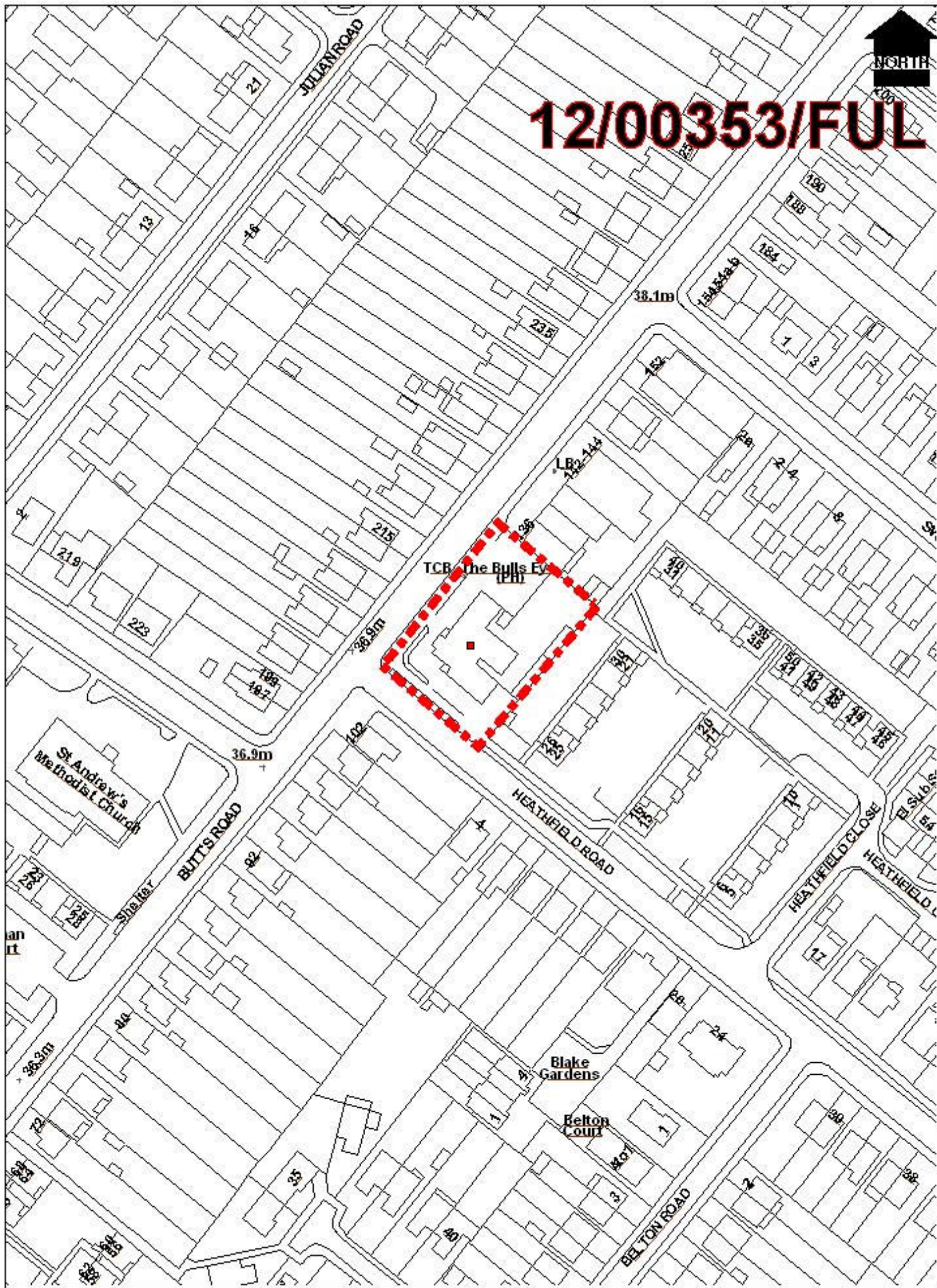
12/00359/FUL - Installation of plant equipment comprising of 3no. A/C units and external condenser unit, within contained rear plant yard

12/00360/FUL - Installation of external chiller/freezer unit to servicing area

12/00361/ADV - Advertisement application for 3 internally illuminated fascia signs, 1 projecting sign, 1 replacement gantry sign and 2 free-standing signs (description modified following amended plans)



12/00353/FUL



Scale : 1:1250

Date : 17 May 2012

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Agenda Item 13

**Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 29 May 2012
Planning Application Report of the Planning and Development Manager**

| | | | |
|---|---|-----------------------------|--|
| Application address: The Bulls Eye Public House, Butts Road SO19 1BJ | | | |
| Proposed development: Erection of open sided canopy to rear of building | | | |
| Application number | 12/00357/FUL | Application type | FUL |
| Case officer | John Fanning | Public speaking time | 5 minutes |
| Last date for determination: | 07.05.12 | Ward | Sholing |
| Reason for Panel Referral: | Referred by Planning and Development Manager at request of Ward Cllr Fitzgerald and public interest | Ward Councillors | Cllr Jeffery Cllr Blatchford Cllr Kolker |

| | |
|------------------------------------|------------------------|
| Applicant: Tesco Stores Ltd | Agent: Cgms Ltd |
|------------------------------------|------------------------|

| | |
|-------------------------------|------------------------------|
| Recommendation Summary | Conditionally approve |
|-------------------------------|------------------------------|

Reason for granting Permission

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

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

| | | | |
|--------------------------|---------------------------|---|------------------|
| Appendix attached | | | |
| 1 | Development Plan Policies | 2 | Planning history |

Recommendation in Full

Conditionally approve

1. The site and its context

- 1.1 The site is located on the corner of Butts Road and Heathfield Road. The site is currently occupied by a two-storey building which was previously in use as a public house. Land surrounding the building includes existing hard standing and open areas. There is no change in site levels on the site. The site currently has two vehicular access points, one from Butts Road and one from Heathfield Road.

- 1.2 The site is location within a predominately residential area, with the adjoining Butts Road frontage featuring a row of commercial use. Butts Road is a Class C classified road.

2. Proposal

- 2.1 This application is part of a set of 8 applications which seek to facilitate the change of the property from a pub (Class A4) to a retail unit (Class A1). The change of use from pub to a retail unit does not require permission. This application refers only to the details outlined below and should be assessed on this basis.
- 2.2 The application seeks planning permission for the installation of a canopy to cover an area to the north-east of the building.
- 2.3 The proposed canopy would cover the area in which the proposed air conditioning unit (application 12/00359/FUL) would be situated. The area is proposed to be fenced off by fences to be built under permitted development.

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 Having regard to paragraph 214 of the National Planning Policy Framework dated 27 March 2012 the policies and saved policies set out in **Appendix 1** which have been adopted since 2004 retain their full material weight for decision making purposes.

4.0 Relevant Planning History

- 4.1 Permission was originally granted for the erection of a licensed premises on this site in 1954. The opening hours were not restricted as part of this permission. More recently, in 2011, an application was refused for the redevelopment of the site to provide a retail unit and 8 flats.
- 4.2 This application is part of a set of 8 applications aimed at facilitating alterations to allow the permitted change from a public house to a retail unit. A list of all the relevant applications is included within **Appendix 2**.

5.0 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners and erecting a site notice on 22.03.12. At the time of writing the report **20** representations have been received from surrounding residents. No specific concerns were raised.

5.2 Consultation responses:

- 5.3 N/A

6.0 Planning Consideration Key Issues

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

are:

6.2 Principle of Development

Beyond the site, the proposal will only be viewable from the upper storey flats on the adjacent site at Heathfield Close. Considering the location of the development such that the canopy will not be visible from either Butts Road or Heathfield Close, it is not judged that the proposal would constitute a significantly harmful visual impact on the character of the building on the local area.

7.0 Summary

7.1 The provision of the canopy is judged to be supportable in the context of the scale and location of the development. A condition is suggested to agree details of materials and finished colour.

8.0 Conclusion

8.1 The proposal is judged to be acceptable and 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) (d) 4 (vv) 6 (a) (i)

JF1 for 29/05/12 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 colour and material of canopy [Performance Condition]

An application submitting full details of the materials and colour of the proposed canopy shall be submitted and agreed to in writing with the Local Planning Authority within 28 days of this decision.

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 - Site access [Performance condition]

Vehicles shall only enter the site via the access on Butts Road and exit via the access on Heathfield Road. The site shall be maintained in this arrangement unless agreed in writing by the Local Planning Authority.

REASON

In the interests of highway safety.

04. APPROVAL CONDITION - Servicing hours [Performance condition]

All servicing of the premises, including loading and unloading, shall take place between the hours of 06:00-22:00 (6AM-10PM) unless agreed otherwise in writing by the Local Planning Authority.

REASON

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

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

The premises shall not operate outside the following hours:

Monday to Saturday 06.00 hours to 23.00 hours (6.00am to 11pm)

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 - Approved Plans

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

Reason:

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

POLICY CONTEXT

Core Strategy - (January 2010)

CS13 Fundamentals of Design

City of Southampton Local Plan Review – (March 2006)

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

Other Relevant Guidance

National Planning Policy Framework (March 2012)

Relevant Planning History

1006/E - Erection of licensed premises, Permitted 27/11/52

1031/24 - Erection of licensed premises, Conditionally Approved 12/1/54

1546/E8 - Formation of a new entrance porch and alterations to the external appearance, Conditionally Approved 17/10/78

1665/E40 - Erection of single storey extension, Conditionally Approved 23/7/85

11/00508/FUL - Redevelopment of the site. Erection of a 3-storey building to provide a new convenience store (class A1) on the ground floor, and 8 flats on the first and second floors (6x2-bed and 2x1-bed flats) with associated parking and cycle/refuse storage, Refused 7/7/11

Current applications

12/00353/FUL, External alterations to the building including: creation of new shopfront, and infilling of existing openings at ground and first floor level

12/00355/FUL - Erection of 11 no. steel bollards on Butts Road and Healthfield Road frontages (description modified following amended plans)

12/00356/FUL - Installation of ATM to front of proposed store (description modified following amended plans)

12/00357/FUL - Erection of open sided canopy to rear of building

12/00358/FUL - Extension and reconfiguration of existing car park hard standing

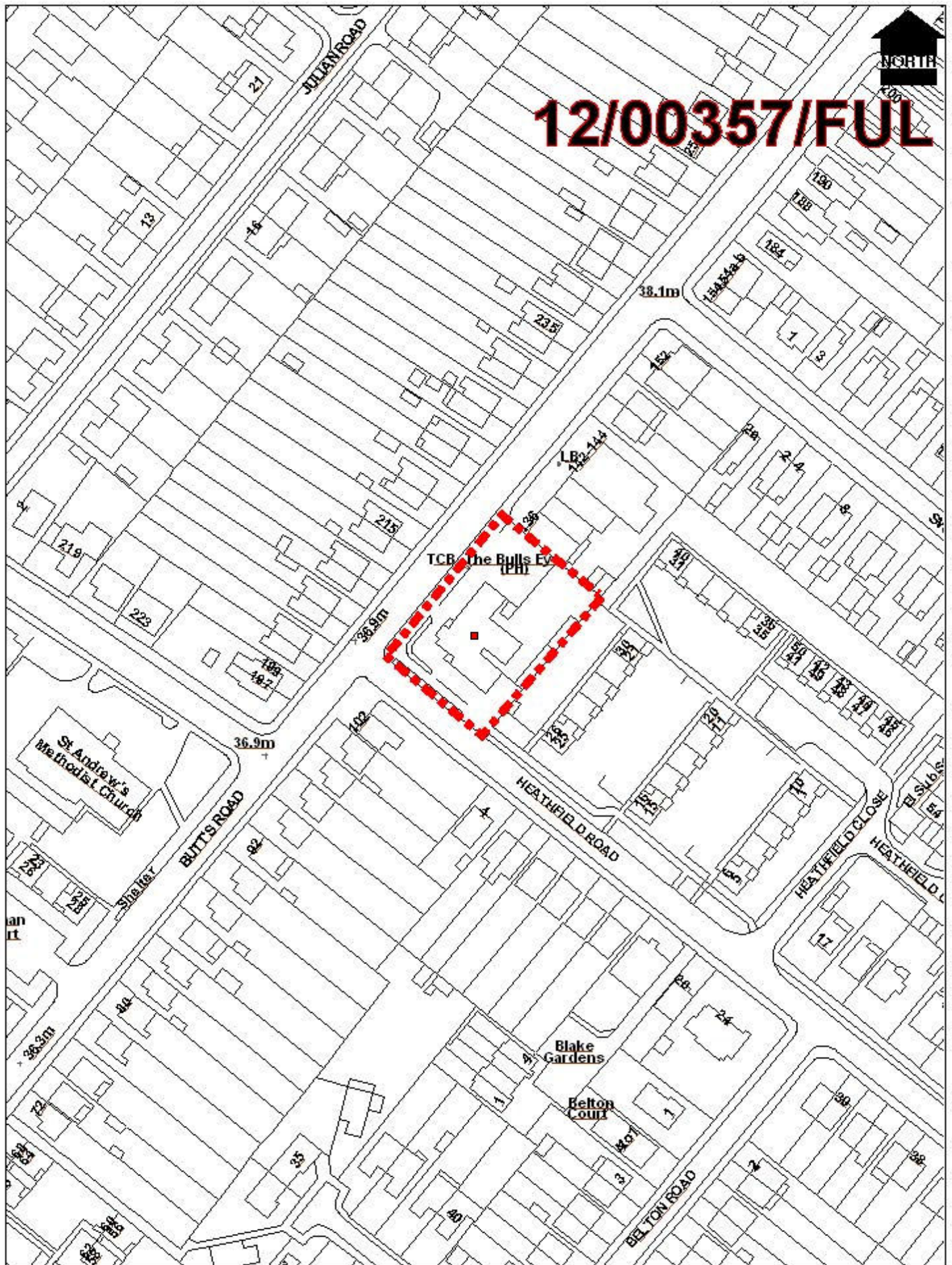
12/00359/FUL - Installation of plant equipment comprising of 3no. A/C units and external condenser unit, within contained rear plant yard

12/00360/FUL - Installation of external chiller/freezer unit to servicing area

12/00361/ADV - Advertisement application for 3 internally illuminated fascia signs, 1 projecting sign, 1 replacement gantry sign and 2 free-standing signs (description modified following amended plans)



12/00357/FUL



Scale : 1:1250

Date : 17 May 2012

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Agenda Item 14

**Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 29 May 2012
Planning Application Report of the Planning and Development Manager**

| | | | |
|--|--|-----------------------------|--|
| Application address: The Bulls Eye Public House, Butts Road SO19 1BJ | | | |
| Proposed development: Advertisement application for 3 internally illuminated fascia signs, 1 projecting sign, 1 replacement gantry sign and 2 free-standing signs (description modified following amended plans) | | | |
| Application number | 12/00361/ADV | Application type | FUL |
| Case officer | John Fanning | Public speaking time | 5 minutes |
| Last date for determination: | 07.05.12 | Ward | Sholing |
| Reason for Panel Referral: | Referred by Planning and Development Manager at request of Ward Cllr Fitzgerald, Cllr Blatchford and public interest | Ward Councillors | Cllr Jeffery Cllr Blatchford Cllr Kolker |

| | |
|------------------------------------|------------------------|
| Applicant: Tesco Stores Ltd | Agent: Cgms Ltd |
|------------------------------------|------------------------|

| | |
|-------------------------------|------------------------|
| Recommendation Summary | Express consent |
|-------------------------------|------------------------|

Reason for granting Express Consent

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

Policies – SPD1 and SDP24 of the City of Southampton Local Plan Review (March 2006) and CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

| | | | |
|--------------------------|---------------------------|---|------------------|
| Appendix attached | | | |
| 1 | Development Plan Policies | 2 | Planning history |

Recommendation in Full

Express Consent

1. The site and its context

- 1.1 The site is located on the corner of Butts Road and Heathfield Road. The site is currently occupied by a two-storey building which was previously in use as a public house. Land surrounding the building includes existing hard standing and open areas. There is no change in site levels on the site. The site currently has

- two vehicular access points, one from Butts Road and one from Heathfield Road.
- 1.2 The site is location within a predominately residential area, with the adjoining Butts Road frontage featuring a row of commercial use. Butts Road is a Class C classified road.

2. Proposal

- 2.1 This application is part of a set of 8 applications which seek to facilitate the change of the property from a pub (Class A4) to a retail unit (Class A1). The change of use from pub to a retail unit does not require permission. This application refers only to the details outlined below and should be assessed on this basis.
- 2.2 The application seeks advertisement consent for signs to advertise the conversion of the existing building from a public house into a retail unit.
- 2.3 The signs form are typical of a retail unit in their placing just above ground floor window level and are present on both north-west and south-west elevations of the building. The gantry sign is unusual for a retail unit. It is situated in the western corner of the site and replaces the existing pub sign in that location. Two free standing signs are proposed at the vehicular access points for the purposes of providing direction.

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 Having regard to paragraph 214 of the National Planning Policy Framework dated 27 March 2012 the policies and saved policies set out in **Appendix 1** which have been adopted since 2004 retain their full material weight for decision making purposes.

4.0 Relevant Planning History

- 4.1 Permission was originally granted for the erection of a licensed premises on this site in 1954. The opening hours were not restricted as part of this permission. More recently, in 2011, an application was refused for the redevelopment of the site to provide a retail unit and 8 flats.
- 4.2 This application is part of a set of 8 applications aimed at facilitating alterations to allow the permitted change from a public house to a retail unit. A list of all the relevant applications is included within **Appendix 2**.

5.0 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners and erecting a site notice on 22.03.12. At the time of writing the report **21** representations have been received from surrounding residents. The following is a summary of the points raised:
- 5.2 ***The lighting of the illuminated signs over a 24 hour period would be detrimental to the amenity of neighbouring residential units***

5.3 **Response**

The potential for increased light pollution has been considered. As a method of controlling this impact, a condition has been recommended to limit the hours of illumination of the advertisements.

Consultation responses:

5.4 **SCC Highways** – No objection

5.5 **SCC Advertising** – Concern regarding excessive advertisements on site.

Applicant submitted amended designs which removed a proposal for higher level signage.

6.0 **Planning Consideration Key Issues**

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

6.2 **Character**

The signage proposed is predominately at ground floor fascia level and is of a style typical for retail units. Given the adjacent retail units it is not judged that the proposal would represent a harmful alteration from the existing character within the street scene.

The gantry advertisement will replace the existing pub signage and as such is not considered to comprise a harmful alteration.

The two free standing signs are, on balance, considered to be of a sufficiently small scale to not have a significantly negative impact on the character of the property or area taking into account their positive benefit on highways safety.

6.3 **Highways safety**

As per paragraph 5.2, it is not considered that the proposed scheme would result in a significant impact on highways safety.

6.4 **Residential amenity**

The proposal includes a variety of internally and externally illuminated signage. Taking into consideration that the site is adjacent to residential properties it is considered that illumination of these signs over a 24 hour period would not be appropriate and would be potentially harmful in terms of light pollution to the amenity of the neighbouring properties. For this reason it is proposed that a condition be included to limit the hours of illumination of the proposed signage.

7.0 **Summary**

7.1 The adverts are considered to be supportable provided that the potential impacts of additional light pollution are mitigated through conditions. It is proposed a condition be included to limit the hours of illumination for the proposed signage on this basis.

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) (d) 4 (vv) 6 (a) (i)

JF1 for 29/05/12 PROW Panel

PLANNING CONDITIONS

01. Advert - Luminance

The luminance of the signage for which consent is hereby granted shall not exceed 110 Cd/m².

REASON

In the interests of highway safety and residential amenity.

02. APPROVAL CONDITION - Hours of Advert Luminance [Performance Condition]

The sign hereby granted shall only be illuminated during the approved opening hours.

No illumination of the granted advertisement will be permitted outside these hours, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

03. APPROVAL CONDITION - Approved Plans

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

Reason:

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

POLICY CONTEXT

Core Strategy - (January 2010)

CS13 Fundamentals of Design

City of Southampton Local Plan Review – (March 2006)

SDP1 Quality of Development

SDP24 Advertisements

Other Relevant Guidance

National Planning Policy Framework (March 2012)

Relevant Planning History

1006/E - Erection of licensed premises, Permitted 27/11/52

1031/24 - Erection of licensed premises, Conditionally Approved 12/1/54

1546/E8 - Formation of a new entrance porch and alterations to the external appearance, Conditionally Approved 17/10/78

1665/E40 - Erection of single storey extension, Conditionally Approved 23/7/85

11/00508/FUL - Redevelopment of the site. Erection of a 3-storey building to provide a new convenience store (class A1) on the ground floor, and 8 flats on the first and second floors (6x2-bed and 2x1-bed flats) with associated parking and cycle/refuse storage, Refused 7/7/11

Current applications

12/00353/FUL, External alterations to the building including: creation of new shopfront, and infilling of existing openings at ground and first floor level

12/00355/FUL - Erection of 11 no. steel bollards on Butts Road and Healthfield Road frontages (description modified following amended plans)

12/00356/FUL - Installation of ATM to front of proposed store (description modified following amended plans)

12/00357/FUL - Erection of open sided canopy to rear of building

12/00358/FUL - Extension and reconfiguration of existing car park hard standing

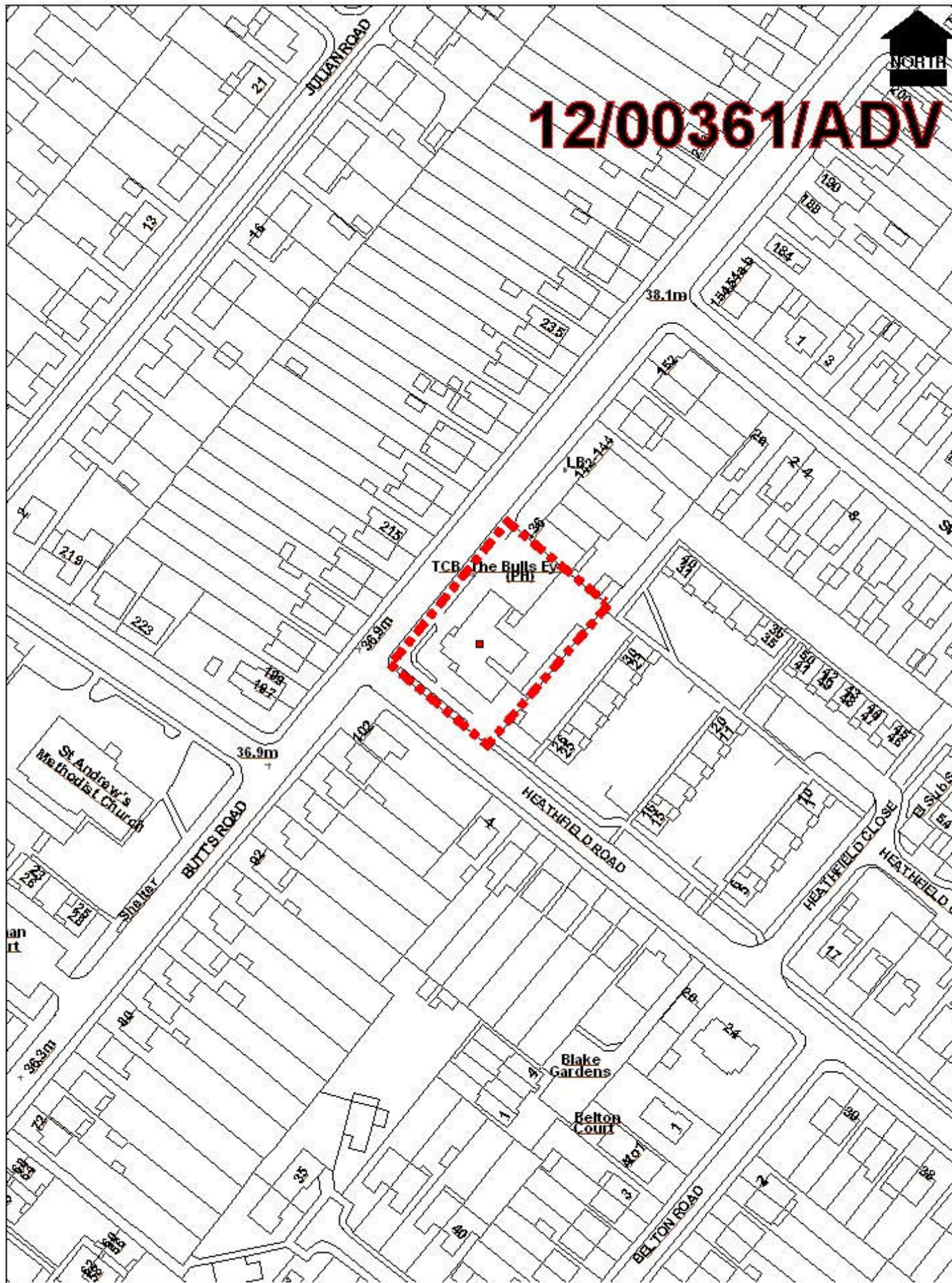
12/00359/FUL - Installation of plant equipment comprising of 3no. A/C units and external condenser unit, within contained rear plant yard

12/00360/FUL - Installation of external chiller/freezer unit to servicing area

12/00361/ADV - Advertisement application for 3 internally illuminated fascia signs, 1 projecting sign, 1 replacement gantry sign and 2 free-standing signs (description modified following amended plans)



12/00361/ADV



Scale : 1:1250

Date : 17 May 2012

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Agenda Item 15

**Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 29 May 2012
Planning Application Report of the Planning and Development Manager**

| | | | |
|--|-----------------|-----------------------------------|--------------------------|
| Application address: First Floor Flat Warwick House 12 Carlton Road SO15 2HL | | | |
| Proposed development: Change of use of upper floors to 1x 6-bed maisonette flat (C4 use [6 bed HMO]). Amended plans received 08/03/2012 which include internal alterations and alterations to the amenity space provision/car parking layout which reduces the number of available car parking spaces proposed on site from 3 to 2. | | | |
| Application number | 12/00053/FUL | Application type | FUL |
| Case officer | Mathew Pidgeon | Public speaking time | 5 minutes |
| Last date for determination: | 20.03.2012 | Ward | Bargate |
| Reason for Panel Referral: | Member referral | Ward Councillors | Bogle Noon Tucker |
| | | Previously consulted Cllrs | Bogle Noon Willacy |

| | |
|-----------------------------------|---------------------------------------|
| Applicant: Mr Hayden Ebert | Agent: Chris Edmond Associates |
|-----------------------------------|---------------------------------------|

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| Recommendation Summary | Refuse |
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Reason for Refusal

The Local Planning Authority considers that the conversion to residential use, for occupation by up to 6 unrelated individuals, constitutes a change of use to a C4 House of Multiple Occupation. The resulting concentration of HMO's in the immediate vicinity of the site (40m of the front door) would lead to a cumulative change in the character of the area and undermine the Council's approach of promoting mixed and balanced communities to the detriment of the amenities of the area. As such the proposal is contrary to Policies SDP1 (i), H4 (i) and (ii) of the saved City of Southampton Local Plan Review (March 2006) and Policy CS16 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) as supported by the adopted Houses in Multiple Occupation Supplementary Planning Document (March 2012).

| | |
|--------------------------|---|
| Appendix attached | |
| 1 | Development Plan Policies |
| 2 | Web link to the Houses in Multiple Occupation Supplementary Planning Document |

Recommendation in Full

Refuse

1. The site and its context

- 1.1 The site contains a large end of terrace property which was originally designed as a dwelling house. The property is currently in use as a dental surgery at ground floor level. The first floor level and roof space have been converted to residential accommodation whilst the application has been with the Local Planning Authority, it is not clear when the internal alterations began. In the past the first floor has been used as an office under the B1 use class before which presumably the building was used for residential purposes.
- 1.2 The surrounding area is predominantly residential in nature with a mix of tenure. Within close proximity to the application site there is a variety of property types including family dwellings, HMO's (Houses of Multiple Occupation) and flats.
- 1.3 The site forms a prominent corner of Milton Road and Carlton Road.

2. Proposal

- 2.1 The proposal involves the change of use to a 6-Bed flat which will be occupied as a house of multiple occupation (C4 Use).
- 2.2 Only minor external alterations are required. A new front door is required on the Carlton Road frontage and there will need to be obscure glazing added at ground floor level to protect the amenity enjoyed by the occupants of the residential accommodation whilst they enjoy their external amenity space.

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 National Planning Policy Framework came into force on 27 March 2012. Having regard to paragraph 214 of the National Planning Policy Framework the policies and saved policies set out in **Appendix 1** which have been adopted since 2004 retain their full material weight for decision making purposes.
- 3.3 The City Council adopted its Houses in Multiple Occupation Article 4 direction and associated Supplementary Planning Document on the 23rd March 2012. The two documents immediately became material planning considerations and therefore applications submitted before that date but which have been/are determined after that date need to comply with the legislation before support can be given to those schemes. Please refer to **Appendix 2** for a web link to the Houses in Multiple Occupation Supplementary Planning Document.

4.0 Relevant Planning History

- 4.1 1308/P1 – Convert to offices and use of rear garden for car parking - CAP, 1966
- 4.2 1514/M17 – Change of use from offices to dental surgery on ground floor - CAP, 1966

5.0 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners and erecting a site notice (02.02.2012). At the time of

writing the report 11 representations have been received from surrounding residents.

Banister Freemantle and Polygon Community Action Forum - objection.
Cllr Bogle - Objection and requests that the application is determined at panel.
Cllr Willacy – Objection and requests that the application is determined at panel if minded to approve.

John Denham MP - Objection.

Summary of Comments:

- Noise generation.
- Proposed occupants will lack respect for surroundings & cause anti social behaviour.
- Shortage/loss of car parking.
- Overdevelopment of HMO's.
- Contravention of Article 4 direction.
- Change to the façade of the property.
- Inadequate amenities, inc room sizes.

5.2 **SCC Highways** - no objection.

5.3 **SCC Sustainability Team** – no objection.

5.4 **Southern Water** – a formal application is needed to connect to the public sewer.

6.0 **Planning Consideration Key Issues**

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

- i) Principle of conversion to an HMO.
- ii) Amenities provided for the occupants.
- iii) Character of the property.
- iv) Neighbouring residential amenity.

6.2 **Principle of conversion to an HMO**

6.2.1 Following the adoption of the SPD a threshold limit has been set which seeks to restrict the number of houses converted to HMO's in the city. In the Polygon area there is a 20% threshold. Section 6 of the SPD explains how the assessment is made.

6.2.2 If the threshold is exceeded it is unlikely that further conversion of family dwelling houses will be permitted that is unless the street is clearly dominated by HMOs. Such exceptional circumstances may lead to the determination of the planning application concluding that the change of use would not, in fact, cause further harm to the character of the area.

6.2.3 Following the desk top exercise described in section 6 of the SPD and after visiting the site on a number of occasions, to ensure that a complete and accurate survey of surrounding land use was achieved, 3 out of 14 properties within 40m of the host dwelling would be HMO's (the figure incorporates the proposed HMO).

6.2.4 Of the 14 buildings there is at present:

- two HMO's,
- three owner occupied/family dwelling houses,
- five flat conversions (of less than three bedrooms),
- one school,
- one purpose built residential care home; and
- two mixed use properties (medical with offices above).

It is also noteworthy that the use of one property, number 20 Carlton Road, is unknown as the Officers investigation has proven to be inconclusive, however the applicant believes that there is at present only two occupants and therefore the property is not being occupied as an HMO. Furthermore paragraph 6.4.5 of the SPD states that where there is significant doubt as to whether a property is an HMO it will not be counted towards the threshold.

- 6.2.5 As such eight properties should be eliminated from the calculation (refer to paragraph 6.4.2 'stage 3' of the HMO SPD).
- 6.2.6 It should be noted that paragraph 6.4.2 of the SPD states: *'The concentration of HMOs surrounding the application site is calculated as a percentage of the 'total estimated number of **existing HMOs**' against the 'total number of residential properties'.*
- 6.2.7 Therefore the concentration of HMOs surrounding the application site is **50%**. (2 out of 4).
- 6.2.8 Paragraph 6.5.1 of the SPD goes on to say that in this location *'where the proportion of HMO dwellings will exceed 20% of the residential properties'* applications should be refused. Therefore we also need to take account of the proposed HMO in the calculation.
- 6.2.9 As such when the calculation includes the proposed HMO, calculated as a percentage of the total estimated number of **'existing and proposed HMOs'** against the total number of 'residential properties', the concentration of HMOs within the assessment area would become **60%** (3 out of 5).
- 6.2.10 The application has been submitted on behalf of Tenant Direct. As Tennant Direct is a Housing Agency they consider themselves well placed to appreciate/comment on the market potential of the property.
- 6.2.11 The applicant states that the offices have been vacant for three years. The applicant claims that there is no market potential for the office use and is unlikely to be let as a family dwelling owing to its location and rental cost of such a large unit. It is also considered by the applicant that there is no demand for family dwellings of this size in the private sector.
- 6.2.12 As the threshold limit for HMO's in the location would be exceeded the application cannot be supported.
- 6.3 Amenities provided for the occupants
- 6.3.1 The proposed living environment is acceptable; occupants of the flats would not need to leave the site in order to gain access to the amenity space which is sufficient in size and is fit for its intended purpose.
- 6.3.2 Refuse and cycle storage provision can be met on site and there will not be a conflict of use between the two separate uses occurring within the building due to the proposed layout.
- 6.4 Character of the property
- 6.4.1 The proposed front entrance facing Carlton Road is considered acceptable; the proposal does not require the building to be extended. The physical character of

the property will not be harmed.

6.5 Neighbouring Residential Amenity

6.5.1 The resulting high concentration of HMO's within the area will have a negative effect on neighbouring residential amenity. Should the application be supported the current mix of housing tenure in the community will become less evenly balanced.

6.5.2 Greater concentrations of HMOs in a particular area can have negative effects on the amenity of the surroundings and on long term residents. This can occur in a variety of ways as described in section 5.4 of the SPD.

7.0 Summary

7.1 Refusal of the change of use is recommended in respect of this application owing to the scheme not being considered appropriate given the resulting ratio of HMOs to owner occupied properties in the area. Furthermore the development does not fall within the scope where exceptional circumstances should be applied.

8.0 Conclusion

Notwithstanding the statement provided by the applicant confirming that the property cannot be rented for office purposes the application cannot be supported in principle. The scheme would result in the threshold limit of HMO's in the area being exceeded and there is not sufficient HMOs in the area to enable the proposal to be considered an exceptional circumstance in light of section 6.6 of the HMO SPD.

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(qq), 6(c), 7(a), 9(a), 9(b).

MP3 for 29/05/2012 PROW Panel

Reason for refusal

The local planning authority considers that the conversion of offices to residential use, for occupation by up to 6 unrelated individuals, constitutes a change of use to a C4 HMO. The resulting concentration of HMO's within close proximity to the site (40m of the front door) would lead to a change to the physical character of the area which would harm and conflict with the existing community and amenity. As such the proposal is contrary to policies SDP1 (i), H4 (i) and (ii) of the saved City of Southampton Local Plan Review (March 2006) and Policy CS16 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010).

POLICY CONTEXT

Core Strategy - (January 2010)

CS16 Housing Mix and Type

City of Southampton Local Plan Review – (March 2006)

SDP1 Quality of Development
H4 Houses in Multiple Occupation

Supplementary Planning Guidance

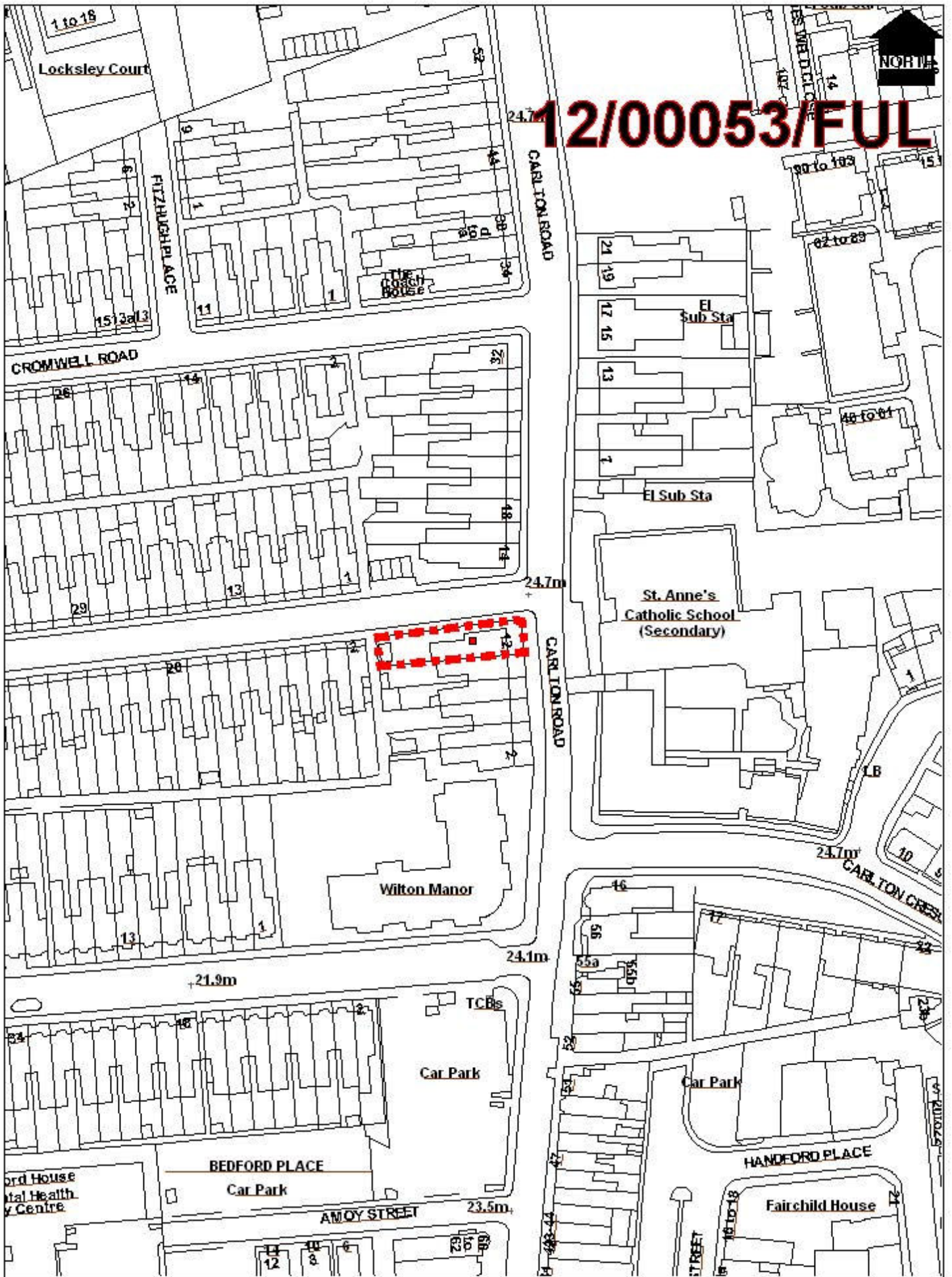
Houses in Multiple Occupation Supplementary Planning Document - (March 2012).

Application 12/00245/FUL

APPENDIX 2

Web link to the Houses in Multiple Occupation Supplementary Planning Document:

<http://www.southampton.gov.uk/s-environment/policy/planningdocuments/hmo-spd.aspx>



Scale : 1:1250

Date : 17 May 2012

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Agenda Item 16

**Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 29 May 2012
Planning Application Report of the Planning and Development Manager**

| | | | |
|---|-----------------|-----------------------------------|--------------------------|
| Application address: 14 York Terrace, Henstead Road SO15 2DD | | | |
| Proposed development: Change Of Use From A C3 Dwelling House To A 7-Bed House In Multiple Occupation (HMO, Sui Generis) (Submitted In Conjunction With 12/00246/Lbc). | | | |
| Application number | 12/00245/FUL | Application type | FUL |
| Case officer | Mathew Pidgeon | Public speaking time | 5 minutes |
| Last date for determination: | 07.05.2012 | Ward | Bargate |
| Reason for Panel Referral: | Member referral | Ward Councillors | Bogle Noon Tucker |
| | | Previously consulted Cllrs | Bogle Noon Willacy |

Applicant: Dr Christopher Lawrence

| | |
|-------------------------------|---------------|
| Recommendation Summary | Refuse |
|-------------------------------|---------------|

Reason For Refusal

The Local Planning Authority considers that the conversion to residential use, for occupation by up to 7 unrelated individuals, constitutes a change of use to a *sui generis* House in Multiple Occupation. The resulting concentration of HMO's in the immediate vicinity of the site (40m of the front door) would lead to a cumulative change in the character of the area and undermine the Council's approach of promoting mixed and balanced communities to the detriment of the amenities of the area. As such the proposal is contrary to Policies SDP1 (i), H4 (i) and (ii) of the saved City of Southampton Local Plan Review (March 2006) and Policy CS16 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) as supported by the adopted Houses in Multiple Occupation Supplementary Planning Document (March 2012).

| | |
|--------------------------|---|
| Appendix attached | |
| 1 | Development Plan Policies |
| 2 | Section 6.6 of the Houses in Multiple Occupation Supplementary Planning Document (SPD) and weblink to the SPD |
| 3 | Supporting information provided by Morris Dibben – letter dated 30 April 2012 |
| 4 | Supporting information provided by Morris Dibben – letter dated 9 May 2012 |
| 5 | Supporting statement provided by applicant |

Recommendation in Full: Refusal

1. The site and its context

- 1.1 The site contains a large terraced property which is currently in use as a family dwelling house. The street contains a variety of property types created by the conversion of/or retention of family dwellings. The street includes, family dwellings, HMO's and flats.

2. Proposal

- 2.1 The proposal involves the change of use of the C3 dwelling house (family dwelling house) to a 7-Bed house of multiple occupation (HMO) (Sui Generis). No external alterations are required however there are internal changes needed to ensure compliance with HMO licensing regulations.
- 2.2 Approval would allow 7 unrelated individuals to reside in the property.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework came into force on 27 March 2012. Having regard to paragraph 214 of the National Planning Policy Framework the policies and saved policies set out in **Appendix 1** which have been adopted since 2004 retain their full material weight for decision making purposes.
- 3.3 The City Council adopted its Houses in Multiple Occupation Article 4 direction and associated Supplementary Planning Document on the 23rd March 2012. The two documents immediately became material planning considerations and therefore applications submitted before that date but which have been/are determined after that date need to comply with the legislation before support can be given to those schemes. Please refer to **Appendix 2** for a web link to the Houses in Multiple Occupation Supplementary Planning Document (SPD).

4.0 Relevant Planning History

- 4.1 **1229/17** – Extension to kitchen - Application Permitted
- 4.2 **1613/L3(X)** – Erection of a second floor rear extension and first floor extension enlargement - CAP
- 4.3 **12/00032/PREAP1** - Change of use from dwelling to a 7 bedroom HMO or 5 bedroom HMO with lower ground floor flat.

Conclusion: *Due to the Article 4 direction coming into effect from 23rd March 2012 it is difficult to confirm with certainty whether or not an application for a 6 or 7 bed HMO will be supported. As a Planning Officer my expectation is that Officers would apply the exception rule to the 6 bed HMO. However, a 7 bed HMO would be more difficult to justify, especially given that neighbouring properties are small (up to 6 bed) HMOs.*

It should be noted that the above conclusion was formulated without undertaking the detailed assessment as set out in the SPD.

- 4.4 **12/00246/LBC** - Listed building consent sought for internal alterations to enable change of use from a C3 dwelling house to a 7-bed house in multiple occupation (HMO, Sui Generis) (submitted in conjunction with 12/00245/FUL).

5.0 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners and erecting a site notice (29/03/2012). At the time of writing the report 0 representations have been received from surrounding residents.
- 5.2 Unusually for an application of this nature there have been no objections submitted and there has not been a request for the scheme to be determined at planning panel.
- 5.3 SCC Private Sector Housing – Need to meet the Council's amenity space standards and fire precautions, no objection to the use of the property as a 7 bedroom HMO.
- 5.4 SCC Environmental Health (Pollution & Safety) - No objection.

6.0 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
- i) Principle of conversion to an HMO.
 - ii) Amenities provided for the occupants.
 - iii) Character of the property.
- 6.2 Principle of conversion to an HMO
- 6.2.1 Following the adoption of the SPD a threshold limit has been set which seeks to restrict the number of houses converted to HMO's in the city. In the Polygon area there is a 20% threshold. Section 6 of the SPD explains how the assessment is made.
- 6.2.2 If the threshold is exceeded it is unlikely that further conversion of family dwelling houses will be permitted that is unless the street is clearly dominated by HMOs. Such exceptional circumstances may lead to the determination of the planning application concluding that the change of use would not, in fact, cause further harm to the character of the area.
- 6.2.3 Following the desk top exercise described in section 6 of the SPD and after visiting the site on numerous occasions, to ensure that a complete and accurate survey of surrounding land use was achieved, 13 out of 22 properties within 40m of the host dwelling would be HMO's (the figure incorporates the proposed HMO).
- 6.2.4 Of the 22 buildings there is at present:
- 12 HMOs.
 - three owner occupied/family dwelling houses,
 - three flat conversions (of less than three bedrooms),
 - three commercial buildings; and
 - one mixed use property (commercial at ground floor level with residential above).
- 6.2.5 As such, seven properties should be eliminated from the calculation, (refer to paragraph 6.4.2 'stage 3' of the HMO SPD).
- 6.2.6 It should be noted that paragraph 6.4.2 of the SPD states: *'The concentration of HMOs surrounding the application site is calculated as a percentage of the 'total*

estimated number of existing HMOs' against the 'total number of residential properties'.

- 6.2.7 Therefore the concentration of HMOs surrounding the application site is **80%**. (12 out of 15) and already exceeds the threshold limit.
- 6.2.8 Paragraph 6.5.1 of the SPD goes on to say that in this location *'where the proportion of HMO dwellings will exceed 20% of the residential properties'* applications should be refused. Therefore it is also necessary to take account of the proposed HMO in the calculation.
- 6.2.9 As such when the calculation includes the proposed HMO, calculated as a percentage of the total estimated number of **'existing and proposed HMOs'** against the total number of 'residential properties', the concentration of HMOs within the assessment area would become **87%** (13 out of 15).
- 6.2.10 In which case the mix of households in the community would increasingly become unbalanced if the application is supported.
- 6.2.11 It is however regarded by the applicant that the proposal should be considered an exceptional circumstance as described within section 6.6 of the HMO SPD (please refer to **appendix 3**)
- 6.2.12 It is noteworthy that the supporting information provided by Morris Dibben estate agents (please refer to **appendix 4**) expresses their opinion that there is no reasonable demand for the continued use of the existing residential property as a family dwelling.
- 6.2.13 The statement by Morris Dibben confirms that they have been marketing the property since 5th December 2011 at a reasonable price based on the assessment of the property market in the local area. There are two main reasons noted:
1. No demand for family dwelling houses due to the high density of student accommodation close by and close proximity of nightlife of Bedford Place.
 2. Article 4 direction has made it impossible to sell to investors who would have otherwise purchased the property for HMO use.
- 6.2.14 It is the Officers opinion that it has been adequately demonstrated that there is no reasonable demand for the property at present. The SPD, however, does not have an upper limit where the threshold ceases to have an effect.
- 6.2.15 Paragraph 6.6.1 of the SPD acknowledges that there *'may be certain streets in the city where the vast majority of properties are already HMOs, with only a very small proportion of C3 dwellings remaining.* It is the Officers opinion that this is true of Henstead Road however the paragraph goes on to explain that: *'The retention of 1 or 2 of the remaining dwellings will have little affect on the balance and mix of households in a community which is already over dominated by the proportion of existing HMO households. Therefore, the conversion of the remaining C3 dwellings to an HMO would not further harm the character of an area.'* C3 dwellings being owner occupied properties.
- 6.2.16 In coming to the recommendation to refuse the scheme Officers have had specific regard to the numbers stated in the SPD and the number of remaining owner occupied properties in the assessment area. I.e. in order for a change of use to be considered an exception the application dwelling is required to be the final one or two remaining in the street. As at least three dwellings remain owner occupied the exception rule is not applicable.
- 6.2.17 Therefore, at present, the exception rule cannot be applied within the street. However, if the Local Planning Authority were to support the present scheme

the exception rule would then be likely to be triggered and would apply to the remaining two properties if it is demonstrated they are the final two C3 dwellings in the street.

- 6.2.18 Paragraph 6.6.2 recognises that there is no upper limit where the threshold ceases to exist, however where the owner of the last remaining property is unable to sell the property for continued C3 use, change to an HMO can be justified by a supporting statement provided by a relevant professional (estate agent) illustrating no reasonable demand for the property as a C3 dwelling. The statement must demonstrate that the property has been on the market at a reasonable price for at least six months. The statement by Morris Dibben aims to provide the justification required notwithstanding the fact that the property is one of three remaining C3 dwellings in the assessment area.
- 6.2.19 On balance, although the applicant has provided a statement which confirms that the property cannot be sold as a C3 dwelling the application cannot be supported in principle at Officer level as there are more than 'one or two' remaining C3 dwellings left in the street and as such the scheme does not accord with section 6.6 of the SPD.
- 6.2.20 It is noted that the application is for a large HMO rather than a C4 HMO (occupied by between 3 and 6 unrelated occupants). Large HMOs can have a greater impact on surrounding areas through noise and disturbance by their very nature owing to increased comings and goings. A large HMO will also have greater refuse and cycle storage requirements. With regard to this particular application site however it is not envisaged that the extra one occupant will significantly increase the impact caused.

6.3 Amenities provided for the occupants.

- 6.3.1 Refuse and cycle storage provision can be met on site and there is sufficient amenity space.

6.4 Character of the Property.

- 6.4.1 The proposal does not include alterations to the external appearance of the building and therefore the physical character of the property is unlikely to be affected.

7.0 Summary

- 7.1 Notwithstanding the lack of objection letters associated with the planning application the change of use to a HMO is recommended for refusal owing to the approved 20% threshold for HMO's being exceeded but there being more than one or two houses left within the C3 use class thereby preventing an exception case from being made.

8.0 Conclusion

- 8.1 Notwithstanding the statement provided by the applicant confirming that the property cannot be sold as a C3 dwelling the application cannot be supported in principle. The circumstances surrounding the application site do not allow the scheme to be considered an exceptional circumstance in light of section 6.6 of the HMO SPD.

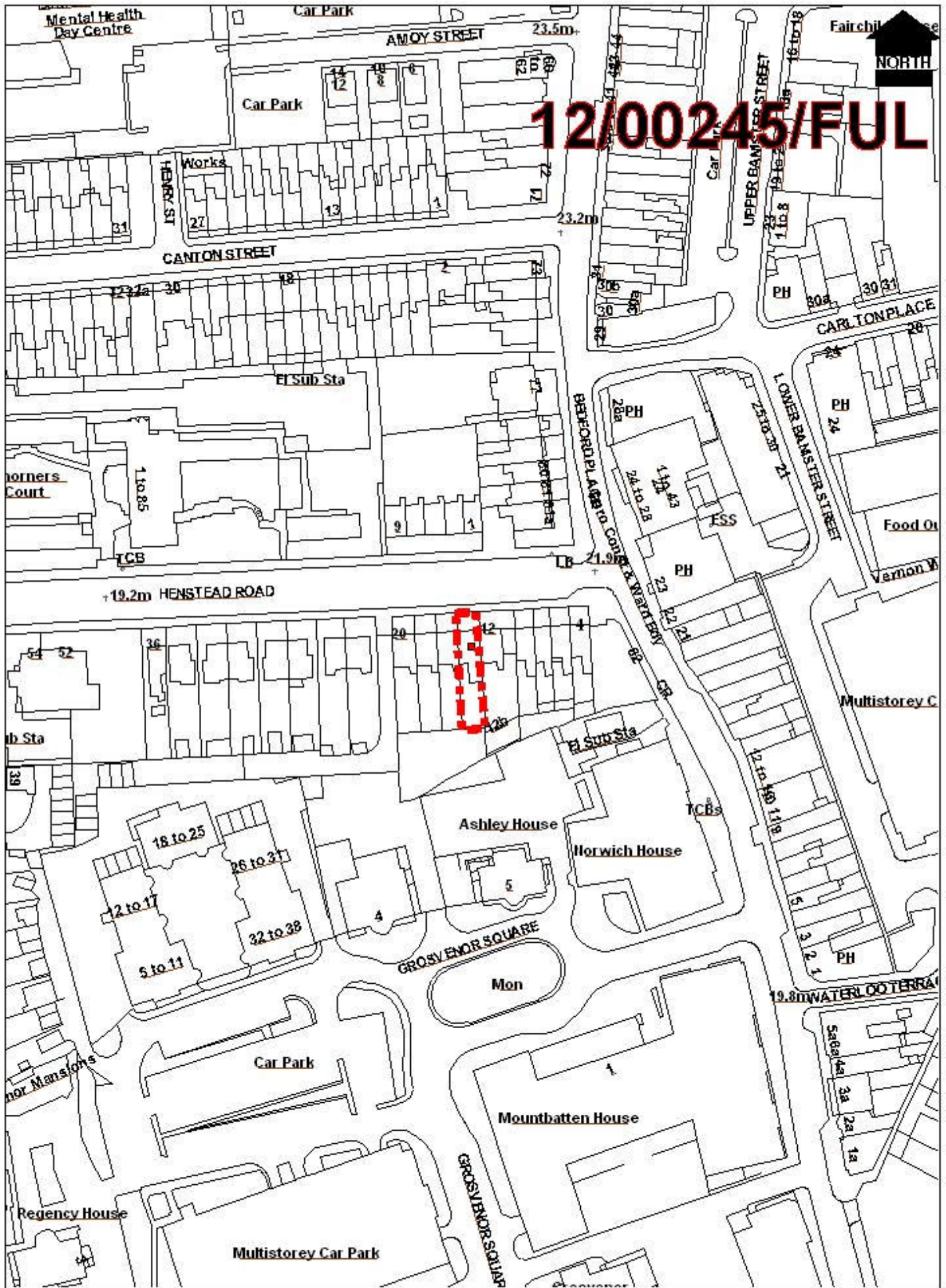
Local Government (Access to Information) Act 1985
Documents used in the preparation of this report Background Papers

1(a), 1(b), 1(c), 1(d), 2(b), 2(d),4(f), 4(qq), 6(c), 7(a), 9(a), 9(b).

MP3 for 29/05/2012 PROW Panel

Reason for refusal

The Local Planning Authority considers that the conversion to residential use, for occupation by up to 7 unrelated individuals, constitutes a change of use to a *sui generis* House in Multiple Occupation. The resulting concentration of HMO's in the immediate vicinity of the site (40m of the front door) would lead to a cumulative change in the character of the area and undermine the Council's approach of promoting mixed and balanced communities to the detriment of the amenities of the area. As such the proposal is contrary to Policies SDP1 (i), H4 (i) and (ii) of the saved City of Southampton Local Plan Review (March 2006) and Policy CS16 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) as supported by the adopted Houses in Multiple Occupation Supplementary Planning Document (March 2012).



12/00245/FUL

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Date : 17 May 2012

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Agenda Item 16

Appendix 1

Application 12/00245/FUL

POLICY CONTEXT

Core Strategy - (January 2010)

CS16 Housing Mix and Type

City of Southampton Local Plan Review – (March 2006)

SDP1 Quality of Development
H4 Houses in Multiple Occupation

Supplementary Planning Guidance

Houses in Multiple Occupation Supplementary Planning Document - (March 2012).

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Application 12/00245/FUL

Section 6.6 of the HMO SPD

6.6 Exceptional circumstances

6.6.1 There may be certain streets in the city where the vast majority of properties are already HMOs, with only a very small proportion of C3 dwellings remaining. The retention of 1 or 2 of the remaining C3 dwellings will have little affect on the balance and mix of households in a community which is already over dominated by the proportion of existing HMO households. Therefore, the conversion of the remaining C3 dwellings to a HMO would not further harm the character of the area.

6.6.2 There is no upper limit where the threshold ceases to have effect, though it is recognised that some owner occupiers or long term residents in this situation described above, being the last remaining residential property and wanting to leave the street, may struggle to sell their property for continued C3 use. Each application site will assessed on its own individual merits when considering where exceptional circumstances will be a material consideration and will be determined in accordance with the following criteria:

Where the vast majority of existing properties surrounding the application site within the defined area of impact are HMO dwellings, the applicant should submit a supporting statement with the planning application to demonstrate that there is no reasonable demand for the existing residential property as continued C3 use. No reasonable demand would be demonstrated by a period of at least six months on the property market offered at a reasonable price (based on an assessment of the property market in the local area) or rental level to be verified in writing by a qualified person in a relevant profession such as estate agent.

Web link to the Houses in Multiple Occupation Supplementary Planning Document:

<http://www.southampton.gov.uk/s-environment/policy/planningdocuments/hmo-spd.aspx>

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Mr M Pidgeon
Planning officer
Southampton City Council

53 London Road
Southampton
Hampshire
SO15 2AD
Telephone:
Facsimile:
Email:

30th April 2012-04-30

REF:14 York Terrace. Henstead Road, Southampton, SO15 2DD

Dear Mr Pidgeon

I can confirm that we have marketing this property from December 5th 2011. We would have expected to have found a buyer for a property of this quality without delay but as, anticipated from the outset, have been unable to do so for two reasons.

Firstly, houses in Henstead Road are no longer in demand for family occupation due to the high density of student accommodation in the road and close proximity to the night life of Bedford Place.

Secondly the article 4 direction has made it impossible to sell to investors who would otherwise have purchased the house for HMO use.

Yours sincerely

Yours sincerely

Peter Baker
Valuations Manger
Morris Dibben

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Mr M Pidgeon
Planning Officer
Southampton City Council

53 London Road
Southampton
Hampshire
SO15 2AD
Telephone:
Facsimile:
Email:

09 May 2012

Dear Mr Pidgeon

RE: 14 York Terrace, 14 Henstead Road, Polygon, SO15 2DD

We confirm that 14 York Terrace, Henstead Road, SO15 2DD has been on the market for sale and has been offered at a reasonable price based on the assessment of the property market in the local area.

There is no reasonable demand for the existing residential property as continued C3 Use.

Yours sincerely

N.B. REFER TO PETER BAKER'S

LETTER DATED 30TH APRIL 2012,

Peter Baker
Valuations Manager
Morris Dibben

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For attention of Matthew Pidgeon, Southampton City Council

Re: 14 York Terrace, Henstead Road

I write to ask you and your senior planning officer to take account of the following material considerations in the 'balanced report' which you are now preparing for the Planning panel's attention.

In referring to our 'immediate area' we mean the 40 metre circle from our front door.

- We are long term residents, having lived in our home since 1982.
- Our application for change of use is made for reasons of social and medical necessity and NOT from a motive of personal profit or commercial gain.
- **The 'character of the immediate area' can no longer be justifiably defined as residential.** The only three remaining residential dwellings within our 40 metre circle are occupied by '**small households**', as defined by the SPD. We have only three neighbours within our 40 metre circle., i.e. one single woman (No 1 Henstead Terrace) and one retired couple (22 Henstead Road). None of these three people object to the proposal.
- **The 'character of the immediate area' is now defined by its very large HMO student population and the immediately adjacent activities of the 'night time economy'.** We estimate that 71 students live in 17 houses within our 40 metre circle - that is a ratio of 71 students to 5 residents (93.5% students to 6.5% residents).
- **The immediate area includes Bedford Place at 30 metres and the Bedfords Public House with its late night music licence at 40 metres.**
- **The night time economy of Bedford Place has blighted the immediate area with severe and persistent noise and nuisance so that it is no longer a suitable environment for family living.**
- **This is the existing 'character of the immediate area' and is the reason that all families have long since abandoned the street. No family has purchased a property in the immediate area for more than 20 years and no children have lived in the immediate area for a generation.**
- Valuation Manager, Morris Dibben have already provided you with a statement confirming that our house has proved impossible to sell for a period of more than 5 months. I append this letter and a second letter from Morris Dibben which confirms that the property has been offered at an appropriate market valuation.

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Agenda Item 17

**Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 29 May 2012
Planning Application Report of the Planning and Development Manager**

| | | | |
|---|---|-----------------------------------|-----------------------------|
| Application address: 97 Regents Park Road SO15 8NZ | | | |
| Proposed development: Continued Use Of Garage For Car Repairs And Car Sales (Sui Generis) | | | |
| Application number | 12/00096/FUL | Application type | FUL |
| Case officer | Mathew Pidgeon | Public speaking time | 5 minutes |
| Last date for determination: | 18.04.2012 | Ward | Millbrook |
| Reason for Panel Referral: | Previous temporary consent was granted at planning panel. | Ward Councillors | Furnell Thorpe Laming |
| | | Previously consulted Cllrs | Wells Furnell Thorpe |

| | |
|-------------------------------------|--------------------|
| Applicant: Mr Vasilis Andrea | Agent: N/A. |
|-------------------------------------|--------------------|

| | |
|-------------------------------|----------------|
| Recommendation Summary | Refusal |
|-------------------------------|----------------|

Reason for Refusal

The development is unacceptable taking into account the policies and proposals of the Development Plan as set out below.

The use of the rear garage at 97 Regents Park Road as a commercial garage has introduced a non-conforming use into a residential suburb that causes harm to the living conditions and wider amenity of neighbouring residents. The increase in activity has caused excessive noise and disturbance which has harmed the reasonable living standards experienced within close proximity to the site. The proposal is therefore considered harmful the character of the area and the amenities of occupiers of surrounding residential development. This planning application has, therefore, been assessed as contrary to policies SDP1 (i), SDP7 (v) and SDP16 (i) of the saved City of Southampton Local Plan (March 2006).

| | |
|--------------------------|---|
| Appendix attached | |
| 1 | Development Plan Policies. |
| 2 | Reason for Refusal re:09/01201/FUL - Use of existing garage for car repairs and car sales (sui generis) (retrospective) |
| 3 | Planning Conditions re:10/00581/FUL - Use of existing garage for car repairs and car sales (sui generis) (retrospective). |

Recommendation in Full

Refuse

1. The site and its context

- 1.1 The application site is residential in scale and nature; and is comprised of a detached garage structure which is accessed from Lansdowne Road. The garage is associated with 97 Regents Park Road and was constructed under permitted development prior to the regulations changing in October 2008. The surrounding area is predominantly residential in character.
- 1.2 Although planning permission was granted in 2009 for the formation of a vehicular access to allow car parking at the front with new front boundary wall and gates the consent has not been implemented correctly. Please refer to paragraphs 4.3.1 and 4.3.2 for further a detailed explanation.

2. Proposal

- 2.1 The occupier of number 97 Regents park Road operates a car repair and sales business from the single storey garage which is located to the rear of his property. The garage itself has been constructed with a double skin design. In association with the business cars are bought, repaired and then sold. The applicant makes the case that the business is not open to the public and no passing trade takes place.
- 2.2 The hours of operation for the business is less intense than standard operating hours associated with car repair and sales garages. The applicant states that the business is only open between the hours of 09.30 and 15.30 from Monday to Thursday although it should be noted that the application forms requests permission to also include Fridays.
- 2.3 The applicant has highlighted to the LPA that there are other examples of premises within residential areas of Southampton with similar uses. A total of nine premises are illustrated. The LPA note that the majority of the premises highlighted are historic uses and were not approved under modern planning policies and guidance.
- 2.4 The exception is Villiers Road which gained permission on appeal to operate a tyre fitting centre, but no other purpose associated with the motoring industry (including MOT centre), on 2nd October 2008. The inspector considered that property to be on a border between a residential area and Shirley Town Centre as opposed from being wholly within a residential area and therefore it could be expected that residents would hear activity associated with the adjacent commercial area and thus the appeal was upheld. It should also be noted that the building was previously used as a retail unit rather than being wholly within the boundary of a residential unit.

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 National Planning Policy Framework came into force on 27th March 2012. Having regard to paragraph 214 of the National Planning Policy Framework the policies and saved policies set out in **Appendix 1** which have been adopted since 2004 retain their full material weight for decision making purposes.
- 3.3 Policy SDP1 seeks to prevent harm to the amenity of the city's citizens.
- 3.4 Policy SDP7 seeks to protect areas which have established characters. The

policy resists inappropriate development which fails to adequately integrate into the local community.

3.5 Policy SDP16 of the Local Plan resists noise-generating development where it would cause an unacceptable level of noise impact.

4.0 Relevant Planning History

4.1 **07/00789/FUL** - Dropped kerb to form new vehicular access - Refused 28.06.07

4.2 **07/01538/FUL** - Dropped kerb to form new vehicular access to Regents Park Road (resubmission) - Refused 14.11.07

4.3 **09/00925/FUL** - Formation of a vehicular access to allow car parking at the front with a new front boundary wall and gates - CAP 16.10.09

4.3.1 NB Pre-commencement condition 03. (Surface treatment) has not been discharged although the front boundary has been constructed and access is achieved via Regents Park Road. As such the size of the area provided for vehicular parking is in excess of that which was considered acceptable in 2009 and the LPA have not been convinced that surface water does not discharge onto the adjacent highway.

4.3.2 The condition was applied in order to protect the residential amenity of the adjoining property, the visual amenity of the local area, the safety of highway users and to prevent surface water discharge onto the adjacent highway.

4.4 **09/01201/FUL** - Use of existing garage for car repairs and car sales (sui generis) (retrospective) – Refused 30.12.2009 - REASON: Impact on residential amenity (for the full reason for refusal please refer to **Appendix 2**).

4.5 **10/00581/FUL** - Use of existing garage for car repairs and car sales (sui generis) (retrospective). Resubmission of 09/01201/FUL. Approved at panel with temporary permission. Strict conditions applied with the aim of preventing harm to neighbouring amenity (for conditions please refer to **Appendix 3**).

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners and erecting a site notice (08/03/2012). At the time of writing the report six representations have been received from surrounding residents; four of which oppose the scheme, one of which is in support and one is not opposed to the scheme provided that the conditions previously approved are correctly adhered to.

Planning related concerns raised by the objectors are as follows:

- Car sales taking place (contrary to condition 03).*
- Hours of operation not adhered to (contrary to condition 04) including weekend operation.
- Front garden is being used for storage of vehicles associated with the commercial activity (contrary to condition 05).
- Doors not kept closed during operation (contrary to condition 08) and thus the operation on site is not inaudible and causes disturbance to nearby residents whilst enjoying private gardens.
- Parking of vehicles associated with the use on the public highway, potential traffic/highway safety issues.
- Incremental increase in hours of operation (with each application)

exceeding recommended hours as per the noise report.

* It is noteworthy that the use of the site for car sales (sui generis) was listed within the description of development (10/00581/FUL) but was not specifically referred to in condition 03 (scope and restriction of use of other classes).

5.2 **SCC Environmental Health (Pollution & Safety)** One of the objectors has stated that there have been complaints as a result of the proposal. It is however noted that there have not been any formal complaints lodged with the council's Environmental Health Team regarding noise.

5.3 **SCC Highways** Objections appear to result from the breach of conditions applied to the original application (10/00581/FUL). Mainly the use of car parking on the front where there is no formal driveway/parking area as there is no dropped kerb along the Regents Park frontage.

5.3.1 No highways related accidents were reported within close proximity to the site within the period of 01/08/2008 - 31/07/2011.

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. Residential Amenity;
- iii. Highways and Parking;

6.2 Principle of Development

The nature of a car repair business involves noise generating equipment and working methods as well as the generation of fumes, all of which are not conducive to residential environments. The garage is likely to result in an increase in comings and goings to and from the site. The movements would not only be associated with the cars which are repaired and sold but also the delivery of parts and tools. Such movements have the potential to cause disturbance to neighbouring residents. Overall the activity associated with the garage is likely to be of a frequency which is uncharacteristic of the predominantly residential environment.

6.3 Residential Amenity

6.3.1 The representations received demonstrate that the commercial activity has in the past year compromised the reasonable living standards experienced within close proximity to the site. The activity on the site has clearly caused a disturbance to nearby residents to the detriment of their amenity.

6.3.2 Although the applicant has provided a noise report (in order to comply with condition 07 of 10/00581/FUL) representation letters recently received suggest that the recommendations within the report have in part not been complied with and/or the measures recommended are not sufficient to prevent noise disturbance.

6.3.3 In particular representations have been received which claim that the hours of operation are being exceeded and doors are not closed whilst repairs are taking place.

6.3.4 As highlighted by an objector the applicant proposes to increase the hours of operation in excess of the current operational hours and those hours

supported by the noise survey submitted to ensure compliance with condition 07 of planning permission 10/00581/FUL.

- Hours of operation supported by the noise survey: 10:00 to 15:00 on weekdays, and no work to be carried out on weekends and bank holidays.
- Hours of operation supported by Planning and Rights of Way Panel re application 10/00581/FUL (condition 04.): 09.30 - 15.30 Monday to Thursday.
- Hours of operation currently proposed 09.30 - 15.30 Monday to Friday.

6.4 Highways and Parking;

The LPA cannot ensure that the public highway is not used for the parking of vehicles associated with the commercial activity of the site through the use of planning conditions. Planning conditions which might be applied, with an aim of addressing this issue, are unlikely to withstand the tests of circular 11/95.

- 6.4.1 In order to protect residential amenity and in the interests of Highways Safety condition 05. was added in order to ensure that the frontage of the site is not used for the parking or storage of any vehicles associated with the commercial use of the garage. Letters of representation illustrate that this has not occurred.

7.0 Conclusion

- 7.1 Following a temporary period of one year the Local Planning Authority have received letters of representation which demonstrate that harm is caused by the commercial operation of the garage.
- 7.2 The residential environment is an inappropriate location for a development of this nature as such the application is recommended for refusal.

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

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

MP3 for 29/05/2012 PROW Panel

Reason for Refusal

The development is unacceptable taking into account the policies and proposals of the Development Plan as set out below.

The use of the rear garage at 97 Regents Park Road as a commercial garage has introduced a non-conforming use into a residential suburb that causes harm to the living conditions and wider amenity of neighbouring residents. The increase in activity has caused excessive noise and disturbance which has harmed the reasonable living standards experienced within close proximity to the site. The proposal is therefore considered harmful the character of the area and the amenities of occupiers of surrounding residential development. This planning application has, therefore, been assessed as contrary to policies SDP1 (i), SDP7 (v) and SDP16 (i) of the saved City of Southampton Local Plan (March 2006).

POLICY CONTEXT

City of Southampton Local Plan Review – (March 2006)

| | |
|-------|------------------------|
| SDP1 | Quality of Development |
| SDP7 | Urban Design Context |
| SDP16 | Noise |

09/01201/FUL - REFUSAL REASON - Impact on residential amenity

The use of the rear garage at 97 Regents Park Road as a commercial garage introduces a non-conforming use into a residential suburb that would harm the living conditions and wider amenity of neighbouring residents. This would occur and has occurred due to an increase in activity, excessive noise and disturbance, and the potential for additional air pollution. The proposal is therefore considered to harm the character of the area and the amenities of occupiers of surrounding residential development. This retrospective planning application has, therefore, been assessed as contrary to policies SDP1 (i), SDP7 (v) and SDP16 (i) of the City of Southampton Local Plan (March 2006).

Application No: 10/00581/FUL

Subject to the following conditions.

01.APPROVAL CONDITION - Time Limited (Temporary) Permission Condition

The use of the garage hereby permitted shall be discontinued on or before 12 months from the date of this consent.

Reason:

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

02.APPROVAL CONDITION Personal Consent (Performance Condition)

The development to which this consent relates shall only be undertaken by Mr Andrea and by no other person(s) unless otherwise agreed in writing by the Local Planning Authority.

Reason

In order to control the scale of the operation of the development and in order to reflect the extenuating circumstances for which planning permission is granted.

03.APPROVAL CONDITION - Scope and Restriction of use of other Classes

The use of the garage building shall be limited to the specific use (motor vehicle repairs) within the Town and Country Planning (Use Classes) Order 1987 (or any amendment to, replacement of, or reinstatement of that Order) Use Class B2 (General Industry) of Schedule 2 and for the purposes of clarity shall not be used for any Use Class B1 (Business) or B8 (Storage of Distribution) purpose or activity. No Body repairs work or paint spraying shall take place on the site.

Reason:

In the interests of the amenities of adjacent residential occupiers.

04.APPROVAL CONDITION - Hours of Operation. [Performance Condition]

The garage to which this permission relates shall only be use in connection with vehicular repairs between the hours of 09.30 and 15.30 Monday to Thursday, unless otherwise agreed in writing by the Local Planning Authority.

REASON

To protect the amenities of those members of the public who live close to the facility.

05.APPROVAL CONDITION, loading / unloading [Performance Condition]

The front curtilage of the dwelling house to which this application relates shall at no time be used for the parking and or storage of any vehicles associated with the commercial use of the garage structure hereby approved.

Reason

In the interests of highway safety and residential amenity.

06.APPROVAL CONDITION - Restricted use of garden area

The garden area serving the main dwelling shall remain in residential use ancillary to the dwelling and shall not be used in connection with the commercial use of the garage

hereby permitted, including for any storage purposes, unless otherwise agreed in writing by the Local Planning authority.

Reason:

In order to protect the privacy of adjoining occupiers

07.APPROVAL CONDITION - Noise Report - [Pre Occupation Condition]

Unless otherwise agreed in writing with the Local Planning Authority the hereby approved temporary consent shall be operated in accordance with the mitigation measures proposed by the 'Noise Impact Assessment' by KR Associates v1.1 dated 14th January 2011 for 97 Regents Park Road as supported by the Environmental Health Team (Pollution and Safety). The details/mitigation measures recommended in the approved 'Noise Impact Assessment' report shall be retained thereafter during the hereby approved operation of the site unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

08.APPROVAL CONDITION, Keep doors closed - [Performance Condition].

All work to vehicles associated with this permission shall be carried out within the confines of the garage and whilst work associated with this permission is being undertaken all doors to the garage must remain closed.

REASON:

To limit the noise breakout from the workshop.

09.APPROVAL CONDITION - Approved Plans

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

Reason:

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

Reason for Granting Permission

The development is acceptable for a temporary, personal consent, subject to the imposition of conditions, taking into account the small scale nature of the activity and the requirement for further mitigation works to be undertaken prior to consent be issued. Full regard has been had to the policies and proposals of the Development Plan as set out below. Other material considerations including surrounding character and amenity, in particular the potential for noise and odour disturbance to be caused, 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, SDP4, SDP7, SDP15, SDP16 and SDP21 of the City of Southampton Local Plan Review (March 2006); and PPS1 Delivering Sustainable Development, PPS23 Planning and Pollution Control and PPG24 Planning and Noise).

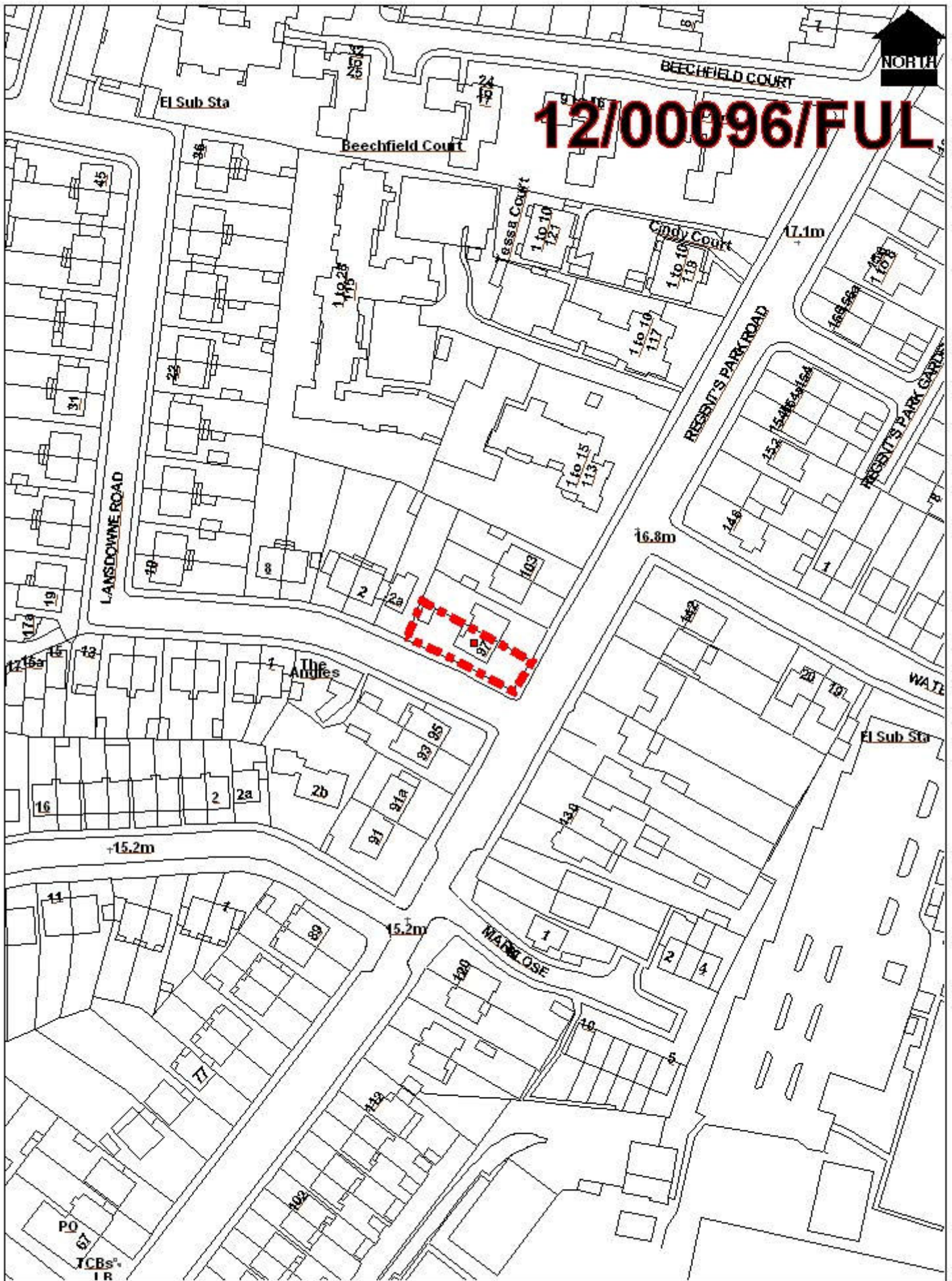
Note to Applicant

1. Temporary Consent.

The applicant is reminded that the consent hereby approved is for a temporary period only and accordingly should the applicant wish to continue to operate the use of the garage for commercial purposes following one year of this consent a subsequent planning application, or permanent consent, shall need to be applied for. It is suggested that such an application is submitted at least two months before the expiration of the hereby approve permission in order to ensure lawful continuation of the commercial activity.

Planning permission might be needed for the installation of subsequently required ventilation equipment.

The applicant should note that should ventilation equipment be required as a consequence of the planning conditions imposed in order to reduce the breakout of noise from the premises a planning application may be required and therefore it is advised that such proposals are discussed with the Local Planning Authority prior to the installation of any such equipment.



Scale : 1:1250

Date : 17 May 2012

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Agenda Item 18

**Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 29 May 2012
Planning Application Report of the Planning and Development Manager**

| | | | |
|--|-----------------------------|-----------------------------|---|
| Application address: 28 -30 Alma Road SO14 6UP | | | |
| Proposed development: Re-development of the site, demolition of existing buildings and erection of a two-storey building with accommodation in roof, containing ten flats with associated car parking, refuse and cycle store (outline application seeking approval for access, appearance, layout and scale). | | | |
| Application number | 12/00339/OUT | Application type | OUT |
| Case officer | Mathew Pidgeon | Public speaking time | 15 minutes |
| Last date for determination: | 17.05.2012 | Ward | Bevois Valley |
| Reason for Panel Referral: | Major scheme with objection | Ward Councillors | Cllr Burke Cllr Rayment Cllr Barnes-Andrews |

| | |
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| Applicant: Mr K Mohmed | Agent: Concept Design & Planning LLP - Mr Rob Wiles |
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| | |
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| Recommendation Summary | Delegate to Planning and Development Manager to grant outline planning permission subject to criteria listed in report |
|-------------------------------|---|

Reason for Granting Outline 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 impact on the character of the street scene, car parking, the number and layout of units, the amenity and privacy of adjacent occupiers and the residential environment created 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, SDP7, SDP9, SDP13 and H7 of the City of Southampton Local Plan Review (March 2006).

Policies- CS4, CS5, CS13, CS16, CS19 and CS20 of the Core Strategy 2010.

| | |
|--------------------------|---------------------------|
| Appendix attached | |
| 1 | Development Plan Policies |
| 2 | Relevant Planning History |

Recommendation in Full

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

- i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of

Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);

- ii. A financial contribution towards strategic transport projects for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
- iii. Financial contributions towards the relevant elements of public open space required by the development in line with policies CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
Amenity Open Space (“open space”)
Playing Field;
- iv. 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.
- vi. A financial contribution towards public realm improvements in accordance with the adopted SPG relating to Planning Obligations (August 2005 as amended).

In the event that the legal agreement is not completed by 31st July 2012 the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

1. The site and its context

- 1.1 The site is located on the north western side of Alma Road, within the centre of the road. The residential street is characterised by late Victorian two storey dwelling houses.
- 1.2 The semi-detached pair of dwellings have direct external access to the rear of the property. To the rear there are reasonable sized amenity areas. The pair of properties has previously been extended at single storey level. Front gardens have been paved over to provide parking.

2. Proposal

- 2.1 The application seeks permission to demolish the original two storey pair of semi detached dwelling houses and replace them with a single building containing ten flats (2 x 3 bed and 4 x 1 bed and 4 x studio flats). Only landscaping has been left as a Reserved Matter.
- 2.2 The footprint of the building will alter. However, overall it will not exceed the existing footprint.
- 2.3 The proposed new build will have a slightly increased ridge height which will allow the 4 studio flats to be located within the roof space.
- 2.4 In design terms, the proposed dwelling mimics the character and features of the existing semi detached pair and their neighbouring properties. Traditional design features have been incorporated including recessed entrances, bay windows and a hipped roof.

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 National Planning Policy Framework came into force on 27 March 2012. Having regard to paragraph 214 of the National Planning Policy Framework the policies and saved policies set out in **Appendix 1** which have been adopted since 2004 retain their full material weight for decision making purposes.
- 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 There is no planning permission relating to the single storey rear extensions there are however building control records that indicate that the extensions were built in 1994.
- 4.2 **09/00124/FUL** - Redevelopment of the site by the demolition of the existing dwellings (with the exception of the single-storey rear extensions) and erection of 2 x two-storey, six-bed, semi-detached dwellings with rooms in the roof and associated car - Refused
- 4.3 **09/00410/FUL** - Redevelopment of the site by the demolition of the existing dwellings (with the exception of the single-storey rear extensions) and erection of 2 x two-storey, six-bed, semi-detached dwellings with rooms in the roof and associated car parking (resubmission). Refused
- 4.4 **09/00588/FUL** - Redevelopment of the site by the demolition of the existing dwellings (with the exception of the single-storey rear extensions) and erection of 2 x two-storey, six-bed, semi-detached dwellings with rooms in the roof and associated car parking, with the provision of a single storey detached store to the rear to serve 30 and 32 Alma Road (resubmission and variation to 09/00410/FUL). Refused
- 4.5 **10/00511/OUT** - Redevelopment of site of 6 flats. Erection of a 2.5 storey building comprising (2x2 bed flat and 4x3 bed flat) with associated parking and cycle storage following demolition of existing building (outline application). Conditionally Approved.
- 4.6 **11/01646/OUT** - Redevelopment of site to provide 5 flats. Erection of a 2.5 storey building comprising (2 x 1-bed, 2x bedsit and 1x3-bed flats) with associated parking and cycle/refuse storage, following the demolition of existing building. (Outline application seeking approval for access, appearance , layout and scale.) Refused.
- 4.7 Please refer to **Appendix 2** for the reasons for refusal used in determining the above applications.

5.0 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (enter date) and erecting a

site notice (enter date). At the time of writing the report 2 representations have been received, one from a local residents' group and one from a nearby resident.

- Insufficient off road car parking.
- Inappropriate and insufficient outside amenity space for the number of residents.
- Design of building is out of character.
- Overdevelopment of the site.
- Loss of family housing.
- Increased occupancy placing pressure on local services.
- Loss of front boundary walls.
- Poor refuse storage provision.
- Cycle store is not large enough.

5.2 **Environmental Health, Pollution and Safety** - No objection subject to conditions.

Environment Agency - No objection.

5.2 **SCC Highways** - Alma Road is subject to parking pressures. A parking survey is required to determine whether or not the proposal will create a harmful impact on the public highway.

6.0 **Planning Consideration Key Issues**

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

- i. The principle of development,
- ii. The impact on character of the local area and street scene,
- iii. The impact on the amenity of the surrounding area,
- iv. The adequacy of the living environment for the residents; and
- iv. Whether previous refusal reasons have been overcome.

6.2 **Principle of Development**

6.2.1 The principle of redeveloping the site which involves the loss of two family dwelling houses and erection of a block which has ten flats split between two halves of the building is not objectionable in principle.

6.2.2 The proposal also involves the formation of two three bedroom units which both have direct access to their own private amenity space and as such the scheme would not result in the net loss of 'family dwelling units'. The amenity space provided for the two family units is sufficient in scale and is fit for its intended purpose.

6.3 **The impact on character of the local area and street scene**

6.3.1 In design terms, the proposed dwelling mimics the character and features of the existing semi detached pair and neighbouring properties. The ridge height of the proposed building is slightly higher than the existing. The building would also be slightly wider than existing; the projection of the building into the site would however be less than the existing houses.

6.3.2 The properties within Alma Road are not all uniform in character and/or design. There is a change in height along the road and properties have been extended to the rear. Yet dwellings are similar by way of having many common features.

- 6.3.4 The scale and mass of the building is considered acceptable given its context within the wider street scene.
- 6.3.5 In terms of the detail of the design, at ground and first floor level the size and proportion of windows respect those of the surroundings and improve upon the situation which exists at present on the site. Front facing bay windows add architectural interest to the front elevation and dormer windows in the roof would break up the roof form in a similar fashion to surrounding roofs which have a combination of chimneys, dormer windows and parapet walls.
- 6.3.6 The dormer windows are set well into the plane of the roof and are significantly smaller than the main windows in the building and therefore do not dominate or give the impression that the building is top heavy.
- 6.3.7 The building maintains an active frontage.

6.4 Impact on the amenity of the surrounding area.

- 6.4.1 At present there are habitable room windows within the side elevation which face habitable room windows of the neighbouring property. This is not an ideal situation and at present is made worse by the fact that all boundary treatments between neighbouring properties have been removed (due to being in the same ownership). With appropriate boundary treatment the overlooking/privacy issue at ground floor level can be overcome.
- 6.4.2 At first floor level there are habitable room windows proposed to be added to a side are secondary windows serving kitchen/living rooms and therefore can be obscurely glazed to prevent harm to neighbouring privacy.
- 6.4.3 The building respects neighbouring outlook.
- 6.4.4 The applicant has been asked to provide a parking survey and it is hoped that the results will be able to reported to Panel members on the day of the Planning and Rights of Way Meeting.

6.5 The adequacy of the living environment for the residents

- 6.5.1 The shared amenity space proposed is considered large enough to be both high quality and fit for purpose. Southampton Common would provide mobile occupants with a larger space to use for amenity purposes.
- 6.5.2 The dwelling is located close to Portswood District Centre and therefore is close to community facilities including retail services.
- 6.5.3 Adequate refuse and cycle storage facilities can be provided on site.

6.6 Whether previous refusal reasons have been overcome

- 6.6.1 All previous reasons for refusal are not applicable to the scheme put forward for determination.

7.0 Summary

- 7.1 The proposals are compliant with relevant policies of the development plan.

8.0 Conclusion

- 8.1 The development is acceptable taking into account the development plan and relevant guidance. Accordingly the scheme is recommended for approval subject to relevant planning 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), 1(b), 1(d), 4(f), 6(c), 10(a), 10(b)

MP3 for 29/05/12 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, of the site is approved subject to the following:

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

The landscaping of the site specifying both the hard surface treatments to be used on external areas and the planting to be undertaken within the soft landscape areas to include a detailed landscaping scheme and implementation timetable, which clearly indicates the numbers, planting densities, types, planting size and species of trees and shrubs to be planted, and treatment of hard surfaced areas.

- (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 & samples of building materials to be used [Pre-Commencement Condition]

No development works shall be carried out unless and until a detailed schedule of materials and finishes including samples (if required by the LPA) to be used for external walls, windows, doors and the roof of the proposed buildings has been submitted to and approved in writing by the Local Planning Authority. Details shall include all new glazing, panel tints, drainage goods, and the ground surface treatments formed. Development shall be implemented only in accordance with the agreed detail.

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 Cycle Storage Facilities [Pre-Occupation Condition]

The approved cycle storage facilities shall be constructed in accordance with the approved plans prior to the first occupation of any of the hereby approved flats. Such facilities as approved shall be permanently retained for that purpose.

REASON:

To encourage cycling as an alternative form of transport.

04. APPROVAL CONDITION, Refuse & Recycling [Pre-Occupation Condition]

The hereby approved refuse storage facilities shall be constructed in accordance with the approved plans prior to the occupation of the hereby approved scheme. Such facilities as approved shall be permanently retained for that purpose.

REASON:

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

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

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 shall be submitted to and approved in writing by the Local Planning Authority before development commences on site. The development shall proceed in accordance with the agreed details

REASON

For the avoidance of doubt and in the interests of the amenities of nearby residents.

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

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

REASON:

In the interests of highway safety.

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

The windows in the side elevation of the hereby approved development [at first floor level] shall be glazed in obscure glass and shall only have a top light opening above a height of 1.7m above the floor level of the room to which it serves. The window as specified shall be installed before the development hereby permitted is first occupied and shall be permanently retained in that form.

REASON:

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

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

The approved landscaping scheme pursuant to the reserved matters application as required by condition 1 of this consent shall be implemented prior to first occupation of any

of the flats or within the first planting season following completion of development whichever is the sooner.

REASON:

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

09. APPROVAL CONDITION, Boundary fence [Pre-Occupation Condition]

Before 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.

REASON:

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

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

The dwelling(s) shall achieve a Code Level 4 in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.

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).

11. APPROVAL CONDITION, Renewable Energy - Micro-Renewables

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

REASON:

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

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

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

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

And at no time on Sundays and recognised public holidays.

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

REASON:

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

Note to Applicant

1. 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 Street, James Hous, 39A Southgate street, Winchester, SO23 9EH (tel 01962 858688), or www.southernwater.co.uk.

2. Due to the nature of the residential units hereby approved if any of the units are proposed to be occupied by three or more unrelated individuals you are advised to check with the Local Planning Authority to see whether or not the proposal would require a change of use from C3 to C4 use.

POLICY CONTEXT

Core Strategy - (January 2010)

CS4 (Housing Delivery)
CS5 (Housing Density)
CS13 (Fundamentals of Design)
CS16 (Housing Mix and Type)
CS19 (Car and Cycle parking)
CS20 (Tackling and Adapting to Climate Change)

City of Southampton Local Plan Review – (March 2006)

SDP1 (Quality of Development)
SDP4 (Development access)
SDP5 (Parking)
SDP7 (Context)
SDP9 (Scale, Massing and Appearance)
SDP13 (Resource Conservation)
H7 (Residential Environment)

Supplementary Planning Guidance

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

Relevant Planning History

09/00124/FUL - Redevelopment of the site by the demolition of the existing dwellings (with the exception of the single-storey rear extensions) and erection of 2 x two-storey, six-bed, semi-detached dwellings with rooms in the roof and associated car parking - REF

REFUSAL REASON: Excessive Parking and Poor Site Layout

Notwithstanding the existing site layout and parking arrangements the proposed scheme makes provision for 4 parking spaces on site, with potential for more taking access from the existing driveway along the side of 30 Alma Road. The proposal therefore makes an over-provision in on-site car parking that will discourage alternative modes to the private car in an area of "high" accessibility to local services and public transport alternatives, and results in a poor residential layout with a car dominated site frontage and a loss of amenity to prospective residents as vehicles manoeuvre onto and from the site (particularly from headlight glare in the evening). Furthermore, as proposed, the refuse storage has been poorly integrated into the development and has been sited outside of a dedicated store adjacent to the window of the proposed sun lounge without an area identified on the site frontage for the presentation on refuse collection days. As such the application is not considered to assist in reducing the need to travel and will not result in design led improvements to the site frontage, the wider streetscene or the residential amenity of prospective residents. The application has been assessed by the Local Planning Authority as contrary to policies SDP1, SDP5 (and Appendix 1), SDP7, SDP9 and H7 of the adopted City of Southampton Local Plan Review (2006) as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006)

Note to Applicant

Plan ref: 09/1501/P03 incorrectly shows a side dormer window on the front elevation

09/00410/FUL - Redevelopment of the site by the demolition of the existing dwellings (with the exception of the single-storey rear extensions) and erection of 2 x two-storey, six-bed, semi-detached dwellings with rooms in the roof and associated car parking (resubmission)

REFUSAL REASON - Insufficient plans

The submitted plans are not a true representation of existing development on the site. The submitted plans indicate the provision of garden space in the location where unauthorised works are currently being undertaken at the rear of the premises. On the basis of the contradictory information the local planning authority is unable to fully assess the impact that the accumulation of development on this site may have on future occupants, including the ability to provide adequate private amenity space for occupiers of the house as proposed to be extended, or the amenities of occupiers of neighbouring dwellings contrary to policies SDP1, SDP7, SDP9 and H7 of the City of Southampton Local Plan Review (March 2006).

09/00588/FUL - Redevelopment of the site by the demolition of the existing dwellings (with the exception of the single-storey rear extensions) and erection of 2 x two-storey, six-bed, semi-detached dwellings with rooms in the roof and associated car parking, with the

provision of a single storey detached store to the rear to serve 30 and 32 Alma Road (resubmission and variation to 09/00410/FUL).

Refusal Reason - over development

The proposed single storey detached store to the rear of the 30 and 32 Alma Road by reason of its siting height, scale and footprint creates a cramped and overdeveloped layout of the site which results in insufficient amenity provision for occupants of 30 and 32 Alma Road and would appear over dominant when viewed from the rear dwelling and curtilage of 45 – 53 Livingstone Road. The proposal is therefore contrary to the provisions of policies SDP1, SDP7, SDP9 and H7 of the City of Southampton Local Plan Review (March 2006) and the relevant provisions of the Residential Design Guide (September 2006).

Note to applicant:-

Please be advised that an enforcement action to remove the rear store will be forthcoming.

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Agenda Item 19

**Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 29 May 2012
Planning Application Report of the Planning and Development Manager**

| | | | |
|---|-----------------|-----------------------------|--|
| Application address: 34 Albany Road SO15 3EG | | | |
| Proposed development: Erection of a part 2-storey, part single storey building to create 2 flats (comprising 1x3-bed and 1x2-bed) with associated parking and cycle/refuse storage, following demolition of existing building (resubmission of 11/00896/FUL) | | | |
| Application number | 12/00338/FUL | Application type | FUL |
| Case officer | Bryony Stala | Public speaking time | 5 minutes |
| Last date for determination: | 26.04.2012 | Ward | Freemantle |
| Reason for Panel Referral: | Member referral | Ward Councillors | Cllr Moulton Cllr Parnell Cllr Shields |

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| Applicant: Mr G Rana | Agent: Concept Design & Planning |
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| Recommendation Summary | Conditionally approve |
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Reason for granting Permission

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

Policies - SDP1, SDP5, SDP7, SDP9, H2, of the City of Southampton Local Plan Review (March 2006) and CS5, CS13, CS16, CS19 and CS20 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

| | | | |
|--------------------------|---------------------------|--|--|
| Appendix attached | | | |
| 1 | Development Plan Policies | | |
| | | | |

Recommendation in Full

Conditionally approve

1. The site and its context

- 1.1 The application site is formed of a detached two storey dwelling house located on the south eastern side of Albany Road. It is the last house on this side of the road.

- 1.2 To the west, the site is bounded by a car parking area which serves the residents of 36-50 Albany Road (a purpose built elderly persons block). Albany Road is a cul-de-sac formed of detached and semi-detached housing. The properties vary in design but all appear to have been built in the late 1800's/early 1900's and are similar in proportion and scale.
- 1.3 The surrounding area is predominately residential with some community uses interspersed throughout. The Freemantle Arms pub is situated part way along the Albany Road.
- 1.4 To the rear of the site is a parking area which is shared with residents of 29 and 37 Nelson Road and 28 and 32 Albany Road. The application site does not have a gate leading onto this shared parking area and the applicant only has rights of access for maintenance over this land and as such can not use it for parking.

2. Proposal

- 2.1 The application seeks full planning consent for a two storey building with single storey rear addition to accommodate two dwellings 1 x 3 bed and 1 x 2 bed.
- 2.2 The property has been designed to appear as a detached dwelling house of similar height and proportion to the neighbouring property. A main entrance for one dwelling is retained to the frontage with a second access on the side (south east) elevation. To the rear, the building drops to single storey height for a depth of 6.8m.
- 2.3 There is no parking provided on site.
- 2.4 The proposed scheme revises a similar scheme recently considered and refused by the local planning authority and dismissed at appeal. The main revisions to the scheme can be summarised as follows
- The design and position of the building has been revised to reflect the existing design and build line of neighbouring properties.
 - The width of the building has been reduced by 1m and the depth by 4.5m.
 - There is a reduction in the number of units proposed from 3 to 2. A three bed unit with direct access to the garden is provided.
 - Off road parking has been removed.
 - Private gardens are provided with separate cycle and refuse storage.

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 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 National Planning Policy Framework came into force on 27 March 2012. Having regard to paragraph 214 of the National Planning Policy Framework dated 27 March 2012 the policies and saved policies set out in **Appendix 1** which have been adopted since 2004 retain their full material weight for decision making purposes.

4.0 Relevant Planning History

- 4.1 11/00896/FUL - Erection of a part 2-storey, part single storey building to create 3 flats (comprising 2x2-bed and 1x1-bed) with associated parking and cycle/refuse storage, following demolition of existing building. Refused. 01.09.2011.

Reasons for refusal

1. Loss of a family dwelling

The proposed development would result in the loss of a family sized dwelling. The retained residential accommodation provided does not meet the specification of a family home as set out in Policy CS16 of the Local Development Framework Core Strategy (January 2010) by failing to provide an appropriate number of bedrooms. As such, the proposal does not contribute an appropriate mix of housing type contrary to Policy CS16 of the adopted Local Development Framework Core Strategy (January 2010).

2. Over development

The proposed building by reason of its design, footprint, and depth would be out of character with and result in an erosion of the spatial characteristics and established pattern of development within Albany Road. Furthermore, the proposal failure to meet the 45 degree code represents a disproportionately large building that would appear overbearing and over dominant when viewed from the dwelling and curtilage of neighbouring dwellings eroding the existing sense of space as enjoyed within those gardens. This would be contrary to Policies SDP1 (I (with particular regard to paragraphs, 2.2.1 and 2.2.11 of the Residential Design Guide [September 2006] SDP7 (ii) (iv), SDP 9 (i) (v) and H2 (iii) of the City of Southampton Local Plan Review (March 2006) and Cs13 of the City of Southampton Core Strategy (January 2010).

3. Poor residential environment

The Local Planning Authority is not satisfied that appropriate and satisfactory living conditions would be created for the proposed flats. This is by reason of ground floor habitable room windows being located in close proximity to the boundary fencing and car parking spaces which results in poor outlook, limited light and loss of amenity as vehicles manoeuvre onto and from the site (particularly from headlight glare in the evening). It is judged that such an arrangement is symptomatic of over development and results in an over intensive form of development with insufficient light and outlook to habitable rooms which leads to an unacceptably poor residential environment for future occupants of the site contrary to the principle of saved Policy SDP1 (i) of the City of Southampton Local Plan review (March 2006) and Policies CS13 and CS16 of the adopted Core Strategy as supported by paragraph 2.2.1 of the Residential Design Guide.

Dismissed at appeal 30th January 2012.

5.0 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners and erecting a site notice 05.04.2012. At the time of writing the report 7 representations have been received from surrounding residents. Planning related concerns are as follows:

- The revised proposal has not addressed parking issues relating to the site. The proposed development will exacerbate existing parking issues within Albany Road. The road is narrow and heavily parked resulting in emergency services and refuse collectors being unable to access the mid to end section of the road.
- A lack of parking does not comply with the new Southampton City Council Parking Standards Policy.
- Private residents' parking for flats 36 – 50 Albany Road is often used for parking by other residents.
- Concern that residents will try and park to the rear of Nelson Road and that construction vehicles will enter the site from this car park.
- There is not a lot of difference between the proposed and previously refused plans.
- Concern regarding demolition and construction, in particular vehicles entering and existing the site and the maintenance of access to neighbouring dwellings during construction works.
- Impact of construction vehicles on the road surface.
- Objection to the conversion of a single occupancy dwelling/site to multiple occupancy dwellings and question the need for such accommodation in a predominately single occupancy (family) residential area.

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

5.3 **SCC Sustainability** - The front page of a pre-assessment estimator for the Code for Sustainable Homes has been submitted, which shows that the development will meet Code Level 4. However, the full pre-assessment estimator has not been submitted so it is unclear how these conclusions have been reached. However, if the case officer is minded to approve the application conditions are recommended to secure the sustainable measures proposed.

5.4 **Southern Water** – A formal application for connection to the public sewer is required. An informative to this effect should be attached to any consent.

6.0 **Planning Consideration Key Issues**

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

- Overcoming the previous reasons for refusal
- Principle of development
- Character and appearance
- Highway safety and parking

6.2 **Principle of Development**

6.2.1 The principle of redeveloping the site to improve and provide additional residential accommodation is accepted subject to the proposal being policy compliant.

6.2.2 At appeal the Inspector supported the local planning authority's view that the previous proposal resulted in the loss of a family home and was thus contrary to policy CS16 of the adopted Core Strategy as it failed to contribute an appropriate mix of houses types as required.

6.2.3 The revised proposal provides a three bedroom family unit which has direct access to a private and usable garden area. This addresses the first reason for

refusal of application 11/00896/FUL and complies with policy CS16.

6.2.3 The site is located just outside a high accessibility area of the city which is predominately characterised by dwelling houses occupied by families, with a proportion of mixed/shared accommodation. The proposal to provide 1 x 3 bed and 1 x 2 bed unit on site is considered to respond to the mix of accommodation within the immediate area and make an appropriate provision for smaller family accommodation within the city.

6.2.3 The density of the development is 89 dwellings per hectare which accords with policy CS5 of the adopted Core Strategy which advocates that developments within such an area of accessibility should accord with 50 – 100 dph.

6.3 Character and appearance

6.3.1 In order to address the Inspector's findings in relation to character and appearance the bulk, scale and massing of the building has been reduced with the two storey rear projection having been removed and the overall depth of the building reduced by 4.5m.

6.3.2 The proposal respects the established build line of property on the south eastern side of Albany Road and its design and proportions are in keeping with the typical form of dwelling in the road.

6.3.3 The two storey depth of the existing building has been increased by 2m, however, the proposal complies with the 45 degree code and will not adversely affect outlook from neighbouring property 32 Albany Road. A continued projection of 6.8m at single storey level and an overall depth of 17m creates a footprint of build that is greater than neighbouring properties (typically 11m/12m). However, the single storey element of the build is to be set away from the boundary with 32 Albany Road and the siting of a private car park on the opposite side of the site ensures that the depth of build will not have an adverse impact on the residential amenity of neighbouring properties.

6.3.4 The reduction in the overall size of the building reduces the number of units to 2, which allows a more appropriate residential environment to be created for future occupants. Habitable room windows are concentrated to the front and rear of the site, with one bedroom window at first floor level on the side elevation.

6.3.5 Appropriate outlook and light is therefore afforded to all habitable rooms. In addition, the reduction in the number of units on site allows for private amenity space of 35m² and 50 m² being provided in accordance with amenity standards set out in section 2 of the Residential Design Guide.

6.3.6 Each dwelling will be able to accommodate the storage of its own refuse and cycles.

6.4 Highway Safety & Parking

6.4.1 The previous application proposed two parking spaces to the front of the property. Due to the limited depth of the site's frontage this would have resulted in cars overhanging the public highway which was considered detrimental to pedestrian safety. In addition, the proximity of the parking spaces to a ground floor habitable

room window would have results in headlight glare which would have created a poor residential environment. These issues were supported at appeal.

- 6.4.2 In order to address these issues the parking spaces have been removed and the proposal is now a car free scheme.
- 6.4.3 The parking issues identified by local residents are understood; however, in terms of the council's adopted maximum parking standards (as set out in the recently adopted parking standards SPD) there are no grounds to refuse the application on the insufficient provision of car parking.
- 6.4.4 The existing site does not currently benefit from on site parking and it is not considered that the vehicular trips generated from one additional unit will be harmful to the public highway and/or highway safety.
- 6.4.5 A local resident has raised concern regarding the proposals failure to comply with Parking SPD; Table 2; Conditions E and F. It should be noted that this table should only be applied when the applicant/developer is intended to use on-street parking as part of the site's parking provision.
- 6.4.6 The application has been put forward as a car free scheme and as such compliance with table 2 of the SPD is not required.
- 6.4.7 The applicant has no rights of access over the land at the rear of the site for parking and as such, parking provision cannot be made within the rear garden.
- 6.4.8 Whilst it is recognised that it would be preferable for parking provision to be made on site, in light of existing policy it would not be reasonable to refuse this application on the basis of no parking.

7.0 Summary

- 7.1 The principle of the redevelopment of the site for additional housing is accepted. The proposal adequately addresses the issues raised by the Inspector in the appeal decision of the 30 January 2012 and complies with policies listed in Appendix 1 of this report.

8.0 Conclusion

- 8.1 It is recommended that planning permission is granted subject to the imposition of the recommended 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), 8(a), 8(j), 9(a) and 9(b).

BS for 29.05.2012 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 & samples of building materials to be used [Pre-Commencement Condition]

No development works shall be carried out unless and until a detailed schedule of materials and finishes including samples (if required by the LPA) to be used for external walls, windows, doors and the roof of the proposed buildings has been submitted to and approved in writing by the Local Planning Authority. Details shall include all new glazing, panel tints, stained weatherboarding, drainage goods, and the ground surface treatments formed. Development shall be implemented only in accordance with the agreed details.

Reason:

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

03. APPROVAL CONDITION - Boundary fence [Pre-Commencement Condition]

Prior to the commencement of the development hereby approved, details of the design and specifications of the boundary treatment of the site (including detail of the height and materials for the refuse collection point) 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 approved dwellings

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

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 shall be submitted to and approved in writing by the Local Planning Authority before development commences on site. The development shall proceed in accordance with the agreed details

Reason:

For the avoidance of doubt, in the interests of the amenities of nearby residents and to avoid undue congestion on the site and consequent obstruction to the access in the interests of road safety.

05. 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 4 of the Code for Sustainable Homes in

the form of a design stage assessment, 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).

06. 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 4 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).

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 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 dwelling units.

REASON:

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

08. Approval Condition - Cycle and refuse storage (Pre-occupation condition)

They cycle and refuse storage as shown on drawing C12/027.04 must be made available prior to the first occupation of the dwellings hereby approved and thereafter retained for that purpose at all times.

Reason

To encourage cycling as an alternative form of transport and prevent storage of refuse bins on the highway in the interests of residential amenity.

09. 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.

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

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

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

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

And at no time on Sundays and recognised public holidays.

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

Reason:

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

11. APPROVAL CONDITION - 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.

Notes to Applicant

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

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

POLICY CONTEXT

Core Strategy - (January 2010)

| | |
|------|---|
| CS5 | Housing Density |
| CS13 | Fundamentals of Design |
| CS16 | Housing Mix and Type |
| CS19 | Car & Cycle Parking |
| CS20 | Tackling and Adapting to Climate Change |

City of Southampton Local Plan Review – (March 2006)

| | |
|------|-----------------------------|
| SDP1 | Quality of Development |
| SDP5 | Parking |
| SDP7 | Urban Design Context |
| SDP9 | Scale, Massing & Appearance |
| H2 | Previously Developed Land |

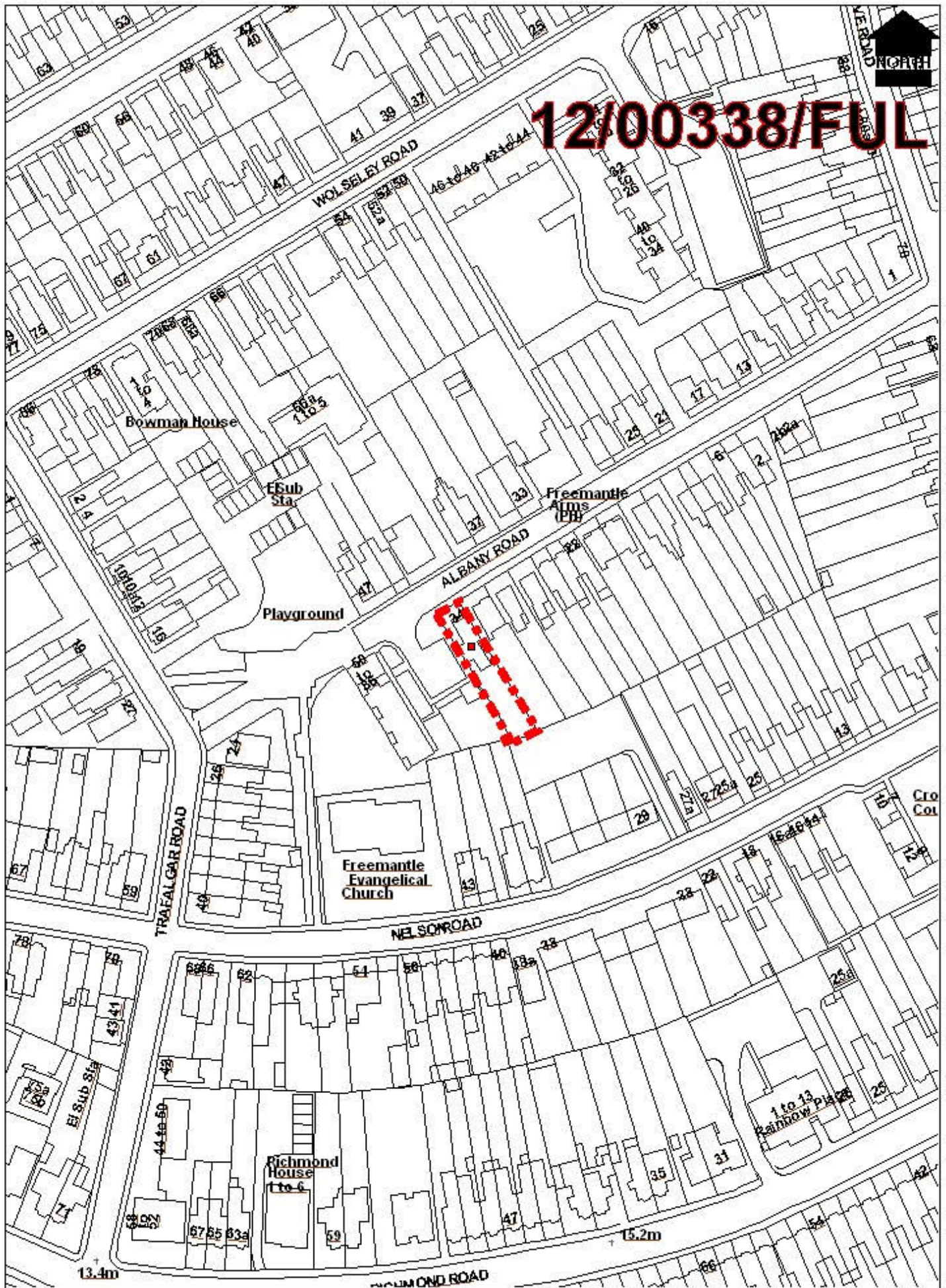
Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Parking SPD (September 2011)

National Planning Policy Framework



12/00338/FUL



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Date : 17 May 2012

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Agenda Item 20

**Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 29 May 2012
Planning Application Report of the Planning and Development Manager**

| | | | |
|--|--|-----------------------------|---|
| Application address: Land At Inkerman Road / Johns Road | | | |
| Proposed development: Redevelopment to provide 11 houses (7 x 3-bedroom, 4 x 2-bedroom) with associated car parking and access involving diversion of an existing public right of way (outline application seeking approval for Access, Layout and Scale). | | | |
| Application number | 12/00039/R3OL | Application type | Deemed Outline |
| Case officer | Anna Lee | Public speaking time | 15 minutes |
| Last date for determination: | 13.03.2012 | Ward | Woolston |
| Reason for Panel Referral: | Major planning application on Council Land | Ward Councillors | Cllr Williams Cllr Cunio Cllr Payne |

| | |
|--|------------------------------|
| Applicant: Southampton City Council | Agent: Capita Symonds |
|--|------------------------------|

| | |
|-------------------------------|--|
| Recommendation Summary | Delegate to Planning and Development Manager to grant deemed outline planning permission subject to criteria listed in report |
|-------------------------------|--|

Reason for granting Deemed Outline 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 existing site allocation for a Library use and neighbouring residential properties. 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 deemed outline planning permission should therefore be granted.

Policies - CS3, CS4, CS5, CS13, CS15, CS16, CS18, CS19, CS20, CS21, CS22 and CS25 of the City of Southampton Local Plan Review (March 2006) and Policies SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP16, SDP17, SDP22, NE4, HE6, CLT3, CLT5, CLT6, H1, H2, H3, H7 and MSA15 of the Local Development Framework Core Strategy Development Plan Document (January 2010) as supported by the adopted Residential Design Guide (2006).

| | |
|--------------------------|---------------------------|
| Appendix attached | |
| 1 | Development Plan Policies |

Recommendation in Full

Delegate to Planning and Development Manager to grant deemed outline planning permission subject to :-

1. The completion of an undertaking by The Head of Property Service under S.106 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 and play 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 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.
- vi. Removal of the future occupier's entitlement to a Resident's Parking Permit.

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.

And also subject to-

2. The Panel authorising the closure of the footpath across the site.

3. 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 currently two areas separated by a public right of way across the site. The section of the site nearest John's Road is allocated as part of Woolston's district centre secured under Policy MSA 15 in the 'saved' policies in the Local Plan for Woolston Library. The second part nearest the play space is not allocated and is laid out with grass but the site is secured by fencing. The whole site is vacant and has been for some time.
- 1.2 As no library is proposed within this scheme the proposal is a departure from the Local Plan 'saved' policies and if approved will need to be referred to the Secretary of State to ascertain whether they would call it in.
- 1.3 The site has a number of trees which are protected via a Tree Preservation Order (TPO)(The Southampton (Northwest Woolston) TPO 1976). As such, the location of the trees has been an influence in the design and layout of the site.
- 1.4 To the north and north-west of the site are commercial properties fronting Portsmouth Road as well as residential properties. To the south and east of the site the properties are mainly residential, bar a children's play area adjacent to the site. The properties are two-storey in character and differ in style and design due to their differing ages. The houses opposite were constructed in the 1990's and the cottages in John's Road are mid to late 19th century.

2. Proposal

- 2.1 The scheme put forward seeks to provide 11 dwelling units and 11 car parking spaces. Seven of the units proposed are 3 beds and four are 2 bed units. The overall site density is 50 dwellings per hectare in an area that requires 50 to 100 dwellings per hectare.
- 2.2 Permission is sought in an outline form with the access, layout and scale being identified for consideration. Appearance and landscaping are reserved from this application.
- 2.3 The development addresses both John's Road and Inkerman Road with a mews type of development fronting Inkerman Road similar to the layout of the housing further up Inkerman Road. Each property has their own car parking space and will be two-storey in height. The application site lies within an area of high accessibility for public transport.

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 National Planning Policy Framework came into force on 27 March 2012. Having regard to paragraph 214 of the National Planning Policy Framework dated 27 March 2012 the policies and saved policies set out in **Appendix 1** which have been adopted since 2004 retain their full material weight for decision making purposes.

4.0 Relevant Planning History

- 4.1 04/01433/FUL - Siting and use of 8 no. ISO shipping containers to be used as artist studios. REF - 24.12.2004
- 4.2 11/00414/PREAP1- To establish possible redevelopment potential of council waste land for alternative uses. Closed.
- 4.3 11/00966/PREAP1- Re-development of the site to provide 13 houses. (7 x 3 bedroom and 6 x 2 bedroom) with associated works and diversion of a public footpath. Closed.

5.0 Consultation Responses and Notification Representations

- 5.1 Following the receipt of amended plans a publicity exercise in line with department procedures was also undertaken which included notifying adjoining

and nearby landowners, placing a press advertisement 15.03.2012 and displaying a site notice 08.03.2012. At the time of writing the report 3 representations have been received from residents and a request from the Ward Councillor for the item to be heard at committee have been received raising the following concerns:

5.2 ***There is concern over the scale/ height of the buildings in relation to neighbouring properties***

5.3 **Response**

The proposed height of the new dwellings is nine metres which is higher than the properties along Inkerman Road and John's Road by approximately 1.5m. However, the properties are set back within the site from between 1 and 2 metres and it is a stand alone site which means the increase in height would not be detrimental to either the street scene or over shadow the neighbouring properties.

5.4 ***Concern regarding access, parking and transport problems that will arise from the increase in dwellings. In particular, with respect to the existing resident parking permit bays.***

5.5 **Response**

SCC Highways have considered the concerns raised by residents and do not consider the proposed development to be detrimental to highway safety. Conditions are requested to provide sufficient sight lines to improve highway safety. The proposal does not result in a loss of on street parking bays and occupiers will not be entitlement to resident parking permits.

5.6 ***The proposal will have an adverse impact on the Ecology and Wildlife on site.***

5.7 **Response**

See planning considerations below.

5.8 ***Concern over anti-social behaviour***

5.9 **Response**

Hampshire constabulary have been notified of this application and no objection has been received on these grounds

5.10 ***Concern with respect to loss to loss of privacy and light received to the properties along John's Road.***

Response

The front to front distance will be 14m between properties, the Council does not have privacy distance standard for this relationship as the front elevation of a property is in the public domain and overlooking could occur when standing on the street. Due to the distance and orientation there is unlikely to be a harmful loss of light to the properties in John's Road.

5.11 **Consultee Comments**

SCC Highways – No objection subject to recommended conditions.

5.12 **SCC Housing** – An affordable housing requirement of 2 houses is required. The provision will made on site and is subject to further discussion to finalise the mix and tenure of the 2 units to be provided.

5.13 **SCC Sustainability Team** – No objection to principle subject to recommended conditions.

5.14 **SCC Planning Policy** – No objection.

5.15 **SCC Trees Team** – No objection subject to recommended conditions.

5.16 **SCC Environmental Health (Contaminated Land)** – No objection subject to recommended conditions.

5.17 **SCC Ecology** – No objection subject to recommended conditions.

5.18 **SCC Trees** - No objection subject to recommended conditions.

- 5.19 **Rights of Way Officer** – No objection but the footpath would need to be diverted under section 257 of the Town & Country Planning Act 1990; the relevant Order Plan to be drafted by the Rights of Way Section.
- 5.20 **Southern Water** – No objection subject to the informative being added.

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/ site allocation
- Scale and layout
- Access and car parking
- Trees, ecology, landscaping and sustainability

6.2 Principle of Development

6.2.1 The principle of development is acceptable as the site has been vacant for some time and part of the site is not allocated for a library. Evidence has been provided and supported by the Council's Policy team that a library is no longer required in that location and therefore there is no reason for the land to be secured under Policy MSA 15. Therefore, if the policy is no longer relevant the proposal should be assessed against other relevant policies set out in the Local Plan and the Core Strategy. It should be noted that under decision references 08/00389/OUT and 11/01923/REM planning permission has been granted for a new library as part of Phase II of the Centenary Quay proposals. It is anticipated that works to implement phase II will shortly commence.

6.2.2 The proposal provides a range of accommodation types and would therefore contribute to the creation of a mixed and balanced community. The proposal is therefore considered to accord with the provisions of policy CS16 of the Core Strategy as the proposal provides family housing. In addition, the principle of making more efficient use of previously developed land to provide residential development is acceptable.

6.2.3 The site lies within an area of High Accessibility for public transport and the Core Strategy supports residential development of between 50 and 100 dwellings per hectare within such locations. The proposed density range of 50 dwellings per hectare is within this range and therefore compliant with policy.

6.2.4 The surrounding area is predominantly residential and characterised by two storey dwelling houses. The most appropriate use of this previously developed site is considered to be residential housing, of a similar scale and type as that within the immediate area.

6.3 Scale & Layout

6.3.1 The proposed development would make efficient use of previously developed land whilst retaining its spacious and verdant character. This is achieved largely through the plot sizes proposed, the separation of the proposed buildings from the site boundaries and the retention of the mature screening to the northern boundary of the site. The provision of car parking spaces in front of some of the dwellings and for some units in a central area ensures the development would not appear to be dominated by hard standing when viewed from public vantage points.

- 6.3.2 As stated the proposed ridge heights are higher than adjacent neighbouring properties but the indicated 2 storey heights are considered to be appropriate given the separation distance of buildings from boundaries, the distance from neighbouring properties and the levelness of the site. The development is broken up into five blocks; one block of three dwellings and four blocks of semi-detached dwellings.
- 6.3.3 The block fronting John's Road has been amended to address the corner with Inkerman Road in order to provide an active front on this corner. Car parking is provided to the side of the units for the three dwellings. Along Inkerman Road two blocks of two houses are proposed to the back of the pavement with car parking to the side of the properties. In line with the existing layout of properties further up Inkerman Road four of the units are set out in a mews style development set in a horse shoe with car parking to the front of the properties to minimise the impact on the TPO trees.
- 6.3.4 In terms of residential amenities for potential occupiers an appropriate provision of useable garden space has been set out for each dwelling. Each dwelling will be able to accommodate the storage of its own refuse and cycles.
- 6.4 Access & Car parking
- 6.4.1 Parking provision is provided in accordance with the adopted Parking Standards SPD. One car parking space is proposed for the two bed units which is the maximum required in this area of high accessibility. In terms of the three bed units the maximum required is two spaces. However, in this location a ratio of one for one is deemed acceptable to Highway officers. No overspill will occur into the adjacent roads as parking permits are required and the occupiers will not be eligible for these.
- 6.4.2 The general layout is accepted subject to conditions seeking to provide sufficient sight lines for all the spaces fronting the road and the widening of the access into the car parking area for houses 6-9 and the spaces for units 10 and 11 must be served from the car parking area and not reverse onto Inkerman Road .
- 6.5 Trees
- 6.5.1 The site contains a large number of mature trees, most notably to its northern boundary with Portsmouth Road. Thirteen of the trees on site are covered by TPO's and a tree survey has been carried out. The Southampton (Northwest Woolston) TPO 1976 covers this site; however the silver birch and sycamore are no longer there. Within this site there are a couple of trees, mainly self-seeded sycamores which are multi-stemmed and have various structural defects. Therefore these trees are not worthy of protection and their loss to development could be mitigated with the planting of replacement trees.
- 6.5.2 Adjacent to this site on the northern boundary there is a row of 6 sycamores which are worthy of retention and their root protection areas would impact on a development scheme. There is no objection to the development of this site, providing the adjacent group of sycamores are retained and safeguarded and a landscaping scheme with replacement trees shown for the trees that have been lost.

6.5.3 Southampton City Council Trees Team is satisfied that development works can take place without harming the root protection areas of the retained trees. However, safeguarding and protection measures for the trees will be secured by way of condition.

6.6 Landscaping, Ecology and sustainability

6.6.1 Landscaping is to be a reserved matter. However, provision has been made within the layout of the site for 2 for 1 tree replacement.

6.6.2 With regards to ecology, the vegetation around the site provides good connectivity with surrounding areas allowing foraging activity to occur in nearby gardens as well as on the site itself. As such, officers will need to be satisfied that landscaping measures will include locally native species upon dealing with the reserved matters.

6.6.3 The development has been designed to meet Level 4 of the Code for Sustainable Homes which is welcomed.

7. Summary

7.1 The principle of redevelopment of this site for housing is accepted. Sufficient evidence has been provided to state that a library is no longer needed/required in this location. The scheme has been designed around the site restrictions in terms of the TPOs of site. It also provides family housing and affordable units and is acceptable in parking and highways terms. The impact on neighbouring dwellings has been mitigated through the layout and proposed scale of dwellings. An appropriate residential environment to conform with at least minimum standards can be achieved.

8. Conclusion

It is recommended that planning permission is granted subject to a Section 106 agreement, reserved matters 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), 8(a), 8(j), 9(a) and 9(b).

ARL for 29/05/2012 PROW Panel

PLANNING CONDITIONS

CONDITIONS for 12/00039/R3OL

01. APPROVAL CONDITION - Outline Permission Timing Condition

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

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

a) The appearance and architectural design specifying the external materials to be used (RESERVED MATTER);

b) Landscaping of the site specifying a planting plan (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), hard and soft treatments, all means of enclosure to be formed within the site and to site boundaries surface treatments for parking layout, pedestrian access, surface areas and property frontages and ancillary objects (refuse bins, external lighting, lighting columns etc) (RESERVED MATTER);

(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 - Reserved Matters Timing Conditions

The development hereby permitted for the Reserved Matters Permission comprising the layout, means of access, appearance and design, scale, massing and bulk and landscaping shall begin not later than five years from the date of this decision or two years from the date of the final approval of the last reserved matters relating to the Outline Permission (the following Reserved Matters are still outstanding - landscaping to the site - and will need to be submitted and approved by the Local Planning Authority).

Reason:

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

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

Pedestrian two metre by two metres forward visibility sight lines (measured from the back edge of the footpath) shall be provided for each parking space before the use of any dwelling hereby approved commences, and notwithstanding the provisions of the Town and Country Planning General Development Order 1988 no fences walls or other means of enclosure including hedges shrubs or other vertical structures shall be erected above a height of 600mm above carriageway level within the sight line splays. In addition the car parking spaces for units 10 and 11 shall be assessed via the shared parking area unless agreed otherwise in writing by the Local Planning Authority.

Reason:

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

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

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

Class A (enlargement of a dwelling house), including a garage or extensions,
Class B (roof alteration),
Class C (other alteration to the roof),
Class D (porch),
Class E (curtilage structures), including a garage, shed, greenhouse, etc.,
Class F (hard surface area)

Reason:

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

05. Approval Condition - Refuse and Recycling Bin Storage (Pre-commencement conditions)

Details of the location, type and appearance of the facilities to be provided for the storage and removal of refuse and recycling from each dwelling shall be submitted to and approved in writing by the Local Planning Authority before the building is first occupied. The facilities shall include accommodation for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained thereafter.

Reason

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

06. Approval Condition Cycle storage (Pre-commencement Condition)

Notwithstanding the information already submitted no development shall commence until plans and elevational details of the secure, covered cycle storage for the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be provided prior to the first occupation of the dwellings hereby approved and thereafter retained for that purpose at all times.

Reason

To ensure an appropriate provision of cycle storage is made for future occupants of the site in accordance with saved policy SDP5 of the adopted Local Plan.

07. 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 4 of the Code for Sustainable Homes in the form of a design stage assessment, 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).

08. 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 4 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).

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

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

REASON:

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

10. APPROVAL CONDITION - Temporary parking area for construction vehicles (Pre-Commencement Condition)

No construction or building work shall be carried out on the site unless and until there is available within the site, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority, provision for the temporary parking of vehicles and the loading and unloading of vehicles associated with the building and other operations on the site throughout the period of work required to implement the development hereby permitted. Temporary parking and/or storage of materials or any other item associated with the development works must not take place on the adjacent common land at any time.

Reason:

In the interests of road safety and in order to protect the appearance and biodiversity value of the adjacent common land.

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

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 shall be submitted to and approved in writing by the Local Planning Authority before development commences on site. There shall be no provision for such storage on adjacent common land. The development shall proceed in accordance with the agreed details

Reason:

For the avoidance of doubt and in the interests of the amenities of nearby residents.

12. APPROVAL CONDITION - Lighting [Pre-Commencement Condition]

A written lighting scheme including light scatter diagram with relevant contours shall be submitted to and approved in writing by the Local Planning Authority prior to implementation of the lighting scheme. The scheme must demonstrate compliance with table 1 "Obtrusive Light Limitations for Exterior Lighting Installations", by the Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light 2005. The installation must be maintained in accordance with the agreed written scheme.

Reason:

To ensure the development does not adversely affect foraging bats and other habitats within the site.

13. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

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

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

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

Reason:

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

14. APPROVAL CONDITION - 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.

15. 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.

16. APPROVAL CONDITION - replacement trees [Performance Condition]

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

Reason:

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

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

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

duration of the demolition and development works on site. The Method Statement will include the following:

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

Reason

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

18. 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.

19. 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.

20. APPROVAL CONDITION - Approved Plans

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

Reason:

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

Note to Applicant

1. The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel 01962 858688) or www.southernwater.co.uk

POLICY CONTEXT

Core Strategy - (January 2010)

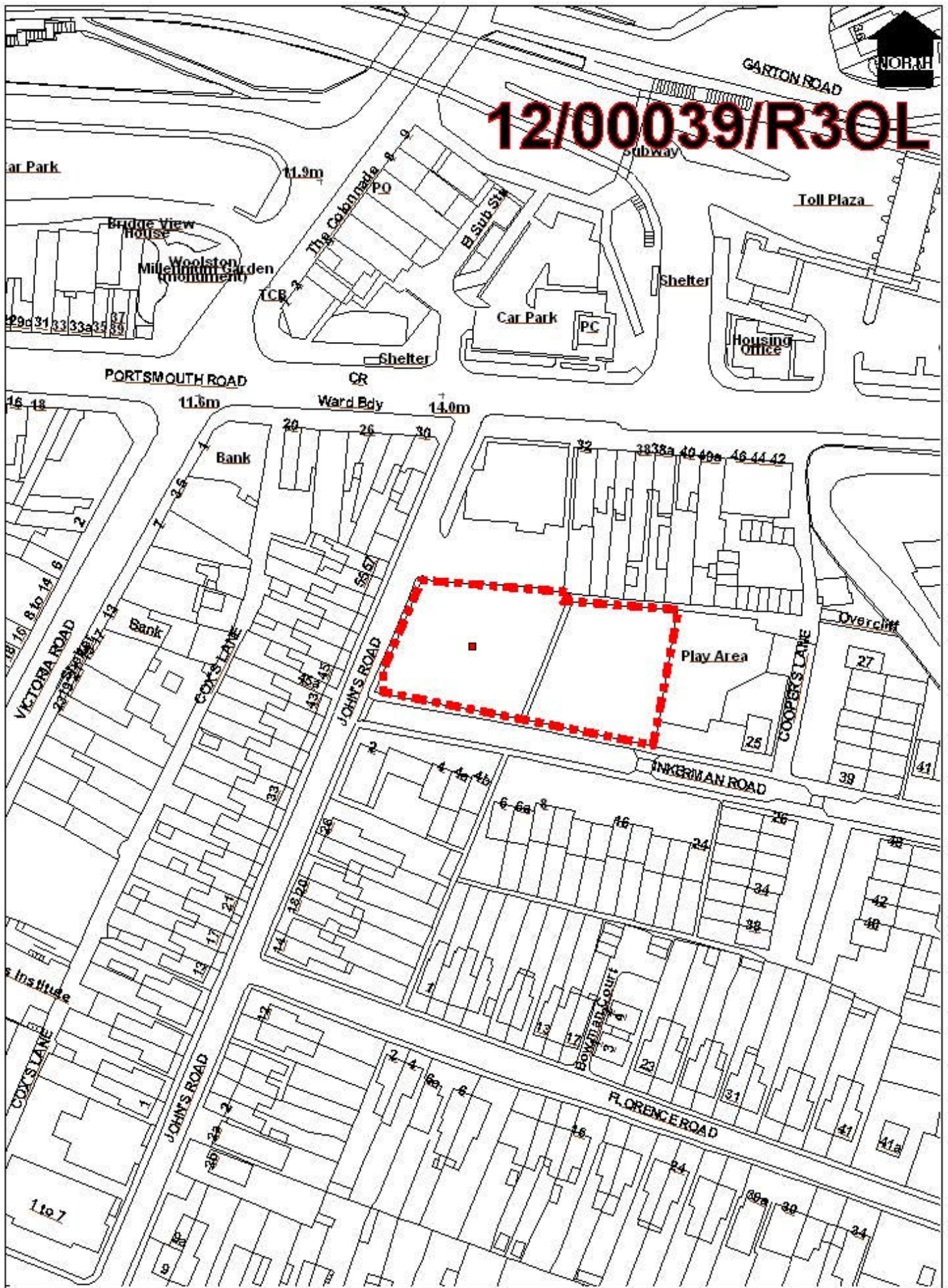
| | |
|------|---|
| CS3 | Town, district and local centres, community hubs and community facilities |
| CS4 | Housing Delivery |
| CS5 | Housing Density |
| CS13 | Fundamentals of Design |
| CS15 | Affordable Housing |
| CS16 | Housing Mix and Type |
| CS18 | Transport: Reduce-Manage-Invest |
| CS19 | Car & Cycle Parking |
| CS20 | Tackling and Adapting to Climate Change |
| CS21 | Protecting and Enhancing Open Space |
| CS22 | Promoting Biodiversity and Protecting Habitats |
| 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 |
| REI5 | District Centres |
| MSA15 | Woolston Library |

Supplementary Planning Guidance

- Residential Design Guide (Approved - September 2006)
- Planning Obligations (Adopted - August 2005 and amended November 2006)
- Parking Supplementary Planning Document (2011)
- National Planning Policy Framework – 27th March 2012.



12/00039/R30L

Scale : 1:1250

Date : 17 May 2012

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Agenda Item 21

**Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 29 May 2012
Planning Application Report of the Planning and Development Manager**

| | | | |
|--|---|-----------------------------|---|
| Application address: Pembroke Court, 62-70 Westwood Road | | | |
| Proposed development: Redevelopment of the site, demolition of the existing building and erection of a four-storey building to provide a 72 bedroom Residential Care Home with associated access, parking and landscaping. | | | |
| Application number | 11/02025/FUL | Application type | FUL |
| Case officer | Richard Plume | Public speaking time | 15 minutes |
| Last date for determination: | 03.04.2012 | Ward | Bevois |
| Reason for Panel Referral: | Major development with neighbour objections | Ward Councillors | Cllr Barnes-Andrews Cllr Burke Cllr Rayment |

| | |
|--------------------------|---------------------------------|
| Applicant: Anchor | Agent: Vail Williams Llp |
|--------------------------|---------------------------------|

| | |
|-------------------------------|---|
| Recommendation Summary | Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report |
|-------------------------------|---|

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The Council has particularly considered the design of the building, the impact on the amenities of neighbours and the car parking arrangements and found these matters to be satisfactory in the context of the existing building on the site. 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, SDP 13 and H7 of the City of Southampton Local Plan Review (March 2006) and Policies CS6, CS13, CS19, CS20, CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

| | | | |
|--------------------------|---------------------------|--|--|
| Appendix attached | | | |
| 1 | Development Plan Policies | | |

Recommendation in Full

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 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. 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.
- 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.

In the event that the legal agreement is not completed within two months of the Panel date 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 remove, vary or add conditions as necessary.

1. The site and its context

- 1.1 The application site, an area of approximately 0.4 hectares, is situated on the south-east side of Westwood Road and comprises a vacant 4-storey block of sheltered housing flats. There is an existing vehicular access to Westwood Road with a hardsurfaced car parking area to the front and gardens to the rear. There are a number of trees along the front and rear boundaries which are protected by The Southampton (Westwood Road - Winn Road) Tree Preservation Order 1972.
- 1.2 The surroundings are mainly residential in character with predominantly blocks of flats on the Westwood Road frontage. The property immediately adjoining to the west is a 3-storey block of flats; immediately to the east is a large detached house at 72 Westwood Road; 3 and 4-storey blocks of flats are on the opposite side of Westwood Road; detached houses adjoin to the rear in Gordon Avenue.

2. Proposal

- 2.1 The application proposes to demolish the existing building and replace it with a 4-storey, 72 bedroom care home for older people. The proposed building would be L-shaped with the main elevation to Westwood Road. The building would have a central area on each floor to accommodate communal facilities including a salon, spa, library, cafe and reception area with the care home bedrooms in two wings on either side. 40 members of staff would be employed at the site.
- 2.2 The height of the proposed building would be 13 metres to the main flat roofed area and 16 metres to the highest point of the pitched roofs to the projecting bay features. The existing building has a flat roof and is 11 metres in height, with the staircase enclosures rising to 14 metres. The proposed materials will be predominantly buff brickwork with some detailed areas of render, powder coated aluminium framed doors and windows, a 'green roof' but with solar panels to part of the pitched roof bay window features.
- 2.3 Vehicular access will be provided to Westwood Road with separate access and egress points to allow a one-way system at the front of the building and a drop off area to the main entrance. 9 car parking spaces will be provided in this frontage area. A comprehensive landscaped area is proposed at the rear of the building with formal and informal areas including a sensory garden, growing area, formal

lawn and landscaped walkway.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). Having regard to paragraph 214 of the National Planning Policy Framework dated 27 March 2012 the policies and saved policies set out in **Appendix 1** which have been adopted since 2004 retain their full material weight for decision making purposes.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with the City Council’s adopted and emerging policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.

4. Relevant Planning History

- 4.1 The existing building dates from the 1970's. There is no directly relevant subsequent planning history.

5. Consultation Responses and Notification Representations

- 5.1 Before the application was submitted the applicant organised a pre-application consultation event and presented the scheme to the local residents association. Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (19.01.2012) and erecting a site notice (19.01.2012). At the time of writing the report 2 representations have been received from surrounding residents objecting on the following grounds:

- Although the proposed building is acceptable, the 9 car parking spaces are totally inadequate. The site is large enough to accommodate more parking, perhaps by reducing the size of the landscaped garden. The requirements of visitors, doctors, staff, deliveries etc must be the main consideration.
- On street parking is not an option, there is a bus stop outside the property which may lead to car parking blocking the access to adjoining properties.

The application has been the subject of design revisions and neighbours have been reconsulted. Any additional comments will be reported verbally to the meeting.

- 5.2 **SCC Highways** - No objections, the level of car parking is reasonable for this location and the one-way access system will allow for reasonable visibility for cars emerging from the site.
- 5.3 **SCC City Design Team** – There were concerns with the application as originally submitted that the building was not appropriate to the context. The amended design meets some of these concerns. The detailed comments are as follows:
- the bays are still dominant forms in this scheme however the proposed use of brick rather than render will reduce the visual impact of them in the streetscene;

- tying the bays down to the ground by extending the brick work to create an arched feature also reduces the visual mass of these;
- the rendered elements to the fourth floor now stand out, drawing attention to the plainer fenestration to service rooms, and would be less visually intrusive if these were in brick as well;
- the use of a symmetrical gable to the bays is also much less visually intrusive than the asymmetrical ones previously proposed;
- the above changes are more respectful of the existing characteristics of development in the street than the previous proposals, however the bays are still a very dominant repeating form on the street elevation, in particular the large expanse of fenestration and the deep cut outs to form balconies under the gables, although more typical of some of the more recent developments on Westwood Road, would typify a wharfside development at a watersedge and with a good view, and not a development in suburbia;
- the existing trees along the north boundary will help to reduce the visual impact of such a large development, additional tree planting along this boundary should also be undertaken;
- it is not clear how the gable verge will be detailed (it would appear that bricks are to be used which I don't think would be practical or appropriate), nor how the eaves detail to the western most gable will be detailed. Both of these details should be conditioned for approval.

5.4 **SCC Sustainability Team** – The pre-assessment estimator shows that the building has been designed to meet a minimum BREEAM 'Very Good', with potential to achieve 'Excellent'. The plan also shows solar panels and a green roof and this is welcome, particularly given the benefits that green roofs can provide including optimising the performance of the panels by creating a more stable local temperature. The BREEAM assessment shows a minimum reduction in CO2 savings in category Ene 01 of 7 credits / 0.59 on the energy performance ratio for new buildings which is equivalent to approximately 30% improvement on building regulations target emission rates. It is proposed that a combination of technologies is used, including a 31kWp photovoltaic array, 2No. 30Kw air source heat pumps and a 12.5Kw mini CHP. There are no objections subject to conditions being imposed.

5.5 **SCC Trees Team** – Trees on this site are protected by The Southampton (Westwood Road - Winn Road) TPO 1972. The proposed building is shown located in a similar position to the existing and will have little impact on any significant trees. I am in general agreement with the arboricultural information provided. The proposed tree loss will have little affect on the street scene and can be mitigated through the replacement planting as part of a landscape scheme. The only reasonable tree (No. 9) shown to be removed is a Maple in the north west corner being removed for car parking. There may be opportunity to retain this individual or replace with a semi-mature specimen. I would raise no objections to this scheme subject to the Arboricultural details for tree protection and Method Statement by WYG Environmental Arboricultural Report dated 18/12/2011 forming part of any conditions

5.6 **SCC Environmental Health (Pollution & Safety)** - No objections subject to conditions being imposed covering construction method arrangements, noise from plant and extract ventilation operation.

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. Therefore, to ensure compliance with Annex 2 of PPS23 and policies SDP1 and SDP22 of the City of Southampton Local Plan Review (adopted version, March 2006) this department would recommend that the site be assessed for land contamination risks or assume that land contamination exists and take a precautionary approach. To facilitate this conditions should be attached.

- 5.8 **SCC Archaeology** – The site is not located in an area defined as having high archaeological importance and there are no known archaeological sites and findspots in the immediate vicinity of the application site. Consequently, there are no objections to the application and no conditions are required.
- 5.9 **BAA** – There are no aerodrome safeguarding objections to the proposal provided that a condition is imposed covering a Bird Hazard Management Plan.
- 5.10 **City of Southampton Society** – No objections to the proposal.
- 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 development
- Design issues
- Transport and car parking
- Sustainability and environmental considerations

6.2 **Principle of Development**

The application site is not allocated for development in the Local Plan, nor is it safeguarded for its existing use, a specialist form of residential accommodation. The existing building has been vacant for several years, it is not a building of any particular design value and its current condition is an eyesore in the street scene. The redevelopment of the site is therefore to be welcomed, replacing one form of specialist accommodation for older people with a different form of provision. The applicant is an experienced provider of such facilities and there is evidence of increasing demand for this type of care home provision. There is no apparent shortage of sheltered housing accommodation in the city and therefore no objection in principle to this form of development.

6.3 **Design Issues**

In design terms, Westwood Road is a mixed area with differing plot sizes and building types. There are few remaining original houses and much more recent flatted development. The application site is quite a large plot, has already been redeveloped from its original condition and can take quite a large scale building of

this type. The form and height of the proposed building is not significantly different from that which already exists on the site. The design approach is influenced by the need for large areas of glazing to provide light, airy rooms for residents who are likely to spend a large amount of time within their rooms and an attempt to give a contemporary rather than institutional feel to the building. This is a worthy aim but it does result in large scale bay window features which perhaps do not sit particularly well within this suburban context. However, amendments have been made to the design in response to the concerns of officers and this has resulted in an improved appearance. On balance, it is considered that the design is acceptable given the very mixed 'architectural language' of Westwood Road. An important part of the design approach is the extensive landscaped rear garden which would be good quality and of great benefit for the future residents, their visitors as well as those neighbours who overlook the site. The size of the building has also been influenced by the wish to provide generous room sizes and extensive communal living facilities which is welcomed.

6.4 In terms of the impact on neighbours, the scale of the proposal is quite similar to the existing building and the footprint extends no further to the rear than at present. The contemporary design approach with larger areas of glazing will mean the outlook of neighbours will be significantly different but not detrimentally affected. One of the amendments to the design has resulted in splayed windows to the south-west elevation to reduce potential overlooking of the adjoining block of flats.

6.5 Transport

The proposed use is likely to result in greater traffic generation with more servicing and visitor movements than a conventional residential use. The proposed access arrangements would allow for convenient drop-off facilities on the forecourt to the building. The existing bus stop will be retained and the one-way entrance/exit will allow for reasonable visibility arrangements. The application site is just within the area of high public transport accessibility around Portswood Centre. The new car parking standards allow for one car parking space per 10 bedrooms which would mean a maximum of 8 parking spaces. Consequently the car parking arrangements are acceptable. It would not be practical to increase the level of car parking without significantly reducing the amenity value of the landscaped garden.

6.6 Sustainability

The application is accompanied by a comprehensive feasibility study for the emission of low and zero carbon emission technologies which demonstrates that the development will meet the policy requirement of BREEAM 'Very Good' which is the standard for applications submitted before the beginning of 2012. The building incorporates a green roof and extensive areas of solar panels which is welcomed. The majority of the existing protected trees on the site will be retained, there will be some loss of trees on the Westwood Road frontage but the Council's Trees Officer is satisfied that suitable replacements can be secured and the overall landscaped feel of the site can be enhanced.

7. Summary

7.1 The development would make improved use of a site which has been vacant for over 4 years. The proposed use would provide a specialist form of residential care for which there is a clear demand given the ageing population and additional

employment opportunities. The amended design is considered to be acceptable, neighbour amenities will be safeguarded and the car parking arrangements comply with the standards

8. Conclusion

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

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

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 4(g), 9(a), 10(b).

RP2 for 29/05/2012 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 - 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.

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 - Construction Environment Management Plan (Pre-Commencement Condition)

Prior to the commencement of any development a written construction environment management plan shall be submitted to and approved by the Local Planning Authority.

The plan shall contain method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary. The plan shall also include details of areas to be used for vehicle parking, storage of plant and materials and working areas. All specified measures shall be available and implemented during any processes for which those measures are required.

Reason:

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

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 scheme of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development.

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

Reason:

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

08. 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.

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 - Foul and Surface Water Drainage (Pre-Commencement Condition)

No development shall commence 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.

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

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

REASON

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

For information: The Bird Hazard Management Plan must ensure that flat/shallow pitched

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

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

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

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

Reason:

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

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

Prior to the first occupation of the development hereby granted consent, the approved sustainability measures (including green roof and proposed CO₂ saving measures as detailed in the application documents) 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).

14. 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.

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

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

REASON

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

16. 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.

17. APPROVAL CONDITION - Details of visitor cycle parking (Pre-Occupation Condition)

The development hereby approved shall not be first occupied until visitor cycle facilities have been provided in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

REASON

To ensure satisfactory provision of cycle facilities for visitors to the site.

18. 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.

19. APPROVAL CONDITION - Tree Protection and Arboricultural Method Statement [Performance Condition]

The construction works shall be carried out in accordance with the tree protection measures and arboricultural method statement within the WYG Arboricultural Report dated 18.12.2011 submitted as part of the application, unless otherwise agreed in writing by the Local Planning Authority.

Reason

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

20. APPROVAL CONDITION - Design Details (Pre-Commencement Condition)

No development shall commence until full details of the design of the gable verges and the eaves detail to the western most gable has been submitted to and approved in writing by the Local Planning Authority. The works shall subsequently be carried out in accordance with the approved details.

Reason

To ensure satisfactory treatment to these important parts of the building.

21. 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)

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

City of Southampton Local Plan Review – (March 2006)

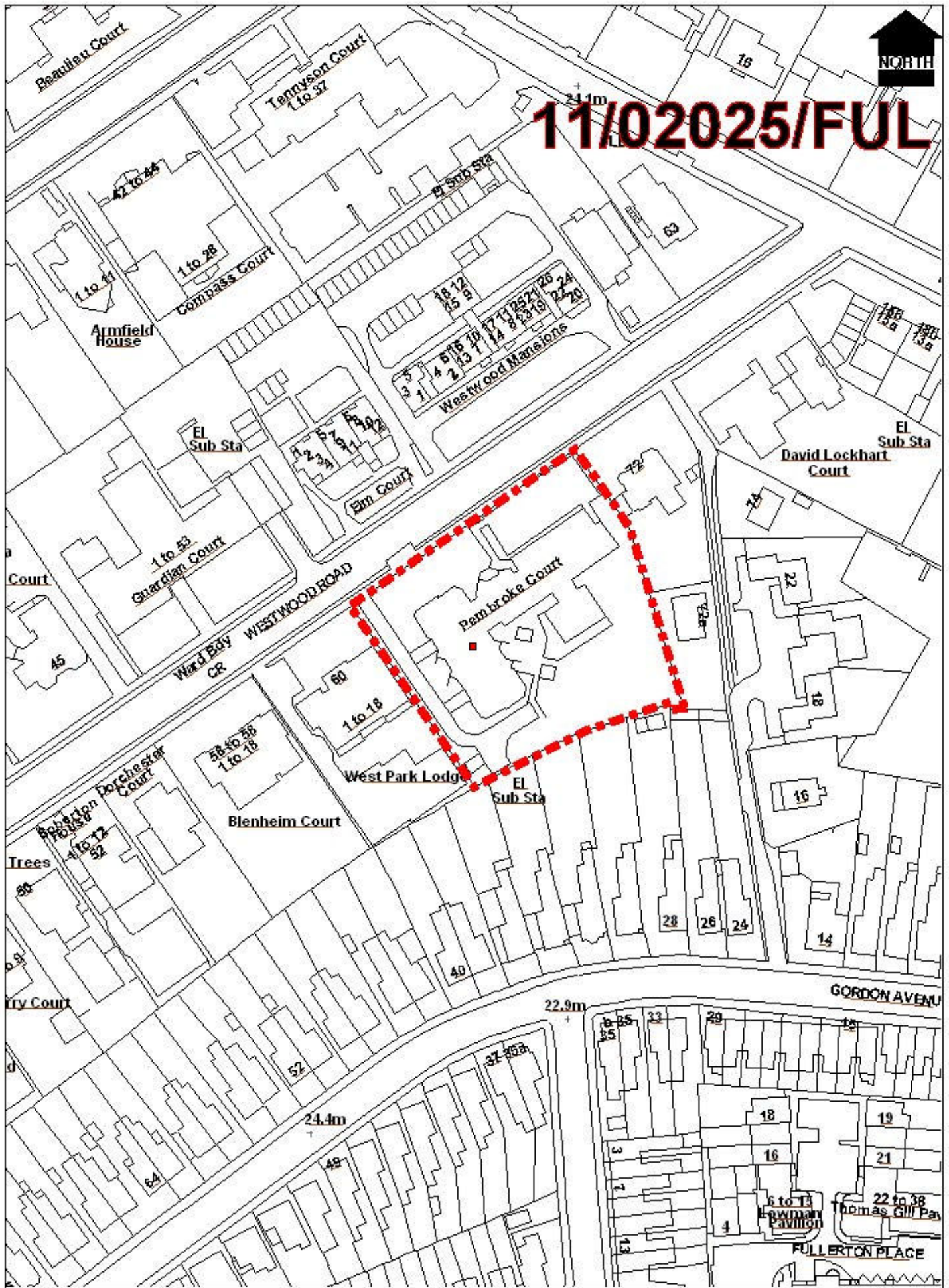
| | |
|-------|-----------------------------|
| SDP1 | Quality of Development |
| SDP4 | Development Access |
| SDP5 | Parking |
| SDP6 | Urban Design Principles |
| SDP7 | Urban Design Context |
| SDP8 | Urban Form and Public Space |
| SDP9 | Scale, Massing & Appearance |
| SDP10 | Safety & Security |
| SDP11 | Accessibility & Movement |
| SDP12 | Landscape & Biodiversity |
| SDP13 | Resource Conservation |
| SDP14 | Renewable Energy |
| SDP22 | Contaminated Land |
| NE4 | Protected Species |
| HE6 | Archaeological Remains |
| H7 | The Residential Environment |

Supplementary Planning Guidance

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

Other Relevant Guidance

National Planning Policy Framework (March 2012)



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Date : 17 May 2012

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