

# Public Document Pack

## Planning and Rights of Way Panel

Tuesday, 22nd December,  
2009

at 9.30 am

### **PLEASE NOTE TIME OF MEETING**

Conference Room 3 - Civic Centre

This meeting is open to the public

#### **Members**

Councillor Fitzhenry (Chair)  
Councillor Jones (Vice-Chair)  
Councillor Mrs Blatchford  
Councillor Cunio  
Councillor Davis  
Councillor Norris  
Councillor Osmond

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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 Six Priorities**

- Providing good value, high quality services
- Getting the City working
- Investing in education and training
- Keeping people safe
- Keeping the City clean and green
- Looking after people

**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 2009/10**

<b>2009</b>	<b>2010</b>
<b>26 May 2009</b>	<b>19 January 2010</b>
<b>23 June</b>	<b>16 February</b>
<b>21 July</b>	<b>16 March</b>
<b>18 August</b>	<b>13 April</b>
<b>1 September</b>	
<b>29 September</b>	
<b>27 October</b>	
<b>24 November</b>	
<b>22 December</b>	

## CONDUCT OF MEETING

### **Terms of Reference**

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

### **Business to be discussed**

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

### **Rules of Procedure**

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

### **Quorum**

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

### **Disclosure of Interests**

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

#### **Personal Interests**

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

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

A Member must disclose a personal interest.

/Continued...

## **Prejudicial Interests**

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

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

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

There are some limited exceptions.

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

## **Principles of Decision Making**

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

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

In exercising discretion, the decision maker must:

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

## AGENDA

Agendas and papers are now available via Southampton Online at [www.southampton.gov.uk/council/meeting-papers](http://www.southampton.gov.uk/council/meeting-papers)

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

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

### 2 DISCLOSURE OF PERSONAL AND PREJUDICIAL INTERESTS

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

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

### 3 STATEMENT FROM THE CHAIR

### 4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING) (Pages 1 - 10)

To approve and sign as a correct record the Minutes of the meeting held on 24<sup>th</sup> November 2009 and to deal with any matters arising, attached.

## CONSIDERATION OF PLANNING APPLICATIONS

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

### 5 BITTERNE PARK SCHOOL 09/01071/R3CFL (Pages 11 - 42)

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

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

**6 330 BURSLEDON ROAD - 09/00860/FUL (Pages 43 - 60)**

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

**7 110 - 120 BITTERNE ROAD WEST - 09/01173/FUL (Pages 61 - 70)**

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

**ITEMS TO BE HEARD BETWEEN 11 30 AM TO 12 30 AM**

**8 ORPEN ROAD - 09/01038/FUL (Pages 71 - 84)**

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

**9 31 EASTFIELD ROAD (Pages 85 - 88)**

Report of the Head of Planning and Sustainability in consultation with the Solicitor to the Council detailing issues in regard to the requirement for an Enforcement Notice at 31 Eastfield Road, attached.

Monday, 14 December 2009

SOLICITOR TO THE COUNCIL

## PLANNING AND RIGHTS OF WAY PANEL

### MINUTES OF THE MEETING HELD ON 24<sup>TH</sup> NOVEMBER 2009

Present: Councillor Fitzhenry (Chair),  
Councillors Mrs Blatchford, Cunio, Davis, Jones (Vice-Chair),  
Norris and Osmond

37. **MINUTES OF PREVIOUS MEETINGS (INCLUDING MATTERS ARISING)**

**RESOLVED** that the Minutes of the meeting held on 27<sup>th</sup> October 2009 be approved and signed as a correct record.

38. **CONSIDERATION OF PLANNING APPLICATIONS**

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

**38.1 09/00847/FUL 14 Westwood Road and 90-92 Cambridge Road**

Re-development of the site by the erection of a part four-storey and part five-storey building to provide 18 flats (10 two-bedroom, 8 three-bedroom) with associated parking and vehicular access from Cambridge Road following demolition of the existing buildings.

Mr Edmonds (Agent) and Ms Hope, Mrs Page, Mr French and Mr Bryden (Local Residents/Objectors) were present and with the consent of the Chair, addressed the meeting.

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

RECORDED VOTE:

FOR: Councillors Fitzhenry, Jones, Norris and Osmond

AGAINST: Councillors Mrs Blatchford, Cunio and Davis

**RESOLVED**

- (i) that authority be delegated to the Development Control Manager to grant conditional planning approval subject to:-
  - (a) the conditions in the report, the amended conditions below;
  - (b) the applicant entering into a Section 106 Legal Agreement to secure:
    - 1 a financial contribution towards the provision and maintenance of open space in accordance with policy CLT5 of the revised deposit of the Local Plan and applicable SPG;

- 2 a financial contribution towards the provision of a new children's play area and equipment in accordance with policy CLT6 of the revised deposit of the Local Plan and applicable SPG;
  - 3 a financial contribution towards site specific transport contributions for highway improvements in the vicinity of the site in accordance with appropriate SPG to encourage sustainability in travel through the use of alternative modes of transport to the private car;
  - 4 a financial contribution towards strategic transport contributions for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG;
  - 5 a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer;
  - 6 the provision of a minimum of 5 Affordable Housing units in accordance with policy H9 of the Local Plan and with the relevant SPG;
  - 7 the developer paying for any necessary Traffic Regulation Order for highway residents parking provision in the vicinity of the site following consultation with local residents as to the feasibility of such a scheme; and to include a restriction on parking permits being issued to occupants of the development for the residents parking scheme;
  - 8 the submission of a Travel Plan to promote sustainable modes of transport; and
- (ii) that the Development Control Manager be authorised to refuse permission should the Section 106 Agreement not be completed by 17<sup>th</sup> December 2009 on the ground of failure to secure the provisions of the Section 106 Agreement.

#### Amended Conditions

##### 12 - Landscaping Details

No development shall take place until full details of both hard and soft landscaping have been submitted to and approved in writing by the local planning authority. The submitted details shall include:

- (i) hard surfacing materials, structures and ancillary objects (including lighting);
- (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) details of any proposed boundary treatment including secure access gates to both sides of the building; and
- (iv) a landscape management scheme.

#### REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations do not have sufficient weight to justify a refusal of the application. The proposal would not have a harmful affect on the character of the area nor highway safety. The level of car parking is in accordance with the Council's adopted standards. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Planning permission should therefore be granted.

Policies - SDP1, SDP2, SDP3, SDP4, SDP5, SDP7, SDP9, SDP10, H1, H2, H7, H8, H12, CLT5, CLT6 and IMP1 of the City of Southampton Local Plan Review Adopted Version (March 2006)

#### **38.2                    09/00779/FUL                    Burlington Mansions, Shirley Road**

Formation of an additional storey to the building to provide 10 two-bedroom flats and erection of a cycle and bin storage building at the rear

Mr Edmonds (Agent) was present and with the consent of the Chair, addressed the meeting.

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

RECORDED VOTE:

FOR:                    Councillors Cunio, Fitzhenry, Jones, Norris and Osmond

AGAINST:            Councillors Mrs Blatchford and Davis,

#### **RESOLVED**

- (i) that authority be delegated to the Development Control Manager to grant conditional planning approval subject to:-
  - a) the conditions in the report, the amended and additional conditions below;
  - b) the applicant entering into a Section 106 Legal Agreement to secure:
    - 1 a financial contribution towards the provision and maintenance of open space in accordance with policy CLT5 of the revised deposit of the Local Plan and applicable SPG;
    - 2 a financial contribution towards the provision of a new children's play area and equipment in accordance with policy CLT6 of the revised deposit of the Local Plan and applicable SPG;

- 3 a financial contribution towards site specific transport contributions for highway improvements in the vicinity of the site including the introduction of a traffic regulation order to introduce parking restrictions on the junction of Janson Road and Shirley Road in accordance with the appropriate SPG to encourage sustainability in travel through the use of alternative modes of transport to the private car;
  - 4 a financial contribution towards strategic transport contributions for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG;
  - 5 a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer; and
- (ii) that the Development Control Manager be authorised to refuse permission should the Section 106 Agreement not be completed by 29<sup>th</sup> December 2009 on the ground of failure to secure the provisions of the Section 106 Agreement.

#### Additional Conditions

##### 9 - Code for Sustainable Homes

Written documentary evidence demonstrating that the development will achieve a minimum level 3 standard in the Code for Sustainable Homes (or equivalent ratings using an alternative recognised assessment method) shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted consent.

##### REASON:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy SDP13 of the City of Southampton Local Plan (2006).

##### 10 - Removal of permitted development

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 part 24 (development by telecommunications code system operators) of the Order, shall be carried out without the prior written consent of the Local Planning Authority for the dwellings hereby approved.

##### REASON:

In the interests of the visual amenity of the area and in the interests of amenities of the occupiers of the development.

#### REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations do not have sufficient weight to justify a refusal of the application. The provision of no additional car parking spaces is in accordance with the Local Plan and the proposal would provide improved facilities for the storage of refuse. In

accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Planning permission should therefore be granted.

Policies - SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review Adopted Version (March 2006)

**38.3                      09/00955/FUL                      76-80 Butts Road**

Erection of a 2-storey terrace of 5 houses (3 two-bedroom and 2 three-bedroom) with associated parking and cycle/refuse storage

Mr Sayle (Agent) and Councillor Fitzgerald (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

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

RECORDED VOTE:

FOR:                      Councillors Fitzhenry, Norris and Osmond

AGAINST:              Councillors Mrs Blatchford, Cunio, Davis and Jones

A FURTHER MOTION proposed by Councillor Mrs Blatchford and seconded by Councillor Cunio 'that the application be refused for the following reasons:-

(i)              Amenity

The proposal represents an un-neighbourly and un-duly dominant form of development by reason of its scale, bulk, massing and proximity to the south-eastern boundary leading to sense of enclosure and loss of outlook to the occupiers of 33 and 35 Ashby Road, to the detriment of the residential amenities those occupiers currently enjoy. Furthermore the development incorporates habitable room windows with no outlook, in order to prevent overlooking and loss of privacy to neighbouring properties; this is considered a contrived design solution and is symptomatic of an overdevelopment of the site.

The development proposal is thereby contrary to policies SDP1, SDP7, SDP9, H2 and H7 of the adopted City of Southampton Local Plan Review (March 2006) and the relevant sections of the Council's approved Residential Design Guide SPD (September 2006).

(ii)              Mitigation through S.106

The proposal fails to mitigate against its direct impacts and, as such, does not satisfy the provisions of Policy IMP1 of the adopted City of Southampton Local Plan Review - Adopted Version March 2006 and the provisions of the Council's Supplementary Planning Guidance on Planning Obligations (August 2005, as amended in November 2006) in the following ways:

- (a) no provision for measures to support public open space or children's play space a contrary to Policies CLT5 and CLT6 of the City of Southampton Local Plan Review - Adopted Version March 2006;
- (b) no provision for measures to support sustainable modes of transport such as necessary improvements to the strategic transport network, public transport facilities and local site specific highway improvements in the vicinity of the site contrary to policies SDP1, SDP2 and SDP3 of the adopted City of Southampton Local Plan Review - Adopted Version March 2006 as supported by the Council's current Local Transport Plan;
- (c) no provision for measures to secure a highway condition survey and post completion reinstatement.

**RECORDED VOTE:**

**FOR:** Councillors Mrs Blatchford, Cunio, Davis and Jones

**AGAINST:** Councillors Fitzhenry and Osmond

**ABSTAINED:** Councillor Norris

**RESOLVED** that conditional planning permission be refused for the reasons set out above.

**38.4                    09/00966/OUT            24-32 Canute Road, 157-159 Albert Road  
South and adjoining public highway**

Redevelopment of the site with a 6-storey building fronting Canute Road and a 7-storey building fronting Albert Road South to provide 53 flats (37 x one-bedroom and 16 x two-bedroom) and four Class A1/A3 commercial units with associated car parking, landscaping and highway works including the closure of part of the public highway in Albert Road South (Outline application seeking approval for layout, access and scale).

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

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

**RESOLVED**

- (i) that authority be delegated to the Development Control Manager to grant conditional planning approval subject to:-
  - a) the conditions in the report, the amended and additional conditions below;
  - b) the applicant entering into a Section 106 Legal Agreement to secure:

- 1 site specific highway works in the vicinity of the site to be secured through a Section 278 agreement;
  - 2 provision of affordable housing in accordance with policy;
  - 3 a financial contribution towards public realm improvements in accordance with policy;
  - 4 a financial contribution towards strategic transport improvements in accordance with policy;
  - 5 a financial contribution towards open space improvements in accordance with policy;
  - 6 a highway condition survey;
  - 7 Training and Employment Management Plan;
  - 8 dedication of land to public use on the north side of Albert Road South in connection with alterations to the public highway;
  - 9 a requirement that the development shall not commence, save for demolition of the existing buildings and such site preparation as shall be agreed until the road closure procedure has been finalised;
  - 10 the developer paying for the necessary Traffic Regulation Order;
  - 11 submission and implementation of a Travel Plan;
  - 12 Resource Conservation Measures to comply with Policy SDP 13 of the Local Plan;
- (ii) that the Development Control Manager be authorised to refuse permission should the Section 106 Agreement not be completed within two months from the date of determination, on the ground of failure to secure the provisions of the Section 106 Agreement.

### Amended Conditions

#### 3 – Land/Groundwater Contamination

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) the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- (i) a preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site.
- (ii) a site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- (iii) the site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- (iv) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

**REASON:**

To protect the minor aquifer beneath the site and the surface waters in the vicinity. The site may be contaminated due to previous activities that have taken place on site. Risk to groundwater and surface water has not yet been fully established at the site.

**4 – Unsuspected Contamination**

If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

**REASON:**

To protect controlled waters from contamination. Due to the historic uses of the site, there may be areas of contamination on site that are not identified and characterised during intrusive site investigations.

**8 – Flooding**

No development shall take place until the raised platform in Albert Road South has been provided to a minimum height of 3.95 metres above Ordnance Datum as shown on the approved drawings and the vehicle turning areas to be provided shall be identified in accordance with detailed drawings which shall first have been submitted to and approved in writing by the Local Planning Authority.

**REASON:**

To ensure the safety of future occupiers of the development in the event of a flood.

**Additional Conditions**

**26 – Contamination Verification Report**

Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan a “long-term

monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

REASON:

To ensure that any remediation is satisfactorily completed, if deemed necessary.

#### 27 – Piling

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

REASON:

To protect controlled waters from contamination by preventing the creation of potential contaminant pathways.

#### 28 – Flood Risk Mitigation

Prior to the development hereby approved being occupied the development must fully comply with the mitigation strategy detailed within the Flood Risk Assessment (FRA), FRMS07123-4, 17th August 2009 and drawing 2009/SOU/03 Revision P4.

REASON:

To ensure that a site can be developed safely the FRA is proposing mitigation measures that ensure that flood risk to the development is managed. It is essential that this mitigation is completed before any of the site is occupied

#### REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The Council has also taken into account the findings of the specialist reports submitted with the application particularly that relating to flood risk. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

Policies SDP1, SDP2, SDP3, SDP4, SDP5, SDP7, SDP8, SDP9, SDP10, SDP13, H1, H2, H7, H9, H12, IMP1. City of Southampton Local Plan (March 2006).

#### 39. STREET NAMING REPORT – FORMER SHB VEHICLE HIRE DEPOT, WESSEX LANE

The Panel considered the report of the Head of Planning and Sustainability seeking approval for a street name for the development under construction on the site of the former SHB vehicle hire depot Wessex Lane. (Copy of report circulated with the agenda and attached to the signed minutes).

**RESOLVED** that the name "Eric Meadus Gardens" be approved for the development under construction on the site of the former SHB vehicle hire depot Wessex Lane.

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# Agenda Item 5

Southampton City Planning & Sustainability  
 Planning and Rights of Way Panel meeting 22 December 2009  
 Planning Application Report of the Head of Division

Application address	Bitterne Park School Copsewood Road Southampton		
Proposed development:	Erection of a new 6th form college building on three floors with associated works and access from Dimond Road		
Application number	09/01071/R3CFL	Application type	Full ( SCC Scheme)
Case officer	Steve Lawrence	Application category	Q12 other small major

Recommendation Summary	<b>Conditional approval</b>
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Reason for Panel consideration	Major development (small scale) submitted by/for the City Council as landowner / developer
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Applicant: Mark Everett	Agent: Paul Stansfield Capita Symonds in partnership with Southampton city Council
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Date of receipt	27/10/2009	City Ward	Bitterne
Date of registration	27/10/2009	Ward members	Cllr I W White
Publicity expiry date	11/12/2009		Cllr P A Baillie
Date to determine by	26/01/2010 <b>IN TIME</b>		Cllr P Williams

Site area	0.29 hectares	Usable amenity area	N/A
Site coverage (developed area)	Approx. 996 sqm	Landscaped areas	N/A
Density - whole site	N/A		

Residential mix	nos	size sqm	Other land uses	class	size sqm
Studio / 1-bedroom	N/A	N/A	Commercial use	N/A	N/A
2-bedroom	N/A	N/A	Retail use	N/A	N/A
3-bedroom	N/A	N/A	Leisure use	N/A	N/A
other	-	-	other	D1	2,106

Accessibility zone	medium	Policy parking max	7 spaces
Parking Permit Zone	no	existing site parking	10 spaces
Cyclist facilities	yes	car parking provision	7 spaces
motor & bicycles	7 motor / 46 bicycles	disabled parking	2 (within 7 above)

Key submitted documents supporting application			
1	Letter 29 August 2009 from British Aviation Authority	2	'Envirocheck', desk based site investigation for the potential of the site to have prescribed contaminants within it
3	Noise impact assessment	4	Planning statement
5	Sustainability checklist	6	Arboricultural report/survey
7	Design and Access Statement	8	Transport assessment – including School Travel Plan
9	Extended phase 1 ecological survey	10	Shadow diagram doc. AS01
Appendices attached			
1	Development Plan Policy schedule	2	Planning History
3	Courses to be offered by the proposed 6 <sup>th</sup> form college	4	Suggested Planning Conditions

## **Recommendation in full**

**Conditional approval** - subject to the conditions set out in **Appendix 4**.

### **Background**

The initial concept for this development started in 2005. There will be longer term plans for the site to remodel the school under the Building Schools for the Future programme. This has influenced the positioning of the development on the site, where there is a need to avoid building on the school playing field.

The school has strong links with 3 local feeder primary schools, a funded skills centre run in conjunction with Southampton City College and a state of the art hairdressing teaching studio, built in collaboration with Above Bar College. Collaboration also exists between the Wheatsheaf Trust, Skills Quest, Ford Motor Company and Southampton Airport.

To secure funding from the Learning Skills Council, a 'presumption bid' was put to the LSC in October 2008 to seek to establish a sixth form college at the school. The bid has been successful and £6.38 million was ring-fenced to fund the project in May 2009. If planning permission is not obtained, central government will take back the funding, which would then be completely lost to the city.

At a special cabinet meeting on 21 September 2009, the Council unanimously agreed to establish a 6<sup>th</sup> form by Bitterne Park School.

Public meetings to progress the project have since taken place on 7 August 2008 and 29 September 2009 to engage with and consult relevant stakeholders.

### **Site and its context**

The application site (0.29ha) forms part of a secondary school surrounded by the residential streets of Dimond Road (which the application site has direct access to), Castle Road, Copsewood Road (where the school's main point of access is) and Oaktree Road.

On-street parking in these and surrounding streets can be difficult at the beginning and end of the school day. Zig-zag 'School-keep clear' markings are on the carriageway by the Copsewood Road and one of the Dimond Road vehicular access points.

The site is at the western end of the main teaching buildings fronting Dimond Road and currently comprises a wooded belt to that street, parking area for 10 cars, refuse store and steps leading up to the higher level of the southern part of the wider school, where a number of single storey classroom units exist.

School buildings, which wrap around the east and north sides of the application site, are generally arranged on 2/3 levels owing to the drop of levels across the whole wider school site. These rise between 8.8m and 15.8m above ground level, between 27m and 60m away from the face of the nearest two-storey semi-detached and detached house (124 Dimond Road) opposite the application site. Those houses are currently faced by fairly bland and uninspiring architecture.

Apart from the school, the area is pre-dominantly residential in character and mostly two-storey in scale, certainly opposite the site.

The site levels vary, basically dropping from south moving towards north. Along the application site edged red itself, site levels drop some 8.7m and 4.2m along the proposed building's length. Overall, across the longest section through the wider school site of 440m, site levels drop 35m, giving some idea of the area's topography.

Some 82 mature trees and two-further groups of trees currently occupy the site fronting Dimond Road, which have been surveyed by the applicant's arboricultural consultant. These have variously been graded A (1 tree), B (27 trees) and C (36 trees), by the applicant's arboricultural consultant and are in the City Council's care. Bat foraging and badger sets have been recorded in the southern part of the wider site.

The Dimond Road boundary is variously marked by approximately 1.8m high chain link fencing / 1.2m high brick wall, south of an existing vehicular entrance to the school and then 2m high brick wall panels to the north of that access.

20 mph "20 is plenty" highway signage is displayed close to the Dimond Road vehicular access.

Bitterne railway station is a 30 minute walk away and the nearest bus services run from Woodmill Lane, a 5 minute walk from the site. Southampton City Centre and neighbouring residential areas Midanbury, Townhill Park, Bitterne, Harefield and Merry Oak are accessible by public transport services within a 40 minute journey time of the site. Buses provide a relatively low frequency of service during the PM peak at the end of the school day.

### **Proposed development**

Other than references to public meetings, no statement of community involvement has been submitted indicating the responses received their analysis and how that process has influenced the design solution chosen.

A single three storey building with roof top terrace is proposed running north-west/south-east parallel to the Dimond Road site boundary. Overall dimensions would be just over 43m long, between 24-25m wide, between rising between 8-13.5m above ground level, set back some 6m from the Dimond Road site boundary and just over 22m away from the face of 126 Dimond Road, the closest residential property.

It is proposed to develop the new building over a three year period. **Appendix 3** sets out what the college would offer students and this is fully compliant with the city's 2026 vision – "Southampton – The major city in central southern England", which clearly sets out "Innovation and learning at its heart", as one of the six key components.

The building would have two pedestrian entrances. The first would be at an upper ground floor level reached either by a new (disabled) access point from Dimond Road, or the main school entrance in Copsewood Road. The second would utilise the existing access from Dimond Road and enter the building at lower ground floor level.

2106sqm (6909 sqft) of accommodation would be provided to create a new, two-form entry, sixth form college, whose principal access would be from Dimond Road, albeit the new building could also be reached from an existing access in Copsewood Road.

Some 52 individual trees and two further groups of trees would need to be felled to make way for the new building. This would include one 'A' graded London Plane tree by the existing vehicular entrance to Dimond Road.

In view of passing aircraft and the creation of a satisfactory teaching environment, it is proposed that the building will be fully sealed, with no opening windows and mechanical ventilation being provided.

180 students could attend the new college, which would specialise in teaching the performing arts. 4 full-time and 10 part time teaching jobs would be created. It is anticipated that the first year of intake would only be for 30 students, with the second year stepping up to 60 as another 30 enter the year below. Numbers would then gradually build until the capacity of 180 students was reached.

Some 7 car parking spaces (2 for disabled drivers) would be laid out in the northern part of the site. 46 bicycle and 7 motorcycle/scooter parking spaces would be provided within the site, all accessed from Dimond Road.

The café facilities proposed will operate primarily as a snack bar with drinks and refreshments available. Any hot meals provided will be consumed within the existing canteen located within the high school building and as such deliveries will take place from Copsewood Road.

The building would be cut into the slope of the site (site levels dropping some 4.2m along the building) and arranged as three distinct elements to mitigate the overall massing of the building. Space would be left between the new building and existing school buildings to allow circulation and light penetration. Two sets of steps would be created either side of the building to deal with the change in levels.

The building plan is split into three clear elements; theatre, learning and circulation. This has been expressed externally by the use of materials and form. A southern teaching block would be separated from a 120 seat theatre/performance space by a central glazed atrium, that would also form the principal pedestrian entrance and stairwell circulation space to other floors in the building and also will allow the movement within the building to be seen from the street.

Materials have been chosen to provide a strong identity and has been designed to reflect this creativity externally. The teaching blocks southern and western elevations would be clad in a patchwork of green and yellow - (school colours) - coloured irregularly shaped aluminium cladding panels with some brickwork also form part of the southern elevation. The north and east elevations would be brick clad. The Dimond Road frontage of the theatre would be rain screen timber-clad, with all its other elevations in red face brick. A screened roof terrace/recreational space would be located on its flat roof. The contrast of the materials allows the building to read as distinct elements.

A target BREEAM Education 2008 BES5051 issue 3 criteria rating of 'Very Good' has been set, supported by a previous pre-assessment and hard surfaces for the car park will conform to SUDS standards.

Arranged on three levels, all accessible by an internal lift, the new building would comprise:-

Lower ground floor: Performance spaces, including double-height theatre (120 seats plus space for wheelchairs) and dance studio in addition to the café and study area. The transport assessment states that it is intended to make the building available to the public on average three times a year for school productions and events, Also on the lower ground floor is the plant room, accessible from the Dimond Road access. This is partially recessed into the change in levels on the site and therefore partially obscured.

Upper ground floor: At the upper ground level the main entrance and reception are located. General and specialist teaching rooms provide the other accommodation. This would also give access to a 182sqm roof terrace on the roof of the theatre, set back in from the edges of the building and screened on the Dimond Road side. Part of this space would be covered by high-tensile strung decorative canopies, affording some shelter at the entrance to the roof terrace.

First floor: General and specialist teaching rooms.

Once constructed, native, semi-mature Hornbeam trees would be planted between the building and Dimond Road to soften the appearance of the building.

A transport assessment, current travel plan and proposed travel plan have been submitted to support the application. The School's target audience for the proposed sixth form is within walking distance (93% are said to live within a mile and a half of the school). Maximum car parking standards have been observed, none will be available to students, and students will be discouraged from bringing cars to the site.

From surveys undertaken on 24 September 2009, modal split for the existing school population is:- walk to school (67%), bicycle (3%) and 23% travel by car. 7% are assumed to travel by public transport.

From site observation, there was a mixture of residential parking and parents dropping off students during the am peak. It was also evident during the am peak hour there was an abundance of parking space available. Of the total of 215 drop offs, which occurred on both Copsewood Road and Dimond Road, 209 were before 08:45. The number of cars dropping off at the school site was 171 in total between 07:30 – 09:30. A higher number of drop offs occurred on Copsewood Road (148 in total) than Dimond Road (67 in total).

From the survey data collected, the worst case scenario would suggest that during the morning am peak, 171 cars are accessing the site to drop off students, which accounts to 215 students. Based on this data, 215 out of 1,396 existing students travel to school by car during 07:30 – 09:30 which therefore suggests that 15.5% of the total number of existing students access the school by car.

From the survey data collected, the worst case scenario would suggest that during the evening PM peak, 107 cars are accessing the site to pick up students, which accounts to 146 students. Based on this data, 146 out of 1,396 existing students travel to school by car during 07:30 – 09:30 which therefore suggests that 10.5% of the total number of existing students get picked up from school by car. The transport assessment suggests the number of those travelling to the site by car has dropped 7.5% between 2005 and 2009.

It is projected that there will be an additional 42 car trips, 12 bus and rail trips, 5 cycle trips and 121 pedestrian trips by students when the building is operating at full capacity. There will also be, according to the existing modal split allocations, an additional 4 staff trips to the sixth form site.

No significant increase in traffic is concluded and the long term community benefits of the development are stressed. The school is committed to updating and reviewing its travel plan.

## **Relevant planning policy**

The planning policy to be considered relevant to these proposals is scheduled in **Appendix 1** to this report.

The application site is unallocated on the Proposals Map of the City of Southampton Local Plan Review (March 2006). It is located at one of the highest points in the Itchen Valley.

Policy L1 supports the development of new educational facilities on school sites and encourages wider community use of those facilities outside of school hours. Policy CS11 from the Core Strategy echoes that approach. The South-East Plan recognises the need to improve education and skills to strengthen the region's economy.

The wider school site is affected by two zonings. The first is a safeguarding zone for the nearby Southampton Airport under Policy SDP19. The second protects the school's playing fields under Policy CLT3.

Neither policy applies to the application site edged red, albeit the British Aviation Authority have advised maximum building heights, which the applicant has designed to.

The council's normal considerations in terms of access, visual appropriateness and use apply.

## **Relevant planning history**

Details of relevant planning history for this site is included in **Appendix 2**.

Prior to planning control coming into force in 1948, the site was occupied by a brick works. Backfilling of some of the school site with domestic refuse took place, prior to planning permission being granted in 1961 to use the site as a school.

The school has expanded on a number of occasions since that time and has a capacity for some 1,500 pupils, albeit the current school roll is 1,396 pupils, taught by 199 staff. Some 89 car parking spaces exist, 10 of which are within the application site.

## **Consultation responses & notification representations**

A publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement and erecting a site notice. At the time of writing the report, 14 representations have been received from surrounding residents. These representations can be summarised as:-

5 letters of support (one from a parent governor of the school) on the grounds that:-

- Building design will be an asset to the area;
- This is a fantastic opportunity and the Council should develop on the school's 'outstanding' Ofsted report, brought about by the huge commitment of the staff and its management;
- Many parents cannot afford the transport costs of sending their children elsewhere in the city;
- Would cut cross-town traffic and carbon emissions that might otherwise occur if college not built on site;
- Would not increase traffic significantly;
- Benefits for Special Educational Needs children in terms of continuity of education/support in familiar surroundings;

- Being a 'good' school has attracted new families to the area and created investment in housing.

#### 7 Letters of objection on the grounds that:-

- This would be an overdominant eyesore, which could be far more appropriately located on such a large site;
- The proximity of the building and its associated activity will adversely affect the privacy/amenity of those living immediately opposite it;
- Overshadowing;
- Inadequate car parking provided: in fact, the proposals result in a net loss of 3 car parking spaces;
- Extra congestion caused by increased traffic in the nearby relatively narrow streets which are often parked both sides. The school should create a drop-off/pick up lane within their grounds. This is the largest secondary school in the city without adding to problems;
- Inconsiderate and dangerous parking affecting existing residents: one writer has enclosed a large number of recently dated photographs to illustrate this point. Another writer – a retired policeman – states that such poor parking reduces visibility by private driveways, on bends and road junctions and is hazardous. This would be even worse during a long construction period;
- Infrequent bus service unlikely to affect modal shift away from the private car, with 96 staff of the existing school already parking on local streets: introduction of parking restrictions would only serve to inconvenience residents further;
- The traffic survey undertaken is not picking up issues in side streets, which the school's current travel plan encourages staff/visitors/parents to do. Also some criticism that because survey not conducted on a rainy day, it under-represents the real amount of traffic/activity;
- The council should not place more people at risk by placing them under the flight path of Southampton airport;
- Increased litter would be likely in the area;
- Why build a theatre, when the school's existing assembly hall would suffice;
- Criticism that the school/city council has not taken the views of stakeholders into account, nor modified the design solution, post the public meeting that took place on 29 September 2009. Ideas not discussed concern more parking for the school and preferably under the SDP19 flightpath, where BAA will sanction cars being left for 6 hours. One writer has written to the council's Chief Executive to ask about the introduction of a residents only parking scheme: the school cancelled a further meeting to discuss issues;
- Must ensure no sound leakage from the building and limit use outside school hours

#### 1 letter expressing reservations and making other miscellaneous comments:

- Site needs to be made more accessible by coaches and buses;
- Need more car parking end-on into Dimond Road;
- The 6<sup>th</sup> form college would enjoy access to the existing school's sports facilities making better/efficient use of them;
- Worried that building position would make it harder to fight a fire at the existing school.

#### Summary of Consultation comments

**SCC Highways Development Control** – The existing school is located in a medium accessibility zone. The existing, 85 classrooms would generate a requirement for 64 parking spaces, so school provision (99 spaces overall site) exceeds standards

currently. It would not be appropriate to ask the school to reduce the numbers, but there is a need for the school to regularly review needs its staff travel plan, particularly with regard to how staff travel to the site. Students also need to be encouraged to travel to the site other than by the car, to address congestion.

No accidents within near vicinity of school have been recorded in recent time.

If drop off area is provided (as suggested by some objectors), this only encourages parents to drop off children, which must be discouraged, not encouraged. Inconsiderate parking is a police/enforcement matter. Traffic Regulation Orders could be provided, but are bound to affect existing residents adversely; double yellow lines could be considered, or residents parking zones, but this will not discourage drop off, only long term staff parking.

**SCC Trees** – Consider that the number of trees lost to this proposal is excessive with over 52 trees to be removed, including an important A graded London Plane tree. In pre-application discussions the applicant was advised to retain this tree.

The majority of the trees to be removed are semi-mature woodland planting. Individually, they have limited amenity value. But collectively they form an important group which provides a visual screen to the school site. It has been indicated that 18 trees will be planted however this does not comply with Southampton City Council's corporate tree planting policy of replacing trees on a 2:1 basis.

Support is therefore not given to this scheme. However, if the Panel is minded to grant consent a number of conditions are put forward set out in **Appendix 4**.

#### Response

Whilst a pure tree protection objection is understood, Members are charged with weighing those dis-benefits against the overall socio-economic/educational/regenerative benefits of the scheme and need to be mindful of the replanting proposals, which would mitigate for tree loss. Other tree planting could take place within the wider school site to mitigate for the lost trees.

**SCC Ecologist** – No objection is raised to the principle of this development. However, significantly more biodiversity mitigation and enhancement measures is sought.

The application site consists of young woodland, amenity planting, amenity grassland and hard surfaces. Previous surveys of the school site have shown that it is used by badgers and four species of bats.

The proposed sixth centre is located away from the main area of habitat used by the bats and badgers however, foraging by pipistrelle bats were recorded over the block of woodland that is scheduled for removal. This will result in a loss of foraging habitat. The value of the site for foraging is not considered in the ecology report.

Whilst the proposed development will not have a significant impact on local biodiversity some loss of habitat, plus increases in noise disturbance and light levels are likely to occur. These impacts need to be properly mitigated.

At present mitigation appears to be limited to avoiding harm to breeding birds, with no provision being made for the loss of habitat, greater levels of disturbance or higher light levels. In addition, despite the claim in the Sustainability Checklist, no provision for biodiversity enhancement has been made.



Planning Policy Statement 9 indicates that biodiversity enhancements should be provided where appropriate. Despite there being plenty of opportunities to provide enhancements, either directly as part of the building, for example bat roosting bricks, green roof or a green wall or indirectly through the installation of bird and bat boxes in trees, none have been taken.

**SCC Pollution and Safety Team** – No objection. The acoustics from the school should be controlled by the DFES document BB93, and as there are no external noise sources, I have no acoustic comments to make, other than to control any construction noise.

**SCC Sustainability Team** - The sustainability checklist and Design and Access Statement commits to the achieving BREEAM standard “very good”. This would aim to satisfy the requirement of the Learning Skills Council. This standard is a requirement of policy CS20 of the soon to be adopted Core Strategy and therefore any proposals which voluntarily sign up to this standard prior to the implementation of the Core Strategy are to be commended by the Sustainability Team. The aim to achieve this target also accords with local plan policies SDP13 and SDP14.

It is noted that BREEAM involves a design stage assessment as well as post construction and therefore the developer should provide the details of the design stage assessment as soon as possible in order to incorporate sustainable development principals into the design of the scheme.

In the absence of the design stage assessment the Sustainability Team suggest the addition of conditions to ensure that BREEAM credits are achieved from implementing key sustainability principals.

At the time of the submission of the planning application a feasibility study relating to the potential for renewable technologies had not been undertaken. This should be achieved prior to the implementation of the scheme and therefore it is suggested that a condition be imposed to require this. It is noted that within the Sustainability checklist the applicant is at present investigating the potential to incorporate an air source heat pump.

It is noted that the sustainability statement and design and access statement confirms that plan LA200 illustrates the extent of the proposed SUDS which will include hard surfacing for car parking.

**SCC Contaminated Land Team** – Annex 2 of PPS23 considers the proposed land use as being sensitive to the affects of land contamination arising from - landfill and a brick works having been 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. Conditions are recommended to ensure the site is free of prescribed contaminants.

**SCC Access Officer** - There are steps up out of the car park to a pathway that leads to the Atrium / Community entrance but wheelchair users will have to exit the car park the way they came in, past the barrier control and across the entrance roadway then having to negotiate the kerb and bollards before getting onto the main path leading to the Atrium / Community entrance. (These bollards may also prove to be a barrier for the visually impaired). To get to the new school entrance wheelchair users will have to exit the car park via the entrance roadway and onto the public footpath and continue up Dimond Road to the new pedestrian access pathway.

**BAA** – No objection subject to the imposition of conditions limiting the finished heights of buildings and requiring the submission of a Bird Hazard Management Plan. An informative on the decision notice is suggested to make the developer aware of the guidance regarding the use of cranes during construction and finished lighting schemes.

### **Planning consideration key issues**

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

- The traffic and parking implications of the development
- Mitigation for loss of mature trees
- The visual appropriateness of the new building in terms of the outlook and natural light by those living opposite the site and impact on the character of the area
- Promoting high quality educational facilities
- Impact of intensified educational use of the site on the amenities of neighbours
- Impact on Southampton Airport
- Sustainability

#### The traffic and parking implications of the development

The school has existed since the 1960's and has an operating capacity for 1,500 pupils.

Clearly car ownership has increased over time as has the pressure on the local highway network. There are no parking restrictions in the street adjoining the school. The introduction of double yellow lines would equally inconvenience residents as it might control the congestion caused by parents dropping off and picking up children at the beginning and end of the school day.

It is clear from at least 7 people who have written in (from 127 addresses that were neighbour notified), that inconsiderate and dangerous parking is a very real issue to them and impacts on their residential amenity. The issue here is primarily about access to their personal property. Clearly parking can impinge upon highway safety too in terms of visibility to drivers/pedestrians, but it is also true that parking can narrow the available carriageway and cause drivers to proceed more cautiously, thus calming speeds. Double yellow lines could be considered, or residents parking zones, but this will not discourage drop off/pick up, only long term staff parking.

Students cannot drive until they have passed a driving test at 17. Thus 90 of the ultimately 180 projected students would not own a car, and 93% of the target intake is believed to live within 1 ½ mile walk of the site.

It is therefore considered more appropriate to discourage use of the private car by continued implementation of a travel plan, which could be regularly monitored. This process should also clearly engage those who have written in to object, to understand what measures may improve their situation – for example the marking of 'entrance' over private driveways and the investigation of double yellow lines at junctions or on bends with poor visibility.

#### Mitigation for loss of mature trees

Whilst this is regrettable, the need to not jeopardise the future remodelling of the secondary school and protection of playing field/sports facilities under the Building Schools for the Future programme has driven the locational choice for the development.

Full mitigation through new tree planting overcomes this objection.

### Visual appropriateness and impact on the character of the area

The residents living opposite the site will be faced by a taller building in greater proximity to their homes.

However, sufficient separation - across a public street will exist under the guidelines given in the Residential Design Guide (September 2006), for the new building not to appear overbearing to its neighbours and their privacy adequately maintained.

The building is split into three clear elements, whose height varies as the building moves down the drop in levels along the site. The three elements are also distinguished by their treatment with different high quality facing materials, further mitigating the building's massing. In particular, the use of the irregularly shaped/sized panels at the southern end of the building will give an interesting and distinctive new building in an otherwise unremarkable area of aging housing. The building will be a fitting tribute to the hard effort of staff and educational achievements the school has secured.

### Promoting high quality educational facilities

The new building will provide state of the art facilities to those pursuing qualifications and a career in the performing arts meeting corporate as well as planning policy aims of the Development Plan for Southampton.

### Impact of intensified educational use of the site on the amenities of neighbours

The proposals will undoubtedly increase pedestrian and vehicular activity in Dimond Road, but the Transport Assessment has concluded that this would not significantly affect the highway network. Use of the Copsewood Road access will still also continue.

Additional comings and going will create some additional disturbance, but this would be concentrated at the beginning and end of the school day when most people in the adjacent housing will have risen and be about their normal business.

It makes sense to intensify educational use on this large site that is at the heart of its local community, encouraging healthier lifestyles by walking and cycling to the site as well as cutting down cross-town traffic that might have otherwise occurred were students to have attended colleges elsewhere.

The submitted shadow diagram exercise shows that the proposals would not significantly affect adjoining residential properties.

### Impact on Southampton Airport

BAA have not raised any objections, subject to specific conditions in **Appendix 4** being observed. The site falls outside the specific adjacent SDP19 safeguarding zoning on the City of Southampton Local Plan Review Proposals Map.

### Sustainability

A clear commitment is given by the applicant in their design and access statement and there will be a government requirement to achieve BREEAM 'very good' as part of the funding process in any case. Planning conditions have been recommended to agree the detail of those matters.

## CONCLUSION

By securing the matters set out in the recommendations section of this report the proposal would be acceptable. The application is therefore recommended for deemed conditional 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 (a), 2 (c), 2 (d), 3(a), 4 (c), 4 (e), 4 (g), 5 (e), 6(a), 6(c), 6(e), 6(k), 7(a), 7(g), 7 (i), 7(k), 7 (n), 7 (o), 7(u), 7 (v), 7 (w), 7 (x), 8(a), 9(a), 9(b) and Draft South East Plan – Inspector’s Recommended Changes.

SL - 09.12.09 for 22.12.09 PRow Panel

**Application 09/001071/R3CFL – Bitterne Park School Copsewood Road Appendix 1**

### Relevant Planning Policy

#### South East Plan (Regional Spatial Strategy)(Inspector’s recommended changes to Policies)

SP1 – Growth and regeneration in sub-regions

SP2 – Support for development which increases use of public transport, walking and cycling in the regional hubs

SP3 – Urban focus and urban renaissance

SP4 – Regeneration and social inclusion

CC1 – Sustainable development

CC2 - Climate change

CC3 – Resource use

CC4 – Sustainable design and construction

CC6 – Sustainable communities and character of the environment

CC7 – Infrastructure and implementation

RE1 – Contributing to the UK’s long term competitiveness

RE2 – Supporting regionally important sectors and clusters

RE4 – Human resource development

RE5 – Smart growth

RE6 – Competitiveness and addressing structural economic weakness

T1 – Manage and invest

T2 – Mobility management

T4 - Parking

T5 – Travel plans and advice

NRM1 – Sustainable water resources and groundwater quality

NRM2 – Water quality

NRM5 – Conservation and improvement of biodiversity

NRM7 - Woodlands

NRM9 – Air quality

NRM10 – Noise

NRM11 – Development design for energy efficient and renewable energy

W2 – Sustainable design, construction and demolition

W6 – Recycling and composting

W8 – Waste separation

M1 – Sustainable construction

BE1 – Management for an urban renaissance

BE2 – Sub-urban intensification

BE3 – Sub-urban renewal

BE6 – Management of the historic environment

S3 – Education and skills  
S4 – Higher and further education  
S5 – Cultural and sporting activity  
S6 – Community infrastructure  
SH1 – Core policy for regeneration of South Hampshire  
SH7 – Sub-regional transport strategy  
SH8 – Environmental sustainability

Saved policies of the Hampshire County Structure Plan Review (27.9. 2007)

T5 - Transportation requirements in relation to development

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

SDP1	General Principles
SDP2	Integrating transport and Development
SDP3	Travel Demands
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Context
SDP8	Urban form and public space
SDP9	Scale, Massing and Appearance
SDP10	Safety and Security
SDP11	Accessibility and Movement
SDP12	Landscape and biodiversity
SDP13	Resource conservation
SDP14	Renewable Energy
SDP15	Air quality
SDP16	Noise
SDP17	Lighting
SDP19	Aerodrome safeguarding
SDP20	Flood Risk
SDP21	Water Quality and Drainage
SDP22	Contaminated land
NE4	Protected Species
HE6	Archaeological remains
L1	School development
REI7	Food and drink uses
IMP1	Infrastructure

Submitted Core Strategy for City of Southampton Local Development Framework (2009)  
and associated Inspector's Report

CS6 – Economic growth  
CS11 – An educated city  
CS13 – Fundamentals of design  
CS18 – Transport: Reduce-manage-invest  
CS19 – Car and cycle parking  
CS20 – Tackling and adapting to climate change  
CS22 – Promoting biodiversity and protecting habitats  
CS25 – The delivery of infrastructure and developer contributions.

## Other guidance

PPS1	Delivering sustainable development
PPS9	Biodiversity and geological conservation
PPG13	Transport

In particular paragraph 38 states:-

*'Higher and further education establishments, schools and hospitals are major generators of travel and should be located so as to maximise their accessibility by public transport, walking and cycling. Similarly, proposals to develop, expand or redevelop existing sites should improve access by public transport, walking and cycling.'*

Paragraph 49 states:-

*'Reducing the amount of parking in new development (and in the expansion and change of use in existing development) is essential, as part of a package of planning and transport measures, to promote sustainable travel choices. At the same time, the amount of good quality cycle parking in developments should be increased to promote more cycle use.'*

And paragraph 51 states:-

'...in developing and implementing policies on parking, local authorities should:

- 1. ensure that, as part of a package of planning and transport measures, levels of parking provided in association with development will promote sustainable travel choices; and,*
- 2. not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications for road safety which cannot be resolved through the introduction or enforcement of on-street parking controls'.*

PPG17	Planning for Open Space, Sport and Recreation
PPS23	Planning and pollution control
PPG24	Planning and Noise
PPS25	Development and Flood Risk

SPD Residential Design Guide (September 2006)

Public Art Strategy (2004)

Life long learning plan

Economic Development Strategy

City of Southampton Local Transport Plan 2006 – 2016

City of Southampton Strategy, (formerly Community Strategy), Southampton City Council 2006.

Southampton Biodiversity Action Plan

**Relevant Planning History**

<b>1211/P25</b> New school	Conditionally Approved 09.01.1962
<b>1344/68</b> Stage II to school	Permission 27.02.1968
<b>1437/C1 RESUBMISS</b> Permanent extensions to school	Consent 19.12.1972
<b>1461/C1</b> Permanent extensions to school	Consent 10.07.1973
<b>1467/2</b> Caretaker's house	Consent 27.11.1973
<b>H01/1649</b> Infill of covered area to provide additional facility	Consent 31.07.1984
<b>881698/EH</b> Erection of an extension to gymnasium and changing rooms	Consent 09.09.1988
<b>940685/EH</b> Erection of a single storey extension	Consent 02.08.1994
<b>960757/EH</b> Provision of art rooms and music/P.E. room in existing undercroft	Consent 21.08.1996
<b>990313/EC</b> Infill of undercroft to provide new reprographics room	Conditionally Approved 14.05.1999
<b>03/00702/R3OL</b> Construction of a Sports Hall with associated changing rooms and formation of a new access to Dimond Road.	Outline permission 8.04.2004
<b>07/00393/FUL</b> Erection of a single-storey extension to northern corner of sports hall to create workshop teaching facilities.	Conditionally Approved 14.05.2007
<b>07/00686/FUL</b> Erection of 2 x Modular buildings.	Conditionally Approved 29.06.2007
<b>07/01638/R3CFL</b> Sitting of two single-storey modular classroom buildings to the south of the existing school building.	Conditionally Approved 10.12.2007
<b>08/00068/FUL</b> Erection of a single-storey extension to northern corner of sports hall to create workshop teaching facilities (resubmission)	Conditionally Approved 20.03.2008

**08/00266/R3CFL**

Conditionally Approved 02.06.2008

Erection of a single-storey ground floor extension to southwest facing elevation to convert dance studio to a fitness suite with formation associated entrance doors and landscaping works and ground floor extension to existing art classrooms on northwest facing elevation with formation of double entrance doors and relocation of fence/gates.

**08/00451/ADV**

Conditionally Approved 23.05.2008

5 reflective signs to be attached to existing street furniture on highway verge.

**08/00628/FUL**

Conditionally Approved 06.06.2008

Siting of modular building for use as additional classroom(s) (Temporary period only expiring 06.06.2011).

**08/00898/FUL**

Withdrawn 07.08.2008

Development at the southern end of the school site to provide all weather football pitches (5 x five-a-side and 2 x seven-a-side pitches), a pavilion/clubhouse building, 20 additional car parking spaces, floodlighting columns, fencing and associated access and landscaping works.



The School's 3 year development plan for 2007-10 includes a strategic goal of modernising and improving the quality of the school's building and facilities, to ensure that the learning environments are fit for purpose and conducive to learning. The capital investment funding from the LSC will be solely used for sixth form students with the following targets;

- i. Implement sixth form provision with an initial number of 90 full-time students (90 of which will be 16-18 years olds)
- ii. Ensure that the learners within Southampton get their entitlement to a full diversity of choice for their 16-19 education
- iii. Develop and increase Skills for Life provision
- iv. Take a leading role within Southampton's 14-19 strategy in the development of 14-19 Diplomas
- v. To achieve outstanding status with sixth form provision

The city's 2026 vision, 'Southampton – The Major city in central southern England' clearly sets out "Innovation and learning at its heart" as one of the six key components, where collaboration and excellent education are core areas of this component.

After consultation with the current local and Hampshire post-16 education providers, the school is planning to offer the following courses;

- Performing Arts BTEC at Levels 1, 2 and 3
- Music Technology at Levels 1, 2 and 3
- Travel & Tourism BTEC at Levels 1, 2 and 3
- Sport BTEC at Levels 1, 2 and 3 (Physiotherapy)
- Film and animation
- Integrated Studies / Inclusion / SEN

With the exception of film and animation, the Level 1 and 2 courses have already started in Key Stage 4. The aim is to allow the students to complete their course at Bitterne Park. The diploma entitlement will form the backbone of the planned sixth form curriculum. The following courses will be in place if the Southampton Gateway bids are successful;

- Diploma in Creative Media at Levels 1, 2 and 3
- Diploma in IT at Levels 1, 2 and 3
- Diploma in Retail at Levels 1 and 2
- Society, Health and Development at Levels 1 and 2

These courses will be on offer to all learners; however the School aim to engage the more vulnerable learners within the programmes at appropriate levels to their ability.

A significant impact the proposed sixth form would have would be in the continuation of their highly successful and heavily praised outstanding provision for nature groups. A specific SEN/ Inclusion program would aim to both accredit students and develop their skills, employment and supported employment.

Bitterne Park School is a highly successful institution that has clearly demonstrated and led on curriculum innovation. The school has worked hard to improve the life chances of the local community.

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RECOMMENDATION: CAP

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## **CONDITIONS for 09/01071/R3CFL**

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

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

**REASON:**

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

### **02. APPROVAL CONDITION - No 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.

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

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

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

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

And at no time on Sundays and recognised public holidays.

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

**REASON:**

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

### **04. APPROVAL CONDITION - BREEAM Standards (commercial development) [Pre-Occupation Condition]**

Written documentary evidence demonstrating that the development will achieve at minimum a rating of 'Very Good' against the BREEAM standard (or equivalent ratings using an alternative recognised assessment method), shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted consent.

**REASON:**

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy SDP13 of the City of Southampton Local Plan (2006). Also to comply with South East Plan policy SH14 (iv).

#### 05. APPROVAL CONDITION - Sustainable Drainage Systems

A feasibility study demonstrating an assessment of the potential for the creation of a sustainable drainage system on site shall be carried out and verified in writing by the Local Planning Authority prior to first occupation of the development hereby granted consent. If the study demonstrates the site has the capacity for the implementation of a sustainable drainage system, a specification shall be agreed in writing with the Local Planning Authority. A sustainable drainage system to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained and maintained thereafter. In the development hereby granted consent, peak run-off rates and annual volumes of run-off shall be no greater than the previous conditions for the site.

##### REASON:

To conserve valuable water resources, in compliance with policy SDP13 (vii) of the City of Southampton Local (2006) and to protect the quality of surface run-off and prevent pollution of water resources and comply with SDP21 (ii) of the City of Southampton Local Plan (2006). To prevent an increase in surface run-off and reduce flood risk in compliance with SDP21 (i) of the City of Southampton Local Plan (2006).

Code for Sustainable Homes: Category 4 - Surface Water Run-off

#### 06. APPROVAL CONDITION - Renewable Energy - Micro-Renewables

An assessment of the development's total energy demand and a feasibility study for the inclusion of renewable energy technologies on the site, that will achieve a reduction in CO2 emissions of at least 10%, must be conducted. Plans for the incorporation of renewable energy technologies to the scale that is demonstrated to be feasible by the study, and that will reduce the CO2 emissions of the development by at least 10% must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent. Renewable technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained and maintained thereafter.

##### REASON:

To reduce the impact of the development on climate change and finite energy resources and to comply with policy SDP13 (vi) of the City of Southampton Local Plan (2006) should be undertaken.

#### 07. PRE-OCCUPATION CONDITON - Reinstate any redundant dropped kerbs

Any adjustment of the existing Dimond Road vehicular access shall ensure that any element of redundant dropped kerb is properly reinstated to full kerb height before the building is first brought into use.

##### REASON

In the interests of highway safety.

#### 08. PERFORMANCE CONDITON - No additional structures/plant to roof

No additional plant or structures, other than those shown on the approved plans, shall be added to the roof of the building without the further deemed planning permission of the local planning authority.

##### REASON

In the interests of visual amenity and safeguarding the take-off surfaces from Southampton Airport in accordance with Policy SDP19 of the City of Southampton Local Plan Review (March 2006).

#### 09. PRE-COMMENCEMENT CONDITON - Boundary treatment

Before the development commences, elevational and security details of making the site secure, when not in use, in terms of any new means of enclosure, shall be submitted to and approved in writing by the local planning authority. Once approved, those new means of enclosure shall be fully implemented before the building is first brought into use and retained at all times thereafter.

REASON

In the interests of visual amenity and crime prevention.

10. APPROVAL CONDITION - CCTV system [pre-commencement condition]

Before the use is first commenced details of a scheme for a CCTV system/image recording system to comprehensively cover all public entry points and intervening space between the old and new school buildings shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be fully installed and operational prior to the first use of the building and shall be maintained in working order and operated at all times thereafter when the building is open. Recorded images shall be held for a 1 month period after being made on a daily basis for use by the Police.

REASON

In the interests of crime reduction.

11. PRE-COMMENCEMENT CONDITION - External lighting

Before the development commences, details of all external lighting, to show the appearance of fixtures/fittings and the lux intensity/light spread data, shall be submitted to and approved in writing by the local planning authority.

REASON

In the interests of amenity and to ensure aircraft pilots are not distracted when approaching or departing from Southampton Airport.

12. PERFORMANCE CONDITION - USE RESTRICTION & MANAGEMENT PLAN

No more than three public performances shall take place within the theatre each year. Before the use first commences, the developer shall submit for approval in writing by the local planning authority the following information:-

(i) How such events are to be given publicity to immediate residential neighbours in Dimond Road, Castle Road, Copsewood Road and Oakwood Road;

(ii) How those being invited to such events will be advised of available off-street parking facilities; and,

(iii) How those attending such events will be marshalled to parking facilities within the land edged red and blue forming part of this application.

REASON

In the interests of preserving the amenity of occupiers of adjoining properties and in the interests of highway safety.

13. PERFORMANCE CONDITION - Roof top terrace use restriction

No use shall be made of the roof top terrace between 22.00 and 08.00 hours the following day and no amplified music shall be played on the roof terrace.

REASON

To preserve the amenity of occupiers of nearby residential properties.

#### 14. PRE-COMMENCEMENT CONDITION - Disabled access

Before the development commences, full details of all works to safely bring persons with any disability to, into and around the new building shall be submitted to the local planning authority for its approval in writing. All entrances shall have flush thresholds. In particular, the developer shall clarify/ justify how wheelchair users and people with visual impairment would make their way from the car park to both of the proposed entrances into the building. Once approved, those works shall be fully carried out and thereafter retained.

#### REASON

To ensure access for all in accordance with Policy SDP11 of the City of Southampton Local Plan Review (March 2006).

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

Before the commencement of any site works a detailed landscaping scheme and implementation timetable, which clearly indicates the numbers, planting densities, types, planting size and species of trees and shrubs to be planted and treatment of hard surfaced areas, shall be submitted to and approved in writing by the Local Planning Authority.

Any trees to be lost (as identified in the Design and Access Statement, Appendix D, supported by the CBA Trees survey (CBA7150 and drawing CBA7150.01) shall be replaced on a two-for one basis, both within the application site and on adjacent school land edged blue to ensure a suitable environment is provided on the site.

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 scheme 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.

#### 16. APPROVAL CONDITION - Tree retention and safeguarding [Pre-Commencement Condition]

All trees to be retained pursuant to any other condition of this decision notice (as identified in the Design and Access Statement, supported by the CBA Trees survey (CBA7150 and drawing CBA7150.01) 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.

17. APPROVAL CONDITION - No storage under tree canopies [Performance Condition]

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

REASON:

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

18. APPROVAL CONDITION - Overhanging tree loss [Performance Condition]

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

REASON:

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

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

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

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

REASON

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

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

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

- Induction and personnel awareness of arboricultural matters
- Identification of individual responsibilities and key personnel
- Statement of delegated powers
- Timing and methods of site visiting and record keeping, including updates
- Procedures for dealing with variations and incidents.

REASON:

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

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

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, which go beyond the limited measures set out in the submitted December 2008 ECOSA extended phase 1 ecological survey, which shall be implemented in accordance with the programme before any demolition work or site clearance takes place.

REASON

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

23. 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 to be used for external walls and the roof of the proposed buildings has been submitted to and approved in writing by the Local Planning Authority. Details shall include all new glazing, panel tints, stained weatherboarding, drainage goods, and the ground surface treatments formed. Development shall be implemented only in accordance with the agreed details.

REASON:

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

24. PERFORMANCE CONDITION - Travel plan

The travel plan submitted by Capita Symonds dated 7 October 2009 shall be implemented at all times the 6th form college is in use in conjunction with that already existing for the Bitterne Park Secondary School and be updated and reviewed on an annual basis. The plan shall include provisions to encourage the use of alternative modes of travel to and from the site, together with targets and provisions for monitoring and review. In particular, the facilities proposed for bicycle parking, including shower facilities, lockers and secure bicycle parking shall be fully implemented as part of this permission and retained at all times thereafter.

REASON

To encourage sustainable modes of travel.

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

The building shall not be brought into use in full or in part until space has been laid out within the site in accordance with the approved plan for the following to be parked and for vehicles to turn so that they can enter and leave in a forward gear

7	cars
7	motorcycles
46	bicycles

In accordance with the local highway authority's standards.

REASON:

To prevent obstruction to traffic in neighbouring roads, in the interests of highway safety and especially to promote the use of more sustainable forms of travel.

## 26. PERFORMANCE CONDITION - Refuse facilities

The facilities shown on the approved plan for the storage, recycling and disposal of waste shall be provided before the building is first brought into use. Once provided, those facilities shall be retained at all times thereafter.

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

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

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

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

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

### REASON:

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

## 28. 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.

## 29. 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.

### 30. PRE-OCCUPATION/PERFORMANCE CONDITION - Bird hazard management plan

Development shall not commence until a bird hazard management plan has been submitted to and approved in writing by the local planning authority. The submitted plan shall include details of:-

- monitoring of any standing water within the application site, temporary or permanent;
- sustainable urban drainage systems (SUDS), with such schemes to comply with Advice note No. 6 'Potential bird hazards from SUDS (available at [www.aoa.org.uk/publications/safeguarding.asp](http://www.aoa.org.uk/publications/safeguarding.asp));
- management of the building's flat roofs, which may be attractive to nesting, roosting and "loafing" birds, The management plan shall comply with Advice note No. 8 'Potential bird hazards from building design';
- reinstatement of grass areas;
- maintenance of planted and landscaped areas, particularly in terms of height and species of plants that are allowed to grow;
- which waste materials can be brought onto the site, with what - if any - exceptions (e.g. green waste);
- monitoring of waste imports (although this may be covered by the site licence);
- physical arrangements for the collection (including litter bins) and storage of putrescible waste, arrangements for and frequency of removal of putrescible waste;
- signs deterring people from feeding birds.

The bird hazard management plan shall be implemented as approved, on commencement of construction and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the local planning authority.

REASON

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

### 31. PERFORMANCE CONDITION - Height limitation on building and structures

No building, structure or any development hereby permitted that raises the height of the roof of the development hereby permitted shall exceed 39.2m AOD at the north-western corner of the building and 41m AOD in the south-eastern corner of the building. This is shown in more detail on the attached plan, which shows the take off surfaces in green and the location of the proposed development within the application site under these surfaces.

REASON

Development exceeding this height would penetrate the obstacle limitation surface (OLS) surrounding Southampton Airport and endanger aircraft movements and the safe operation of the aerodrome. See Advice Note No. 1 'Safeguarding an overview' for further information (available at [www.aoa.org.uk/publications/safeguarding.asp](http://www.aoa.org.uk/publications/safeguarding.asp)).

### 32. PRE-COMMENCEMENT/PERFORMANCE CONDITION - Noise mitigation

Before the development commences, the developer shall submit details of the mechanical ventilation and any air conditioning to be fitted in the building and how this is to be acoustically attenuated for approval in writing to the local planning authority. Once approved, that scheme of

works shall be fully implemented and all glazing fitted shall be fixed glazed and non-openable before the building is first brought into use. When productions or use of the theatre is taking place, external doors to that space shall be kept shut, except in case of an emergency. Once so installed, those works shall be retained at all times thereafter.

REASON

To protect the amenities of occupiers of adjoining residential properties and to ensure a satisfactory teaching environment is created inside the building.

33. PERFORMANCE CONDITION - Shared facilities

The sports and dining facilities at the existing secondary school shall be made available for use by students and staff of the 6th form college hereby approved.

REASON

To provide for the recreational and welfare needs of new students and staff.

34. PRE-COMMENCEMENT/PERFORMANCE CONDITION - Litter bins

Before the development commences, the developer shall submit details of the provision of litter bins by every pedestrian access point to both the application site edged red and other land in the applicant's control on the adjacent secondary school edged blue and details of how these facilities are to be managed on a regular basis. Once approved, those facilities shall be installed before the 6th form college hereby approved is first brought into use. Once provided, those facilities and management regime shall be maintained at all times thereafter.

REASON

In the interests of protecting the visual amenities of the locality.

35. PERFORMANCE CONDITION - Access

Access to the 6th form college shall also be provided from and continue to be made available via the secondary school's Copsewood Road entrance at all times, as well as that proposed from Dimond Road.

REASON

In the interests of highway safety, convenience of access and to spread the potential for disturbance in the interests of residential amenity.

36. PRE-COMMENCEMENT/PERFORMANCE CONDITION - Community use agreement

Prior to the first commencement of educational use of the building a Community Use Agreement shall be submitted to and approved in writing by the Local Planning Authority. This agreement shall include details of hours of use, access by non-school users, management responsibilities, pricing policy, and include a mechanism for review that would involve the Local Planning Authority as required. The approved agreement shall be implemented upon commencement of use of the development.

REASON

To secure well managed safe community access to the building to accord with Development Plan policies, so as to make the best/optimum use of this new building.

37. PERFORMANCE CONDITION - Wheel, tyre and vehicle under chassis cleaning facilities

No work shall be carried out on the site unless and until an effective vehicle wheel-cleaning, tyre-cleaning, and under chassis cleaning facility has been installed in accordance with details to be submitted to and agreed in writing by the Local Planning Authority for such a facility, and the agreed facility shall be retained in working order and operated and used throughout the period of work on the site.

## REASON

To ensure that vehicles do not leave the site carrying earth, mud, or other ground materials on their wheels, tyres and under carriage in a quantity which causes a nuisance or hazard on the road system in the locality and in the interests of road safety.

### 38. PRE-COMMENCEMENT/PERFORMANCE CONDITION - Construction method statement

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

## REASON

To protect the amenities of neighbours and the wider environment and to ensure adequate access and servicing (including a refuse cart) can be maintained to the existing housing in Dimond Road.

### 00. Reason for granting Deemed Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. In particular, objections relating to visual appropriateness and traffic/parking impact have been carefully assessed. The scale and appearance of the building mitigated by new planting and a change in levels across the site is considered acceptable. Traffic issues are judged to be capable of management with a planned reduction in car trips, as part of continued implementation of a regularly monitored and reviewed School Travel Plan. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus deemed planning permission should therefore be granted.

South East Plan (Regional Spatial Strategy)(Inspector's recommended changes to Policies)(May 2009)

SP1 - Growth and regeneration in sub-regions

SP2 - Support for development which increases use of public transport, walking and cycling in the regional hubs

SP3 - Urban focus and urban renaissance

SP4 - Regeneration and social inclusion

CC1 - Sustainable development

CC2 - Climate change

CC3 - Resource use

CC4 - Sustainable design and construction

CC6 - Sustainable communities and character of the environment

CC7 - Infrastructure and implementation

RE1 - Contributing to the UK's long term competitiveness

RE2 - Supporting regionally important sectors and clusters

RE4 - Human resource development

RE5 - Smart growth

RE6 - Competitiveness and addressing structural economic weakness

T1 - Manage and invest

T2 - Mobility management

T4 - Parking

T5 - Travel plans and advice

NRM1 - Sustainable water resources and groundwater quality

NRM2 - Water quality

NRM5 - Conservation and improvement of biodiversity

NRM7 - Woodlands

NRM9 - Air quality  
 NRM10 - Noise  
 NRM11 - Development design for energy efficient and renewable energy  
 W2 - Sustainable design, construction and demolition  
 W6 - Recycling and composting  
 W8 - Waste separation  
 M1 - Sustainable construction  
 BE1 - Management for an urban renaissance  
 BE2 - Sub-urban intensification  
 BE3 - Sub-urban renewal  
 BE6 - Management of the historic environment  
 S3 - Education and skills  
 S4 - Higher and further education  
 S5 - Cultural and sporting activity  
 S6 - Community infrastructure  
 SH1 - Core policy for regeneration of South Hampshire  
 SH7 - Sub-regional transport strategy  
 SH8 - Environmental sustainability

Saved policies of the Hampshire County Structure Plan Review (27.9. 2007)

T5 - Transportation requirements in relation to development

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

SDP1	General Principles
SDP2	Integrating transport and Development
SDP3	Travel Demands
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Context
SDP8	Urban form and public space
SDP9	Scale, Massing and Appearance
SDP10	Safety and Security
SDP11	Accessibility and Movement
SDP12	Landscape and biodiversity
SDP13	Resource conservation
SDP14	Renewable Energy
SDP15	Air quality
SDP16	Noise
SDP17	Lighting
SDP19	Aerodrome safeguarding
SDP20	Flood Risk
SDP21	Water Quality and Drainage
SDP22	Contaminated land
NE4	Protected Species
HE6	Archaeological remains
L1	School development
REI7	Food and drink uses
IMP1	Infrastructure

Submitted Core Strategy for City of Southampton Local Development Framework (2009) and associated Inspector's Report

CS6 - Economic growth  
 CS11 - An educated city  
 CS13 - Fundamentals of design  
 CS18 - Transport: Reduce-manage-invest  
 CS19 - Car and cycle parking  
 CS20 - Tackling and adapting to climate change

CS22 - Promoting biodiversity and protecting habitats  
CS25 - The delivery of infrastructure and developer contributions.

Note to Applicant

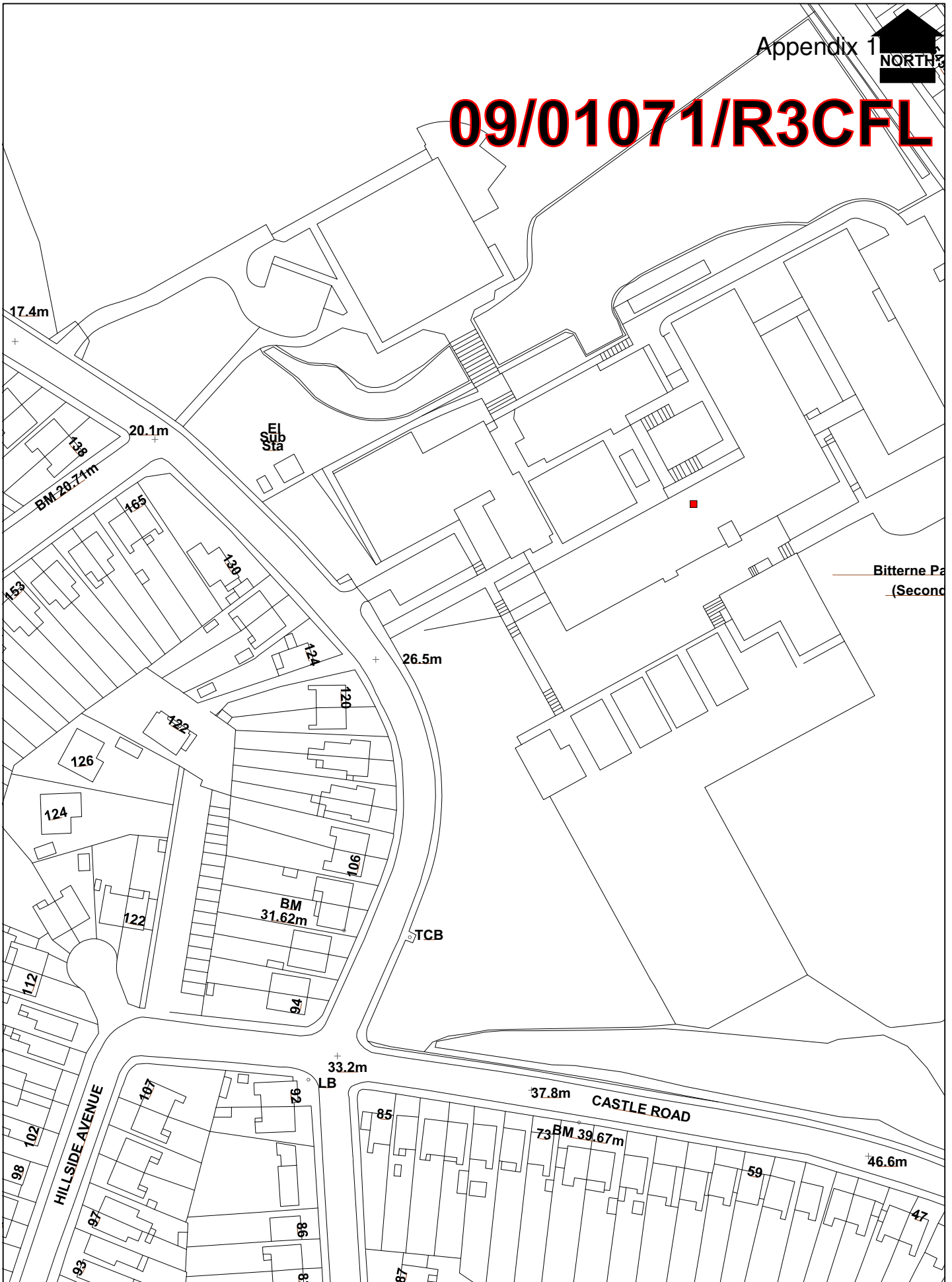
1. Given the nature of the proposed development it is possible that a crane may be required during its construction. The British Aviation Authority draws the developer's attention to the requirement within the British standard code of practice for the safe use of cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note No. 4 'Cranes and other construction issues' available at - [www.aoa.org.uk/publications/safeguarding.asp](http://www.aoa.org.uk/publications/safeguarding.asp).

2. The development is close to the aerodrome and the approach to the runway. The British Aviation Authority draw the developer's attention to the need to carefully design lighting proposals. This is further explained in Advice Note No. 2 'Lighting near aerodromes', available at - [www.aoa.org.uk/publications/safeguarding.asp](http://www.aoa.org.uk/publications/safeguarding.asp). 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.

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# 09/01071/R3CFL



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Date 09 December 2009

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# Agenda Item 6

Southampton City Planning & Sustainability  
 Planning and Rights of Way Panel meeting 22 December 2009  
 Planning Application Report of the Head of Division

Application address	330 Bursledon Road		
Proposed development	Redevelopment of the site with three-storey buildings to provide 8 three-bedroom houses and 6 two-bedroom flats, with associated car parking and vehicular access from Bursledon Road		
Application number	09/00860/FUL	Application type	Full detailed
Case officer	Andy Amery	Application category	Q13 - major small

<b>Recommendation Summary</b>	<b>Delegate to Development Control Manager to grant planning permission subject to criteria listed in report</b>
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Reason for Panel consideration	Major development (small scale) requiring completion of legal agreement under Section 106 of the 1990 Act
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Applicant	Mr B Prebble	Agent	HGP Planning Consultancy
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Date of receipt	04/08/2009	City Ward	Sholing
Date of registration	04/08/2009	Ward members	Cllr Dick
Publicity expiry date	10/09/09		Cllr Fitzgerald
Date to determine	03/11/09		Cllr Blatchford

Site area	0.19ha (1920sqm)	Usable amenity area	shown: 600 sq.m.
Density - whole site	70 d.p.h	Landscaped area	shown: 600 sq.m.
Site coverage (developed area)	1 120 sq m		

Residential mix	nos	size sqm	Other land uses	class	size sqm
Studio / 1-bedroom			Commercial use	-	-
2-bedroom	6	65sq m	Retail use	-	-
3-bedroom	8	135sq m	Leisure use	-	-
other	-	-	other	-	-

Accessibility zone	medium	Policy parking max	12.5 spaces
Parking Permit Zone	no	existing site parking	6 spaces
Cyclist facilities	no	car parking provision	14 spaces
motor & bicycles	42 cycles	disabled parking	0 spaces

Key submitted documents supporting application			
1	Design and Access Statement	2	Ecological Report
3	Sustainability Checklist	4	Arboricultural Report
5	Pre-application public consultation report	6	Transport Assessment
Appendix attached			
1	Local Plan Policy schedule	2	Planning History
3	Suggested Planning Conditions		

## **Recommendation in full**

Delegate to Development Control Manager to grant planning permission subject to

1. the applicant entering into a Section 106 Legal Agreement to secure:
  - a A financial contribution towards the provision of a new children's play area and equipment in accordance with policy CLT5 & IMP1 of the adopted City of Southampton Local Plan and applicable SPG.
  - b A financial contribution towards the provision of a new children's play area and equipment in accordance with policy CLT6 & IMP1 the adopted City of Southampton Local Plan and applicable SPG.
  - c A financial contribution towards site specific transport contributions for highway improvement in the vicinity of the site in accordance with IMP1 the adopted City of Southampton Local Plan and appropriate SPG to encourage sustainability in travel through the use of alternative modes of transport to the private car.
  - d A financial contribution towards strategic transport contributions for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG.
  - e A highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
  - f A bio-diversity management plan
  - g A refuse management plan
  - h A routing agreement for construction vehicles

And that in the event that the legal agreement is not been completed with a 3 month period following the date of Panel resolution the D C Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Agreement.

## **Proposed Development & Surrounding Context**

The application seeks to construct 8 three bedroom family houses and 6 two bedroom flats. The buildings take on the form of an L-shaped terrace comprising two sections of four houses linked by a 3-storey block of flats in the lowest corner of the site. The buildings are orientated to front a landscaped courtyard parking area with ramps and steps down to the residential units and provides south and west facing private gardens which have outlook over the greenway valley. The periphery of the site would be designed and managed as a bio-diversity habitat with appropriate indigenous planting to ensure an appropriate transition between the residential site and the adjacent area of open space.

The well screened site is located on the southern side of Bursledon Road opposite the recently re-developed Antelope House site.

The land levels are such that the buildings would sit below the level of Bursledon Road as the site slopes down to the south and west from the proposed vehicular access in the eastern corner of the site. The southern and western boundaries adjoin the Weston

Common Greenway from which it is currently screened by a row of large, poorly managed conifer trees which were put in as a privacy screen by the previous owner of the site and which is somewhat at odds with the indigenous tree planting along the greenway. There is public access along the Greenway and proposals to provide a continuous cycle link the Weston Shore for which contributions are sought from this scheme.

Other than the existing detached dwelling on the site the closest residential properties are located to the east of the site in Alandale Road. These two storey semi-detached houses sit some 4m to 6m above the ground levels on which the proposed units are proposed and are separated in part by a narrow strip of land in third party ownership which does not form part of the application site. There is a structural retaining wall along this boundary.

### **Relevant Planning Policy**

The planning policy to be considered as part of this proposal is scheduled in **Appendix 1** to this report.

The adopted Local Plan Review is the current development plan document for Southampton. However, the emerging Core Strategy has recently been ratified by Government and its policies should also be afforded significant weight as a material consideration. The proposed development is compliant with emerging policies contained within the Core Strategy (as amended by the Inspector's report, October 2009) as it provides affordable family housing on previously developed land to a high design and sustainable standard.

The Family Housing SPD is not applicable to schemes less than 15.

### **Relevant Planning History**

The history of the site is attached in **Appendix 2** to this report.

### **Consultation Responses & Notification Representations**

A publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement and erecting a site notice. **5** representations were received from residents of Alandale Road following the initial consultation procedure and a further **3** objections were received as a result of the re-consultation exercise following receipt of amended plans .

#### Summary of Representations made

##### Objections to initial consultation exercise

- Overdevelopment - too many units being squeezed onto the site.
- Increase in noise and disturbance including shape of building deflecting noise from Antelope House towards Alandale Road houses.
- Buildings too close to rear boundary of houses in Alandale Road - 1.2m at it's closest point.
- Concern about the impact on the retaining wall between the site and the houses in Alandale Road and possible subsidence.
- Three storey would result in loss of light and outlook.

- Impact on wildlife - belief that protected species such as bats and slow worms are present on the site in addition to other wildlife.
- Concern about loss of trees.
- Dangerous Access
- Potential land stability.
- Encroachment onto land over which residents of Alandale Road have a right of access.
- Lack of security on site - especially the parking area.
- Concern about the impact on the existing drainage system and additional surface water run-off.
- Boundary treatment between the site and Alandale Road should be robust and of an appropriate height - minimum 2m.
- Lack of public consultation by the developer.
- The site was refused to be developed for one additional house in 1979 due to highway safety reasons and the impact on the greenway adjacent to the site.

### Objections received to amended plans

Additional comments made that

- the re-siting of the bin store at the entrance of the site close to the rear boundary of houses in Alandale Road will encourage fly-tipping, dumping of litter from the A3 uses opposite the site, odours and vermin. Each house should have its own individual bin store not a large communal facility.
- All previous grounds for objection remain.

### Summary of Consultation comments

**Highways Officer** - The principle of the access in this location is acceptable subject to conditional controls for the design and layout to be agreed. There is a clear sight line exceeding 120m to the brow of the hill to the right of the site when exiting and there is no record of injury accidents in the close proximity of the site onto Bursledon Road. The bus lane operational during the morning peak period has been taken into account.

One for one parking spaces have been provided for this development. The site is on the boundary of medium/low accessibility, and the parking provision exceeds the requirement of the medium zoning, and complies with that of the low accessibility.

The bin store is located adjacent to the highway so that a refuse vehicle can easily collect the bins, without the need to provide on site turning for the refuse vehicle. The carry distance for bins from the flats exceeds to usual maximum distance of 30m by 11m using the ramped access route and the houses along northern boundary would have to use steps to get to the bin store or have a carry distance of 50m. Whilst this is not ideal it is a better design solution than the creation of a turning circle within the site for a refuse lorry.

**SCC Ecologist** - The ecology report includes acceptable proposals for bio-diversity enhancements. The creation of a bio-diversity strip within the site is welcomed as a buffer between the site and the adjacent greenway. A management plan will be required for this area.

**SCC Sustainability Officer** - The development will meet Code for Sustainable Homes level 2/3. If a condition is agreed to be put on requiring level 3 to be achieved this would be

acceptable. However if not, a code level 2 condition and suitable measures condition requiring submission of further details will be required.

**SCC Tree Officer** - There are no trees of any importance on the site. The coniferous tree belt around the site is in poor condition and subject to appropriate re-planting with indigenous species no objection would be raised to the loss of these trees.

**Environmental Health Officer** – The historical land uses (a brick works on adjacent land to the East) 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. The site should be assessed for land contamination risks and, where appropriate, remediated to ensure the long term safety of the site.

**Southern Water** - Foul sewage disposal can be provided by connection to the existing foul sewer. Surface drainage should be reviewed by the Council's Building Control Service.

### **Planning Consideration Key Issues**

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

- The development proposal needs to be assessed in terms of its design, scale and massing within the street scene and the adjacent Greenway;
- its impact on neighbouring residential amenities;
- whether or not adequate amenity space is provided and if it is acceptable in terms of highway matters including the layout of the site access, car parking and access to refuse storage.
- Additionally measures to mitigate the schemes impact on ecology, land-stability and surface water drainage need to be adequately addressed.

#### 1. Principle of Development

The site is adjacent to but not within the designated Greenway/open space. It has an existing residential usage and is therefore considered previously developed land. There is no specific policy allocation for the site. In principle therefore, subject to compliance with other relevant policies of the Development Plan there is no objection to residential re-development.

#### 2. Whether the scheme represents an over-development of the site

The proposals equate to 70dpha which is within the range of Policy H8 of the adopted Local Plan Review. The proposals provide car parking to maximum standards and amenity space, cycle storage and refuse storage to adopted standards which incorporating a buffer zone between the site and the adjacent greenway. The scheme does not exhibit any features normally associated with over-development.

#### 3. Whether there is an mix of units

The proposals provide a mix of family houses and flats which is in full accordance with the principles of Policy H12 of the Local Plan Review (although this policy is aimed at schemes of 15 units and more), the emerging Core Strategy policies on family housing and the adopted supplementary guidance on family housing.

#### 4. Whether the proposals are out of scale and character with the area.

The proposals will change the character of this particular site which visually and physically projects into the valley through which the greenway runs. Being at a lower level than the adjacent housing of Alandale Road to the south the proposals would not relate visually to them. Instead the development would create it's own sense of place and character. It is considered to successfully respond to the constraints and opportunities of the site in terms of the scale and height of the buildings and in terms of the layout which allows all units to have private south and west facing amenity space with an outlook across the greenway and a central courtyard style parking area to the front with good natural surveillance. The scheme would be visible from within the greenway but additional planting is to be undertaken and the existing trees along the Bursledon Road frontage will continue to provide an effective screen from the public highway.

#### 5 Whether the proposals are acceptable in highway safety terms

The site would only be able to be accessed from the east as the central barrier would prevent right turns into the site from the city centre. Likewise, there would be no right turn out of the site requiring all traffic to leave in the direction of the city centre. Whilst this is not the most ideal or convenient solution for future occupiers it does ensure that the traffic movements to and from the site access are controlled and, due to the full sightlines being available, the access is safe. It should be noted that the access arrangements have been modified to allow a refuse vehicle to collect from the site without having to enter the site and also to ensure the safety of pedestrians using the footway crossing the site frontage is safeguarded. A routing agreement for construction vehicles will be required.

#### 6. Whether the proposals adequately safeguard the amenities of neighbouring occupiers.

The proposals will be immediately adjacent to the rear gardens of Nos 14 and 15 Alandale Road but will be set off the rear gardens of 11, 12 and 13 Alandale gardens by the width of the existing access track which is in separate ownership and does not form part of the site.

It is recognised that improved retaining structures will be required to be provided in addition to the existing retaining walls along this boundary. However, discussions with the building control department have highlighted that a solution is be achieved without affecting the proposed layout of the site or encroaching onto third party land. Land stability is not considered to be a major problem and can be dealt with by condition.

The new development would be north-west of the houses in Alandale Road and at a lower level. It will not therefore result in loss of light or over-shadowing of those houses.

The upper floors and roofs of the buildings would be visible from rear habitable rooms and the gardens of houses in Alandale Road the occupiers of which currently enjoy relatively uninterrupted outlook over the greenway. However, the layout of the site means that only one flank elevation of one new house would be in close proximity to this boundary. It is not considered that this relationship is over-bearing or dominant and whilst there will be a visual impact it will not be harmful.

The additional activity associated with the site will have an impact on occupiers of Alandale Road, including car movements, lights and general day to day noise associated with residential activity. However the scale of the scheme and the degree of separation between the sites is not considered likely to cause undue disturbance.

## 7. Whether the scheme has a detrimental impact on the setting of the greenway and protected species

The proposals do not project into the greenway but will have an impact on its setting. This will change the character and appearance of this area of open space. However, mitigation can be provided through additional planting and the use of good quality materials/boundary treatment. On balance, subject to appropriate conditions it is considered that the development can be achieved without unduly harming the open character of the green space.

### Summary

It is considered that the proposals are in accordance with both adopted and emerging policies in delivering family houses on previously developed land in a medium accessibility area of the city.

It is not considered that proposals represent over-development, or have an adverse impact on adjacent occupiers or on highway safety.

Appropriate additional planting of trees and management for bio-diversity is incorporated into the proposals.

The layout provides a good mix of housing types in a layout that maximises amenity for future occupiers.

The impact on the character and setting of the greenway can be mitigated against to some degree with the landscaping proposals and through the use of good quality materials and appropriate boundary treatment.

### **CONCLUSION**

On balance the proposals represent an acceptable form of development.

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

(Andy Amery 14 October 2009)

**Relevant Planning Policy**

Adopted City of Southampton Local Plan Review Policies

SDP1	General Principles
SDP2	Integrating transport and Development
SDP3	Travel Demands
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Context
SDP9	Scale, Massing and Appearance
SDP10	Safety and Security
SDP12	Landscape and Bio-diversity
SDP13	Resource Conservation
NE3	Sites of Local Nature Conservation Importance
NE4	Protected Species
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment
H8	Housing Density
H12	Housing Type and Design
CLT3	Protection of Open Spaces
CLT5	Provision of Open Space
CLT6	Provision of Children's Play Space
IMP1	Provision of Infrastructure

Emerging Core Strategy

CS4	Housing Delivery
CS5	Housing Density
CS15	Affordable Housing
CS16	Housing, mix and type
CS19	Parking

Supplementary Planning Guidance

The following SPG also forms a material consideration in the determination of this planning application:

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

Planning Policy Statement PPS3 - Housing (2006)

The Government's guidance on housing confirms the need to make the best use of previously developed sites, whilst respecting a site's existing context. The PPS also re-emphasises the need for the planning system to create sustainable, inclusive, mixed communities with an improved choice of accommodation.

Planning Policy Guidance Note PPG13 - Transport (2001)

The Government is committed to reducing the need to travel by the private car as part of an integrated transport policy. Land use planning has a key role to play in delivering this strategy. PPG13 explains that by "influencing the location, scale, density, design and mix of land uses, planning can help to reduce the need to travel". One element of this approach is the implementation of maximum car parking standards, as set out at Policy SDP5 and Appendix 1 of the adopted City of Southampton Local Plan Review (2006).



**Relevant Planning History**

1979 Planning Application for: The erection of one dwelling (outline) at 330 Bursledon Road, Sholing. Code No 9036/1563/E14.

Application referred to the Planning and Transportation (Plans) Sub-Committee in November 1979 and refused for the following reasons:

- (1) The site is at present served by an access leading onto Bursledon Road at a point where visibility of approaching traffic is poor. Bursledon Road is at this point a straight, dual carriageway road, is very heavily trafficked, and vehicles are often travelling at or in excess of the maximum permitted speed of 40 m.p.h. Any increased use of the existing access would lead to additional hazards for road users, and would therefore be prejudicial to highway safety.
- (2) The application site is allocated for primarily residential use in the authority's Development Plan, but this allocation is intended merely to reflect the existing use of the site as the curtilage of one dwelling. The site projects into an area of proposed open space and a second dwelling on the site would form a visual intrusion into and would not relate satisfactorily to the proposed open space system.

## **CONDITIONS for 09/00860/FUL**

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

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

Reason:

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

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

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

Class A (enlargement of a dwelling house), including a garage or extensions,  
Class B (roof alteration),  
Class E (curtilage structures), including a garage, shed, greenhouse, etc.,  
Class F (hard surface area)

Reason:

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

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

Notwithstanding the information shown on the approved drawings and application form no development works shall be carried out unless and until a schedule of materials and finishes (including full details of the manufacturers, types and colours of the external materials) to be used for :

- i. the external walls and the roof of the proposed buildings
- ii. the hardsurfaced areas including parking spaces, vehicle turning areas pedestrian access routes including steps and ramps
- iii the external walls to all retaining structures
- iv all railings, fences and other means of enclosure within the site

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 interests of amenity by endeavouring to achieve a building of visual quality.

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

Before the commencement of any site works a detailed landscaping scheme and implementation timetable, which clearly indicates the numbers, planting densities, types, planting size and species of trees and shrubs to be planted, means of enclosure, lighting and treatment of hard surfaced areas, shall be submitted to and approved in writing by the Local Planning Authority.

The landscaping scheme shall specify all trees to be retained and to be lost and shall provide an accurate tree survey with full justification for the retention of trees or their loss. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise) to ensure a suitable environment is provided on the site.

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 scheme 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.

05. APPROVAL CONDITION - Overhanging tree loss [Performance Condition]

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

REASON:

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

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

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

REASON:

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

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

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

- Induction and personnel awareness of arboricultural matters
- Identification of individual responsibilities and key personnel
- Statement of delegated powers
- Timing and methods of site visiting and record keeping, including updates
- Procedures for dealing with variations and incidents.

REASON:

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

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

Before any residential unit is first occupied the approved 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 from the collection point shall be provided and thereafter retained and maintained for that purpose.

REASON:

To ensure appropriate refuse storage facilities are provided for future occupiers.

09. APPROVAL CONDITION - Wildlife buffer corridor area [Pre-Commencement Condition]

The bio-diversity buffer zone area shown on the approved plans shall be fenced off and protected during the construction period and thereafter be provided and maintained in accordance with the requirements of the bio-diversity management plan following completion of the development or following first occupation of any of the units whichever is the sooner.

REASON:

To ensure provision of a bio-diversity transition area between the site and the adjacent greenway.

10. APPROVAL CONDITION - Pedestrian access gradient [Pre-Commencement Condition]

Other than the stepped routes provided the gradient of the pedestrian access routes through the site shall be no more than 8% (and where possible 5%) to conform to the Local Planning Authority's requirements. Further details of the alternative steps and accompanying handrails shall be shown on a plan at no less than 1:20 scale and shall be approved in writing before the development hereby permitted commences.

REASON:

To provide safe pedestrian access particularly for the disabled.

11. 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.

## 12. APPROVAL CONDITION - Contractors Compound (Pre-Commencement Condition)

Detailed plans specifying the areas to be used for contractors vehicle parking and plant; storage of building materials, and any excavated material, huts and all working areas required for the construction of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before development commences on site. The development shall proceed in accordance with the agreed details

### REASON:

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

## 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 - Land Stability Report Submission [Pre-Commencement Condition]

Within three months of the date of this permission and at least 14 days prior to any commencement of demolition works or the preparation of the site for such works to take place, full details of the following shall be submitted to and approved in writing by the Local Planning Authority:

1. a full investigation and survey of site ground conditions
2. a full assessment of on-site land stability problems
3. a full appraisal of off-site land stability and land slippage and transfer issues that could result from the demolition works
4. a full consideration of the impact of demolition works on the stability of adjacent highways together with suitable mitigation solution measures to counter any issues identified and an implementation programme for the employment of such mitigation measures which shall be agreed in writing by the Local Planning Authority.

### REASON:

To ensure that the works are in full accordance with the need to protect the land stability of the locality.

16. 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.

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

Written documentary evidence demonstrating that the development will achieve a minimum level 3 standard in the Code for Sustainable Homes (or equivalent ratings using an alternative recognised assessment method), shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted consent.

REASON:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy SDP13 of the City of Southampton Local Plan (2006).

18. APPROVAL CONDITION - Drainage Details [Pre-Commencement Condition]

No development approved by this planning permission shall be commenced until details for the surface water drainage have been submitted and approved in writing by the local planning authority. Such details should ensure no net increase in surface water flows from the site and include provision for all surface water drainage from parking areas and areas of hard-standing to be passed through an oil and grit separator designed to have the capacity and details compatible with the site being drained.

REASON:

To minimise the potential for flooding in the vicinity of the site and to ensure no pollution of the adjacent greenway and watercourse.

19. APPROVAL CONDITION - Demolition - Removal of Debris [Performance Condition]

The existing building and/or structure shall be demolished (in accordance with the plans hereby approved) and all resultant materials removed from the site and disposed of at an appropriate authorised tip within 10 working days of the commencement of the demolition works relating to that structure and before the redevelopment hereby approved is commenced unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To secure a satisfactory and comprehensive form of development and to safeguard the visual amenity of the locality.

00. Reason for granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including highway safety, land stability, loss of trees, the impact on the setting of the greenway, the impact on wildlife and the amenities of nearby residents have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The

scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - SDP1, SDP2, SDP3, SDP4, SDP5, SDP6, SDP7 , SDP9, SDP10, SDP12, SDP13, NE3, NE4, H1, H2, H7, H8, H12, CLT3, CLT5, CLT6 and IMP1 of the City of Southampton Local Plan Review (March 2006).

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

#### 00. Note to Applicant - Footpath Diversion Order

No development shall be undertaken until a Traffic Regulation Order is in place to allow the temporary closure of the public right of way as shown on approved revised access drawing for purposes of public health and safety.

During the period the Traffic Regulation Order is in place a footpath diversion order must be made and be authorised and confirmed under sections 257 and 259 of the Town and Country Planning Act 1990. Prior to the expiry of the Traffic Regulation Order or any additional Traffic Regulation Order the new public right of way must be provided and made ready for use.

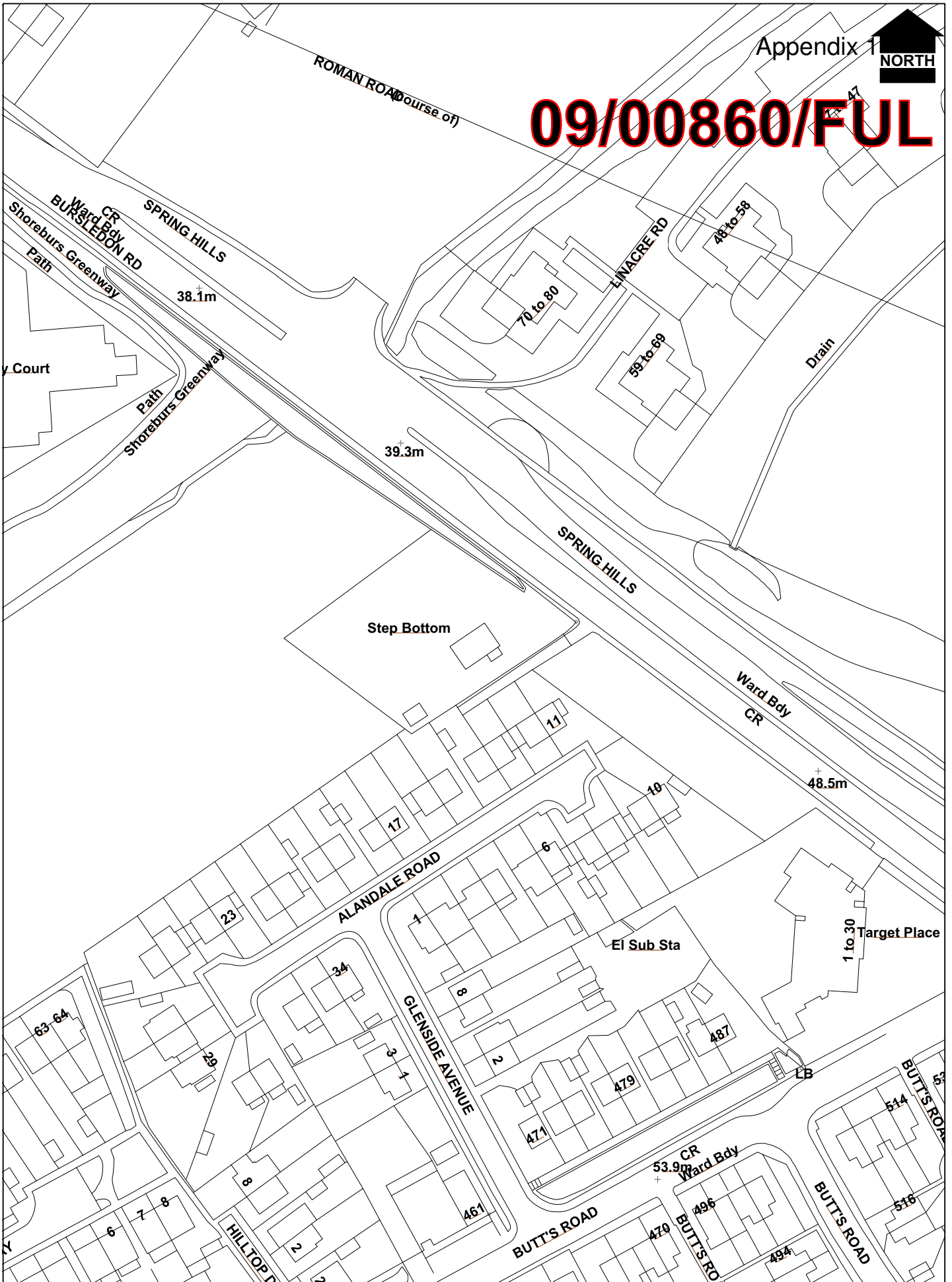
Unless the original right of way is to be re-opened the new right of way must be made available for use by the public immediately following the expiry of the relevant Traffic Regulation Order.

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**09/00860/FUL**



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Date 09 December 2009

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# Agenda Item 7

Southampton City Planning & Sustainability  
 Planning and Rights of Way Panel meeting 22<sup>nd</sup> December 2009  
 Planning Application Report of the Head of Division

Application address 110 - 120 Bitterne Road West			
Proposed development Change of use for a temporary period of part of first floor of southern building on the Bitterne Business Centre from office (Use Class B1a) to dental surgery (Use Class D1)			
Application number	09/01173/FUL	Application type	FUL
Case officer	Bryony Giles	Application category	Other

<b>Recommendation Summary</b>	Delegate approval subject to no significant adverse comment being received from statutory consultees
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Reason for Panel consideration	Departure from the local plan
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Applicant:	Mr S Khanna	Agent:	Ian Marshall
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Date of receipt	12.11.2009	City Ward	Bitterne Park
Date of registration	12.11.2009	Ward members	Cllr White
Publicity expiry date	31.12.2009		Cllr Baillie
Date to determine by	07.01.2009 <b>IN TIME</b>		Cllr Williams

Site area	N/A	Usable amenity area	N/A
Site coverage (developed area)	N/A	Landscaped areas	N/A
Density - whole site	N/A		

Residential mix	numbers	size sqm	Other land uses	class	size sqm
Studio / 1-bedroom	N/A		Commercial use	B1	440.0
2-bedroom	N/A		Retail use	N/A	
3-bedroom	N/A		Leisure use	N/A	
other	N/A		other	N/A	140.0

accessibility zone	High	policy parking max	4 spaces
parking permit zone	No	existing site parking	40 spaces
cyclist facilities	No	car parking provision	Shared use of 40 spaces
motor & bicycles	None	disabled parking	Shared use of 1 bay

Key submitted documents supporting application			
1	Design and Access Statement		
Appendix attached			
1	Recommended conditions		

### Recommendation in full

Delegate approval subject to no significant adverse consultation comments being received following the expiry of departure consultation period which expires on 31 December 2009.

## **Background**

The applicant is an NHS dentist currently practicing from premises located within Hinkler Parade. As part of the recently approved re-development of Hinkler Parade as part of the estates regeneration project, the building the applicants practices from is to be demolished and as such he is required to vacate his practice by January 2010.

SCC Valuation Service have been working with the applicant to find alternative premises for the dentist close to the existing facility. However, an appropriate alternative location for the practice has not yet been found within the Thornhill area of the city. A number of recent attempts to secure premises conveniently located to serve existing patients have proved unsuccessful.

The application site has been identified as a site that could provide a temporary location for the practice. Relocating to the site on Bitterne Road West would allow the applicant more time in which to find a suitable permanent location for the dental practice within the Thornhill Hill area of the city, while providing a continued NHS service for existing patients within Southampton.

## **Proposed Development and surrounding context**

The two storey purpose built office block is located within an industrial estate which is allocated for light industrial [Use Class B1(c)] purposes under policy REI 11 of the City of Southampton Local Plan Review (March 2006). Policy REI 11 safeguards areas of light industry [Use Class B1(b)] and research and development uses [Use Class B1(c)] within of the use classes order.

This application has therefore been advertised as a departure from that policy.

The building, subject of this change of use application is currently vacant and available. It meets the short term functional needs of the dental practice and, subject to any consent being the subject of a condition to ensure the use is of a temporary nature it is not considered to prejudice the medium and long term implementation of the policy. It should also be noted that the building has been occupied as an office use (Use Class B1(a)) since its construction in the mid-1960's as is already therefore outside the range of allocated uses for the site.

The two storey building is of a typical design for an office block of its age.

The site is located within a high accessibility area, located within a short walking distance from local bus routes and Bitterne Railway station. The areas to the north and west of the site are predominately residential. To its east is Bitterne Manor Primary School and to its south the industrial estate of which it is part continues.

The application site has parking laid out for 40 car parking spaces for use by occupants and visitors of the business centre. At present there are no specific parking spaces allocated to any particular office suite and spaces are taken on a first come first serve basis.

Vehicular and pedestrian access is separated when leading into the site from Bitterne Road West.

## **Reason for Panel consideration**

The use of the office block [Use Class B1(a)] within an area allocated under policy REI 11 of the local plan means that the application for a change of use to a dentist surgery (Use

Class D1) is technically a departure from the local plan. For this reason, the application must be considered by the Planning and Rights of Way Panel. However, due to the relatively the minor nature of the application and the temporary nature of the use being considered (which does not adversely impact on the long term use of the site) it does not need to be brought to the attention of the Government Office for the South East for their consideration. The Panel retain the ability to make the decision without a need for referral.

## **Planning Policy**

### City of Southampton Local Plan review (Adopted March 2006)

The site is designated under policy REI 11 of the Local Plan and is located within a defined area of 'high' accessibility. Other relevant Local Plan Policies include the following

SDP1 Sustainable Development  
SDP4 Development Access  
SDP5 Parking  
REI 11 Light industry  
HC3 Primary Care  
REI 15 Office Development Areas

## **Relevant Planning History**

01/00719/FUL Approved 24/07/09  
Occasional use as satellite car park in association with St. Marys Stadium

2475/1295/P12 Approved 26/10/68  
The erection of an office building at 110-120 Bitterne Road West

## **Consultation Responses and Notification Representations**

A publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement as appropriate and erecting a site notice.

### Summary of Representations made

At the time of writing the report no representations had been received from surrounding residents.

### Summary of Consultation comments

**Highways DC** – No objections subject to the imposition of a condition requiring adequate allocated car park provision and cycle storage for visitors and staff of the dentist. The condition should require such facilities to be made available prior to the first use of the dentist.

## **Planning Consideration Key Issues**

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

- The appropriateness of the change of use in light of the sites REI 11 policy designation
- Access, parking provision and cycle storage

The proposed scheme has to be assessed in terms of the Key Issues (identified above) together with whether the proposed development is acceptable in terms of the provisions of the Local Plan and the Council's supplementary **Page 63** planning guidance

## Change of use

The consideration of a two year temporary consent for change of use from Offices [Use Class B1(a)] to dentist surgery (Use Class D1) has been discussed with the applicant and this timescale is considered to allow sufficient time to find a permanent location for the dental practice.

Allowing a two year temporary consent will not prejudice the council's long term intention to safeguard this area for the purposes of light industry and research and development uses within the city. Nor will it restrict the opportunity for office based businesses to start up or relocate to Southampton. The decision notice will specifically refer to the use being that of a dentist so as to retain control over the specific use of the unit for the two year temporary period being considered.

The building has been vacant for some time. The use to deliver primary health-care facilities rather than left vacant indefinitely is seen as beneficial to the wider community.

Once the temporary permission has elapsed the use class of the unit will automatically revert back to its office designation, as originally approved in 1968. Any future applications for a change of use will need to be considered in relation to the sites policy designation. The application will not therefore represent a precedent for a permanent change in use class within this business estate.

The applicant has requested the following hours of operation:-

Monday to Friday	8.30am to 6pm
Saturday	8.30am to 12pm (Midday)
Sunday and public holidays	Closed.

The proposed hours of operation are considered acceptable and will not interfere with the use of the parking area as a satellite car park for St Marys Stadium, which is open two hours before the published kick off time of a match, which is typically 3pm on Saturdays.

## Access, parking provision and cycle storage

Separate vehicular and pedestrian access into the site ensures safe access and egress for all visitors and staff to the Dentist.

Policy SDP5 of the local plan advocates a maximum car parking provision of 4 spaces for the dentist surgery. With 40 car parking spaces being available for the use of the office building, it is clear that this provision can be easily accommodated on site for future visitors of the dentist. At present, there are no allocated parking spaces for any one office within the building, and spaces are taken on a first come first serve basis. A condition could be added to require the applicant to seek out the possibility of designating 4 car parking spaces for the purposes of the dentist surgery only. This would ensure that visitors to the dentist were guaranteed a car parking space and that a disabled parking bay for the purposes of the dentist could be supplied.

However if it is not possible for the applicant to allocated specific spaces to the dentist, it is important to note that there is the option of on street parking for visitors if the parking area happens to be full. The application should not be refused solely for failing to provide allocated parking spaces as parking provision is available for the use in the area.

It is considered that there is adequate space within the site for Sheffield cycle hoops to be installed to serve both staff and visitors of the dentist. The site its self is secure and given the dentists temporary permission, and the fact that staff will only be present during the day, it is not considered necessary to install a covered cycle storage unit to be fitted.

## **Summary**

The proposed change of use is considered to be an appropriate use of this current vacant office building. The granting of a temporary consent of two years will not adversely impact the councils' long term intention to safeguard this site for light industrial activity.

## **Conclusion**

The application is recommended for approval subject to no adverse comments being received from statutory consultees.

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

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

1(a), 1(b), 1(c), 3(a), 4(s), 6(a), 6(c), 6(f), 6(h), 7(c), 8(a), 9(a), 9(b) and City Plan Review (Adopted Version)

BG 04.12.09 for 22.12.09 PROW Panel

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RECOMMENDATION: TCON

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## CONDITIONS for 09/01173/FUL

### 01. APPROVAL CONDITION - Time Limited (Temporary) Permission Condition - Change of use

The use hereby permitted shall be discontinued after the period specified in this permission and the land and buildings restored to their former condition, or to a condition to be agreed in writing by the Local Planning Authority, either

- a) on or before the period ending on 22 December 2011, a period of two years,
- b) within three months of the premises becoming surplus to the needs of the applicant Mr Khanna, or
- c) within three months of the first occupation of any new permanent replacement accommodation for the Dentist managed by Mr Khanna, whichever occurs soonest.

#### REASON:

To enable the Local Planning Authority to review the special circumstances under which planning permission is granted for this type of development, given that it is not considered an appropriate permanent use for the premises due to current land designation.

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

The use of the office unit hereby approved shall be limited to those specific uses within the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking, amending, or re-enacting that Order) Use Class [D1 for or in connection with, a Dentist] as provided for and shall not be used for any other use within that Class.

#### REASON:

In recognition of the surrounding land uses and policy designation.

### 03. APPROVAL CONDITION - Hours of Use - [Performance Condition]

The use hereby permitted shall not operate (meaning that customers shall not be present on the premises] outside the following hours:

Monday to Friday	8.30 hours to 18.00 hours	(8.30am to 6.00pm)
Saturday	8.30 hours to 12.00hours	(8.30am to 12.00 midday)
Sunday and recognised public holidays	Closed	

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

#### REASON:

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

### 04. APPROVAL CONDITION - Cycle storage facilities [Pre-Commencement Condition]

Adequate cycle storage facilities to conform to the Local Planning Authorities standards shall be provided within the site before the change of use hereby permitted commences and such parking and storage shall be permanently maintained for that purpose for the duration of this consent.

#### REASON:

To encourage cycling as an alternative form of transport.



05. APPROVAL CONDITION - Allocation of parking spaces [Pre-occupation Condition]

Unless otherwise agreed in writing by the local planning authority, prior to the occupation of development the applicant must establish the allocation of 4 car parking spaces within the site for the sole use of the Dentist hereby approved. The spaces must be clearly marked out for use by the Dentist and thereafter retained and maintained for that purpose for the duration of this consent.

REASON:

To avoid congestion on the adjoining highway

00. Reason for granting Planning Permission

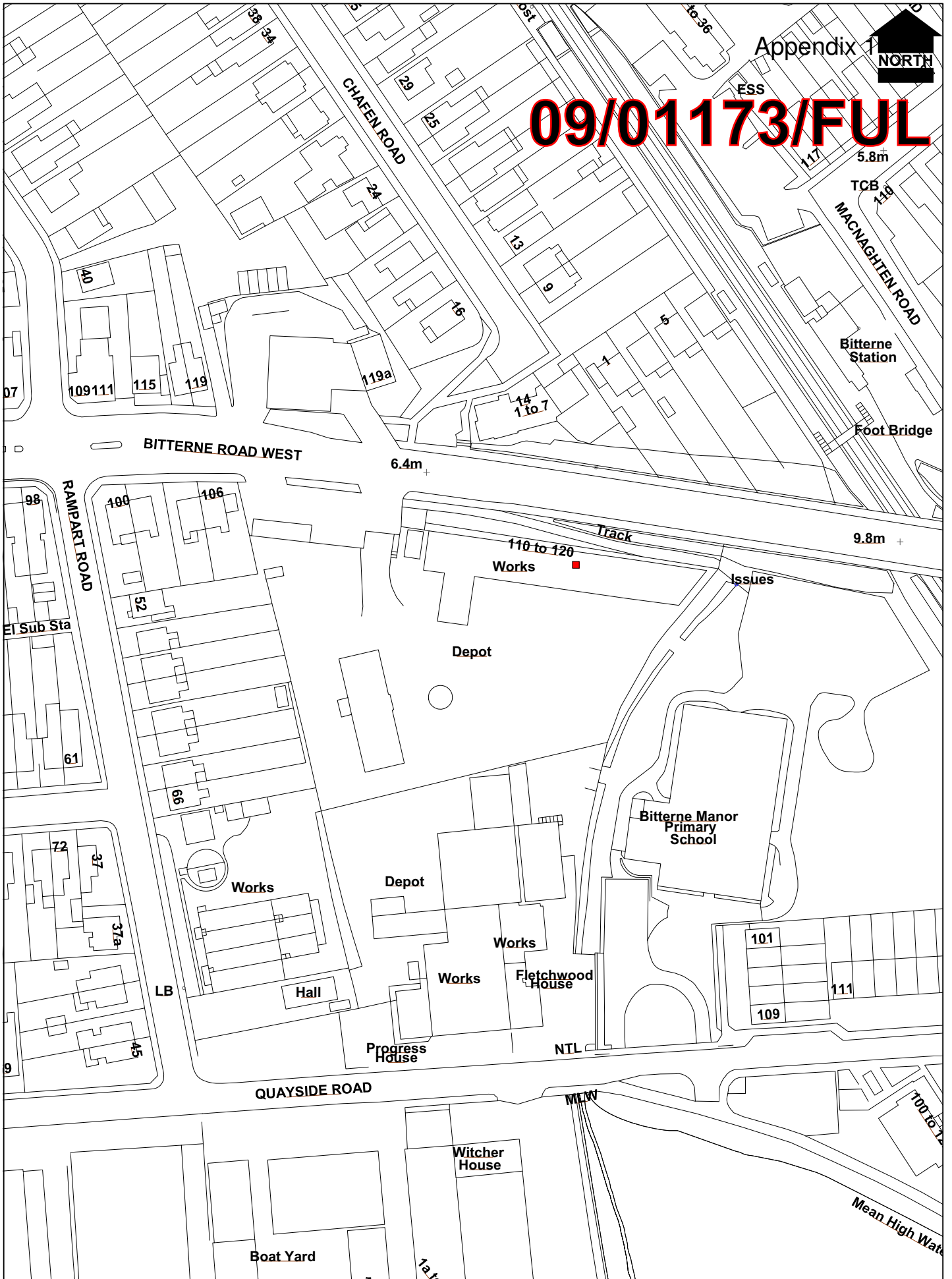
The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered including the sites allocation for light industry and research and development use under policy REI 11 of the local plan and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - SDP1, SDO5 and SDP9 of the City of Southampton Local Plan Review (March 2006).

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Date 09 December 2009

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Application address Garage Site Adjacent To 27 Orpen Road, Southampton			
Proposed development Redevelopment of the site. Erection of 2 x two-storey terraced blocks comprising 6 three-bedroom houses with associated parking to include revised site access and stopping up of public footpath			
Application number	09/01038/FUL	Application type	Full
Case officer	Andy Gregory	Application category	Q13 - minor dwellings

<b>Recommendation Summary</b>	<b>Delegate to Development Control Manager to grant planning permission subject to criteria listed in report</b>
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Reason for Panel consideration	Ward Member referral request - Item requested to go before the panel by local ward member Cllr Letts
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Applicant The Swaythling Housing Society Ltd	Agent H Groucott Miller Hughes Associates
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Date of receipt	07.10.2009	Ward members	Bitterne
Date of registration	07.10.2009		Cllr Letts
Publicity expiry	05.11.2009		Cllr Stevens
Date to determine	02.12.2009 <b>OVER</b>		Cllr Fuller

Site area	0.14 hectares	Usable amenity area	Private gardens ranging from 35sq m to 70sqm
Site coverage (developed area)	62%		
Density - whole site	43 dph	Landscaped areas	190 sqm

Residential mix	numbers	size sqm	Other land uses	class	size sqm
Studio / 1-bedroom			Commercial use	-	
2-bedroom			Retail use	-	
3-bedroom	6	87 sqm	Leisure use	-	
other			other	-	

Accessibility zone	low	Policy parking max	9 spaces
Parking Permit Zone	no	existing site parking	20 spaces
Cyclist facilities	no	car parking provision	6 spaces
motor & bicycles	5 cycles	disabled parking	0 spaces

Key submitted documents supporting application			
1	Design and Access Statement	2	Sustainability checklist
3	Ecological Report	4	Tree Report
Appendix attached			
1	Local Plan Policy schedule	2	Suggested Planning Conditions

## **Recommendation in full**

Delegate to Development Control Manager to grant planning permission subject to

1. the completion of a S106 unilateral undertaking to secure:

- i) A financial contribution towards the relevant elements of public open space required by the development in line with policies CLT5, CLT6 and IMP1 of the City of Southampton Local Plan Review (March 2006) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
  - Amenity Open Space (“open space”)
  - Play Space
  - Playing Field
- ii). To implement an agreed series of site specific transport works under S.278 of the Highways Act in line with policies SDP3, SDP4 and IMP1 of the City of Southampton Local Plan Review (March 2006) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
- iii). A financial contribution towards strategic transport projects for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D
- iv). A highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer

And that in the event that the legal agreement is not completed, that the D C Manager be authorised to refuse permission if the Section 106 Agreement has not been completed within 2 months from the date of this panel meeting on the ground of failure to secure the provisions of the Section 106 Agreement.

## **Background**

The application is part of the first phase of the Estates Regeneration Programme, which seeks to deliver new housing stock within the Councils housing estates, in order to meet the city’s housing need. The Council has been awarded funding from the Homes and Communities Agency for the delivery of this new local authority housing, under the Local Authority New Build Programme. Swaythling Housing (the applicant) are assisting the Council in developing this site.

A number of garage sites have been identified as part of the programme because they are represent underused previously developed land and area underused as garages and/or vandalised. This site has been identified on this basis, with most of the garages vacant, probably arising from vandalism that has occurred in the area in recent months.

## **Proposed Development and surrounding context**

### Site and surrounds

The application site comprises 20 garages (the majority of which are vacant) and associated hard standing and adjacent landscaped areas. An electricity sub-station is located within the south-eastern corner of the site and is retained as part of the redevelopment proposals. The eastern part of the site is landscaped and occupied by 3 trees (1 x Field Maple and 2 x Juneberry).

The site entrance is also landscaped and comprises 2 trees. None of the aforementioned trees are worthy of protection. Vehicular access is taken from Orpen Road. Pedestrian footpaths are located around and through the site.

The surrounding area is predominantly residential in nature comprising a mix of two-storey detached, semi-detached and terraced dwelling houses and three-storey flatted development. The properties immediately adjacent to the application site comprise two-storey dwelling houses; some have rear gated access through the site. This part of Orpen Road does not contain frontage development.

### Proposed Development

The application proposes the redevelopment for 6 'affordable' family houses. The site access onto Orpen Road will be reconfigured and an existing footpath running through the site is proposed to be stopped-up for a shared service / access drive.

Car parking will be provided to the front of the terrace. The landscaped area in the eastern part of the site is proposed to be re-configured to provide 5 echelon parking spaces, and an additional space is provided adjacent to the end terrace unit. The existing trees on-site are proposed to be removed, with replacement planting along the frontage and within the eastern part of the site (which can be secured with the attached landscaping condition). Additional landscaping and tree planting is also proposed adjacent to the site access and around the sub-station. The site is enclosed by 1.8m height close boarded fencing.

A communal refuse collection point is located adjacent to the site access, with integral stores allocated to each dwelling.

The proposed two-storey properties have pitched roof with gabled ends. Contemporary finishing materials are proposed, including artificial slate on the roof, aluminium composite windows and doors, and a mix of horizontal zinc cladding, facing brick and render to the external walls. Private rear gardens with gated access are provided.

It is also proposed that all dwellings will attain Code level 4 for Sustainable Homes (i.e. above the Councils current minimum level).

### **Relevant Planning Policy**

There are no site-specific policies which relate to the application site, but a schedule of local plan policies is attached as **Appendix 1**.

The adopted Local Plan Review is the current development plan document for Southampton. However, the emerging Core Strategy has recently been ratified by Government and its policies should also be afforded significant weight as a material consideration. The proposed development is compliant with emerging policies contained within the Core Strategy (as amended by the Inspector's report, October 2009) as it provides affordable family housing on previously developed land to a high design and sustainable standard.

The Family Housing SPD is not applicable to schemes less than 15.

### **Relevant Planning History**

There is no relevant planning history

## Consultation Responses and Notification Representations

The Housing Enabling section of the Council undertook a pre-application consultation exercise with residents. Initial relevant planning objections raised by residents included overlooking, shadowing and loss of privacy due to two-storey houses being placed on the site where there are presently single-storey garages. Prior to this consultation exercise the ward councillor had corresponded with the Local Housing Manager about the vandalism at the site.

A publicity exercise in line with department procedures was subsequently undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (22 October 2009) as appropriate and erecting a site notice (22 October 2009). At the time of writing the report 7 representations had been received, which included 5 from surrounding residents and 2 from Local Ward Councillors.

### Summary of Representations made

- Loss of privacy / overlooking
- The development will overshadow and result in loss of light to neighbouring properties;
- Replacement planting types, fencing and general design should be carefully considered to ensure that anti-social behaviour and resultant damage can be designed out;
- Displacement parking may lead to parking restrictions within Orpen Road that would prevent existing residents from parking within Orpen Road;
- Removal of part of the existing landscaped area;
- The existing trees and landscaped areas should be retained;
- Increased congestion on Orpen Road;
- Car parking displacement onto the nearby service road;
- Conflict between the new access and users of the nearby service road;
- Increased pressure on existing drainage
- Overdevelopment.

These issues are addressed in the 'planning considerations' section of this report.

### Summary of Consultation comments

**Highway Development Control** – No objection raised. The number of parking spaces is compliant with the Councils maximum standards for areas of low accessibility. The level of provision will not compromise highway or pedestrian safety. However careful consideration should be given to measures to encourage alternative modes of transport to the private car. To meet the aims of PPG13, contributions are sought via a S106 Agreement from the developer to reduce dependence on the private car.

**Ecology** - No objection raised. The site is of low biodiversity value. The Phase 1 Ecology Report makes recommendations for a number of biodiversity mitigation and enhancement measures which should be secured through condition.

**Sustainability** - No objection. Compliance with level 3 of the code for sustainable homes should be secured as a minimum. The target of Code Level 4 is welcomed.

**Access Officer** – No objection



## **Rights of Way Officer – No objection**

**Regeneration & Renewal Team** - supports the proposal as it will provide new affordable housing and will put to more efficient use a garage site within council ownership, which has also been a focal point for anti-social behaviour.

**Trees** – No objection raised. There are no significant amenity trees on this site and the Tree Team are in general agreement with the Sapling Arboriculture Ltd report. Landscaping and replacement tree planting should be secured through condition.

## **Planning Consideration Key Issues**

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

- Principle of development;
- Residential design, density and impact on established character;
- The impact on existing residential amenity;
- The quality of residential environment for future occupants; and,
- Whether the travel demands of the development can be met.

### 1. Principle of Development

The re-development of the site for intensified residential purposes is acceptable and accords with policies contained within the development plan and central government's guidance for more intensive use of brown field sites for housing delivery. The development has a density of 43 dwellings per hectare; the local plan does not contain maximum density levels however the Council's Residential Design Guide advocates a density range of 30-50 dwellings per hectare within areas of low accessibility. The proposed density level is in line with these standards. The scale and layout of the development for six houses maintains a good balance between usable on site amenity space, parking (compliant with standard) and landscaping.

The provision of genuine family housing is welcomed. The proposed residential mix and type is appropriate for the locality and is compliant with the adopted Family Housing SPD and emerging policy CS16 in terms of family housing provision. This provision of 100% affordable housing also meets a recognised housing need and is compliant with emerging policy within the Core Strategy.

The existing garages are not safeguarded and are almost entirely unused. Loss of the garages is unlikely to generate any significant parking displacement due to the existing high vacancy rate. Therefore, on balance, the redevelopment of this underused site for housing delivery is considered to outweigh any need for retention of the garages

### 2. Residential design and impact on established character

A Design and Access Statement has been submitted in accordance with the requirements of Policy SDP6 of the Local Plan and identifies measures to be taken into account when maintaining the character of the area and achieving high standards of design. The proposed layout and scale of development is not considered out of keeping with the surrounding pattern of development.

The surrounding area includes two-storey detached, semi-detached and terrace properties situated within varying plot sizes. The resultant plots are comparable to nearby plot sizes within Quilter Close.

The existing landscaped areas and trees on site are not safeguarded. The proposal seeks to provide enhanced replacement tree planting and landscaping to compensate for any loss.

The proposed design approach responds to the local context and will not be detrimental to the visual amenities of the area. Details of materials will be secured through condition; however an acceptable materials palette is currently proposed.

### 3. Impact on Residential Amenity

Following receipt of amended plans, the residential amenities of nearby residents will not be adversely harmed. The proposed development will not give rise to harmful sense of enclosure, loss of light, shadowing or overlooking / loss of privacy, having regard to the separation distance and orientation of the proposed two-storey housing development in relation to neighbouring properties and gardens.

The scheme has been amended to introduce obscure glazing to the bottom section of the first-floor windows within the front elevation of units 4-6 to prevent unreasonable overlooking / loss of privacy to 27 Orpen Road. A minimum back to back separation distance of 21m is proposed between the development and the rear elevations of 1-7 Sullivan Road to the south-west; this is compatible with the privacy and day lighting standards contained within the Councils Residential Design Guide SPD.

Furthermore the development will not unreasonably shadow neighbouring gardens on the basis of the building / plot orientation and separation distance in relation to neighbouring gardens and houses. Shadow diagrams have been requested to demonstrate this.

Replacement tree planting and enhanced landscaping is proposed to mitigate against any loss. The proposed layout will not directly contribute to anti-social behaviour and the positioning of trees close to neighbouring boundaries is a common arrangement on housing developments across the city.

In terms of increased demand on drainage, intensified residential development naturally places increased demand on public utilities. This is not a valid reason for refusal and it rests with the utility companies to ensure that supply meets demand. The application is supported by a S106 unilateral undertaking to mitigate against the schemes direct impacts.

### 4. Residential Standard

In amenity terms the residential environment proposed for the potential occupants is acceptable and does not lead to an unacceptable living environment in this instance. The internal layout is compatible with modern living standards and all habitable rooms are served by natural lighting and ventilation.

The use of obscured glazing to the first floor bedrooms within the front elevation of units 4-6 is necessary to secure 'neighbouring' privacy. These bedrooms will retain adequate day lighting and occupiers will have access to other rooms where an adequate outlook exists. This approach to development is acceptable

The development provides private gardens which have a minimum depth of 7m and which range from 35sqm to 70sqm in area. Four of the gardens have an area which is below the recommended amount of 50sqm as advised within the RDG. However these spaces provide genuine usable amenity space and are considered appropriate

having regard to the surrounding layout of buildings and gardens within the area. Each unit is provided with separate and independent bin and bicycle storage.

#### 5. Highway Issues

The development proposes 6 car parking spaces (i.e. 1:1 provision) which is compliant with the maximum parking standards set out in the adopted Local Plan for an area defined as a “low” accessibility zone. The level of parking provision and re-configured access arrangement will not prejudice highway safety.

#### **Summary**

Overall the scheme is acceptable and the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area. The proposal is consistent with adopted local planning policies. A suitable balance has been achieved between securing additional family affordable housing, parking, on-site amenity space and landscaping, whilst ensuring that existing residential amenity is protected.

#### **Conclusion**

By securing the matters set out in the recommendations section of this report and the completion of a Section 106 unilateral undertaking, the proposal would be acceptable. The application is therefore recommended for delegated approval to the Development Control Manager.

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

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

1(a), 1(b), 1(c), 3(a), 4(s), 6(a), 6(c), 6(f), 6(h), 7(c), 8(a), 9(a), 9(b), 2(c),  
Core Strategy and Family Housing SPD  
AG 08.12.09 for 22.012.09 PROW Panel

Adopted City of Southampton Local Plan Review Policies

SDP1	General Principles
SDP2	Integrating transport and Development
SDP3	Travel Demands
SDP4	Access
SDP5	Parking
SDP6	Design
SDP7	Context
SDP10	Safety and Security
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment
H8	Housing Density
H12	Housing Type and Design
CLT5	Provision of Open Space
CLT6	Provision of Children's Play Space
IMP1	Provision of Infrastructure

Emerging Core Strategy

CS4	Housing Delivery
CS5	Housing Density
CS15	Affordable Housing
CS16	Housing, mix and type
CS19	Parking

Supplementary Planning Guidance

The following SPG also forms a material consideration in the determination of this planning application:

Residential Design Guide (Approved - September 2006)

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

The Council's Family Housing SPD was adopted on 29<sup>th</sup> June 2009 and should be given significant weight in the determination of applications with 15 or more residential units. The SPD provides additional guidance on the interpretation of Policy H12 in the adopted City of Southampton Local Plan Review in that it introduces a definition of a family home and seeks, through negotiation, the provision of increased numbers of family homes. Although the current application is for less than 15 units it complies with the Family Housing SPD.

Planning Policy Statement PPS3 - Housing (2006)

The Government's guidance on housing confirms the need to make the best use of previously developed sites, whilst respecting a site's existing context. The PPS also re-emphasises the need for the planning system to create sustainable, inclusive, mixed communities with an improved choice of accommodation.

Planning Policy Guidance Note PPG13 - Transport (2001)

The Government is committed to reducing the need to travel by the private car as part of an integrated transport policy. Land use planning has a key role to play in delivering this strategy. PPG13 explains that by "influencing the location, scale, density, design and mix of land uses, planning can help to reduce the need to travel". One element of this approach is the implementation of maximum car parking standards, as set out at Policy SDP5 and Appendix 1 of the adopted City of Southampton Local Plan Review (2006).

**CONDITIONS for 09/01038/FUL**

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

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

**REASON:**

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

**02. APPROVAL CONDITION - 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 and the roof of the proposed buildings has been submitted to and approved in writing by the Local Planning Authority. Details shall include all new glazing, panel tints, stained weatherboarding, drainage goods, and the ground surface treatments formed. Development shall be implemented only in accordance with the agreed details.

**REASON:**

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

**03. APPROVAL CONDITION - Residential - Permitted Development Restriction [Permanent Condition]**

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

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

Class B (roof alteration),

Class C (other alteration to the roof),

Class D (porch),

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

Class G (heating fuel store)

**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.

**04. APPROVAL CONDITION - No other windows or doors other than approved [Permanent Condition]**

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

**REASON:**

To protect the amenities of the adjoining residential properties

05. APPROVAL CONDITION - Glazing panel specification

The first-floor windows in the front elevation of units 4,5 and 6 hereby approved shall be glazed in obscure glass to a minimum height of 1.6m above the finished floor level and shall have restricted opening. The windows as specified shall be installed before the development hereby permitted is first occupied and shall be permanently maintained in that form.

REASON:

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

06. APPROVAL CONDITION - Adequate turning space

The development hereby permitted shall not be brought into use until an adequate turning space has been constructed within the site in accordance with the approved plans, to enable vehicles to enter and leave in a forward gear. This space shall be retained and kept available for those purposes at all times.

REASON: In the interests of highway safety.

07. APPROVAL CONDITION - Specification/proposed roads/footpaths

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

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

08. APPROVAL CONDITION - Wheel Cleaning

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 have been cleaned sufficiently to prevent mud being carried onto the highway.

REASON: In the interests of highway safety.

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

Before the commencement of any site works a detailed landscaping scheme and implementation timetable, which clearly indicates the numbers, planting densities, types, planting size and species of trees and shrubs to be planted, means of enclosure, lighting and treatment of hard surfaced areas, shall be submitted to and approved in writing by the Local Planning Authority.

The landscaping scheme shall specify all trees to be retained and to be lost and shall provide an accurate tree survey with full justification for the retention of trees or their loss. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise) to ensure a suitable environment is provided on the site.

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 scheme 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.

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

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

REASON

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

11. APPROVAL CONDITION - Code for Sustainable Homes [Pre-Occupation Condition]  
Written documentary evidence demonstrating that the development will achieve at minimum Level 3 of the Code for Sustainable Homes (or equivalent ratings using an alternative recognised assessment method), shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted consent.

REASON: To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy SDP13 of the City of Southampton Local Plan (2006). Also to comply with South East Plan policy SH14 (iv) CSH has since replaced Eco Homes for new build developments.

12. APPROVAL CONDITION – Boundary fence [Pre-Occupation Condition]  
Before occupation of the development hereby approved, details of the design and specifications of the boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed boundary enclosure details shall be subsequently erected prior to the occupation of any of the units provided under this permission and such boundary treatment shall thereafter be retained and maintained to the boundaries of the site.

REASON:

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

13. APPROVAL CONDITION - External lighting  
Unless otherwise agreed in writing by the Local Planning Authority the external lighting to the vehicle parking, and pedestrian/vehicular access and external doors should be by facade mounted, anti-vandal, low wattage, downlighter luminaires operated by a time switch or photo electric ambient light sensor shall be installed prior to first occupation of the premises. The details showing the siting, design and appearance of the lighting shall be submitted to and approved by the Local Planning Authority before development commences.

REASON:

In the interests of aiding surveillance in order to reduce crime

14. 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.

15. 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.

16. APPROVAL CONDITION - Cycle storage

Prior to first occupation of the development hereby approved secure, covered space shall be laid out within the site a minimum of 1 bicycle per dwelling in accordance with the plans hereby approved. The cycle storage hereby approved shall thereafter be retained on site for that purpose.

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

17. APPROVAL CONDITION - Bin storage

Bins shall be stored in the allocated bin stores to the front of each property, and shall only be moved the bin collection point on the day of/evening before collection. The bins shall be returned to the approved stores on the day of collection and shall not be left on the bin collection point for the remainder of the week.

REASON

In the interests of the visual amenities of the area.

18. Reason for Granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Overall the scheme is acceptable and the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area. A suitable balance has been achieved between securing additional family affordable housing, parking, on-site amenity space and landscaping, whilst ensuring that existing residential amenity is protected. 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.

Policies SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP13, SDP14, H1, H2 and H7 of the City of Southampton Local Plan Review - Adopted March 2006, as supported by SPD and the emerging Core Strategy

Note to Applicant

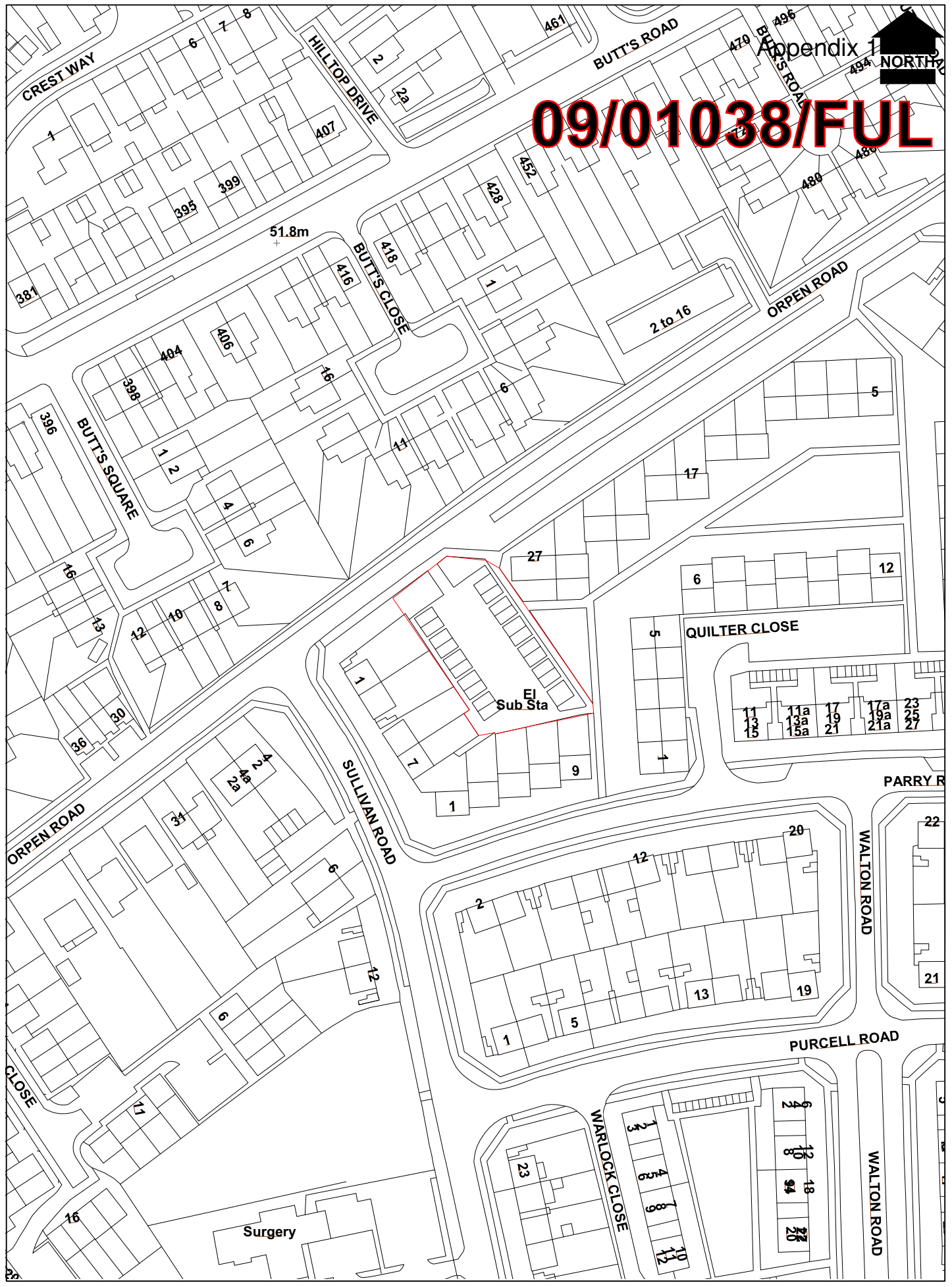
1. NOTE TO APPLICANT:

01. The applicant is reminded that no works to the public highway should be undertaken without first obtaining a road opening permit and agreement of the specification of the works. The applicant should contact the Council's Engineering Policy Division of the Directorate of Community Services in this respect.





**09/01038/FUL**



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Date 09 December 2009

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<b>DECISION - MAKER:</b>	PLANNING AND RIGHTS OF WAY PANEL
<b>DATE OF DECISION:</b>	22 December 2009
<b>SUBJECT:</b>	31 EASTFIELD ROAD
<b>REPORT OF:</b>	HEAD OF PLANNING AND SUSTAINABILITY IN CONSULTATION WITH THE SOLICITOR TO THE COUNCIL
<b>AUTHOR AND CONTACT DETAILS:</b>	Karl Collymore Enforcement Officer karl.collymore@southampton.gov.uk
<b>EXECUTIVE DIRECTOR CONTACT DETAILS:</b>	LORRAINE BROWN 023 8083 2011 lorraine.brown@southampton.gov.uk

## 1. RECOMMENDATION(S)

That the Panel consider issues regarding 31 Eastfield Road and note the officer's recommendation that no enforcement action is taken in respect of the increase in roof height of no more than 100mm above the approved height as detailed on Drawing No. 08-31ER-002c attached to planning permission no. 09/00403/FUL for a single storey rear extension.

## 2. STATEMENT OF REASONS FOR APPROVING THE REPORT RECOMMENDATIONS

Not expedient to pursue enforcement action in respect of a breach of planning control. The increase in roof height does not impinge on the satisfactory outlook and natural light enjoyed by neighbouring properties and avoids overshadowing.

The increase in height is modest in nature taking into account the existing two storey extension.

If an application was submitted seeking consent for an increase in height of not more than 100mm it would be likely to recommend that planning permission be granted.

## 3. STATEMENT OF ALTERNATIVE OPTIONS CONSIDERED

That the Solicitor to the Council be authorised to serve an Enforcement Notice requiring that the roof is lowered by 100mm.

The period of compliance would be 28 days from the date of the Notice taking effect but authority be delegated to the Development Control Manager to extend the compliance period in appropriate circumstances. In the event that the Notice takes effect and of non-compliance with the Notice proceedings could be authorised in the Magistrates Courts against the persons responsible.

#### **4. COMMUNITY IMPLICATIONS AND WARDS AFFECTED**

Portswood

#### **5. SUMMARY**

This report establishes that the works carried out on site are not in accordance with the planning approval. However, the discrepancy between the 'as built' and the 'approved plans' is minor and would be unlikely to warrant the taking of formal enforcement action as no harm has been caused due to the discrepancy identified.

#### **6. BACKGROUND**

Planning permission number 09/00403/FUL was granted consent by Panel on 26 June 2009 allowing for the erection of a single storey rear extension.

A complaint was received in September 2009 by the occupier of 33 Eastfield Road advising that the height of the single storey rear extension was too high.

An Enforcement Officer visited the site and advised the builder that the extension had to be lowered by approximately 400mm, these works were carried out straight away.

An Enforcement Officer contacted the occupier of 33 Eastfield Road to advise that the brickwork to extension had been lowered and the occupier of 33 Eastfield Road accepted that the works had been carried out to their satisfaction.

The occupier of 33 Eastfield Road contacted an Enforcement Officer to say that since the roof has been constructed the height of the building remains higher than that approved by the Local Planning Authority.

An Enforcement Officer visited the site with a Building Control Surveyor and the height was measured at approximately 100mm over the approved height. The Building Control Surveyor advised that the timbers used and design were recommended to meet Building Regulations.

The Power to issue an Enforcement Notice is entirely discretionary and is only to be used if the Local Planning Authority considers it expedient to do so taking into account the provisions of the Development Plan.

## **7. POLICY FRAMEWORK IMPLICATIONS**

The report and its recommendations are consistent with the policies of the City of Southampton Local Plan 2006.

## **8. LEGAL IMPLICATIONS**

There is a right of appeal to the Secretary of State against the issue of an Enforcement Notice. If an appeal is received the Notice will not take effect until the appeal is determined.

## **9. FINANCIAL IMPLICATIONS**

There are no financial implications of the report or recommendation.

## **10. CONSULTATION AND CONCLUSIONS**

The developer and complainants have been notified of this report.

## **BACKGROUND PAPERS**

<b>Title of Background Paper</b>	<b>Relevant Paragraph of AIP Rules allowing document to be Exempt/ Confidential (if applicable)</b>
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- Documents available for inspection at: Gateway Southampton
- The report and its recommendations are consistent with the policies of the City of Southampton Local Plan 2006.

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