

# Planning and Rights of Way Panel

Tuesday, 20th November,  
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**

<b>2012</b>	<b>2013</b>
<b>29 May 2012</b>	<b>15 January 2013</b>
<b>26 June</b>	<b>19 February</b>
<b>24 July</b>	<b>26 March</b>
<b>21 August</b>	<b>23 April</b>
<b>18 September</b>	
<b>16 October</b>	
<b>20 November</b>	
<b>11 December</b>	

## CONDUCT OF MEETING

### **Terms of Reference**

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

### **Business to be discussed**

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

### **Rules of Procedure**

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

### **Quorum**

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

## **DISCLOSURE OF INTEREST**

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

### **DISCLOSABLE PERSONAL INTERESTS**

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

(i) Any employment, office, trade, profession or vocation carried on for profit or gain.

(ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

(iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

(iv) Any beneficial interest in land which is within the area of Southampton.

(v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

(vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.

(vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

- a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
- b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

## **Other Interests**

A Member must regard himself or herself as having a, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

## **Principles of Decision Making**

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

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

In exercising discretion, the decision maker must:

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



## AGENDA

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

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

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

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

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary 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 Democratic Support Officer.

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

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

To approve and sign as a correct record the Minutes of the meeting held on 16 October 2012 and to deal with any matters arising, attached.

## **CONSIDERATION OF PLANNING APPLICATIONS**

### **ITEM TO BE HEARD BETWEEN 9:30 AM TO 11.00 AM**

#### **5 30 ST ANNE'S ROAD, WOOLSTON /12/01411/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.

### **ITEM TO BE HEARD BETWEEN 11:00 AM TO 11:45 AM**

#### **6 84-88 MILLBROOK ROAD EAST / 12/00862/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.

**ITEM TO BE HEARD BETWEEN 11:45 AM TO 12:15 PM**

**7 72 WESTWOOD ROAD / 12/01286/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.

**ITEM TO BE HEARD BETWEEN 12:15 PM AND 12:45 PM**

**8 100-102 HIGH ROAD / 12/01217/OUT**

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

**ITEM TO BE HEARD BETWEEN 12.45 PM AND 1.30 PM**

**9 158-168A PORTSWOOD ROAD , SO17 2NJ / 12/01201/OUT**

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

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

**10 EAST STREET SHOPPING CENTRE AND ADJOINING LAND / 12/01355/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.

**ITEM TO BE HEARD BETWEEN 2:45 PM AND 3:15 PM**

**11 GRACECHURCH HOUSE, 25-35 CASTLE WAY /12/01171/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.

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

**12 7 GREENBANK CRESCENT / 12/01435/FUL**

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

**ITEM TO BE HEARD BETWEEN 3.45 PM AND 4.15 PM**

**13 7 GREENBANK CRESCENT / 12/01455/OUT**

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.

**MAIN AGENDA ITEMS**

**14 NAMING OF STREET A FORMER HENDY FORD SITE, 360-364 SHIRLEY ROAD**

Report of the Senior Manager: Planning, Sustainability and Transport seeking approval of the street name 'Selby Place' for the new housing development under construction on the former Hendy Ford site, Shirley Road, attached.

Monday, 12 November 2012

HEAD OF LEGAL, HR AND DEMOCRATIC  
SERVICES

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SOUTHAMPTON CITY COUNCIL  
PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 16 OCTOBER 2012

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Present: Councillors Mrs Blatchford (Chair), Claisse (Except Minute 66), Cunio, L Harris, Lloyd, Shields and Smith (Except Minute 69)

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

**RESOLVED** that the Minutes of the Meeting held on 18 September 2012 be approved and signed as a correct record.

65. **BLOCK C, ORIONS POINT, 78 ST MARYS ROAD /12/00922/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. (Copy of the report circulated with the agenda and appended to the signed minutes).

Change of use and reconfiguration of existing office building, conversion of the undercroft of Block C and erection of a new 16 storey building to provide additional student residential accommodation (comprising 12 studio and 67 cluster flats - 423 study bedrooms, in addition to the existing 431 study bedrooms) with on-site management and ground floor commercial uses (224 square metres A1 retail floorspace) with associated parking, other facilities and vehicular access retained from St Mary's Road.

Mr Waumsley (Agent), Mr Riley (Architect), Mr Nelson (Applicant), Mr Linecar (objecting) (Southampton Commons and Parks Protection Society), Mr Roath, Mr Sumra, Mr Chauderhy, Mr Durrani (objecting) (Charlotte Place Campaign Group), Ms Ghanouni (objecting) (Newton Residents Association), Mr Ditta, Mr Roath, Ms Arshad, Mr Beg, Mr Petter (objecting) (Local Residents) and Councillor Barnes-Andrews (objecting) (Ward Councillor also representing Ward Councillors Burke and Rayment) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that the words "Block C should be deleted from the address so that it should be 'Orions Point, 78 St Marys Road'. It was noted that further comments had been received from objectors.

The presenting officer reported three additional conditions should be added and that policy CS3 be added to the reasons for granting permission.

**RESOLVED**

- i) to delegate to the Planning and Development Manager to **grant** planning permission subject to the conditions listed in the report, the following amended condition and S106 Head of Term, additional conditions and additional reason for granting permission set out below;
- ii) that the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section

- 106 Legal Agreement, in the event that the legal agreement not be completed within two months of the Panel meeting; and
- iii) 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.

Amended Section 106 Head of Term:

- x. Provision of CCTV coverage and monitoring in line with Policy SDP10 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS13 and CS25.

Amended condition

**31. APPROVAL CONDITION – Television Reception (Pre-Commencement Condition)**

No development shall commence until a survey and report of the impact of the proposed development on television reception to adjoining properties has been submitted to and approved in writing by the Local Planning Authority. Any remedial measures recommended in this report shall be implemented in accordance with measures and timescale to be agreed by the Local Planning Authority.

REASON

To safeguard the amenities of neighbours.

Additional conditions

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

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

Reason:

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

**29. APPROVAL CONDITION – Acoustic works (Performance Condition)**

The development shall be carried out in accordance with the recommendations in paragraph 5.4 (internal noise levels) and table 3 of paragraph 6.3 (sound insulation between retail and residential) of the acoustic report P2557/R1/AJT by Acoustic Engineering Consultants Ltd dated 25 May 2012 unless otherwise agreed in writing by the Local Planning Authority.

Reason

To protect the amenities of future occupiers of the development.

**30. APPROVAL CONDITION – Mechanical Ventilation (Pre-Commencement Condition)**

The development shall not commence until a scheme of measures for mechanical ventilation to the residential accommodation hereby approved has been submitted to

and approved in writing by the Local Planning Authority. The approved measures shall be installed before first occupation of the new accommodation to which it relates and retained thereafter.

Reason

To protect the amenities of future occupiers of the development in view of the air quality characteristics of the area

**Additional Reason for granting permission**

CS3

RECORDED VOTE

FOR: Councillors Claisse, Harris, Smith

AGAINST Councillors Mrs Blatchford, Cunio

ABSTAINED: Councillors Lloyd, Shields

66. **19 ABBOTTS WAY, SO17 1NW /12/00131/FUL & 12/00132/CAC**

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

**12/00131/FUL** - Erection of a two-storey, 5 bed replacement dwelling house (**Class C3**) with associated parking and cycle / refuse storage, following demolition of existing house (submitted in conjunction with 12/00132/CAC).

**12/00132/CAC** - Conservation area consent sought for demolition of existing dwelling (submitted in conjunction with 12/00131/FUL)

Mr Mullins (Applicant), Mr Barnandez (Agent), Mr Duke, Ms Jamieson, Mr Chennels (objecting) (Local Residents), Councillors Claisse and Vinson (objecting) (Ward Councillors) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported the applicant had confirmed that the property was not intended to be used as an HMO and inserted the words (Class C3) in the description. It was noted that a bat mitigation survey had been received and as a result the officer recommendation had changed to "conditionally approve".

The presenting officer also reported amendments to two conditions and an additional condition.

**RESOLVED** to **grant** conditional planning permission and Conservation Area Consent subject to the conditions in the report and subject to the following amended and additional conditions:

Amended conditions

**3. 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 (including the front door and garage door) 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. The developments brick shall be of a Flemish bond as set out in the design and access statement. Development shall be implemented only in accordance with the agreed details unless otherwise agreed in writing with the local planning authority.

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.

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

Notwithstanding the submitted details before the commencement of any site works a revised and 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. The planting should be made in soil beds and not plant pots;
- iii. details of any proposed boundary treatment, including retaining walls if relevant; and
- iv. 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



Additional conditions

**8. 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 protect the amenities of the occupiers of existing nearby residential properties.

**9. APPROVAL CONDITION – No windows within catslide roof (Performance Condition)**

Notwithstanding condition 4 of this consent, and 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), there are to be no windows inserted within the catslide roof (meaning the eastern elevation of the roof) of the development other than those expressly authorised by this permission without prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the adjoining residential properties.

RECORDED VOTE **12/00131/FUL**

FOR: Councillors Mrs Blatchford, Cunio, Shields

AGAINST: Councillors Harris, Lloyd, Smith

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

RECORDED VOTE **12/00132/CAC**

FOR: Councillors Blatchford, Cunio, Lloyd, Shields

ABSTAINED: Councillors Harris, Smith

**NOTE:** Councillor Claisse declared an interest and withdrew from the meeting for the consideration of this item.

67. **2A UNIVERSITY ROAD SO17 1TJ /12/01092/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. (Copy of the report circulated with the agenda and appended to the signed minutes).

Internal Changes to Facilitate Change Of Use From C4 (House In Multiple Occupation) To 7 Bedroom, Sui Generis HMO (Resubmission 11/00346/FUL)

Ms Taylor (supporting) (Local Resident) and Councillor Vinson (objecting) (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an additional condition.

**RESOLVED** to **grant** conditional planning permission subject to the conditions in the report and the additional condition as set out below:

**06 APPROVAL CONDITION – Occupancy Limit – Performance Condition**

The premises shall not be occupied by more than 7 people.

Reason

In the interests of the amenities of nearby residents and the character of the area.

68. **18 THE PARKWAY SO16 3PQ /12/01011/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. (Copy of the report circulated with the agenda and appended to the signed minutes)

Change Of Use From A Dwelling House (Class C3) To A 6 - Bed House In Multiple Occupation (HMO, Class C4)

Mr Winfrey (Applicant), Mrs Wawman (objecting) (East Bassett Residents' Association), Mr Anderson (objecting) (Local Resident) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that in paragraph 2.1 of the report the words "or internal" should be deleted.

**RESOLVED** to **refuse** planning permission for the reasons set out below.

**Reasons for Refusal**

1. The proposed change of use by reason of the semi-detached nature of the property, the internal layout which proposes communal living areas adjacent to the party wall and the intensification of occupation and activity likely to occur as a result of the change of use from a C3 to a C4 Use, would be detrimental to the amenities of the occupiers of the adjacent property contrary to Policies SDP1 (i) and H4 (i) of the City of Southampton Local Plan Review 2006.
2. The internal alterations to create the additional bedroom on the ground floor results in the creation of a habitable living room without access to natural light or outlook thereby creating unsatisfactory living conditions for the occupiers contrary to paragraph 2.2.1 of the Residential Design Guide 2006.

RECORDED VOTE

FOR: Councillors Mrs Blatchford, Claisse, Cunio, Harris, Lloyd, Smith

ABSTAINED: Councillor Shields

69. **68 BLENDWORTH LANE, SO18 5HG / 12/00923/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. (Copy of the report circulated with the agenda and appended to the signed minutes).

Erection of a 2-Storey Rear Extension to facilitate conversion of existing house into 1 x 1-Bed Flat And 1 x 4-Bed Maisonette with associated cycle/refuse storage.

The presenting officer reported that section 5 of the report should have stated that a representation had been received from Councillor Smith.

Councillor Smith (objecting) (Ward Councillor) was present and with the consent of the Chair, addressed the meeting.

**RESOLVED** to **refuse** planning permission for the reasons set out below.

RECORDED VOTE

FOR: Councillors Claisse, Cunio, Harris, Lloyd

AGAINST: Councillors Mrs Blatchford, Shields

Reason for Refusal - Over-intensive use of the site and subsequent impact on neighbouring amenity

The intensification of the use of the property and activity associated with the proposal is considered to be out of keeping with the character of the local area and detrimental to the amenities of nearby residents due to increased parking pressure and noise from the occupants. In addition, the proposed layout of the residential accommodation fails to provide an attractive living environment for prospective residents as the proposal to obscurely glaze a bedroom window, which would otherwise overlook the amenity space serving the one bed unit, is not considered to achieve acceptable outlook for the occupants of that room. Therefore, the proposal is contrary to saved policy SDP1 (i) of the City of Southampton Local Plan Review 2006 and paragraph 2.2.1 of The Residential Design Guide 2006 [September 2006] of the City of Southampton Local Plan Review (March 2006).

RECORDED VOTE

FOR: Councillors Claisse, Cunio, Harris, Lloyd

AGAINST: Councillors Mrs Blatchford, Shields

NOTE: Councillor Smith declared an interest and withdrew from the meeting for the consideration of this item.

70. **BOLDREWOOD CAMPUS, BASSETT CRESCENT EAST, UNIVERSITY OF SOUTHAMPTON / 12/01167/REM**

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

Application for reserved matters approval of layout, scale, appearance and landscaping pursuant to Block H and associated works of the outline planning permission reference 11/00963/TIME for redevelopment of the Boldrewood campus.

Mr Reay (Agent), Mr Osbourne (Architect) and Mrs Wawman (objecting) (East Bassett Residents' Association) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that two additional letters of objection had been received and that when the bird hazard management plan (12/01223/DIS) was discharged reference to distressed bird calls would be removed.

**RESOLVED**

- (i) to **grant** conditional planning permission subject to the conditions in the report;
- (ii) to delegate power to the Planning and Development Manager to discharge conditions 2 (additional detail), 11 (landscaping), 14 (arboricultural method) and 15 (tree safeguarding) of permission 11/00963/TIME, in consultation with the relevant officers, and remove, vary or add consultations to 12/01167/REM as necessary.

71. **FORMER ORDNANCE SURVEY OFFICES ROMSEY ROAD SO16 4GU / 12/01029/OUT**

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

Redevelopment of the site to provide 179 new dwellings (90 flats and 89 houses), Offices and /or Healthcare (Class B1office - up to 1,742 square metres and Healthcare up to 836square metres), shops (Class A1), restaurants and cafes (Class A3) and drinking establishments (Class A4 - combined floor space of 1,394 square meters) Outline application seeking approval for layout and access.

Councillor Pope (objecting) (Ward Councillor) was present and with the consent of the Chair, addressed the meeting.

**RESOLVED**

- i) to delegate to the Planning and Development Manager to **grant** planning permission subject to the conditions listed in the report;
- ii) that the Planning and Development Manager be given delegated authority to add, delete or vary any of the planning conditions and relevant parts of the Section 106 agreement; and
- iii) that the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement in the event that the legal agreement is not completed within 3 months (by 16 January 2013).

72. **SECTION 102 ORDER: VICTORIA ROAD FRONTAGE, WOOLSTON**

The Panel considered the report of the Senior Manager, Planning, Transport and Sustainability in consultation with the Head of Legal, HR and Democratic Services seeking authority to serve a Section 102 order should the second hand furniture not be removed from land adjoining 16-18 Victoria Road. (Copy of the report circulated with the agenda and appended to the signed minutes).

The presenting officer reported that the owner of 16 Victoria Road had confirmed in writing that no consent had ever been given to display goods on the private forecourt of 16 Victoria Road. He also stated that since 2009, there had been further case law whereby the possible payment of compensation to those served with a S 102 Notice could be a material consideration when deciding whether it was expedient to take such action.

The presenting officer reported amendments to the recommendations.

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

- (i) To write to the owners of 16-18 Victoria Road requesting them to remove the second hand furniture from their unit's retail frontage within 7 days; and
- (ii) If the furniture is not removed within 7 days from the date of the letter, or then re-appears thereafter, to serve a Section 102 Order on the 1m wide private forecourts to the front of units comprising 16 and 18 Victoria Road, Woolston on grounds of amenity (see attached plan) imposing a condition on the continued use of the private forecourts for the display of retail items requiring any retail use of the forecourt to be subject to the submission of a scheme to be approved in writing by the LPA detailing:-
  - i. the manner in which items are to be stored and/or displayed on the forecourt.
  - ii. The type of items to be stored and/or displayed on the forecourt.
  - iii. The area of the retail display.

RECORDED VOTE

FOR: Councillors Mrs Blatchford, Claisse, Cunio, Harris, Shields, Smith  
ABSTAINED: Councillor Lloyd

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# Agenda Annex

## INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 20 November 2012 - Conference Rooms 3 and 4, 1st Floor, Civic Centre

PLEASE NOTE: THE PANEL WILL BREAK FOR LUNCH at or around 1.30 PM

Main Agenda Item Number	Officer	Recommendation	Type	PSA	Application Number / Site Address
<b><u>BETWEEN 9.30 AM AND 11.00 AM</u></b>					
5	SH	REF	Q20	5	12/01411/FUL / 30 St Anne's Road Woolston
<b><u>BETWEEN 11.00 AM AND 11.45 AM</u></b>					
6	JT	DEL	Q07	15	12/00862/FUL / 84 - 88 Millbrook Road East
<b><u>BETWEEN 11.45 AM AND 12.15 PM</u></b>					
7	RP	DEL	Q07	15	12/01286/FUL / 72 Westwood Road
<b><u>BETWEEN 12.15 PM AND 12.45 PM</u></b>					
8	SH	DEL	Q07	5	12/01217/OUT / 100 - 102 High Road
<b><u>BETWEEN 12.45PM AND 1.30 PM</u></b>					
9	AG	DEL	Q07	15	12/01201/OUT / 158-168A Portswood Road, SO17 2NJ
<b><u>LUNCH BETWEEN 1.30 PM AND 2.00 PM</u></b>					
<b><u>BETWEEN 2.00 PM AND 2.45 PM</u></b>					
10	RP	DEL	Q10	15	12/01355/FUL / East Street Shopping Centre and adjoining Land
<b><u>BETWEEN 2.45 PM AND 3.15 PM</u></b>					
11	JT	DEL	Q12	15	12/01171/FUL / Gracechurch House, 25 - 35 Castle Way
<b><u>BETWEEN 3.15 PM AND 3.45 PM</u></b>					
12	JT	CAP	Q20	5	12/01435/FUL / 7 Greenbank Crescent
<b><u>BETWEEN 3.45 PM AND 4.15 PM</u></b>					
13	JT	CAP	Q13	5	12/01455/OUT / 7 Greenbank Crescent
<b><u>MAIN AGENDA REPORT TAKEN AT ANY TIME DURING THE MEETING</u></b>					
14	VW	AGREE	N/A	5	Naming of Street at Former Hendy Ford site, 360-364 Shirley Road

### **Abbreviations:**

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

MP – Mathew Pidgeon, RP – Richard Plume, SH – Stephen Harrison, AG – Andrew Gregory, VW – Vanessa White, JT – Jenna Turner

# **Southampton City Council - Planning and Rights of Way Panel**

## **Report of Executive Director of Environment**

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

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

##### **Applications:**

##### **Background Papers**

1. **Documents specifically related to the application**
  - (a) Application forms, plans, supporting documents, reports and covering letters
  - (b) Relevant planning history
  - (c) Response to consultation requests
  - (d) Representations made by interested parties
  
2. **Statutory Plans**
  - (a) Hampshire, Portsmouth, Southampton and New Forest National Park Minerals and Waste Core Strategy (Adopted 2007)
  - (b) City of Southampton Local Plan Review (Adopted March 2006) saved policies
  - (c) Local Transport Plan 2006 – 2011 (June 2006)
  - (d) City of Southampton Local Development Framework – Core Strategy (adopted January 2010)
  
3. **Statutory Plans in Preparation**
  - (a) City of Southampton Local Development Framework – City Centre Action Plan City Centre Action Plan Issues & Options Paper (2007)
  
4. **Policies and Briefs published and adopted by Southampton City Council**
  - (a) Old Town Development Strategy (2004)
  - (b) Public Art Strategy
  - (c) North South Spine Strategy (2004)
  - (d) Southampton City Centre Development Design Guide (2004)
  - (e) Streetscape Manual (2005)
  - (f) Residential Design Guide (2006)
  - (g) Provision of Community Infrastructure & Affordable Housing - Planning Obligation (2006)
  - (h) Greening the City - (Shoreburs; Lordsdale; Weston; Rollesbrook Valley; Bassett Wood and Lordswood Greenways) - 1985-1995.
  - (i) Women in the Planned Environment (1994)
  - (j) Advertisement Control Brief and Strategy (1991)
  - (k) Biodiversity Action Plan (2009)
  - (l) Economic Development Strategy (1996)
  - (m) Test Lane (1984)
  - (n) Itchen Valley Strategy (1993)
  - (o) Portswood Residents' Gardens Conservation Area Character Appraisal (1999)
  - (p) Land between Aldermoor Road and Worston Road Development Brief Character Appraisal(1997)
  - (q) The Bevois Corridor Urban Design Framework (1998)
  - (r) Southampton City Centre Urban Design Strategy (2000)



- (s) St Mary's Place Development Brief (2001)
- (t) Ascupart Street Development Brief (2001)
- (u) Woolston Riverside Development Brief (2004)
- (v) West Quay Phase 3 Development Brief (2001)
- (w) Northern Above Bar Development Brief (2002)
- (x) Design Guidance for the Uplands Estate (Highfield) Conservation Area (1993)
- (y) Design Guidance for the Ethelburt Avenue (Bassett Green Estate) Conservation Area (1993)
- (z) Canute Road Conservation Area Character Appraisal (1996)
- (aa) The Avenue Conservation Area Character Appraisal (1997)
- (bb) St James Road Conservation Area Character Appraisal (1996)
- (cc) Banister Park Character Appraisal (1991)\*
- (dd) Bassett Avenue Character Appraisal (1982)\*
- (ee) Howard Road Character Appraisal (1991) \*
- (ff) Lower Freemantle Character Appraisal (1981) \*
- (gg) Mid Freemantle Character Appraisal (1982)\*
- (hh) Westridge Road Character Appraisal (1989) \*
- (ii) Westwood Park Character Appraisal (1981) \*
- (jj) Cranbury Place Character Appraisal (1988) \*
- (kk) Carlton Crescent Character Appraisal (1988) \*
- (ll) Old Town Conservation Area Character Appraisal (1974) \*
- (mm) Oxford Street Conservation Area Character Appraisal (1982) \*
- (nn) Bassett Green Village Character Appraisal (1987)
- (oo) Old Woolston and St Annes Road Character Appraisal (1988)
- (pp) Northam Road Area Improvement Strategy (1987)\*
- (qq) Houses in Multiple Occupation (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)
- (ww) Houses in Multiple Occupation SPD (2012)

\* 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: 10.7.2012

# Agenda Item 5

**Planning, Transport & Sustainability Division  
Planning and Rights of Way Panel 20 November 2012  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 30 St Anne's Road, Woolston			
<b>Proposed development:</b> A change of use from a residential care home (use class C2) to a hotel with ancillary manager's accommodation and parking (use class C1).			
<b>Application number</b>	12/01411/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Stephen Harrison	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	28.11.2012	<b>Ward</b>	Woolston
<b>Reason for Panel Referral:</b>	Ward Councillor request and more than five letters of objection	<b>Ward Councillors</b>	Cllr Williams Cllr Cunio Cllr Payne

<b>Applicant:</b> Mr Martin Millar	<b>Agent:</b> N/A
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<b>Recommendation Summary</b>	<b>i) Refuse Planning Permission ii) Serve Stop Notice with Enforcement Notice</b>
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## **01. Reason for Refusal – Character, Amenity & Anti-social behaviour**

Whilst the principle of a small hotel use in this location may be acceptable the proposed use (as described by the applicant's planning statement, advertised on their website and observed on site) is not considered to represent either a typical C1 use or an acceptable use that is compatible with this residential area. In the opinion of the Local Planning Authority the building has been converted without planning permission into a mixed-use building comprising an indoor recreational club (being a use falling within use class D2 of the Town and Country Planning (Use Classes) Order 1987) with overnight accommodation. The introduction of this use and its potential for late night activity and disturbance has the potential to cause harm to the residential amenities and character of the area whilst failing to either *preserve or enhance* the established character of the St. Anne's Conservation Area. Furthermore, there is a considerable concern amongst many local residents based both on perception and actual events with a heightened fear of crime locally, and this will undoubtedly raise community tension. The result may lead to confrontation between the residents and the building occupants/visitors to the venue, and increases the potential for criminal acts and anti-social behaviour particularly against the building and its occupants/visitors. For this reason the planning application has been assessed as contrary to saved policies SDP1(i) (iii), SDP7 (i) (v), SDP10 (iii), SDP16(iii), HE1(i) as supported by the National Planning Policy Framework (2012 – particularly paragraph 69).

### **Informative**

The proposed parking layout does not meet local design standards and appears to include land to the rear of the building that is located outside of the submitted 'red line' site plan. In the event that this application was to be determined favourably further details would have been secured through a planning condition.

## Recommendation in Full

- i) Refusal the planning application 12/01411/FUL for the reasons set out in this report; and
- ii) Serve a Stop Notice and Planning Enforcement Notice to cease the use and revert the building back to the authorised use.

### Planning Enforcement

If the above recommendation for refusal is supported by the Planning Panel it will also be necessary to consider planning enforcement action against the use as implemented and whether it is expedient to serve both a Stop Notice as well as an Enforcement Notice to ensure the use ceases shortly after the Notices can be served (a Stop Notice takes effect three days after it is served). It is considered that given the unacceptable impact on the residents from the use of the premises that the use should cease as soon as possible and that it is expedient to take action. In reaching this recommendation, the Council has assessed the impact on the business that is being run and the cost of taking action, but it is considered that the impact of the use is significant enough to warrant this action being taken. As such, the recommendation in full makes provision for officers to serve both a 'Stop Notice' to cease the use, and an Enforcement Notice to remedy the breach of planning control that has taken place. The applicant will be entitled to appeal the Council's decisions.

Appendix attached			
1	Details of Proposed Use	2.	Development Plan Policies
3	Relevant Planning History	4.	New Forest District Council Appeal Decision

## 1. The site and its context

- 1.1 The application site is found at 30 St Anne's Road (known locally as 'Milton House'). It is an attractive two storey building, with accommodation in the roofspace located at the junction of Temple Road with St Anne's Road in Woolston. The surrounding area is predominantly residential although there is a builder's yard opposite, a bowling club and a community hall in Temple Road, and a Conservative club and residential care home to the north.
- 1.2 The building was last used as a residential care home (use class C2). It has off-road surface parking to the frontage and a vehicle access also serves Temple Road.
- 1.3 The application site forms part of the St Anne's Road Conservation Area (CA), which also takes in 5 other properties south of the application site on the same side of the road. The CA Appraisal (2010) describes the street as 'a wide, tree-lined road leading from Portsmouth Road to the top of Obelisk Road. It is characterised by large detached mid to late Victorian properties on the east side of the road. Only number 28 is a late twentieth century infill' (paragraph 3.4.5.1 refers). It adds that 'the area is residential, however, out of six properties, only two remain as single family dwellings and three have been converted into flats' (paragraph 3.4.5.2 refers).
- 1.4 In 2010 Milton House was a NHS residential rehabilitation unit but was vacant prior to the commencement of the current use. The CA Appraisal (2010) confirms

that Milton House 'has been heavily altered to allow for its re-use as a NHS residential care home, which has had negative impact on the house, its curtilage and the conservation area' (paragraph 3.4.5.3 refers).

1.5 The area is defined as having 'low accessibility' to local facilities and public transport links.

## **2. Proposal**

2.1 Planning permission is sought to convert the former residential care home (use class C2) to a hotel (use class C1). A copy of the applicant's statement of how the proposed hotel will be operated is attached at **Appendix 1**. No physical external changes are proposed.

2.2 It is the opinion of officers that the actual use (as described by the applicant's planning statement and observed on site by officers) is not a typical hotel. Instead, the building is in the process of being converted without planning permission into a mixed-use building comprising an indoor recreational club (being a use falling within use class D2 of the Town and Country Planning (Use Classes) Order 1987) with overnight accommodation. Whilst it is accepted that some guests will stay the night this club offers a range of activities for 'guests' wishing to partake in acts of a sexual nature and provides a number of themed rooms and bedrooms, including at least one room designed as a dungeon. It opened on Friday 28<sup>th</sup> September 2012 and it's this latter use that is considered to be the principal reason for people to visit the building.

2.3 The discrepancy between the proposed and actual use of the building is discussed in the 'Planning Considerations' section of this report.

2.4 It is unclear from the submission how much an overnight stay would cost, although on site the applicant suggested £35 per night would be a typical price. Guests can bring their own alcohol but the premises are not currently licensed to sell it. There is a kitchen located on the ground floor but no formal breakfast is provided for guests.

2.5 In terms of associated off-road parking the application form states that there will be 10 spaces. The supporting statement suggests, however, that there will be a maximum of 25 vehicles. The applicants have submitted a parking layout showing 8 parking spaces to the front, with a further 6 spaces accessed from Temple Road (ie. 14 spaces).

2.6 As the application site plan excludes the rear parking from the 'redline' it is recommended that only the frontage parking (8 spaces) is included. As such, it is likely that there will be an overspill of vehicles from this site onto local roads.

## **3.0 Relevant Planning Policy**

3.1 Circular 03/05 entitled 'Changes of Use of Buildings and Land - The Town and Country Planning (Use Classes) Order 1987' explains that the C1 Hotel's use class 'includes not only hotels, but also motels, bed and breakfast premises, boarding and guest houses. These are premises which provide a room as temporary accommodation on a commercial, fee-paying basis, where meals can be provided but where residential care is not provided...' (paragraph 59 refers).

- 3.2 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 2**.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> 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.
- 3.4 The NPPF adds that *‘the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see. To support this, local planning authorities should aim to involve all sections of the community in the development of Local Plans and in planning decisions, and should facilitate neighbourhood planning. Planning policies and decisions, in turn, should aim to achieve places which promote... safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion...’* (Paragraph 69 refers).

#### **4.0 Relevant Planning History**

- 4.1 The planning history for this site is asset out at **Appendix 3** including:
- 4.2 1248/P11 Use of guest house as hotel - Refused 30.07.1963  
The establishment of a hotel use on this site, which is within an essentially residential area, would be inappropriate, and would create a precedence for the establishment of a normal hotel use which would be unneighbourly.

#### **5.0 Consultation Responses and Notification Representations**

##### **5.1 Third Party Comment**

Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (25.10.12) and erecting a site notice (25.10.12). At the time of writing the report **1 letter of support** and **158 objections** have been received from surrounding residents (including 110 pro-forma letters of objection).

- 5.2 The pro-forma letter objects for the following reasons:
- Potential late night disturbance from car movements and music;
  - Increased traffic with a corresponding increase in parking problems;
  - Inappropriate location for an additional commercial business;
  - Out of keeping with the general character of the neighbourhood;
  - This is not a hotel.
- 5.3 **Ward Cllr Williams** – Objection. Requests a Panel decision due to the use, its potential impact on parking and associated noise issues within a suburban area.
- 5.4 **Ward Councillor Payne** – Objection. Requests a Panel decision due to the

potential for late night disturbance from car movements and music; increased traffic; inappropriate location of an additional commercial premises; and, possible increase in parking problems in the local area.

5.5 In addition, a petition with **927 signatures** against the application has been received. The contributors have signed to say that *'this establishment is not at all appropriate in a residential area where a family community wishes to live in peace, security and harmony'*.

5.6 Planning related issues raised and addressed below include:

- The applicants have opened a sex club without planning permission;
- Actual and perceived fear of crime and antisocial behaviour with concerns also raised by elderly residents and by parents of young children;
- The business advertised is not a hotel and is not appropriate for this residential area;
- Not in keeping with the conservation area;
- Congestion and overspill parking into St Anne's Road and surrounding streets – as already occurs with the Conservative Club;
- Late night noise and disturbance with some advertised events scheduled until 2am;
- Loss of property value;
- If approved the signage for a 'sex hotel' would be offensive;
- Precedent for further inappropriate activity would be set if allowed.

5.7 Consultation Responses

**Hampshire Constabulary** – Objection raised. There is a considerable concern amongst many of the local residents based both on perception and actual events and this will undoubtedly raise community tension. The result may lead to confrontation between the residents and the building occupants/visitors to the venue, and increases the potential for criminal acts and anti social behaviour particularly against the building and it's occupants/visitors.

5.8 The location is in a predominantly residential area (including a care home) but also includes a social club and I believe a 'Brownies/Guides' meeting place. This road is also a potential route for pupils attending the local secondary school. Whether the residents and other users' fears are perceived or actual this proposed venue will have some effect on the amenity of the area. People may fear coming into contact with the occupants or visitors to the venue and may affect their use of the area at certain times of the day or night. There is evidence at similar locations that nearby houses have been mistaken for the venue or residents have been approached for directions or even having been propositioned for sexual favours.

5.9 I believe both these points are of sufficient concern to be classed as a material consideration within the planning process and also meet the need for them to be considered by the local authority under the terms of their obligation to Section 17 of the Crime and Disorder Act 1998.

5.10 *Note: as an update to these comments Hampshire Constabulary have confirmed that there are 4 recorded complaints/concerns since the opening weekend and it is evident that the complainants' fears are genuine (albeit only one is an actual event).*

- 5.11 **SCC Highways** – No highway safety objection raised. The highway network here can cope with additional traffic movements, particularly off peak movements. However, the car park layout as submitted is not clear and the measurements shown of isle width and parking space sizes do not accord with current standards. As a result the numbers of car parking spaces as shown will not be achievable, and is likely to result in parking on street. This in itself is again not so much a highway issue but an amenity one, as more cars on street leaving late at night will disturb more residents more frequently.
- 5.12 **SCC Environmental Health (Pollution & Safety)** – No objection. The Environmental Health Team's Out of Hours Service has monitored the site since it opened (usually for a half hour period each weekend) but has not witnessed any excessive occurrences of noise, overspill parking or anti-social behaviour.
- 5.13 **SCC Licensing** – The evidence available as to the activities at these premises clearly indicates that no licensing provisions are engaged, now or when the adoptive provisions on sexual entertainment venues comes into effect in August 2013. There is nothing in general law which would require licensing as a brothel, however, keeping a brothel or a disorderly house might constitute an offence under the Sexual Offences Act 1956, which would be a matter for the police.
- 5.14 **SCC Heritage** – Objection raised. The application site lies within the St Anne's Conservation Area, which was last reviewed in 2010. This is a sensitive part of the Conservation Area where negative change has already taken place. Any further changes need to address the negative aspects and provide positive improvements that enhance the character of the area.
- 5.15 Whilst the principle of a small hotel use in this location may be acceptable the proposed use is not an acceptable use that is compatible with this residential area. The building has been converted without planning permission into a mixed-use comprising an indoor recreational club. The introduction of this use and any associated late night activity and disturbance has the potential to cause harm to the residential amenities and character of the area whilst failing to either preserve or enhance the established character of the St. Anne's Conservation Area.
- 5.16 Additionally, it is likely that advertisements and signage will be required to support the use of the property. Signage can have a negative impact on the conservation area, and no application for advertisement consent has been received.

## **6.0 Planning Consideration Key Issues**

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

- Principle of development
- Impact on the character of the area
- Impact on residential amenity and the fear of crime
- Highways and parking
- Planning Enforcement

### **6.2 Principle of development**

It is not illegal to undertake a change of use without first obtaining planning permission. The planning system provides the mechanisms necessary to remedy any breach of planning control. In this instance the owners have made a planning



application. Following a site inspection it is evident that internal works have been undertaken at 30 St Anne's Road to convert the former residential care home into a mixed use D2 club with overnight accommodation.

- 6.3 The applicants, however, maintain that the principal use of the building is as a hotel and the planning application has been submitted on this basis. The Local Planning Authority has a duty to consider the merits of a proposed hotel alongside that of the operational mixed-use.
- 6.4 In generic land-use planning terms, despite the planning refusal for a hotel at this address in 1963, the principle of either a small hotel or a club is acceptable in planning terms. Indeed, there are two other 'clubs' operating within close proximity of the application site; namely, the replacement Woolston and Sholing Conservative Club (74 St Anne's Road) and the Woolston & District Bowling Club in Temple Road. For the purposes of planning control both clubs would have an authorised D2 use for assembly and leisure.
- 6.5 With regards to the proposed hotel use (use class C1) it is not uncommon to find 'themed' hotels or ones offering 'themed' nights. More traditional hotels are located throughout the city and it is also not uncommon or out of character to find a hotel or guest house located within a residential suburb as is the case proposed here. That said, following a site visit it is the opinion of officers that the principal use of the building, and the reason why people would visit the property, is not for overnight guest accommodation on offer but, instead, to partake in acts of a sexual nature as advertised on the applicant's website. Any overnight stay would be ancillary to this purpose. Interestingly, when the appeal Inspector considered similar proposals in the New Forest (see **Appendix 4**) he commented that 'arguments regarding the 'suitability' of the particular activities carried out at the premises have not formed part of the deliberations' (paragraph 19 refers).
- 6.6 As such, whilst the principle of both C1 and D2 land uses may be acceptable a detailed assessment of the impact of these uses on the character of the area, the amenities of local residents and highway safety requires further scrutiny in the context of the adopted development plan and any other 'material' considerations.
- 6.7 Impact on the character of the area  
The character of the area is predominantly residential albeit there are 2 other clubs in close proximity and a builder's merchant opposite. The residential streets are generally quiet and the application site itself forms the northern boundary of the St. Anne's Road Conservation Area, which also takes in 5 other properties south of the application site on the same side of the road. Whilst the introduction of a hotel (or a club) need not interfere with this established character, the use described by the applicant in their statement (**Appendix 1**) and advertised on their website would, potentially, introduce late night activity and disturbance which would fail to preserve this established suburban character.
- 6.8 Impact on residential amenity and the fear of crime  
Saved Policy SDP(1) of the adopted Local Plan Review (2010) states that 'planning permission will only be granted for development which does not unacceptably affect the health, safety and amenity of the city and its citizens'.
- 6.9 The pattern of use associated with a hotel is different to that of a club, where visitors are more likely to leave following an event than stay the evening at a club. Given the number of bedrooms on offer (7) and the range of events that take

place, reportedly until 2am at weekends, there is a potential from the current use for late night noise and disturbance as guests depart the premises. In the applicant's statement (see **Appendix 1**) they confirm that on the opening night of the 38 people that attended only 15 stayed. This activity, particularly later in the evening as visitors leave the premises, is at conflict with the otherwise quiet residential area where it would be reasonable to expect a degree of peace and tranquillity particularly during the early hours of the morning. Furthermore, the appeal Inspector from a similar New Forest proposal (see **Appendix 4**) gave weight to neighbour's 'broken sleep' as a material consideration (paragraph 24 refers) in his decision. Given that some overspill parking is likely to occur the disturbance is likely to be caused both on and off-site as visitors arrive and leave the premises.

- 6.10 Whilst public opposition to a proposal is not in itself a material consideration *per se* the many representations raised against this development are an indication that the public are fearful of the current/proposed use and this, along side the public safety concerns raised by Hampshire Constabulary, can be afforded significant weight in the planning process as a material consideration. The NPPF adds that *'the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see. To support this, local planning authorities should aim to involve all sections of the community in the development of Local Plans and in planning decisions, and should facilitate neighbourhood planning. Planning policies and decisions, in turn, should aim to achieve places which promote... safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion...'* (Paragraph 69 refers). As such, the introduction of the proposed use, with an emphasis on partaking in acts of a sexual nature as advertised on the applicant's website cannot be supported due to the fear of crime that the use has attracted locally.
- 6.11 Highways and parking  
To the front of the building there is an existing area of hard-standing that provides informal off-road parking for a number of vehicles. The submitted plans show 8 spaces to this frontage with a further 6 spaces to the rear, although these latter spaces are not shown within the submitted 'red line' site plan and their delivery as part of this planning application is therefore uncertain.
- 6.12 In terms of the Council's maximum parking standards the current standards were not written for this type of use. However, in an area of low accessibility such as this the current standard for a hotel (C1) is 1 space per bedroom. The maximum requirement for the proposed hotel is, therefore, 7 spaces which can be accommodated on the site's existing frontage. Residents are concerned that a significant overspill of vehicles will occur into neighbouring streets, but this has not been observed by officers since the use started, although visitors/guests have had the benefit of the rear parking area which may account for this.
- 6.13 Given that the applicant's statement (see **Appendix 1**) confirms that a maximum of 25 vehicles will be parked it is accepted that some overspill will occur from this site. However, the existing street has spare capacity for additional parking without causing a highway safety concern (as is also the case with the nearby Woolston and Sholing Conservative Club), notwithstanding the amenity issue that may arise as discussed above. There is no highway objection to this application.

#### 6.14 Planning Enforcement

If the above recommendation for refusal is supported by the Planning Panel it will also be necessary to consider planning enforcement action against the use as implemented and whether it is expedient to serve both a Stop Notice as well as an Enforcement Notice to ensure the use ceases shortly after the Notices can be served (a Stop Notice takes effect three days after it is served). It is considered that given the unacceptable impact on the residents from the use of the premises that the use should cease as soon as possible and that it is expedient to take action. In reaching this recommendation, the Council has assessed the impact on the business that is being run and the cost of taking action, but it is considered that the impact of the use is significant enough to warrant this action being taken. As such, the recommendation in full makes provision for officers to serve both a 'Stop Notice' to cease the use, and an Enforcement Notice to remedy the breach of planning control that has taken place. The applicant will be entitled to appeal the Council's decisions.

#### 7.0 Summary

7.1 Whilst the principle of a small hotel use in this location may be acceptable the proposed use (as described by the applicant's planning statement, observed on site and advertised on their website) is not considered to represent either a typical C1 use or an acceptable use that is compatible with this residential area. In the opinion of the Local Planning Authority the building has been converted without planning permission into a mixed-use comprising an indoor recreational club (use class D2) with overnight accommodation. The introduction of this use and its potential for late night activity and disturbance has the potential to cause harm to the residential amenities and character of the area whilst failing to either *preserve* or *enhance* the established character of the St. Anne's Conservation Area.

7.2 Furthermore, there is a considerable concern amongst many local residents based both on perception and actual events with a heightened fear of crime locally, and this will undoubtedly raise community tension. The result may lead to confrontation between the residents and the building occupants/visitors to the venue, and increases the potential for criminal acts and anti-social behaviour particularly against the building and its occupants/visitors.

7.3 The concerns raised by neighbours have been noted and are material to the Council's decision. With regards to off-site parking issue officers accept that the scheme will not provide sufficient on-site parking to accommodate the site's needs but that any overspill can be accommodated on the existing highway network without causing a highway safety concern. As such, whilst additional on-street parking may lead to an amenity issue (given the proposed late night entertainment on offer) there is not a highway objection *per se* to this planning application.

#### 8.0 Conclusion

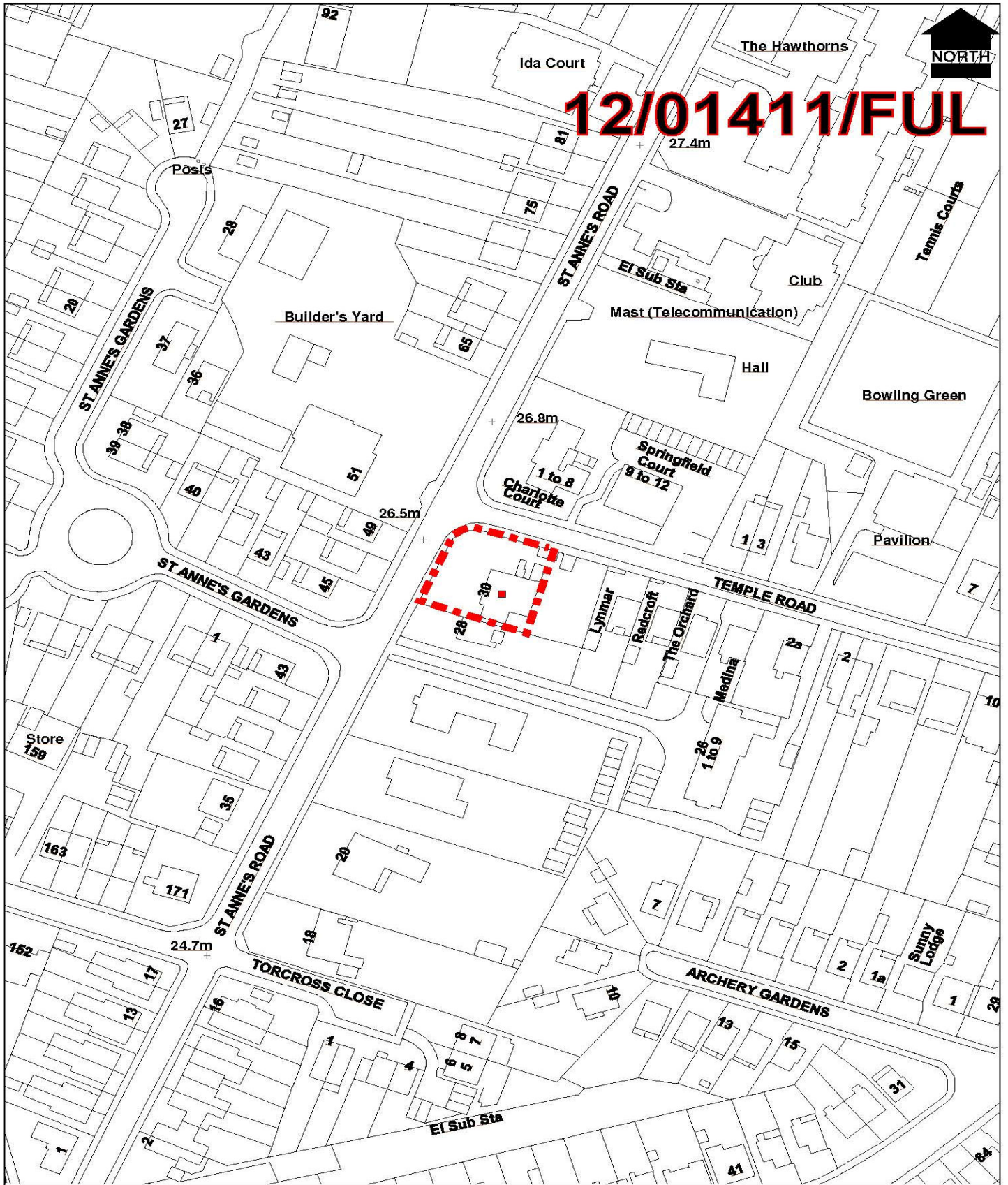
The planning application is recommended for refusal for the reason set out above.

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

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

1a-d, 2b&d, 4f, oo&vv, 6c&l, 7a, 9a&b

**SH2 for 20/11/2012 PROW Panel**



**12/01411/FUL**

Scale : 1:1250

Date 07 November 2012

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# Agenda Item 5

## Appendix 1

Our hotel will have 7 Bedrooms open to the public, The 3 rooms upstairs on the third floor will be my own personal living accommodation.

We had our opening night on Saturday and there was 38 people attended of which 15 stayed the rest went home in between 11am and 2am. Of them guests 6 were under 40 years of age. Would like to also mention the cars parked on street opposite were not guest attending the hotel. This was a lot busier than we would normally be this due to it being first night.

Our social evenings are aimed at those who enjoy an alternative lifestyle. Our target audience is attracting guests who are professional people aged 40 and above rather than youngsters. They have a strong social side and we expect our guests to behave in an orderly manner at all times, respecting the privacy of the neighbours is extremely important to us.

Because of the importance we pay to socialising we do not play loud music. The venue has excellent double glazing and we ensure that any music played will not be so loud as to disturb our neighbours.

We also have strict rules concerning behaviour. The venue does not sell alcohol, guests can bring their own but use is monitored and we will not tolerate any drunkenness at all. Under no circumstances whatsoever will use of illegal drugs be allowed. We would eject and bar anyone who broke these rules.

The venue has parking available at both the front and back of the premises. On average we only have a maximum of 20-25 cars and it is usually less than this figure. Again we will stress to our guests the importance of respecting the privacy of our neighbours both when arriving at and leaving the venue. Several of the guests will be staying overnight so won't be leaving the club in the early hours of the morning.

There will not be any outside activities held so those houses that overlook our venue will not be able to see anything or anyone from their homes.

The venue is open 24/7. We have themed rooms and each of these will always be available for hire.

We have CCTV cameras both inside and outside the premises and the safety of our customers is of paramount importance to us.

I am going to be sending a letter to all surrounding neighbours this week explaining they have nothing to worry about and that the newspaper are not telling how it is. I will also invite them all round to talk to me and see the hotel so they can rest assured this will in no way inconvenience them.

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# Agenda Item 5

Appendix 2

**Application**            12/01411/FUL

## **POLICY CONTEXT**

### Core Strategy - (January 2010)

CS14	Historic Environment
CS19	Car & Cycle Parking

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP16	Noise
HE1	New Development in Conservation Areas

### Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
Car Parking Standards (Approved 2011)  
Woolston – Conservation Area Appraisal (2010)

### Other Relevant Guidance

National Planning Policy Framework (2012)

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**Application** 12/01411/FUL

## **RELEVANT PLANNING HISTORY**

1237/17 CAP 12.02.1963  
2 storey extension

1244/3 CAP 28.05.1963  
Additional bedroom for use as guest house

**1248/P11 REF 30.07.1963**

### **Use of guest house as hotel**

The establishment of an hotel use on this site, which is within an essentially residential area, would be inappropriate, and would create a precedence for the establishment of a normal hotel use which would be unneighbourly.

1266/66 CAP 26.05.1964  
Dormer window in roof

1268/39 CAP 23.06.1964  
Extension to lounge

1316/29 CAP 11.10.1966  
Single storey addition

1558/E17 REF 24.07.1979  
2 storey extension

1629/E2 DR 20.12.1983  
single storey side and rear extension

870889/E CAP 20.10.1987  
Single storey rear extension

870890/EL CAP 21.10.1987  
Single storey rear extension (Listed Building Consent)

**930585/E CAP 03.09.1993**

### **Change of use to residential care home with the erection of a fire escape staircase**

931218/E CAP 16.12.1993  
Installation of an external fire escape staircase and elevational alterations

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## Appeal Decision

Site visit made on 28 May 2012

by **R J Perrins MA MCI ND Arbor**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 June 2012

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**Appeal Ref: APP/B1740/C/12/2168468**

**Highlands, Salisbury Road, Ower, Southampton, Hampshire SO40 2RQ.**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mr David Kay against an enforcement notice issued by New Forest District Council.
  - The Council's reference is EN/06/0567.
  - The notice was issued on 7 December 2011.
  - The breach of planning control as alleged in the notice is without planning permission the material change of use of the land and premises from a dwellinghouse (class C3) to a mixed use of a dwellinghouse (class C3) and a club (a use falling within Use Class D2 of the Town and Country Planning (Use Classes) Order 1987).
  - The requirements of the notice are:
    - (i) Cease the use of the land outlined in red on the attached plan as a club.
    - (ii) Remove from the site all items and equipment used to facilitate the unauthorised use.
  - The period for compliance with the requirements is 3 months.
  - The appeal is proceeding on the grounds set out in section 174(2)(a) (b) and (e) of the Town and Country Planning Act 1990 as amended.
- 

### Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

### The appeal on ground (e)

2. The appellant states that he only received a copy of the enforcement notice when it was given to him by the tenant of the property on 6 January 2012. Therefore the minimum 28 day notice period has not been provided to him. The Council aver that, following a Land Register search and their own investigations, copies of the notice were served on the appellant at the address cited on the appeal property's title absolute; the tenant of Highlands; and the Mortgage Company.
3. S172(2) of the Act provides that a copy of the notice shall be served on the owner and occupier of the land to which it relates, and on any other person having an interest in the land, including mortgagees, tenants and sub-tenants, being an interest which, in the opinion of the Local Planning Authority, is materially affected. It appears to me all reasonable attempts were made to serve the notice in accordance with S172. In any event, S176(5) provides for non-service to be disregarded if no substantial

prejudice has arisen. The appellant has been able to lodge an appeal against the notice. In addition he has had the opportunity to add to his appeal, by way of an appeal statement, in accordance with the timetable as set out in the letter from the Planning Inspectorate dated 20 January 2012. For these reasons I am unable to identify any substantial prejudice in this instance.

4. In light of the foregoing, the appeal on ground (e) fails.

**The appeal on ground (b)**

5. This ground of appeal is that the matters alleged in the notice have not occurred. To that end the appellant avers that the property has been used as a private residence since July 2007; the occupiers of the property have held parties for Couples and Singles interested in the 'Swinging' lifestyle. Those parties also took place under the previous ownership. The parties are a lifestyle choice, constitute a small amount of time, and do not amount to a commercial venture or business; thus the property is being used as a dwelling and no change of use has occurred.
6. In brief, the Council maintain the premises are being used predominantly as a club for members and private members (depending on the party organisers). Fees for events and one-off fees are charged to those using the premises and any residential use is minimal. For these reasons a material change of use has occurred to a use falling within Class D2.
7. There is no dispute that the premises are used for parties as described above. I was able to see that the premises have all the facilities that one would imagine would be required to facilitate such events. These included a large lounge area with central dancing pole, kitchen with bar area and office. First floor bedrooms were clear of the majority of domestic items one normally associates with a dwellinghouse. All bedrooms have beds of different sizes and shapes. In some cases the beds fill the majority of the available space, there are dark rooms and another with large circular bed to the centre, which has 'windows' in a side wall with views through from the adjacent corridor.
8. The ground floor includes a 'dungeon' and, along with the converted garage, contains a number of pieces of large equipment which I understand are associated with bondage and other activities. A cage with high level winch could be found in the garden along with a tall thin shed-like structure rather like a sentry box with a number of lockable doors. The garden also contains a large Jacuzzi, outdoor seating area and a caravan with large bed. Throughout the premises there is a proliferation of mirrors, cameras, audio speakers, drapes, wall and ceiling hook eyes, floor to ceiling poles, unconventional interior design and lack of domestic paraphernalia. All of these factors lead the viewer to question the premises use as a dwellinghouse.
9. In addition to this I was able to see a number of cupboards within the property. These include; built in wardrobes, as one would normally expect to see in a dwellinghouse; a series of lockers in one of the upstairs rooms typical of that found in gymnasiums and swimming pools; downstairs a walk in cupboard containing a large volume of assorted drinks; and in the garage room a wall cupboard containing an assortment of equipment and 'toys'

associated with the activities that take place, and commensurate with the pieces of equipment found, within the room.

10. Whilst all of those cupboards and their contents could be found within a domestic dwelling, the majority were lockable or locked during my site visit. To my mind that is at odds with the appellant's argument that the premises are only used for parties involving friends who may bring new friends. If that were the case, I am not convinced such security measures would be required.
11. Furthermore the Council and residents have submitted a large number of pages from websites. This evidence is undisputed and relates to 'Swingers Junction' and includes a photograph and the address of the premises subject of the enforcement notice; it is clear that 'Swingers Junction' is the advertised name of the Club that is run from the premises. The pages also set out that the property was 'specially purchased' to host adult minded parties and the house may be rented in full or part or hired for an hour, a full weekend, or anything in between. Rates are advertised for hire of the 'Dungeon' during the day and on non-party nights.
12. It is also clear that advanced booking and registration is required, a membership fee or 'entry contribution' is collected from attendees, and some of the events are 'ticket only'. Entry contributions are advertised and vary from £10 to £45 and a loyalty scheme, whereby anyone attending between certain dates four times will be entitled to a 'free party', has also been advertised. The Council's evidence includes copies of comments from visitors, posted on line, which refer to various matters including; "friendliness of staff"; "one very happy customer"; "people grabbing your money on the door"; "£75.00 down the plug hole"; "we were pounced upon by the owners for money again inside"; and "SJ is a little more expensive than some other swingers clubs".
13. In addition to this, undisputed evidence by way of web pages have been submitted by third parties which indicates parties have not been restricted to weekends, entry contribution is payable on arrival, and soft drinks and tea/coffee are sold. Whilst the evidence has not been tested it goes unchallenged and as such I give it significant weight.
14. Furthermore the activities as described do not go hand-in-hand with the appellant's assertions that the premises are only used for parties involving friends. It is apparent that the club is well advertised, well used and has all the characteristics of a business and, as websites extracts show, is marketed as 'The South (*sic*) Premier Adult Party Venue'. Any reasonable person viewing the website, associated advertising, and forums would be left in no doubt that payment is required to gain access to the club and being invited by a 'friend' is not a general requirement. Moreover, the events are not restricted to weekends and the premises, or parts of it, can be hired.
15. All of these matters do not lend any weight to the premises being used as a dwellinghouse and no evidence save for the appellant's statement has been submitted to support that case. The appellant avers that the premises are used 82% of the time as a dwellinghouse when comparing the ratio of parties to such a use. Further the contributions collected amount to a fraction of the rent or mortgage. The figures used for those calculations are not evidenced in any way and the statement remains untested and

uncorroborated by any further evidence, I give it little weight. There is nothing before me to indicate that all of the premises are used as a dwellinghouse, in any event, when no parties are being held.

16. Thus having considered all other matters raised I find, on the balance of probability, and as a matter of fact and degree, that there has been a change of use from a dwellinghouse to a use falling within Class D2. In the absence of any permission for such a use the appeal on ground (b) should fail.

### **The appeal on ground (a)**

#### *Main Issues*

17. I consider the main issues in this case to be; the effect of the use upon the character of the countryside location; and whether the current use is consistent with sustainable principles.

#### *Reasons*

18. The property sits to the south of Salisbury Road a main road into Southampton. The premises are well-screened with spacious front and rear gardens. The front garden has the ability to accommodate a relatively large number of cars for a property of its size. The character of the area is predominantly rural. To the north on the opposite side of the road is a lay-by which runs in front of residential and agricultural properties. To the east, across an open field, are two residential properties sitting next to what appears to be a large area of commercial greenhouses. The A326 can be found to the west beyond another agricultural field and the M27 is a short distance to the north.
19. There is no dispute that the premises are some distance from the nearest neighbours. I also accept that there are many parties for those interested in the 'Swinging' lifestyle held throughout the country in residential properties. Such parties may have some stigma attached to them by some individuals and engender some prejudice. However, arguments regarding the 'suitability' of the particular activities carried out at the premises have not formed part of my deliberations.
20. So, turning to the first issue; it is evident from third party representations that parking in the lay-by opposite is a regular occurrence; that would be commensurate with the fact that it is advertised as 'overflow parking'. In addition the change of use has led to an increase in traffic movements to and from the premises. It is reasonable to assume, from the evidence before me, that those movements occur throughout the night into the early hours of the morning, that is borne out by the appellant's statement regarding parking and vehicle movements. The Council aver that at such times the locality is quiet and traffic is considerably less than that experienced during the day. That view is not disputed and given the rural location I see no reason to disagree.
21. The pattern of use associated with the D2 use is materially different to that of a dwellinghouse; the increased number of vehicle movements, number of cars parked in the front garden and lay-by, along with the comings and goings and discourse of visitors and the banging of car doors is at conflict with the rural location where it would be reasonable to expect a degree of

peace and tranquillity particularly during the early hours of the morning. It is the combination of these factors that leads me to find the use has resulted in unacceptable harm to the character of the countryside. I come to that view having considered the businesses and theme park brought to my attention by the appellant but there is nothing before me to suggest that these ventures operate late into the night or the early hours of the morning. In any event each case must be decided upon its own merits.

22. Turning to the second issue, I accept that people travel from all over the country to the venue and that those who attend such events may not wish to attend parties in their local neighbourhoods. There can be no dispute that the premises are in an ideal location for travel by car and I see no reason to disagree with the view that a town centre location may be unsuitable for guests wearing clothing that maybe considered 'lewd' in a public place. Also, I accept that similar parties are held in residential neighbourhoods where there may be no parking.
23. However, there is nothing before me to indicate that sustainable modes of transport are available in the locality. The premises' location and the availability of parking would encourage transport by car. That is unlike the examples cited by the appellant; for example one would expect a degree of sustainable transport to be available in residential areas and people visiting theatres in London are actively encouraged not to use the car. The issue of walking through a public place, I give no weight; a person can choose to cover up whatever they are wearing if required and this argument would effectively drive all such establishments into remote locations, which is clearly not the case. For these reason I find the use has had a negative impact upon the existing transport infrastructure and places unjustifiable reliance upon the private car.

#### *Other matters*

24. Whilst I accept there are no records of police complaints before me, it seems to me that third party assertions, that music from the events and the discourse of people when leaving the lay-by are activities that lead to broken sleep, should be given moderate weight. They remain unchallenged and I find that activities at the premises including parking in the lay-by would unacceptably harm the living conditions of occupiers of the nearby residential properties, particularly in the early hours of the morning. Whilst that has not formed part of the Council's case it adds further weight to my decision to dismiss the appeal.
25. I have also considered the appellant's unsuccessful attempts to contact and negotiate the matter with the Council. Whilst this is laudable, the issue of the contact not being returned by the Council is a matter for them as is the issue regarding the amount of Council tax being paid.
26. Finally, the appellant avers that interruption of the activities at the premises could interfere with individual's rights under Article 8 of Protocol 1 of the Human Rights Act, which provides for individuals to carry out whatever activities in the privacy of their own home. Given I have found, under the ground(b) appeal, that a change of use has occurred from a dwellinghouse such rights do not fall to be considered.

*Conclusions*

27. For the reasons given above and having considered all other matters raised I find the use is at conflict with Policy CS1 of the of the New Forest District (outside the National Park) Core Strategy (2009) (CS) which expects all new development to make a positive contribution to the sustainability of communities and to protecting, and where possible, enhancing, the environment. It is also at odds with Policies CS10 & CS24 of the CS which set out, amongst other things, that development is accessible by both car based and other transport modes, whilst ensuring that reliance upon the private car, and any adverse impacts of traffic and parking, and the existing transport infrastructure, are minimised.
28. Finally, in reaching my conclusions I have taken into account the recently published National Planning Policy Framework. However, I have not been provided with any substantive evidence which would lead me to conclude that the CS policies referred to above are inconsistent with the Framework. Accordingly, the Framework has not led me to reach any different overall decision.

*Richard Perrins*

Inspector



# Agenda Item 6

**Planning, Transport & Sustainability Division**  
**Planning and Rights of Way Panel 20 November 2012**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 84-88 Millbrook Road East			
<b>Proposed development:</b> Redevelopment of the site. Demolition of the existing buildings and erection of 6 part two, part three-storey houses (comprising 4 x four bed and 2 x three bedroom) and erection of a three-storey block of 8 x 2-bed flats.			
<b>Application number</b>	12/00862/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Jenna Turner	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	20.09.12	<b>Ward</b>	Freemantle
<b>Reason for Panel Referral:</b>	Major application with objections	<b>Ward Councillors</b>	Cllr Moulton Cllr Shields Cllr Parnell

<b>Applicant:</b> Tab Projects Ltd + Eh Lawson + Sons Ltd	<b>Agent:</b> Tony Oldfield Architects
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<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report</b>
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## Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set out below. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on the 20.11.12 do not have sufficient weight to justify a refusal of the application. The proposal closely follows the indicative plans approved by the outline planning permission and would be in keeping with the site and surrounding properties and would not have a harmful impact on the amenities of the neighbouring properties. Where appropriate planning conditions have been imposed to mitigate any harm identified. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Planning Permission should therefore be granted taking account of the following planning policies:

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, H1, H2, and H7 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS3, CS4, CS6, CS13, CS15, CS16, CS18, CS19, CS20, CS21, CS22 and CS25 and the Council’s current adopted Supplementary Planning Guidance. The guidance within the National Planning Policy Framework (2012) is also relevant to the determination of this planning application.

<b>Appendix attached</b>			
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 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; and childrens’ playspace
  - iv. The provision of affordable housing in accordance with policies CS15, CS16 and CS25 of the Local Development Framework Core Strategy Development Plan Document and the Planning Obligations Supplementary Planning Guidance;;
  - v. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
  - vi. An obligation precluding future residents of the flats receiving car parking permits for the adjoining Controlled Parking Zones.
2. The submission of satisfactory amended plans to improve the proportions of the fenestration to the corner of the block of flats and houses.
  3. That the Planning and Development Manager be given delegated authority to add to, delete or vary planning conditions and relevant parts of the Section 106 agreement.

In the event that satisfactory amended plans **are** not submitted within two months of the Planning and Rights of Way meeting, the Planning and Development Manager be authorised to refuse permission.

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

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

- 1.1 The application site comprises a part two-storey, part three-storey industrial building which is located on the corner of Millbrook Road East and Cracknore Road. The building was built in the 1950's in the Art Deco style and replaced an earlier factory building. The building is constructed from red brick and has a flat roof appearance. The Millbrook Road East frontage of the building is tarmac and provides car parking. The site also has a vehicular access from Cracknore Road into a service yard to the rear of the property. The site is 100% developed by building and hard surfacing.
- 1.2 The site is immediately neighboured by two-storey dwellings, although in the immediate area is a mix of uses which includes a public house, retail, depot and offices. The architectural style of buildings vary but buildings are typically two

and three storeys in height.

## **2. Proposal**

- 2.1 The application proposes to redevelop the site to provide a block of 8 flats which provides two bedroom accommodation and 6 houses which contain three and four bedrooms.
- 2.2 The scheme has been amended since originally submitted. The block of flats now has a flat roof design. The block is now entirely detached from the proposed houses on site. A communal garden of 92 sq.m in area would be provided to the rear of the site and each flat would also be served by a private balcony. Overall, each flat would be served by approximately 16sq.m. of amenity space. The main entrance to the building would be from Cracknore Road. Integral cycle and refuse storage would also be provided which is directly accessible from the building itself. The block would be served by 5 off-road car parking spaces to the front of the building.
- 2.3 The proposed terrace of three dwellings on the Millbrook Road frontage have been also been amended since originally submitted to be all three storey in height with identical plot widths. The dwellings on the Cracknore Road frontage step up from two to three storeys in height. Each dwelling would be served by private rear gardens which range from 34sq.m to 79sq.m in area. Each dwelling would also be served by an off-road car parking space and purpose built cycle and refuse storage. The dwellings have a pitched roof design and elevations constructed from facing brick.

## **3. Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The site is allocated for residential within the Local Plan Review and is identified within the Strategic Housing Land Availability Assessment (SHLAA) as a site suitable for residential development with an indicative yield of 13 dwellings. The site also lies within an area of High Accessibility for Public Transport (Public Transport Accessibility Level Band 6).
- 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 policies of the South East Plan, Southampton’s Core Strategy and Local Plan Review have been taken into account in the consideration of this application. The Core Strategy is in general conformity with the South East Plan, and it is not considered that the policies in the South East Plan either conflict with or add particular weight to the policies in the Core Strategy for this application. Consequently only the local statutory development plan policies (Core Strategy and Local Plan Review) have been cited in this report.

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

- 4.1 There have been no recent or relevant planning applications relating to this property. Planning permission was originally granted for the partial reconstruction of the previous factory in 1950 (reference 209/957/5).

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

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (05.07.12) and erecting a site notice (28.06.12). At the time of writing the report **27** representations have been received from surrounding residents. Following the receipt of amended plans a further neighbour notification exercise was carried out. The following is a summary of the points raised to date and a verbal update of any further responses received will be provided at the meeting:

- 5.2 ***The proposal is designed with insufficient car parking which would result in overspill car parking, exacerbating car parking issues in the surrounding area.***

5.3 **Response**

The adopted Car Parking Standards Supplementary Planning Document permits a maximum of 20 off-road car parking spaces to serve the development. The provision of 11 car parking spaces is therefore in accordance with the adopted standards. The surrounding streets are permit controlled and it is recommended that the section 106 legal agreement includes a clause to prevent occupants of the development from being eligible for parking permits. As such, the Highways Team have raised no objection to the application and the scheme is considered to be acceptable in this respect.

- 5.4 ***The number of units proposed is excessive and would add to the pressure of services and open space within the locality.***

5.5 **Response**

The proposed residential density is 100 dwellings per hectare which is in accordance with the density standards set out by policy CS4 of the Core Strategy which requires densities in excess of 100 dwellings per hectare in high accessibility locations such as this. The applicant's are required to enter into a legal agreement to mitigate the direct local impacts of the development and have indicated their willingness to do so.

- 5.6 ***The proposal would create disruption during the construction process.***

5.7 **Response**

Conditions are suggested to secure a Construction Management Plan and to control the hours of construction in order to minimise the disruption to neighbouring residents during the construction process.

- 5.8 ***The proposal would result in overlooking of the neighbouring properties***

5.9 **Response**

The proposed layout ensures that there would be no less than 15 metres

between the rear elevations of the proposed buildings and the boundaries with neighbouring properties. This is sufficient separation to ensure that no harmful overlooking would occur as a result of the development.

5.10 ***The site should be used for community purposes.***

5.11 Response

The site is identified for residential purposes within the Development Plan and there is no requirement to provide a community facility on the site. A community provision cannot therefore, be required in this instance.

5.12 ***The existing building is of architectural significance being one of the only surviving Art Deco buildings within the area and subject to significant archaeology. As such, the building should be retained. An application to list the building has been lodged with English Heritage.***

5.13 Response

The existing building does not benefit from statutory protection; it is neither locally or nationally listed. The policies within the Development Plan support the redevelopment of previously developed sites to provide residential development. Options to retain and convert the existing building have been explored by the applicant but were found not to meet the density requirements of the Core Strategy nor would enable the provision of family housing or amenity space to serve residents. Furthermore, the Historic Environment Team have raised no objection to the proposal. As such the principle of redevelopment is considered to be acceptable.

5.14 ***Reversing onto and off of the proposed car parking spaces so close to the junction of Cracknore Road would create a highway safety issue.***

5.15 Response

The vehicular access points being created are not onto a classified road and as such there is no requirement to provide on site turning. Highways are satisfied that there is sufficient separation between the proposed vehicular accesses and the junction and that adequate sight lines can be achieved to ensure that the development does not constitute a highway safety issue.

5.16 ***The proposed development would appear out of character with the other properties within the surrounding area.***

5.17 Response

There is a degree in variation in the style of dwellings in the surrounding area which includes terraced housing, flatted developments and commercial uses. The proposal introduces a plot series which is more reflective of the character of the area and the scale and massing of the development is also considered sympathetic. It is therefore considered that the proposal would not appear out of character.

5.18 **SCC Highways** - No objection.

5.19 **SCC Housing** – No objection. The requirement is to provide 3 affordable units and the preference is for this to be provided on site.

- 5.20 **SCC Sustainability Team** – No objection. Suggests conditions to secure the required sustainability measures.
- 5.21 **SCC Architect’s Panel** – Considered that the scheme as originally submitted needed simplification, particularly in relation to the roof design and the treatment of the corner. Suggests the amendments are an improvement but would recommend further negotiation in terms of the fenestration and roof pitches of the houses.
- 5.22 **SCC Environmental Health (Contaminated Land)** - No objection. Suggest conditions to secure a land contamination investigation and any necessary remediation.
- 5.23 **SCC Ecology** – No objection or conditions suggested
- 5.24 **SCC Historic Environment Team** – No objection subject to conditions to secure archaeological investigations.
- 5.25 **Southern Water** – No objection. Suggests condition to secure details of foul and surface water disposal.
- 5.26 **City of Southampton Society** - No objection

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

- 6.1 The key issues for consideration in the determination of this planning application are:
  - i. The principle of development;
  - ii. The design of the proposal together with the impact on the character of the area and the loss of the existing building;
  - iii. The impact on residential amenity;
  - iv. The quality of the residential environment proposed;
  - v. Parking and highways and;
  - vi. Mitigation of direct local impacts and Affordable Housing.

### **6.2 Principle of Development**

- 6.2.1 The site is identified within the Development Plan for residential development and since the existing building is not Listed nor within a Conservation Area, the principle of redevelopment for residential is acceptable. The development would incorporate 42% as family housing which exceeds the requirements of policy CS16 of the Core Strategy. The proposed residential density of 100 dwellings per hectare is in accordance with policy CS5 which requires densities of in excess of 100 dwellings per hectare in this location. In addition to this, the existing building has a historic industrial planning use which is unfettered by planning conditions. Saved policies of the Local Plan support the redevelopment of un-neighbourly commercial uses within residential areas to provide housing.

### **6.3 Design, Character and Loss of Existing Building**

- 6.3.1 The existing building is not nationally or locally listed and does not lie within a Conservation Area, as such there is no statutory protection for the existing building. It is recognised that the corner section of the existing building, in

particular does have visual interest as an example of an Art Deco style industrial building. In such instances, the impact of the loss of the existing building has to be balanced against the merits of the redevelopment proposal.

- 6.3.2 The scheme has been amended since originally submitted to address comments raised by the Architects Panel and the City Design Team. In particular, a simpler, flat-roof design approach has been taken to the proposed flats on the corner of the site and this block is now entirely separate to the proposed houses. The design of the corner of the site has also been strengthened. These amendments have improved the relationship of the proposed flats with the proposed houses as well as reduced the massing of the building.
- 6.3.3 The staggered building line and variations in the parapet height of the flatted block successively articulate the building and also help to reduce the massing. It is recommended that further amended plans are secured which improve the arrangement of the fenestration to the corner of the site, to provide a more conventional residential glazing pattern and proportioning. A condition is also suggested to secure detailed plans of the window recessing, capping to the parapet of the building and balcony details to ensure a quality finish to the appearance of this block.
- 6.3.4 The proposed houses would establish a more traditional pattern of development on the site, with a plot series which reflects the character of the area. The simple, pitched roof appearance of the dwellings provide a contemporary interpretation of the traditional terraced houses to be found within the street.
- 6.3.5 Currently, the street frontage is dominated by a large, tarmac car parking area but the scheme proposes permeable areas of parking broken up with elements of soft landscaping to provide a more domestic character which is typical of the residential character of the street.
- 6.3.6 The proposed three-storey scale of the development is considered to be acceptable given the corner position of the site and the presence of other three-storey development within the surrounding area. Subject to securing amended plans to improvement the fenestration proportions, it is considered that the application proposes an acceptable design solution to the redevelopment of the site.

#### 6.4 Impact on Residential Amenity

- 6.4.1 In terms of the use of the site, it is important to note that it currently benefits from an industrial planning permission which is not restricted by planning conditions. It is therefore possible to use the site more intensively for industrial purposes in the future. As such, the removal of the industrial usage by residential development is considered to represent an improvement in residential amenity terms.
- 6.4.2 In addition to this, currently the existing building is constructed up to the boundaries with the neighbouring properties, projecting along the boundaries with the neighbouring gardens. The proposal would incorporate rear gardens and amenity space to the centre of the site which would improve outlook to the immediate neighbours of the site.
- 6.4.3 The proposed layout would respect the rear building lines of neighbouring

properties and the rear elevations of buildings would not be less than 15 metres from the boundaries with neighbouring properties. No habitable room windows are proposed on the side elevations of the proposed buildings. It is therefore considered that the proposed development would have an acceptable relationship with the existing residential properties which neighbour the site.

## 6.5 Quality of the Residential Environment

- 6.5.1 There would be defensible space between ground floor habitable room windows and the public highway ensuring privacy to the ground floor accommodation within the development. The main entrances to the buildings would be from the street and car parking would benefit from natural surveillance providing a safe and secure residential environment. Integral cycle and refuse storage would be provided and this is located conveniently in relation to the proposed flats and dwellings.
- 6.5.2 All of the proposed flats would have access to a private balcony as well as an area of communal amenity space to the rear of the site which would be marginally less than the 20 sq.m per unit suggested by the Residential Design Guide. However, the communal area would provide a useable and good quality space which is directly accessible from all of the flats. The proposed dwellings to the south of this space have been reduced in height towards the rear to also ensure the communal area is not unduly enclosed.
- 6.5.3 Two of the proposed dwellings would have private gardens which do not meet the garden size standards recommended by the Residential Design Guide. This is partly due to the provision of parking to the frontages of the properties and an access path to rear garden storage, which also contributes to creating a positive residential environment. The gardens would be suitably private, south facing and directly accessible from the dwellings. As such, it is considered that in this instance, the smaller gardens for two of the houses would not result in a compromised residential environment and are therefore acceptable.

## 6.6 Parking and Highways

- 6.6.1 The policies within the Core Strategy and Local Plan Review as supported by the Parking Standards Supplementary Planning Document seek to reduce the need to travel by private car and set out that controlling the level of car parking is a key factor in ensuring more sustainable modes of travel. As the site lies within an area of High Accessibility to public transport (Public Transport Accessibility Level 6), the provision of 11 on-site car parking spaces is in accordance with the adopted maximum car parking standards. Having regard to the location of the site which is within walking distance of services and facilities and good access to public transport, the proposal is therefore considered to be acceptable in this respect. An obligation in the Section 106 agreement would preclude the issue of car parking permits to future residential occupiers to prevent exacerbating parking pressure on the surrounding streets.

## 6.7 Direct Local Impacts and Affordable Housing

- 6.7.1 The development triggers the need for a S.106 Legal Agreement to secure appropriate off-site contributions towards open space and highway infrastructure improvements and 20% affordable housing units in accordance with Core



Strategy policies CS16 and CS25. The applicants have confirmed their willingness to enter into the necessary obligations to mitigate against the scheme's direct local impacts and have also indicated that the scheme is likely to be delivered, as subject to the completion of the legal agreement, the proposal is therefore considered to be acceptable.

## **7. Summary**

7.1 The proposed development would make good use of this identified housing site to deliver a mix of residential accommodation which includes family houses. Whilst, the corner feature of the existing building does have some visual interest, a conversion proposal would not deliver a scheme which would meet the Development Plan policies and guidance in terms of density, the provision of family homes and sufficient amenity space. As well as addressing these policy requirements, the proposed redevelopment also offers benefits in terms of an improved relationship with the immediate residential neighbours of the site, the provision of soft landscaping and amenity space and a domestic pattern of development which reflects the character of the area.

## **8. Conclusion**

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

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

1 (a), (b), (c), (d), 2 (b), (c), (d), 3(a), 4 (f), (vv) 6 (a), (c), (f), (i), 7 (a)

**JT for 19/11/12 PROW Panel**

### **PLANNING CONDITIONS**

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

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

Reason:

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

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

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

presenting alternatives on site.

Reason:

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

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

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

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

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

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

Reason:

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

### **04. APPROVAL CONDITION - Construction Method Statement [Pre-commencement condition]**

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

construction vehicles wheel cleaning; and, (g) details of how noise emanating from the site during construction will be mitigated. The approved CMS shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

Reason:

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

**05. APPROVAL CONDITION - Measures to Protect the Public Sewer [performance condition]**

Unless otherwise agreed in writing by the Local Planning Authority, no development or new tree planting shall be located within 3 metres either side of the centreline of the public sewer and all existing infrastructure should be protected during the course of the construction works. Furthermore, no new soakaway should be located within 5 metres of a public sewer.

Reason:

To protect the existing public sewer from damage

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

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

Reason:

To secure a satisfactory form of development.

**07. 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).

**08. APPROVAL CONDITION - Archaeological investigation [Pre-Commencement Condition]**

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

Reason:

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

### **09. APPROVAL CONDITION - Archaeological work programme [Performance Condition]**

The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

Reason:

To ensure that the archaeological investigation is completed.

### **10. APPROVAL CONDITION - Archaeological structure-recording [Pre-Commencement Condition]**

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

Reason:

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

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

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

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

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved 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.

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

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

Reason:

The property is in an area where there land has been unfilled or reclaimed. It would be prudent to ensure any potential fill material excavated during construction is not reused in sensitive areas unless it is evident that it is unlikely to present a land contamination risk.

**13. 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.

**14. 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.

**15. APPROVAL CONDITION - Cycle Storage [performance condition]**

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

Reason:

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

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

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

Reason:

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

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

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

Reason:

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

**18. APPROVAL CONDITION - Hours of Construction [Performance condition]**

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

Reason:

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

**19. APPROVAL CONDITION - Removal of permitted development [performance condition]**

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (as amended), or any Order revoking or re-enacting that Order, no development permitted by classes A (extensions), B (roof alterations), C (other roof alterations), D (porches), F (hard surfaces) of Part 1 of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority for the houses hereby approved.

Reason:

In order to protect the amenities of the locality and to maintain a good quality environment and in order to ensure that sufficient private amenity space remains to serve the houses.

**20. APPROVAL CONDITION - No other windows [performance condition]**

Unless the Local Planning Authority agree otherwise in writing and notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (as amended), or any Order revoking or re-enacting that Order, in relation to the development hereby permitted, no windows, doors or other openings shall be constructed in the side elevations of the dwellings above ground floor level other than those expressly

authorised by this consent.

Reason:

In order to protect the amenity and privacy of neighbouring properties.

**21. APPROVAL CONDITION - Parking and Access [pre-occupation condition]**

Prior to the occupation of the development hereby approved both the access to the site and the parking spaces for the development shall be provided in accordance with the plans hereby approved. The parking shall be retained for that purpose and not used for any commercial activity.

Reason:

To ensure a satisfactory form of development

**22. APPROVAL CONDITION - Construction Details [pre-commencement condition]**

Prior to any development commencing details of the following elements of the scheme shall be to and approved in writing with the Local Planning Authority at not less than 1:20 scale:

1. The roof parapet details
2. Balustrading, glazing specification and handrail details to balconies
3. Under-balcony supports
4. Window specifications including window recesses

The development shall proceed in accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure the development is undertaken in a satisfactory manner.

**23. APPROVAL CONDITION - Approved Plans**

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

Reason:

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

**POLICY CONTEXT**

Core Strategy - (January 2010)

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

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
NE4	Protected Species
HE6	Archaeological Remains
CLT6	Provision of Children's Play Areas
CLT7	Provision of New Public Open Space
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment
TI2	Vehicular Access

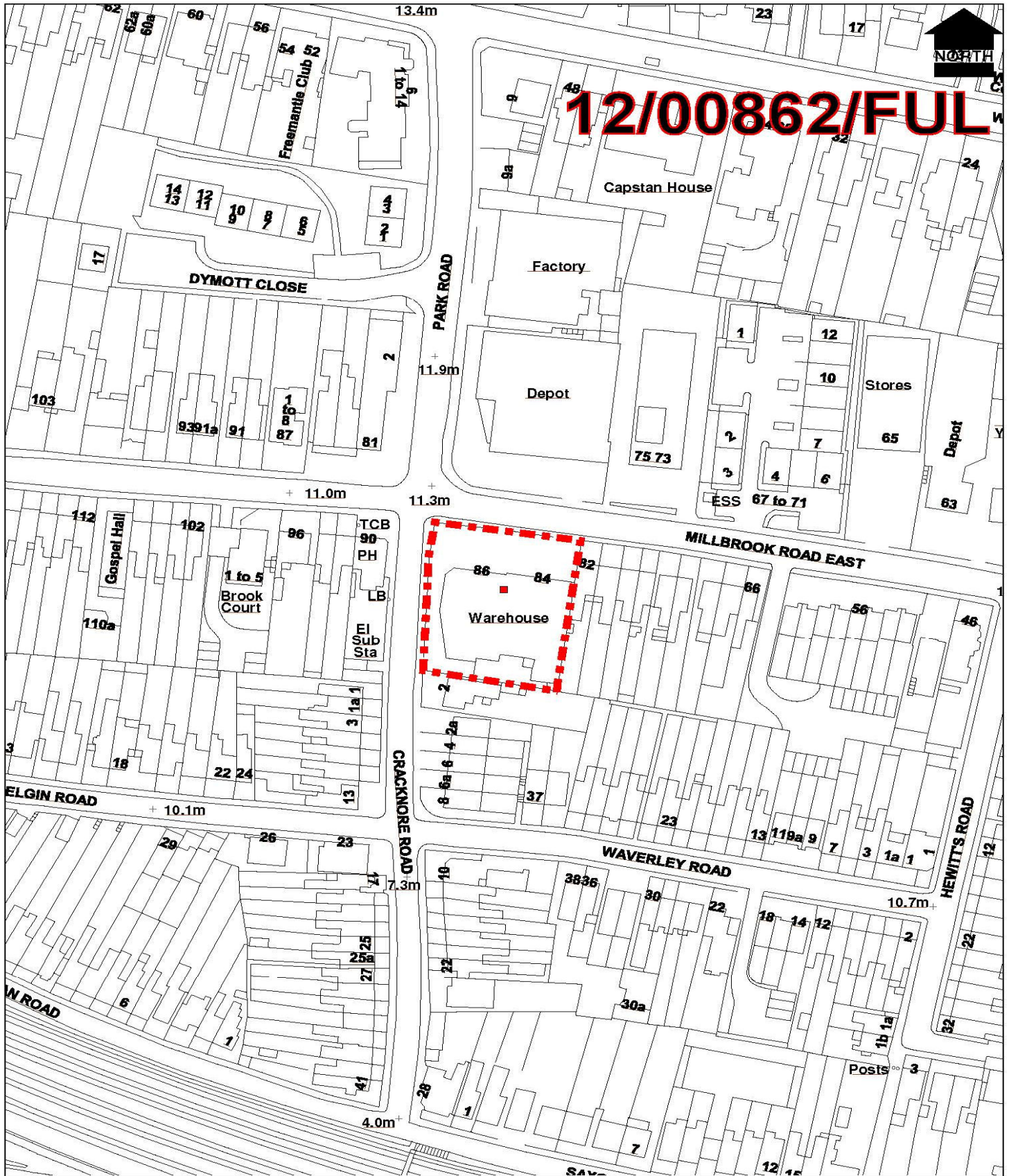
Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
Parking Standards Supplementary Planning Document

Other Relevant Guidance

The National Planning Policy Framework 2012





Scale : 1:1250

Date 07 November 2012

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# Agenda Item 7

**Planning, Transport & Sustainability Division  
Planning and Rights of Way Panel 20 November 2012  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 72 Westwood Road			
<b>Proposed development:</b> Extensions to the side and rear, conversion of the existing building into 10 flats (3 x studio, 3 x one bedroom, 3 x two bedroom and 1 x three bedroom) with associated facilities and erection of a new four bedroom house at the side with associated parking.			
<b>Application number</b>	12/01286/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Richard Plume	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	22.11.2012	<b>Ward</b>	Bevois
<b>Reason for Panel Referral:</b>	Major application subject to objections	<b>Ward Councillors</b>	Cllr Barnes-Andrews Cllr Burke Cllr Rayment

<b>Applicant:</b> Mr B Kakiya	<b>Agent:</b> Concept Design & Planning
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<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report</b>
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## Reason for granting Permission

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

Policies - SDP1, SDP5, SDP7, SDP9, SDP13, CLT5, CLT6, H1, H2, H6 and H7 of the City of Southampton Local Plan Review (March 2006) and Policies CS4, CS5, CS13, CS15, CS16, CS19, CS20 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

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

## Recommendation in Full

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

i. Financial contributions towards site specific transport improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), Policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended).

- ii. A financial contribution towards strategic transport improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D.
  - iii. Financial contributions towards the relevant elements of public open space required by the development in line with Policies CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended).
  - iv. Provision of affordable housing in accordance with Core Strategy Policy CS15.
  - v. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
- 2) In the event that the legal agreement is not completed within two months of the Panel meeting 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.
- 3) 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 is a 3-storey detached house situated on the south-east side of Westwood Road. There is an existing vehicular access to Westwood Road and off-street car parking at the front of the house for at least 4 cars.
- 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 Pembroke Court, a vacant 4-storey sheltered housing building which has permission for redevelopment to provide a 72 bedroom residential care home. 3 and 4 -storey blocks of flats are on the opposite side of Westwood Road. 2 storey detached houses adjoin to the rear in Gordon Avenue and along the private access road which is on the east side of the application site.

## **2. Proposal**

- 2.1 This application proposes to retain, convert and extend the existing house to provide 10 flats and to build a new 3-storey house on the east side of the existing building.
- 2.2 The proposed extensions would be a 2-storey side addition to the west side of the house and a single-storey flat roofed extension to the rear. The extended property would be converted into 10 flats (3 studio units, 3 x one bedroom flats, 3 x two bedroom flats and a 3 bedroom flat which is on the ground floor with its own amenity space).
- 2.3 The proposed new house would be a 4 bedroom property arranged on three levels including accommodation within the roofspace. The architectural style would be 'traditional' with a gabled roof and a projecting two-storey bay window. The house would sub-divide the plot with its own vehicle access, car parking area and rear garden. The design of the house has been changed since the original

submission. The elevations have been re-designed to reduce the amount of glazing on the rear elevation and thereby limit potential overlooking.

- 2.4 A total of 8 car parking spaces would be provided, 2 for the new house and 6 spaces for the flats.

### **3. Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 27 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. Relevant Planning History**

- 4.1 In July 2010, planning permission was granted for a 2-storey extension on the west side of the house and a single-storey rear extension (reference 10/00640/FUL). This permission has not yet been implemented.
- 4.2 In November 2010 planning permission was refused for the erection of a 2-storey side extension and a detached double garage in the front garden (reference 10/01314/FUL). This extension was proposed for the east side of the building, where the house is now proposed, and was shown as being 7.5 metres wide. The reason for refusal related to the disproportionate size of the extension and the unduly dominant appearance of the garage.

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

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (13.09.2012) and erecting a site notice (06.09.2012) . At the time of writing the report **3** representations have been received from surrounding residents. The following is a summary of the points raised.
- 5.2 **The size of the plot is not big enough for a 4 bedroom detached dwelling as well as the house that is already there with its proposed extensions. The proposed plans do not take into account the existing site layout and elevations of 74 Westwood Road that have been updated through alterations undertaken in 2010. The extension would be overbearing to number 74 due to its excessive height and proximity to the boundary.**

### Response

These comments are addressed later in this report. The application has been amended in response to these comments.

- 5.3 **The proposed layout, density and size of the flats are excessive for the size of the plot and the existing property. The area is already overdeveloped with the type of properties being proposed. There are already an excessive number of student, studio, small one and two bedroom properties for sale or to let in the area.**

### Response

National and local planning policies support making efficient and effective use of existing land and buildings. The dwellings proposed are a mix of family sized units and smaller units which comply with Core Strategy Policy CS16.

- 5.4 **There is insufficient space on the site for parking, bin storage and amenity space for 10 flats. This will result in cars parking on the road which is already at full capacity due to parking restrictions in adjoining streets and use of the road by shoppers and employees working in Portswood.**

### Response

The parking issues are addressed later in this report

- 5.5 **SCC Highways** - No objections, the level of car parking is reasonable for this location which is an area of high public transport accessibility.
- 5.6 **SCC Housing** – The proposed scheme is not suitable for on site affordable housing, due to the size of the units, which are small in size and would not meet the required size and design standards for affordable housing. Therefore, in this case a commuted financial payment to be used in providing affordable housing on an alternative site would be appropriate subject to the outcome of the viability assessment which has been submitted.
- 5.7 **SCC Sustainability Team** – No objections subject to conditions to ensure Code 4 is achieved and the necessary reduction in carbon emissions.
- 5.8 **SCC Archaeology** – The site lies outside the main areas of archaeological importance and there are no known archaeological sites and findspots in the immediate vicinity of the development site. Consequently, should planning consent be granted no archaeological conditions would be required.
- 5.9 **SCC Environmental Health (Pollution & Safety)** - no objections to this application subject to conditions.
- 5.10 **SCC Environmental Health (Contaminated Land)** - This department considers the proposed land use as being sensitive to the affects of land contamination. Records maintained by SCC - Regulatory Services indicate that the subject site is located on/adjacent to the following existing and historical land uses: Garage (Approx. 100m East). These land uses are associated with potential land contamination hazards. There is the potential for these off-site hazards to migrate from source and present a risk to the proposed end use, workers involved in construction and the wider environment. Therefore, to ensure compliance with

Para 120 & 121 of the National Planning Policy Framework - March 2012 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 and, where appropriate, remediated to ensure the long term safety of the site. To facilitate this I recommend, if planning permission is granted, that conditions be attached.

- 5.11 **Southern Water** – No objections subject to a condition and informative requiring further details of foul and surface water drainage.

## **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
- Design issues
- Impact on residential amenity
- Transport and parking issues

### 6.2 Principle of Development

Properties in Westwood Road have been extensively redeveloped in recent years and this is one of the few remaining original villas in the street. The building is not 'protected' in terms of listed building or conservation area status so it could have been the subject of redevelopment proposals. This proposal to retain and convert the building is welcomed. Core Strategy Policy CS 16 seeks to provide a mix of housing types. The policy seeks a target of 30% of total dwellings as family homes on sites of 10 or more dwellings. The policy also requires there to be no net loss of family dwellings. The application includes two family sized units, the proposed new house and a 3 bedroom flat at ground floor level within the converted building. This unit will have its own private amenity space. The rest of the property would be converted to provide a range of smaller units, studios and 1 and 2 bedroom flats. This range of housing types complies with the Core Strategy Policy on mix of dwellings.

### 6.3 Design Issues

The proposed extensions to the house are very similar to those granted permission in July 2010 which could still be implemented. The proposed conversion and refurbishment of the property would be a welcome improvement to this part of the street. The site of the proposed new house is some 8 metres wide towards the road frontage but is less than this to the rear due to the tapering of the site boundary. There is sufficient width to accommodate a new house but this does result in an unusual shape to the rear garden which limits its useability. However, the size of the garden is over 90 square metres which is in accordance with the normal standard. The existing house to be converted would retain a substantial shared garden of 220 square metres as well as providing a private amenity area for the ground floor 3 bedroom flat. Although the site of the proposed house is where a 2-storey side extension was refused permission in November 2010, the design is different and the proposed house would clearly read as a separate building rather than an extension. The November 2010 proposal also included a detached garage in the front garden which is not part of this application.



6.4 In architectural terms, the proposed new house has a 'traditional feel' which seeks to respect certain features of the main house with a gabled roof, bay window and chimney. Although it is on three levels, the top floor is within the roofspace and the building would appear subservient in scale to the retained house and much smaller than the 4-storey blocks of flats which is the prevailing building form in the street, including the building which adjoins to the east. The development of a house here as well as converting the property into flats makes efficient and effective use of the land in accordance with government advice and local planning policy.

#### 6.5 Impact on residential amenity

The main issue in terms of neighbour amenity relates to the impact of the new house on the property to the rear at 74 Westwood Road. This adjoining property was previously a chalet bungalow with accommodation in the roofspace. It has recently been significantly enlarged with a two-storey extension to the front. The construction of this extension has resulted in the front of that building coming closer to the application site by some 3 metres with the incorporation of three windows to the front elevation, a kitchen window at ground floor level and two bedroom windows at first floor level. The proposed new house would result in a separation distance of approximately 17 metres which is less than the normal standard of rear to rear facing windows. However, the changes to the design result in there being no windows in the rear elevation at first or second floor levels which would prevent direct overlooking. The proposed new house is on the north side of this adjoining property so there will be no loss of sunlight. There will undoubtedly be some impact on 74 Westwood Road in terms of an increased sense of enclosure but this adjoining property is effectively in a backland location and, due to its siting and recent extensions, it cannot be given full protection in terms of development of an adjoining site. The front of 74 Westwood Road directly adjoins a public footpath which links Westwood Road to Gordon Avenue and the front garden is not a private space at present as it is used for car parking rather than as a private amenity area. Overall, it is considered that there would be some adverse impact on the amenity of this neighbour but not sufficient to justify a refusal of permission.

#### 6.6 Transport

This site is just within an area of high public transport accessibility due to its proximity to the bus routes in the Portwood District Centre. According to the new car parking standards, a maximum of 13 spaces could be provided for this mix of dwellings. The proposed layout allows for 2 spaces for the new house and 6 spaces for the flats (maximum of 11 permissible). The car parking levels are therefore in accordance with the maximum standards. Members will be aware of previous advice that the Council cannot require a developer to provide more parking than they wish to provide. Daytime visits to the site have revealed that on street parking is quite busy at this end of Westwood Road, probably as a result of the controlled parking scheme on the north side of Brookvale Road which has inevitably displaced visitor parking into this end of Westwood Road. An evening parking survey submitted by the applicant reveals spare capacity for on-street parking in the vicinity of the site. In these circumstances the car parking arrangements are considered to be acceptable.



## **7. Summary**

- 7.1 The principle of retaining and converting the existing building into flats is supported. The conversion scheme provides a range of dwelling sizes which comply with Core Strategy Policy. The design of the new contemporary house and the car parking arrangements are acceptable. Infilling the gap at the side of the house will have some adverse impact on the amenities of the occupiers of 47 Westwood Road but this is not considered to be to an unacceptable degree.

## **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), 4(f), 4(g), 4(vv), 6(a), 6(c), 7(a), 8(a), 9(a), 9(b).

### **RP2 for 20/11/2012 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- 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.

#### **04. 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.

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

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

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

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

Reason:

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

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

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

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

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

And at no time on Sundays and recognised public holidays.

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

Reason:

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

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

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings other than those expressly authorised by this permission shall be inserted in the rear elevation of the 4 bedroom house hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the adjoining residential properties.

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

Before the new build development commences, written documentary evidence demonstrating that the new build 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).

**09. 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).

**10. APPROVAL CONDITION - Energy (Pre-Occupation Condition)**

Written documentary evidence demonstrating that the converted development will at minimum achieve a reduction in CO2 emissions of 20% over part L of the Building Regulations shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted. Technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

**REASON:**

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

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

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to the new 4 bedroom 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 extension).

**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.

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

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

**Reason:**

In order to protect the privacy of adjoining occupiers.

**13. 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.

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

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

**REASON**

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

**15. APPROVAL CONDITION - Treatment to front garden (Pre-Commencement Condition)**

Development shall not commence until details of the treatment to the front garden of the property has been submitted to and approved in writing by the Local Planning Authority. These details shall include the means of enclosure, including the front boundary wall and piers, and the hard and soft landscaping treatment. The works shall be carried out in accordance with these approved details.

**Reason**

To ensure a satisfactory treatment to the frontage and the streetscene.

**16. 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.

**17. APPROVAL CONDITION - Approved Plans**

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

**Reason:**

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

**POLICY CONTEXT**

Core Strategy - (January 2010)

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

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP22	Contaminated Land
HE6	Archaeological Remains
CLT5	Open Space in New Residential Developments
CLT6	Provision of Children's Play Areas
H1	Housing Supply
H2	Previously Developed Land
H5	Conversion to residential Use
H7	The Residential Environment

Supplementary Planning Guidance

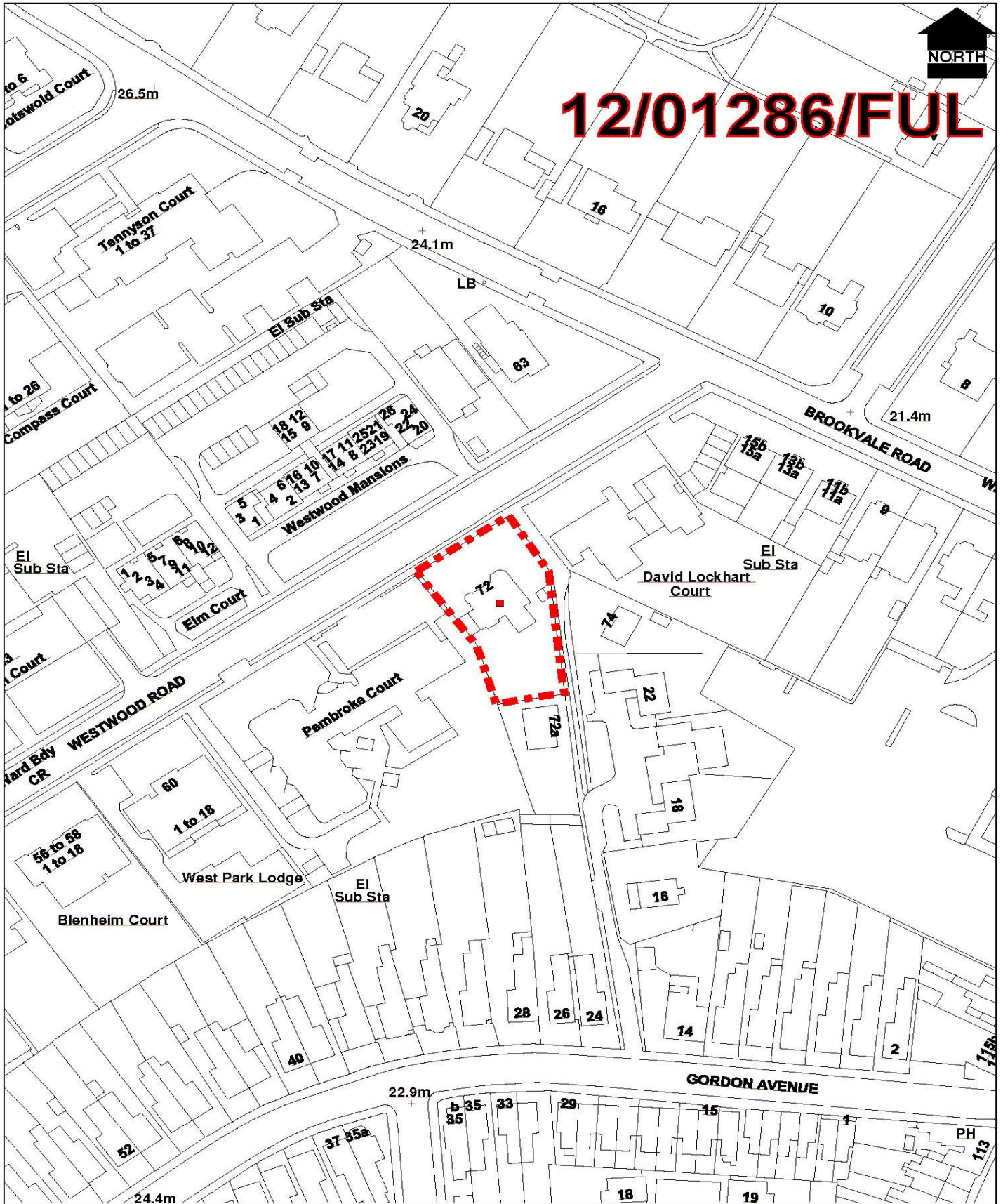
Residential Design Guide (Approved - September 2006)  
Planning Obligations (Adopted - August 2005 and amended November 2006)  
Parking Standards (September 2011).

Other Relevant Guidance

The National Planning Policy Framework 2012



**12/01286/FUL**



Scale : 1:1250

Date 07 November 2012

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# Agenda Item 8

**Southampton City Planning & Sustainability  
Planning and Rights of Way Panel meeting 20 November 2012  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 100-102 High Road			
<b>Proposed development:</b> Re-development of the site. Four storey building to form student accommodation (9 self-contained studio flats) with ground floor commercial floorspace and associated amenity space, refuse and cycle storage. Outline application seeking approval for Access, Appearance, Layout and Scale with Landscaping reserved. Car free scheme amended following validation.			
<b>Application number</b>	12/01217/OUT	<b>Application type</b>	Outline
<b>Case officer</b>	Stephen Harrison	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	14.11.2012	<b>Ward</b>	Swaythling
<b>Reason for Panel Referral:</b>	Ward Councillor request and more than 5 letters of objection	<b>Ward Councillors</b>	Cllr Vassiliou Cllr Mintoff Cllr Turner

<b>Applicant:</b> Mr S. Poswall	<b>Agent:</b> Concept Design & Planning
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<b>Recommendation Summary</b>	<b>Delegate to the Planning &amp; Development Manager to approve subject to the completion of a S.106 Legal Agreement</b>
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## Reason for Granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The proposed development has been amended to reduce the quantum and size of the development. The planning permission LPA ref: 12/00033/FUL on the neighbouring 'City Gateway' site is a material consideration in terms of the principle and type of development, the use of a contemporary design solution and a nil car parking scheme to serve the student residents. The impact of the development, in terms of visual and neighbouring amenity, highway safety and parking is considered to be acceptable. In reaching this conclusion, as to the acceptability of the development, particular account has also been taken of the third party response to the scheme; the quality of the proposed redevelopment proposals; current market conditions; the economic regeneration benefits that will accrue as a result of the redevelopment proposals; the need for student housing and the potential reduction in demand for converting the City's existing family housing stock into shared housing; and the overall viability of the scheme. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 planning permission should therefore be granted following the completion of the section 106 agreement to secure the planning obligations as set out in the report to panel dated the 20th November 2012 in accordance with the following policies:

City of Southampton Local Plan Review (March 2006) policies SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP13, SDP14, SDP15, SDP16, SDP17, SDP19, SDP22, CLT5, CLT7, H1, H2, H3, H7, H13, REI6 and TI2 and City of Southampton Core Strategy (January 2010) policies CS4, CS5, CS6, CS11, CS13, CS15, CS16, CS18, CS19, CS20, CS22, and CS25 as supported by the relevant national planning guidance and the Council's current supplementary planning guidance listed in the Panel report.

<b>Appendices attached</b>			
1.	Development Plan Policies	2.	Relevant Planning History

## **Recommendation in Full**

1. Delegate to the Planning & Development Manager to grant conditional approval subject to the completion of a S.106 legal agreement to secure the following:
  - i) An occupation restriction to ensure that all residents are in full time higher education in accordance with Local Plan Policy H13(v);
  - ii) The submission and implementation of a Student Drop Off/Collection Management Plan committing to an ongoing review of the site;
  - iii) A financial contribution and/or the implementation and maintenance of an agreed series of site specific transport works;
  - iv) A financial contribution and/or the implementation and maintenance of an agreed series of strategic transport highway network improvements;
  - v) No student shall be entitled to park on the land or to obtain parking permits to the Council's Controlled Parking Zones. A letter to each student of the scheme explaining that students are discouraged from bringing a car with them to university shall be sent prior to each occupation.
  - vi) Financial contributions towards the relevant elements of public open space required by the development in line with Policy CLT5;
  - vii) Submission and implementation within a specified timescale of a Green Travel Plan; and,
  - viii) Submission and implementation of a highway condition survey to ensure any damage to the adjacent highway network is repaired by the developer.

In the event that the S.106 Legal Agreement is not completed within 2 months from the date of this Panel meeting delegated authority be given to the Planning and Development Manager to refuse the application for failing to secure the S.106 legal agreement mitigation measures listed above.

- 2) That the Planning and Development Manager be given delegated powers to vary relevant parts of the Section 106 agreement (including following ongoing discussion and/or the receipt of an independently verified viability assessment) and to remove, vary or add conditions as necessary.

### **1.0 Background**

- 1.1 This application has been amended following validation. These changes include reducing the height of the building by a storey, reducing the number of student flats from 12 to 9 and the introduction of a ground floor commercial unit to serve the defined local centre. A re-consultation exercise followed receipt of these plans.

## **2.0 The Site and its Context**

- 2.1 This application relates to the redevelopment part of the former Bowers Car Sales site at 100-102 High Road in the defined Swaythling Local Centre. The site has been subdivided and is now in different ownership. It is located at the junction of High Road with Parkville Road adjacent to the Council's former car park upon which development is underway for the part 15 storey 'City Gateway' student residential scheme (LPA: 12/00033/FUL refers).
- 2.2 The rear section of the site is cleared and has planning permission for 13 open market flats (LPA: 07/00312/FUL refers). This permission has recently been implemented and is under construction. The application site is a vacant two storey terraced building with an established retail use on the ground floor and residential above. Following partial demolition of this building the site has become an eyesore.
- 2.3 The character of the area is mixed in terms of land use and architectural styles. The Swaythling Local Centre is characterised by two storey development with retail space fronting the road. The red brick Market Buildings on the opposite side of Stoneham Way/High Road are of three storey construction. They also form part of the defined Local Centre.
- 2.4 The application is located within a defined area of "medium" accessibility, albeit with good access to the Swaythling Railway Station, which is located approximately 240 metres from this site, with existing pedestrian linkages. The application site area measures 0.015 hectares.

## **3.0 Proposal**

- 3.1 Outline planning permission, albeit with only Landscaping reserved for future consideration, is sought for a mixed use development following the redevelopment of the site with a four storey building. The application has been amended as follows:

	<b>12/01217/OUT Submitted</b>	<b>12/01217/OUT Amended</b>
Building Height	Part 3/Part 5 storeys	4 storeys
Residential Units	12 flats	9 flats
Commercial Floorspace	N/A	38sq.m (A1-A5 or D2 use)
Car Parking	Nil	Nil
Cycle Parking	8 spaces	6 spaces

- 3.2 Small scale 'flexible' retail (use classes A1-A5) or D2 uses will occupy the ground floorspace below the residential studio flats. These flats have been identified for occupation by students and will all have access to a private balcony with a westerly outlook overlooking High Road. Given the proposed occupancy by students no affordable housing is provided.
- 3.3 The proposed building has a 4 storey (12.2 metres tall) modern design aesthetic constructed from facing brick with grey fenestration. No parking is proposed and, following the sale of the rear part of the site, there is no space available to accommodate parking to serve the applicant's current site. The application proposes zero parking and whilst described as 'car free' it is possible that occupants will choose to bring a car to University. They will have the same

difficulties that those residents at City Gateway will have in parking their car due to the parking restrictions in place in the locality.

- 3.4 The neighbouring 'City Gateway' development also provides student accommodation for 368 bed spaces (comprising 53 shared 'pods' formed from 348 bedrooms, 4 no.2 bed flats and 12 no.1 bed flats). A public car park located within the courtyard and along Parkville Road serves this development.

#### **4.0 Relevant Planning Policy**

- 4.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 4.2 The proposed mixed-use development is in principle considered to provide substantial positive regeneration benefits to the Swaythling Local Centre. At ground floor level appropriate retail is provided that will positively extend and enhance the local centre (Local Plan Policy RE16 and Core Strategy Policy CS3 refer).
- 4.3 Local Plan Policy H13 seeks to ensure that the growth of the City's universities is co-ordinated with the provision of student accommodation.
- 4.4 New development is expected to meet high sustainable construction standards in accordance with adopted Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13. In this instance the application will be conditioned to ensure it meets Code for Sustainable Homes Level 4.
- 4.5 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> 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.

#### **5.0 Relevant Planning History**

- 5.1 The relevant planning history for this site and its neighbours is set out at **Appendix 2**.

#### **6.0 Consultation Responses and Notification Representations**

##### **6.1 Third Party Comment**

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 (23.08.12 and 30.08.12) and erecting a site notice (27.08.12). Following the receipt of amended plans a re-consultation exercise has been undertaken with comments invited by 7<sup>th</sup> November. A verbal update of any further comments will be provided at the meeting.

- 6.2 At the time of writing the report **15 representations** (2 following the receipt and notification of amended plans) have been received from surrounding addresses including an objection from ward councillors Turner, Mintoff and Vassiliou.

6.3 Relevant planning issues raised and addressed by the comments from the Highways DC Officer and in the Planning Considerations section of this report include:

6.4 Additional flats in this location with no parking will result in cars over-spilling into nearby streets, including Parkville Road (as they currently do following the closure of the public car park). This will prevent access for the existing Parkville Road residents and the emergency services and cause highway safety concerns.

Response

There is no external space associated with this application site outside of the building footprint for car parking. As such, any redevelopment proposals will have nil parking. The wider assessment undertaken by the Council's Highway's Officer, the fact that not every student will bring a vehicle to university given the difficulties and cost involved in doing so, and the presence of maximum car parking standards that accept car-free residential schemes in principle suggest that any overspill can be catered for upon the existing highway network. Furthermore, the Council recently accepted that the 368 study bedrooms forming the neighbouring 'City Gateway' scheme could be delivered with nil parking to serve the student residents. The same conclusion has been reached in relation to these additional 9 study bedrooms

6.5 If approved students should be prevented from bringing a car

Response

This was the Council's initial approach for the 'City Gateway' project but has since been found to be an unlawful approach as any vehicle with a valid tax disk is entitled to park on the public highway.

6.6 The development will, with the 'City Gateway' development turn Swaythling into a student ghetto.

Response

The delivery of 9 additional study bedrooms will provide further choice for students, whilst potentially freeing up a couple of existing shared houses for families thereby assisting in securing a mixed community.

6.7 The proposed design is out of character and alien to the beautifully crafted Victorian buildings along the existing High Street.

Response

Comment noted and discussed below in the context of the comments of the City Design Manager and the Architect's Panel.

6.8 This represents a dense overdevelopment of this small plot

Response

Whilst the proposed density is high (especially given the relatively small footprint of the site) the form of development is considered to respond well to this corner site and the neighbouring tower scheme ('City Gateway').

- 6.9 There is no need for additional student accommodation. It is likely that they will become sub-standard private flats (when student tenants cannot be found) and car ownership will then be higher.

Response

This assumption is not supported with the necessary evidence. Furthermore, an application would be required to lift any student occupancy restriction imposed (as recommended) and on this basis the Local Planning Authority retains control over the type of subsequent occupancy that the building may support in the future.

- 6.10 With 2 developments already under construction Parkville Road cannot accommodate a third and, if approved, the construction phase should be delayed until after the 'City Gateway' project. The noise, dirt, dust, mud and mess will be intolerable.

Response

The impacts of the construction phase are controlled (and subsequently monitored) by the Local Planning Authority and the attached planning conditions. Whilst an overlap in the construction phases of all 3 schemes may be possible (and the combined impacts noted) the delivery of this project would be delayed due to the need for further reserved matters approvals and the clearance of the pre-commencement planning conditions. That said, it would be unreasonable for the Council to withhold permission until the City Gateway development has completed.

- 6.11 The lack of retail re-provision will harm the local centre.

Response

An amended scheme has been submitted which replaces 2 ground floor studio flats with some 40sq.m of flexible commercial space in accordance with LPR saved Policy REI6.

- 6.12 Impact on residential amenity – including loss of light, overlooking and overshadowing.

Response

Comment noted and discussed below.

- 6.13 This will set a precedent for other property along High Road to be converted.

Response

Any subsequent planning application will be determined on its own planning merits, whilst acknowledging that these proposals (and the 'City Gateway' approval) will form a material consideration. This in itself is insufficient to warrant a planning refusal as no harm has been quantified.

- 6.14 Little thought has been given to the student drop-off/collection days and how this parking will be managed.

Response

This can be resolved through the S.106 legal agreement. The applicants have suggested that they will have access to a single parking space serving the neighbouring 07/00312/FUL development which could be used to manage arrivals/departures.

- 6.15 The development will result in late night disturbance along High Road and Parkville Road.

Response

There is no evidence to suggest that this will be the case and any nuisance caused by residents can be controlled through other regulatory powers.

- 6.16 Consultation Responses

**Highways DC** – No objection raised following the receipt of amended plans. The visitor cycle parking lacks natural surveillance and the refuse store cannot open outwards across the public highway (as shown). Planning conditions are proposed to resolve these issues.

- 6.17 *Note: In consideration of the ‘City Gateway’ planning application (LPA: 12/00033/FUL refers) the Highways Officer noted that the erosion of controls on students bringing cars to this university accommodation leaves a risk of parking associated with these students over spilling into neighbouring streets. Previous Transport Assessments have concluded that using data from other locations it can be assumed that up to 42 students may bring a car with them to the Swaythling Gateway site, based upon 368 students being resident at this location. The developer is including works to the Market Buildings car parking area to maximise use of this space. The overall conclusion is that there will be overspill parking, which will affect neighbouring streets. The parking surveys conducted previously have, however, indicated that there is spare on street parking capacity. This on street availability is remote from the site, and this in itself will deter some students from bringing a car to University. Coupled with the convenience of the Uni-Link bus service and the free pass given to all students within this accommodation, and the lack of parking at the University campus, and safe cycle storage both at this site and the University, students have good free alternative travel options, including walking. The options will therefore affect the decision of some students who may have thought of bringing a car to Southampton, despite the advice from the University not to do this.*

- 6.18 **SCC City Design** – The site occupies a prominent position at the foot of Stoneham Lane and so a robust design solution is important, providing an end stop to the view but also leading the eye both westwards towards the two-storey urban linear development of Stoneham Way and eastwards to the increasing height of proposed new student tower and its adjoining development. This two storey urban development has a strong character; these have relatively deep plots and have potential in the longer term for some redevelopment at a greater height than existing. The two storey semi-detached houses to the north of Swaythling Way, opposite the site, have a raised ground level. This and the relative width of Stoneham Way would make it acceptable to have a taller development on the site. Detailed comments:

- 6.19 The reduction in the height of the development’s south wing does seem an unnecessary compromise in relation to the existing development to its west, and compromises the impact this scheme would have on the approach from Stoneham Lane. The scheme would make a more appropriate response with a consistent skyline across the whole development at either 4 or 5 storeys;

### Response

The applicants have amended the scheme and now propose a full 4 storey development

- 6.20 The northeast facing flank wall to the development is also very prominent in approaches from Stoneham Lane and from the north along Stoneham Way, where its east facing elevation presents itself square on to this approach. The house on the junction at 312 Honeysuckle Road has its front door on this northeast facing elevation and although partially hidden behind a hedge the upper floor windows are clearly evident facing outwards in this direction. The proposed scheme needs to do more to strengthen its elevation in this direction. This might be achieved by projecting a bay window feature from first floor to the upper most floor with full height windows facing northwest and southeast and with the brick balcony feature running round the corner in line with the projecting wall of the bay feature. This would add interest and depth to this elevation without compromising the overlooking with the proposed student development as well as improving light into the studio rooms;

### Response

The applicants have amended the scheme by adding a commercial unit to the ground floor with glazing used to turn the corner. Balconies have been recessed and fenestration changes assist in achieving the required change.

- 6.21 The balcony looks to be about 850 mm deep which is barely wide enough for a chair, to be a useable amenity space you should be able to sit comfortably on it – it would benefit from being wider;

### Response

The applicants have increased the size of the balconies where possible.

- 6.22 **SCC Architect's Panel** – These studios offer a relatively poor living environment, particularly on the ground floor, and changes are needed to improve the design. The main residential entrance should be separated from the one serving the refuse store and would benefit from a canopy, the building should respond better to this corner location and a 4 storey development would lessen the impact of the blank gable (southern elevation) when viewed from south of the local centre.
- 6.23 *Note: All suggested changes have been made including the removal of accommodation from the ground floor. In response to the quality of the accommodation proposed the units all have a westerly aspect (thereby receiving afternoon sun) and a balcony. The Council does not have minimum floorspace standards for student accommodation but the proposed studios range in size from 19-26sq.m, which are consistent with the size of other similar accommodation being consented across the City.*
- 6.24 **SCC Housing** – confirm that as this application is for student accommodation there will be no affordable housing requirement. A restriction should be used, via the S106 agreement, to restrict the occupation of the units to students only on all initial and subsequent lettings.
- 6.25 **SCC Sustainability** – No objections subject to the use of planning conditions to secure a Code Level 4 development (as per the pre-estimator)



- 6.26 **SCC Ecology** – No objection. The application site has minimal biodiversity value whilst the surrounding area has high levels of artificial illumination and negligible amounts of vegetation. As such, the proposed development would have minimal impact on local biodiversity.
- 6.27 **SCC Environmental Health (Pollution & Safety)** - No objection subject to the imposition of appropriate planning conditions relating to noise attenuation and hours of construction.
- 6.28 **SCC Environmental Health (Contamination)** - No objection raised subject to the imposition of appropriate planning conditions. This department considers the proposed land use as being sensitive to the affects of land contamination. Records maintained by SCC indicate that the subject site was a former garage and, therefore, there are associated potential land contamination hazards. There is the potential for these off-site hazards to migrate from source and present a risk to the proposed end use, workers involved in construction and the wider environment. Therefore, to ensure compliance with Para 120 & 121 of the National Planning Policy Framework - March 2012 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 and, where appropriate, remediated to ensure the long term safety of the site.
- 6.29 **SCC Archaeology** – The site is in an area of high archaeological potential. The main Roman road between the Romano-British settlement at Bitterne Manor and Winchester runs directly to the east of the site. The site is also on the projected line of the mediaeval road of *Burger's Strete* (modern Burgess Road) which was the only made road outside the mediaeval town and is also believed to follow a previous route of a Roman road. However, looking back at the historic maps it is apparent that this particular site has previously been developed on at least two separate occasions, which is likely to have removed any in-situ archaeology. Consequently, should planning consent be granted, I would not recommend that any archaeological conditions are attached.
- 6.30 **SCC Skills, Economy & Housing Renewal** – There is no requirement for an employment and skills plan.
- 6.31 **BAA** - No safeguarding objections to the proposed development subject to planning informatives being added regarding landscaping and cranes
- 6.32 **Southern Water** - No objection subject to the imposition of appropriate planning conditions.
- 6.33 **The Environment Agency** – No objection.

## **7.0 Planning Consideration Key Issues**

- 7.1 The key issues for consideration in the determination of this planning application are:
- i. The principle of mixed-use development;
  - ii. The design approach & its impact on the established character;
  - iii. Highways and parking;
  - iv. The impact on existing residential amenity;
  - v. Proposed living accommodation; and,

vi. The requirement for a S.106 Agreement and the provision of affordable housing.

## 7.2 Principle of Mixed-Use Redevelopment

7.2.1 As with the 'City Gateway' proposals the principle of this type of accommodation is supported by saved Policy H13 (Student Accommodation) and is well suited for the site and the Swaythling Local Centre. Furthermore, the provision of purpose built student accommodation reduces the pressure, in part, on the City's existing family housing stock to be converted to housing in multiple occupation. Policy H13 requires such housing to be restricted by a planning condition or an appropriate legal agreement. Where this is accepted the Council's normal affordable housing requirements do not apply.

7.2.2 Policy CS3 states that new development must be at a scale appropriate to the size and role of the centre, and identifies Swaythling as being served by a 'Local Centre' that meets 'day to day' needs for the immediate neighbourhood. The Policy is permissive of new development to protect the vitality and viability of these existing centres. Following the receipt of amended plans that show a commercial unit on the ground floor (rather than 2 additional studio flats) the scheme is consistent with the requirements of Policy CS3 and saved LPR Policy REI6 which adds that in order to maintain and, where possible, enhance their role of serving the daily needs of the local population, development proposals will be permitted in Local Centres if the use falls within classes A1, A2, A3, A4 or A5, or provides appropriate leisure, social or community uses, or the use is for residential purposes (but not at ground floor level). The supporting text to this policy adds that *'these centres require investment'*. The amended scheme is wholly compliant with this policy framework and a planning condition (consistent with that attached to the City Gateway commercial floorspace) is recommended to control the hours of opening for the ground floor unit.

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

## 7.3 Design Approach & Impact on Character

7.3.1 The proposed design approach should be assessed against the development plan unless other material considerations dictate otherwise.

7.3.2 In particular, the NPPF states that *'good design is a key aspect of sustainable development, is indivisible from good planning, should contribute positively to making places better for people'* (paragraph 56 refers). It adds that *'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'* (paragraph 64 refers).

7.3.3 At the local level Local Plan Policy SDP7 states that *'development which would cause material harm to the character and/or appearance of an area will not be permitted'*. The supporting text explains that *'context is about understanding the uses, visual characteristics and the patterns of local life of an area'* (paragraph 2.49 refers). The Council's Residential Design Guide SPD explains that one of its key objectives is to positively enhance local character. In line with national urban

design guidance the RDG recognises that the scale, massing and appearance of a dwelling or a group of dwellings should create a '*balanced composition*' in relation to each other and be in harmony with existing nearby development (paragraph 3.9.5 refers).

- 7.3.4 In terms of immediate context, it is clear that only a building of two-storey scale would truly respect the existing Swaythling Local Centre's defined character. However, it does not follow that development of a greater scale and massing will automatically be viewed as alien or harmful to a given context. In particular, the Local Centre is in a transition period with the commencement of works on the 'City Gateway' project. In time this will result in a part 5/part 6 storey wing framing a 15 storey tower on the island site adjacent to this application site. This is material to the Council's consideration in this case. Furthermore, Market Buildings is 3 storeys and will be read in the same context as this development. The application site itself sits at the junction of Parkville Road with High Road and closes the vista from Stoneham Lane. As such, some additional height is entirely appropriate in principle. Following the receipt of an amended plan the proposed 4 storey development is considered to respect the overall context and this conclusion is shared by the City Design Manager and the Architect's Panel.
- 7.3.5 The current application enables the applicant to make better use of this previously developed land and assists the Council in addressing its housing requirements. The application is, therefore, considered to have addressed the requirements of local and national design guidance identified above and supported by Local Plan policies SDP6, SDP7, SDP8 and SDP9 as supported by Core Strategy Policy CS13.

#### 7.4 Highways and Parking

- 7.4.1 Car parking is a key determinant in the choice of mode of travel, and the site is close to principal bus routes and Swaythling Train Station. It is also the issue that every objector to the planning application has raised.
- 7.4.2 The Local Plan, as supported by the Parking Standards SPD (2011) aims to reduce reliance on the private car and encourage alternative modes of transportation such as public transport, walking and cycling. It supports a maximum parking requirement of 1 parking space per studio flat (in areas of medium accessibility) but accepts that schemes offering nil parking are also acceptable in principle.
- 7.4.3 As with the residential element of the 'City Gateway' scheme a 'car free' scheme with nil parking is proposed for this student residential use. This is acceptable in principle given the Council's current adopted maximum parking standards, the decision to approve the neighbouring 'City Gateway' scheme on Council land, and the fact that the site physically has no space for associated parking. This means that any proposed use will have zero parking and would attract the same opposition for doing so. It also means that a planning refusal will, potentially, result in the site remaining as undeveloped and continuing to harm the vitality and appearance of the local centre. A pragmatic approach is, therefore, required providing that, in taking it, the resultant development does not harm the character of the area, existing residential amenity, or highway safety.
- 7.4.4 It was previously the case that, when the Council determined the 'City Gateway' scheme the applicants expected a worse case overspill of 42 cars owned by students from the development. This figure was arrived at following an evaluation

of similar schemes and assumed no student car ownership eviction clause was in place. The applicant's survey work concluded that the highway network around the application site (including Stoneham Lane, Willis Road and Phillimore Road) on any given evening would, typically, have capacity for some 59 additional vehicles to accommodate any overspill. Members will recall that this spare capacity was to be supported by improvements to, and a more efficient layout of, the Market Building's frontage parking with the delivery of some 10 additional spaces (ie. up to 37 to this frontage).

7.4.5 In summary, therefore, in the Council's favourable determination of application 12/00033/FUL both officers and the Panel were content that there is spare capacity (ie. 59 public 'on-street' spaces excluding the 37 or so controlled spaces at Market Buildings) to deal with the likely worse case parking overspill from the 'City Gateway' development of some 42 vehicles. The same conclusion follows in respect of this development.

7.4.6 The commercial unit will be served by the wider public car parking associated with the 'City Gateway' scheme which comprises a minimum of 36 public spaces within the dedicated car parking courtyard and along Parkville Road.

## 7.5 Impact on Existing Residential Amenity

7.5.1 Given the building's proposed siting, westerly outlook and use of high level windows it is not considered that the proposed development will lead to any adverse impact on the surrounding properties in terms of loss of privacy. Any shadow caused by the additional height will fall across Parkville Road and the parking serving the neighbouring developments. As such the application is again considered to address the requirements of adopted Local Plan 'saved' policies SDP1(i), SDP7(v) and SDP9(v) as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006).

## 7.6 Living Environment

7.6.1 The site is located at a major highway junction and close to the railway line. As with the 'City Gateway' proposals the potential for noise nuisance to prospective residents is, therefore, significant. As with the neighbouring scheme a high specification acoustic glazing system can be secured with a planning condition to mitigate against this impact. Furthermore, the westerly aspect of the flats will mean that noise transfer from Thomas Lewis Way and the railway have, to a large extent, been designed out as a constraint to development.

7.6.2 In accordance with the Council's current external space standards a 9 flat scheme should be supported by some 180sq.m of amenity space that is "fit for its intended purpose" (RDG paragraphs 2.3.14 and section 4.4 refer). This standard is not applicable *per se* to student housing and cannot be achieved on a scheme of this nature (and is more than the red-line footprint of the application site). Its use would make any such scheme undevelopable. A degree of flexibility is therefore recommended (as was the case with the 'City Gateway' scheme). In this instance, the amenity space provision will be met by a private balcony serving each flat. That said, these units are not for private market accommodation and will serve a student need. As such, an exception to these requirements can be afforded, especially as students often have good access to social and sporting groups (and the University's

formal sports pitches). An off-site financial contribution towards local open space can be secured through the proposed S.106.

## 7.7 Section106 Legal Agreement

- 7.7.1 In the event that the recommendation is accepted the applicants have been advised to enter into a S.106 Legal Agreement with the Council in order to secure contributions towards transport and open space improvements that mitigate against the development's direct impacts.
- 7.7.2 A development of this scale would normally trigger the need for 20% affordable housing in accordance with Core Strategy Policy CS15. However, as the proposal is for student accommodation no affordable housing requirement is required. The S.106 legal agreement would include a restriction that occupiers of the flats would be in full time higher education in accordance with Local Plan Review Policy H13(v). It is recommended that delegation is given to the Planning and Development Manager to resolve any subsequent viability issues.

## 7.8 Summary

- 7.8.1 In summary, this application seeks to provide a further 9 student bedspaces and the offer of improved modern commercial floorspace to support the Swaythling Local Centre. Whilst the local opposition to the scheme is noted, particularly in terms of overspill parking and the objection to the introduction of a four storey building into a two storey terrace, the scheme needs to be assessed on its own individual merits. The recently approved neighbouring developments, and particularly the approval of 368 bedspaces on the Council's former Parkville Road car park, form a material consideration in the Council's deliberations.
- 7.8.2 In terms of parking it is considered that, as with the City Gateway project, overspill parking from the development may occur, but that this may be reduced by access to on-site cycle parking, and the inconvenience of having to park a car away from the development and out of sight. It is also considered that any overspill parking that does occur can be accommodated within the existing public highway network without resulting in highway safety issues. This conclusion was accepted for 'City Gateway' and is equally relevant to the current proposals. Furthermore, as the applicant's landownership extends to the existing building only with no external space it is the case that any redevelopment proposals for this site will also be free of parking. Alternatively, if redevelopment proposals are not supported, it is possible that the site will remain undeveloped and an eyesore within the existing streetscene.
- 7.8.3 In terms of design, the scheme's recent amendments have sought to address the policy objections and the comments of the Council's City Design Manager and Architect's Panel. A four storey development assists the terrace to turn the corner and responds well to the five/six storey wing associated with the 'City Gateway' project on the opposite side of Parkville Road. The significant regeneration benefits of both proposals and further provision of a specialist form of housing proposed should be afforded due weight in the Council's final decision. As such, the application is acceptable and is recommended for approval subject to the terms as set out in this report.

## **8.0 Conclusion**

8.1 The application is recommended for conditional approval following the completion of a S.106 legal agreement to secure the package of measures listed above.

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

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

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

### **SH2 for 20/11/12 PROW Panel**

### **SUGGESTED PLANNING CONDITIONS to include:**

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

Outline Planning Permission is hereby granted for a mixed use redevelopment comprising 9 flats and ground floor commercial floorspace within a four storey building with approval granted for the LAYOUT, SCALE, EXTERNAL APPEARANCE and ACCESS, subject to the following:

- (i) Written approval for the details of the following awaited reserved matters shall be obtained from the Local Planning Authority prior to any works associated with that building taking place on the site:
  - the LANDSCAPING of the site specifying both the hard, soft treatments, means of enclosures, lighting and their associated maintenance;
- (ii) An application for the approval of the outstanding reserved matter as it relates to the development 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 - Approved Plans**

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

#### **Reason:**

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

#### **03. APPROVAL CONDITION - Details of External Materials - Samples**

Notwithstanding the submission to date no work for the construction of the buildings hereby permitted (excluding the demolition and site preparation phase) shall commence unless and until details and samples of the materials and finishes to be used for the external walls, windows, window reveals, doors and roof of the building have been

submitted to and approved in writing by the Local Planning Authority. These details should include a commitment to using an anti-graffiti finish (where feasible) to the ground floor level. Development shall be implemented only in accordance with the agreed details.

**REASON:**

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

**04. APPROVAL CONDITION - Active frontages**

Notwithstanding the provisions of Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007 the occupier(s) of the non residential uses hereby approved on the ground floor shall retain an 'active window display' along the length of the glazed shop frontages hereby approved (without the installation of either window vinyls or roller shutters).

**REASON:**

In the interests of retaining a lively and attractive streetscene.

**05. APPROVAL CONDITION - Servicing**

Notwithstanding the details submitted with the application prior to the occupation of the non-residential units hereby approved full details of how service vehicle deliveries – including the collection of refuse - to the unit will be managed shall be submitted to and approved in writing by the Local Planning Authority. Servicing shall take place in accordance with the approved details unless otherwise agreed in writing by the local planning authority and the approved details conformed to thereafter.

**REASON:**

In the interests of the safety and convenience of all highway users.

**06. APPROVAL CONDITION - Hours of Use – Non Residential Uses**

The non residential uses hereby approved shall not operate outside of the hours hereby set out:

- 6:30am and 10:30pm (Monday to Saturday) and 7am and 10pm Sundays, Bank and/or Public Holidays

**REASON:**

In the interests of existing and proposed residential amenity and to ensure consistency with the City Gateway proposals approved under LPA ref: 12/00033/FUL

**07. APPROVAL CONDITION – ‘Dual Use’ Retail Floorspace Restriction**

The "dual A1 (retail) and/or A2 (financial/professional) and/or A3 (restaurant) and/or A4 (restaurant) and/or A5 (takeaway) and or D2 (assembly and leisure) use" hereby applied for and permitted for the ground floor non-residential part of the development shall, under Class E, Part 3, Schedule 2 of the Town and County Planning (General Permitted Development) Order 1995 (as may be subsequently amended) be for a limited period of 10 years only from the date of this Decision Notice. The units shall remain as the prevailing use at that time as hereby agreed in writing by the Local Planning Authority.

**REASON:**

To provide flexibility to the commercial offer whilst ensuring the vitality and viability of the Swaythling Local Centre in accordance with LPR saved Policy REI6..

### **08. APPROVAL CONDITION – Noise Attenuation**

Unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of development, windows and ventilation systems shall be provided to achieve the sound reduction levels of:

37dB(A) for living rooms overlooking Stoneham Way

42dB(A) for bedrooms overlooking Stoneham Way

37dB(A) for living rooms overlooking Thomas Lewis Way

43dB(A) for bedrooms overlooking Thomas Lewis Way

#### **REASON:**

As offered in the applicant's Design and Access Statement to protect occupants of the student accommodation from traffic and railway noise and to ensure that the amenity of existing residents is not unduly compromised during the implementation phase.

### **09. APPROVAL CONDITION - Hours of Construction & Associated Deliveries**

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

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

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

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

- 8am to 9am and 4:30pm to 5:30pm Mondays to Fridays

#### **REASON:**

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

### **10. APPROVAL CONDITION - Demolition and Construction Method Statement**

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



REASON:

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

**11. APPROVAL CONDITION - Refuse & Recycling Bin Storage – Pre-commencement**

Bin storage shall be laid out with a level approach prior to the first occupation of the development hereby approved in accordance with revised plans that shall have been submitted and agreed in writing by the Local Planning Authority prior to the commencement of development. All storage shall be located and retained inside the building and presented only on the day of collection. The facilities shall include accommodation for the separation of waste to enable recycling by residents. The approved refuse and recycling storage shall be retained whilst the building is used for residential purposes.

REASON:

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

**12. APPROVAL CONDITION - Cycle Storage - Pre-commencement**

Cycle storage for a minimum of 6 residents cycles and a visitor cycle space shall be made available prior to the occupation of the development in accordance with revised plans that shall have been submitted and agreed in writing by the Local Planning Authority prior to the commencement of development. The cycle storage shall be retained whilst the building is occupied for the approved use.

REASON:

In the interest of the amenity of residents and to reduce reliance on the private motor car.

**13. APPROVAL CONDITION- Land Contamination investigation and remediation**

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.

**14. APPROVAL CONDITION - Use of uncontaminated soils and fill**

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- 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.

**16. APPROVAL CONDITION - Code for Sustainable Homes**

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).

**17. 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).

**18. APPROVAL CONDITION – Foul and Surface Water**

Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall proceed in accordance with the agreed details.

**REASON:**

In the interests of securing appropriate drainage to serve the development.

**Note(s) To Applicant**

Note to Applicant - Pre-Commencement Conditions

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

Note to Applicant - Performance Conditions

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

Note to Applicant - Southern Water – Water Supply - Informative

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

Note to Applicant – Cranes (BAA)

Given the nature of the proposed development it is possible that a crane may be required during its construction. The BAA would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at [www.caa.co.uk/srg/aerodrome](http://www.caa.co.uk/srg/aerodrome)).

**Planning Policy Context**

Core Strategy - (January 2010)

CS4	Housing Delivery
CS5	Housing Density
CS6	Economic Growth
CS11	An Educated City
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS25	The Delivery of Infrastructure and Developer Contributions

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting
SDP19	Aerodrome and Technical Site Safeguarding and Airport Public Safety Zone
SDP22	Contaminated Land
CLT5	Open Space in New Residential Developments
CLT7	Provision of New Public Open Space
H1	Housing Supply
H2	Previously Developed Land
H3	Special Housing Need
H7	The Residential Environment
H13	New Student Accommodation
REI6	Local Centres
TI2	Vehicular Access

Supplementary Planning Guidance

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

Other Relevant Guidance

National Planning Policy Framework (2012)

Relevant Site History

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

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

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

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

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

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

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

**06/01600/FUL      Refused 19/01/07**

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

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

Use of ground floor for sale of cars and accessories

Parkville Road Car Park ('City Gateway')

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

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

**08/01489/FUL      Conditional Approval 09.01.09**

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

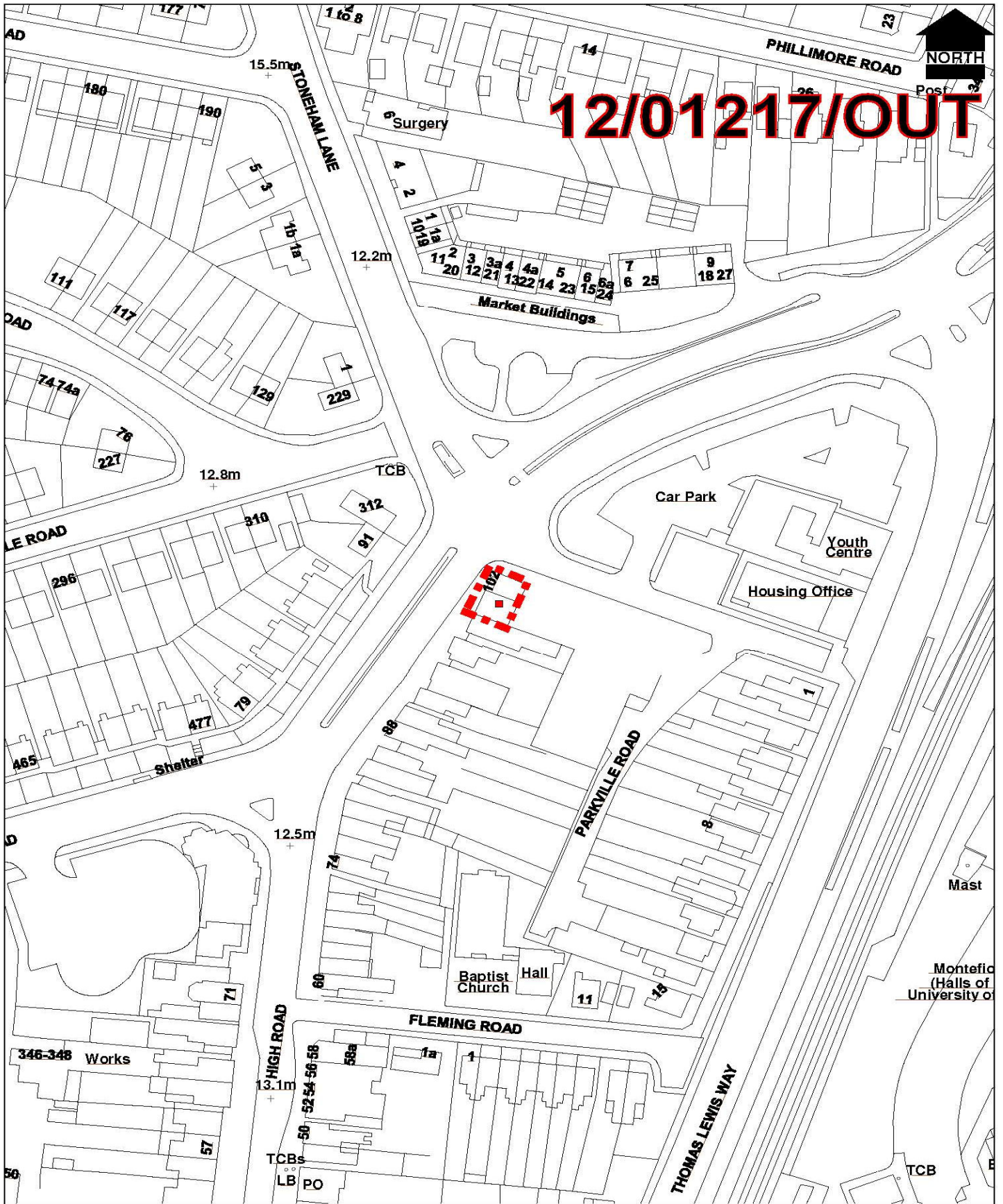
**11/00204/FUL      Conditionally Approved 30.09.2011**

Redevelopment of the site. Demolition of the existing buildings and erection of a building ranging in height from 3-storeys to 15-storeys to provide student residential accommodation (53 cluster flats comprising a total of 348 rooms, 4 x 2-bedroom flats and 12 x 1-bedroom flats); a medical centre (Class D1 use), retail units (Class A1) and two units for community use or non-residential institution use (Class D1) or retail (A1) or food

and drink use (A3) with associated landscaping, parking and site works, including the stopping up of existing highway.

**11/00033/FUL      Conditionally Approved 30.04.2012**

Redevelopment of the site. Demolition of the existing buildings and erection of a building ranging in height from 3-storeys to 15-storeys to provide student residential accommodation (53 cluster flats comprising a total of 348 rooms, 4 x 2-bedroom flats and 12 x 1-bedroom flats); a medical centre (Class D1 use), retail units (Class A1) and two units for community use or non-residential institution use (Class D1) or retail (A1) or food and drink use (A3) with associated landscaping, parking and site works, including the stopping up of existing highway. (Amended scheme to planning permission reference 11/00204/FUL excluding any student car ownership restriction clause).



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Date 07 November 2012

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# Agenda Item 9

**Planning, Transport & Sustainability Division  
Planning and Rights of Way Panel – 20 November 2012  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 158-168A Portswood Road, SO17 2NJ			
<b>Proposed development:</b> Part three/part four storey extension (following part demolition of existing building) to form student accommodation (19 self-contained studios and cluster flats comprising 62 study bedrooms) managed as a hall of residence above and to the rear of retained ground floor commercial units with associated amenity space, parking and other facilities and vehicular access from Westridge Road. (Outline application seeking approval for Access, Appearance, Layout and Scale with Landscaping reserved) (amended with revised design and internal layout, removal of rear pedestrian entrance and introduction of manager's flat).			
<b>Application number</b>	12/01201/OUT	<b>Application type</b>	OUT
<b>Case officer</b>	Andrew Gregory	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	28.11.2012	<b>Ward</b>	Portswood
<b>Reason for Panel Referral:</b>	Major application subject to objection	<b>Ward Councillors</b>	Cllr Claisse Cllr Norris Cllr Vinson

<b>Applicant:</b> Mr S Ahmed	<b>Agent:</b> Concept Design & Planning
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<b>Appendix attached</b>			
1	Development Plan Policies		

<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant outline planning permission subject to criteria listed in report</b>
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## Reason for granting Outline Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The impact of the development, in terms of visual and neighbouring amenity, highway safety and parking is considered to be acceptable. In reaching this conclusion, on the acceptability of the development, particular account has been taken of the third party response to the scheme; the quality of the proposed redevelopment proposals; the need for student housing and the potential reduction in demand for converting the City's existing family housing stock into shared housing; and the opportunity to enhance the vitality and viability of the district centre.

Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, outline planning permission should therefore be granted in accordance with the following policies: City of Southampton Local Plan Review (March 2006) Policies SDP1, SDP4, SDP5, SDP7, SDP8, SDP9, SDP10, SDP13, SDP15, CLT5, H2, H7, H13 and RE15 of the City of Southampton Core Strategy (January 2010) Policies CS5, CS6, CS7, CS11, CS13, CS15, CS19, CS20 and CS25 as supported by the relevant national planning guidance and the Council's current supplementary planning guidance listed in the Panel report.

## **Recommendation in Full**

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

i. Financial contributions towards site specific transport improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), Policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended).

ii. A financial contribution towards strategic transport improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D.

iii. Financial contributions towards the relevant elements of public open space required by the development in line with policies CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended).

iv. In lieu of an affordable housing contribution an undertaking by the developer that only students in full time education will be permitted to occupy the flats.

v. The submission and implementation of a Student Drop Off/Collection Management Plan committing to an ongoing review of the site.

vi. A Site Waste Management Plan.

vii. Submission and implementation within a specified timescale of a Travel Plan.

viii. No student, with the exception of registered disabled drivers, shall be entitled to obtain parking permits to the Council's Controlled Parking Zones.

ix. The securing of a Traffic Regulation Order (TRO) for implementation of localised parking permit scheme in the streets adjoining Westridge Road, subject to positive outcome from consultation with local residents.

x. 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.

xi. The development signs up to the national best practise code for student accommodation (not managed and controlled by educational establishments) or equivalent best practise (SASSH).

2) In the event that the legal agreement is not completed within two months of the Panel meeting 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.

3) 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 has an area of 1620 square metres and comprises a group of

retail units situated at the corner of Portswood Road and Westridge Road. The site is located within Portswood District Centre. The existing buildings are part two-storey and part single-storey along the Portswood Road frontage. The upper floors appear to be used for ancillary purposes to ground floor use. A communal service yard and parking area is located to the rear, screened by 3 trees and a dwarf wall along the Westridge Road frontage. The servicing area is accessed from Westridge Road via a private service lane. The site levels fall from front to rear with a level change of approximately 0.5 metres.

- 1.2 Portswood High Street comprises 2-3 storey units with commercial use on the ground floor and ancillary use or residential on the upper floors. This is a traditional street scene with buildings predominantly finished in face brick with bays and dormer windows. Taller buildings are located with the street scene including the former Broadway Theatre, Addis Square (three-storey with accommodation in the roof), residential development on the former Wickes site (four storey), and the new Sainsburys superstore.
- 1.3 Westridge Road predominantly comprises two-storey residential development including houses and flats. The adjacent two-storey property (no. 48) comprises four flats. Westridge Road public car park is located to the south-east. Parking restrictions exist within the street. The adjacent buildings on the opposite corner are occupied for commercial use.

## **2. Proposal**

- 2.1 The application seeks outline planning permission for extension and alteration to the existing buildings to provide 62 student study bedrooms on site with access, appearance, layout and scale to be considered and landscaping reserved. The proposal retains the existing retail units at ground floor level and seeks a part three-storey part four-storey extension over 158-168a Portswood Road and to the rear of 158 Portswood Road to facilitate the student accommodation following the demolition of the upper floor of 158a Portswood Road.
- 2.2 The 62 student study bedrooms are provided in the form of 19 no. cluster and studio flats. The cluster flats range in size from 3-7 bedrooms, each will communal dining, cooking and bathing/wc facilities. A raised amenity area accessed at first-floor level is located to the rear. Some of the flats are also served by recessed balconies and juliet balconies. The part three storey extension to the rear of 158 Portswood Road forming the wing fronting Westridge Road has an upper and lower ground floor as a result of the change in levels. The lower ground floor contains communal bin and bike storage and the upper floor contains a manager's office. The communal entrance into the student accommodation is located within the Westridge Road frontage. Internal access to flats above 160a-168a is made via a corridor framing the external amenity area.
- 2.3 The application proposes no change to the layout and existing access arrangements of the ground floor retail units from Portswood Road. Access to a rear car park and servicing area is maintained. No. 160 is provided with a revised stepped and gated rear access. Units 158 and 158a are provided with an integral bin store and are proposed to be accessed from Westridge Road. Replacement tree planting is proposed along the Westridge Road frontage, however, detailed landscaping is to be considered at reserved matters stage.
- 2.4 The elevations are predominantly finished in buff and dark brick with small

sections of render and composite cladding. The design incorporates full height bay windows, dormer windows, juliet balconies with steel louvers. Recessed balconies with steel balustrading are located at the corner. The proposed bays and dormers are proposed to be finished in composite cladding. The building has a mansard roof set behind a parapet.

- 2.5 The upper floor extension is proposed to have a light weight timber frame. The design and construction methodology has been informed by a structural engineer to ensure the existing buildings can take the additional load. The application is supported by a construction method statement. Detailed structural design matters will need to be considered and assessed at Building Regulations stage.

### **3.0 Relevant Planning Policy**

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

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

### **4.0 Relevant Planning History**

- 4.1 04/00803/FUL - Erection of first floor side and rear extensions with loft conversion to 158-160a Portswood Road to provide 9 no. flats over existing retail units with associated parking.  
Conditionally Approved on 22.09.2006

### **5.0 Consultation Responses and Notification Representations**

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (13.09.2012) and erecting a site notice (06.09.2012). At the time of writing the report 7 representations have been received from surrounding residents which can be summarised as follows:

**The proposal provides sub-standard student accommodation;**

Response - The scheme has been amended to provide 6 and 7 bed cluster flats with 2 bathrooms. The layout (in terms of bathing & kitchen facilities and room sizes) now meets the Council’s emerging licensing standards for flats in multiple occupation.

**The proposed scale of development will appear unduly dominant within the street scene;**

Response - The design has been amended to reduce the dominance of the building at the corner with the parapet lowered and a mansard roof added. The facade treatment has been altered from render to brick which is considered a less dominant facing material (as agreed by the Council’s City Design Team).

**The development will appear incongruous as the remaining buildings within the block only have one storey above the shops;**

Response - The existing single-storey shops at street level will be retained. The larger scale student accommodation will be set back. It is considered that the street scene can accommodate the proposed scale of development and design features have been incorporated to respect the massing and architectural detailing within the street.

**The modern design will be out of keeping with the more traditional gabled buildings on the opposite side of Portswood Road;**

Response - The building incorporates architectural detailing such as bay windows and dormer windows intended to reflect the traditional detailing, massing and rhythm within the street. In seeking to reduce the dominance of the building at the corner a set of bay windows has been removed. The Portswood Road street scene is not so homogenous that it cannot incorporate design variety.

**Lack of parking would lead to parking in local roads further afield, where there is already pressure on parking spaces;**

Response - It is recommended that a Traffic Regulation Order (TRO) for implementation of localised parking permit scheme in the streets adjoining Westridge Road is secured through the S106 legal agreement. TRO parking restrictions will prevent parking displacement into surrounding streets. This is a sustainable location with residents living in close proximity to the amenities and bus services available within the district centre. A travel plan and Student Drop Off/Collection Management Plan will also be secured through the S106 legal agreement.

**The proposed extension will reduce the size of the servicing area and will cause problems for delivery lorries entering and leaving the site, creating obstruction to the free flow of traffic within Westridge Road;**

Response - The applicants have submitted a vehicle tracking diagram to demonstrate that vehicles of a size which currently serve the retail units (10m length trucks) can manoeuvre on site. These details have been agreed by the Council's Highway Engineers.

**Additional traffic movements in the locality can only compound the severe congestion at the junction of Westridge Road and Portswood High road;**

Response - The student accommodation is proposed to be car free development. A Student Drop Off/Collection Management Plan will need to be agreed to carefully control traffic movements at the beginning and end of terms. It is unlikely the development will lead to a significant intensification of servicing vehicles to the retail units.

**Potential conflict between students and delivery vehicles;**

Response - The layout has been amended to ensure that pedestrian access into the building is taken from Westridge Road.

**Lettings will be privately managed and the universities will not have any involvement in the management of the facility, raising questions about security and acceptable behaviour;**

Response - A manager's office has been incorporated into the scheme. The development is also required to sign up to the Universities UK Code of Practice for University Managed Student Accommodation or SASSH (Southampton Accreditation Scheme for Student Housing) and this can be secured through the S106 legal agreement. SASHH was established to promote responsible renting of student housing and is run in partnership with the University of Southampton.

Under the SASSH scheme landlords are required to sign up to a code of management and practice. Any statutory nuisance can be dealt with under the relevant legislation.

**There is no lift provision;**

Response - A lift is not mandatory however an ambulant staircase will be required under Part M of the Building Regulations.

**The construction period seems bound to generate significant disruption in the vicinity;**

Response - The disruption caused during the construction period is an unfortunate symptom of development but cannot be used as a reason for refusal. Conditions are recommended to control demolition works and to prevent materials being stored on the public highway.

**Potential for loss of light and outlook to windows within the side of 48 Westridge Road.**

Response - The application has demonstrated compliance with the BRE daylight and sunlight standards in terms of outlook and daylighting to windows within the side of 48 Westridge Road. It should be noted that the windows within the side elevation of no. 48 do not serve habitable rooms.

- 5.2 **SCC Highways** - No objection, the amended rear car park and servicing layout is acceptable. However measures should be considered to prevent anti-social behaviour or potential loiterers within the servicing area. Conditions should be applied to ensure the servicing area is kept clear, the provision of wheel cleaning facilities and also in respect of materials storage.
- 5.3 **Environmental Health** – Each flat would be classed as a flat in multiple occupation and therefore must meet the SCC Guidance on Amenity standards for HMOs. This states that a maximum of 5 people can share a bathroom. Therefore for 6 persons 2 bathrooms must be provided. The flats would be subject to licensing under the Housing Act 2004 and compliance with the Amenity standard will be enforced.
- 5.4 **SCC Sustainability Team** – No objection subject to conditions to ensure the development meets Code for Sustainable Homes level 4.
- 5.5 **SCC City Design** – No objection following amendments to the design, scale and finishing materials to reduce the scale of development at the corner and to ensure that the design reflects the massing and architectural detailing within the street
- 5.6 **Architects Panel** - Elevations and materials palette is acceptable. However, the structural implications have not been worked out. Contextual elevations and levels were required (and now have been provided). Other concerns have been addressed by subsequent amendments revising the access arrangements and improvements to the wc/bathroom provision.
- 5.7 **SCC Environmental Health (Pollution & Safety)** – No objection subject to conditions to control hours of work, prevent bonfires and to require construction management details.
- 5.8 **SCC Environmental Health (Contaminated Land)** - Potentially contaminated site; adequate assessments will need to be carried out on site to determine the

likely presence of contaminants. Planning condition recommended.

- 5.9 **SCCTrees** - No objection to the removal of the existing trees fronting Westridge Road subject to replacements being provided. Narrow fastigate tree species will be required.
- 5.10 **SCC Ecology** – No objection
- 5.11 **BAA** – No objection however advisory notes should be added regarding cranes, lighting and careful consideration of landscaping to minimise birdstrike hazards.
- 5.12 **Hampshire Constabulary** – No objection following amendments to the access arrangement and the provision of improved surveillance to the servicing area.
- 5.13 **Southern Water** – No objection subject to condition to secure details of means of foul and surface water disposal.
- 5.14 **City of Southampton Society** - No objection on design grounds and support the concept of specialist student accommodation.
- 5.15 **SCC Archaeology** - No objection subject to conditions to secure a phased programme of archaeological work.

## **6.0 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
- Design issues including scale, bulk and massing
- Residential environment for future occupiers
- Transport and parking issues
- Impact on residential amenity

### **6.2 Principle of Development**

The site is currently occupied for retail use and is located within the defined Portswood District Centre. Policy CS3 of the Core Strategy indicates that a key priority for the centre is to ensure ground floors are safeguarded for active commercial use and to promote the upper floors for flats and offices; and to support individual redevelopments of less distinctive areas within the centre.

- 6.3 With the exception of the 7 no. studio flats and 1no. 1-bed flats, the accommodation is provided in 'cluster flats' where 2-7 student study bedrooms share communal living space. The scheme has been amended to ensure the room sizes and communal living facilities satisfy the Council's standards for flats in multiple occupation. A total of 62 student study bedrooms are proposed. The principle of this type of accommodation is supported by 'saved' Local Plan Policy H13.
- 6.4 The site is considered to be a suitable and sustainable location for student accommodation, located within walking distance of Southampton University Highfield Campus and in close proximity to amenities and regular bus services within the District Centre. The provision of student accommodation in close

proximity to the shops and other amenities within Portswood Road may also enhance the vitality and viability of the district centre. Furthermore the provision of purpose built student accommodation may reduce the demand for converting the city's existing family housing stock into shared housing.

- 6.5 The Council's SPD on Houses in Multiple Occupation does not form a material planning consideration, owing to the type of accommodation being put forward, which is to be managed. (cf. paragraph 3.4, 5<sup>th</sup> bullet point of the SPD).

6.6 Design Issues

The design has been amended to provide a more robust materials palette with a greater amount of face brick and the use of steel rather than timber louvers. The scale has also been reduced at the corner by lowering the parapet wall and introducing a mansard roof.

- 6.7 The Portswood Road street scene is not considered so homogenous that it cannot incorporate design variety. The upper floors are set back and the projecting single-storey shops will be retained at street level. The existing group of low rise nondescript buildings is a less distinctive part of Portswood Road. The development provides opportunity for investment and improvement to this corner site. There is opportunity for increased scale and there are already precedents with taller development interspersed amongst the existing two/three storey development within the street scene. Clearly the proposed development will be more dominant than the existing buildings within the street, however this impact is not considered harmful and must be weighed against the economic benefits this development will bring to the District Centre.

- 6.8 The architects have sought a contemporary design approach whilst incorporating design features to respect the architectural detailing, massing and rhythm within the street. The use of modern full height bay windows helps to break up the massing. The window design and use of louvers and balustrades helps to give the building greater horizontal emphasis. The use of dormers and bay windows reflects the adjacent development within the street.

6.9 Residential Environment for future occupiers

The development (as amended) satisfies the Council's minimum room space standards and washing / WC requirements for flats in multiple occupation. All habitable rooms will receive sufficient outlook and daylighting. An external communal amenity area is provided which is 80 square metres in size. The access into the site is now considered safe and convenient with all flats accessed from a main entrance within the Westridge Road frontage.

6.10 Transport and parking issues

The site is close to principal bus routes and within reasonable walking distance of Southampton University Highfield Campus and amenities within Portswood District Centre. Local and national policies aim to reduce reliance on the private car and encourage alternative modes of transportation such as public transport, walking and cycling.

- 6.11 The development represents a 'car free' scheme and whilst students will be discouraged from bringing a car to the city due to the limited availability of



unrestricted on street parking within this area, restrictive clauses are recommended within the S106 legal agreement to prevent displacement parking into surrounding streets. Clauses are recommended to prevent occupiers applying for parking permits and also to secure a Traffic Regulation Order (TRO) for implementation of localised parking permit scheme in the streets adjoining Westridge Road, subject to positive outcome from consultation with local residents.

6.12 Furthermore the S106 agreement will secure a travel plan and the submission of a student drop off/collection management plan to ensure that any traffic problems are mitigated. The management plan will ensure that controls are put in place to stagger student arrival and departure times at the start and end of term in order to prevent harmful disruption to the surrounding highway network. Satisfactory bin and bicycle storage provision has been made.

6.13 The Council's Highway Engineers raise no objection to the rear servicing and parking arrangement for the retained retail use. A manager's office has been incorporated into the scheme and will provide improved surveillance of the rear servicing area.

6.14 Impact on residential amenities

On balance the development will not adversely harm the residential amenities of neighbouring occupiers. The proposal will not lead to harmful overlooking, loss of outlook, or shadowing to neighbouring occupiers. A minimum front to front separation distance of 24 metres is provided with adjacent properties within Portswood Road which is considered acceptable across a street. A separation distance of 30 metres is provided between the proposed rear facing windows and windows within the side of 48 Westridge Road.

6.15 It should be noted that windows within the side of 48 Westridge Road are non habitable serving bathrooms and kitchens (non-dining). The application is supported by shadow diagrams which demonstrate that no harmful loss of sunlight will occur to neighbouring buildings. The raised amenity area is framed by a corridor and will not give rise to overlooking. A condition will be imposed to prevent access to the existing flat roofed areas for anything other than maintenance.

6.16 A manager's office has been incorporated into the scheme and this will be secured by condition. The development is also required to sign up to the UK Code of Practice for University Managed Student Accommodation or the SASHH scheme to ensure the student accommodation is responsibly managed in accordance with best practise guidance. It is considered a sensible approach to locate higher density student accommodation within the district centre because students can access the accommodation via principle routes such as Portswood Road rather than through quiet residential suburbs.

## 7.0 Summary

7.1 The development provides opportunity for investment and improvement to this less distinctive part of Portswood Road corner site. Policy CS3 of the Core Strategy indicates that a key priority for the centre is to ensure ground floors are safeguarded for active commercial use and to promote the upper floors for flats and offices; and to support individual redevelopments of less distinctive areas

within the centre.

- 7.2 The site is considered to be a suitable and sustainable location for student accommodation, located within walking distance of Southampton University Highfield Campus and in close proximity to amenities and regular bus services within the District Centre. Furthermore the provision of purpose built student accommodation may reduce the demand for converting the city's existing family housing stock into shared housing. The impact of the development, in terms of visual and neighbouring amenity, highway safety and parking is considered to be acceptable.

## **8.0 Conclusion**

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

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

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 4(f), 4(g), 4(vv), 6(a), 6(c), 7(a), 8(a), 9(a), 9(b).

### **AG for 20/11/2012 PROW Panel**

### **PLANNING CONDITIONS**

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

Outline Planning Permission for the principle of the development proposed and the following matters sought for consideration, namely the layout of buildings and other external ancillary areas, the means of access (vehicular and pedestrian) into the site and the buildings, the appearance and design of the structure, 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, soft treatments and means of enclosures (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 - Samples details of building materials to be used [Pre-Commencement Condition]**

No work for the construction of the buildings hereby permitted shall commence unless and until details and samples of the materials and finishes to be used for the external walls, windows, doors and roof of the building have been submitted to and approved in writing by

the Local Planning Authority. Development shall be implemented only in accordance with the agreed details.

Reason:

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

### **03. APPROVAL CONDITION- 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.

### **04. 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.

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

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

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

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

Reason:

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

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

Prior to the commencement of any development a written construction environment management plan shall be submitted to and approved by the LPA. The plan shall contain method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary. 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 - Bonfires [Performance Condition]**

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

Reason:

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

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

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

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

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

And at no time on Sundays and recognised public holidays.

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

Reason:

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

**09. APPROVAL CONDITION - 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).

**10. 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).

**11. APPROVAL CONDITION - Material Storage (Pre-Commencement Condition)**

No work shall be carried out on site unless and until provision is available within the site, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, for all temporary contractors buildings, plant and stacks of materials and equipment associated with the development and such provision shall be retained for these purposes throughout the period of work on the site. At no time shall any material or equipment be stored or operated from the public highway.

**Reason:**

To avoid undue congestion on the site and consequent obstruction to access.

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

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

**Reason:**

In the interests of highway safety.

**13. APPROVAL CONDITION - Servicing yard (Performance condition)**

Unless otherwise agreed in writing by the Local Planning Authority the rear servicing yard shall be kept clear at all times for the parking and turning of servicing vehicles.

**REASON:** To secure a satisfactory form of development and to prevent obstruction to the highway.

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

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

Reason:

To ensure satisfactory drainage provision for the area.

**15. APPROVAL CONDITION - Archaeological investigation [Pre-Commencement Condition]**

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

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

**16. APPROVAL CONDITION - Archaeological work programme [Performance Condition]**

The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the archaeological investigation is completed.

**17. 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.

**18. APPROVAL CONDITION - Restricted use of flat roof area [Permanent Condition]**

The flat roof area serving 164-168a Portswood Road shall only be accessed for maintenance purposes and shall not be used as a balcony, terrace, roof garden or similar amenity area without the grant of further specific permission from the Local Planning authority.

REASON:

In order to protect the privacy of adjoining occupiers

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

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

REASON:

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

**20. APPROVAL CONDITION – Manager’s office**

The manager’s office within the upper ground floor as shown on the plans hereby approved shall be made available for that purpose prior to first occupation of the student flats and thereafter retained.

REASON:

To secure a satisfactory form of development and on-site supervision of the accommodation to ensure as far as is practicable that anti-social behaviour does not occur to the detriment of occupiers of near by properties.

**21. APPROVAL CONDITION - Refuse & Recycling Bin Storage - [Pre Occupation Condition]**

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

REASON:

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

**22. APPROVAL CONDITION - Cycle storage [Pre-Occupation Condition]**

The development to which this consent relates shall not be brought into use in full or in part until secure, covered space has been laid out within the for bicycles to be stored and for cycle stands to be made available for visitors to the site in accordance with the plans hereby approved. The cycle stores and stands hereby approved shall thereafter be retained on site for those purposes.

Reason

To encourage cycling as an alternative form of transport

**23. APPROVAL CONDITION - Approved Plans**

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

Reason:

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

## Notes to Applicant

1. Southern Water - Public Sewerage – Informative: A formal application for connection to the public sewerage is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01962 858688) or [www.southernwater.co.uk](http://www.southernwater.co.uk).
2. Southern Water - Water Supply – Informative: A formal application for connection to the water supply is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01962 858688) or [www.southernwater.co.uk](http://www.southernwater.co.uk).
3. Secure by Design – Informative: It is recommended that the development achieves the requirements of the Police 'Secured by Design' (Part 2) award. Details can be found at [www.securedbydesign.com](http://www.securedbydesign.com)
4. Cranes: Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at <http://www.aoa.org.uk/policy-safeguarding.htm> )
5. Lighting: The development is close to the aerodrome and the approach to the runway. We draw attention to the need to carefully design lighting proposals. This is further explained in Advice Note 2, 'Lighting near Aerodromes' (available at <http://www.aoa.org.uk/policy-safeguarding.htm>). Please note that the Air Navigation Order 2005, Article 135 grants the Civil Aviation Authority power to serve notice to extinguish or screen lighting which may endanger aircraft.
6. Landscaping: The development is close to the airport and the landscaping which it includes may attract birds which in turn may create an unacceptable increase in birdstrike hazard. Any such landscaping should, therefore, be carefully designed to minimise its attractiveness to hazardous species of birds. Your attention is drawn to Advice Note 3 and 8, 'Potential Bird Hazards: Amenity Landscaping and Building Design' (available at <http://www.aoa.org.uk/policy-safeguarding.htm> )



**POLICY CONTEXT**

Core Strategy - (January 2010)

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

City of Southampton Local Plan Review – (March 2006)

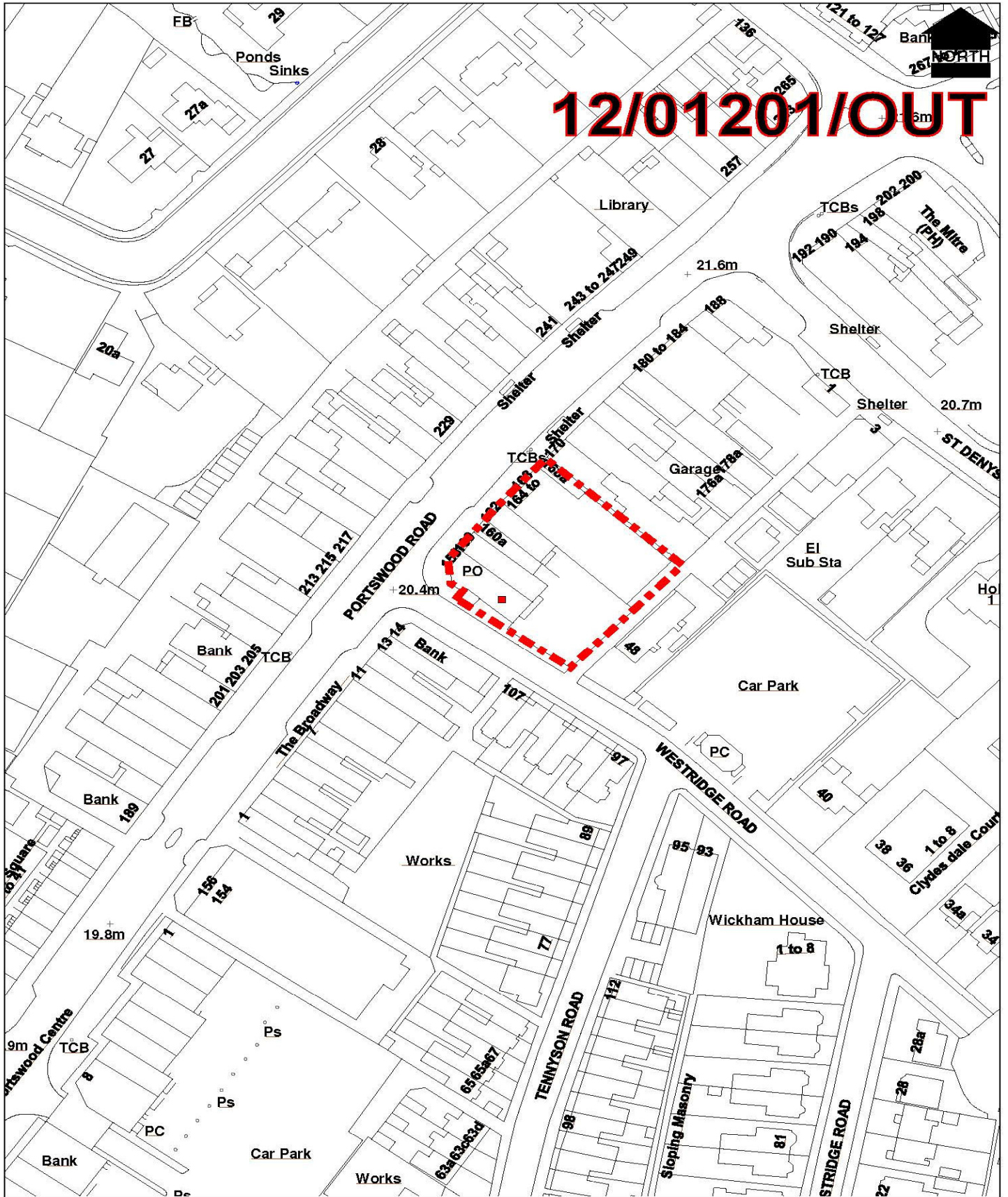
SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP19	Aerodrome and Technical Site Safeguarding and Airport Public Safety Zone
SDP22	Contaminated Land
HE6	Archaeological Remains
CLT6	Provision of Children's Play Areas
CLT7	Provision of New Public Open Space
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment
H13	New Student Accommodation
REI5	District Centres

Supplementary Planning Guidance

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

Other Relevant Guidance

National Planning Policy Framework (March 2012)



Scale : 1:1250

Date 07 November 2012

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# Agenda Item 10

**Planning, Transport & Sustainability Division  
Planning and Rights of Way Panel 20 November 2012  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> East Street Shopping Centre, East Street and adjoining land			
<b>Proposed development:</b> Redevelopment of Shopping Centre and car park as a new foodstore (5,534 square metres gross floorspace) with car parking on upper levels, including works of demolition, retention of Capital House and the Royal Oak Public House; new vehicular access arrangements, including construction of a new roundabout on Evans Street, highway and public realm improvements, including creation of a new pedestrian link between East Street and Evans Street, landscaping and associated works (affects an existing right of way).			
<b>Application number</b>	12/01355/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Richard Plume	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	23.11.2012	<b>Ward</b>	Bargate
<b>Reason for Panel Referral:</b>	Major application subject to objections and departure from development plan	<b>Ward Councillors</b>	Cllr Bogle Cllr Noon Cllr Tucker

<b>Applicant:</b> Arcadian Estates	<b>Agent:</b> Firstplan
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<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report</b>
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## Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The application proposes a new convenience retail development within the primary shopping area of the city and offers significant economic and regeneration benefits. The application constitutes a Departure from the Development Plan due to the failure to meet the BREEAM Excellent standard required by Core Strategy Policy CS20. However, this issue has been weighed in the balance with other material considerations. The impact of the development in terms of transport, design and neighbour amenity issues is considered to be acceptable. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should be granted.

Policies - SDP1, SDP4, SDP5, SDP7, SDP8, SDP9, SDP10, SDP11, SDP13, SDP14, SDP16, SDP22, HE6, REI3, REI4, REI8, TI2 and MSA1. of the City of Southampton Local Plan Review (March 2006) and Policies CS1, CS3, CS6, CS13, CS18, CS19, CS20, CS23, CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

<b>Appendix attached</b>			
1	Development Plan Policies	2	City Design Team Comments

## **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. Site specific transport improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), Policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended).

ii. A financial contribution towards strategic transport improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D.

iii. Submission and implementation of a Training & Employment Management Plan committing to adopting local labour and employment initiatives (during and post construction) in line with LDF Core Strategy policies CS24 and CS25.

iv. The submission, approval and implementation of public art that is consistent with the Council's Public Art Strategy.

v. Provision of CCTV coverage and monitoring in line with Policy SDP10 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy Policies CS13 and CS25.

vi. Submission and implementation within a specified timescale of a Travel Plan.

vii. Financial contribution or works of improvement to the public realm in accordance with policy and the relevant SPG.

viii. Measures to ensure the new pedestrian and cycle routes are provided and maintained for public use in perpetuity.

ix. A Car Park Management Plan to ensure public car parking is provided and retained.

x. Implementation of landscaping improvements to the adjoining site at Challis Court.

xi. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.

2) In the event that the legal agreement is not completed within two months of the Panel meeting 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.

3) That the Panel authorise the stopping up of the areas of public highway set out in the application.

4) 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 is an area of approximately 2 hectares and incorporates the East Street Shopping Centre, the 13-storey Capital House office building, the Royal Oak Public House at the corner of Evans Street and Houndwell Place and the landscaped car parking area of the residential block at Challis Court fronting Lime Street. The application site also incorporates areas of existing public highway at Houndwell Place, Evans Street, Marsh Lane, Lime Street and at the junction of Evans Street and St Mary Street.
- 1.2 The East Street Centre is an enclosed shopping centre of small retail units comprising approximately 8,000 square metres floorspace over two floors although now vacant. There is an existing pedestrian route through the shopping centre which links the end of East Street to Evans Street but this is only open during daylight hours. There is a car parking area on the roof of the shopping centre which currently provides 205 spaces for public use and 22 spaces for use by office tenants of Capital House. This car park is accessed from a ramp at the eastern end of Lime Street. Servicing to the shopping centre took place in various service bays to the south and east of the building. The Capital House building has its frontage onto Houndwell Place. The Royal Oak Public House is a two-storey building. Challis Court is a 3 and 4-storey block of flats which forms part of the Holyrood Estate. The application site is within the city centre and within the Primary Shopping Area as defined in the Local Plan.
- 1.3 The surroundings are a mixture of residential and commercial uses with retail uses adjoining to the west in East Street, including the Debenhams store. Predominantly residential uses adjoin to the east on the opposite side of Evans Street with the exception of Central Hall which is a locally listed building in use for community and religious use.

## **2. Proposal**

- 2.1 The current application involves the demolition and redevelopment of the East Street Shopping Centre to provide a new foodstore for Morrisons. The proposed store would be 5,534 square metres gross floorspace with a net sales area of 2,722 square metres, a customer cafe and car parking for 286 vehicles on two levels above the foodstore. Travelators will take customers and trolleys to and from the foodstore and car park.
- 2.2 The siting of the new foodstore allows for the creation of a new open pedestrian route between East Street and Evans Street. The main entrance to the new foodstore would be at the western end of this route with the cafe at the eastern end. Vehicular access to the car park will be via a ramp from a new roundabout constructed on Evans Street at the location of the existing Threefield Lane/Evans Street/Marsh Lane junction. Servicing for the store will be on the Evans Street side of the building at ground floor level. Access will be taken directly from the new roundabout with a separate entrance and exit onto Evans Street.
- 2.3 Capital House and the Royal Oak Public House would be retained and altered as part of the proposals. A new car park with spaces for 28 cars will be provided for the office users of Capital House with access from Houndwell Place.
- 2.4 The application proposes various highway alterations in the vicinity of the new

foodstore including: the 'downgrading' of Evans Street from a dual carriageway to a single carriageway road; the closure of the existing subway under Evans Street and the construction of a new surface level 'Toucan' crossing over Evans Street to tie in with the new East Street link; the closure of Lime Street to vehicles to be replaced by a new footpath/cycleway and landscaping adjoining Challis Court; creation of a new lay-by on Evans Street adjoining the Royal Oak pub to be used as a taxi rank and drop-off point for disabled drivers. The works to reduce the width of the carriageway in Evans Street will allow the footways on both sides of the road to be widened with new three metre wide footways provided at the roundabout junction. The application includes landscaping and public realm improvements around the new store. On the south elevation of the building a 'green wall' will be created to screen the car park ramp. At the foot of the 'green wall' a new footpath/cycleway will follow the edge of the existing Lime Street. Additional landscaping will be provided to Challis Court which will be designed to integrate with existing Council proposals to upgrade landscaping on the Holyrood Estate. The existing service yards to the shopping centre and the access ramp to the car park are currently adopted public highway. These areas of highway will need to be closed as will Lime Street as part of the proposals.

- 2.5 The application is accompanied by a series of supporting/background documents including: a Design and Access Statement; Transport Assessment; Flood Risk Assessment; Energy Strategy; Desk-top Archaeological Survey; Noise Assessment and Statement of Community Involvement.

### **3. Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The application site is part of the defined Primary Shopping Area and a secondary retail frontage. The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 27 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. Relevant Planning History**

- 4.1 The existing shopping centre dates from the early 1970's, planning permission was granted in July 1971 for a 10-storey office building with entrance hall, an arcade of shops, a roof top car park, a public house, caretakers flat, pedestrian square and associated roads, footpaths, service areas, ramps and walkways.
- 4.2 There have been a series of subsequent planning decisions for alterations, including new shopfronts and changes of use which are not directly relevant to the current application.
- 4.3 In December of last year a 'Screening Opinion' was issued confirming that the

development subject of this application did not require the submission of an Environmental Statement (reference 11/01759/SCR).

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

5.1 The applicant carried out extensive pre-application consultation including a public exhibition in January 2012 as well as presentations to local residents groups and other bodies. Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (13.09.2012) and erecting a site notice (05.09.2012). The application has also been advertised as a Departure from the Development Plan due to issues associated with Core Strategy Policy CS20 dealt with later in this report. At the time of writing the report **2** representations have been received from surrounding residents. The following is a summary of the points raised.

5.2 **The public car parking arrangements should remain as they are. Morrisons should not be allowed to change how the car park is operated. The planning permission should insist on no parking in East Street by contractors during construction.**

### Response

The arrangements for public car parking will be controlled through the Section 106 agreement. Parking arrangements for construction traffic will be considered by a planning condition, although it should be noted that contractors cannot be stopped from parking on the public highway if their vehicle is taxed.

5.3 **The proposed road access for deliveries to Morrisons will cause significant traffic problems during rush hours, on football days and any other busy days. Permission should not be given for the roundabout, the existing roads should be kept as they are and the subway retained.**

### Response

These transport issues are dealt with elsewhere in this report.

5.4 **There is too much retail already in Southampton. This proposal would adversely affect competitors to no obvious benefit.**

### Response

The site is within the Primary Shopping Area of the city centre where there is a presumption in favour of new retail development. Competition between different retailers is not a planning consideration.

5.5 **The planning permission must demand extra security measures. The potential for increased anti-social behaviour is high and security must be for the surrounding area, not just inside Morrisons.**

### Response

It is not considered that the proposal would lead to a significant increase in anti-social behaviour but CCTV measures form part of the Section 106 agreement

5.6 **The New Community Network (owners of Central Hall) - strongly support the proposal. Central Hall is a heavily used public building in daily use with activities including concerts, conferences and church meetings. At capacity 900 people can**



be accommodated which happens 8 to 10 times per year and is increasing. The organisation welcomes improvements to the street landscape around Central Hall. However, would ask consideration be given to removal of the subway to allow Evans Street to be returned to its original gradient profile and would also like to see more details of the provision of ramps and access for road crossings.

- 5.7 **Associated British Ports (ABP)** - ABP have no issues with the principle of the development but do have significant concerns with the associated highway works. Insufficient information has been provided to fully determine the highway and transport implications of the development which could impact on the operation of the nationally significant Port of Southampton. Consequently, ABP objects to the proposed development.
- 5.8 ABP's objection relates to the implications for the A33 which the application proposes to downgrade at Evans Street from a dual carriageway to a single carriageway road, along with the provision of a new roundabout and a new controlled pedestrian crossing, replacing the existing subway. The A33 is a key road corridor that provides access to and from the Eastern Docks which is a critical element of the overall port complex providing key facilities for the movement of cargo as well as cruise terminal facilities. These important material considerations have not been correctly identified or considered by the applicant in drawing up their proposals or in considering its implications. The application lacks a sufficiently detailed and robust assessment of the traffic and highway implications of the proposed development. Consequently, the application cannot be said to be in accordance with relevant aspects of the development plan. The Transport Assessment fails to correctly recognise the important role that the A33 plays in providing access to the Port. The assessment of traffic is presented for three peak hours but has not assessed the morning peak period. The assessment is based on surveys undertaken in November/December 2011, it does not take account of the increased cruise ship traffic that is generated in the summer when there can be 3 or 4 cruise ship departures per day. The assessment has not included the operation of any of the pedestrian crossings, including the proposed new crossing, which will have significant implications for the operation of the network. The model submitted with the application shows that the highway works proposed would be running close to capacity and the highway arrangements are unlikely to operate satisfactorily.
- 5.9 The application also fails to address certain key development plan policy considerations including the South East Plan and Core Strategy Policies CS6 and CS18 which state the Council will work to support Southampton's role as an international gateway and regional transport hub and seek improved access to the Port of Southampton. The proposed development will not only adversely affect transport for existing port operations but would potentially affect the future growth of the port. The recently published NPPF is also an important material consideration. In ABP's view the highway works proposed as part of this development will act as an impediment to sustainable economic growth generated by the Port and therefore be contrary to the aims of the NPPF.
- 5.10 **SCC Highways** - This site is accessed from the A33 Kingsway, a principal route around the city centre, forming part of the ring road. It forms a secondary access route to and from the docks and the Ocean Village area, and also provides linkage to and from the Itchen Bridge. The road is subject to a 30mph speed limit and generally carries lower volumes of traffic. In terms of the "Strategic Road



Network” referred to in Policy CS18, this does not refer to this section of the A33, but the Western Approach from Redbridge Roundabout to the West Quay Road / Southern Road junction. This was defined by the DfT’s Delivering a Sustainable Transport Strategy to become part of a Strategic National Corridor from 2014. This is the primary access to the Port of Southampton and is the signed route for traffic approaching from the M3 to all dock gates. The forthcoming improvements in Platform Road will provide significant additional highway capacity to access the Eastern Docks, focussed on this Western Approach. In terms of “maintaining appropriate access” to and from the Strategic Road Network, the proposals are not contrary to this statement in Policy CS18. There is a finite volume of traffic which can approach this part of the road network due to constraints of other junctions on the surrounding road network. Providing the proposal can be demonstrated to have sufficient capacity to accommodate a typical busy cruise day, it will not compromise future expansion in port activity, which will mean more busy days.

5.11 The proposal includes a new vehicular access to a car park above the proposed new store, and lorry access to the service yard, both to be taken via a new roundabout on the A33. Currently access to the existing car park and service yard is via narrow residential streets to the rear of the site. It is very much more beneficial to avoid using the small back streets for access, and does not result in substantially more traffic on this part of the network, as the traffic flows already exist. Tracking paths have been provided for the most critical HGV movements at the roundabout and have been demonstrated to work. These movements are very infrequent for HGVs. For the most frequent movements to / from the Docks, the swept path is far less critical as the turns are not so tight. The layout as proposed is acceptable in principle, but it will be desirable to make some amendments through the Section 278 process. This is primarily to use the Manual for Streets approach in the design to change the feel of the street, in order to reduce vehicle speeds and create a much better environment for the increasing numbers of pedestrians and cyclists in the area. This is consistent with the City Centre Master Plan recommendation to transform the Inner Ring Road into a series of civilised City Streets. The changes to be considered would be:

- Minimising the use of standardised road markings and signs;
- Changes to junction geometry to reduce speeds where possible and appropriate (e.g. the radii on St Mary’s Street and approaches to the proposed roundabout);
- Incorporation of cycle facilities as part of the Local Sustainable Transport (LSTF) Strategic Cycle Corridor, which is being developed between Sholing and the city centre;
- Make infrequently used on-street servicing areas to be flush with and primarily operate as footways (new layby for pub, area by Central Hall / Student Halls access).

This is not an exclusive list and there will be other issues that arise through the Section 278 process. The final design will be subject to a further public consultation as part of the LSTF Strategic Cycle Corridor proposals in early 2013.

5.12 **SCC Planning Policy** – Saved Policy REI 4 safeguards this site for retail uses, as set out in the adopted Local Plan. The application complies with the provisions of

the REI 4 policy, and the principle of a new retail store on this site is supported. In addition the emerging City Centre Action Plan (CCAP) - following recent consultation on a draft plan - provides a policy approach for the site as follows:

- The site resides in the Primary Shopping Area (PSA) of the CCAP, and this supports retail in the PSA first (set out in Policy CS2, and paras 23 & 24 of the NPPF).
- Draft CCAP Policies 4, 6 & 23 set out replacement policies for Saved Policy REI 4. Taken together these policies propose to retain the Local Plan approach to ground floor retail uses for this site and support a new superstore in the east of the city centre. Although at a draft stage, the CCAP has completed consultation on the draft plan, and can be given a degree of weight. Policies 4 & 23 support a retail-led mixed use development including retail, food and drink, with set criteria for acceptable development; we note that the proposal seeks to respect the historic street pattern in this locality, providing a more legible link between East Street and the St.Mary's area, and we particularly welcome this design.

The application therefore complies with existing and emerging policy approaches.

- 5.13 **SCC City Design Team** - have no fundamental objection to the layout, scale and massing of the proposal. The submitted Design & Access Statement is well-written and illustrated and presents the scheme's merits clearly. The scheme responds well to its immediate setting and surroundings and to its more strategic location within the city centre. The area of outstanding concern is the resolution of the eastern elevation fronting Evans Street. There is a lack of design features to help reduce the perception of the scale and massing. (These are a summary of the comments, the full text of which is included in Appendix 2 of this report).
- 5.14 **SCC Sustainability Team** – The development has been assessed against a superseded version of BREEAM (2008). The current BREEAM assessment method at the time of application should be used, as it is updated to reflect any changes in Building Regulations etc and amended to overcome any issues that have been found in the previous versions. Therefore the submitted information does not demonstrate that BREEAM Excellent will be able to be met as required by policy CS20. Therefore Sustainability objects to this application unless amended information is submitted demonstrating that BREEAM Excellent can be met under the current assessment (2011).
- 5.15 **SCC Architect's Panel** – The principle of the development is acceptable and is welcomed. The Panel recognise the difficulties of accommodating a large supermarket within the city centre. Recreating the historic route alignment from East Street to St Mary's may be ideal but the constraints of the site are recognised and the new alignment has its merits. The elevations, particularly to Evans Street are relatively uninspiring and would perhaps benefit from being treated as a sleek industrial building rather than as a series of separate buildings fronting Evans Street. There is concern about the treatment of the retained car parking at Capital House - it is important that this area should be treated sympathetically. The landscaping needs to be of high quality and more attention given to the detail and materials.
- 5.16 **SCC Environmental Health (Pollution & Safety)** - no objection to this

application subject to conditions being imposed.

- 5.17 **SCC Environmental Health (Contaminated Land)** - This department considers the proposed land use as being sensitive to the affects of land contamination. Records maintained by SCC - Regulatory Services indicate that the subject site is located on/adjacent to the following existing and historical land uses: - Printing Works, Laundry and Brewery (on site). These land uses are associated with potential land contamination hazards. There is the potential for these off-site hazards to migrate from source and present a risk to the proposed end use, workers involved in construction and the wider environment. Therefore, to ensure compliance with Para 121 of the National Planning Policy Framework - March 2012 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 and, where appropriate, remediated to ensure the long term safety of the site. To facilitate this it is recommended that if planning permission is granted, conditions be attached.
- 5.18 **SCC Ecology** – The application site has been subjected to an Extended Phase 1 Habitat Survey. This survey concluded that the site is of negligible value to bats and limited value to nesting birds. Permanent adverse impacts on local biodiversity are therefore unlikely. The construction phase poses low risk to nesting birds however, this can be addressed through vegetation clearance either at an appropriate time of year, September to February inclusive, or under the supervision of a suitably qualified ecologist. In addition, as the presence of bats can never be ruled out, features that could support bats, such as the cracks in the concrete car park wall and the gap between the main 'Eastreet' Shopping Centre sign and ridged concrete behind, should be subjected to a 'soft strip' during demolition. In the unlikely event of a bat being found, work should stop and a licensed bat ecologist brought in to assist. It is pleasing to see the addition of a green wall and a commitment to use native species. The green wall in particular will improve the quality of the local environment for both people and wildlife.
- 5.19 **SCC Archaeology** – the site lies within an area defined as having high archaeological potential. This area forms the historic core of Southampton, and the archaeology of the area outlines the development and redevelopment of the historic towns from the 8<sup>th</sup> century to the present day. The developer has submitted an archaeological desk-based assessment in support of the planning application. I agree with the conclusions of the report that there is potential for archaeology to survive on the site and that the impact of previous development on the archaeological resource of the site is currently unknown. Due to the high archaeological potential of the site a phased programme of archaeological evaluation and excavation work will be required in advance of the development. Consequently, should planning consent be granted I would recommend that conditions be attached.
- 5.20 **SCC Rights of Way Officer** - The Public Rights of Way Section has no objection to this proposal. Whilst the proposal states that an existing right of way is affected, this is not the case. What public rights exist are embedded in the vehicular carriageways and pedestrian footways, (pavements), that constitute the highway infrastructure within the site. The application contains an improvement regarding the pedestrian/cycle link with Evans Street and beyond to the St Mary's area. Whilst this has the support of the rights of way section, it is not clear whether this would become an adopted highway or remain under the jurisdiction of the

developer / land owner / eventual site management, it is a considered opinion that the route should be adopted.

- 5.21 **City of Southampton Society** – Fully support the development of this site which has been underutilised for many years. Southampton would benefit from a further centrally located supermarket and this proposal should re-invigorate the lower end of East Street. The Society have no objections to the external design and layout of the supermarket. However, there are concerns on the effect of traffic along Evans Street which can already become congested in the evening rush hour or when two cruise liners use Dock Gate 4. The Society suggest the road layout is further amended to ban current right hand turns from St Mary Street onto Evans Street and vice versa and from Houndwell Place onto Evans Street which are currently dangerous. This could be achieved by creating a new roundabout and/or traffic lights at the Houndwell Place/Evans Street junction.
- 5.22 **Southern Water** – No objections, initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. There is currently inadequate capacity in the local network to provide surface water disposal to service the proposed development. The proposal would increase flows to the public sewerage system and any existing properties and land may be subject to a greater risk of flooding as a result. The applicant should investigate alternative means for surface water disposal which may include attenuation and storage on site.
- 5.23 **The Environment Agency** - no objection to the proposed development. The finished floor levels of the proposed development are proposed to be set at 3.52m AOD. Over the development life of the building, the predicted 1 in 200 year future tide level is estimated at 3.60m AOD. Detailed modelling for the Tidal Itchen shows that a 3.60m event would not affect the site, although road access to the East of the site may experience low level flooding (Marsh Lane, St Mary Street). As there will be a reduction in impermeable area, there will be a small reduction in surface water runoff from the site. The site and surrounding area has been identified as an area potentially at risk of surface water flooding, there may be potential to reduce flood risk in the area through the development of the site by reducing surface water to less than the existing, however, this would need to be agreed between the Local Planning Authority and the developer.
- 5.24 **BAA** - No aerodrome safeguarding objections to the application.
- 5.25 **Hampshire Chamber of Commerce** - The redevelopment of this site has long been an aspiration of residents and businesses in the city and is to be commended. This project will provide much needed jobs for city residents and regeneration of the St Mary's and East Street quarter to complement the recent upgrade to City College and its environs. The Chamber of Commerce fully support the concept with the reservation that the application, as it stands, does not provide a suitable physical or aesthetic link with St Mary's and therefore contradicts the emerging City Centre Action Plan.
- 5.26 **Future of Southampton Group** - The application represents a missed opportunity and could be redesigned to provide the same floorspace in a better footprint for the operator whilst incorporating an improved link between East Street and St Mary's. The reduction of Evans Street from dual carriageway to single carriageway is supported but ideally Evans Street should be restored to its original level and the pedestrian subway removed.

## **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 retail development.
- Design issues including the site layout and new pedestrian route as well as the external appearance of the building.
- Transport issues including the impact on the highway network, access arrangements for the store and the level of car parking proposed.
- Regeneration, environmental and sustainability issues.
- The impact on the amenities of neighbouring occupiers.

### 6.2 Principle of Development

The East Street Centre was the first purpose built shopping centre in the city but it has been in decline for many years and no longer provides a retail function. The city centre is currently well represented by comparison goods retailers. However, the Southampton and Eastleigh Retail Study published last year to inform the policy approach for the city, found the city centre had a below average representation of convenience floorspace and existing supermarkets were underperforming. There are smaller convenience stores suitable for top-up shopping but these are mostly in the western part of the primary shopping area. The applicants state that the proposed Morrisons is a predominantly grocery business with a modest comparison goods range amounting to approximately 20% of the floorspace. The emerging City Centre Action Plan (CCAP) promotes new superstores in the east and west of the city centre and recommends that the eastern superstore should be located within the existing primary shopping area. The NPPF confirms previous national and local guidance of directing proposals for retail uses to town or city centres first. As the site is within the defined primary shopping area there is no requirement to undertake sequential or retail impact tests prescribed by the NPPF. In these circumstances the new retail development is policy compliant and the principle is acceptable.

### 6.3 Design Issues

The existing building is monolithic and an eyesore which significantly detracts from the environment of the surrounding area. The shopping centre also creates a strong physical barrier which restricts east-west movement in the city centre. A proposed modern foodstore will significantly enhance the appearance of the area. Members attention is drawn to the detailed comments on the application from the Council's City Design team which are in Appendix 2 of this report. As recognised by the Council's Architects Panel, it is difficult to find a suitable site to accommodate a large scale supermarket within the city centre. The proposed building will have three public sides and inevitably active frontages cannot be provided to all three sides given the requirements of the operators. The decision was taken to concentrate the active frontage on the north side of the building adjoining the new pedestrian route which is considered to be acceptable. There will be entrances at either end of this frontage with the main store entrance being visible from the end of East Street and the cafe entrance at the Evans Street end. The scale and form of the building is considered to be acceptable and appropriate for its context. The location of the service bay on the Evans Street frontage of the

building has considerable advantages in limiting vehicle movements through the narrow streets adjoining the Holyrood Estate but it does result in a large entrance area to the eastern elevation. This is an inevitable consequence of the servicing arrangements and subject to seeking further details of the treatment to this elevation and external materials is considered to be satisfactory.

- 6.4 The removal of the existing shopping centre also offers an important opportunity to enhance connectivity in this part of the city centre by restoring a link between East Street and Evans Street. Various options for the alignment of a new pedestrian route have been investigated. A more direct straighter route would perhaps be the ideal situation but this would not have allowed for a sufficient footprint for a new foodstore and would have resulted in two vehicular servicing areas being required. The application proposal results in an angled alignment to the new pedestrian route which would allow for a suitable connection to the St Mary's area as well as providing a large footplate for the retail store, with car parking above, and a single servicing area for large vehicles. The new pedestrian route would be 6.5 metres wide which is sufficient to create a human scale and a suitable sense of enclosure. A more comprehensive development, including Capital House and the Royal Oak Public House, would have offered wider advantages but this has not proved possible. The footprint of the new building would not prejudice the future redevelopment of this adjoining site and in the interim details of landscaping and means of enclosure can be secured by conditions. The landscaping treatment to the south side of the building, including a proposed green wall to screen the ramp to the car park would significantly enhance the appearance of the area.

#### 6.5 Transport Issues

The proposed access arrangements will be a significant improvement on the existing arrangements whereby both cars and larger vehicles access the site from the west off Queensway, East Street and Lime Street. Accessing the site directly off a new roundabout will remove a significant amount of traffic from these narrow roads and the adjoining Holyrood Estate. In terms of the capacity of the road network and the comments made by third parties including ABP, the applicants have provided additional information in the form of an addendum to the Transport Assessment. Discussions have taken place between the applicants and ABP and a verbal update with any additional representations will be given at the meeting . However, the Council's Highways officers are satisfied that the narrowing of Evans Street to a single lane in each direction will not adversely affect highway capacity in this part of the city centre. It is considered that there needs to be a balance on decisions taken about the design of the road network in the city centre. The City Centre Master Plan highlighted the need to transform the design of the Inner Ring Road into a series of City Streets. This does not mean removing their traffic movement function, but providing an appropriate balance between all users. At the moment, streets like Evans Street are totally focussed on traffic movement to the exclusion of providing an appropriate quality of facilities for pedestrians and cyclists. The design proposals for this scheme change the balance of design in Evans Street, but not to the extent where it compromises the economic future of the Port of Southampton.

- 6.6 The proposed closure of the subway under Evans Street will improve pedestrian safety and security as has happened elsewhere in the city centre, for example at Charlotte Place. It is unfortunate that the works do not extend to altering the gradient of Evans Street following closure of the subway. A highways closure

procedure will be needed following the grant of planning permission to stop up the eastern end of Lime Street and the servicing yards and car park ramp which are currently adopted. These areas of highway to be stopped up are relatively small and their current role is mainly as access to serve the existing shopping centre. The pedestrian route in Lime Street will be replaced by a new footway/cycleway. The proposed car parking will replace the existing public provision with a small increase. The number of spaces is in accordance with the parking standards and it is intended that the car park will be available for general public car parking as well as for Morrisons customers. The car park management arrangements can be controlled through the Section 106 agreement as has been done elsewhere in the city, at IKEA for example.

#### 6.7 Regeneration and environmental issues

The redevelopment of this largely vacant site offers significant regeneration benefits to this part of the city centre. Approximately 400 new jobs will be created and Morrisons state that for a typical store 75% of the workforce live within 3 miles of the store. The employment benefits to the local area can be secured through the training and employment management plan as part of the Section 106 agreement. The development involves a significant investment in this part of the city centre and the provision of a retail anchor store should result in spin-off benefits which will enhance the vitality and viability of the East Street shopping area.

6.8 In terms of sustainability issues the submission of the application (which originally targeted BREEAM 2008 Excellent) was scheduled for submission at the end of 2011 but was delayed due to protracted legal negotiations. In the intervening period, BREEAM 2008 was superseded by BREEAM 2011, which the applicant considers poses significant viability and technical problems for achieving an Excellent rating. The applicants together with Morrisons, the future tenant, have undertaken further investigation of the practicalities of targeting the additional credits necessary to achieve BREEAM excellent. Morrisons have confirmed that they can meet the majority of the credits, with the exception of Ene 02, Ene 06 and Pol 01. This results in a BREEAM 2011 rating of 69.37% Very Good, which is just short of the 70% required for BREEAM 2011 Excellent. In the circumstances of this case and the significant economic development and regeneration benefits of the proposal, this minor shortfall in the BREEAM credits is considered to be acceptable.

#### 6.9 Neighbour amenity issues

The nearest residential neighbours are in Challis Court. The proposed building would move closer to Challis Court but as it is on the north side of these residents there will be no loss of sunlight. The closure of part of Lime Street will result in a significant reduction in the amount of traffic adjoining these neighbours and the provision of an enclosed service yard will mean that noise from servicing has limited impact on local residents. The considerable visual improvements resulting from this application will benefit those residents who currently overlook the site.

### 7. Summary

7.1 This proposal would replace an existing eyesore at a prominent location in the city centre. The new foodstore will provide a new retail destination at the eastern end

of the primary shopping area which will enhance the convenience retail offer and provide significant regeneration benefits. The proposal is policy compliant and the issues of transport, car parking, design and environmental issues have been satisfactorily addressed.

## **8. Conclusion**

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

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

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

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 3(a), 4(d), 4(e), 4(g), 4(r), 4(uu), 4(vv), 6(a), 6(c), 7(a), 8(a), 9(a) and 9(b).

#### **RP2 for 20/11/2012 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, apart from demolition of the existing buildings, 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, apart from demolition of the existing buildings, a detailed landscaping scheme and implementation timetable shall be submitted, which includes:

- i. proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);



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

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

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

Reason:

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

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

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

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

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in

accordance with the approved 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.

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

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

Reason:

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

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

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

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

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

Reason:

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

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

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

Reason:

In the interests of highway safety.

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

No development approved by this permission, apart from demolition of the existing buildings, shall commence until a scheme for the disposal of foul water and surface water drainage have been submitted to and approved in writing by the Local Planning Authority

and no building shall be occupied unless and until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority and subsequently implemented and maintained for use for the life of the development.

Reason:

To ensure satisfactory drainage provision for the area.

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

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

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

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

And at no time on Sundays and recognised public holidays.

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

Reason:

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

**10. APPROVAL CONDITION - Demolition Methodology Report [Pre-Commencement Condition]**

No demolition works or site preparation works shall take place on the site unless and until plans, cross-sections and technical information has been provided to and approved by the Local Planning Authority to show that for full or partial demolition (superstructure removal) an engineering demonstration has been carried out to show that any remaining construction (retaining walls, basement substructure) would be stable either in its own right or with suitable temporary propping mitigation measures (props, shores, thrust blocks, buttresses, etc.). This information should also address any safety and site security issues (such as the treatment of unprotected edges, clear drops, confined spaces, below ground level (or part ground level) areas, etc.) related to and resulting from such full or partial demolition works.

Reason:

To ensure the proper consideration of on-site and potential off-site land stability and associated safety issues related to demolition works.

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

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

Reason:

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

**12. APPROVAL CONDITION - Piling [Pre-Commencement 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 piling/foundation design risk assessment and method statement for the preferred piling/foundation design/designs shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure the selected piling method can be justified on the grounds of structural, geotechnical, contamination, noise, vibration and practicability and ensure any adverse environmental impacts are identified and appropriate mitigation measures are proposed

Condition Informative 1

Guidance is provided in the Environment Agency's publication NC/00/73, Piling and Penetrative Ground Improvements Methods on Land affected by Contamination:

Guidance on Pollution Prevention, section 6.5

Condition Informative 2

Guidance suggests maximum vibration of 1mm/sec Peak Particle Velocity (measured in any one direction) at the foundations of the nearest occupied residential building and a maximum vibration of 3mm/sec Peak Particle Velocity (measured in any one direction) at the foundations of an occupied commercial building.

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

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

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

### **14. APPROVAL CONDITION - Archaeological work programme [Performance Condition]**

The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the archaeological investigation is completed.

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

No development shall take place within the site until the type and dimensions of all proposed groundworks (including details of foundations, ground beams, all services etc) have been submitted to and agreed by the Local planning Authority. The developer will restrict groundworks accordingly unless a variation is agreed in writing by the Local Planning Authority.

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

### **16. APPROVAL CONDITION - Delivery hours (Performance Condition)**

No deliveries shall be taken at or despatched from the retail use hereby approved outside the hours of 0600 hours to midnight on any day.

Reason

To protect the amenities of neighbours

**17. APPROVAL CONDITION - Shopping Trolley Management Scheme (Pre-Occupation Condition)**

The retail use hereby approved shall not commence until a shopping trolley management scheme has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason

In the interests of safety and security and the amenities of the area.

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

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

Reason:

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

**19. 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.

**20. APPROVAL CONDITION - Servicing arrangements (Performance Condition)**

No servicing, loading or unloading relating to the retail use hereby approved shall take place other than from the enclosed service yard as shown on the approved drawings.

Reason

In the interests of safety and the amenities of the area.

**21. APPROVAL CONDITION - Cycle and changing facilities (Pre-Occupation Condition)**

The retail use hereby approved shall not be first occupied until cycle storage, changing, washing and shower facilities for members of staff have been provided in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be retained thereafter.

Reason

To encourage cycling as an alternative sustainable means of transport in accordance with Council policy.

**22. APPROVAL CONDITION - Security measures (Pre-Occupation Condition)**

Before the use hereby approved commences, details of a CCTV system and other security measures shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be implemented before the first retail use of this part of the building and thereafter retained.

Reason

In the interests of the safety and security of the area.

**23. APPROVAL CONDITION - Details of lighting (Pre-Commencement Condition)**

No development shall commence, apart from demolition of the existing buildings, until details of external lighting to the buildings and external areas of the development have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON

In the interests of ensuring a satisfactory appearance to the development and the safety and security of the area.

**24. APPROVAL CONDITION - Public realm details (Pre-Occupation Condition)**

The development hereby approved shall not be occupied until details of the treatment to the public realm surrounding the buildings has been submitted to and approved in writing by the Local Planning Authority. These details shall include surface treatment, seating and any means of enclosure. The approved measures shall subsequently be implemented unless otherwise agreed in writing by the Local Planning Authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent amending order, no gates, walls, fences or other means of enclosure shall be installed on the new pedestrian walkway between East Street and Evans Street without the prior approval of the Local Planning Authority.

REASON

To ensure satisfactory treatment of this important area of public space.

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

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

Reason:

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

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

No development shall take place, apart from demolition of the existing buildings, 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.

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

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

**REASON**

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

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

Prior to the first occupation of the development hereby granted consent, the sustainability 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).

**29. APPROVAL CONDITION - Approved Plans**

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

**Reason:**

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

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

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

**Reason:**

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

**31. APPROVAL CONDITION - Treatment to the Eastern Elevation (Pre-Commencement Condition)**

Notwithstanding what is shown on the approved drawings and prior to the commencement of development, apart from demolition of the existing buildings, details of the design treatment to the eastern elevation of the building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

**Reason**

To ensure satisfactory treatment to this important elevation of the building.

**POLICY CONTEXT**

Core Strategy - (January 2010)

CS1	City Centre Approach
CS3	Promoting Successful Places
CS6	Economic Growth
CS13	Fundamentals of Design
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS23	Flood Risk
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
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting
SDP22	Contaminated Land
HE6	Archaeological Remains
CLT14	City Centre Night Time Zones and Hubs
REI3	Primary Retail frontages
REI4	Secondary Retail Frontages
REI8	Shopfronts
TI2	Vehicular Access
MSA1	City Centre Design

Supplementary Planning Guidance

Planning Obligations (Adopted - August 2005 and amended November 2006)  
Parking Standards (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012  
City Centre Action Plan - Preferred Approach (January 2012)



**City Design Officer Comments**

**A. LAYOUT**

*APPRAISAL:* The layout responds well to the required need to reconnect East Street to the wider city streets network. The current situation (i.e. the current East Street Shopping Centre sitting across the eastern end of East Street creating what is in essence a cul-de-sac) is unacceptable to the city council. This proposal addresses this directly by creating a new 'walk' alongside the northern edge of the new building. The width, scale, alignment and length of this new walk are considered appropriate to the function it is likely to perform (i.e. to be a well-used and strategically important pedestrian link connecting neighbourhoods on the eastern side of the city centre with the main retail areas including the High Street). It is assumed details of the surfaces, lighting and materials will be controlled through planning conditions to ensure the appropriate level of robustness and quality, as will the precise nature of the route (e.g. will it be open to cycles as well as pedestrians?)

As regards the arrangement of the various elements of the building, I support the way in which the internal layout supports the appropriate external environment. For example, the most active edge of the building is aligned with the new 'walk' that reconnects East Street with the wider city street network. Given this is expected to be busy with pedestrian movement it is right to animate this edge to ensure feelings of safety and security. The other three edges of the 'big box' are essentially blank in that they comprise servicing and back of house uses. It is right that these edges have been aligned with either party walls (in the case of the western elevation) or streets with much lower pedestrian flows than that to be found on East Street (e.g. Evans Street and Lime Street). The layout and alignment also allows for revealed views of the St Marys Church Spire for those walking eastwards.

The internal arrangement of check-out points and main access seeks to enhance a quality urban environment on the outside of the building and this is supported. The location of the service bays and the car park access ramps (i.e. towards Evans Street) is also deemed appropriate as this keeps main vehicle movements towards the larger roads within the immediate network.

*RECOMMENDATION:* Approval subject to access conditions.

**B. SCALE**

*APPRAISAL:* The building is considered to be of a scale appropriate to its setting and immediate neighbours. The relatively low-rise form reflects the nature of the food store (i.e. a large floor plate as preferred by retailers) but also does not dominate unnecessarily the view eastwards along East Street towards the building. The length of the northern edge of the building (the edge that fronts the new pedestrian walk) is also considered acceptable in that it is not overly long (at approx. 60m) as to deter pedestrian amenity.

*RECOMMENDATION:* Approval for the scale.

**C. ACCESS**

*APPRAISAL:* The location of the service bays and the car park access ramps (i.e. towards Evans Street) is also deemed appropriate as this keeps main vehicle movements towards the larger roads within the immediate network. The arrangement that has aligned the most 'active' edge of the building alongside the new pedestrian link is also deemed appropriate

and is supported. The front door to the food store is located 'on axis' with East Street enhancing legibility and understanding of the building. The pedestrian link along Lime Street is also supported. As with the new pedestrian walk alongside the northern edge of the building, it is assumed that details of the surfaces, lighting and materials for the Lime Street link will be controlled through planning conditions to ensure the appropriate level of robustness and quality, as will the precise nature of the route (e.g. will it be open to cycles as well as pedestrians?)

That the building will have two access points (e.g. a main entrance on the north western corner and also an entrance via the café on the north eastern corner) is welcomed. This can allow the café to animate and support a more active street life even if the main store is not open (e.g. early Sunday mornings, evenings etc). Even if this 'dual-trading' option is not pursued for commercial reasons, it is considered important that the physical design of the building has the flexibility to allow for this at a later date.

*RECOMMENDATION:* Approval subject to access conditions.

#### **D. APPEARANCE**

*APPRAISAL:* The proposed design for the building is modest in its use of materials and finishes. The building clearly 'reads' as a food store and in this respect the use of a limited range of materials and finishes is generally supported. That said, the eastern elevation onto Evans Street (which accommodates the service access) appears cluttered and confused in its use of materials and designs. It would seem that the approach to this edge is intended to add interest to what would otherwise be a relatively blank elevation. However, the resultant design begins to look overly complicated. The use of different materials and projections to 'disguise' the car parking ventilation areas is considered unnecessary. A revision to this particular elevation with a view to simplification is therefore recommended.

The café on the northern eastern corner of the building is a welcome addition. The use of glazing and the 'wrap-around' nature of the curved corner could be strengthened here to add interest and quality to the eastern elevation. At present, the corner café is primarily focussed onto the new pedestrian walk on the northern edge of the building. Bringing the café elevation around the corner more, through greater use of glazing on the ground floor, would be welcomed. The southern elevation alongside Lime Street is treated by use of a 'green wall' and this is considered below.

*RECOMMENDATION:* Approval for appearance, subject to revisions to the eastern elevation.

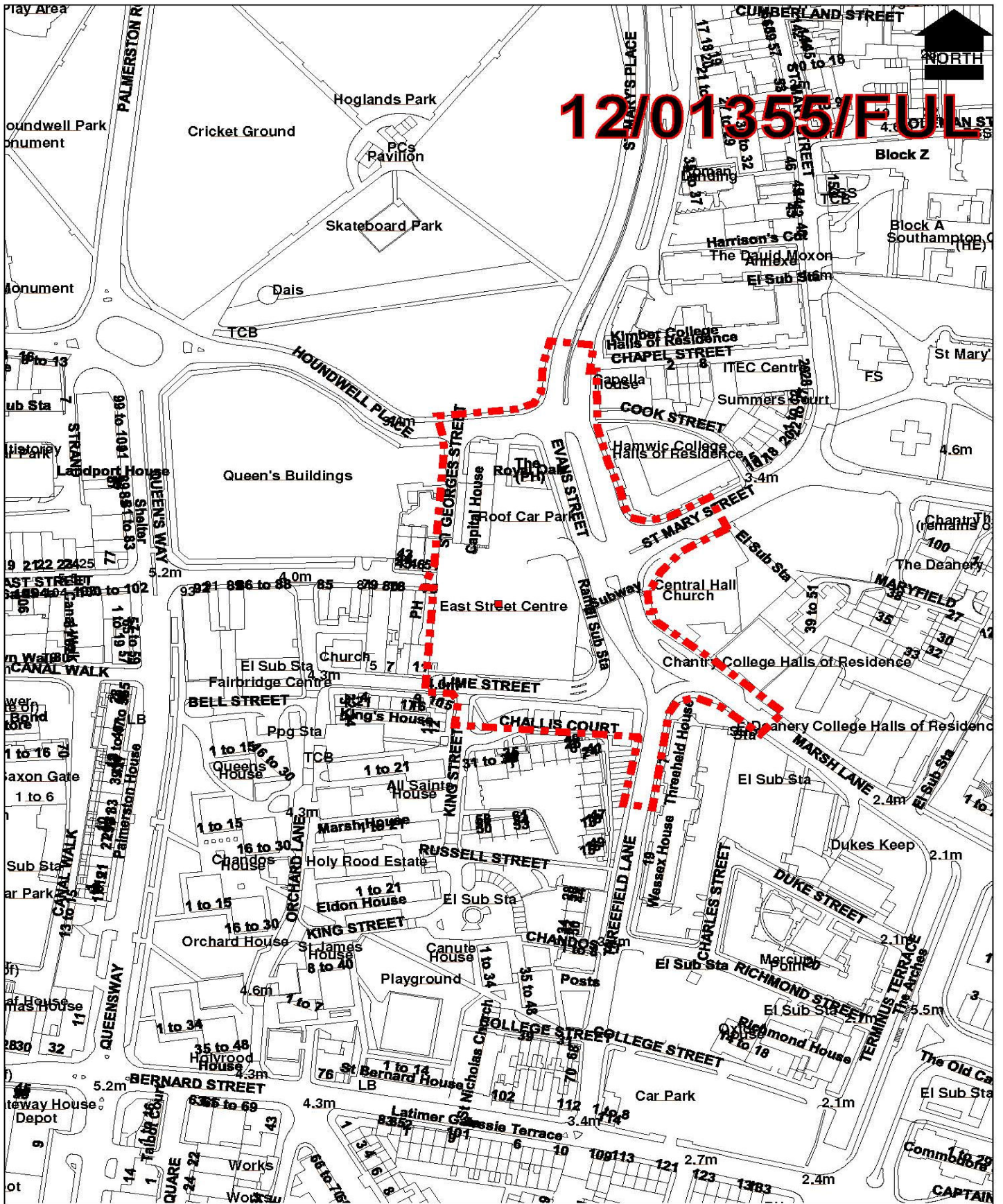
#### **E. LANDSCAPE**

*APPRAISAL:* The use of the green wall alongside Lime Street and opposite Challis Court is the most striking feature of the proposal and this is supported. As explained earlier, the food store essentially has only one active edge and this has rightly been aligned with the new pedestrian walk. This leaves only a blank edge to be aligned opposite Challis Court. The applicant has sought to offset the negative impact of this through use of a green wall and this is supported. It is recommended that the involvement of Challis Court residents in the design and implementation of this green wall is encouraged to enhance the sense of ownership and stewardship. As with the new pedestrian links, it is assumed that details of the green wall will be controlled through planning conditions to ensure the appropriate level of maintenance and ownership (e.g. the precise type of green wall technology to be used).

Other aspects of the landscape design are supported although one minor area of concern

is with the proposed landscape treatment to Evans Street. The innovative 'in-out' service arrangement for service vehicles requires hard surfaces to cross the landscape strip in a shallow diagonal route. It is encouraged that this infrastructure is 'disguised' through the use of landscape treatments that enhance the pedestrian priority of those walking along the footway on Evans Street. For example, the application of paving materials that plays down the visual dominance of the diagonal routes. The drawings as submitted suggest a use of materials that reinforces the service routes, rather than the Evans Street footway, and this should be reversed.

*RECOMMENDATION:* Approval subject to landscape conditions.



Scale : 1:2500

Date 07 November 2012

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# Agenda Item 11

**Planning, Transport & Sustainability Division  
Planning and Rights of Way Panel 20 November 2012  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Gracechurch House, 25-35 Castle Way			
<b>Proposed development:</b> Alterations and extensions involving raising the height of the building and change of use from offices into a 95 room hotel (resubmission of application 11/01844/FUL).			
<b>Application number</b>	12/01171/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Jenna Turner	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	26.10.12	<b>Ward</b>	Bargate
<b>Reason for Panel Referral:</b>	Major application with objections	<b>Ward Councillors</b>	Cllr Bogle Cllr Noon Cllr Tucker

<b>Applicant:</b> Chg Holdings	<b>Agent:</b> HFP Architects
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<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report</b>
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## Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set out on the attached sheet. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on the 20.11.12 do not have sufficient weight to justify a refusal of the application. Where appropriate planning conditions have been imposed to mitigate any harm identified. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Planning Permission should therefore be granted taking account of the following planning policies:

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, HE1, CLT1 and MSA7 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS1, CS6, CS7, CS13, CS14, CS18, CS19, CS20 and CS25 and the Council’s current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS1 (Delivering Sustainable Development) and PPG13 (Transport 2011) are also relevant to the determination of this planning application.

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

## Recommendation in Full

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

i. Financial contributions towards site specific highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March



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

- ii. A financial contribution towards strategic transport improvements in the wider area as set out in the Local Transport Plan and appropriate SPG;
- iii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer;
- iv. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended); and,
- v. Provision of CCTV coverage, with linkages to the City Council's CCTV Control Room, in accordance with Policies CS13 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended).

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

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

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

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

## **2. Proposal**

- 2.1 The application seeks to alter, convert and extend the existing building to provide a 95 bedroom hotel. The application is a resubmission of application 11/01844/FUL for alterations and extensions to the building to provide an 84 bedroom hotel. This application benefitted from a resolution to grant planning permission from the Planning and Rights of Way Panel on the 14th February

2012 but was eventually withdrawn. The key differences between the two schemes can be summarised as follows:

- The internal layout of the building has been altered to provide 11 more bedrooms
- The proposed extension would add one additional floor to the building instead of two
- The building would now have a flat roof appearance as opposed to a curved, over-hanging roof.

2.2 The application proposes to remove the existing cladding to the elevations of the building and the mansard top floor. The elevations of the building would be finished using render, and elements of cladding.

2.3 The main entrance to the building would be from Castle Way. The ground floor of the building includes a reception area, bar, restaurant facility and some bedrooms.

2.4 A total of 25 car parking spaces would be provided; 23 within the basement car park area and a further 2 spaces to the southern end of the building.

### **3. Relevant Planning Policy**

3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**. The site is identified by saved policy MSA7 of the Local Plan Review for mixed used development as part of 144-164 High Street. The site lies within an area of High Accessibility to public transport (Public Transport Accessibility Level 6).

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

3.3 Major developments are expected to meet high sustainable construction standards in accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.

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

4.1 As stated above, the application is a resubmission of an application which was withdrawn earlier in the year (reference 11/01844/FUL). The last use of the site was for offices (Use Class B1) and planning permission was originally given for this use in 1975.

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

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying

adjoining and nearby landowners, placing a press advertisement (16.08.12) and erecting a site notice (09.08.12). At the time of writing the report 2 representations have been received from surrounding residents. The following is a summary of the points raised:

5.2 ***There is insufficient car parking proposed and therefore overspill parking from the proposed use will exacerbate on-site parking issues in the vicinity of the site.***

5.3 **Response**

The site is located within the City Centre and therefore highly accessible by modes of transport other than the private car. As such the provision of 25 on-site car parking spaces is considered to be acceptable and accords with the maximum standards set out in saved Local Plan policy SDP5, which in this case would be 28, and also in accordance with the emerging City Centre Action Plan which approves a maximum 31 spaces.

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

5.5 **Response**

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

5.6 ***The proposal would result in disruption during the construction process***

5.7 **Response**

A condition is suggested to secure a Construction Management Plan which would minimise the disruption during the construction process in terms of noise, dust, vibration and construction related traffic.

5.8 **Consultation Responses**

5.9 **SCC Highways** - No objection.

5.10 **SCC Sustainability Team** – No objection. Suggest a condition to secure the proposed sustainability measures.

5.11 **SCC Environmental Health (Pollution & Safety)** - No objection. Suggests conditions to secure details of refuse storage and plant and machinery, including any extraction equipment.

5.12 **SCC Environmental Health (Contaminated Land)** - No objection. Suggests a condition to ensure that any imported material is accompanied by clean soil certification and to deal with any unsuspected contamination.

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

5.14 **Southern Water** – No objection. Suggests an informative regarding



connection to the public sewer.

5.15 **Hampshire Constabulary** - No objection. Suggests a condition to secure details of security to the car park.

5.16 **BAA** - No objection or conditions suggested

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

6.1 The application needs to be assessed in terms of the following key issues for consideration and the planning history of the site:

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

It is important to note that the previous resolution to grant an 84 bedroom hotel is a material consideration in the current considerations.

### **6.2 Principle of Development**

6.2.1 Policy CS1 of the Core Strategy supports hotel development within city centre locations such as this. The site is identified by saved policy MSA7 of the Local Plan as a major development area, which supports the development of the land fronted by 144-164 High Street for mixed use development. A planning condition is suggested to ensure privacy screening solution to the rear facing bedroom windows to ensure that the application proposal would not prejudice the development of the neighbouring sites in the future. Furthermore, bringing a vacant City Centre site back into use and the sustainability benefits of making good use of an existing building is welcome. The principle of development is therefore considered to be acceptable and was accepted at the 14th February 2012 Planning and Rights of Way Panel.

### **6.3. Design of Proposal and Impact on the Conservation Area**

6.3.1 Having regard to the variation in building heights within the surrounding area and the City Centre location of the site, the proposed additional floors of accommodation would not appear out of keeping with the character of the area. Furthermore, the hotel would now be 1-storey less in height than previously accepted by the Planning Panel. The proposed roof extension would help to balance the horizontality of the elevation to Castle Way and represent a visual improvement on the existing situation. Whereas indicative building heights within the Old Town Development Strategy (2004) indicate this 'block' to be 3 storeys as a preference, other buildings of four-storey can be found within the vicinity of the site and the proposal would not therefore appear out of context.

6.3.2 The mansard roof of the existing building also gives it a top-heavy appearance and the existing cladding of the building is not in good condition and has a bland appearance. It is considered that the proposed elevational treatment to the building would represent a marked improvement to the

appearance of the building and would be sympathetic to the commercial nature of the area. Whilst different to the previous design solution and with a less convincing external finish, the scheme is nevertheless acceptable. The proposed material treatment would articulate and provide further relief and interest to the long Castle Way elevation.

6.3.3 The proposed building would provide activity to Castle Way, with the main entrance fronting the street. In addition to this, the location of the restaurant and bar area to the ground floor is designed to introduce natural surveillance of the street. As such, it is considered that the proposal would have a positive impact on the setting of the Conservation Area.

#### 6.4 Impact on Residential Amenity

6.4.1 There are no existing residential properties to the rear of the site, above the units fronting the High Street, however, a condition is suggested to secure details of privacy screening to the rear facing windows to ensure that the development does not prejudice the upper floors of these properties from coming forward for residential development. The neighbouring property at 21 Castle Way has no habitable room windows facing onto the application site and would therefore be unaffected by the additional height of the building. Having regard to the separation of the site from the residential properties on the opposite side of the road, it is also considered that the proposal would not create any additional impacts to the amenities of these occupiers.

6.4.2 The nature of the use is not considered to be unduly disruptive to neighbouring residential properties in terms of noise and disturbance. Furthermore, the submitted Design and Access indicates that the standard guest check in time is 15:00 and check out time is 12:00. A planning condition is suggested to restrict the hours of deliveries to the premises to minimise late night or early morning disturbance to nearby residential occupiers.

#### 6.5 Parking and Highways

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

6.5.2 The proposal would make use of the existing service road for deliveries and purpose built refuse storage would also be provided to the south of the building. This would ensure that the proposal would not affect the safety and convenience of users of Castle Way. The layout also incorporates space for the secure storage of ten cycles within the basement, which is considered acceptable to serve a hotel use.

#### 6.6 Sustainability

6.6.1 Since the proposal does not result in the creation of 500sq.m or more, there is no requirement to meet BREEAM Excellent. The application proposes to

make the savings in carbon dioxide emissions required by policy CS16 by incorporating a mini CHP unit and Air Source Heat Pumps and a condition is suggested to secure these and the proposal is therefore considered to be acceptable in this respect.

6.7 Mitigation of Direct Local Impacts

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

7. Summary

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

8. Conclusion

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

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

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

1 (a), (b), (c), (d), 2 (b), (c), (d), 4 (f), 6 (a), (c), (f), (i), 7 (a), (b), (e), (k), (m), (t)

**JT for 20/11/12 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 – Implementation of Alterations to the Building [pre-occupation condition]**

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

Reason:

To ensure the visual improvements to the site are secured.

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

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

Reason:

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

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

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

Reason:

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

**05. APPROVAL CONDITION - Cycle Storage [performance condition]**

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

Reason:

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

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

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

Reason:

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

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

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

Reason:

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

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

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

Reason:

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

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

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

Reason:

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

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

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

Reason:

To secure a satisfactory form of development.

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

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

Reason:

To ensure a satisfactory form of development.

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

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

Monday to Sunday: 07:00 to 19:30

Reason:

In the interests of the amenities of the neighbouring residential occupiers

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

Prior to the commencement of the development hereby approved, a scheme to introduce privacy screening to the windows above first floor level in the east-facing elevation of the building, shall be submitted to and approved by the Local Planning Authority in writing. The scheme shall be implemented as approved, prior to the development first coming into use and thereafter retained.

Reason:

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

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

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

Reason:

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

**15. 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.

**16. APPROVAL CONDITION - Use of uncontaminated soils and fill [Performance 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.

**17. APPROVAL CONDITION - Car Park Security Measures [pre-commencement condition]**

Prior to the commencement of the development hereby approved, full details of the security measures to the car parking area shall be submitted to the Local Planning Authority for approval in writing. The measures shall be implemented in accordance with the approved details before the car parking first comes into use and thereafter retained as approved.

Reason:

To reduce the risks of crime and anti-social behaviour.

**18. APPROVAL CONDITION - Approved Plans**

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

Reason:

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

**POLICY CONTEXT**

Core Strategy - (January 2010)

CS1	City Centre Approach
CS3	Promoting Successful Places
CS7	Safeguarding Employment Sites
CS13	Fundamentals of Design
CS14	Historic Environment
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP19	Aerodrome and Technical Site Safeguarding and Airport Public Safety Zone
HE1	New Development in Conservation Areas
CLT1	Location of Development
TI2	Vehicular Access
MSA1	City Centre Design
MSA7	144-164 High Street

Supplementary Planning Guidance

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

Old Town Development Strategy (adopted 2004)

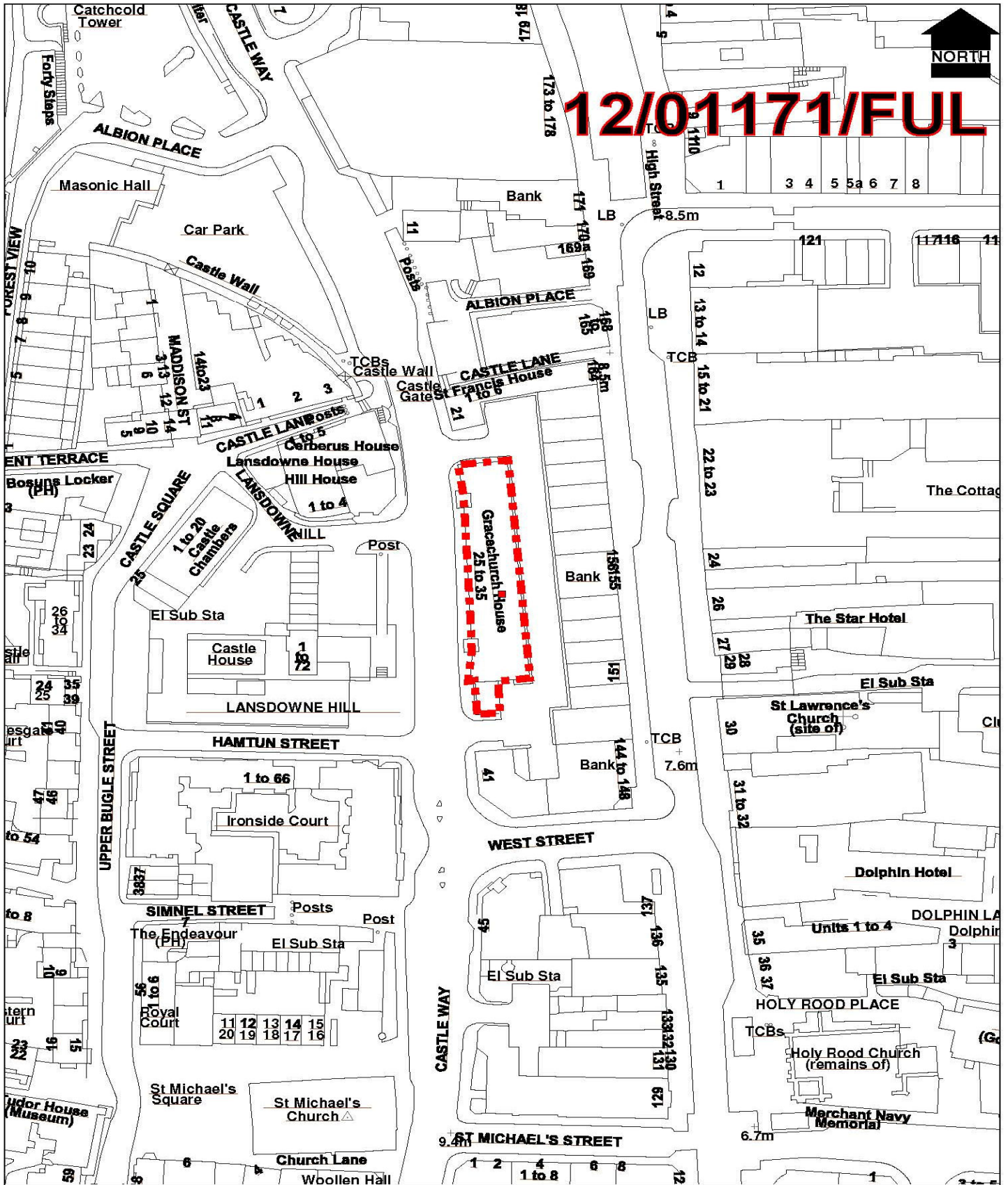
Other Relevant Guidance

The National Planning Policy Framework



**Relevant Planning History**

1481/M19 Use of existing building as offices with ancillary parking in basement	Conditionally Approved 20.02.75
1632/M18 Alterations to front and side elevations plus new office on existing roof.	Conditionally Approved 26.07.83
11/01844/FUL Alterations and extensions involving raising the height of the building and change of use from offices into an 84 room hotel.	Withdrawn 27.06.12



Scale : 1:1250

Date 07 November 2012

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# Agenda Item 12

**Planning, Transport & Sustainability Division**  
**Planning and Rights of Way Panel 20 November 2012**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 7 Greenbank Crescent			
<b>Proposed development:</b> Change of use from C3 dwelling house to 9 bed sui generis house of multiple occupation (HMO) with associated parking			
<b>Application number</b>	12/01435/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Jenna Turner	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	19.11.12	<b>Ward</b>	Bassett
<b>Reason for Panel Referral:</b>	Request by Ward Member and five or more letters of objection have been received	<b>Ward Councillors</b>	Cllr L Harris Cllr B Harris Cllr Hannides

<b>Applicant:</b> Mr R Wiles	<b>Agent:</b> Concept Design & Planning
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<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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### Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set out below. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on the 20.11.12 do not have sufficient weight to justify a refusal of the application. The proposal would be in keeping with the site and surrounding properties, accords with the Council's adopted percentage requirements for HMOs and would not have a harmful impact on the amenities of the neighbouring properties. Furthermore, the proposal would assist in meeting housing need. Where appropriate planning conditions have been imposed to mitigate any harm identified. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Planning Permission should therefore be granted taking account of the following planning policies:

"Saved" Policies – SDP1, SDP5, SDP7, SDP9 and H4 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS13, CS16 and CS19 and the Council's current adopted Supplementary Planning Guidance. The guidance within the National Planning Policy Framework (2012) is also relevant to the determination of this planning application.

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

### Recommendation in Full

### Conditionally approve

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

1.1 The application site comprises a detached, two-storey dwelling located within a spacious plot on the corner of Greenbank Crescent. The dwelling is currently vacant and the plot itself is substantially overgrown with trees and vegetation. In particular, there is a large leylandii hedge to the site boundaries which means the dwelling itself is barely visible from the street scene. There is a Tree Preservation Order relating to a Silver Birch Tree on the corner of the site.

1.2 The site slopes upwards from west to east. The surrounding area is residential in nature and typically comprises extended two-storey, detached houses with a spacious, suburban character. The architectural style of properties vary, although the majority of properties within this part of the street were constructed after 1975.

## **2. Proposal**

2.1 The application seeks planning permission to change the use of the property from a single family dwelling house to a House in Multiple Occupation (HMO) containing 9 bedrooms. The existing double garage will be converted and the elevations changed. The property would be served by 1 off-road car parking space.

## **3. Relevant Planning Policy**

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

3.2 The site is not allocated for a particular use or development within the Development Plan but lies within an area of Low Accessibility for Public Transport (Public Transport Accessibility Level Band 1).

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

3.4 Core Strategy CS16 and Saved Local Plan policy H4 are relevant to the determination of planning applications for the change of use to HMOs. Policy CS16 of the Core Strategy states that the contribution that the HMOs makes to meeting housing need should be balanced against the impact on character and amenity of the area. Saved policy H4 of the Local Plan requires new HMOs to respect the amenities of neighbouring properties and the character of the area and to provide adequate private and useable amenity space.

3.5 The Houses in Multiple Occupation SPD was adopted in March 2012, which provides supplementary planning guidance for policy H4 and policy CS16 in

terms assessing the impact of HMOs on the character and amenity and mix and balance of households of the local area. The SPD sets a maximum threshold of 10% for the total number of HMOs in the ward of Bassett which is measured from the application site within a 40m radius or the 10 nearest residential properties (section 6.5 refers).

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

4.1 The planning history of the site is set out in **Appendix 2** of this report.

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

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners and erecting a site notice (11.10.12). At the time of writing the report **35** representations have been received from surrounding residents. The following is a summary of the points raised:

5.2 ***The HMO Supplementary Planning Document sets out that there is already more than 10% HMOs within the Bassett Ward. This means that the threshold has been met and no more should be approved.***

##### **5.3 Response**

The HMO Supplementary Planning Document takes into account the existing concentration of HMOs within the Bassett Ward and accordingly sets a lower threshold of HMO's to be permitted within a 40 metre radius of application properties. The current provision of HMOs within this radius is currently 0.

5.4 ***The site has insufficient car parking to serve the proposed number of residents and would result in overspill car parking onto the street which would create an inconvenience for existing residents. The proposal would result in vehicle movements which would have a harmful impact on highway safety.***

##### **5.5 Response**

The provision of 1 car parking space is in accordance with the adopted maximum car parking spaces and is therefore considered to be acceptable. The Highway Officer has raised no objection to the proposal on grounds of parking levels or highway safety.

5.6 ***The intensity of the number of bedrooms proposed would have a harmful impact on the character of the area in terms of comings and goings and noise and disturbance.***

##### **5.7 Response**

The Council has statutory powers under Environmental Health legislation to monitor and enforce against local nuisance and noise. The HMO SPD sets a threshold of 10% HMOs within a 40 metre radius of the application site, to minimise the impact on residential amenity. Compliance with this threshold therefore manages the impact of the development.

5.8 ***There is insufficient amenity space to serve a nine-bedroom HMO***

5.9 **Response**  
It is proposed that approximately 113 sq.m of amenity space would be provided to the rear of the property which is in excess of what is normally required for a family dwelling. There are no specific garden standards for HMOs but the quality and useability of this space is considered to be acceptable.

5.10 ***The proposal does not incorporate a waste management plan***  
The proposed layout makes provision for refuse and recycling storage and a condition is suggested to ensure that refuse containers do not get left on the property frontage following collection day.

5.11 ***The proposed bedrooms and communal areas are too small***

5.12 **Response**  
The Private Sector Housing team have raised no objection to standard of living conditions for the future HMO residents, subject to complying with obligatory fire safety regulations under the Housing Act.

5.13 ***The proposal would erode the supply of larger executive homes within the area and is out of character with the surrounding area.***

5.14 **Response**  
The 10% threshold limit for the Bassett ward set out in the HMO SPD takes into the character of the local area in terms of maintaining a sustainable mix and balance of households in the community by ensuring that there is not an overconcentration of HMOs within the area surrounding the application site.

5.15 **Consultation Responses**

5.16 **SCC Highways** - No objection subject to conditions

5.17 **SCC Environmental Health (Pollution & Safety)** - No objection subject to conditions

5.18 **SCC Private Sector Housing** –No objection.

5.19 **SCC Trees Team** – No objection subject to conditions.

**6. Planning Consideration Key Issues**

6.1 The application needs to be assessed in terms of the planning history of the site and the following key issues:

- i. The principle of development;
- ii. Impact on established character;
- iii. Impact on residential amenity;
- iv. Quality of residential environment and,
- v. Highways and parking.

6.2 **Principle of Development**

6.2.1 When assessing applications for the conversion of a property into a HMO, policy CS16 (2) is applicable where internal conversion works limit the

buildings' ability to be re-used as a C3 dwelling house in the future. The proposed conversion does not involve significant alterations to the existing property and as such, could be converted back to a single-family dwelling house in the future. The proposal does not, therefore, result in the net loss of a family home and the proposal would be in accordance with policy CS16 of the Core Strategy. The proposed development is also in accordance with saved policies H1 and H2 of the Local Plan which support the conversion of existing dwellings for further housing and require the efficient use of previously developed land. The proposed development meets a recognised housing need for single person households or for those with lower incomes and is therefore, acceptable in principle.

6.2.2 The Houses in Multiple Occupation Supplementary Planning Document sets out that for the Bassett ward, the maximum number of HMOs within a 40 metre radius of the application property should not exceed 10%. The SPD sets out that a key reason for the threshold approach is to prevent the harmful impacts to character and amenity that can occur from high concentrations of HMOs.

### 6.3 Impact on the Established Character of the Area

6.3.1 An assessment of the properties within a 40 metre radius of the application property has been carried out in accordance with section 6 of the SPD. Following a review of the Electoral Register and Licensing records, it is considered that if approved, the application would result in 1 in 12 (8.3%) properties being a HMO. The proposal would not, therefore exceed the maximum 10% threshold HMO's within the vicinity of the site and would therefore result in an appropriate mix and balance of properties which would maintain the character of the area.

6.3.2 The application proposes no physical alterations to the existing building except to facilitate the garage conversion. There is sufficient space on site for the requisite storage for refuse and cycles without the storage being readily visible from public vantage points and a planning condition is suggested to secure the appropriate storage. The proposed conversion is therefore considered not to have a harmful impact on the character of the area.

### 6.4 Impact on Residential Amenity

6.4.1 The threshold approach as set out in the HMO Supplementary Planning Document is a key way to manage the impacts of HMOs on residential amenity. In addition to this, the detached nature of the dwelling and separation to neighbouring properties would minimise disturbance to neighbouring occupiers. Furthermore, the absence of physical alterations to the building would ensure that the proposal would not result in additional overlooking or impact on outlook and shading of neighbouring properties.

### 6.5 Quality of Residential Environment

6.5.1 The Council's Private Housing Team have raised no objection to the scheme in terms of the internal layout of the property including the provision of communal facilities.

6.5.2 There are no specific external amenity space standards relating to HMOs, although it is reasonable to expect residents to have access to communal space (internal and external) and a reasonable outlook from their bedrooms. The amount of amenity space proposed is in excess of what would usually be

acceptable for a family dwelling. The proposed amenity space areas are sufficiently private and useable in terms of layout.

6.5.3 Outlook from habitable room windows would generally be good and a condition is suggested to secure a landscape management scheme to secure works to improve the relationship of the property with the trees and shrubs on the site.

## 6.6 Highways and Parking

The level of parking to serve the development is in accordance with the adopted standards. The proposal would make use of the existing vehicular access to the site and as such, Highways have raised no objection and the scheme is considered to be acceptable in this respect. There is scope to add parking to the site frontage at the expense of the retained landscaping but this does not currently form part of the scheme.

## 7. Summary

7.1 The proposed HMO does not exceed the threshold limit of 10% surrounding the application site in accordance with the HMO SPD and, therefore, the introduction of a HMO in this part of Greenbank Crescent will have an acceptable impact on the overall character and amenity of the area surrounding the application site. The proposal maintains a sustainable mix and balance of households in the local community, whilst meeting the need for important housing in the city.

## 8. Conclusion

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

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

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

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

**JT for 20/11/12 PROW Panel**

### PLANNING CONDITIONS

#### **01. APPROVAL CONDITION - Full Permission Timing Condition - Change of use**

The use 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 - Cycle storage [Pre-Occupation Condition]**

The development to which this consent relates shall not be brought into use in full or in part until details for a secure, covered space has been laid out within the 9 bicycles to be stored and for cycle stands to be made available for the occupiers have been submitted and agreed in writing with the Local Planning Authority and thereafter implemented in



accordance with the agreed details. The cycle store and cycle stand hereby approved shall thereafter be retained on site for those purposes.

Reason:

To encourage cycling as an alternative form of transport.

**03. APPROVAL CONDITION - Refuse & Recycling [Pre-Commencement Condition]**

Prior to the first occupation of the use hereby approved details of facilities to be provided for the storage, removal and recycling of refuse from the premises shall be submitted to the Local Planning Authority and approved in writing. Such facilities as approved shall provide for a level approach and be permanently maintained and retained for that purpose. With the exception of collection days, refuse containers shall not be stored on the property frontage.

Reason:

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

**04. APPROVAL CONDITION - Retention of front boundary treatment [performance condition]**

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

Reason:

To secure a satisfactory form of development.

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

Notwithstanding the submitted details, before the development hereby approved first comes into occupation, a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority which includes:

- i. 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;
- ii. 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); and
- iii. 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

**06. APPROVAL CONDITION – Restriction on number of occupiers [performance condition]**

The Sui Generis House in Multiple Occupation (HMO) hereby approved shall only be used for a maximum of 9 residents and the communal areas as shown on the plans hereby approved shall be retained for the communal use of the occupants of the properties at all times and not for additional sleeping accommodation.

Reason:

To define the planning permission and to ensure that the HMO meets Council's standards.

**07. APPROVAL CONDITION - Approved Plans**

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

Reason:

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

Core Strategy - (January 2010)

CS4            Housing Delivery  
CS16          Housing Mix and Type

City of Southampton Local Plan Review – (March 2006)

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

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
Houses in Multiple Occupation (Approved – March 2012)  
Parking Standards Supplementary Planning Document (2011)

Other Relevant Guidance

National Planning Policy Framework

**Relevant Planning History**

1150/E Erection of two houses	Refused 14.04.1959
1161/56 Erection of house and garage	Permitted 15.09.1959
1535/W2 Erection of detached house on land adjacent to property	Refused 31.01.1978
1569/W30 Erection of single storey extension and garage at rear	Conditionally Approved 22.04.1980
06/00023/FUL Construction of detached dwelling with detached garage	Conditionally Approved 06.03.2006
06/00735/FUL Retention of gates and canopy structure at existing access in the western boundary.	Conditionally Approved 07.11.2006
12/01038/OUT Erection of 3x 4-bed detached houses with associated parking and cycle/refuse storage (Outline application seeking approval for access, appearance, layout and scale)	Refused 21.09.12

**REFUSAL REASON – Design & Character**

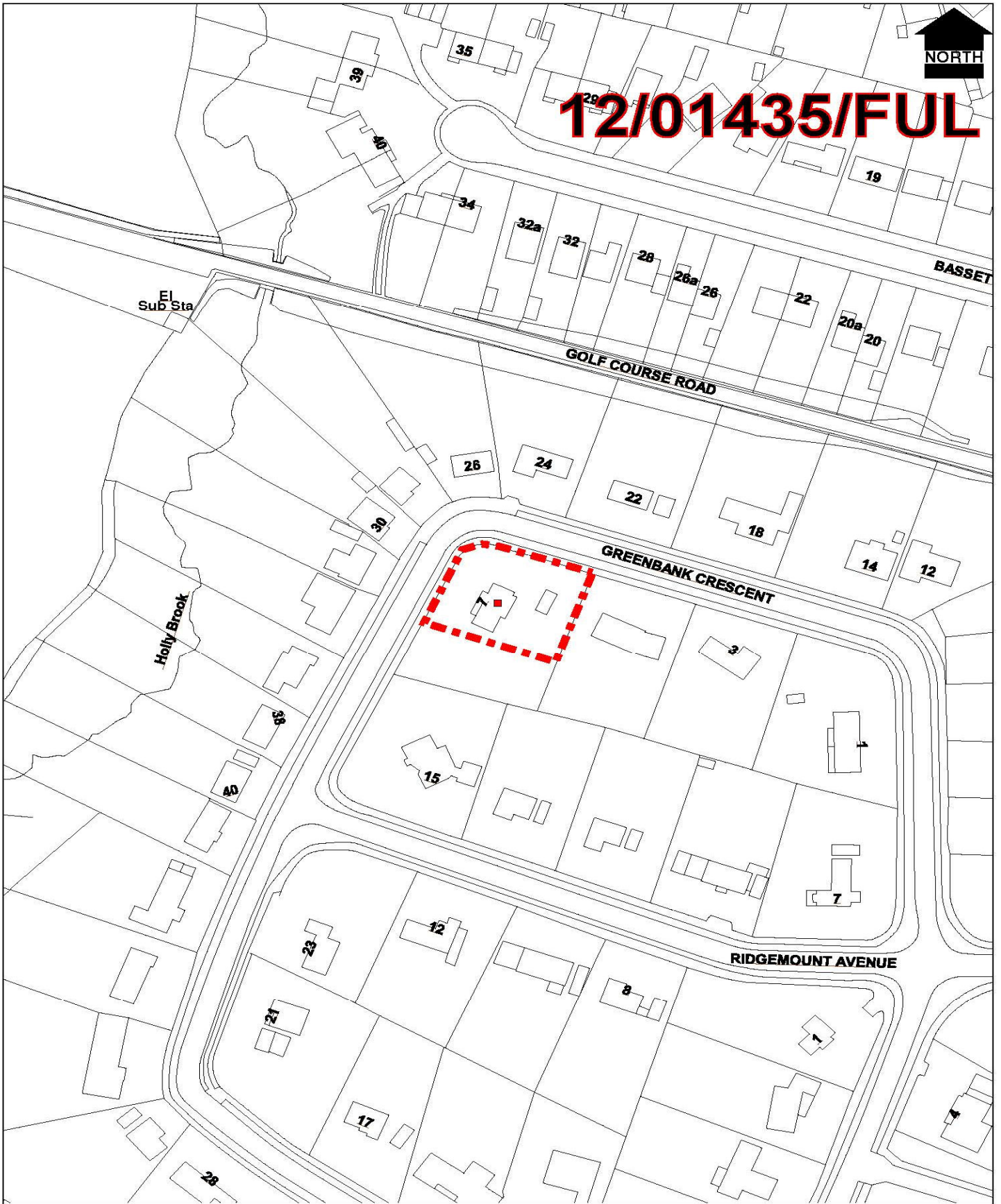
The proposed redevelopment of 7 Greenbank Crescent with three dwellings, in the manner proposed, is considered to be a discordant form of development that would harm the established pattern of development that prevails within the area. The proposals, by reasons of their design, siting, spatial characteristics (including a proposed back garden that does not achieve either the 10m depth set out in the Council's standards or that of its neighbours) and building-to-plot relationships (between themselves and their neighbours) and their subsequent residential density would exhibit a characteristic that significantly differs from the prevailing pattern of development. Furthermore, the exclusion of garden land from the Government's definition of previously developed land (as contained within the National Planning Policy Framework (2011)), and the subsequent shift in emphasis for housing delivery, makes the principle of the proposed development on this mature garden harder to justify. Taken together, these factors are considered to be symptomatic of an overdevelopment of the site which would harm the character of the area. As such, the development would prove contrary to the provisions of policies CS4 and CS13 (1) (11) of the adopted Local Development Framework Core Strategy (January 2010) as supported by "saved" policies SDP7 and SDP9 (i) of the adopted City of Southampton Local Plan Review (March 2006) and the guidance as set out in the Council's approved Residential Design Guide SPD (September 2006) (namely, sections 2.1, 2.3.14, 3.1, 3.2, 3.7.7, 3.7.8, 3.8, 3.9, 3.10.2 and 3.11.3).

12/01435/FUL Change of use from C3 dwelling house to 9 bed sui generis house of multiple occupation (HMO) with associated parking	Pending Consideration
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12/01577/OUT

Pending Consideration

Erection of 3 x 4-bed detached houses with associated parking and cycle/refuse storage (outline application seeking approval for access, layout and scale). Resubmission of planning reference 12/01038/OUT



**12/01435/FUL**

Scale : 1:1250

Date 07 November 2012

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# Agenda Item 13

**Planning, Transport & Sustainability Division  
Planning and Rights of Way Panel 20 November 2012  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 7 Greenbank Crescent			
<b>Proposed development:</b> Erection of 4x4 bed semi detached houses with associated parking and cycle/refuse storage, following demolition of existing building (outline application seeking approval for access, appearance, layout and scale)			
<b>Application number</b>	12/01455/OUT	<b>Application type</b>	OUT
<b>Case officer</b>	Jenna Turner	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	21.11.12	<b>Ward</b>	Bassett
<b>Reason for Panel Referral:</b>	Request by Ward Member and five or more letters of objection have been received	<b>Ward Councillors</b>	Cllr B Harris Cllr L Harris Cllr Hannides

<b>Applicant:</b> Mr R Wiles	<b>Agent:</b> Concept Design & Planning
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<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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## Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set out below. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on the 20.11.12 do not have sufficient weight to justify a refusal of the application. The proposal would be in keeping with the site and surrounding properties and would not have a harmful impact on the amenities of the neighbouring properties. Furthermore, the proposal would assist in meeting housing need and increase family housing provision. Where appropriate planning conditions have been imposed to mitigate any harm identified. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Planning Permission should therefore be granted taking account of the following planning policies:

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, H1, H2, and H7 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS4, CS5, CS13, CS16, CS18, CS19, CS20 and CS22 and the Council’s current adopted Supplementary Planning Guidance. The guidance within the National Planning Policy Framework (2012) is also relevant to the determination of this planning application.

<b>Appendix attached</b>			
1	Development Plan Policies	2.	Planning History

## Recommendation in Full

**Conditionally approve**

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

- 1.1 The application site comprises a detached, two-storey dwelling located within a spacious plot on the corner of Greenbank Crescent. The dwelling is currently vacant and the plot itself is substantially overgrown with trees and vegetation. In particular, there is a large leylandii hedge to the site boundaries which means the dwelling itself is barely visible from the street scene. There is a Tree Preservation Order relating to a Silver Birch Tree on the corner of the site.
- 1.2 The site slopes upwards from west to east. The surrounding area is residential in nature and typically comprises extended two-storey, detached houses with a spacious, suburban character. The architectural style of properties vary, although the majority of properties within this part of the street were constructed after 1975.

## **2. Proposal**

- 2.1 The application seeks outline planning permission for the construction of two pairs of semi-detached properties which have been designed to look like large detached houses. With the exception of landscaping, all matters are sought for consideration.
- 2.2 The dwellings incorporate 4 bedrooms and three levels of accommodation are proposed, with the third level being within the roof space, served by roof lights and rear facing dormer windows.
- 2.3 Each dwelling would be served by private rear gardens which are no less than 10.3 metres deep and over 70 sq.m in area.
- 2.4 Two off-road car parking spaces would be provided per dwelling and purpose built cycle and refuse storage would also be provided.
- 2.5 The dwellings would have a pitched roof design and facing brick and rendered elevations, and have been significantly simplified since the previous reason for refusal.

## **3. Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**. The National Planning Policy Framework came into force on 27 March 2012. Paragraph 214 of the Framework sets out that local policies adopted since 2004 retain their full material weight for decision making purposes.
- 3.2 The site is not allocated for a particular use or development within the Development Plan but lies within an area of Low Accessibility for Public Transport (Public Transport Accessibility Level Band 1).
- 3.3 The policies of the South East Plan, Southampton’s Core Strategy and Local Plan Review have been taken into account in the consideration of this application. The Core Strategy is in general conformity with the South East Plan, and it is not



considered that the policies in the South East Plan either conflict with or add particular weight to the policies in the Core Strategy for this application. Consequently only the local statutory development plan policies (Core Strategy and Local Plan Review) have been cited in this report.

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

4.1 This application follows a refusal of a scheme for 3 detached houses on the site in September of this year (reference 12/01038/OUT). The previous reason for refusal together with the other relevant planning history of the site are included in **Appendix 2**. As part of the planning considerations it is necessary to assess whether or not the previous reason for refusal has been addressed.

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

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners and erecting a site notice (08.10.12). At the time of writing the report **32** representations have been received from surrounding residents. The following is a summary of the points raised.

5.2 ***The proposal would represent an overdevelopment of the site, since the surrounding area is characterised by large properties on large plots and the site has been previously subdivided***

##### **Response**

More than 50% of the site would be soft landscaped and the layout retains a generous set-back to the corner of the site. The dwellings would have the appearance of detached buildings and would reflect the series of plots and properties which lie to the opposite corner of the street, to the north-west of the site. The issue of character and context is discussed further below.

5.4 ***The intensity of the development would be disruptive to neighbouring properties in terms of noise and disturbance***

##### **Response**

It is not considered that the introduction of three additional properties would create a harmful impact in terms of the level of activity associated with them. Any statutory noise nuisance will be enforced by Environmental Health.

5.6 ***The scheme is designed with insufficient car parking and would therefore lead to overspill car parking on the surrounding streets***

##### **Response**

The proposed dwellings would each be served by two off-road car parking spaces. This complies with the Council's adopted maximum car parking standards of 3 spaces per 4-bedroom dwelling. As such, there is no reason to believe that the proposal would result in a significant and harmful increase in on-street car parking. Despite refusing the scheme for 3 dwellings, the Local Planning Authority previously found this level of car parking (i.e. 2 spaces per dwelling) to be acceptable.

5.8 ***The semi-detached nature of the properties would appear out of keeping with the surrounding area which is characterised by detached properties***

##### **Response**

The properties are designed with concealed entrances within a central porch

which would mean that they would read as two detached buildings within the street scene. Boundary treatment and landscaping can be used to reinforce the appearance of two rather than four separate plots and will be secured at the reserved matters stage.

5.10 ***The residential density proposed is in excess of the Council's policy and out of keeping with the area.***

5.11 **Response**

The proposed residential density is 53 dwellings per hectares and policy CS5 of the Core Strategy sets out that in low accessibility areas such as this, residential density should generally accord with the range of 35 to 50 dwellings per hectare and requires the density to be assessed in terms of a variety of factors including the quality and quantity of open space, the impact on the character of the area and the efficient use of the land. As such, the proposed residential density does not automatically render the scheme unacceptable in planning terms but rather requires a rounded assessment of the merits of the proposal. This is discussed in more detail below.

5.12 ***The increase in traffic movements on the corner would create a danger to users of the adjoining highway***

5.13 **Response**

The Council's Highway's Team have raised no objection to the proposal in this respect and consider that subject to securing adequate sight-lines by condition, the proposal will be acceptable in highway safety terms.

5.14 ***If approved, the application would set an unwelcome precedent which would erode the character of the area***

5.15 **Response**

Each planning application should be assessed on its individual planning merits and furthermore, this issue was not formally cited as a reason for refusing planning permission when the most recent application for 3 dwellings was refused on this site.

5.16 ***The proposal is inconsistent with other decisions to refuse planning permission in the area and the previous decision on the application site.***

5.17 **Response**

The current proposal is assessed below in terms of the previous reason for refusing planning permission for three detached dwellings on this site. Whilst previous decisions relating to character are noted, the current application needs to be assessed in terms of the constraints of this site in particular and the impacts of this specific proposal.

5.18 ***The uniform design of the dwellings would not reflect the character of the area which is individually designed houses.***

5.19 **Response**

Whilst the dwellings do not exhibit the same degree of variation between them as other properties within the area, each proposed dwelling has a slightly different size and relationship with its plot. In addition to this, it is proposed to use a different material treatment to add individuality to each property.

5.20 ***The loss of shrubs and vegetation on the site would have a harmful impact on the character of the area.***

5.21 **Response**

Landscaping is a matter reserved for consideration in this outline application however, the layout will retain the protected tree on the site. A tree report has been submitted with the application that demonstrates that the remainder of the trees are not worthy of long-term retention. The Council's Tree Officer agrees with this conclusion. There is a history of complaints relating to the leylandii hedge to the boundary of the site and so there is no objection to its removal in principle subject to securing replacement planting at the reserved matters stage. There is sufficient space on site to secure adequate landscaping to provide a verdant setting to the proposed buildings.

5.22 ***The proposal will result in overlooking of the neighbouring properties***

5.23 **Response**

The proposed rear elevations of the buildings are no less than 10 metres from the rear site boundary which would ensure no harmful overlooking of adjoining gardens and a back-to-back distance of over 45 metres would be achieved, which comfortably exceeds the standards recommended by the Residential Design Guide Supplementary Planning Document.

5.24 ***The amount of proposed garden space is insufficient***

5.25 **Response**

None of the rear gardens would be less than 10 metres in depth or 70 sq.m in area which accords with the amenity space guidelines set out in Residential Design Guide.

5.26 ***The height of the proposed dwellings would appear excessive***

5.27 **Response**

The dwellings would have a two-storey scale and appearance when viewed from the street scene and the third level of accommodation would be achieved within the roof space. As such, it is not considered that the development would appear out of keeping in this respect.

5.28 ***The properties will not respect the building line within the street***

**Response**

The building line within the street is not rigid and moreover, given the corner location of the site, the layout would achieve sufficient set backs from street frontages to ensure that it does not appear anomalous with the positioning of buildings within the street.

**Consultation Responses**

5.29 **SCC Highways** - No objection. The proposed level of car parking is acceptable. Suggests conditions to secure sight lights from the vehicular accesses and revised cycle storage details.

5.30 **SCC Sustainability Team** – No objection subject to conditions to secure level 4 of the Code for Sustainable Homes

5.31 **SCC Ecology** – No objection

5.32 **SCC Trees** - No objection subject to conditions.

5.33 **Southern Water** – No objection. Suggest a note to application relating to the connection to the public sewer.

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

6.1 The application needs to be assessed in terms of the planning history of the site and the following key issues:

- i. The principle of development;
- ii. Design, density & impact on established character;
- iii. Impact on residential amenity;
- iv. Quality of residential environment and,
- v. Highways and parking.

### **6.2 Principle of Development**

6.2.1 The redevelopment of the existing dwelling and hardstanding on site is in accordance with saved Local Plan Policy H2 which requires the efficient use of previously developed land to provide housing. Garden land does not constitute previously developed land and the priority for development should be previously developed sites. As such, the use of garden land for development needs to be assessed in terms of the proposal's impact on the character of the area and the good use of land to deliver housing.

6.2.2 The provision of genuine family housing is welcome and will contribute towards the Council's housing requirements. The proposed residential density is 53 dwellings per hectare and Policy CS5 of the Core Strategy sets out that residential density within areas of low accessibility should generally accord with the range of 35 to 50 dwellings per hectare and the density of a development should be assessed in terms of the character of the area, the open space, accessibility and the efficient use of land. This is discussed in more detail below.

### **6.3 Design, Density & Impact on Established Character**

6.3.1 The reason for refusing the previous application for three houses related to the impact that the proposal would have on the character of the area, particularly in terms of the insufficient back garden sizes and the building to plot relationships which appeared denser in relation to the character of the area. The current application seeks to address the previous reason for refusal. Whilst the number of dwellings have increased from the previously refused scheme, the development is designed to read as two larger buildings, within more spacious plots than previously proposed. The current application proposes a 50 sq.m increase in amount of soft landscaping proposed when compared with the previously refused scheme and the rear garden sizes are now fully compliant with the standards set out in the Residential Design Guide.

6.3.2 The proposed dwellings have a simple design approach which would have a more suburban appearance when compared with the earlier scheme, which would be more sympathetic with the surrounding area. The gaps between the buildings have been increased by approximately 1 metre and the separation between the buildings and the site boundaries has also been improved. This provides a greater amount of space around the buildings and better reflects the character of the area. The scale and massing of the dwellings would also be in keeping with the surrounding area. The significant set back of the corner dwelling from the

boundary with the road would provide an important gap to the corner which would help to create a sense of spaciousness when viewed from the street scene. The set backs of the dwellings from the other street frontage also reflects the set backs of other properties within the surrounding area.

6.3.3 Whilst landscaping is a matter reserved from consideration, there is sufficient space on site to incorporate a good level of soft landscaping which would help to soften and provide a verdant setting to the buildings. The layout also enables the retention of the protected birch tree on the site. There is also an opportunity to improve upon the current landscape quality of the site. The provision of a close boarded fence to the site's public boundary can be changed at the reserved matters stage.

#### 6.4 Impact on Residential Amenity

6.4.1 The proposed rear-facing accommodation is set back ten metres from the rear boundary of the site, in line with the Residential Design Guide Standard. As such, it is considered that the proposal would not result in harmful overlooking of the neighbouring properties. Since the dwellings would lie north of those on Ridgemount Avenue and 9 Greenbank Crescent, no harmful overshadowing would occur to these properties. The spatial separation, and change in levels would also ensure that the proposed dwellings would not have a harmful impact on the residential amenity of either 9 or 5 Greenbank Crescent. The relationship with neighbouring properties is therefore, considered to be acceptable.

#### 6.5 Quality of Residential Environment

6.5.1 Each dwelling would be served by genuine useable, private rear gardens which would exceed the garden size standards set out in the Residential Design Guide. Since these spaces are south-facing, it is also considered that good quality space would be provided for future residents. Outlook from habitable room windows would also be acceptable. Each dwelling would be served by purpose built cycle and refuse storage.

#### 6.6 Highways and Parking

6.6.1 The maximum number of car parking spaces permitted by the Parking Standards Supplementary Planning Document is 3 spaces per dwelling. As such, the provision of 2 spaces per dwelling accords with this and is therefore considered to be acceptable. The Council's Highways Team have raised no objection to the proposed access or car parking arrangements, and the proposed parking ratio was accepted when the previous scheme was refused.

### 7. Summary

7.1 The proposal makes good use of the site to provide additional housing and whilst the development would have a denser character than some existing development in the vicinity of the site, it does respond to other spatial characteristics of properties within the area. On balance, it is considered that the benefits of making efficient use of the site to provide good quality family housing justifies the development of the site. With the increased spacing between buildings and additional amenity space and landscaping, the previous reason for refusal is considered to have been met.

## **8. Conclusion**

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

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

1 (a), (b), (c), (d), 2 (b), (c), (d), 3(a), 4 (f), (v) 6 (a), (c), (f), (i), 7 (a)

**JT for 20/11/12 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 and the scale, massing and bulk of the structure is approved subject to the following:

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

Reason:

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

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

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

Reason:

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

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

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

Reason:

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

### **04. 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).

### **05. 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).

### **06. APPROVAL CONDITION - Cycle and Refuse Storage [pre-occupation condition]**

Prior to dwelling C first coming into occupation, revised details for cycle and refuse storage shall be submitted to the Local Planning Authority in writing and the dwelling shall not be occupied until the storage is provided in accordance with the revised details. The cycle and refuse storage of dwellings A and B shall be provided in accordance with the plans hereby approved before the respective dwellings first come into occupation. All stores shall thereafter be retained as approved.

Reason:

To ensure a satisfactory form of development

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

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

Reason:

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

**08. APPROVAL CONDITION - Amenity Space Access [performance condition]**

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

Reason:

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

**09. APPROVAL CONDITION – Parking and Access [pre-occupation condition]**

Prior to the occupation of the development hereby approved both the access to the site and the parking spaces for the development shall be provided in accordance with the plans hereby approved. The parking shall be retained for that purpose and not used for any commercial activity.

Reason:

To ensure a satisfactory form of development

**10. APPROVAL CONDITION – No other windows [performance condition]**

No other windows shall be located in the side elevation, above ground floor level of the dwelling hereby approved unless they are fixed shut and obscurely glazed up to a height of 1.7 metres from the internal floor level and thereafter retained in this manner.

Reason:

In the interests of residential amenity

**11. APPROVAL CONDITION – Removal of permitted development [performance condition]**

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (as amended), or any Order revoking or re-enacting that Order, no development permitted by A (extensions), B (roof alterations), C (other roof alterations), E (outbuildings), F (hard surfaces) of Part 1 of Schedule 2 of the Order, shall be carried



out without the prior written consent of the Local Planning Authority for the dwellings hereby approved.

Reason

In order to protect the amenities of the locality and to maintain a good quality environment and in order to ensure that sufficient private amenity space remains to serve the dwellings.

**12. APPROVAL CONDITION – Roof lights details [performance condition]**

The cill level of the roof lights, when measured internally shall be no less than 1.7metres from the floor level of the rooms that they serve.

Reason:

In the interests of the privacy of the neighbouring residential occupiers

**13. 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.

**14. APPROVAL CONDITION - Approved Plans**

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

Reason:

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

Note to Applicant

1. Connection to Public Sewer

A formal application for connection to the public sewerage system is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH.

**POLICY CONTEXT**

Core Strategy - (January 2010)

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

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
NE4	Protected Species
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment
TI2	Vehicular Access

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
Parking Standards Supplementary Planning Document

Other Relevant Guidance

The National Planning Policy Framework 2012

**Relevant Planning History**

1150/E Erection of two houses	Refused 14.04.1959
1161/56 Erection of house and garage	Permitted 15.09.1959
1535/W2 Erection of detached house on land adjacent to property	Refused 31.01.1978
1569/W30 Erection of single storey extension and garage at rear	Conditionally Approved 22.04.1980
06/00023/FUL Construction of detached dwelling with detached garage	Conditionally Approved 06.03.2006
06/00735/FUL Retention of gates and canopy structure at existing access in the western boundary.	Conditionally Approved 07.11.2006
12/01038/OUT Erection of 3x 4-bed detached houses with associated parking and cycle/refuse storage (Outline application seeking approval for access, appearance, layout and scale)	Refused 21.09.12

**REFUSAL REASON – Design & Character**

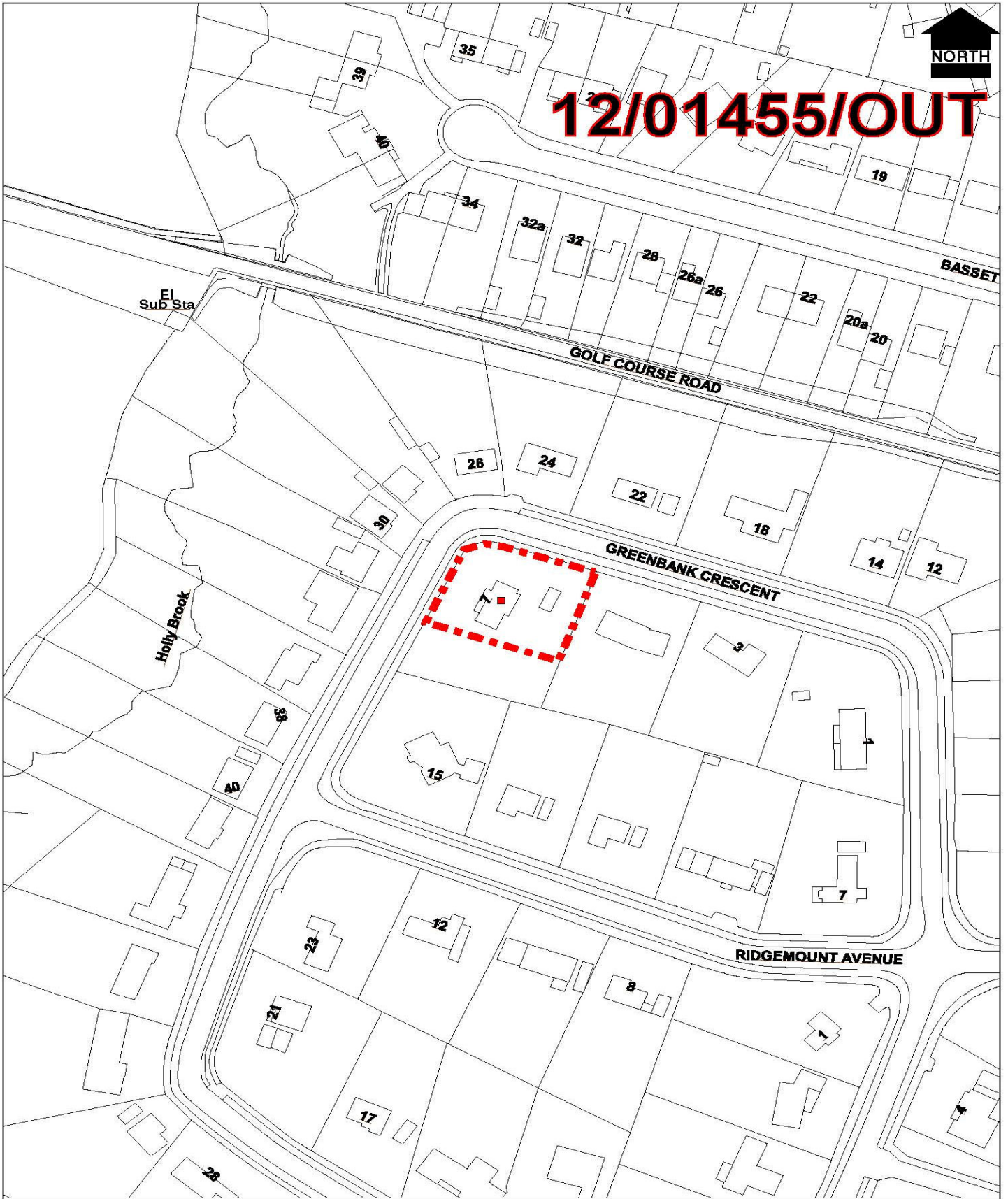
The proposed redevelopment of 7 Greenbank Crescent with three dwellings, in the manner proposed, is considered to be a discordant form of development that would harm the established pattern of development that prevails within the area. The proposals, by reasons of their design, siting, spatial characteristics (including a proposed back garden that does not achieve either the 10m depth set out in the Council's standards or that of its neighbours) and building-to-plot relationships (between themselves and their neighbours) and their subsequent residential density would exhibit a characteristic that significantly differs from the prevailing pattern of development. Furthermore, the exclusion of garden land from the Government's definition of previously developed land (as contained within the National Planning Policy Framework (2011)), and the subsequent shift in emphasis for housing delivery, makes the principle of the proposed development on this mature garden harder to justify. Taken together, these factors are considered to be symptomatic of an overdevelopment of the site which would harm the character of the area. As such, the development would prove contrary to the provisions of policies CS4 and CS13 (1) (11) of the adopted Local Development Framework Core Strategy (January 2010) as supported by "saved" policies SDP7 and SDP9 (i) of the adopted City of Southampton Local Plan Review (March 2006) and the guidance as set out in the Council's approved Residential Design Guide SPD (September 2006) (namely, sections 2.1, 2.3.14, 3.1, 3.2, 3.7.7, 3.7.8, 3.8, 3.9, 3.10.2 and 3.11.3).

12/01435/FUL Change of use from C3 dwelling house to 9 bed sui generis house of multiple occupation (HMO) with associated parking	Pending Consideration
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12/01577/OUT

Pending Consideration

Erection of 3 x 4-bed detached houses with associated parking and cycle/refuse storage (outline application seeking approval for access, layout and scale). Resubmission of planning reference 12/01038/OUT



Scale : 1:1250

Date 07 November 2012

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<b>DECISION-MAKER:</b>	PLANNING AND RIGHTS OF WAY PANEL
<b>SUBJECT:</b>	NAMING OF STREET AT FORMER HENDY FORD SITE, 360 – 364 SHIRLEY ROAD
<b>DATE OF DECISION:</b>	20 NOVEMBER 2012
<b>REPORT OF:</b>	SENIOR MANAGER: PLANNING, SUSTAINABILITY AND TRANSPORT
<b>STATEMENT OF CONFIDENTIALITY</b>	
NOT APPLICABLE	

## **BRIEF SUMMARY**

This report recommends the name ‘Selby Place’ as the name for the new housing development under construction on the former Hendy Ford site, Shirley Road. Members are asked to consider the proposed name and agree this reports recommendation.

## **RECOMMENDATIONS:**

- (i) To approve the name ‘Selby Place’ as the name for the new housing development under construction on the former Hendy Ford site, Shirley Road.

## **REASONS FOR REPORT RECOMMENDATIONS**

1. The purpose of this report is to decide the name of a new street to enable postal addresses to be allocated to the properties before occupants take residence.
2. Also, utility companies will not install services without an official postal address allocated by the City Council.

## **DETAIL (Including consultation carried out)**

3. Orchard Homes are building 96 new properties on the site of the former Hendy Ford garage, Shirley Road. A plan indicating the location is attached.
4. Research has been carried out in order to identify a suitable name for the street.
5. The name ‘Selby Place’ has been suggested by the developer – Mr Edward Selby purchased the site in 1936 / 1937 and his firm operated as Vauxhall dealers until being sold to South Hants Motor Company in 1956.
6. The Royal Mail has been consulted on the name proposed and have raised no objection.
7. The name ‘Selby Place’ is not being used within the city. It is recommended that the proposed name should be supported.

## **RESOURCE IMPLICATIONS**

### **Capital/Revenue**

8. There are no financial implications associated with this report. Street nameplates will be funded by the developer.

**Property/Other**

9. None

**LEGAL IMPLICATIONS**

**Statutory Power to undertake the proposals in the report:**

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

**Other Legal Implications:**

11. None

**POLICY FRAMEWORK IMPLICATIONS**

12. None

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**SUPPORTING DOCUMENTATION**

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

**Appendices**

1.	Site Plan
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**Documents In Members' Rooms**

1.	None
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**Integrated Impact Assessment**

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

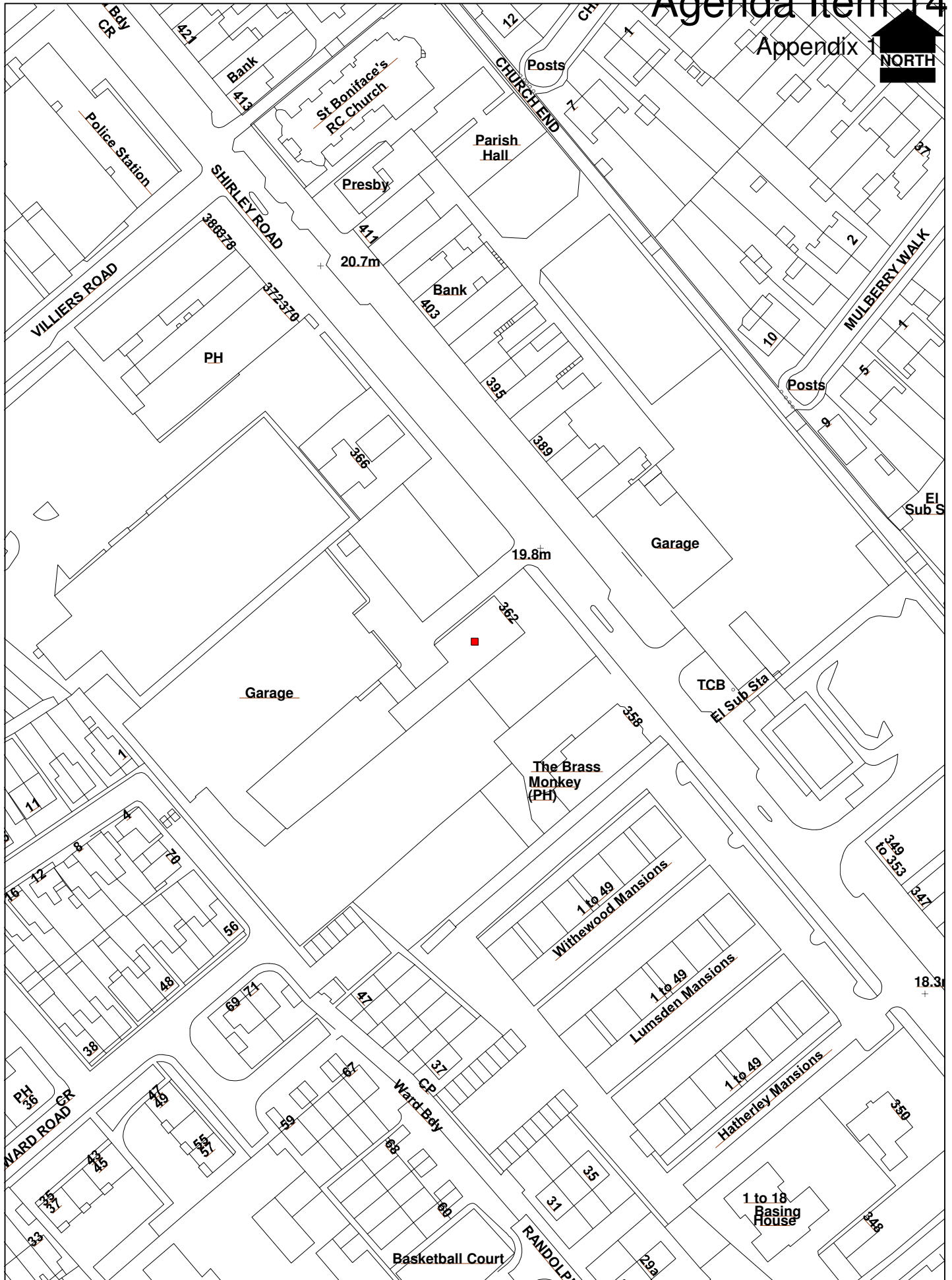
Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
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1.	None	
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**Integrated Impact Assessment and Other Background documents available for inspection at:**

<b>WARDS/COMMUNITIES AFFECTED:</b>	Millbrook
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