

# Planning and Rights of Way Panel

Tuesday, 16<sup>th</sup> February 2010  
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

### Contacts

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## **PUBLIC INFORMATION**

### **Terms of Reference**

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

### **Public Representations**

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

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

### **Southampton City Council's 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 the Council's Website**

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

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

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

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

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

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

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

To approve and sign as a correct record the Minutes of the meeting held on 19th January 2010 and to deal with any matters arising, attached.

## **CONSIDERATION OF PLANNING APPLICATIONS**

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

#### **5 134 BASSETT AVENUE AND 1 BEECHMOUNT ROAD**

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.

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

#### **6 CHAMBERLAYNE COLLEGE, TICKLEFORD DRIVE**

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.

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

**7 SHOLING TECHNOLOGY COLLEGE, MIDDLE ROAD**

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.

**8 ST COLEMAN'S CHURCH, WARBURTON ROAD**

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.

**ITEMS TO BE HEARD BETWEEN 12.30 PM AND 1.30 PM**

**9 8 CANADA ROAD**

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.

**10 LAND AT HINKLER ROAD**

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.

**ITEMS TO BE HEARD BETWEEN 2:30 PM TO 3:30 PM**

**11 97 BOTANY BAY ROAD**

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.

## **MAIN AGENDA ITEMS**

### **12 STREET NAMING REPORT - 10 BATH ROAD AND LAND TO THE REAR OF 4-14 BATH ROAD**

Report of the Head of Planning and Sustainability seeking approval of the street name 'Sanctuary Close' for the development under construction at 10 Bath Road, attached.

Monday, 8 February 2010

SOLICITOR TO THE COUNCIL

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## PLANNING AND RIGHTS OF WAY PANEL

### MINUTES OF THE MEETING HELD ON 19TH JANUARY 2010

Present: Councillor Fitzhenry (Chair), Councillor Jones (Vice Chair),  
Councillors Mrs Blatchford, Davis (except item 53), Norris (except  
items 55, 56 and 57), Osmond and Thomas

#### 47. APOLOGIES/ CHANGES IN MEMBERSHIP

The Panel noted that Councillor Thomas was in attendance as a nominated substitute for Councillor Cunio in accordance with Council Procedure Rule 4.3.

#### 48. MINUTES OF PREVIOUS MEETINGS (INCLUDING MATTERS ARISING)

**RESOLVED** that the Minutes of the meeting held on 22<sup>nd</sup> December 2009 be approved and signed as a correct record.

### CONSIDERATION OF PLANNING APPLICATIONS

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

#### 49. **09/01133/FUL**                      **1a - 1h Janson Road**

Conversion of 8 town houses to provide a total of 40 x one-bedroom flats and relief from Conditions 4, 5, 6 and 8 of previous planning permission reference 01/01003/FUL to enable retention of works carried out to convert garages to flat / bin store and retention of conservatories.

Mr Louizou (Applicant), Mr Donohue (Agent), and Mr Bishop, Mr Hooper, Mrs Barter (Local Residents) and Councillors Moulton and Cooke (Ward Councillors) were present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO REFUSE PLANNING PERMISSION WITH ADDITIONAL AUTHORISATION TO TAKE ENFORCEMENT ACTION WAS CARRIED UNANIMOUSLY

#### **RESOLVED**

(i) that conditional planning permission be refused for the following reasons:-

- a) loss of family housing, inadequate refuse, cycle and amenity provision for future occupiers, impact on character of the area and the amenities of local residents.

With regard to the Conversion of the 8 Town Houses to 40 flats:-

- 1 the proposal results in the loss of 8 family houses for which there is an identified need and shortfall within the City. As such, the proposals are contrary to Policy CS16 of the Core Strategy and the requirements of the Supplementary Planning Document: Family Housing June 2009;

- 2 notwithstanding the above, the proposals fail to provide an appropriate mix of dwelling types and sizes contrary to the requirements of Policy H12 of the City of Southampton Local Plan Review 2006 and the requirements of the Supplementary Planning Document: Family Housing June 2009;
- 3 the proposal represents an over-intensive use of the site which by reason of the level of activity and facilities associated with 40 individual households would be detrimental to the character of the area and the amenities of nearby residents contrary to Policies SDP1 (i) - (iii), SDP7 (iii), (iv) - (v), SDP9 (v), SDP 10 (ii) and H4 (i), (ii) - (iii) of the City of Southampton Local Plan Review 2006;
- 4 the proposal fails to make adequate provision for facilities to serve future occupiers of the units including amenity space, refuse storage and cycle storage. The significant deficit of amenity space is compounded by the conservatories, size and layout of the individual units resulting in a failure to provide an acceptable living environment for future occupiers, including no natural light/outlook or ventilation for the bedroom spaces shown in place of the originally approved integral garages. The proposals are therefore contrary to policies SDP1 (i), H4 and H7 (i)/(ii)/(iii) of the City of Southampton Local Plan Review (March 2006) and paragraphs 2.2.1 (access to natural light, outlook and privacy), 4.4.1 - 4.4.4 (amenity space), 5.2.1 - 5.2.2 (car-parking), 5.3.1 - 5.3.4 (cycles), and 9.2 - 9.4.7 (refuse) of the Residential Design Guide (September 2006).

b) - Lack of Car Parking

With regard to the relief of conditions 4, 5 and 6 of planning consent 01/01003/Ful:

- 1 given the number of individual units proposed, notwithstanding the high accessibility location of the site, a car free scheme is not considered appropriate and the proposed garage conversions will result in additional on street parking in a location that is already heavily parked, whereby the impact of the free flow of traffic on Janson Road would be to the detriment of highway safety for all users. Furthermore, the subsequent length of retained driveway fail to retain sufficient parking to even accommodate one vehicle and will therefore, result in unsatisfactory parking taking place upon the site resulting in the obstruction of pedestrians using the adjacent highway land, particularly during the process of unloading and loading of goods or items given the current short term nature of the tenancies. The development would therefore prove contrary to the provisions of Policy SDP1, SDP3, SDP5, SDP7, SDP10 of the City of Southampton Local Plan (Adopted Version) March 2006 as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006);

2 Hampshire Constabulary have confirmed that there is evidence that residents on Janson Road have experienced and reported anti-social behaviour, which is often linked to criminal damage to vehicles parked on the road. The proposed garage conversions will result in additional on street parking and therewith, more vehicle related crime on Janson Road to the detriment of the owners of the parked vehicles. Furthermore, the subsequent length of retained driveway of the host properties will result in parked vehicles overhanging adjacent highway land and therefore, a likely increase in criminal damage to vehicles to the detriment of the owners. The development would therefore prove contrary to the provisions Section 17 of the Crime and Disorder Act 1998 and of Policies SDP1, SDP3, SDP5, and SDP10 of the City of Southampton Local Plan (March 2006) as supported by the relevant sections of the Council's approved Residential Design Guide SPD (September 2006);

c) - Inadequate Amenity Space

With regard to the relief of Condition 8 of planning permission 01/01003/Ful and the retention of the existing conservatories:

The variation of condition 08 to permission 01/01003/FUL, to allow the enlargement of the dwelling houses will fail to leave adequate private amenity space to serve each of the proposed flats. 4,9sq m of external amenity space per flat is significantly below the Council's adopted minimum standards and coupled with the internal living accommodation provided, creates an unacceptable living environment for occupiers of each property. As such, the proposed development would prove contrary to Policies SDP1 (i - particularly paragraphs 2.3.12-2.3.14 and Section 4.4 of The Residential Design Guide 2006 [September 2006]) and H7 (iii) of the City of Southampton Local Plan Review (March 2006);

d) - S106 contributions

In the absence of a completed S.106 Legal Agreement the proposals fail to mitigate against their direct impact and do not therefore, satisfy the provisions of Policy IMP1 of the City of Southampton Local Plan Review Adopted Version March 2006 as supported by the Council's Supplementary Planning Guidance on Planning Obligations (August 2005 as amended) in the following ways:-

- 1 measures to satisfy the public open space requirements of the development have not been secured. As such, the development is also contrary to the City of Southampton Local Plan Review Adopted Version March 2006 Policy CLT5;
- 2 measures to support sustainable modes of transport such as necessary improvements to public transport facilities and pavements in the vicinity of the site have not been secured, contrary to the City of Southampton Local Plan Review Adopted Version March 2006 policies SDP1, SDP2 and SDP3;

- 3 measures to support strategic transportation initiatives have not been secured. As such, the development is also contrary to the City of Southampton Local Plan Review Adopted Version March 2006 policies SDP1, SDP2 and SDP3;
  - 4 measures to support a refuse management plan to outline the methods of storage and waste collection of refuse from the land in line with Policy SDP1 of the City of Southampton Local Plan March 2006;
  - 5 in the absence of a Highway Condition survey the application fails to demonstrate how the development will mitigate against its impacts during the construction phase;
  - 6 provision of Affordable Housing in accordance with Policy CS15 of the emerging Core Strategy 2010;
  - 7 a Traffic Regulation Order to secure on street parking for the existing residents of Janson Road to attempt to mitigate against the impact of the demands of the new residents living in this development. Residents of this development would not be entitled to parking permits; and
- (ii) that delegated authority be given to the Solicitor to the Council on instruction by the Development Control Manager to serve up to 8 separate enforcement notices against the breaches of planning control identified at 1a-1h Janson Road

**50. 09/01213/FUL**

**Land rear of 82 and 86 - 88 Shirley Avenue**

Erection of 3 x 2-storey detached houses with integral garage (2 x 2 bed and 1 x 3 bed) with associated parking and storage

An update sheet was tabled at the meeting setting out the following amendments to the report:-

- Highway Safety was omitted in error from the bullet point list of Planning Consideration Key Issues however the impact of the proposed development on highway safety was a key issue for consideration;
- with reference to Consultation it was confirmed that the application was not advertised in the press;
- Planning Application 08/01479/FUL was omitted in error from the Planning History. Application 08/01479/FUL proposed an identical scheme to Application 08/00768/FUL (included in the Planning History) and the deemed reasons for refusal presented by the Council at Appeal were taken from the refusal reasons of Application 08/01479/FUL and fully debated at Appeal

Mr Beck (Agent), Mrs Baldwin (Applicant) and Mr Wiseman (Local Resident) were present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO DELEGATE AUTHORITY TO THE 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 Mrs Blatchford, Davis, Fitzhenry, Jones, Norris and Osmond

AGAINST: Councillor Thomas

**RESOLVED**

- (i) that authority be delegated to the Development Control Manager to grant conditional planning approval subject to:-
  - a) the conditions in the report and the amended conditions below;
  - b) the applicant entering into a Section 106 Legal Agreement to secure the widening of the footway in front of the application site to a width of 2m; and
- (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**

**4 - 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); and,
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of trees and plants, noting species, plant sizes and proposed numbers/planting densities where appropriate. In particular the scheme shall include the planting of two trees on the common rear boundary of 86 Shirley Avenue and the new house behind it hereby approved.

**REASON:**

To improve the appearance of the site and enhance the character of the development in the interests of visual amenity and privacy, 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.

**6 - Landscaping replacement**

If within a period of five years from the date of the planting of any tree or shrub, or any tree or shrub planted in replacement of it; it is removed, uprooted, destroyed, dies or becomes in any other way defective in the opinion of the local

planning authority, another tree or shrub of the same species and size of that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

REASON:

To ensure that any trees or shrubs planted as part of the landscaping scheme are replaced in accordance with that scheme

7 - Sightlines specification

Sight lines in the form of a 2 metre strip measured from the back of footway shall be provided before the use of any building hereby approved commences, and notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (as amended) no fences walls or other means of enclosure including hedges shrubs or other vertical structures shall be erected above a height of 0.6m above carriageway level within the sight line splays.

REASON:

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

9 - Removal of Permitted Development Rights

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

REASON:

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

#### REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The proposal has addressed the reason for the dismissal of the previous planning appeal. The proposal would not have a detrimental on highway safety and sufficient on-site car parking spaces are proposed. 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, SDP2, SDP3, SDP4, SDP5, SDP6, SDP7, SDP9, SDP10, SDP13, SDP14, H1, H2, H7, H8, H9, H12, CLT5, CLT6 and IMP1 of the City of Southampton Local Plan Review (March 2006).

#### **51. 09//01154/FUL Land to the rear of 68 - 70 Shirley Avenue**

Erection of 2 x three-bed detached dwellings with parking and associated storage accessed from Howards Grove

An update sheet was tabled at the meeting setting out the following amendments to the report:-

- Highway Safety was omitted in error from the bullet point list of Planning Consideration Key Issues however the impact of the proposed development on highway safety was a key issue for consideration;
- with reference to Consultation it was confirmed that the application was not advertised in the press;
- Planning Application 08/01479/FUL was omitted in error from the Planning History. Application 08/01479/FUL proposed an identical scheme to Application 08/00768/FUL (included in the Planning History) and the deemed reasons for refusal presented by the Council at Appeal were taken from the refusal reasons of Application 08/01479/FUL and fully debated at Appeal.

Mr Cope (Applicant) and Mr Wiseman (Local Resident) were present and with the consent of the Chair, addressed the meeting.

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

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

#### Amended Conditions

##### 4 - 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); and,
- 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.

#### 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.

##### 6 - Landscaping replacement

If within a period of five years from the date of the planting of any tree or shrub, or any tree or shrub planted in replacement of it, it is removed, uprooted, destroyed, dies or becomes in any other way defective in the opinion of the local planning authority, another tree or shrub of the same species and size of that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

REASON:

To ensure that any trees or shrubs planted as part of the landscaping scheme are replaced in accordance with that scheme.

7 - Sightlines specification

Sight lines in the form of a 2 metre strip measured from the back of footway shall be provided before the use of any building hereby approved commences, and notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (as amended) no fences walls or other means of enclosure including hedges shrubs or other vertical structures shall be erected above a height of 0.6m above carriageway level within the sight line splays.

REASON:

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

9 - Shared access path

The pedestrian route of no less than 900mm in width throughout, between the two dwellings to the rear gardens shall be made available as a shared access before the development first comes into occupation and thereafter retained as approved. For the avoidance of doubt, the path shall not be subdivided.

REASON:

To ensure that satisfactory access to the refuse and cycle stores for both dwellings is provided and retained.

10 - Removal of Permitted Development Rights

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

REASON:

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

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The proposal has addressed the reason for the dismissal of the previous planning appeal. The proposal would not have a detrimental on highway safety and sufficient on-site car parking spaces are proposed. 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, SDP2, SDP3, SDP4, SDP5, SDP6, SDP7, SDP9, SDP10, SDP13, SDP14, H1, H2, H7, H8, H9, H12, CLT5, CLT6 and IMP1 of the City of Southampton Local Plan Review (March 2006).



**52. 09/01236/FUL**

**210 Bassett Green Road**

Redevelopment of the site. Erection of 9 x 4 bed houses (3 x 3 storey terraced houses, 2 x 3 storey semi-detached houses, 2 x 2 storey detached (one with accommodation in roof) and 2 x 2 storey detached houses with a accommodation in roof) following demolition of existing houses with parking and refuse/cycle storage

Mrs Ward (Architect), Mr Thakrar and Mr Thompson (Local Residents) and Councillor Samuels (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 Mrs Blatchford and Thomas

AGAINST: Councillors Davis, Fitzhenry, Jones and Norris

ABSTAINED: Councillor Osmond

A FURTHER MOTION proposed by Councillor Fitzhenry and seconded by Councillor Davis 'that the application be refused for the following reasons:-

(i) Impact on Character

The proposed development would be discordant with the spacious character which prevails in the locality of the site. In particular, two of the proposed dwellings would be designed with insufficient private and useable amenity space in contrast to the surrounding area in which dwellings are served by gardens which are well in excess of the Council's adopted amenity space standards. Furthermore, the reliance on obscure glazing to prevent overlooking of the neighbouring properties also demonstrates that the proposal does not reflect the spacious layout of buildings which is typical of the Bassett character. Finally, the incorporation of three-storey development would be incongruous to the original character of buildings to be found within the vicinity of the site. Taken together, these factors are considered to be symptomatic of an overdevelopment of the site which would harm the character of the area. As such the development would prove contrary to the provisions of Policy CS13 (1) (2) of the emerging Local Development Framework Core Strategy 2010, policies SDP1 (ii particularly the guidance of paragraphs 2.3.17, 3.8.2-3.8.3, 3.9.1 – 3.9.2, 3.9.5 to 3.9.6 and 4.4.1-4.4.4 of the Residential Design Guide [September 2006]), SDP7 (iii)/(iv), SDP9 (i)/(v) and H7 (i)/(iii) of the City of Southampton Local Plan Review (March 2006).

(ii) Failure to enter into a Section 106 Agreement

In the absence of a completed S.106 Legal Agreement the proposals fail to mitigate against their direct impact and do not, therefore, satisfy the provisions of Policy IMP1 of the City of Southampton Local Plan Review (March 2006) as supported by the Council's Supplementary Planning Guidance on Planning Obligations (August 2005, as amended) in the following ways:-

- (a) 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;
- (b) 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;
- (c) 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;
- (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. As such the development is also contrary to the City of Southampton Local Plan Review (March 2006) policies SDP1, SDP2 and SDP3;
- (e) in the absence of a Highway Condition survey the application fails to demonstrate how the development will mitigate against its impacts during the construction phase;
- (f) to implement an agreed series of site specific transport works under S.278 of the Highways Act, specifically the introduction of Traffic Regulation Order to introduce parking restrictions on Bassett Green Road, 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); and
- (g) affordable housing in accordance with Policy H9 of the Local Plan Review and Policy CS15 from the emerging Local Development Framework Core Strategy 2010.

RECORDED VOTE:

FOR: Councillors Davis, Fitzhenry, Jones and Norris

AGAINST: Councillors Mrs Blatchford and Thomas

ABSTAINED: Councillor Osmond

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

53. 09/01169/FUL

12-13 Holland Road

Two storey side extension and alterations to existing building to provide 4x1-bed flats (2 additional) with associated parking and bin/cycle storage

Mr Jackson (Local Resident) and Councillor Richard Williams (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

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

RECORDED VOTE:

FOR: Councillors Jones and Osmond

ABSTAINED: Councillors Mrs Blatchford, Fitzhenry, Norris and Thomas

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

Amended Conditions

2- - Materials to match

The materials and finishes to be used for the external walls (including brick bond), windows and window recess, drainage goods and roof in the construction of the building hereby permitted shall match in all respects the type, size, colour, texture, form, composition, manufacture and finish of those on the existing building. In particular, greater clarity on any contrasting coloured brickwork to replicate the design of patterned brickwork in the existing elevation should be fully specified.

REASON:

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

5- Glazing panel specification

The bathroom windows in the side elevation of the building hereby approved shall be glazed in obscure glass and shall only have a top light 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.

Additional Conditions

15 - Soundproofing of party wall

Before development commences, a detailed scheme for the soundproofing of all of the party wall with 11 Holland Road shall be submitted to and approved by the Local Planning Authority. Such agreed scheme of soundproofing shall be fully implemented prior to first occupation of the flats hereby approved and thereafter retained at all times.

REASON:

To protect the amenities of the occupiers of 11 Holland Road.

16 - Pathway to serve the cycle store

Notwithstanding the plans hereby approved a pathway shall be provided to serve the cycle store. Details of the layout and surfacing treatment of the pathway shall be submitted to the Local Planning Authority prior to first occupation of the flats hereby approved. The pathway shall be fully installed and retained as agreed.

REASON:

To encourage alternative modes of transport to the car and to provide a satisfactory form of development.

#### REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. It is considered that this application to convert and extend the site is acceptable as 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 12 representations made to the application have raised issues that have been considered as set in the report to Panel. 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, H1, H2 and H7 of the City of Southampton Local Plan Review - Adopted March 2006.

Cllr Davies was absent for the consideration of this agenda item

#### **54. 09/ 01134 /FUL 238 Weston Lane**

Erection of a 3-storey building (including accommodation in roofspace) to create 6 x1-bed and 2 x 2-bed flats with associated parking and cycle/refuse storage

Mr Henderson (Agent) and Councillor Richard Williams (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 CARRIED

RECORDED VOTE:

FOR: Councillors Davis, Fitzhenry, Jones, Norris, Osmond and Thomas

ABSTAINED: Councillor Mrs Blatchford

## **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 required by the development in line with polices CLT5 and IMP1 of the City of Southampton Local Plan Review (Adopted Version - March 2006) and the adopted SPG relating to 'Planning Obligations' (November 2006);
    - 2 a financial contribution towards the provision and maintenance of play space required by the development in line with policies CLT6 and IMP1 of the City of Southampton Local Plan March 2006 and adopted guidance on Planning Obligations November 2006;
    - 3 a financial contribution towards site specific transport contributions for highway improvements in the vicinity of the site towards measures to encourage the use of alternative modes of transport to the private car in line with polices SDP3, SDP4 and IMP1 of the City of Southampton Local Plan Review (Adopted Version - March 2006) and the adopted SPG relating to 'Planning Obligations' (November 2006);
    - 4 a financial contribution towards strategic transport contributions for highway network improvements in line with polices SDP3, SDP4 and IMP1 of the City of Southampton Local Plan Review (Adopted Version - March 2006), the Local Transport Plan, and the adopted SPG relating to 'Planning Obligations' (November 2006);
    - 5 entering into a Traffic Regulation Order to extend the double yellow lines around the junction of Weston Lane and Newtown Road;
    - 6 submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer;
    - 7 submission and implementation within a specified timescale of a Waste Management Plan;
    - 8 the dedication of part of the application site as indicated on the submitted plan number 7924/100 rev A to the Highways Authority to improve visibility around the junction of Newtown Road with Weston Lane; and

- (ii) that the Development Control Manager be authorised to refuse permission should the Section 106 Agreement not be completed within six weeks from the date of determination, on the ground of failure to secure the provisions of the Section 106 Agreement.

#### Amended Conditions

##### 12 - Delivery times

No deliveries shall be taken in or dispatched from the site during construction between the hours of 08:30 and 09:30 and after 15:00, Mondays to Fridays.

##### REASON:

To avoid traffic congestion during rush hour times, having regard to the site's proximity to a school.

##### 13 - Sightlines specification

Sight lines 2m by 40m measured at the kerbline shall be provided before the use of any building hereby approved commences, and notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (as amended) no fences walls or other means of enclosure including hedges shrubs or other vertical structures shall be erected above a height of 0.6m above carriageway level within the sight line splays

##### REASON:

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

#### Additional Conditions

##### 15 – Details of doors to refuse and cycle storage

Notwithstanding, the details shown on the plans hereby approved, prior to the commencement of development, revised details of side hung external doors to the cycle and refuse stores shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with these details.

##### REASON:

To ensure that the storages are easily accessible by residents of the development.

#### REASONS FOR THE DECISION

##### General Reason for Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The proposal has addressed the reason for the dismissal of the previous planning appeal. The proposal would not have a detrimental on highway safety and sufficient on-site car parking spaces are proposed. 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, SDP2, SDP3, SDP4, SDP5, SDP6, SDP7, SDP9, SDP10, SDP13, SDP14, H1, H2, H7, H8, H9, H12, CLT5, CLT6 and IMP1 of the City of Southampton Local Plan Review Adopted Version (March 2006).

**55. 09/01185/FUL**

**74 St. Annes Road**

Redevelopment of the site. Demolition of the existing building and erection of a 3 storey, 70 bedroom residential care home with associated parking and other facilities

Councillor Richard Williams (Ward Councillor) 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 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 and the additional condition below;
  - (b) the applicant entering into a Section 106 Legal Agreement to secure:
    - 1 financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site – including works to secure a 2 metre wide footpath along the site’s frontage - 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);
    - 2 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;
    - 3 submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer;
    - 4 a revised Green Travel Plan; and
- (ii) that the Development Control Manager be authorised to refuse permission should the Section 106 Agreement not be completed by 12<sup>th</sup> February 2010 from the date of determination, on the ground of failure to secure the provisions of the Section 106 Agreement.

**Additional Conditions**

**29 – Biodiversity Mitigation**

Unless otherwise agreed in writing with the Local Planning Authority the demolition and construction phase of the development hereby approved shall be implemented and completed only in accordance with those recommendations as set out at Section 7 of the applicant’s “Bat and Nesting Birds Survey” (January 2010 – Colleen Mainstone).

REASON:

In the interests of enhancing the site's biodiversity and mitigating against the scheme's direct impacts.

**REASONS FOR THE DECISION**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The provision of a 70 bed care home is an acceptable use for this site and replaces a previous flatted block associated with an extant planning permission. The scale and design of the building is similar to that previously agreed as acceptable and the reduction in frontage hard-standing enhances the setting of the building. The proposed car parking exceeds the Council's current Local Plan standards but has been justified. There are no fresh tree issues following the receipt of an up-to-date Tree Survey and amended plans. The application has addressed the emerging policies of the Council's Core Strategy and meets its sustainable development obligations. There are no tree objections to the proposals. 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, SDP3, SDP5, SDP7, SDP9, SDP10, SDP13, H1, H7, HC3, CLT2 and IMP1 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the emerging Core Strategy.

**56. WEST QUAY ROAD SITE - REQUEST TO REMOVE TREES**

The Panel considered the report of the Head of Planning and Sustainability seeking conditional permission for the removal of two Silver Birch trees at West Quay Road and to condition the planting of up to 8 replacement fastigiata crowned trees. (Copy of report circulated with the agenda and attached to the signed minutes).

**RESOLVED**

- (i) Subject to the applicant entering into an agreement with the council for the planting of up to 8 replacement fastigiata crowned trees, the choice of species, size and spacing of the trees being delegated to the Senior Tree Officer, that consent be given to the removal of the two Silver Birch trees on the Richmond Hyundai site on grounds of health and safety;

**57. PUBLIC RIGHTS OF WAY: UPDATE REPORT**

The Panel received and noted the report of the Head of Planning and Sustainability providing an update on the main activities and some of the current key issues affecting the City Council's statutory Rights of Way function, attached. (Copy of report circulated with the agenda and attached to the signed minutes).



# Agenda Item 5

Southampton City Planning & Sustainability  
 Planning and Rights of Way Panel meeting 16 February 2010  
 Planning Application Report of the Head of Division

Application address:		134 Bassett Avenue And 1 Beechmount Road Southampton	
Proposed development:		Erection of three-storey and four-storey buildings to provide 13 three-bedroom flats and a two-bedroom flat with associated access and parking, following demolition of the existing buildings	
Application number	09/01313/FUL	Application type	Full Detailed
Case officer	Stephen Lawrence	Application category	Q07 - Major 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	Major development (small scale) of strategic significance requiring completion of a legal agreement under Section 106 of the 1990 Act
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Applicant:	Mr D Grimes	Agent:	Chris Edmond Architects
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Date of receipt	23/11/2009	City Ward	Bassett
Date of registration	23/11/2009	Ward members	Cllr Samuels
Publicity expiry date	31/12/2009		Cllr Mizon
Date to determine by	08/03/2010 <b>IN TIME</b>		Cllr Hannides

Site area	2526sq.m (0.25 ha)	Usable amenity area	413 sqm
Site coverage	33 %	Landscaped areas	N/A
Density - whole site	56 d.p.h		

Residential mix	numbers	size sq.m	Other land uses	class	size sq.m
Studio / 1-bedroom	N/A	N/A	Commercial use	N/A	N/A
2-bedroom	1 flat		Retail use	N/A	N/A
3-bedroom	13		Leisure use	N/A	N/A
other	N/A	N/A	other	N/A	N/A

accessibility zone	medium	policy parking max	10 spaces
parking permit zone	no	existing site parking	10 spaces
cyclist facilities	no	car parking proposed	14 spaces
motor & bicycles	14 cycles	disabled parking	0 spaces

<b>Key submitted documents supporting application</b>			
1	Design and Access Statement	2	Sustainability Checklist
3	Landscaping details	4	Aboricultural Report
5	Phase 1 and 2 Ecological Surveys	6	Management Plan
7	Statement of Community Involvement	8	Transport Assessment
9	Tree report	10	CGI views document

<b>Appendix attached</b>			
1	Development Plan Policies	2	Planning History
3	relevant recent Appeal decisions	4	

## **Recommendation in full**

Delegate to Development Control Manager to grant planning permission subject to the applicant entering into a Section 106 Legal Agreement to secure:-

- (i) Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in accordance with polices CS18, CS19 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended). In particular this should include to making of a Traffic Regulation Order after public consultation with regard to the introduction of parking restrictions in Belgrave Road;
- (ii) A financial contribution towards strategic transport projects for highway network improvements in the wider area in accordance with policies CS18 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
- (iii) Financial contributions towards the relevant elements of public open space required by the development in accordance with polices CS21 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended) with regard to:-
  - Amenity Open Space (“open space”)
  - Play Space
  - Playing field
- (iv) Provision of affordable housing in accordance with Policies CS15, CS16 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended).
- (v) Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer; and,
- (vi) an undertaking by the developer that prior to the commencement of development the developer shall submit a plan/details to the local planning authority for its approval in writing indicating to which four flats in the new block of flats fronting Bassett Avenue that the four car parking spaces accessed from Bassett Avenue are to be allocated to. Once so approved, those car parking spaces shall remain allocated to those flats at all times thereafter.

And that the D C Manager be authorised to refuse permission if the Section 106 Agreement has not been completed by 8th March 2010 on the ground of failure to secure the provisions of the Section 106 Agreement.

## **Site, Surrounding Context**

The application site is located on the east and south side of these respective streets between the junctions of Bassett Avenue to the west and Glen Eyre Road to the east. One can only turn left onto Bassett Avenue, which is a heavily trafficked, four lane highway of strategic importance linking Southampton to Winchester.

A part 3/part 4 storey development of 9 flats, allowed on Appeal, adjoins to the north. Beechmount House is a three storey University block of cluster flats to the east. It is a flat roofed, non-descript pebbled-dash rendered building set in lush landscaped grounds well back from the street.

The treed nature of surroundings is merited and protected by the Southampton (Bassett Avenue and Beechmount Road) TPO 1962. This character acknowledged in an appraisal as part of the Bassett Avenue Development Control Brief (1982). This character has been impacted by several flatted developments since 1982, albeit the verdant nature of this northern approach to the city has largely remained intact as now protected by Policy NE6 of the Local Plan Review.

On the north side of Beechmount Road exists the flatted developments of Brampton Manor (3 storeys) and Brampton Tower (14 Storeys) dating from the 1960's. Brampton Towers is the exception to the area's predominant two and three storeyed built form, albeit other flatted developments up to 5 storeys high have been built elsewhere along/adjoining Bassett Avenue since the 1980's.

To the south of the site exists a run of two storey, detached Edwardian houses. These have a strong character, built on a uniform building line. Brick built with tall, tiled, hipped roofs, their facades are punctuated by double bay windows, giving a distinctive appearance and rhythm to this part of the street. Other detached, two storey housing exists to the west side of Bassett Avenue and much further south in Chetwynd Road, whose gardens back onto the back garden of 1 Beechmount Road.

### **Proposed Development**

This application seeks demolition of the two existing 4 & 5 bedroom, detached houses, with removal of back garden structures and construction of two part 3 - part 4 storey blocks each comprising 7 flats, supported by car/cycle parking refuse, storage and amenity space. All flats would have very generous internal floor areas and 13 would have three bedrooms each, with the other having two. Upper flats would be positioned in the roof slope and enjoy generous roof terraces. The Council's standards in respect of amenity space provision would be exceeded. Two common amenity spaces would be provided for the benefit of all residents. One would be formally landscaped between the two blocks, the other would be a more natural area to the rear of the Beechmount block. Four of the flats would be allocated private adjoining garden spaces. Other flats would have the benefit of roof terraces/balconies, including the two penthouse flats in each block.

Existing vehicular access points to each plot would be retained but slightly modified. A total of 14 car parking spaces would be provided, 4 in front of each block, which would be individually allocated through the legal agreement, so as to prevent 'competition' for spaces and minimise vehicular movements on and off the site; and a further 6 spaces to the rear of the Beechmount block, accessed by a permeable surface laid on a 'Cellweb' without the need for excavation, so as to safeguard tree root systems. Some car parking spaces would be covered by pergola type structures/canopies.

Detached buildings providing refuse enclosures would be provided for each block, within the required collection distance from the highway.

Trees covered by TPO's would be fully safeguarded and new tree planting would take place, notably including the street frontage to Bassett Avenue.

Architecturally, the applicant has responded to the observations of the Appeal Inspector dismissing the recent appeal at 1 Beechmount Road as well as pre-application comments.

Amended plans have been submitted essentially changing:-

- the appearance and roof profile of the Bassett Avenue block, whilst accentuating the recess of the central glazed entrance link;
- the car parking quantum by increasing it from 10 to 14 spaces (1 per unit); and,
- the security detailing for bicycle parking and moving the common store to a more secure position between the two blocks.

These changes have been re-notified and any additional comments received will be reported at the meeting.

Architecturally a contemporary transition between the grand Edwardian detached houses to the south and the more modern/monopitched roofed flats at 136 Bassett Avenue to the north has been sought. The building steps up in scale from south to north and has been so designed to read as two separate elements, linked by a recessed, glazed entrance atrium.

Pitched roofing has been used with gable like features to reflect the language of the houses to the south. There is also a strong verticality running through the building reflecting the double bay windowed design of adjacent houses and the verticality of 136 Bassett Avenue.

The building steps down again to match the adjacent lower eaves height of 136 Bassett Avenue. Whilst an upper element of the building is taller than that point, this is set back and sub-ordinate to the strong gable feature which draws the eye down to 136 Bassett Avenue's lower eaves line.

The scale of the Beechmount block has been tempered since last refused as wholly four storeys plus a roof. It is now part four and part three storeys in height, with the upper floor contained within the roof profile. Windows have been orientated and roof terrace in the Beechmount block so designed, to avoid overlooking and separation distances to Bassett Avenue properties have been achieved. Those required to Chetwynd Road properties are far exceeded.

Separation has been improved to the Beechmount House student cluster flats, which in any event the Inspector considered it was not necessary to achieve the full separation distances owing to intervening tree cover. This increased separation has also moved the building footprint further away from the root protection zones of protected trees. This block will be well set back from Beechmount Road, which has no uniform character, and mostly screened by the mature trees which surround it. The natural environment will predominate over built form and the character of the area will be respected.

## **Relevant Planning Policy**

### LDF Core Strategy - Planning Southampton to 2026

Following the receipt of the Inspector's Report from the Examination into the Southampton Core Strategy Development Plan Document (13/10/2009) and its consideration and adoption by the Council (20/01/2010) the policies of the LDF Core Strategy, and those "saved" from the Local Plan Review, form the planning policy framework against which this application should be determined.

The relevant CS policies and the "saved" policies from the Local Plan Review are set out at **Appendix 1**. The development is in accordance with the council's SPD on Family Housing.

## Relevant Planning History

The history of the site is attached in **Appendix 2** to this report, and **Appendix 3** lists the three most relevant recent Appeal decisions at Public Inquiry relating to 1 Beechmount Road and 136 Bassett Avenue.

## 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.

Criticism was initially made that proposals received publicity over the Christmas holiday period and were slow to be scanned onto the 'public access' internet system. An extended period for comment was accordingly offered to interested parties.

At the time of writing the report, Ward Councillors Hannides and Samuels had requested the matter be determined by the Panel and **12** objections (including those from Councillor Hannides' and the East Bassett Residents' Association) had been received to the originally notified proposals, on the following grounds:-

### Summary of Representations made

- Overdevelopment and precedent for further erosion of the character of the area
- Disruption of the social balance of the area away from family housing, given the recent overprovision of flats in the City
- Visual / noise disturbance impact
- Overlooking of Chetwynd Road and result in a loss of privacy
- Four storey elements are considered out of character
- Car parking – lack of suitable provision
- Increase in vehicular movements would have a harmful impact on highway safety
- Harm to on-site wildlife

### Summary of Consultation comments

**SCC Highways** - No objection to amended plans and parking provision above maximum permitted for medium accessibility zone, given proximity to low accessibility zone, Inspector's comments on 1 Beechmount Road Appeal and size of units proposed.

**SCC Ecology** – The two houses to be demolished represent roosting opportunities for bats. A Phase II survey for 1 Beechmount Road revealed the presence of Pipistrelle bats roosting there as well as use of 134 Bassett Avenue's roofspace by Pipistrelle and Long-eared bats. The survey has been widened to include 134 Bassett Avenue, whose garden is deemed to be of low ecological value with some potential for breeding birds and only limited potential for amphibians.

Retention of a significant amount of the two gardens will maintain biodiversity value, enhanced by the proposed landscaping using native planting species. The mitigation strategies put forward for bats are considered acceptable, but a Natural England Licence will be required before demolition can take place. Planning conditions to secure mitigation are recommended and informative regarding a recent judicial review case in the courts is advised, which talked of 3 'tests' and had led to a planning permission being quashed by the High Court, where adequate mitigation had not been put forward by the developer.

**SCC Sustainability Team** - No objection subject to achieving Level 3 of the Code for Sustainable Homes, to be secured through appropriate planning conditions.

**SCC Environmental Health (Pollution and Safety)** - No objection. Suggests conditions to prevent bonfires during site clearance and the build and control hours of construction

**SCC Environmental Health (Contamination)** - No objection. Suggests conditions to assess the contamination risks on site and to secure remediation as necessary.

Response:- The Appeal Inspector for the scheme at 1 Beechmount Road, on hearing discussions of suggested conditions at the Inquiry, heard evidence that a similar condition imposed on allowing 136 Bassett Avenue had revealed no adverse site contamination worthy of remediation. On this basis the Inspector was not willing to impose such a burden on the developer if that subsequent Appeal were to be allowed. In the event, the Appeal was dismissed for 1 Beechmount Road. Notwithstanding that, it is not considered reasonable to impose the usual full requirement for a site investigation, but rather impose a less onerous condition relating to any unexpected ground conditions, and in that event then require proper investigation and remediation.

**SCC Trees Team** - No objection, owing to having moved the building for 1 Beechmount Road away from protected trees. Safeguarding conditions recommended.

**SCC Housing Development Officer** – Seeking 1 affordable, three-bedroom unit in the Bassett Avenue block at ground floor level with access to its own private garden space.

Response: The applicant may yet submit a viability argument against on-site provision and a surrogate satellite site can be identified. It was considered inappropriate to seek an affordable unit in the Beechmount block, given the longstanding negotiations for that part of the site.

**SCC Play Services** - No objection. Suggests financial contribution to new/improved children's play equipment at the Bassett Sports Centre through the S.106 planning agreement in accordance with the SPG on planning obligations formula.

**British Aviation Authority** – Suggest a planning condition concerning the height of construction equipment so as to safeguard the approach and take-off zone associated with Southampton Airport.

### **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 the established character;
- The impact on existing residential amenity;
- The quality of residential environment for future occupants; and,
- Whether highway safety would be compromised and whether the travel demands of the development can be met.

### Principle of development

The government encourages the more efficient use of brownfield land and a net gain of two family style dwellings would result all four such dwellings having access to a private garden space as well as common amenity spaces, whose areas far exceed the Residential Design Guide of 20sqm per flat. The development does not constitute an overdevelopment of the site in terms of site coverage which is compliant with policy. The new dwellings would provide a greater choice of accommodation within this community.

## Residential design, density and impact on the established character

This scheme has evolved from plans first discussed in 2007. The scale, positioning and general layout have sought to create a high quality development respectful of the scale of adjoining buildings in both streets. The development of part of 136 Bassett Avenue at four-storied was allowed at appeal because of its compliance with principles set out in the Residential Design Guide relating to corner plots. This development would be respectful of the strong building line in Bassett Avenue and retain the corner prominence of 136 Bassett Avenue.

Inter-looking distances have been met to preserve privacy, or where not met an Inspector considered they were mitigated by tree cover. The proposals would not adversely overlook Chetwynd Road gardens.

Overall, a flaw of the previous scheme relating to a car dominated environment has been designed out of these proposals.

## The impact on existing residential amenity

No adverse impact by overlooking, undue enclosure or shading would result.

## The quality of residential environment for future occupants

The flats are very generously sized and the amenity spaces to be formed would give very good living conditions.

## Whether highway safety would be compromised and whether the travel demands of the development can be met

In all the Appeals that have led up to this application, no Inspector has found an issue with highway safety, nor has any found on-street parking in Beechmount Road oversubscribed when making an evening visit before the last Inquiry. 134 Bassett Avenue already enjoys two points of vehicular access onto the street. The proposals would rationalise this to one, serving only 4 allocated parking spaces. This is considered comparable to vehicular movements associated with a five-bedroom house.

Highways have responded to concerns of residents by allowing one for one provision and the last Inspector thought that reasonable too, albeit could not consider the Appeal on that basis as it had not been notified to neighbours. No significant increase would result to traffic on the surrounding highway network and pedestrians are catered for by footways. Some dual use of the accessway to the east of the Beechmount block would result, but visibility along this traffic calmed route would be good and no adverse conflict is now predicted.

Whilst bus services may not be very frequent, they do exist and can provide access to a range of facilities. Local shops in Winchester Road are accessible by bicycle and the council's minimum provision for bicycle parking has been achieved in secure enclosures.

## Summary

The proposed development would make more efficient use of this brownfield site and would deliver further family housing. The proposal respects the spacious and verdant character of the surrounding area and respects the amenities of nearby residential development, whilst adding to the area's local distinctiveness using a bold contemporary design.

## **CONCLUSION**

By securing the matters set out in the recommendations section of this report by the completion of a Section 106 Legal Agreement, 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) (b) (c) (d), 2 (a) (c) (d), 3 (a), 6 (a) (c) (d) (l), 7 (a) (c) (k), 8 (a) (j)

(SL 3.2.2010 for 16.02.2010 PRow Panel)



**134 Bassett Avnue and 1 Beechmount Road**

**Relevant Planning Policy**

**Core Strategy (2010)**

- Policy CS 4 Housing delivery
- Policy CS 5 Housing density
- Policy CS 13 Fundamentals of design
- Policy CS 15 Affordable housing
- Policy CS 16 Housing mix and type
- Policy CS 18 Transport: reduce – manage - invest
- Policy CS 19 Car and cycle parking
- Policy CS 20 Tackling and adapting to climate change
- Policy CS 22 Promoting biodiversity and protecting habitats
- Policy CS 25 The delivery of infrastructure and developer contributions

**Saved City of Southampton Local Plan Review Policies**

- |       |   |
|-------|---|
| SDP1  | General Principles  |
| SDP2  | Integrating transport and Development                                     |
| SDP3  | Travel Demands  |
| SDP5  | Development Access  |
| SDP6  | Parking   |
| SDP7  | Context   |
| SDP9  | Scale, Massing and Appearance   |
| SDP10 | Safety and Security   |
| NE6   | Avenue character of predominance of trees over built form to be protected |
| H1    | Housing Supply  |
| H2    | Previously Developed Land   |
| H7    | 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   |

Residential Deign Guide (September 2006)

Bassett Avenue Development Control Brief (1980 – Character Appraisal section only)

Family Housing SPD (2009)

**Application 09/01313/FUL – 134 Bassett Avenue and 1 Beechmount Road**

**Relevant Planning History**

**1 Beechmount Road**

00/01323/FUL  
03.02.2001

Conditionally approved

Construction of a two storey side extension, conversion of roof space with dormer windows, erection of a conservatory to rear and car port to west elevation. (Constructed).

08/01081/FUL                      Refused 18/09/2008 and dismissed at Appeal (Public Inquiry)  
13/05/2009

Re-development of the site by the erection of a four-storey block of 8 x 3 bed flats with associated bin, cycle stores and car parking

Refused for the following reasons:-

01. Poor design

The development by reason of its four-storey massing, its use of materials and the positioning on the site represents an incongruous addition to the south side of Beechmount Road and exhibits the following poor design features:-

- (a) A large amount of the site is given over to vehicular access and movement, which is at variance with placing the needs, safety and comfort of pedestrians first in a new high quality residential environment.
- (b) Poor separation distances between habitable room windows in the development and habitable rooms in 134 & 136 Bassett Avenue and Beechmount House, Beechmount Road.
- (c) Poorly located cycle storage facilities, with insufficient detail of the quality of the facility in terms of its security and lighting.
- (d) Poorly located refuse storage exhibiting excessive carry distances both for refuse operatives and those residing in the development.
- (e) Notwithstanding the assessment by Barrell Tree Consultancy, would result in later pressure by occupiers to thin the adjoining tree cover, thereby reducing the amenity of trees covered by a Tree Preservation Order.
- (f) Exhibits a level of car parking in excess of the City Council's maximum car parking standards.

As such the proposed development is considered to be harmful to the character of the area and unlikely to promote sustainable forms of travel contrary to Policies SDP 1 (i)/(ii - particularly the guidance of the following paragraphs of the Residential Design Guide [September 2006]:- 2.1.6, 2.2.1, 2.2.3-2.2.4, 2.2.18-2.2.19, 3.2.2, 3.2.4, 3.3.1, 3.6.8, 3.7.7, 3.7.8, 3.9.5, 3.10.3, 3.10.4, 3.10.6-3.10.7, 3.10.14, 3.10.18, 3.10.24 - 3.10.25, 3.13.1-3.13.2, 3.13.4, 4.4.1-4.1.2, 4.7.2, 5.5.1-5.1.3, 5.1.7-5.1.11, 5.2.2, 5.2.12-5.2.13, 5.3.4, 9.2.4-9.3.3), SDP4, SPD5 (i), SDP7 (i)/ (ii)/(iv)/(v), SDP8 (i), SDP9 (i)/(iii)/(iv)/(v), SDP10 (ii)/(iv), SDP12 (iii), NE6 (as supported by the character appraisal part of the Bassett Avenue Development Control Brief [1982]), H2 (i)/(iii) and H7 (i)/(ii)/(iii) of the City of Southampton Local Plan Review (March 2006).

02. Resource conservation

The design statement does not address policy SDP13 Resource Conservation in sufficient detail. It is stated that "no special measures relating for instance to alternative energy or water harvesting are

proposed due to the relatively small size of the scheme." Policy SDP13 Resource Conservation applies to all developments. It is also stated that the building will be "constructed to a standard that complies with or exceeds Part L of the Building Regulations... therefore complies with Policy SDP13." Complying with statutory Building Regulations does not demonstrate that resource conservation has been maximised. As such the proposed development is considered to be contrary to Policy SDP13 of the City of Southampton Local Plan Review (March 2006) and Part 7 of the Residential Design Guide (September 2006).

### 03. Lack of bat survey

A bat survey has not been undertaken. The applicant should demonstrate that demolition of existing buildings on the site would not displace or harm bats potentially roosting on the application site. As such, the applicant is potentially placing at risk a protected species contrary to Policy SDP12 of the City of Southampton Local Plan Review (March 2006) and paragraphs 4.81-4.82 of the Residential Design Guide (September 2006).

### 04. Fails to secure S.106 measures

In the absence of a completed S.106 legal agreement to mitigate against the scheme's direct impacts the proposal fails to satisfy the provisions of Policy IMP1 of the City of Southampton Local Plan Review (March 2006) and the Council's Supplementary Planning Guidance on Planning Obligations (August 2005 - as amended) in the following areas:

a) measures to support sustainable modes of transport such as necessary improvements to public transport facilities and footways within the vicinity of the site;

b) measures to support strategic transport initiatives;

c) the provision of public open space and children's play space to serve the needs of the development as required by Policies CLT5 and CLT6 of the City of Southampton Local Plan Review (March 2006); and,

d) a highways condition survey to make good any possible damage to the public highway in the course of construction.

### **134 Bassett Avenue**

12484/900620/W [a.k.a. 90/10241/FUL]  
12.06.1990

Conditionally approved

Single storey extension to garage to form conservatory/swimming pool. (Constructed).

### **136 Bassett Avenue**

05/00404/FUL  
18.04.2007

Refused - 09.06.2005, but allowed on Appeal (Public Inquiry)

Redevelopment of the site with the erection of a 3/4 storey block comprising 9 x 2 bedroom flats with associated car parking. (Constructed – costs awarded against the Council).

05/01498/FUL  
18.04.2007

Refused - 09.06.2005, and dismissed at Appeal (Public Inquiry)

Redevelopment of the site. Demolition of the existing building and erection of a part three-storey and part four storey block of 10 x 2 bedroom flats with associated parking.

09/00053/FUL  
16/03/2009

Conditionally approved

Formation of glazed balconies to West and East elevations of the building.

09/00705/FUL  
03/09/2009

Refused -

Extension at third floor level to provide an additional 2 bed flat and provision of 1 additional parking space within site frontage

Refused for the following reason:-

01. REFUSAL REASON - Design

The additional fourth storey element, by reason of its height, scale and resulting bulk, would adversely erode the existing building's architectural qualities, which satisfactorily achieve an articulation with increased height and scale towards the junction of Beechmount Road and Bassett Avenue. These positive design aspects were accepted in Appeal reference APP/D17880/A/05/1194944 (18 April 2007) and also remarked upon in a later Appeal decision in respect of 1 Beechmount Road (APP/D17880/A/08/2088525 [13 May 2009]). Proposals for a wholly 4 storey block were also previously dismissed under Appeal reference APP/D17880/A/05/1196597 (18 April 2007). The additional bulk proposed is considered to be harmful to the existing design and the wider street scene in Beechmount Road and has, therefore, been assessed as being out of keeping with the existing pattern of development. The proposed development is therefore contrary to policies SDP1 (ii - particularly the guidance of paragraphs 3.7.9-3.7.10 and 3.9.5, of the Residential Design Guide [September 2006]), SDP7 (iii)/(iv)/(v), SDP9 (i) and H7 (i)/(iii) of the City of Southampton Local Plan Review (2006).

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RECOMMENDATION: DEL

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**CONDITIONS for 09/01313/FUL**

01. Commencement

The development 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. Details of External Materials - Samples

No development shall take place until details (and samples where required) of the materials to be used in the construction of the external surfaces of the development including all external fixtures, fittings, facing brickwork, render, window frames and mortar and details of window and doorway reveals have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved 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- Unsuspected Contamination

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.

04. Clean topsoil

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 onto the site must be accompanied by documentation to validate their quality and be submitted to the local planning authority for approval prior to the first occupation of any of the flats hereby approved.

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.

## 05. APPROVAL CONDITION - Landscaping detailed plan

Notwithstanding the details shown on submitted plan ref: 2160/1 Rev A 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 – to include permeable materials where feasible and practicable - and all means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any site works, excluding demolition.

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.

## 06. Landscaping Implementation

The hard and soft landscaping works shall be carried out in accordance with the details approved in the above planning condition. The works shall be carried out before any of the development is occupied or in accordance with a timescale which has been agreed in writing with the local planning authority prior to the commencement of development.

### 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.

## 07. No Pruning Felling Trees

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 by the owners of the site with two trees of a size, species, and type, and at a location and before a date 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.

## 08. Safeguard Trees

All trees to be retained pursuant to any other condition of this decision notice shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations. The specification and position of all protective fencing indicated on the site plan site plan attached to the Barrell Tree Consultancy report dated 10 June 2008 shall be fully implemented, as shall the recommended CellWeb system for protecting tree roots in the identified tree protection zones.

### REASON

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

## 09. Arboricultural Method Statement

The construction of the development will be undertaken to the specification outlined within the Barrell Tree Consultancy report dated 10 June 2008. It will be constructed in a way which will cause minimal damage to tree roots and will be of a porous material.

### REASON

To ensure the retention of important amenity trees.

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

Prior to the development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, based upon the recommendations contained within the Phase I Habitat and Protected Species Survey and Phase II Bat Survey, October 1998, which are to be agreed in writing by the Local Planning Authority. These measures shall be implemented in accordance with the programme before any demolition work or site clearance takes place, unless otherwise agreed in writing by the Local Planning Authority.

### REASON:

In the interests of enhancing the site's biodiversity and mitigating against the scheme's direct impacts.

## 12. APPROVAL CONDITION - Ecological Survey (by exception) [Pre-Commencement Condition]

Prior to development taking place, including site clearance, the developer shall provide documentary evidence to the Local Planning Authority of a European Protected Species Licence authorising works affecting bats using the site.

### REASON:

In the interests of enhancing the site's biodiversity and mitigating against the scheme's direct impacts.

## 13. Site clearance timing restriction

No vegetation clearance with potential for nesting birds and badgers (e.g. trees, shrubs) shall be undertaken between 1 March and 31 August unless a method statement has been submitted and agreed in writing by the Local Planning Authority. All works should be carried out in accordance with the agreed method statement.

### REASON:

In the interests of enhancing the site's biodiversity and mitigating against the scheme's direct impacts.

14. APPROVAL CONDITION - Code for Sustainable Homes (residential development) [Pre-Commencement Condition]

Written documentary evidence demonstrating that the development will achieve at minimum Level 3 of the Code for Sustainable Homes shall be submitted to the Local Planning Authority and verified in writing prior to the commencement of the development hereby granted consent unless otherwise agreed in writing by the LPA. The evidence shall take the form of an interim certificate as issued by a qualified BRE Assessor.

Reason:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010). Also to comply with policy NRM11 of the Regional Spatial Strategy for the South East of England adopted version (May 2009) - CSH has since replaced Eco Homes for new build developments.

15. APPROVAL CONDITION - Code for Sustainable Homes (residential development) [Performance Condition]

Written documentary evidence demonstrating that the development will achieve at minimum Level 3 of the Code for Sustainable Homes shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted consent unless otherwise agreed in writing by the LPA. The evidence shall take the form of a post construction certificate as issued by a qualified BRE Assessor.

Reason:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010). Also to comply with policy NRM11 of the Regional Spatial Strategy for the South East of England adopted version (May 2009) – CSH has since replaced Eco Homes for new build developments.

16. 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 15%] 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 15%] must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent. Renewable technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

Reason:

To reduce the impact of the development on climate change and finite energy resources and to comply with adopted policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010). Also to comply with policy NRM11 of the Regional Spatial Strategy for the South East of England adopted version (May 2009).

17. Maximum car parking

Only 14 car parking spaces, in accordance with the approved plan, shall be surfaced, marked out and made available for occupiers of the development, before the first occupation of any of the flats. The developers attention is also drawn to the planning agreement signed in connection with this decision, which allocates the four spaces off Bassett Avenue specifically to individual flats in the block fronting Bassett Avenue.

REASON

To prevent obstruction to traffic in neighbouring roads.



#### 18. Cycle parking

The facilities shown for the secure and undercover parking of at least 14 bicycles and at least one sheffield stand in front of the entrance to each block of flats shall be provided and made available for use by occupiers of the development before any of the flats are first occupied. The cycle storage approved shall be retained and maintained on site for that purpose at all times.

##### Reason

To encourage cycling as an alternative form of transport.

#### 19. Refuse facilities

Before any of the flats are first occupied, the respective bin stores shown on the approved plans shall be provided and made available to occupant of the flats. Those facilities, which shall include provision for recycling waste, shall be retained at all times thereafter.

##### Reason

In the interests of amenity.

#### 20. 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 occupiers of nearby housing and to safeguard trees covered by a Tree Preservation Order on the site.

#### 21. 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 occupiers of nearby dwellings during the construction period and in the interests of highway safety in the vicinity.

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

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

##### REASON

To protect the amenities of occupiers of nearby dwellings during the construction period and in the interests of highway safety in the vicinity.

### 23. External lighting

Before any of the flats hereby approved are first occupied, the developer shall submit details of all external lighting for the completed project, particularly to common car parking areas to the flats for approval by the Local Planning Authority in writing. The scheme shall specify that lighting is of flat glass, full cut-off design with horizontal mountings and shall be so designed and sited as to not cause undue glare and light spillage above the horizontal onto neighbouring land/the night sky. The use of low level lighting bollards is discouraged. No subsequent alterations to the approved lighting scheme are to take place unless such details are submitted to and approved in writing by the local planning authority. Once approved, those details relating to the finished development shall be fully implemented before any of the flats are first occupied in accordance with the approved details and maintained in good working order at all times thereafter.

#### Reason

In the interests of crime prevention.

### 24. Boundary Treatment

No development shall be commenced until details of all means of enclosure on the site have been submitted to and approved by the Local Planning Authority. Such detailed scheme shall be implemented before the development is brought into use. The means of enclosure shall subsequently be retained to the satisfaction of the Local Planning Authority.

#### Reason

To secure a satisfactory form of development and particularly to provide adequate sightlines at the Bassett Avenue access point.

### 25. 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.

### 26. APPROVAL CONDITION - Amenity Space Access

The garden areas and external pathways shown on the approved site plan (save those show allocated to ground floor flats), and pedestrian access to them, shall be made available as communal areas prior to the first occupation of any of the flats and shall be retained with access to it at all times for the use of the residents and their visitors.

#### REASON:

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

### 27. APPROVAL CONDITION - Sightlines specification [Pre-Commencement Condition]

Prior to the commencement of the development hereby approved details of the sight lines from the Bassett Avenue access shall be submitted to the Local Planning Authority on a plan for approval in writing. The sightlines shall be provided before the development is first occupied and notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (as amended) no fences walls or other means of enclosure including hedges shrubs or other vertical structures shall be erected above a height of 0.6m above carriageway level within the sight line splays.

#### Reason:

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

## 00. REASON FOR GRANTING PERMISSION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The architectural solution, particularly in Bassett Avenue is acceptable for this site and the modified design of the Beechmount Road block has taken heed of the findings of a previous Appeal decision at 1 Beechmount Road. The proposed car parking exceeds the Council's current Local Plan Review standards but has been justified. There are no fresh tree issues following the receipt of an up-to-date Tree Survey and amended plans. The application has addressed the emerging policies of the Council's Core Strategy and plans to meet its sustainable development obligations. There are no tree objections to the proposals and additional tree planting to the Bassett Avenue frontage will strengthen the verdant character of this important route into and out of the City. 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, SDP3, SDP5, SDP7, SDP9, SDP10, SDP13, NE6, H1, H7, and IMP1 of the City of Southampton Local Plan Review (March 2006) and Policies CS 4, CS 5, CS 13, CS 15, CS 16, CS 18, CS 19, CS 20, CS 22 and CS 25 Core Strategy for Southampton (January 2010).

### Note to Applicant

1. Given the nature of the proposed development, it is possible that a crane may be required during construction. Any cranes used in the north west corner of the site must not exceed 109m AOD. The developer must contact Southampton Airport before a crane is erected on this site. Attention is drawn to the requirement within the British Standard Code of practice for the safe use of cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in advice note 4, 'Cranes and other construction issues (available at: [www.caa.co.uk/srg/aerodrome](http://www.caa.co.uk/srg/aerodrome)).

2. A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water's Network Development Team (Wastewater) based in Otterbourne, Hampshire or [www.southernwater.co.uk](http://www.southernwater.co.uk).

3. A formal application for connection to the water supply system is required in order to service this development. Please contact Southern Water's Network Development Team (Water) based in Chatham, Kent or [www.southernwater.co.uk](http://www.southernwater.co.uk).

4. The confirmed presence of bats within the building at number 134 Bassett Avenue means that a derogation from the protection afforded by the Conservation (Natural Habitats &c.) Regulations 1994 will be required before the development can proceed. Before this derogation can be granted the Local Planning Authority, in discharging its duties under the Habitats Regulations 1994, must consider whether the development meets the following three tests:

The proposed development must meet a purpose of 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'.

In addition the authority must be satisfied that,

(a) there is no satisfactory alternative and

(b) that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Officers are of the view that the development does meet the three tests for the following reasons:

'other imperative reasons of overriding public interest including those of a social or economic nature'

The properties at 134 Bassett Avenue 1 Beechmount Road are set close to the road frontages with extensive gardens behind. The positions of the existing houses makes it difficult to use the land to the rear. Demolition of the existing properties allow the development of purpose built accommodation, at a higher density, whilst retaining a significant proportion of the gardens for private amenity space and bat foraging habitat. The proposed development is consistent with Policies CS 4 Housing Delivery and CS 5 Housing Density of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010) which set out the need for more housing at greater densities within the City.

#### No Satisfactory Alternative

The existing buildings use only a small proportion of the available land. In a City with little available green field land existing housing plots need to be used more efficiently to meet the identified housing need.

#### Maintaining the Favourable Conservation Status of the Species at the Site

The Phase 1 survey identified evidence that pipistrelle and long-eared bats had used the roof space of 134 Bassett Avenue. A phase 2 bat survey confirmed usage by a single common pipistrelle. It can therefore be concluded that the house at number 134 supports low-status roosts of up to two bat species. These roosts will be lost as a result of demolition of the building.

Appropriate mitigation measures aimed at maintaining at least the current level of bat activity have been included in paragraph 4.3.1 of the Phase 2 survey. Implementation of these measures will be secured through the use of a planning condition. In addition, a European Protected Species Licence (EPSL) will be required. The EPSL application will include the preparation of a clear and reasoned Method Statement which details the methods for maintaining the conservation status of bats at the site.



## Costs Decisions

Inquiry opened on 17 October 2006, resumed on 20 & 21 February 2007

Site visit made on 21 February 2007

by **A J A Ritchie MA (Oxon) LARTPI Solicitor**

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

The Planning Inspectorate  
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Temple Quay House  
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Date **18 APR 2007**

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### Costs application in relation to Appeal Ref: APP/D1780/A/05/1194944

136 Bassett Avenue, Southampton SO16 7EZ (Appeal A)

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Nationwide Construction Ltd for a full award of costs against Southampton City Council.
- The inquiry was in connection with an appeal against the refusal of the Council to grant planning permission for the redevelopment of the site with the erection of a 3-4 storey block comprising 9 x 2-bedroom flats with associated car parking.

**Summary of Decision: The application is allowed in the terms set out below in the Formal Decision and Costs Order.**

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### Costs application in relation to Appeal Ref: APP/D1780/A/05/1196597

136 Bassett Avenue, Southampton SO16 7EZ (Appeal B)

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Nationwide Construction Ltd for a full award of costs against Southampton City Council.
- The inquiry was in connection with an appeal against the refusal of the Council to grant planning permission for the redevelopment of the site, demolition of the existing building and erection of a part 3-storey and part 4-storey block of 10 x 2-bedroom flats with associated parking.

**Summary of Decision: The application is allowed in the terms set out below in the Formal Decision and Costs Order.**

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### The Submissions for the appellants

1. The appellants seek a full or partial award of costs in respect of both appeals. Their application was put forward under a number of headings, each of which they considered to be fully supported by a passage in Department of the Environment Circular 8/93 *Awards of Costs Incurred in Planning and Other Proceedings* (the Circular).
  2. Firstly, they considered that the Council had inhibited development that could reasonably have been permitted, having failed to take into account all material considerations and having taken into account immaterial considerations (Annex 3 to the Circular, paragraph 7). In particular, the Council had considered the applications on the basis of policy in the Bassett Avenue Development Control Brief (BADCB) that the Council itself acknowledged was out of date and had been superseded by other supplementary planning guidance in the form of their Residential Design Guide (RDG). The RDG and other advice contained guidance as to the treatment of corner sites that had been followed in a recent appeal
-

decision relating to development at 209 Manor Road North, Southampton (Appeal Ref: APP/D1780/A/06/2012298) in which costs had been awarded against the Council partly on account of their having failed to take proper account of the RDG. They had misunderstood the height of the buildings in both of the appeal schemes and in relation to the Appeal B scheme had misapplied advice in the RDG resulting in their having raised a reason for refusal in relation to the living conditions of the occupiers of No134 Bassett Avenue that was untenable.

3. Secondly, they had failed to substantiate reasons for refusal (paragraph 8 of Annex 3 to the Circular) and thirdly had failed to accept officers' recommendations in the absence of substantial evidence to the contrary (paragraph 9). The 4<sup>th</sup> heading of the application was that the Council adopted the views of local residents which were unsupported by substantial planning evidence (paragraph 15).
4. Finally, they had failed to reconsider their decisions when appropriate to do so (Annex 2, paragraph 15). The reasons for refusal of both schemes had cited policies in the BADCBC as a basis for refusing planning permission and in January 2007, the Council's officers had taken a report to members seeking endorsement of an amendment of the reasons for refusal to insert a correct paragraph reference in the BADCBC. The report did not remind members that the BADCBC was in effect defunct as planning advice and the opportunity to re-appraise the reasons for refusal and indeed the decisions was therefore not taken.
5. The Council had concealed that the BADCBC was no longer valid as policy relating to the need to adhere to the generally established building line in Bassett Avenue and the need to maintain the dominance of landscape features over built development. Furthermore, the Council had attempted to withhold from the inquiry vital parts of the RDG which in effect replaced these outdated policies of the BADCBC and which supported the appellants' case.

#### **The Response by the Council**

6. The appellants' application was largely based on inference as to what was in the minds of elected members when the decisions were made; there was little in the way of proof of unreasonable conduct. At the time when the applications were determined, it was proper for reliance to be placed on the BADCBC, since it was adopted supplementary planning guidance at the time and the adoption of the RDG was a long way off. Irrespective of the status of the BADCBC and the advice contained in the RDG, it was still necessary to consider the effect of the schemes on the character and appearance of the area. There was no evidence that members had misunderstood the height of the proposed buildings and the officers' report on the Appeal A scheme clearly indicated that in relation to the impact of the proposals in Beechmount Road it was a "balanced judgement" as to whether harm would be caused to the character of the area.
7. Members were *functus officio* once the applications had been refused and therefore it would not have been appropriate to take the applications back to them to be re-determined. In any event there is no certainty that the outcome would have been to the appellants' advantage since matters of character and appearance still had to be explored.
8. The Manor Road North decisions were irrelevant both as to their findings as to the merits of the case and as to costs. The circumstances were different, particularly as the Council had

made important concessions at the inquiry into that appeal. Also, in that case permission was being sought for a 10-flat block of flats and the appellants were able to argue that a fallback situation existed, since the Council had already granted permission for an 8-flat block on the appeal site.

9. The issue over whether the Appeal B proposal would be overbearing when seen from the back garden of No.134 was a matter of judgement as there were no firm rules that could be applied.
10. The award of costs is in effect discretionary and infringements of paragraphs in the Circular do not need to result in an award of costs as a matter of course. To secure an award of full costs the appellants would need to prove that it had been unreasonable to refuse planning permission in these cases. In this case they had not done so, and in the Council's opinion the most they could reasonably expect was a partial award based on the Council's wrongful reliance on the BADC B.

### Conclusions

11. I have considered this application for costs in the light of Circular 8/93 and all the relevant circumstances. This advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur or waste expense unnecessarily.
12. My decisions in these appeals indicate that the determination of the first main issue (the effect of the proposals on the character and appearance of the area) substantially depended on an assessment of the height, bulk and massing of the proposals, including the effect of their projection forward of the established building line in this part of the east side of Bassett Avenue and the impact of the schemes on Beechmount Road. The BADC B could have been a major determining factor in my decision on this issue if it had still been adopted policy guidance. However, as my decision indicates, irrespective of the status of the BADC B and the advice provided by the RDG, it was still necessary to consider the effect of the 2 proposals on the character and appearance of the area, particularly in view of Policies SDP7 and SDP9 of the City of Southampton Local Plan Review. Both of the schemes would result in a building projecting forward of the established building line formed by the row of houses to the south of the appeal site and a building having a significant effect on the street scene in Beechmount Road, but only in the case of the Appeal B scheme did I find these impacts to be unacceptable.
13. In view of my decision that the Appeal B scheme should not be granted planning permission, it follows that I was satisfied that the Council had produced a strong enough case with enough evidence to justify their members' decision. It is not therefore open to the appellants to argue that planning permission was unreasonably withheld or that the Council should have invited members to determine not to contest the appeal. Nor is it in my view open to them to argue that the Council paid undue regard to the views of interested parties. The differences between the 2 appeal schemes, whilst in my opinion being significant enough to allow one scheme and not the other, are not so substantial that it can be argued that it was unjustifiable to have withheld planning permission for the scheme that was

allowed. I therefore consider that the appellants should not succeed with their application for full costs.

14. The outcome of Appeal A might have been different if the Council had been able to rely on the BADCB as up-to-date supplementary planning guidance that should be followed. In those circumstances, the paragraphs of the BADCB relied upon by the Council could have been fatal to both schemes. The appellants had to go to considerable trouble to establish and demonstrate that the BADCB had been superseded and replaced by the RDG. The Council's handling of this matter, in particular their failure to disclose (a) that the BADCB had been superseded by the RDG and (b) the true effect of the RDG in relation to the treatment of corner sites, together with their continued reliance on the BADCB in their proofs of evidence and evidence in chief amounts to unreasonable behaviour. The explanation given by their witness for omitting relevant parts of the RDG from extracts of that document that were produced to the inquiry was in my view unconvincing. I therefore consider that the appellants should be awarded their costs that flow from this aspect of the Council's behaviour.
15. The Council's evidence to the inquiry suggested that the proposed buildings would be taller than the trees on the appeal site. If accepted, this could have had a significant bearing on the outcome of the appeals; although the BADCB's advice as to the dominance of landscape features no longer carries weight, it was not disputed that the character of the area owes much to the preponderance of many mature trees and to allow a building higher than the mature trees in the area would have been a significant step. The appellants were able to demonstrate that the Council's view was erroneous and even though the Council's witness may have been in no doubt as to the actual height of the proposed buildings, his statement that they would be taller than the trees amounted in my view to unreasonable behaviour. The appellants should be able to recover the costs which they incurred in dealing with this allegation.
16. The reason for refusal of the Appeal B scheme based on the implications of the scheme for the living conditions of the occupiers of No.134 Bassett Avenue did not appear in the decision notice when the 10-flat scheme was initially refused in February 2005. When the resubmitted scheme was refused in November 2005, the reason for refusal was added. The Council's evidence in support of the reason for refusal was in my view very thin and I was unable to find any substance in the claim that the outlook from the back garden of No.134 would be adversely affected. I therefore consider that the Council behaved unreasonably in failing to substantiate this reason for refusal in respect of the Appeal B scheme and that the appellants' costs of dealing with it should be reimbursed.
17. I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in Circular 8/93, has been demonstrated. I therefore conclude that an award of partial costs is justified.

#### **Formal Decisions and Costs Orders**

##### **Appeal A & Appeal B**

18. In exercise of my powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other powers
-



enabling me in that behalf, I HEREBY ORDER that Southampton City Council will pay to Nationwide Construction Ltd the costs of the proceedings in both appeals limited to those costs incurred in

- establishing the status at the date of the inquiry of the Bassett Avenue Development Control Brief (BADCB)
- establishing the status at the date of the inquiry of the Council's Residential Design Guide (RDG) and considering the contents of the guide that are relevant to the appellants' case in the appeals
- preparing those parts of the appellants' evidence to the inquiry that dealt with the status and contents of the BADCB and RDG
- dealing with the above items at the inquiry, including the cross-examination of the Council's witness
- establishing that the proposed buildings would not be taller than the mature trees on the appeal site, preparation and presentation of material to substantiate this, including costs associated with the cross-examination of the Council's witness

such costs to be assessed in the Supreme Court Costs Office if not agreed. The proceedings concerned an appeal under section 78 of the Town and Country Planning Act 1990 as amended against the refusal of applications for planning permission for the redevelopment of the site with the erection of a 3-4 storey block comprising 9 x 2-bedroom flats (Appeal A) and a part 3-storey and part 4-storey block of 10 x 2-bedroom flats (Appeal B), both with associated parking, on land at 136 Bassett Avenue, Southampton SO16 7EZ.

19. The applicant is now invited to submit to Southampton City Council to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Supreme Court Costs Office is enclosed.

#### **Appeal B only**

20. In exercise of my powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other powers enabling me in that behalf, I HEREBY ORDER that Southampton City Council will pay to Nationwide Construction Ltd the costs of the appeal proceedings limited to those costs incurred in preparing evidence in relation to the implications of the scheme for the living conditions of the occupiers of No.134 Bassett Avenue together with those costs incurred in dealing with that issue at the inquiry, such costs to be assessed in the Supreme Court Costs Office if not agreed. The proceedings concerned an appeal under section 78 of the Town and Country Planning Act 1990 as amended against the refusal of an application for planning permission for the redevelopment of the site and the erection of a part 3-storey and part 4-storey block of 10 x 2-bedroom flats with associated parking on land at 136 Bassett Avenue, Southampton SO16 7EZ.

21. The applicant is now invited to submit to Southampton City Council to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Supreme Court Costs Office is enclosed.

*A J A Ritchie*

**INSPECTOR**



## Appeal Decisions

Inquiry opened on 17 October 2006

Site visit made on 21 February 2007

by **A J A Ritchie MA (Oxon) LARTPI Solicitor**

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

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Date **18 APR 2007**

### SUSTAINABILITY

#### Appeal A: APP/D1780/A/05/1194944

136 Bassett Avenue, Bassett, Southampton SO16 7EZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Nationwide Construction Ltd against the decision of Southampton City Council.
- The application Ref 05/00404/FUL, dated 18 March 2005, was refused by notice dated 7 June 2005.
- The development proposed is redevelopment of the site with the erection of a 3-4 storey block comprising 9 x 2-bedroom flats with associated car parking.

**Summary of Decision: The appeal is allowed, and planning permission granted subject to conditions set out below in the Formal Decision.**

#### Appeal B: APP/D1780/A/05/1196597

136 Bassett Avenue, Bassett, Southampton SO16 7EZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Nationwide Construction Ltd against the decision of Southampton City Council.
- The application Ref 05/01498/FUL, dated 19 October 2005, was refused by notice dated 29 November 2005.
- The development proposed is redevelopment of the site, demolition of the existing building and erection of a part three-storey and part four-storey block of 10 x 2-bedroom flats with associated parking.

**Summary of Decision: The appeal is dismissed.**

#### Procedural Matters

1. At the inquiry an application for costs was made by the appellants against the Council. This application is the subject of a separate decision.
2. The inquiry was opened and then immediately adjourned on 17 October 2006. It was resumed on 20 February 2007 and was held on 20 & 21 February 2007.
3. The descriptions of the proposed development given above are those which appear on the Council's decision notices and on the appeal forms. These descriptions in my opinion describe what is proposed more accurately than those appearing on the application forms.
4. At the inquiry, the appellants submitted unilateral undertakings to deal with issues raised in the Council's reasons for refusal in relation to the lack of contribution made by the schemes towards the provision of public open space, play space and sustainable transport infrastructure. The landowner's solicitor agreed to amend the date of one of these

documents and subject to this correction, the undertakings were acceptable to the Council. In my view, the documents overcome the planning objections raised by the Council in relation to these issues and I shall therefore give no further consideration to them.

### **Main Issues**

5. I consider that the main issue in both appeals is the effect of the proposed blocks of flats on the character and appearance of the area, with particular regard to their impact on the street scene in Bassett Avenue and Beechmount Road by reason of the height and massing of the proposed buildings, their projection forward of the established building line in Bassett Avenue and proximity to the site boundary in Beechmount Road. In the case of the Appeal B scheme there is also an issue in relation to the implications of the scheme for the living conditions of the occupiers of No.134 Bassett Avenue in terms of outlook.

### **Planning Policy**

6. The development plan for the area includes the City of Southampton Local Plan Review (the Local Plan). The Statement of Common Ground (SoCG) noted that the following Policies of the plan are relevant to the appeals. Policy SDP1 requires development amongst other things to respect and improve the quality of Southampton's built and natural environment. Policy SDP6 sets out urban design principles which should be covered by a design statement to be submitted for all residential schemes of 5 units or more and specifically states that the Policy does not seek to restrict innovative designs. Policy SDP7 does not allow development that would be harmful to the character and/or appearance of an area and includes requirements that development should be compatible with existing land forms and natural features that contribute to the quality of the local environment and should respect the scale, density and proportion of existing buildings. High quality design is sought by Policy SDP9 which requires proposals to respect their surroundings in terms of matters including scale, massing and visual impact, impact on the skyline and on surrounding land uses and local amenity.
7. High quality of residential design is also sought by Policy H7, and Policy H8 encourages the maximisation of housing density in accordance with a site's accessibility. This reflects a well-established theme of Government policy as previously expressed in Planning Policy Guidance Note 3: *Housing* (PPG3) and now being carried through into Planning Policy Statement 3: *Housing* (PPS3).
8. Following the production of the SoCG, the Council introduced reference to Policy NE6 of the Local Plan; this does not permit development which would adversely affect the landscape character of the northern approach to the city along Bassett Avenue, the Avenue and Chilworth Road.
9. When the applications were determined, the Council were guided by the policies of the Bassett Avenue Development Control Brief (BADCB), supplementary planning guidance adopted in 1982. However, it became clear during the inquiry that this had been superseded by a Residential Design Guide (RDG) which was adopted in September 2006 as a supplementary planning document to the new Local Development Framework that will replace the Local Plan.

**Reasons**

***Character and Appearance – both Appeals***

10. There was no dispute that demolishing the existing undistinguished dwelling on the appeal site and replacing it with a block of either 9 or 10 flats would serve the objectives of making more efficient use of land by providing new housing at higher density on recycled sites as expressed in PPG3, PPS3 and Policy H7 of the Local Plan. The essence of the disagreement between the parties was whether the schemes would achieve this without compromising the quality of the environment.
11. The Bassett Avenue environment is in my view characterised by the preponderance of trees and shrubs which range the whole length of Bassett Avenue, often in extensive wooded residential plots. These characteristics had been recognised by the now superseded BADC. Relevant characteristics of the appeal site include prominent mature trees, some of which are protected, and the position of the existing building at the end of a distinct building line made out by the fronts of the row of dwellings to the south of the site.
12. The principal objections taken by the Council to the appeal buildings when seen from Bassett Avenue were that their height and massing would fail to ensure the dominance of landscape features namely trees in relation to adjacent properties and that they would project beyond the front of No.134, thus breaching the building line.
13. Regarding the first of these objections, the mature trees on the appeal site, including a large oak at the front of the plot on the corner of Bassett Avenue and Beechmount Road would be unaffected by the proposed development. Although in each case at its highest point the proposed building would be some 2m higher than the ridge of the neighbouring dwelling No.134 Bassett Avenue, it would not be taller than the most prominent trees on the site and would be lower than some larger trees growing in the grounds of Brampton Tower, a 14-storey block of flats immediately to the north of the appeal site across Beechmount Road.
14. The proposed buildings would be most visible from the western side of Bassett Avenue, particularly from northbound traffic. They would also be seen clearly from the pavement on the eastern side of Bassett Avenue but only when within a relatively short distance from the appeal site. From these viewpoints, each of the proposed buildings would be more noticeable than the existing dwelling, but their impact would be significantly mitigated by the trees which I have mentioned above and the presence of Brampton Tower behind. The buildings would provide a visual step between the lower dwellings to the south and Brampton Tower and I accept the view of the appellant's witness that this is an appropriate streetscape approach in this location. In my view, in terms of their height and massing, neither of the proposed buildings would be dominant in these views and their scale would be subservient to that of the nearby trees.
15. The Appeal A building would project forward of the bay at the front of No.134 by about 1.3m and the Appeal B building by about 4.9m. If the projections are measured from the front façade of No.134, they would be increased in each case by some 1m which in my estimation is the approximate depth of the bay. Both of the proposed buildings would be articulated so that parts of their front elevations would be set back; in the case of one of the proposed buildings, the set back would result in part of the front elevation being behind the front of No.134 and in the case of the other proposed building, the set back part would be in line with the front façade of No.134 but behind its front bays.

16. In the case of the Appeal A building, the extent of the projection forward of the building line is so small that in my judgement the projection would hardly be noticeable, but this is not the case with the Appeal B scheme. The parts of the RDG which were before me do not contain any requirements or advice about respecting building lines and the RDG supports the concept of visual focus at the corner or end of a street by means of a building which, for example, is taller or larger in scale than the general scale or proportion of development in the street. This was said by the appellants at the inquiry to echo well-established principles of urban design, an approach which had recently been endorsed by the Inspector in appeal (Ref: APP/D1780/A/06/2012298) relating to flatted development at 209 Manor Road North, Southampton. This was not contested by the Council.
17. However, the RDG does not in my opinion give *carte blanche* in respect of what may be permissible on corner sites and it is still necessary in my view to ensure that any corner building relates well to the neighbouring properties and would present a harmonious prospect when seen from the street.
18. In the case of both schemes, the articulated design of the front of the proposed building and the contrasting design with No.134 and other dwellings in Bassett Avenue would add interest to the street scene in this corner location and would not be harmful to the character and appearance of the area. However, in the case of the Appeal B scheme, the forward projection of the building at nearly 6m from the front façade of the neighbouring dwelling would in my view be so substantial as to make the building appear excessively prominent and incongruous in relation to its neighbours to the south. In the case of the Appeal A scheme, however, I agree with the view expressed in the Council's officers' report that the significantly reduced forward projection would not be harmful.
19. Both schemes would be built close to the back of the pavement in Beechmount Road. This feature of the scheme was objected to by the Council and was particularly criticised by interested parties. In each case, the restricted space between the building and the pavement would limit the opportunity for the building to be screened by landscaping. The 3 and 4 storey structures close to the road built up to a height of some 13.4m would contrast with flatted and residential development nearby, including Brampton Tower, which are set back from the road, with tree and shrub screens intervening and therefore less prominent when seen by users of the street. The fact that the proposed blocks would be about 2m higher than the ridge of No.134 is not as significant as it might initially seem, since the roof of neither of the appeal schemes would be hipped away from the side elevation of the building as is the case with No.134. However, the existing view of the appeal property when seen from Beechmount Road is not particularly attractive and much of the building itself is not screened from the road. The view of both new buildings would only be obtainable over a relatively short distance in Beechmount Road, but they would be prominent, for example on leaving Brampton Tower via the access opposite.
20. Although there are many examples of blocks of flats in the area and the passer-by would not be surprised to find one in this location, the mass, bulk and height of these proposals when seen from Beechmount Road, and particularly bearing in mind that the buildings would only be some 1m behind the back of pavement line, is in my view a significant difficulty with the schemes. I recognise however that an attempt has been made with the Appeal A scheme to diminish the bulk of the building by reducing part of it to 3 storeys. Although this scheme would be slightly nearer to the pavement than the Appeal B scheme, the reduction

in bulk and mass that it offers is in my opinion sufficient to make it an acceptable addition to the street scene in Beechmount Road, which in my judgement the Appeal B scheme would not be.

21. My conclusion in respect of this main issue is therefore that the Appeal A scheme would respect the character and appearance of the area and would therefore comply with the Policies of the SoCG that were identified by the parties as being relevant. It would also comply with Policy NE6 of the Local Plan and with the RDG. However, the Appeal B scheme on account of its substantial projection in front of the distinct line provided by the fronts of the dwellings to the south and its increased bulk on the Beechmount Road frontage would be harmful and would therefore not be in compliance in particular with Policies SDP7 and SDP9 of the Local Plan.

#### ***Living Conditions – Appeal B***

22. The 4 storeys of the Appeal B building would extend further back than the rear elevation of No.134 and the Council considered that the building would be overbearing when seen from the garden of that dwelling. No claim was however made by the Council that the outlook from any habitable rooms of No.134 would be adversely affected or that the garden of No.134 would suffer from any unacceptable overlooking from the appeal building.
23. The majority of the part of the Appeal B building that would be beyond the rear elevation of No.134 would not be alongside the boundary between the 2 properties, being separated from the boundary by a proposed garden area. A substantial outbuilding at No.134, which includes a pool, is between the rear patio of the dwelling and the boundary with the appeal site. Further down the garden, there is a substantial tree screen along the boundary with the appeal site.
24. The Appeal B building would be seen partly against the backdrop of the 14-storey Brampton Tower, which although not in close proximity to No.134 already appears prominent in views from the rear patio and garden. In view of the tree screen and the degree of separation, the new building would not in my view have a significant adverse effect on the outlook from any part of the garden of No.134. Paragraph 2.2.18 of the RDG upon which the Council substantially relied to support their reason for refusal makes it clear that in larger gardens which enjoy an outlook in a number of directions other than the land being developed (which in my view is the case with the garden of No.134) the new structure is less likely to be overbearing.
25. The proposal would therefore not be harmful to the living conditions of the occupiers of that dwelling and would comply with Policy SDP9 of the Local Plan. However, this finding does not outweigh the conclusion that I have reached regarding the Appeal B scheme in relation to the first main issue.

#### **Other Matters**

26. Amongst other matters of concern raised by interested parties were highway conditions in the vicinity of the appeal site and the possibility of an alternative development scheme. It was considered that the narrowness of Beechmount Road together with the high volume of traffic carried by Bassett Avenue would give rise to significant problems, particularly when accesses for the proposed developments would be close to the junction with Bassett Avenue. There had been a number of accidents (including 2 fatal ones) at this junction over

recent years. However, the Council's highways officers did not indicate any concern on this account in their response to either application, and in my view the increase in vehicular activity in the vicinity of the site would not be so great as to compromise highway safety. I am obliged to consider and reach decisions on the 2 appeal schemes before me and, as no alternative redevelopment scheme for No.136 is before me, I am unable to consider suggestions that there would be a better way of redeveloping the site in conjunction with other land.

27. The other matters that were raised do not outweigh the considerations that have led to my decisions.

#### Conditions

28. The SoCG included a list of conditions that had been agreed by the parties. I have considered these in the light of the advice contained in Department of the Environment Circular 11/95: *The Use of Conditions in Planning Permissions* and in the light of discussions at the inquiry.
29. The Council agreed that the time limit for commencement of development with the Appeal A scheme should be set at 5 years in view of the date of submission of the application. Conditions requiring approval of external materials and the approval of boundary treatments are needed to secure the satisfactory appearance of the finished development. The contribution made by trees to the character and appearance of the area is undisputed and to that end I shall impose conditions which will secure that the site is appropriately landscaped and existing trees on the site which merit retention are protected.
30. The living conditions of occupiers of neighbouring property should be protected by conditions requiring obscure glazing and opening restrictions on windows on the south elevation of the building, the prevention of materials being burnt on site and restriction of hours of operations during the building of the flats. To ensure satisfactory living conditions for the occupiers of the flats, I will impose conditions requiring the provision of the garden areas and refuse storage areas and requiring soundproofing of the flats which is needed in view of the amount of traffic carried by Bassett Avenue.
31. I note the proposed condition prohibiting the formation of any access directly onto Bassett Avenue, but as the application plans do not show such an access and separate planning permission would be required for the formation of such an access, I will not impose this condition. Conditions requiring the formation and retention of the parking and turning areas prior to the occupation of the dwellings and the provision of wheel cleaning facilities for construction vehicles are however needed in the interests of highway safety. I will also add the suggested condition requiring the provision of the cycle parking as this is necessary to ensure that residents have the possibility of using private transport facilities other than cars.
32. As it was accepted at the inquiry that the appeal site has in the past been used for the repair and servicing of vehicles, I consider it prudent to apply a condition requiring a site investigation for contamination and the carrying out of any necessary subsequent remediation. The condition will be in the form of Example E in Appendix 2B of Annex 2 to Planning Policy Statement 23: *Planning and Pollution Control*.



### Conclusions

33. For the reasons given above and having regard to all other matters raised, I conclude that Appeal A should be allowed and Appeal B should be dismissed.

### Formal Decisions

#### Appeal A: APP/D1780/A/05/1194944

34. I allow the appeal, and grant planning permission for the redevelopment of the site with the erection of a 3-4 storey block comprising 9 x 2-bedroom flats with associated car parking at 136 Bassett Avenue, Southampton SO16 7EZ in accordance with the terms of the application, Ref 05/00404/FUL, dated 18 March 2005, and the plans submitted with it, subject to the following conditions:

- 1) The development hereby permitted shall begin before the expiration of five years from the date of this decision.
- 2) No development shall take place until full details of the manufacturers, types and colours of the materials to be used in the construction of the external surfaces of the building hereby permitted, including samples if required, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the first occupation of any of the dwellings hereby approved. Development shall be carried out in accordance with the approved details and the boundary treatment shall subsequently be retained.
- 4) A detailed landscaping scheme and implementation timetable which clearly indicates the trees to be retained and 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 before the commencement of any site works. The treatment of hard surfaced areas shall include the provision of a permeable surface beneath the canopy of any tree to be retained. Any trees, shrubs, seeded or turfed areas which within a period of 5 years from the date of planting die, fail to establish, are removed or become damaged or diseased 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 within 12 months of the first occupation of any of the dwellings hereby approved.
- 5) No trees on or overhanging the site shall be cut felled or uprooted otherwise than as shall be agreed in writing by the local planning authority. Any tree removed or significantly damaged other than as shall be agreed shall be replaced by the owners of the site by trees of a size, species and type and at a place and before a date to be determined by the local planning authority.
- 6) All trees to be retained pursuant to any other condition of this permission shall be fully safeguarded during the course of building operations and if in the opinion of the

Council any such tree is materially damaged by such operations that tree shall be replaced by the landowner by trees of a number, size and species to be determined by the local planning authority at a place and before a date specified by the local planning authority.

- 7) No storage of building materials shall take place beneath the crown spread of any tree or trees to be retained on the site.
- 8) The approved refuse storage areas, including collection point, shall be provided in accordance with the approved plans prior to the occupation of any dwelling hereby approved and shall thereafter be retained and maintained for that purpose.
- 9) The communal garden areas shown on the approved plans shall be laid out prior to the first occupation of any dwelling hereby approved and shall thereafter be made available for the benefit of all residents.
- 10) No burning of any materials, including cleared shrubs and trees, shall take place on the site unless otherwise agreed in writing by the local planning authority.
- 11) Before the development hereby approved is implemented a detailed scheme for the soundproofing of the flats shall be submitted to and approved in writing by the local planning authority. The agreed scheme of soundproofing shall be fully implemented before any of the flats hereby approved are first occupied.
- 12) All works relating to the construction of the development hereby approved, including demolition and ground preparation prior to building operations and any works to regrade the level of the site, shall only take place between the hours of 0800 and 1800 on Monday to Friday and 0900 to 1300 on Saturdays and at no time on Sundays and Bank Holidays. Any works outside the permitted hours shall be confined to the internal preparations of the building without audible noise from outside the building, unless otherwise agreed in writing by the local planning authority.
- 13) The 4 windows at first and 2<sup>nd</sup> floor level on the south facing elevation of the building hereby approved shall be glazed with obscure glass and fitted so as to be openable up to only 35°. The windows shall be retained and maintained in such condition at all times in the future.
- 14) Before any dwelling hereby approved is occupied, both the on-site parking areas and proper vehicular access to them shall be laid out and hard-surfaced. The car parking areas shall thereafter be retained for the parking of vehicles only, in connection with the dwellings hereby approved, and not for any trade, business or industrial use.
- 15) The approved cycle storage facilities shall be provided in accordance with the approved plans prior to the occupation of any of the dwellings hereby approved and shall thereafter be retained and maintained for that purpose.
- 16) 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 or construction vehicle shall leave the site until its wheels have been cleaned sufficiently to prevent mud being carried onto the highway.
- 17) No development approved by this permission shall be commenced until:

- a) the application site has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and agreed in writing with the local planning authority
- b) detailed proposals for the removal, containment or otherwise rendering harmless of any contamination (the reclamation method statement) have been submitted to and approved in writing by the local planning authority
- c) the works specified in the reclamation method statement have been completed in accordance with the approved scheme
- d) if during reclamation works any contamination is identified that has not been considered in the reclamation method statement, then remediation proposals for this material should be agreed with the local planning authority and implemented.

**Appeal B: APP/D1780/A/05/1196597**

35. I dismiss the appeal.

*A J A Ritchie*

**INSPECTOR**

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Mr T Ward of Counsel, instructed by the City Solicitor,  
Southampton City Council

He called

Mr S Lawrence BA Dip Tp Planning Officer & Team Leader, Southampton City  
Dip Urb Design MRTPI Council

### FOR THE APPELLANT:

Mr S Head of Counsel, directly instructed by the appellants

He called

Mr R Tear BSc(Hons) Dip Principal, Richard Tear Architects, agents for the  
Arch RIBA appellants

### INTERESTED PERSONS:

Mr M Moore 13 Bassett Close, Southampton SO16 7PE  
Mr D R Gilbert 41 Brampton Tower, Bassett Avenue, Southampton  
SO16 7FB  
Mr W M Cox 62 Brampton Tower, Bassett Avenue, Southampton  
SO16 7FB  
Mr M Grimes 134 Bassett Avenue, Southampton SO16 7EZ

### DOCUMENTS SUBMITTED AT THE INQUIRY

1. Letter 11/10/06 to Planning Inspectorate from KBM Management
2. Extract from Guidelines for Landscape and Visual Impact Assessment (The landscape Institute & Institute of Environmental Management & Assessment)
3. Extract from Circular 05/2000 Planning Appeals Procedures
4. Record of Executive Decision 18/9/06
5. Thoroughness in Design
6. *By Design* p29
7. Overlay of SCC 16.9: Visibility analysis of additional effects of Appeal Scheme B
8. RTA-20 – overmarked RTA-11: comparative street scene massing
9. RTA-21 – overmarked RTA-16: overbearing and visibility analysis
10. RTA-22.1 – geometric accuracy check of RTA-1.5
11. Appeal Decision Ref APP/D1780/A/06/2012298
12. Costs Decision in relation to above appeal
13. Determination of Application No.04/01923/FUL dated 8/2/05
14. Report to Committee & Confirmation of Cabinet Decision: Residential Design Guide
15. Diagram showing angle of vision of photograph at SCC Appendix 11
16. Plan showing appeal proposals in context of average building line as per SCC 17.1
17. Aerial photographs showing appeal site
18. Unilateral Undertaking: Appeal A scheme
19. Unilateral Undertaking: Appeal B scheme

20. Extracts from Residential Design Guide: paragraphs 1.13.1-1.13.5 and 2.2.18-2.2.23
21. RTA-16 showing 15m arc
22. Letter 29/4/05 Mr M J Grimes to Development Control Manager, Southampton City Council
23. Closing submissions on behalf of local planning authority
24. Appellants' closing submissions
25. Appellants' application for costs

## PLANS

### APPEAL A SCHEME

	Drawing No.	Description
Plan A.1	No number	Location Plan (copy extract from street plan)
Plan A.2	P010	Location Plan
Plan A.3	P011	Site Survey
Plan A.4	P012	Site Plan
Plan A.5	P013	Floor Plans
Plan A.6	P014	Elevations
Plan A.7	P014 Revision A	Elevations with additional information (materials)
Plan A.8	P015	Street scene elevations

### APPEAL B SCHEME

Plan B.1	P010	Location Plan
Plan B.2	P02	Site Survey
Plan B.3	P03 Revision C	Site Plan
Plan B.4	P04 Revision B	Floor Plans
Plan B.5	P05 Revision D	Elevations
Plan B.6	P06 Revision C	Street Scene Elevations

Plan B.7	P07	Street Scene Elevation to Bassett Avenue
Plan B.8	P08	Site Layout (contextual)



# Appeal Decision

Inquiry held on 1-2 April 2009

Site visit made on 2 April 2009

by **Martin Pike BA MA MRTPI**

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

## Appendix 2

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

**Decision date:**  
**13 May 2009**

## Appeal Ref: APP/D1780/A/08/2088525

### 1 Beechmount Road, Bassett, Southampton SO16 3JD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs Daniel Grimes against the decision of Southampton City Council.
- The application Ref: 08/01081/FUL/28627, dated 18 June 2008, was refused by notice dated 18 September 2008.
- The development proposed is demolition of existing detached house and erection of a four-storey block of eight 3-bedroom flats with associated car parking.

## Decision

1. I dismiss the appeal.

## Procedural matters

### *Revised plans*

2. Prior to the inquiry the appellants produced a series of revisions which sought to overcome a number of the Council's reasons for refusal. The amendments relating to the treatment of the access drive and the position of the bin and cycle stores are relatively minor in nature. The revision to the drawings which shows only the top floor windows in the west-facing elevation to be obscure-glazed, rather than all the windows in that elevation, corrects an earlier error and make the drawings consistent with appellant's evidence. The Council does not object to these revisions. As they do not alter the substance of the scheme, I indicated at the inquiry that they could be accepted.
3. The final revision is a reduction in the number of on-site parking spaces from 14 to 8 to better accord with the Council's sustainability requirements. Whilst acknowledging that this amendment would meet its concern, the authority felt that the reduced parking provision might have elicited further objections from local residents, some of whom had objected on the grounds that the proposed 14 spaces were insufficient. Consequently the Council stated that it would have reconsulted local residents on this matter.
4. I note that the appellants undertook a reconsultation exercise prior to the inquiry in an attempt to ensure that local residents were aware of the proposed changes, though (through no fault of the appellants) one objector was missed. I also accept that the reduced parking provision has the potential to reduce the traffic impact of the development, though it could have other consequences such as increased competition for on-street parking spaces. On balance,

applying the principles established in the case of *Bernard Wheatcroft Ltd v Secretary of State for the Environment and Another [1980]*, I consider that the reduction in parking changes the substance of the proposal and is a matter on which local residents should reasonably have expected to have had the opportunity to comment. The Council's intention to reconsult was therefore correct; as this reconsultation has not properly taken place, it is not appropriate to accept this element of the proposed revisions.

5. Consequently I have determined this appeal on the basis of the minor revisions shown on drawings 28397: 102 Rev F, 103 Rev F and 104 Rev F apart from the parking provision, which remains at 14 spaces as shown on drawing 28397: 102 Rev B. There is one further matter regarding the supplementary plans submitted prior to the inquiry. Two drawings showing computer generated images of the proposed development were incorrectly numbered – drawings 28397: 107 and 108, dated March 09, duplicate earlier, different drawings with the same number and were renumbered 28397: 111 and 112 respectively.

#### *Section 106 obligation*

6. One of the Council's reasons for refusal relates to the failure of the applicants to make any provision to meet the additional demands that the development would place on local infrastructure and facilities. To mitigate such impacts, the Council is seeking financial contributions in respect of strategic transport initiatives, sustainable modes of transport in the vicinity of the site, the repair of highways damaged during construction, and public open space and children's play space facilities. Despite the Inspectorate's advice that such matters should be resolved well in advance of an inquiry, negotiations on these matters were only completed during the inquiry. As a result, the appellants were unable to submit a signed version of a unilateral planning obligation, prepared under section 106 of the 1990 Act, which would have overcome the Council's concern.
7. The Council confirmed on the second day of the inquiry that the final draft version of the obligation was satisfactory, both in terms of overcoming that particular reason for refusal and in its ability to deliver what is intended. The obligation also includes a clause which requires the development to achieve Level 3 of the Code for Sustainable Homes, thereby resolving another of the authority's concerns. Because the final draft effectively resolves these matters, I gave the appellants a short time after the inquiry to submit an executed version of the obligation. I return to this matter later in the decision.

#### **Main issues**

8. With many matters once in dispute being resolved before or during the inquiry, there are three remaining main issues in this appeal:
  - (i) the effect of the proposed development on the character and appearance of the surrounding locality;
  - (ii) the implications for the living conditions of neighbouring occupiers and the occupiers of the proposed flats, with particular regard to privacy; and
  - (iii) with regard to the proposed car parking provision, whether an appropriate balance has been achieved between sustainable travel objectives and highway considerations.



## Reasons

### *Character and appearance*

9. 1 Beechmount Road is a detached double-fronted two-storey house occupying a long, almost rectangular plot within an established suburban area of Southampton. The appeal site extends beyond the curtilage of No 1 to include a strip of the rear garden of 134 Bassett Avenue and a small corner of the neighbouring plot, No 132. The existing dwelling would be replaced by a four-storey Regency-style block of 8 flats set back slightly behind the existing building line and projecting some 16m beyond the main rear wall of the dwelling. At its widest point, the flats block would extend across almost the full width of the rear garden of No 1 and encroach slightly onto the garden of No 134.
10. I saw on my visit that the Bassett area is characterised by predominantly residential buildings set in large, mature wooded plots. Bassett Avenue is a busy 4-lane radial route (A33) to and from the city centre; whilst generally bordered by two-storey houses such as Nos 132 and 134, there are a number of blocks of flats including, to the north of the junction with Beechmount Road, the fourteen-storey high-rise block of Brampton Tower. Blocks of flats are the main built form on Beechmount Road, though both the low-rise three-storey blocks opposite (Brampton Manor) and east of the appeal site (Beechmount House) are subservient to the wooded setting and have limited visual impact on the street. By contrast, the recently completed part three-storey and part four-storey block at 136 Bassett Avenue, on the corner of Beechmount Road, is a far more dominant building especially when seen from the latter street.
11. In this context the existing dwelling is a relatively small-scale component of the Beechmount Road street scene. It is not disputed that the appeal site is capable of accommodating a building of greater mass and presence: the issue is whether or not the size of the proposed four-storey building is excessive. The building would be about the same overall height as the four-storey element of 136 Bassett Avenue, though it would not appear as tall because of the slight fall in ground level, the low-pitched roof and the significant set back from Beechmount Road. It would also be below the canopy height of the mature trees that would partly screen it in views from the street. On the other hand, the building would appear substantially taller than the nearest building, Beechmount House, as a result of its greater height and proximity to the street, though the large trees on the common boundary would mask this relationship to some degree.
12. Expert opinions about the height and massing of the proposal vary. The Council's urban design officer does not object to the scale of the building but is concerned about the detailed design and materials. The case officer (who has an urban design qualification) considers that the fourth storey would be too massive and visually discordant in the context of the adjacent buildings. The Architect's Panel, an independent source of advice for the Council, felt on two occasions that the fourth storey represented too high a building. I acknowledge that the Panel was not quorate on either occasion, but nevertheless its views were expressed by three architects overall.

13. I consider that there is an appreciable difference between the larger scale of Bassett Avenue, a wide main road where some taller flats buildings are found, and the more low-key residential street of Beechmount Road. Indeed, this is apparent in the reasoning of the Inspector who allowed the appeal for the flats now built at 136 Bassett Avenue, but dismissed the proposal for a fully four-storey development partly on the grounds that its bulk did not respect the Beechmount Road street scene (APP/D1780/A/05/1194944 & 1196597). Thus the context for the proposal before me is set more by the low rise and spacious setting of the three-storey flats opposite and to the east than by No 136, which provides a visual focus on a street corner and essentially responds to Bassett Avenue.
14. I acknowledge that the articulation of the building, particularly the way that the full width of the structure would be set back behind a narrower front section, would lessen the visible mass when seen from the street. Nevertheless I believe that the full four-storey height and the massing of the proposal would not sit comfortably in the context of Beechmount Road. I saw on my visit that almost the full depth of the building would be visible across the car park at the rear of 136 Bassett Avenue, while along the access drive the flats block would be seen to extend beyond the width of the plot. Coupled with the fact that the structure would come uncomfortably close to the canopies of many adjacent large trees, I consider that the combination of height and massing would result in a building that appears too big for the site and at odds with the more spacious setting of other developments fronting Beechmount Road.
15. The detailed design and the proposed materials would give emphasis to the size of the building. The use of a 'heavy' granite on the ground floor and a complementary material on the upper floors would give a solidity to the structure which the narrow horizontal banding would do little to relieve. Consistent rather than reducing floor-to-ceiling heights would underline the height and massing of the structure. The wide balconies mounted on a projecting section that terminates in a parapet above eaves level would contribute further to the obvious size of the building.
16. I agree with the Council that this modern interpretation of a Regency style building would be somewhat incongruous, being more suited to the city centre than a residential suburb. However, given the eclectic mix of architectural styles in the locality, it is difficult to argue that the proposed style would not fit in. Moreover the appellants' desire to create a high quality building of distinction is to be welcomed. The problem in this case is that the treatment designed to achieve that aim would accentuate rather than diminish the apparent size and massing of the building.
17. For these reasons I conclude that the proposal would conflict with the elements of policies SDP 1, SDP 7, SDP 9 and H 7 of the City of Southampton Local Plan Review that seek development which respects the scale, massing and proportion of its surroundings and enhances the character of the locality.

*Living conditions*

18. The main concern of the Council is that the development would be too close to the rear of Nos 134 and 136 Bassett Avenue, leading to overlooking of those properties (especially from the top floor flats) and a significant loss of privacy.

The basis for this contention is the authority's Residential Design Guide (RDG), which sets out minimum back-to-back separation distances for windows serving habitable rooms. The RDG indicates that there should be 28m between two/three-storey housing and other three-storey housing, and 35m between three/four-storey housing and other four-storey housing. According to measurements agreed between the main parties at the inquiry, the proposed building would be about 28m from the rear of the house at No 134 and the new flats at No 136. Because the flats block would be four-storeys high, the Council believes that overlooking from residents in the top floor flats would cause harm to the living conditions of the occupiers of these Bassett Avenue properties. The appellants argue that this problem could be overcome by ensuring that the top floor windows on the west-facing elevation of the flats are obscure-glazed.

19. Whilst the RDG separation distances do not strictly apply to a situation where four-storey flats face two-storey houses, the Council believes that the 35m standard is appropriate. In general terms I agree, for in my experience the broad principle promoted by the RDG, which is that taller buildings require greater separation if privacy is to be safeguarded, is generally accepted. The important point, as the RDG acknowledges, is that the standards are applied flexibly according to the circumstances. In this case I believe that the issue is not whether particular windows just satisfy or fall slightly short of the required standard, but the overall impact of the development on the privacy of the occupiers of Bassett Avenue properties.
20. I saw on my visit that the west-facing elevation of the development would be visible across the full width of the shortened rear garden of 134 Bassett Avenue. On each floor there would be four windows to bedrooms about 28m from habitable rooms at the rear of No 134 and three windows to a kitchen/lounge at a distance of 34-35m. Whilst overlooking from the lower floors could be prevented by intervening fencing and hedges, I believe that the sheer number of windows on the upper floors would engender a significant feeling of being overlooked for the occupiers of No 134. To my mind the insertion of obscure glazing in the fourth-storey windows so that the development does not fall foul of the RDG standards would make little difference to the occupiers of No 134, for the likelihood is that they would still feel that their privacy was being invaded.
21. I appreciate that the current occupiers of No 134, who are the parents of one of the appellants, do not object. Indeed, as there are plans to redevelop No 134 it is possible that the problems I have identified would not exist in the future. But in the absence of an approved scheme of redevelopment I must base my decision on the situation that currently exists. In my view future occupiers of No 134 would experience a degree of overlooking that they should not reasonably be expected to tolerate. In reaching this conclusion I have had regard to the flexibility sought by the RDG according to the context of the site. However, as this spacious suburban area is not the sort of location where reduced separation distances are characteristically found, there is no justification for a significant relaxation of the RDG criteria.
22. The separation distances between the proposed development and the new flats at 136 Bassett Avenue are similar to the distances to No 134, though the relationship is rather different. The proposed development would be set back some 14m from the highway, so the main outlook from the rear of the new

- flats (notwithstanding the tree cover) would be across the front garden and access, rather than the building itself. Thus most views between windows would occur at an oblique angle, reducing the scope for overlooking and lessening the extent to which future occupiers of No 136 would feel that their privacy was being invaded. Consequently, although the RDG standards would not be fully met, I do not believe that the development would cause unacceptable harm to future occupiers of No 136.
23. The Council is also concerned about the proximity of the proposed development to Beechmount House, the student accommodation to the east. On each floor, two bedroom windows of the proposed flats would be quite close (minimum 16.6m) to a kitchen/dining room window of the student block. I saw on my visit that there are some sizeable shrubs that would prevent any overlooking between accommodation on the ground and first floors, though I think it likely that there would be a direct line of sight between the top floor window of the student block and the windows on the two upper floors of the proposed flats. The extent to which students use the kitchen/dining room is not known, though I suspect its use is intermittent; moreover, the absence of an objection from the University suggests that this proximity not likely to be a serious concern for students. Potential occupiers of the proposed flats would be aware of the student accommodation and could decide whether or not this relationship was acceptable to them. Whilst this proximity is not ideal, given its limited impact I consider that, by itself, it would not be sufficient reason to reject the proposal.
24. There would also be a marginally below-standard separation distance between the west-facing bedroom windows on the southern wing of the student block and a lounge/kitchen window of the proposed flats. However, the presence of an intervening beech tree in the grounds of Beechmount House would (even in winter) filter views sufficiently, in my view, to ensure that no serious loss of privacy would occur.
25. I turn finally to the effect on the occupiers of the proposed third-floor flats of the proposal to obscure-glaze their west-facing windows in an attempt to comply with the Council's RDG. Three windows to the lounge/kitchen area of one flat and four of the six windows to two bedrooms of the other flat would be treated in this way, substantially restricting the outlook from these rooms. Aside from my conclusion that this would not overcome the overlooking problem, I regard it as a wholly contrived and unsatisfactory solution. Despite each room having one clear-glazed window facing north or south, I believe that the extent of obscure glazing would result in a poor standard of accommodation for occupiers of the flats. Moreover, it would detract significantly from the high quality of design that is promoted by the appellants.
26. For these reasons I conclude that the proposal is contrary to the elements of Local Plan policies SDP 1, SDP 9 and H 2 which seek to protect and respect the amenity of the occupiers of adjoining land.

#### *Car parking provision*

27. Appendix 1 of the Local Plan establishes maximum parking standards according to the accessibility of a site to public transport. In low accessibility areas the maximum on-site provision for a 2-3 bed dwelling is 1.5 spaces per unit, equivalent to 12 spaces for the 8 flats proposed. In medium accessibility areas

the maximum provision is reduced by 50%. The appeal site is in (albeit on the edge of) a medium accessibility area by virtue of being within 400m of the Bassett Avenue/ Winchester Road corridor. In recognition of the fact that the site is close to the outer edge of the medium accessibility area, the Council considers that a maximum of 8 parking spaces should be provided on site.

28. For the reasons explained in paragraphs 3-5 above, it is necessary to consider the proposal on the basis of the plan that shows 14 parking spaces. The Council indicated at the inquiry that the standards in Appendix 1 include an allowance for visitor parking, so the argument that the provision should be regarded as 1 space per flat plus 6 for visitors does not mean that the level of provision accords with the Local Plan, even allowing for a flexible interpretation of policy. Policy SDP 5 states that the maximum standards should not be exceeded; the proposal is clearly in conflict with this policy.
29. Planning Policy Statement (PPS) 3: *Housing*, which was published after the Local Plan, seeks a design-led approach to the provision of car parking space. I have some sympathy with the argument that, because Bassett is an area of high car ownership and the proposal is to build luxury three-bedroom flats which would be suitable for families, it is likely that occupiers of the flats would, on average, own more than one vehicle per unit. However there is no evidence that the development would create a demand for 14 spaces, so I find no basis for accepting a level of on-site provision that even exceeds the maximum that would be allowed in a low accessibility area under policy SDP 5. Over-provision of parking spaces would detract from the high quality design sought by PPS3, and would also be contrary to the wider sustainability objective which aims to reduce dependence on the private car.
30. In reaching this conclusion I have taken into account the view that, if the demand for on-site parking spaces is greater than the supply, the consequence is more likely to be displaced parking occurring on the street rather than a reduction in vehicle ownership. I also note the concern of local residents about the high level of parking on Beechmount Road. No surveys have been conducted, however, and on an evening visit to the area I observed some vacant spaces close to the site and ample unused provision in nearby Glen Eyre Road. Thus whilst a reduced level of on-site provision might cause slight inconvenience to nearby residents as a result of increased competition for on-street parking, I do not believe that the problem would be so serious as to justify rejection of the proposal on this basis.

*Other matters*

31. I describe in paragraphs 6-7 above the failure of the appellants to complete a section 106 planning obligation which would overcome the Council's concern that, without mitigation, the development would place unacceptable demands on local infrastructure. However, because a final draft obligation was produced at the inquiry and agreed by the Council to be acceptable, I allowed a short period after the inquiry for the completed obligation to be submitted.
32. The appellants subsequently advised that they were unable to obtain the signature of all parties within the required timescale. Instead, they reached agreement with the Council to pay a cheque to the authority equivalent to all the monies required under the section 106 obligation; this cheque would be

held by the authority for 3 months to allow time for the obligation to be signed by all parties. The cheque would either be returned by the Council on receipt of an executed section 106 obligation or, if that does not transpire, cashed at the end of the 3 month period so that the contributions to infrastructure provision would be fully met.

33. I have considerable doubts about the appropriateness and propriety of this arrangement, which appears to have the potential to be outside the scope of Government advice on planning obligations in Circular 05/2005. I note, in particular, that the post-inquiry correspondence states that two mortgagees have refused to sign the obligation on the basis that it is not company policy. If that situation were to endure the fallback arrangement agreed with the Council, whereby the cheque is cashed, would come into play (had I been minded to allow the appeal and grant planning permission). A direct payment of this nature is wholly contrary to the Government's policy that the decision making process should be transparent. Consequently I cannot be certain that the means of payment has been properly secured.
34. The Council produced evidence at the inquiry which demonstrated that the contributions it was seeking accorded with Local Plan policy and the criteria in Circular 05/2005. I am satisfied, therefore, that the contributions are necessary to mitigate the impacts of the development. The absence of any certainty that an appropriate mechanism is in place for the payment of such contributions is a further reason why the proposal is unacceptable.
35. I have taken account of all the other matters raised. I note the concern of some local residents about increased traffic and turning movements to and from the busy Bassett Avenue, but there is no evidence before me of a serious highway safety problem. I find nothing to outweigh my findings on the main issues.

*Conclusion*

36. For the reasons given above I conclude that the appeal should be dismissed.

*Martin Pike*

INSPECTOR

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Ann Greaves <i>She called</i>	Solicitor, Legal Services, Southampton City Council
Mr S Lawrence BA(Hons) DipTP DipUD MRTPI	Planning Officer Team Leader, Planning & Sustainability Division, Southampton City Council

### FOR THE APPELLANTS:

Gary Grant of Counsel <i>He called</i>	
Mr C Edmond DipArch RIBA	Principal, Chris Edmond Associates, 1-3 Lyon Street, Southampton SO14 0LD
Mr G Rogers MRICS MRTPI	Planning Consultant, Luken Beck Ltd, 30 Carlton Crescent, Southampton SO15 2EW

### INTERESTED PERSON:

Dr I Croudace	14 Chetwynd Road, Bassett, Southampton SO16 3JD
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## **DOCUMENTS SUBMITTED AT THE INQUIRY**

- 1 Letter dated 1.4.09 from Dr Croudace
- 2 Letter to Southampton CC from Mr Moore, East Bassett Residents Association
- 3 Note on proposed amendments – Mr Grant
- 4 Opening statement for appellants
- 5 Letter to Southampton CC from Mr Price
- 6 Letter to Southampton CC from D & P Jenkins
- 7 Amended proof of evidence – Mr Edmond
- 8 Draft Unilateral Planning Obligation
- 9 Letters from Luken Beck advising third parties of proposed amended plans
- 10 Addendum to Statement of Common Ground
- 11 Extract from emerging Core Strategy
- 12 Final Draft Unilateral Planning Obligation
- 13 Amended lists of conditions
- 14 Closing submissions for Council
- 15 Closing submissions for appellants
- 16 E-mail trail dated 17.4.09 regarding section 106 and alternative arrangement

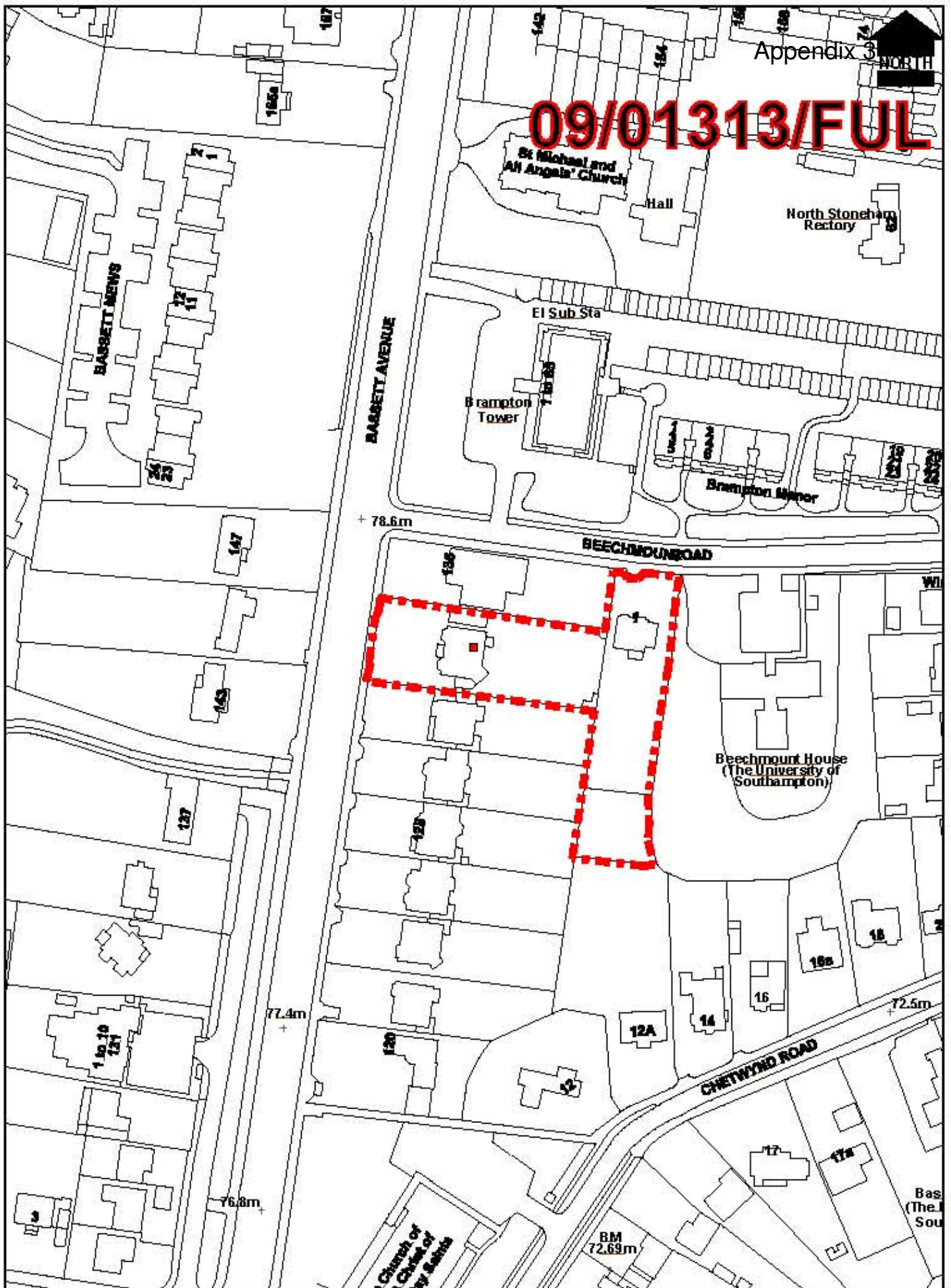
## **PLANS SUBMITTED AT THE INQUIRY**

- A Site plan of approved development at 136 Bassett Avenue
- B Proposed site plan with agreed dimensions - Drawing 28397 114
- C Proposed street scene – Drawing 28397 105 Rev C

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09/01313/FUL



Scale : 1:1250

Date :04 February 2010

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# Agenda Item 6

Southampton City Planning & Sustainability  
 Planning and Rights of Way Panel meeting 16<sup>th</sup> February 2010  
 Planning Application Report of the Head of Division

Application address: Chamberlayne College, Tickleford Drive, Southampton			
Proposed development: Redevelopment by the erection of a replacement school building (up to 9,000sqm gross floor space) with a Multi Use Games Area (MUGA), associated parking and vehicular access from Weston Lane (outline application with means of access for consideration at this stage) following demolition of the existing building - Description amended following validation to include the MUGA of the site			
Application number	09/01163/R3OL	Application type	Outline
Case officer	Stephen Harrison	Application category	Q12 Majors S - other

<b>Recommendation Summary</b>	<b>Delegate to Development Control Manager to grant planning permission subject to criteria listed in report (Regulation 3 application)</b>
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Reason for Panel consideration	Application submitted on behalf of Southampton City Council
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Applicant: Southampton City Council	Agent: Capita Symonds
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Date of receipt	26.11.2009	City Ward	Woolston
Date of registration	26.11.2009	Ward members	Cllr R Williams
Publicity expiry date	12.02.2010		Cllr Payne
Date to determine by	25.02.2010 <b>IN TIME</b>		Cllr Cunio

Site area	53,834sq.m (5.3ha)	Usable amenity area	N/A
Site coverage	N/A - Outline	Landscaped areas	N/A
Density - whole site	N/A		

Residential mix	numbers	size sq.m	Other land uses	class	size sq.m
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	N/A	N/A	other	D1	9,000 (upto)

accessibility zone	Part low/medium	policy parking max	1.5 spaces/classroom
parking permit zone	no	existing site parking	108 spaces
cyclist facilities	yes	car parking proposed	108 spaces
motor & bicycles	Not determined	disabled parking	2 spaces

### Key submitted documents supporting application

1	Design & Access Statement	2	Planning Response (15/01/10)
3	Planning Supporting Statement	4	Arboricultural Method Statement
5	Contaminated Land Report	6	Biodiversity Checklist
7	Sustainability Checklist	8	Ecological Appraisal
9	Tree Survey	10	Flood Risk Assessment
11	Transport Statement & Summary	12	Green Travel Plan
13	Statement of Community Involvement	14	Archaeological Assessment
15	Acoustic Assessment (As updated)	16	Ground Contamination Assessment

### Appendix attached

1	Development Plan Policies	2	Planning History
3	Sport England Objection Letter	4	Suggested Planning Conditions

## **Recommendation in full**

1. Subject to written confirmation from Sport England withdrawing their objection to the application on statutory loss of playing field grounds, and on the location of the MUGA and potential dual use with the leisure centre, and
2. Subject to written confirmation from SCC Environmental Health withdrawing the objection to the application on the location of the MUGA and potential disturbance to adjacent residential properties,
3. Delegate to the Development Control Manager to grant planning permission

## **Procedural Context**

### Councils Own Development

The proposed scheme is a Regulation 3 application for Outline Permission. A Regulation 3 application relates to proposals made by the Local Authority (in this case as the Local Education Authority) for development that it wishes to undertake as part of its remit as a public sector service provider.

It is general practice that following the proper assessment of the planning merits of the proposal that Regulation 3 applications should be either approved if considered acceptable, or the application should be requested to be withdrawn if not considered acceptable for justifiable planning reasons that would normally result in a refusal.

### Application Content

A modification of the outline planning application procedure was introduced in August 2006 by the Government. These changes require applicants to demonstrate more clearly that their proposals have been properly considered in light of the relevant development plan policies and guidance. As a minimum Circular 01/2006 (Guidance on Changes to the Development Control System) explains that outline applications should now include (as a minimum) information relating to land use, the amount of development, an indicative layout, scale parameters and indicative access points.

## **Background**

The process leading up to the submission of this application and this project's place within the City Council's wider objective of achieving better educational attainment and attendance.

The Building Schools for the Future (BSF) project aims to rebuild or renew nearly every secondary school in England and will deliver the Government's 'Every Child Matters' agenda. As part of this agenda every BSF school will offer additional or "dual use" facilities (such as sports halls, libraries, nurseries and ICT) to the wider community. Southampton BSF was launched in Spring 2009 and has identified a number of schools that are beyond economic repair; one of which is Chamberlayne College.

The expectation of the HM Treasury and its partners is that the planning risk of each project is mitigated as far as reasonable and an initial outline planning application has been submitted to secure broad principles and give sufficient certainty to the procurement process and funding.

The detailed design and layout of the scheme is not currently known and will be pursued in due course following the event of a successful outline planning application.

## **Site and surrounding context**

The application site (5.3ha) provides a secondary school surrounded by the residential streets of Scott Road, Hurst Green Close (which the application site has pedestrian access to and from), Tickleford Drive and Kingsclere Avenue (from where the school's main points of vehicular access are currently taken). Sports pitches and allotments separate the site from the Chamberlayne Leisure Centre and Weston Park Infant and Junior schools (to the north). All boundaries are marked by wire and palisade fencing with some mature planting.

The existing school buildings (formerly known as Weston Park Secondary School for Girls) are located in the centre and southern part of the site and comprise a series of blocks of different scale and architectural styles. The oldest part of the school was built in 1955. Hard surfaced playing courts with open grassed areas are located on the south-eastern part of the site bounded by Tickleford Drive itself. The school's existing sports pitches form the western part of the site and are themselves divided by a line of mature trees. The site is located within Flood Zone 1 and has a low probability of flooding.

Currently, the site is not accessed from the west by vehicles and the Chamberlayne Leisure Centre, and its' parking, separate the site from Weston Lane. An existing bus stop lay-by and telecoms mast mark the location of a new proposed access to serve the redevelopment proposals (as detailed further below).

## **Proposed development**

The outline application is made with all matters reserved save access, which is listed for consideration. Illustrative layout material and indications of structural landscaping are shown with limited parameter information regarding building footprint, heights, overall lengths and widths.

Planning permission is sought for the amount of development and the access to the new school. Circular 01/06 defines "Access" as the "accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network" (paragraph 51 refers).

All other details, including Appearance, Landscaping, Layout and Scale are indicative at this stage and are reserved for consideration at the 'reserved matters' stage. An indicative site layout is provided which identifies a possible layout with a restriction of any building works within at least 30m from the site's boundary with residential neighbours.

The Council's "Estates Appraisal" has concluded that it is no longer economically viable or functionally desirable to repair or refurbish the existing Chamberlayne College buildings. It is therefore proposed to construct a new school building of no more than 9,000sq.m floorspace and a maximum height of 3 storeys (up to 12m) on part of the existing playing fields within the school site. This would be a tandem build whereby the existing school facility will remain unaffected and pupils will continue to attend and then decant across to the new facility once it is completed. If the scheme achieves its maximum allowable floorspace of 9,000sq.m this represents an increase of 1,630sq.m over the existing provision. The capacity of the school will increase from 900 to 912 pupils with 80 staff. At January 2009 the school had a pupil roll of some 679 students.

The existing buildings will be demolished following the completion of the new school and replacement sports pitches will be provided for school and community use (on the site of the existing school). No further details of the proposed "dual use" are provided. No floodlighting of these pitches, or the new MUGA, is proposed.

No additional car parking is proposed and 108 parking spaces will be relocated and re-provided to the western part of the site. Currently there are 89 staff spaces, 17 visitor spaces and there are 2 disabled spaces.

To facilitate the redevelopment proposals and to remove congestion issues from Tickleford Drive it is proposed that a new “controlled” vehicular and pedestrian access road will be constructed from Weston Lane between the existing Leisure Centre and 138 Weston Lane, together with the required re-profiling of existing levels and the reconfiguration to part of the Leisure Centre’s existing car parking layout. Pedestrian access to the site will be retained from Winchfield Close and all other access points will be stopped up.

Following a successful planning stage it is anticipated that development could commence on site as early as January 2012.

## **Relevant Planning Policy**

### LDF Core Strategy - Planning Southampton to 2026

Following the receipt of the Inspector’s Report from the Examination into the Southampton Core Strategy Development Plan Document (13/10/09) and its consideration and adoption by the Council (20/01/10) the policies of the LDF Core Strategy, and those “saved” from the Local Plan Review, form the planning policy framework against which this application should be determined. The relevant policies are set out at **Appendix 1**.

The application site is not allocated in the current development plan, although the existing playing pitches are designated under Local Plan “saved” Policy CLT3. Core Strategy Policy CS21 supports Policy CLT3 and seeks to protect existing playing fields from inappropriate development. A presumption of no net loss of open space now exists.

Local Plan Policy L1 has been superseded by LDF Core Strategy Policy CS11, which supports the development of new educational facilities on school sites and encourages wider community use of those facilities outside of school hours. The South-East Plan recognises the need to improve education and skills to strengthen the region’s economy.

### Sustainability Implications

Major developments are expected to meet high sustainable construction standards in accordance with the City Council’s adopted and emerging policies. In accordance with adopted Local Plan “saved” Policy SDP13 and Core Strategy Policy CS20 the applicants have made a commitment to securing a building with “excellent” design credentials when assessed against the Building Research Establishment Environmental Assessment Method (BREEAM). The design team will adopt an approach that reduces carbon emissions through the provision of high levels of insulation. Low and zero carbon technologies will also be employed to offset a percentage of CO<sub>2</sub> emissions that each building generates through its functional operation. As the detailed design is, however, currently unknown the attached planning condition is recommended to secure delivery at the ‘reserved matters’ stage.

## **Relevant Planning History**

The school has expanded on a number of occasions since it was built on the former Weston Park in 1955. It has a capacity for some 900 pupils, albeit the current school roll is 697 pupils. Some 108 car parking spaces exist. The full planning history for this site is set out at **Appendix 2** to this report

## Consultation Responses and Notification Representations

The application is supported by a 'Statement of Community Involvement', which details how the applicants have involved the local community prior to the formal planning submission. This has involved using notification letters and an up-to-date website to gauge local opinion. The plans were also made available at the Central Library for inspection between 24<sup>th</sup> and 31<sup>st</sup> October 2009.

At the application stage a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (10/12/09) and erecting a site notice (10/12/09). At the time of writing the report **18** representations had been received from surrounding residents.

Ward councillors Williams and Payne have also raised an objection to the proposals.

A re-consultation exercise has been carried out following further amendment to the proposed Multi Use Games Area (MUGA). The closing date for comments is Friday 12<sup>th</sup> February and a verbal update will be given at the Panel meeting.

### Summary of Representations made

#### **i) The Access Road**

**The proposed access road from Weston Lane will harm existing residential amenity in terms of noise and disturbance and early morning/late night servicing activity. The development proposals are against Human Rights legislation.**

##### Response

Whilst the planning system takes into account Human Rights legislation it is accepted that taking access from Weston Lane will affect the residential amenity of residents living nearby – particularly at 138 Weston Lane and at 1-14 Scott Road. The existing open space will be replaced with a two-way vehicular access, and pedestrian route, which becomes the school's principal access point. Whilst many of the pupils will continue to use the retained Winchfield Close access point all vehicles will be directed to the Weston Lane access. The existing landscaped buffer between the road and the affected properties will be enhanced, and a separation distance of some 20 metres (as detailed below) will be maintained. Although the Council's Environmental Health Officer has raised an objection to the siting of the proposed MUGA they have not objected to the new road details. Any impact experienced is not considered to be significantly harmful and can be mitigated with the attached planning conditions.

**A loss of privacy will also occur to the residents of Scott Road if the access road is approved with the footpath running close to existing windows.**

##### Response

Since these comments were received the applicants have redesigned the access road so that the pedestrian footway is sited on the northern edge of the road, some 23 metres from these affected properties. With the existing (and proposed) landscaping between the road and the dwellings the loss of privacy will, therefore, be minimal.

**The proposed access road from Weston Lane is harmful to the environmental and visual character of the area.**

##### Response

The proposed access will replace an existing bus lay-by and has been designed to adoptable highway standards. Further speed restrictions can be secured with a planning condition. Although landscaping is indicative at this stage there is sufficient space to soften this Weston Lane frontage and the access road itself will be planted to improve its visual appearance.

**The proposed access road from Weston Lane crosses an existing right of way, which is currently used by parents and children attending the Weston Park Infants/Junior schools. There is a potential conflict between additional vehicle movements and these pedestrian movements.**

Response

The Council's Right of Way Officer (RoW) has confirmed that the right of way does not extend along the whole length of this affected footpath. The footpath is a permissive route where it is intersected by the proposed access road, and the Highways DC Officer has suggested a raised table at this point. Any potential conflict has been properly considered by the applicants' highway consultants, the Council's Highways DC Officer and the RoW Officer as acceptable.

**The foundations of 138 Weston Lane will not cope with the additional traffic within yards of this property if the new access road is constructed.**

Response

The foundations of 138 Weston Lane have not been inspected as no qualified evidence has been submitted to suggest that a property of this period would be harmed by an access road of the relative modest type and scale proposed.

**The residents of 138 Weston Lane will have difficulty accessing their property (particularly at peak times) if the new access road is constructed.**

Response

The school seeks to discourage people arriving by car through the implementation of its Travel Plan. As the majority of trips to the site will be by foot and other non-car modes, with a gradual reduction expected in car-based trips, any increase in peak time activity is not likely to be significant. The submitted Transport Assessment identifies that Weston Lane already experiences high levels of vehicle movements during peak times. For the survey date of 24<sup>th</sup> September 2009, for instance, a total of 792 cars were recorded along Weston Lane during the morning peak. A total of 1,016 cars were recorded during the evening peak. Highways DC have not objected to this planning application and do not anticipate a significant increase in vehicle movements along Weston Lane.

**The access road and proposals will build over land that should be reserved for recreational uses.**

Response

The application will yield a net increase of sports and recreational facilities that are available to the wider community on a 'dual use' basis. This is consistent with LDF Core Strategy policies CS11 (An Educated City) and CS21 (Protecting and Enhancing Open Space). The current objection from Sport England, the statutory consultee on this issue, is appended to this report at **Appendix 3**. The applicants are working to have this objection withdrawn and a verbal update will be given at the Panel meeting.

**The existing Winchfield Close access is more than capable of providing the new school's access requirements. Alternatively it would be possible to locate the road on the opposite side of the leisure centre (away from residential property).**

Response

Part of the rationale for the proposed access road is to take car borne traffic for the school away from the residential roads of the neighbouring estate. The applicants are, therefore, promoting the Weston Lane access. No alternative plans have been submitted. Highways DC have raised no objection to the proposed access as shown.

**Scott Road is a narrow road and will not be able to cope with the likely increase in vehicle movements and parking as parents drop off their children as near as possible to the new entrance.**



### Response

It is recognised that school entrances can be congested during peak times, however, nearly 80% of pupils are expected to arrive and depart by non-car modes (as existing). The success of the school's impact on its neighbours requires careful management by the school and its travel plan coordinator. The inclusion of a dedicated "drop off" point on site would undermine the success of the Travel Plan.

### **Parents will chose to use the Leisure Centre for dropping off children.**

#### Response

If this becomes problematic it can be enforced by the Leisure Centre and the School in partnership.

### **The proposed access road will flood during heavy rain and affect neighbouring property.**

#### Response

The application site has been categorised as having a low environmental impact and the Environment Agency have not, therefore, objected to the proposals. The recommendation includes planning conditions to secure sustainable surface water drainage techniques as requested by Southern Water.

### **ii) Other issues**

### **There is no justification for undertaking these rebuilding works.**

#### Response

The planning application explains the rationale behind the BSF project. In summary the BSF Team conclude that it is not economically viable or functionally desirable to repair or refurbish these buildings as they will not be able to meet modern educational standards.

### **Residents have had no involvement in the pre-application design process.**

#### Response

The applicants have detailed their pre-application community involvement as part of the planning submission. This has involved writing to affected residents and providing details at the Central Library and on an up-to-date website. The Local Planning Authority has exceeded its own statutory requirements for consultation with the affected neighbours.

### **The out of hours security of the school campus is poor and the playing fields are often used by large groups causing noise and disturbance. This will get worse following the proposals.**

#### Response

Whilst the existing problems at the school have been confirmed by Hampshire Constabulary there is no evidence to suggest that a carefully designed scheme will exacerbate these issues. Indeed, with careful planning at the design stage, the reduction in school access points and the site's existing permeability, the increased management of a dual use facility, and the input of Hampshire Constabulary at the design stage to assist the project in achieving "Secured By Design" status the project may reduce actual and perceived levels of crime for this site.

### **The development will cause noise, dust and disturbance during construction.**

#### Response

These problems at the construction phase can be mitigated against with the attached planning conditions.

**The proposed MUGA is too close to the residents of Scott Road, Bacon Close and Doyle Court and will result in noise and light nuisance.**

Response

Agreed. This conclusion is also shared by the Council's Environmental Health Officer. The applicants have amended their indicative layout to relocate the MUGA away from the nearest residents. The MUGA has been swapped with the proposed area of car parking. No floodlighting is proposed as part of this application and the proposed car park lighting can be secured with the attached planning condition. A verbal update of this issue will be given at the Panel meeting.

**The mature trees on the site should be protected and retained.**

Response

Agreed. An up to date Arboricultural Report accompanies the application. No objections have been received from the Council's Tree Officer to the proposed tree loss (as set out below). Any tree removed will be replaced on a two-for-one basis.

**House prices in the area will depreciate as a consequence of the development.**

Response

As Councillors are aware the issue of property values, and the impact on them of neighbouring development, is not a material planning concern. In any event there is no evidence in this case to suggest that an improved educational offer on this site will reduce house prices.

Summary of Consultation comments

**SCC Highways** - No highway objection raised subject to planning conditions. On balance pedestrian and cycle accessibility remains the same following this redevelopment. The principal vehicular access would change to Weston Lane, which would make the majority of vehicle borne trips to the school shorter. It is anticipated that the majority of vehicles approach the school from Weston Lane. The Chamberlayne Leisure Centre also has access onto Weston Lane. This will result in additional turning traffic from this point in Weston Lane, but reduce turning traffic further down at the Wallace Road junction. The number of vehicles using Weston Lane is unlikely to change. The access road design is very straight and will need to have traffic calming measures built into it. This will include a raised table at the point where the permissive route to the Weston Park Infants and Junior School is crossed by the proposed access. This permissive route is only open at the school end at start and finish times of the school day. It is used by pedestrians and cyclists. There are good cycleway footpath links between Hurst Green Close and the Leisure Centre which will be maintained to avoid inconvenience to locals. There are no concerns to giving consent to a new access for the school from Weston Lane. Parking numbers are to remain unchanged (for both the school and the leisure centre).

**SCC Ecologist** - no objection to the proposed development providing a biodiversity mitigation and enhancement plan is submitted at the reserved matters stage. This plan should include the findings of any bat emergence surveys that have been recommended. The site consists of a number of buildings, plus extensive areas of amenity grassland and hard standing. There are also scattered trees, improved grassland, semi natural and plantation broad leaved woodland, areas of scrub, a species poor hedgerow and a pond. An ecology report submitted with the planning application concluded that the site is of low overall ecological value. However, the trees, woodland and scrub were assessed as having high potential for breeding birds, whilst the trees along the northern and western boundaries and the woodland in the south east corner were considered to have moderate potential for foraging /commuting bats. The buildings were considered to have little potential for bat roosts whilst the trees were considered to have low potential.

The lack of any detailed development proposals for site means that the biodiversity mitigation and enhancement measures are currently indicative. The current design shows green roofs on the new school building which are supported on both biodiversity and climate change adaptation grounds. A condition may also be needed to control lighting design in order to prevent direct illumination of the trees, scrub and boundary hedgerows. This is dependent upon the final design of the building and access routes.

**SCC Sustainability** - Support is given to the proposal provided conditions are applied to secure an excellent BREEAM standard, the installation of Micro-Renewables, Sustainable Urban Drainage Solutions (SUDS) and the green roof.

**SCC Rights of Way Officer** – No objection raised as all forms of existing access will be maintained. The existing footpath from Scott Road to the infant and junior school is only a right of way in part and not at the point that the proposed access intersects it.

**SCC Access Officer** - The Access Statement is satisfactory and can be resolved at the detailed design stage.

**SCC Environmental Health (Contaminated Land)** - No objections raised subject to the attached planning conditions. Annex 2 of PPS23 considers the proposed land use as being sensitive to the affects of land contamination. To ensure compliance PPS23 and policies SDP1 and SDP22 of the City of Southampton Local Plan Review this Department would recommend that the site be assessed for land contamination risks and, where appropriate, remediated to ensure the long term safety of the site.

**SCC Environmental Health (Pollution & Safety)** – Objection raised to the proposed siting of the MUGA within the western corner of the site adjacent to Doyle Court and Scott Road.

Response

Amended plans that switch the proposed parking and the MUGA, supported by an amended acoustic survey, aim to address the concern on neighbouring residential property it is unlikely that this objection will be maintained.

**SCC Regeneration & Renewal Team** - Supports the proposal as the new school will provide better facilities to serve the local community and will aid the regeneration of the priority area of Weston, where there are lower levels of education, skills and training and lower levels of employment.

**SCC Trees** - No objection to this outline proposal subject to planning conditions. The trees in/adjacent to this site are under Council ownership and are therefore considered to have the same protection as a Tree Preservation Order and constitute a material consideration in the planning process. The important amenity trees are shown to be retained including T5 Beech, T6 London Plane and T7 Oak along with important groups, G1 and G2 which are along the boundary with properties in Hurst Green Close and G9 and G10 which are growing adjacent to Tickleford Drive. The proposed new access driveway through the leisure centre land will result in the loss of a couple of small semi-mature trees which have limited amenity. The loss of these trees can be mitigated with replacement planting.

**SCC Chamberlayne Leisure Centre** – Objection raised if the additional sporting facilities are not complimentary to the Leisure Centre. The new access road raises concerns as it will bring additional noise and disturbance. The closure of the existing Leisure Centre access is not supported. The scheme should not result in the loss of any leisure centre parking or its use for parents wishing to drop off children. Litter is an existing problem for both sites and requires further consideration.

### Response

The school's new sports facilities will not 'double-up' on the existing Leisure Centre facilities and Sport England would wish to see a dual-use arrangement whereby the schools and the leisure centre's facilities compliment each other.

The new access road will fall under the ownership of the school and will be maintained and managed independently of and will not involve the blocking up of the existing Leisure Centre access. The Access Road will have necessary speed control measures and will also be lined by a soft landscaped buffer zone which will form both an acoustic and a visual barrier to the adjacent leisure centre car park and neighbouring houses. As part of the planning process the school will have to provide a School Travel Management Plan which will aim to highlight the intended process for pupil drop-off / pick-up. The overall intention is that the majority of pupils arrive at school via foot or public transport.

**Sport England** - Objection raised if the additional sporting facilities are not complimentary to what the Leisure Centre offer. The objection letter from is appended at **Appendix 3**.

NOTE - Should the Local Planning Authority be minded to grant planning permission for the proposed development, despite the Sport England objection, then the application will need to be referred to the Government Office for the South East in line with the Town and Country Planning (Consultation) (England) Direction (2009).

### Response

Amended plans that switch the proposed parking and the MUGA, supported by a phasing strategy to demonstrate how the needs of pupils will be met during the construction phase, aim to address the concern on linkages with the existing leisure centre it is unlikely that this objection will be maintained.

**Hampshire Constabulary** - As the site is a complete new build the applicant will be expected to take reasonable steps to achieve 'Secured By Design' on the site. Planning conditions are recommended.

The crime statistics indicate that the area suffers from anti-social behaviour related offences in the form of rowdy and inconsiderate behaviour and criminal damage. The plans would be unlikely to cause a rise in reported incidents however there is likely to be a displacement. The new entrance along Weston Lane will cause an increase in traffic related issues in an area which is already problematic from parents dropping off children to the Junior/ infant school.

Further details will be required to show how the security issues of the school site will be addressed, concerns are raised that the increase in footfall along this path will cause further problems to the residents of Scott Road with the possibility that incidents of criminal damage could also arise to the rear of the dwellings unless further details of means of enclosure and site security are submitted. The Winchfield Close entrance should be secured once pupils are on site to prevent members of the public wandering onto the site. of how the school will prevent unlawful access onto the roof. Opening the school facilities to the public will be of great benefit to the local area and will hopefully provide some diversionary activities.

**Environment Agency** – No objection in principle subject to a planning condition being added in relation to sustainable urban drainage.

**BAA** – The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. No objection is raised to this proposal.

## **Planning Consideration Key Issues**

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

- i. Principle of development;
- ii. Sports pitch re-provision and phasing;
- iii. Design;
- iv. Residential amenity;
- v. Highways and parking; and,
- vi. Trees.

### Principle of Development

The site is currently in a educational use (Use Class D1) and the redevelopment proposals for a larger school are considered appropriate. A maximum increase of 1,630sq.m floorspace is proposed which will increase the capacity of the school from 900 to 912 pupils. The new building will provide state of the art facilities meeting corporate as well as planning policy aims of the Development Plan for Southampton, principally Policy CS11 (An Educated City) from the adopted LDF Core Strategy (2010).

### Sports Pitch Re-Provision & Phasing

As part of this outline application for the replacement school, and as well as demonstrating that the quantum of development can be accommodated, the applicant needs to satisfy the Local Planning Authority that the redevelopment can be undertaken without compromising the school's ability to provide continuous education provision, including access to external play space to serve the needs of the pupils. LDF Core Strategy Policy CS21 (Protecting and Enhancing Open Space) seeks to retain the quantity, and improve the quality, of existing open space provision. There is a presumption against developing existing school playing pitches unless alternative provision of equal (if not better) space is provided.

Following objection from Sport England to the proposals (as attached at **Appendix 3**) the applicants have submitted additional information and a phasing plan. This explains that the existing off-site sports pitches adjacent to the Chamberlayne Leisure Centre will be upgraded prior to any construction works taking place on the school's existing on-site playing fields. The existing on-site sports pitches have an area of 21,565sq.m. The off-site pitches comprises a running track and at least two football pitches with a combined area of 33,160sq.m. Once available for use by the school the construction phase can be implemented without affecting the pupil's access to convenient play space.

Once the replacement school is completed the existing buildings can be demolished and the land developed as the proposed sports pitches. The replacement school will be served by a 400m running track, three football pitches, cricket pitch, two long jump tracks and athletic areas with a combined area of 23,915sq.m. This phasing strategy is considered to be compliant with Policy CS21 and will deliver an improved sports pitch offer in terms of quality and quantity. That said, Sport England's objection is material and a verbal update will be given at the Panel meeting.

### Design

The adopted LDF Core Strategy Policy CS13 continues the Council's commitment to securing high quality design. The application is in outline with External Appearance, Siting, Scale and Landscaping reserved for a later consideration. No further details are currently available as the proposed site plan is indicative at this stage. The design of the proposed access from Weston Lane involves a change in the topography to secure a level approach for vehicles and pedestrians. Additional buffer landscaping will be secured at the reserved matters stage.

## Residential Amenity

Whilst the proposed site plan is indicative at this stage the Council needs to be satisfied that a school of 9,000sq.m with its requirements for external sports pitches and parking can be accommodated on site before issuing outline planning permission. The submission indicates that the building will not exceed 12m in height (3 storeys) and a minimum 30m “no build zone” has also been identified from the boundary with neighbouring property. At the detailed design stage the Local Planning Authority will be able to give full consideration to the impact of the building on its neighbours and can encourage a design solution that removes development from the most sensitive boundaries of the site.

The scheme has been amended and the MUGA’s indicative location is shown adjacent to the Leisure Centre. A re-consultation exercise has been undertaken with all concerned stakeholders following amendments to address concerns raised in respect to the location of the MUGA on the site and a verbal update will be given at the Panel meeting.

The principal objection to the current proposals concern the proposed access road from Weston Road and its impact on highway safety and existing residential amenity. The introduction of the new access will clearly impact on the existing residential amenity of residents living in Scott Road whilst the closure of the existing Tickleford Drive and Winchfield Close accesses will improve the amenity of adjacent residents. An assessment has to be made as to the significance of the impact to residents along Weston Land and Scott Road.

The proposed road is approximately 175m long and 5m wide and is to be built to adoptable highway standards. It is located approximately 16.5m from the properties at Scott Road. The proposed 2½5m wide associated footway is located on the northern side of this road and some 23m from the dwellings at Scott Road. There is existing planting along this affected boundary that will be complimented at the detailed design stage. No objections to the proposed access have been received from either the Council’s Environmental Health Officer or Highways to the proposed access road’s introduction. Given the separation distances, the additional planting and the lack of a statutory objection the proposed access is not considered to significantly reduce existing residential amenity. The application is considered to address the requirements of adopted Local Plan policies SDP1(i), SDP7(v) and SDP9(v).

## Highways, Access & Parking

A Transport Assessment (TA) and proposed travel plan have been submitted to support the application. They confirm that the school currently has 679 students (11-16 year olds) and employs 109 members of staff. On-site parking is provided for 108 vehicles served by three existing accesses. The main vehicular, pedestrian and visitor access to the school is from Tickleford Drive. There is a secondary access from Winchfield Close. There is also a public right of way that links Weston Lane to Tickleford Drive via Hurst Green Close.

From surveys undertaken on 24 September 2009 it is estimated that 59% of students walk to school, 21% travel by car, 16% catch the bus and the remainder (4%) cycle. The TA also confirms that some 96% of pupils currently live within 4km of the school. The survey work suggests that the peak period for “drop offs” in the morning is between 8:15am and 8:30am. The peak times for “pick ups” is between 2:45pm and 3pm. On the survey day there were 25 drop offs by car onto Tickleford Drive during the morning peak, and 16 pick ups by car during the afternoon peak. There were 17 drop offs by car onto Kingsclere Avenue between 7:30am and 9:30am, and 19 pick ups by car between 2:30pm and 4:30pm. The proposed increase in student numbers (from 900 to 912) is considered to have a negligible impact on these current trends or the local highway network.

Furthermore, the modal split may change favourably as part of the ongoing implementation of the school's Travel Plan. Additional movements will create some additional disturbance to residents of Scott Road and Weston Road, 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 should students have to attend schools elsewhere. The ongoing implementation of the Travel Plan will discourage parents from entering the school site for collection and drop off and will encourage the use of non-car modes and car sharing. The proposed access from Weston Lane has been designed to adoptable standards and can achieve the necessary sight lines onto Weston Lane. An existing bus lay-by will be removed and re-provided to accommodate the access. In highway safety terms the proposed access has been assessed as acceptable.

In terms of car parking there is no net increase in on-site provision proposed. Car parking is a key determinant in the choice of mode of travel. The Local Plan aims to reduce reliance on the private car and encourage alternative modes of transportation such as public transport, walking and cycling. The Council's adopted maximum standards for schools is 1.5 spaces per classroom. As the detailed design of this replacement building is currently unknown it is sensible to ensure that the existing parking provision can be accommodated at the outline stage. The actual level of on-site car parking provision can be secured at the detailed design stage. It is also considered appropriate to discourage use of the private car by continued implementation of a travel plan, which could be regularly monitored.

### Trees

Adopted Local Plan policies SDP1(ii), SDP6(vii), SDP7(i), SDP12 seek to ensure that major planning applications are supported by tree survey work and details of tree protection. The application is supplemented by an Arboricultural Method Statement, which has assessed the trees on the site to establish an acceptable development area. The proposed new access driveway through the leisure centre land will result in the loss of a couple of small semi-mature trees which have limited amenity. The revisions to the car parking layout also require the potential removal of a mature Hornbeam in the centre of the site. This tree is categorised as having limited long term value.

The Council's Tree Officer has raised no objection to the removal of these trees subject to a 2:1 replacement being secured. In any event, a revised tree report will be required at the detailed design stage and the loss of the Hornbeam tree will be dependent on the exact siting of the proposed building.

### **Summary**

At this "outline" stage there is sufficient information, as detailed by the indicative siting plan, to conclude that the site's redevelopment with a replacement school (of up to 9,000sq.m of floorspace) and MUGA can be accommodated without detriment to the site, its context, its pupils or its existing neighbours. The proposed phasing allows for continuous education to take place on site, with the retention of direct access for pupils to a good quality sports provision throughout (and after) the construction phase. The proposed access onto Weston Road will reduce traffic movements along Tickleford Road and Kingsclere Avenue, and there is sufficient spacing between the proposed access and the Scott Road properties to provide an appropriate landscaped buffer. All means of enclosure can be secured at the reserved matters design stage to ensure that the replacement school works towards a "Secured By Design" accreditation.

## **Conclusion**

The application is recommended for outline approval subject to the attached planning conditions.

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

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

1(a), 1(b), 1(c), 1 (d), 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), Draft South East Plan, City Plan Review (Adopted Version) as saved by the adopted Core Strategy (2010)  
SH for 16.02.10 PROW Panel



**POLICY CONTEXT****Adopted LDF Core Strategy for City of Southampton (2010)**

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.

**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

**South East Plan (Regional Spatial Strategy)**

SP1	Growth and regeneration in sub-regions
SP2	Support for development which increases use of public transport
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

### **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 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, 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

City of Southampton Local Transport Plan 2006 – 2016  
Southampton Biodiversity Action Plan

**RELEVANT SITE HISTORY**

1236/5 - Conditionally Approved 22.01.1963  
Siting of Weston Park Youth Club

**1047/nn - Conditionally Approved 16.09.1954**  
**Erection of a girls secondary school**

1318/26 – Conditionally Approved 08.11.1966  
Temporary classroom unit

1355/p32 – Conditionally Approved 30.07.68  
Two classrooms

1375/52 – Conditionally Approved 24.06.1969  
One classroom

1463/c3 - Conditionally Approved 04.09.1973  
Erection of a 150 place extension

880842/ec - Conditionally Approved 29.07.1988  
Erection of 2.75 metre high chain link fence to tennis court and across sports ground

901366/eh – Conditionally Approved 13.02.1991  
New vehicular and pedestrian access plus car parking area

940443/eh – Conditionally Approved 25.05.1994  
Erection of a single storey extension to form new fitness room and stores

960754/eh – Conditionally Approved 10.09.1996  
Completion of fencing to tennis courts 3.6 m high galvanised weldmesh on iron posts

970719/ec - Conditionally Approved 07.08.1997  
Location of 2 no relocatable classrooms for a period of 1 year 3 months

971026/e – Conditionally Approved 14.11.1997  
Erection of a new science, it and library resource block

971363/e – Conditionally Approved 29.01.1998  
Erection of a new science it and library resource block

981313/ec – Conditionally Approved 17.02.1999  
Construction of a new music and drama facility

99/00623/ful – Conditionally Approved 05.08.1999  
Construction of single storey building to accommodate music and drama

990473/ec – Conditionally Approved 05.07.1999  
Siting of 3 no temporary classroom units

00/00743/R3CFL – Conditionally Approved 13.10.2000  
Construction of extension and other alterations to accommodate additional 280 pupils

00/00902/R3CFL – Temporary Conditionally Approved 25.10.2000  
Relocation of three temporary classrooms

03/00025/R3CFL – Conditionally Approved 07.02.2003  
Three storey extension to north elevation to accommodate lift shaft

04/01268/R3CFL – Conditionally Approved 04.10.2004  
Installation of a 2.7m high section of fencing to the northern boundary to replace existing.

07/00855/R3CFL – Withdrawn 26.06.2007  
Erection of a single-storey Youth Centre

07/00935/FUL - Conditionally Approved 04.10.2007  
Erection of a single storey building for youth centre use to the rear of the school

07/00995/FUL – Conditionally Approved 11.12.2007  
Erection of a single storey building for use as a Youth Centre involving new access gates.

07/01046/R3CFL – Conditionally Approved 30.08.2007  
Erection of single storey extension to main building.

09/01280/TCC – Refused 15.01.2010  
Installation of a replacement street pole and additional cabinet (prior approval sought for siting and appearance of equipment) on land Adjacent to Chamberlayne Leisure Centre

*“The proposed telecommunications mast is considered to be a visually intrusive structure within this predominantly residential location and would have a harmful impact on the street scene. This is having particular regard to the additional massing of the mast at the top which would result in mast appearing incongruous within suburban, residential context. The proposal would therefore prove contrary to the provisions of policies SDP1 (ii), SDP7 (iv)/(v), SDP9 (ii)/(iv)/(v) and T15 (i)/(iii) of the City of Southampton Local Plan (March 2006).”*

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RECOMMENDATION:       CAP

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## **CONDITIONS for 09/01163/R3OL**

### **01. APPROVAL CONDITION - Commencement**

The development hereby permitted shall be begun before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last reserved matter to be approved, whichever is the later.

#### **REASON:**

To comply with S.92 of the Town and Country Planning Act 1990 (as amended).

### **02. APPROVAL CONDITION - Submission of Reserved Matters**

The details of the proposed ACCESS are hereby approved and shall be implemented in accordance with the approved plans, namely plan ref: Access 01 Rev P1, CS39406/T/074 and the amended indicative "Proposed Site Plan" 910-001 Rev P02 (received by the Local Planning Authority on 25th January 2010). Further application(s) for the approval of the following reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission:

- a) LAYOUT, namely the way in which buildings, routes and open spaces are provided within the development and their relationship to buildings and spaces outside the development;
- b) SCALE, namely the height, width and length of each building proposed in relation to its surroundings;
- c) EXTERNAL APPEARANCE, namely the aspects of a building or place which determine the visual impression it makes;
- d) LANDSCAPING, namely the treatment of private and public space to enhance or protect the site's amenity through hard and soft measures, for example, through planting of trees or hedges or screening by fences or walls.

#### **REASON:**

To comply with S.92 of the Town and Country Planning Act 1990 (as amended), Circular 01/06 and in order to secure a high quality form of development having regard to the character of the area and the amenity of existing residents

### **03. APPROVAL CONDITION - Highway Construction & Access Details**

No development hereby permitted shall be commenced until the Local Planning Authority has approved in writing further details of the Weston Lane access road, including:-

- (i) A specification for the type of construction proposed for the roads and footpaths including all relevant horizontal cross-sections and longitudinal sections - especially of the proposed speed reduction tables - showing existing and proposed levels;
- (ii) Details of street lighting;
- (iii) The method of disposing of surface water;
- (iv) A programme for the making up of the roads and footpaths;
- (v) Details of speed restrictions and signage applicable;
- (vi) Means of securing the access including details of the proposed security gate, entry systems and on-site management; and,
- (vii) Visibility splays onto Weston Lane with details for ensuring that no signage, planting or means of enclosure above 600mm is sited within these agreed sight lines

The access hereby approved shall be implemented in accordance with these agreed additional details.

REASON:

To ensure the roads and footpaths are constructed to an adoptable highway standard and to facilitate convenient pedestrian/cycle crossing and to maintain highway safety and prevent congestion on Weston Lane.

04. APPROVAL CONDITION - Access and Parking

The application site shall at all times (both during and after the construction phase) provide facilities for the loading/unloading/circulation of vehicles and for the parking of a maximum of 108 cars to serve the school (to include a minimum of 2 disabled spaces). The car parking shall thereafter be retained for use in association with the educational buildings and their "dual use" hereby approved.

REASON:

to prevent obstruction to traffic in neighbouring roads, to ensure provision of vehicular access, car parking and servicing, to avoid congestion in the adjoining area and to protect the amenities of the area, in the interests of highway safety.

05. APPROVAL CONDITION - Bicycle parking

A minimum of 237 covered and secure cycle parking spaces, including the provision of secure lockers, changing rooms and showering facilities shall be provided as part of the replacement school prior to the first occupation of the new building(s), in accordance with elevational and layout details to be submitted to and approved by the local planning authority in writing at the Reserved Matters Stage. Once provided, those facilities shall be retained for that purpose at all times thereafter.

REASON:

To promote cycling as a sustainable form of travel in accordance with Local Plan Appendix 2 requirements and to meet the aims of the submitted Travel Plan.

06. APPROVAL CONDITION - Construction Access and Routeing

Unless otherwise agreed in writing prior to the commencement of development all traffic associated with the construction and demolition works hereby approved shall enter and leave the site via the new Weston Lane access only, and shall be subject to a routeing agreement to be submitted to and approved by the local planning authority before the development commences. Once approved, that routing agreement shall be observed throughout the construction period.

REASON:

In the interests of highway safety and to protect the residential amenities of those living close by.

07. APPROVAL CONDITION - Travel Plan

Notwithstanding the submitted Travel Plan a revised Travel plan shall be submitted and agreed in writing by the Local Planning Authority prior to the first occupation of the development hereby approved. These details shall include scope for ongoing monitoring and shall be implemented in accordance with the agreed details.

REASON:

In the interests of promoting green travel and to reduce congestion around the school at peak times

08. APPROVAL CONDITION - Limitation of Development

The development shall be limited to a maximum floorspace of 9,000sq.m within Class D1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and shall only exhibit the following maximum dimensions as specified in the submitted parameters for development given below:-

College building maximum dimensions -

- (a) width - not specified;
- (b) length - not specified;
- (c) height - up to 12 metres and 3 storeys above ground level.

No buildings shall be sited within the "No Build Zone" identified on plan ref: 910-001 Rev P02.

**REASON:**

To define the permission having regard to the existing school provision and the capacity of the site and to allow the local planning authority to control the scale of development in terms of protecting the character and amenity of the surrounding area.

**09. APPROVAL CONDITION - Use Restriction**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), the buildings shall only be used for educational purposes with ancillary sporting and refectory facilities available to the public through the community use agreement, and for no other purpose within Class D1 of Town and Country Planning (Use Classes) Order 1987 (as amended).

**REASON:**

To define the consent having regard to the level of car parking provision and to allow the local planning authority to control the nature of development in terms of protecting the character and amenity of the surrounding area.

**10. APPROVAL CONDITION - Operation restriction**

The college premises hereby approved shall be operated on a "dual use" basis in accordance with further details that shall be agreed in writing with the Local Planning Authority at the Reserved Matters stage. These details shall include the proposed hours of use, the on-site management of the community uses and a pricing policy (if applicable). The site shall be closed and vacated of all persons enrolled on educational courses or accessing the building through the community use agreement between the hours of 22:00 (10pm) and 07:30 (7:30am) on a daily basis.

**REASON:**

To safeguard the amenities of occupiers of adjoining residential properties.

**11. APPROVAL CONDITION - Details & Samples of Building Materials**

No development works shall be carried out unless and until a detailed schedule of materials and finishes including samples (if required by the Local Planning Authority) to be used for external walls, fenestration and the roof of the proposed building(s) 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.

**12. APPROVAL CONDITION - Ecological Mitigation Statement**

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, [the principles of which shall have been submitted and agreed in writing with the Local Planning Authority at the Reserved Matters stage] which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the agreed programme.

**REASON:**

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

**13. APPROVAL CONDITION - No Amplified System**

There shall be no installation or use of a personal address system or tannoy equipment or other sound amplification machinery for external broadcast outside of the college building at any time unless agreed in writing by the Local Planning Authority for temporary, seasonal, or permanent use.

**REASON:**

To protect the residential amenities of adjacent residents.



#### 14. APPROVAL CONDITION - BREEAM Standards (commercial development)

In accordance with the submitted Design and Access Statement written documentary evidence demonstrating that the development will achieve at minimum a rating of "Excellent" against the BREEAM standard (or equivalent ratings using an alternative recognised assessment method), shall be submitted to the Local Planning Authority at the detailed Reserved Matters stage and verified in writing prior to the first occupation of the development hereby granted permission.

#### 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) as supported by adopted LDF Core Strategy Policy CS20.

#### 15. 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 15%, shall 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 15% shall be submitted and approved in writing by the Local Planning Authority at the Reserved Matters stage. 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 as supported by adopted LDF Core Strategy Policy CS20.

#### 16. APPROVAL CONDITION - Noise - plant and machinery

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

#### REASON:

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

#### 17. APPROVAL CONDITION - Ventilation - control of noise, fumes and odour

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

#### REASON:

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

#### 18. APPROVAL CONDITION - Landscaping detailed plan

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 and treatment of hard surfaced areas, shall be submitted to and approved in writing by the Local Planning Authority as part of the approval process for the LANDSCAPING reserved matter. These details shall relate to the external spaces and the green roof as hereby approved.

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

**19. 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 as part of the detailed Reserved Matters stage. 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 as required by the Environment Agency in their letter dated 15th December 2009, in compliance with policy SDP13 (vii) of the City of Southampton Local Plan (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) and Code for Sustainable Homes: Category 4 - Surface Water Run-off

**20. APPROVAL CONDITION – Boundary fence [Pre-Occupation Condition]**

Prior to the commencement of the development hereby approved, details of the design and specifications of the boundary treatment of the site and the MUGA - to include heights, design and means of fixing - 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 building(s) or the first use of the MUGA provided under this, permission and such boundary treatment shall thereafter be retained and maintained as agreed.

**REASON:**

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

**21. APPROVAL CONDITION – Lighting [Pre-Commencement Condition]**

A written lighting scheme – relating to the MUGA, car parking, access road and any other external areas - including light scatter diagram with relevant contours shall be submitted to and approved in writing by the Local Planning Authority prior to implementation of any external lighting to support the development hereby approved. The scheme must demonstrate compliance with table 1 “Obtrusive Light Limitations for Exterior Lighting Installations”, by the Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light 2005. The installation must be maintained in accordance with the agreed written scheme.

**REASON:**

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

## 22. APPROVAL CONDITION - Floodlighting System

No external floodlights shall be installed on the site (including the approved Multi Use Games Area, sports pitches and/or car parking) unless otherwise agreed in writing by the Local Planning Authority following the submission of a planning application.

### REASON:

In the interest of protecting residential amenity, safeguarding highway safety and not causing undue distraction to aircraft approaching Southampton Airport.

## 23. APPROVAL CONDITION - Tree Retention and Safeguarding

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

### REASON:

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

## 24. APPROVAL CONDITION - no storage under tree canopy

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.

## 25. 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.

## 26. APPROVAL CONDITION - replacement trees [Performance Condition]

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

**REASON:**

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

**27. APPROVAL CONDITION - Arboricultural Method Statement**

Notwithstanding the information submitted to date 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.

**28. APPROVAL CONDITION - Arboricultural Protection Measures**

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.

**29. APPROVAL CONDITION- Land Contamination Investigation**

Notwithstanding the information submitted to date 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.

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

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

**REASON:**

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

**31. APPROVAL CONDITION- Unsuspected Contamination**

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.

**32. APPROVAL CONDITION – Construction & Demolition Method Statement**

Before development commences a statement setting out the management of demolition and construction operations shall be submitted to and approved by the Local Planning Authority. The statement shall include detailed plans specifying (i) the areas to be used for contractor's vehicle parking and plant; (ii) storage of building materials, and any excavated material, huts and all working areas (including cement mixing and washings) required for the construction of the development hereby permitted; (iii) areas for the parking of vehicles of site personnel, operatives and visitors; (iv) areas for the loading and unloading of plant and materials; (v) the treatment of all relevant pedestrian routes and highways within and around the site throughout the course of demolition and construction and their reinstatement where necessary; (vi) a scheme for the erection and maintenance of security hoardings including decorative displays and facilities for public viewing; (vii) a scheme for recycling waste resulting from the construction programme (viii) measures to be used for the suppression of dust and dirt throughout the course of construction (including wheel cleaning); (ix) a "hotline" telephone number shall be provided for the use of residents in the case of problems being experienced from demolition and construction works on the site. The phone line will be provided, managed and problems dealt with by a person or persons to be nominated by the developer and shall operate throughout the entire development period. The demolition and development works shall be implemented in accordance with the agreed statement.

**REASON:**

To safeguard pupils of Chamberlayne College and the nearby Weston Park Infant and Junior Schools and to protect the amenities of neighbours and the wider environment.

**33. APPROVAL CONDITION - Hours of Work for Demolition/Construction**

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.

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

Mondays to Fridays 08.30 to 09.15 hours and 14.30 to 15.30 hours

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 safeguard pupils of Chamberlayne College and the nearby Weston Park Infant and Junior Schools and to protect the amenities of neighbours and the wider environment.

**34. APPROVAL CONDITION - Demolition and Phasing**

The existing Chamberlayne College buildings shall be demolished in accordance with a phasing programme to be agreed in writing with the local planning authority prior to the commencement of building works associated with the replacement College. This phasing strategy shall explain how continued education upon the site will be achieved during the construction phase and shall include access to external sports pitches that are convenient and fit for purpose.

All resultant materials from the demolition phase shall be removed from the site before the development hereby approved is first brought into use, unless otherwise agreed in writing by the Local Planning Authority.

**REASON:**

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

**35. APPROVAL CONDITION - Site clearance restriction**

Any clearance of trees and scrub shall avoid the bird breeding season 1st March to 31st August inclusive, unless otherwise agreed in correspondence with the Local Planning Authority.

**REASON:**

In the interests of biodiversity and nature conservation.

**36. APPROVAL CONDITION – Secured By Design**

The applicant shall submit as part of any reserved matters application further details of how the proposed school and its site has been designed to achieve a “Secured By Design” accreditation. These details shall include measures for the closure of the Winchfield Close pedestrian entrance during normal school hours to prevent unauthorised access at this point. The development shall be carried out in accordance with the agreed details.

**REASON:**

In the interests of crime reduction and customer/staff safety.

**37. APPROVAL CONDITION - CCTV system [pre-commencement condition]**

Before the use is first commenced details of a scheme for a CCTV system to comprehensively cover the site including all public entry points, servicing spur, car parks, MUGA's and all-weather pitches, 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 approved use first commencing and shall

be maintained in working order and operated at all times when the premises is open. Recorded images shall be held for a 1 month period after being made on a daily basis for use by the Police as required.

**REASON:**

In the interests of crime reduction and customer/staff safety.

**38. APPROVAL CONDITION - MUGA security**

The MUGA hereby approved shall be locked shut to prevent unauthorised vehicular/pedestrian access 30 minutes after the closure of the main college building as specified in the hours of use in this planning permission, and thereafter remain locked shut until 20 minutes before the opening times of the main building the next day.

**REASON:**

In the interests of crime prevention.

**00. Reason for Granting Outline Planning Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set on the attached sheet. Other material considerations do not have sufficient weight to justify a refusal of the application. Where appropriate planning conditions have been imposed to mitigate any harm identified. Overall, the exceptional educational need and positive regenerative opportunities associated with the development are considered to outweigh the dis-benefits. The proposed access onto Weston Lane has been considered by Highways DC as acceptable and any impact on the residents of Scott Road can be mitigated as explained in the report to the Planning and Rights of Way Panel on 16th February 2010. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Outline Planning Permission should therefore be granted having account of the following planning policies:

LDF Core Strategy – Adopted January 2010

CS6, CS11, CS13, CS18, CS19, CS20, CS22 and CS25

Local Plan Review (2006) – Saved Policies

SDP1, SDP2, SDP3, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP15, SDP16, SDP17, SDP19, SDP20, SDP22, NE4, HE6, L1 and RE17

**Note to Applicant**

**Public Sewer Informative**

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

**Southern Water Informative**

The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Atkins Ltd, Anglo, St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01962 858688), or [www.southernwater.co.uk](http://www.southernwater.co.uk).

**Pre-Commencement Conditions Informative**

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.

**Performance Conditions Informative**

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





Creating sporting opportunities in every community

Stephen Harrison  
Development Control Service  
Southampton City Council  
Ground Floor, Civic Centre  
Southampton  
SO14 7LS

23rd December 2009

Your Ref: 09/01163/R3OL/4783  
Our Ref: SE/SU/2009/

Dear Mr. Harrison

**App No: 09/01163/R3OL**

**Proposal: Redevelopment of the site. Demolition of the existing building and erection of a replacement school building (up to 9,000 square metres gross floorspace) with associated parking and vehicular access form Weston Lane (outline application with means of access for consideration at this stage)**

**Site: Chamberlayne College, Tickleford Drive, Southampton**

Thank you for your letter dated 7<sup>th</sup> December 2009, inviting Sport England to comment on the above planning application. Sport England wishes to **object** to this application for the reasons set out below.

### **Playing Field Policy**

The site of the proposed development forms part of, or constitutes a playing field as defined in Article 10(2) the Town and Country Planning (General Development Procedure) Order 1995 (as amended by SI 1996/1817 and SI 2009/453). Sport England's adopted Playing Fields Policy, 'A Sporting Future for the Playing Fields of England (1996)', sets out a policy presumption against development that would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field. The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area (whether the land is in public, private or educational use). This policy objective is also embodied within 'Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation'.

Sport England will, therefore, oppose development on playing fields in all but exceptional circumstances. Full details of our adopted policy and the specific circumstances attached to this letter and can be viewed via our website: [www.sportengland.org](http://www.sportengland.org) > Facilities and Planning > Handy links > Our policy on playing fields. Sport England would expect any planning application to be accompanied by sufficient information to justify the 'exceptional circumstances'.

## **BSF Strategy for Change for Physical Education and Sport**

You may be aware of Sport England's Strategy 2008-2011. The focus of the strategy is on the creation of a world class community sport system in England which will ensure that:

- a substantial, and growing, number of people from across the community play sport;
- talented people from all backgrounds are identified early, nurtured and have the opportunity to progress to the elite level; and
- everyone who plays sport has a quality experience and is able to fulfil their potential.

The strategy is available on our website at: [www.sportengland.org](http://www.sportengland.org). In summary, Sport England is committed to delivering:

- 1 million people doing more sport by 2012-13;
- A reduction in post-16 drop-off in at least five sports by 25% by 2012-13;
- A quantifiable increase in satisfaction;
- Improved talent development systems in at least 25 sports; and
- A major contribution to the delivery of the Five Hour Sport Offer engaging more 5-19 year olds in sport.

The Council has made a similar commitment to raising participation in sport and physical activity by all people in Southampton. This is set out in the Active Southampton 2009 Action Plan ([www.activesouthampton.co.uk](http://www.activesouthampton.co.uk)). Southampton will be measured on its ability to increase, by 1% every year, the number of adults achieving 3 x 30 minutes of moderate activity every week. This commitment is highlighted in the City Council's BSF document 'Vision for Change for Physical Education and sport'. Paragraph 2.2 states:

*"Schools will provide environments and contribute to the campaign of ensuring that all adults are participating in 30 minutes exercise everyday."*

The Vision for the Strategy explains (paragraph 7.2) that *"improvements to the environments and delivery of PE and Sport through BSF must contribute to the wider community benefit."*

A further aim of the Strategy is:

*"To promote and widen community access to the use of school sports facilities in partnership with Active Southampton."*

The School is located next to the City Council owned 'Chamberlayne Leisure Centre'. The redevelopment of the School provides an important opportunity to provide additional community sport facilities that can compliment the existing offer of the Leisure Centre. The building design and management strategy for the redeveloped School should therefore be influenced by the BSF PE and Stakeholder Group.

### **Pre-application advice**

For your information, I enclose a copy of my pre-application advice to the Applicant (Southampton City Council) dated 16<sup>th</sup> October 2009. This advice is summarised as follows:

- Where a School is to be relocated onto its existing playing field, then an assessment should explain which options were considered and why they are not feasible.
- Sport England requires a detailed assessment of the ground conditions where new playing field land is proposed (including drainage and topography) to identify constraints which could affect playing field and pitch quality. This assessment should have regard

to Sport England's 'Natural Turf for Sport' guidance note. Based on the results of this assessment a detailed scheme of works should be developed to ensure that the playing field land and pitches will be provided to an acceptable quality and within a set timescale.

- To ensure that the benefit of the sporting provision at the site is maximised Sport England would expect the development and adoption of a Community Use Agreement.
- The School is located adjacent to a Council owned Leisure Centre. The proposal provides the School with a new access alongside the Leisure Centre. The proposed tree line and car park represent a physical barrier between the School and Leisure Centre. The proposals therefore present a missed opportunity to improve the physical relationship between the two buildings and maximise the opportunity for the community to access sports facilities.
- The proposed MUGA should be moved away from the residential properties on the School's Eastern boundary as it may be difficult to secure planning permission for floodlighting.
- The proposals have the potential to meet in part specific circumstances E4 and E5 of Sport England's Playing Field Policy (explained further below). However, further work is required to demonstrate that the relocation of the School onto the playing fields is the most appropriate option and that the proposed replacement playing fields will be of an equivalent or better quality and subject to equivalent or better management arrangements.
- The Council should take the opportunity to consider how the sports offer at the School can compliment the nearby Leisure Centre and encourage community access to the School's sports facilities. As currently drafted, the proposal may have a negative impact on the neighbouring Leisure Centre rather than a positive one.

It is understood that there is no current community use of the School's sports facilities.

### **The Proposal**

The Applicant has made some minor changes to the proposals in response to our advice. The revisions show:

- The MUGA has been moved a few metres further from the boundary with neighbouring properties and additional landscaping has been introduced;
- A pedestrian link is shown between the relocated School playing fields and the playing fields adjacent to the Leisure Centre;
- Some of the landscaping between the existing playing field land and the car park has been removed.

### **Interpretation**

As highlighted above, the proposals could have the potential to meet in part specific circumstances E4 and E5 of our policy:

*E4 - The playing field or playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better*

*quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of the development.*

*E5 - The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.*

This is because:

- The playing field land that will be lost on the site will be replaced;
- Overall there will be an increase in the amount of playing field land on the site;
- The replacement playing field land should be of an equivalent or better quality and subject to better management arrangements;
- The scheme includes a new School 4 court Sports Hall that will be made available to the Community.

However, there are a number of disadvantages to the scheme:

- The School's playing fields will be out of use for 2-3 years. This means that the School will need to undertake outdoor sports activities in another location.
- The School's existing MUGAs will be replaced. However, the replacement MUGA will be located adjacent to residents on the School's eastern boundary. The planning application scheme shows additional landscaping on this boundary. However, this may not be sufficient to reduce the impact on the neighbours' amenity. The MUGA should be at least as large as the existing MUGAs at the School.
- The Scheme shows a new access to the School alongside the Leisure Centre and amendments to the car parking layout. This could impact upon the ability of the Leisure Centre to expand.
- The expanded playing field area may not be able to accommodate a senior cricket pitch. This is because the wicket should run from North to South (the opposite of that shown on the plans).

The following information is required before Sport England is satisfied that this proposal is acceptable:

- A more detailed explanation as to why relocating the playing field is the most appropriate option, in particular why decant is not an option for this School, in the context of the wider BSF programme;
- How long the playing fields will be out of use and confirmation of where the School will undertake their outdoor sports activities whilst the playing field is unavailable. It is important that there is no adverse impact on the use of nearby playing field from the School's use.
- Confirmation that the applicant is willing to undertake a detailed assessment of the ground conditions where new playing field land is proposed (including drainage and topography) to identify constraints which could affect playing field and pitch quality. This assessment should have regard to Sport England's 'Natural Turf for Sport' guidance note. Based on the results of this assessment a detailed scheme of works

should be developed to ensure that the playing field land and pitches will be provided to an acceptable quality and within a set timescale.

- That the School is willing to enter into a community use agreement for the new indoor and outdoor facilities and how it will be managed.
- Confirmation from the Council's Leisure Team that the new access will not adversely impact upon the operation of the Leisure Centre or any future plans for the Centre's expansion.

In the event that Sport England is satisfied on the above points, Sport England may maintain a non-statutory objection to the current proposals. This is because the layout of the proposed School could adversely impact upon the adjacent Chamberlayne Leisure Centre. For the benefit of the Applicant, our concerns are set out below.

### **School's relationship with the Leisure Centre**

Sport England supports the principle of the shared access with the Leisure Centre where it can help to facilitate and encourage evening use by the Community of the School's new sports facility. However, the Council should be certain that locating the access on land adjacent to the Leisure Centre will not restrict the future expansion of the Leisure Centre. If the Leisure Centre is to be expanded in the future would this land be required, for example for new tennis courts? Will the proposed joint access impact upon the operation of the Leisure Centre? For example, will traffic associated with the School cause difficulties for Leisure Centre users and deter them from visiting? The size of the Sports Hall should also be given further consideration, how will it compliment the facilities at the new Leisure Centre?

It is understood that very limited consultation has taken place to date with the Leisure Centre and that the BSF PE and Stakeholder Group (see Group's Meeting Minutes dated 27<sup>th</sup> November 2009) has discussed similar concerns to those raised in my letter to the Applicant in October. The input of the BSF PE and Sport Stakeholder Group should be influential in determining scheme design.

In order to overcome these issues, it is suggested that the following should be considered (although this list should be influenced by the input of BSF PE and Sport Stakeholder Group):

- The size of the Sports Hall – what size Sports Hall could compliment the neighbouring Leisure Centre? For example, could the Hall be larger or smaller to accommodate different types of sport? Pupils from the School and the wider Community could then benefit from a different range of sports. How can ICT improve the facilities?
- Relocation of the Sports Hall and MUGA closer to the Leisure Centre, so that they can be easily managed by the Leisure Centre outside School hours, particular during the evening. A footpath could continue to provide a link with the playing fields to the rear of the School buildings.
- The relocation of the MUGA to ensure that it can be floodlit.

An important part of the BSF process is the input of the BSF PE and Stakeholder Group. This Group should also be able to further advise the School on the most appropriate size of Sports Hall that could compliment the facilities at Chamberlayne Leisure Centre.

Further information on the type of facilities that the Community requires is also available from the following documents:

- Southampton City Council - Sports Facilities Improvement Plan
- Southampton City Council - Playing Pitch Strategy

For your information, Sport England will be consulted on these proposals by Partnerships for Schools following the submission of an Outline Business Case. If the proposals have not been amended to address the concerns set out above, these will be expressed to Partnerships for Schools in due course.

## **Conclusion**

In the absence of the information required (as set out above) it is Sport England's judgment that the application as it currently stands does not meet with any of the five specific exceptional circumstances set out in our policy or accord with the development plan government policy objectives set out in PPG17.

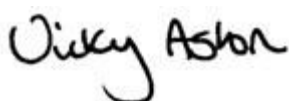
Consequently, Sport England wishes to register its objection to the application.

Should your authority be minded to grant planning permission for the proposed development despite the above objection then I trust you will refer the application to the Government Office for the South East in line with the Town and Country Planning (Consultation) (England) Direction, 2009.

Sport England would be willing to reconsider its statutory objection to the application should the further information outlined above be forthcoming which demonstrates that the application may meet with one of the above specific circumstances.

We are happy to meet with the Council and the applicant to discuss the contents of this letter if that would be helpful.

Yours sincerely



**Vicky Aston**  
**Planning Manager**  
**South East Region**

Direct Line: 020 7273 1904

Email: [vicky.aston@sportengland.org](mailto:vicky.aston@sportengland.org)

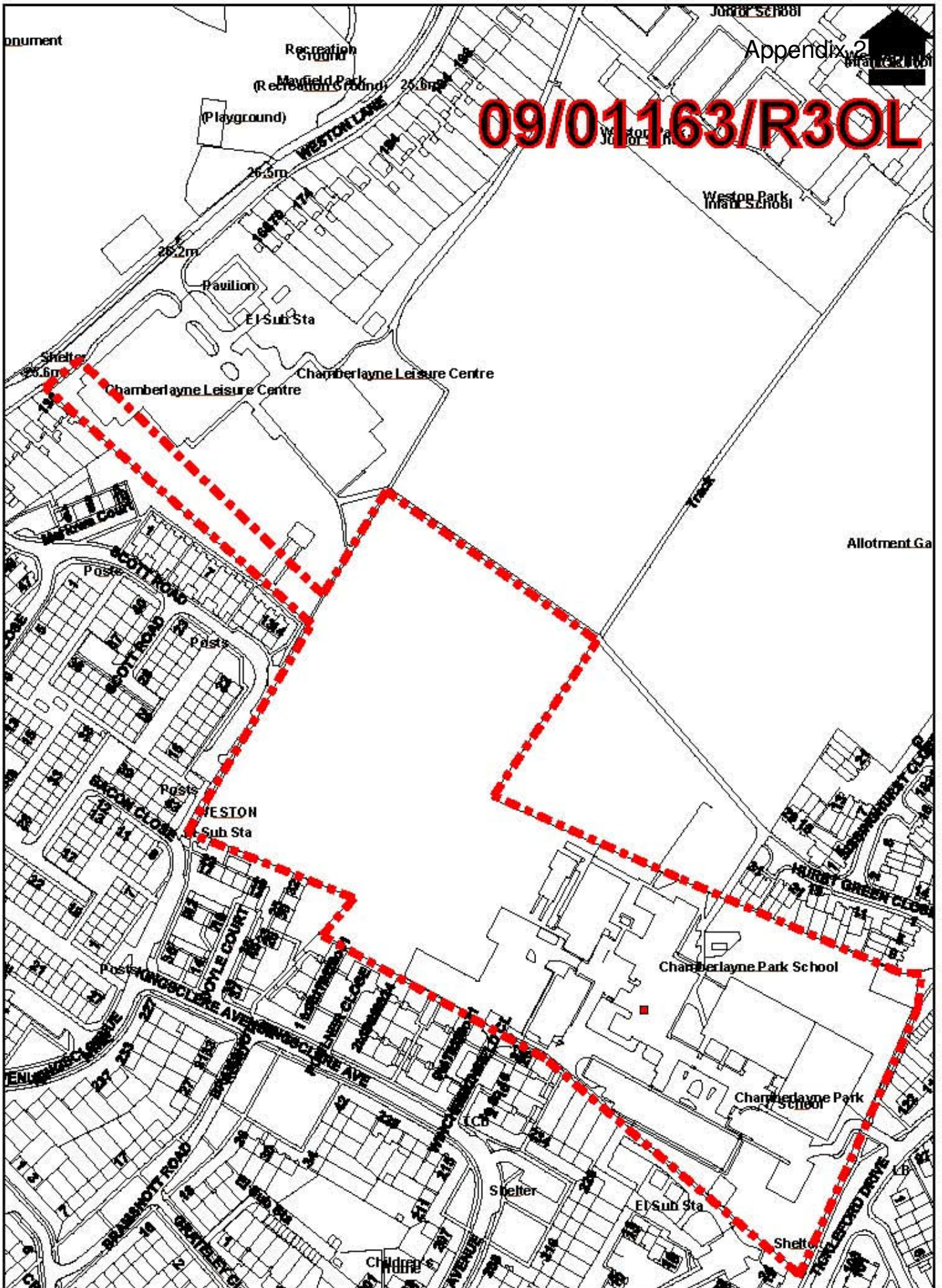
cc. Kieran Humphrey - Southampton City Council

Karl Limbert – Southampton City Council

Peter Hine – Capita Symonds

09/01163/R3OL

Appendix 2



Scale : 1:2500

Date :04 February 2010

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# Agenda Item 7

Southampton City Planning & Sustainability  
 Planning and Rights of Way Panel meeting 16 February 2010  
 Planning Application Report of the Head of Division

Application address Sholing Technology College Middle Road Sholing Southampton			
Proposed development: Redevelopment by the erection of a replacement school building (up to 10,000sqm gross floor space) with associated parking and vehicular access from Heath Road, Middle Road and South East Road following the demolition of the existing building (Outline application with mean of access for consideration at this stage)			
Application ref no.	09/01162/R3OL	Application type	Outline
Case officer	Steve Lawrence	Application category	Q06 – major other

<b>Recommendation Summary</b>	<b>Conditionally Approve</b>
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Reason for Panel consideration	Application submitted on behalf of Southampton City Council
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Applicant: Southampton City Council	Agent: SCC Property Services
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Date of receipt	26/11/2009	City Ward	Sholing
Date of registration	26/11/2009	Ward members	Cllr Mrs S J Blatchford
Publicity expiry date	25/12/2009		Cllr C G Dick
Date to determine by	25/02/2010 <b>IN TIME</b>		Cllr N M Fitzgerald

Site area	2.1ha (21,197sq.m)	Usable amenity area	N/A – artificial pitch not affected by proposal		
Site coverage	N/A - Outline	Landscaped areas			
Density - whole site	31 % hard-surfacing				
Residential mix	numbers	size sq.m	Other land uses	class	size sq.m
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	N/A	N/A	other	D1	10,000

accessibility zone	medium	policy parking max	1.5 spaces/classroom
parking permit zone	no	existing site parking	25 spaces
cyclist facilities	yes	car parking proposed	25 spaces
motor & bicycles	Not determined	disabled parking	? spaces

<b>Key submitted documents supporting application</b>					
1	Design and Access Statement	2	Planning supporting statement		
3	Statement of Community Involvement	4	Archaeology report		
5	Acoustics report	6	Ecology report		
7	Flood risk report	8	Geotechnical/Contamination report		
9	Transport Assessment	10	Travel Plan		
11	Arboricultural survey/tree grading report				
<b>Appendix attached</b>					
1	Background information	2	Development Plan policies		
3	Planning History	4			

## **Recommendation in full**

Conditional approval for Outline Planning Permission subject to the conditions set out in this report.

## **Procedural Context**

### Councils Own Development

The proposed scheme is a Regulation 3 application for Outline Permission. A Regulation 3 application relates to proposals made by the Local Authority (in this case as the Local Education Authority) for development that it wishes to undertake as part of its remit as a public sector service provider.

It is general practice that following the proper assessment of the planning merits of the proposal that Regulation 3 applications should be either approved if considered acceptable, or the application should be requested to be withdrawn if not considered acceptable for justifiable planning reasons that would normally result in a refusal.

### Application Content

A modification of the outline planning application procedure was introduced in August 2006 by the Government. These changes require applicants to demonstrate more clearly that their proposals have been properly considered in light of the relevant development plan policies and guidance. As a minimum Circular 01/2006 (Guidance on Changes to the Development Control System) explains that outline applications should now include (as a minimum) information relating to land use, the amount of development, an indicative layout, scale parameters and indicative access points.

## **Background**

The process leading up to the submission of this application and this project's place within the City Council's wider objective of achieving better educational attainment and attendance is set out in **Appendix 1**, which forms the Statement of Community Involvement to this application.

The Building Schools for the Future (BSF) project aims to rebuild or renew nearly every secondary school in England and will deliver the Government's 'Every Child Matters' agenda. As part of this agenda every BSF school will offer additional or "dual use" facilities (such as sports halls, libraries, nurseries and ICT) to the wider community. Southampton BSF was launched in Spring 2009 and has identified a number of schools that are beyond economic repair; one of which is Sholing Technology College.

The main purpose is to establish the principle of re-building the school on the same site, in order to demonstrate a degree of certainty to HM Treasury in order to secure funding for the rebuild from the Government.

The detailed design and layout of the scheme is not currently known and will be pursued in due course following the event of a successful outline planning application.

## **Site and its context**

The surrounding area is predominantly 2 storey residential streets of Heath Road to the north, Middle Road to the east, and South-East Road to the south. Residential housing on Spring Road backs onto the site on the western side of the site. The school is accessed from both Middle Road and Heath Road and enjoys a service access via South-East Road. A public house exists on the southern junction of South-East Road opposite the all-weather pitch and two shops (hairdressers and barbers) are located by the service access off that street

The application site is occupied by one and two storey secondary school buildings of various architectural styles, which are said to be beyond economic repair or refurbishment to create a satisfactory future teaching environment. The site slopes from north to south, dropping some 5m along its length and drops approximately 1m moving west to east. An existing all-weather pitch exists in the south-east corner of the site, which would remain.

The school wraps around the Sholing Infant School. That latter School would be unaffected by these proposals save that a new shared access and parking area is to be formed off of Heath Road.

There are a number of individual trees and groups of trees within the site under the city council's care. Double yellow lines exist on the Middle Road and Heath Road school side of these streets.

## **Proposed development**

The outline application is made with all matters reserved save access, which is listed for consideration. All other details, including Appearance, Landscaping, Layout and Scale are indicative at this stage and are reserved for consideration at the 'reserved matters' stage. An indicative site layout is provided which identifies a possible layout with indications of structural landscaping together with limited parameter information regarding building footprint, heights, overall lengths and widths.

The applicant proposes to completely rebuild the school. Owing to site constraints, there is no ability to build on an undeveloped part of the site and then demolish the old school. Students would be decanted to alternative premises whilst the development took place. Whereas a statement of community involvement has been submitted indicating the responses received no analysis of the views received is set out, nor how that process has influenced the design solution chosen.

The rebuilt college would offer students specialist educational opportunities related to information technology and the sciences 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.

In terms of access, vehicular access is to be retained from Middle Road. A modified vehicular access is proposed in Heath Road. Both points of access would still cater for pedestrians. It is intended that construction traffic uses South-East Road and that ultimately this point of access would provide for servicing the school kitchen and give access for a refuse vehicle. An update on whether Middle Road will instead be used for construction traffic will be given at the meeting.

An additional 2580sqm is proposed arranged on two levels (5098sqm on the ground floor and 3975sqm on the first floor) to supplement and replace the existing 6495sqm in a new, state of the art school, providing a modern and exciting educational environment. It is

anticipated that only an extra 10 pupils would be added to the school roll giving a total of 1060 pupils educated by no change in the existing 100 staff currently teaching them.

No increase is proposed in the 25 car parking spaces serving the school and new bicycle parking would be provided in accordance with the council's minimum standards as part of a submitted Travel Plan to encourage a reduction in those using the car to reach the site. The Transport Assessment concludes there would be no significant impact to the surrounding highway network arising from the proposals.

Two trees are proposed to be felled to form the new car park off Heath Road and the canopies of two trees by the South-East Road access point could be affected.

Ecologically, the site is said to have limited potential for roosting bats, but further survey work would need to be carried out prior to any demolition, to ensure protected species were safeguarded.

The potential for archaeology on the site is said to be limited, except that bronze age finds are moderately likely.

A desktop study shows that the potential for contamination is limited, but further intrusive survey work is proposed for the reserved matter stage.

As part of securing wider community benefit through future use of the new school and its facilities, a noise assessment has been carried out as to potential for disturbance from intensified use of the all-weather pitch for either adult hockey or football. The study recommends that some mitigation work would be required to create a 'barrier' between the pitch and nearby housing.

A target BREEAM Education 2008 BES5051 issue 3 criteria rating of 'Excellent' has been set, supported by a previous pre-assessment and hard surfaces and potentially a green roof will conform to SUDS standards.

### **Relevant planning policy**

#### LDF Core Strategy - Planning Southampton to 2026

Following the receipt of the Inspector's Report from the Examination into the Southampton Core Strategy Development Plan Document (13/10/09) and its consideration and adoption by the Council (20/01/10) the policies of the LDF Core Strategy, and those "saved" from the Local Plan Review, form the planning policy framework against which this application should be determined. The relevant policies are set out at **Appendix 2**.

The application site is not allocated in the current development plan, although the existing playing pitches are designated under Local Plan "saved" Policy CLT3. Core Strategy Policy CS21 supports Policy CLT3 and seeks to protect existing playing fields from inappropriate development. A presumption of no net loss of open space now exists. The school's all-weather playing pitch is nationally protected under PPG17.

Local Plan Policy L1 has been superseded by LDF Core Strategy Policy CS11, which supports the development of new educational facilities on school sites and encourages wider community use of those facilities outside of school hours. The South-East Plan recognises the need to improve education and skills to strengthen the region's economy.

## Sustainability Implications

Major developments are expected to meet high sustainable construction standards in accordance with the City Council's adopted and emerging policies. In accordance with adopted Local Plan "saved" Policy SDP13 and Core Strategy Policy CS20 the applicants have made a commitment to securing a building with "excellent" design credentials when assessed against the Building Research Establishment Environmental Assessment Method (BREEAM). The design team will adopt an approach that reduces carbon emissions through the provision of high levels of insulation. Low and zero carbon technologies will also be employed to offset a percentage of CO<sub>2</sub> emissions that each building generates through its functional operation. As the detailed design is, however, currently unknown the attached planning condition is recommended to secure delivery at the 'reserved matters' stage.

## **Relevant planning history**

Details of relevant planning history for this site is included in **Appendix 3**.

## **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, 1 representation has been received from an adjoining resident in South-East Road. The representations can be summarised as:-

- Insufficient on-site car parking;
- Added congestion and damage to vehicles parked on the street, if the construction site access were to be positioned in South East Road, close to its opposite junction with Pinegrove Road. Middle Road is suggested as a better option via the existing access there, where there is greater visibility and no restriction on access owing to double yellow lines, also not affecting the trade of the two shops in South East Road;
- Additional traffic will pose a highway hazard to school children in South East Road in an area where there have been traffic accidents, especially on bin collection day;
- Concern that building heights should be restricted to two storeys maximum and that new school buildings should avoid overlooking their neighbours;
- Concern that undue disturbance will occur to neighbours during the build and a plea to control hours of construction and require contractors' parking be made available on-site.

## Summary of Consultation comments

**SCC Highways Control** – The existing school is located in a medium accessibility zone. The existing provision probably exceeds standards at 25 spaces. 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.

Sympathy is expressed with the objector's views with regard to the construction access point from South East Road. Access via Middle Road is preferred from a highways safety perspective. The alternative of a temporary Traffic Regulation Order in South East Road, is unlikely to appease residents and shop proprietors there.

Only one accident has been recorded within near vicinity of school in recent time. This related to a car crossing Middle Road and colliding with another car waiting to cross the same junction with South-East Road.

**SCC Ecologist** – The proposal is unlikely to have an adverse impact on local biodiversity grounds whilst the redevelopment provides an opportunity to incorporate biodiversity enhancements into the site. No objection to the proposed development providing a biodiversity mitigation and enhancement plan is submitted at the reserved matters stage. The site consists of a number of buildings, plus extensive areas of amenity grassland and hard standing. There are also scattered trees, hedgerows, improved grassland, areas of scrub and a pond. Support is given for a green roof.

**SCC Sustainability Team** - The sustainability checklist and Design and Access Statement commits to the achieving BREEAM standard “Excellent”. This would aim to satisfy the requirement of the Learning Skills Council. This standard is a requirement of policy CS20 of the 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.

**SCC Access Officer** – Satisfactory - the main entrance of the site has not been altered and the Access Statement makes reference to Part M for the new works.

**SCC Environmental Health (Pollution and Safety Team)** – No objection. Safeguarding conditions are suggested to limit the potential for disturbance during demolition and construction as well as acoustically attenuate any plant that comes to be installed at the site.

**SCC Environmental Health (Contaminated Land Team)** – Whilst noting the desktop study that has been undertaken, Annex 2 of PPS23 considers the proposed land use as being sensitive to the affects of land contamination. Conditions are recommended to ensure the site is free of prescribed contaminants by further intrusive investigation.

**SCC Trees** – Consider that the grading of trees undertaken from a purely visual inspection is reasonable. A number of conditions are recommended to safeguard trees during construction. It is noted that two trees are to be felled and this is objected to.

**Environment Agency** – Raise no objection in principle, note the water runoff study that has been undertaken and support the use of SUDS to mitigate the same by suggesting a planning condition and informative.

**Sport England** – Note that the all-weather pitch is to be retained in the re-building of the school, which itself will also include the re-provision of the existing internal sports hall. A condition is suggested to secure wider community use of those sports facilities, when the school re-opens. No objections are raised to the proposals on that basis.

**British Aviation Authority** – No objections are raised.

### **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
- Controlling the development with suitably flexibly worded planning conditions which safeguard the amenities of neighbours and natural features of the site, yet allow for the redevelopment of the school
- Promoting high quality educational facilities
- Impact of slightly intensified educational use of the site on the amenities of neighbours
- Sustainability and climate change

### Whether the travel demands of the development would be met

Highways are satisfied with the methodology and principles adopted within the submitted Transport Assessment / Travel Plan.

It is difficult to predict the likely parking levels for such a use. The local community are more likely to walk or cycle to the site. A careful assessment of travel patterns associated with the existing college and pragmatic predictions as to future modal split have been set out in the TA. A realistic level of parking provision and access for buses has been made to serve the development.

No strategic highways impact is likely as trips to the current college site are already on the highway network and no significant additional trips to the facility are envisaged. No highways objections are therefore raised to the proposals.

### Design and impact on the established character of the area

This will be a very large, pavilion, stand alone type of building, but officers are satisfied that the site and surrounding area can accommodate such a structure given its intended separation from other built form backing on to the site in South East Road and Spring Road. The appearance and layout of the buildings will be Reserved Matters for later consideration.

### Promoting high quality educational facilities

This is the first stage in a dramatic transformation of the school buildings. The aspirations set by the council, referred to in **Appendix 1** will deliver a high quality building and state of the art facilities to engender and facilitate better educational attainment.

### The impact on existing residential amenity

The only issue that has arisen out of this application has pertained to construction access off South East Road and the congestion that may cause. There would only be an increase of 10 further students at the site, which is unlikely to increase the demand for car parking. The intensified use of the all-weather pitch by the community at large could throw up some additional disturbance issues from the exuberance of those participating, but the applicant has carefully looked into that and conditions should ensure this matter is properly looked at in the Reserved Matters stage. The implementation of a Travel Plan will help to reduce reliance on the private car, helping to alleviate kerbside parking issues for residents.

### Sustainability and climate change

Preliminary assessments have been made and a commitment to achieving BREEAM 'excellent' is given. Green roof feasibility is to be explored. Good opportunities exist to take advantage of passive solar gain.

### **CONCLUSION**

By securing the matters set out in the suggested planning conditions, the proposal would be acceptable. The application is therefore recommended for conditional outline 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 South East Plan (2009), Core Strategy (2010).

SL - 03.02.2010 for 16.02.2010 PRow Panel



## **STATEMENT OF COMMUNITY INVOLVEMENT**

Outline Planning Applications for Building Schools for the Future

### **1 Introduction**

1.1 Building Schools for the Future (BSF) is an unprecedented capital investment programme that not only affects the schools being rebuilt but also the communities around them. Southampton City Council is committed to involving these communities in the development of its BSF plans. This will ensure local people take ownership of the new schools and, in turn, the schools become more proactive in meeting the needs of their neighbourhood.

1.2 This Statement of Community Involvement sets out how the city council's BSF Team has involved schools and their wider communities in the early design phase of Building Schools for the Future, specifically in relation to:

- Chamberlayne College for the Arts
- St George Catholic College
- The Sholing Technology College
- Upper Shirley High School

### **2. Programme objectives**

2.1 Southampton has a number of educational challenges that the city council is striving to overcome: standards are below the national average; not enough young people attend school regularly; and, many are categorised as Not in Employment, Education or Training (NEET) after statutory school age. In addition, many of the city's secondary school buildings are no longer fit for purpose. These are just some of the priorities for the city.

2.2 Southampton's BSF programme has been developed to support the priorities set out in the Children and Young People's Plan, among other city-wide strategies with links to education and the neighbourhood agenda. With this in mind the overarching aims for Southampton's BSF programme are to:

- Raise standards and attendance
- Provide world-class educational facilities for students, staff and their communities
- Build sustainable schools that compliment their neighbourhoods
- Create work for local people and businesses.

### **3 Community involvement**

3.1 In preparation for the submission of its Outline Planning Applications the city council has undertaken a wide variety of stakeholder involvement activity.

#### **NCSL BSF leadership programme**

3.2 In the first half of 2009, the BSF Team arranged for head teachers and their senior managers to take part in a series of workshops to start conceptualising their new schools. The programme was lead by the National College for School Leadership (NCSL) and gave school leaders and the BSF Team access to design case studies and experts. This helped set the groundwork for the strategy for delivering each school rebuild.

#### **Super seven heads**

3.3 The BSF Team hosts a monthly meeting for the head teachers of the seven schools involved in the city's BSF programme. This is an opportunity for the team to discuss the city-wide programme with the heads and for the heads to update each other on their plans.

## Stakeholder Board

3.4 This Board was established in January 2009 as part of the reporting and decision making structure for BSF. It draws members from local partners, such as the police and PCT, local businesses, Southampton City Youth Parliament, and from across the education sector. This board meets bi-monthly for progress briefings on the emerging plans for Southampton's secondary schools.

## Ward councillor meetings

3.5 Briefings been offered to ward councillors for each of the four schools. These began in the first half of the Autumn term and covered the broad scope of the project at their local school and the programme for delivery.

## Student engagement programme

3.6 Students from the four schools, as well as a number of pupils from their linked primary schools, took part in a series of design workshops between May and October this year. These were organised by the city council and design charity, the Sorrell Foundation. Students were asked to identify some of the key areas for improvement within their schools and present their ideas to their teachers, parents, peers and members of the council and government. Around 80 students were directly involved from the four schools, with hundreds of others asked for their input through questionnaires and assemblies. The students' ideas will be used in the development of the full planning applications for each school have been turned into detailed design briefs.

## Web pages

3.7 Members of the public have access to a wealth of information about Southampton's BSF programme via [www.southampton.gov.uk/bsf](http://www.southampton.gov.uk/bsf). The pages include background information, latest news and consultations, and a timeline. The pages have been advertised through internal communication channels and articles in the council's residents' magazine, City View.

## SEN Review consultation

3.8 Between June and July 2009 a consultation took place about the inclusion of Special Educational Needs (SEN) Learning Centres in the designs for the four schools. More than 7,000 consultation booklets were sent out to parents and other stakeholders to explain the proposals. These were supported by web pages, meetings with staff and governors, as well as public consultation events at each school. At least 990 individuals engaged with this consultation by attending meetings, seeking further information on the website or sending in written responses. The overwhelming response was in favour of including SEN Learning Centres in these mainstream schools.

## Upper Shirley expansion consultation

3.9 At the start of the autumn term, the city council ran a consultation on a proposal to increase the Published Admission Number for Upper Shirley High School when it is rebuilt through BSF. This consultation was run on behalf of the school's governing body and set the scene for further consultation that governors would need to carry out in line with the School Admissions Procedure. Parents, staff and local residents were sent a leaflet about the proposal and invited to a consultation event at the school. There were also dedicated web pages about the consultation, which were viewed by 245 individuals during the consultation. More than 20 people attended the consultation event and 49 sent in written responses. Fifty-nine percent of respondents were in favour of the school admitting more students to each year group. All of the feedback has now been shared with the school's governors so that they can use it when making their decision in the future.

## Stakeholder meetings

3.10 The BSF Team has arranged a programme of meetings to brief key stakeholders such as the governing bodies of each school, local businesses and Southampton City Youth Parliament.

## Publicity

3.11 Articles promoting progress in Southampton's BSF programme have been featured in a range of internal and external council publications. These have included In View magazine for staff, the staff e-Bulletin, and City View, which circulates to 106,000 properties in the city. Press releases have also been issued to local and national media resulting in coverage on local radio, in the local daily newspaper, and national specialist press. The BSF Team also produces its own monthly e-Bulletin, which is distributed to nearly 2,000 stakeholders and can be subscribed to at [www.southampton.gov.uk/bsf](http://www.southampton.gov.uk/bsf).

## 4 Public exhibition of outline planning proposals

4.1 The outline plans for Chamberlayne, St George, Sholing and Upper Shirley High were exhibited in Central Library at the Civic Centre between Saturday 24 and Saturday 31 October. This venue was chosen because it is a central and easily accessible location that is open all day Monday to Saturday and early evenings on week days.

4.2 The plans were also available to view online at [www.southampton.gov.uk/bsf](http://www.southampton.gov.uk/bsf) and in the four schools.

4.3 The public exhibition was publicised in a number of ways:

The schools were sent details of the exhibition and asked to inform parents, governors, staff and students

More than 600 letters were sent to residents whose properties had a boundary with the four schools

A press release was issued, resulting in an article in the local newspaper prior to the exhibition.

4.4 In addition, the following stakeholders were informed via email:

All city council staff

All councillors

All head teachers

All chairs of governors

The BSF Stakeholder Board

The PE and Sports Stakeholder Group, incl Sport England

All Children's Trust members

Diocese colleagues

Learning & Skills Council

Local colleges and universities

NHS Southampton City

Hampshire County Council ward councillors and lead planning officer

Eastleigh Borough Council ward councillors and lead planning officer

Test Valley Borough Council ward councillors and lead planning officer

Local MPs

## 5 Feedback

5.1 The footfall through the Central Library averages at approximately 1,000 per day. 25 people marked the sheet to show they had visited the exhibition, with 7 writing comments as

requested. In addition approximately 5 comments were made by phone call and approximately 8 emails were received.

5.2 The issues raised by respondents (number of responses in brackets) were:

5.3 In relation to Upper Shirley High School

- Parking (2)
- Noise (5)
- Proximity to houses (4)
- Access (4)
- Devaluation of Property (2)
- Privacy (1)

5.4 In relation to Chamberlayne College for the Arts

- Parking (2)
- Access (9)
- Increased Traffic (2)

5.5 In relation to St George Catholic College

- Access (1)
- Ecological (3)

5.6 In relation to The Sholing Technology College

- Parking (2)
- Increased Traffic (1)
- Access (1)

5.7 There were also 3 comments received with no specific school mentioned. These were concerning the following issues:

- Parking (1)
- Increased traffic (1)
- Ecological (1)

5.6 In relation to The Sholing Technology College

- Parking (2)
- Increased Traffic (1)
- Access (1)

5.7 There were also 3 comments received with no specific school mentioned. These were concerning the following issues:

- Parking (1)
- Increased traffic (1)
- Ecological (1)

## 6 Further consultation

Design Quality Indicator workshops

6.1 Head teachers, governors, school staff and students from the two sample schools, Chamberlayne and St George, are taking part in Design Quality Indicator training in November. This will enable these key stakeholders to be involved in determining and monitoring the quality of the design of their schools. Workshops for The Sholing Technology College and Upper Shirley High School will take place next year.

#### Further consultation on Reserved Matters planning application

6.2 The BSF Team will be consulting with stakeholders in and around schools on the full details of the plans. This will include displaying the developing plans in school reception areas and inviting stakeholders to school specific exhibitions. The consultation process will be publicised on the BSF web pages, in city council publications and via press releases to the local media. In addition, we will be writing to residents, parents and statutory consultees linked to each school to keep them up-to-date with the planning process and let them know how they can get involved.

#### Other ongoing consultation and information

6.3 The BSF Team will continue to run its Stakeholder Board, briefings with ward councillors and other stakeholder meetings throughout the planning process. This consultation will be supported by information on the BSF web pages, in the BSF stakeholder e-Bulletin and other council publications, as well as ongoing correspondence with stakeholders.

**POLICY CONTEXT****Adopted LDF Core Strategy for City of Southampton (2010)**

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.

**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

**South East Plan (Regional Spatial Strategy)**

SP1	Growth and regeneration in sub-regions
SP2	Support for development which increases use of public transport
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

### **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 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, 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

City of Southampton Local Transport Plan 2006 – 2016  
Southampton Biodiversity Action Plan



**Relevant planning history**

Application Ref & Site	Description of Development	Decision & Date
92/11329/R3CC	new eight class block and associated works	Approve with Conditions 24/12/1992
93/11222/R3CC	Three new buildings to provide two science laboratories one cdt facility and eight general teaching spaces	Approve with Conditions 04/01/1994
95/11104/R3CC	Erection of a single storey front extension	Approve with Conditions 22/06/1995
95/11105/R3CC	New sports barn changing facilities lecture room and new sports pitch with associated fencing	Approve with Conditions 19/09/1995
96/11123/FUL	Erection of a single storey extension for two additional classrooms servery and toilets	Approve with Conditions 03/05/1990
99/00585/FUL	Construction of a single storey extension to provide new entrance foyer and office, new canopy and alterations to car parking layout	Approve with Conditions 13/10/1999
99/10385/R3CFL	Siting of 1 no temporary classroom unit	Approve with Conditions 10/08/1999
03/01649/R3CFL	Relocation of existing mobile classroom and the addition of 1 no. mobile classroom to the west elevation of art block.	Approve with Conditions 16/01/2004
03/01650/R3CFL	Two single storey extensions to the west elevation of existing art block.	Approve with Conditions 14/01/2004
03/01698/R3CFL	Provision of metal storage container to south side of existing sports hall.	Approve with Conditions Temporary Consent 14/01/2003
07/01215/FUL	Relocation of existing mobile classrooms temporary	Approve with Conditions 10/10/2007
07/01807/R3CFL	Siting of a temporary building for use as	Approve with Conditions

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RECOMMENDATION: CAP

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## **CONDITIONS for 09/01162/R3OL**

### **01. APPROVAL CONDITION - Commencement**

The development hereby permitted shall be begun before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last reserved matter to be approved, whichever is the later.

#### **REASON:**

To comply with S.92 of the Town and Country Planning Act 1990 (as amended).

### **02. APPROVAL CONDITION - Submission of Reserved Matters**

The details of the proposed ACCESS are hereby approved and shall be implemented in accordance with the approved plans, namely plan ref: Proposed site plan 910-001 Rev P01 and the amended indicative 061-001 Rev P02. Further application(s) for the approval of the following reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission:

- a) LAYOUT, namely the way in which buildings, routes and open spaces are provided within the development and their relationship to buildings and spaces outside the development;
- b) SCALE, namely the height, width and length of each building proposed in relation to its surroundings;
- c) EXTERNAL APPEARANCE, namely the aspects of a building or place which determine the visual impression it makes. No development works shall be carried out unless and until a detailed schedule of materials and finishes including samples (if required by the Local Planning Authority) to be used for external walls, fenestration and the roof of the proposed building(s) 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;
- d) LANDSCAPING, namely the treatment of private and public space to enhance or protect the site's amenity through hard and soft measures, for example, through planting of trees or hedges or screening by fences or walls. 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 and treatment of hard surfaced areas, shall be submitted to and approved in writing by the Local Planning Authority as part of the approval process for the LANDSCAPING reserved matter. These details shall relate to the external spaces and any green roof which may come to be installed, as hereby approved.

The two trees indicated 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 comply with S.92 of the Town and Country Planning Act 1990 (as amended), Circular 01/06 and in order to secure a high quality form of development having regard to the character of the area and the amenity of existing residents

03. APPROVAL CONDITION - Highway Construction & Access Details

Visibility splays shall be provided to the new vehicular access to Heath Road with details for ensuring that no signage, planting or means of enclosure above 600mm is sited within these agreed sight lines. Any redundant areas of dropped kerb shall be re-instated to full kerb.

REASON:

In the interests of highway safety.

04. APPROVAL CONDITION - Access and Parking

The application site shall at all times (both during and after the construction phase) provide facilities for the loading/unloading/circulation of vehicles and for the parking of a maximum of 25 cars to serve the school (to include a minimum of 2 disabled spaces). The car parking shall thereafter be retained for use in association with the educational buildings and their dual use hereby approved.

REASON:

to prevent obstruction to traffic in neighbouring roads, to ensure provision of vehicular access, car parking and servicing, to avoid congestion in the adjoining area and to protect the amenities of the area, in the interests of highway safety.

05. APPROVAL CONDITION - Bicycle parking

A minimum of 275 covered and secure cycle parking spaces, including the provision of secure lockers, changing rooms and showering facilities shall be provided as part of the replacement school prior to the first occupation of the new building(s), in accordance with elevational and layout details to be submitted to and approved by the local planning authority in writing at the Reserved Matters Stage. Once provided, those facilities shall be retained for that purpose at all times thereafter.

REASON:

To promote cycling as a sustainable form of travel in accordance with Local Plan Appendix 2 requirements and to meet the aims of the submitted Travel Plan.

06. APPROVAL CONDITION - Construction Access and Routeing

Unless otherwise agreed in writing prior to the commencement of development all traffic associated with the construction and demolition works hereby approved shall enter and leave the site via the Middle Road access only, and shall be subject to a routeing agreement to be submitted to and approved by the local planning authority before the development commences. Once approved, that routing agreement shall be observed throughout the construction period.

REASON:

In the interests of highway safety and to protect the residential amenities of those living close by.

#### 07. APPROVAL CONDITION - Limitation of Development

The development shall be limited to a maximum floorspace of 10,000sq.m within Class D1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and shall only exhibit the following maximum dimensions as specified in the submitted parameters for development given below:-

College building maximum dimensions -

- (a) width - between 60 and 80 metres;
- (b) length - between 110 and 130 metres;
- (c) height - up to 12 metres and 2 storeys above ground level.

REASON:

To define the permission having regard to the existing school provision and the capacity of the site and to allow the local planning authority to control the scale of development in terms of protecting the character and amenity of the surrounding area.

#### 08. APPROVAL CONDITION - Use Restriction

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), the buildings shall only be used for educational purposes with ancillary sporting and refectory facilities available to the public through the community use agreement, and for no other purpose within Class D1 of Town and Country Planning (Use Classes) Order 1987 (as amended).

REASON:

To define the consent having regard to the level of car parking provision and to allow the local planning authority to control the nature of development in terms of protecting the character and amenity of the surrounding area.

#### 09. APPROVAL CONDITION - Operation restriction

The college premises hereby approved shall be operated on a dual use basis in accordance with further details that shall be agreed in writing with the Local Planning Authority at the Reserved Matters stage. These details shall include the proposed hours of use, the on-site management of the community uses and a pricing policy (if applicable). The site - including the all-weather pitch - shall be closed and vacated of all persons enrolled on educational courses or accessing the building through the community use agreement between the hours of 22.00 and 07.30 the following day on a daily basis.

REASON:

To safeguard the amenities of occupiers of adjoining residential properties.

#### 10. APPROVAL CONDITION - Ecological Mitigation Statement

Prior to development commencing, including site clearance, the developer shall commission additional survey work recommended in paragraph 8.2 of the approved Ecological Appraisal report CS/039406-08-01. No site clearance shall occur between March and August inclusive, without the prior written consent of the local planning authority. Following that the developer shall submit a programme of habitat and species mitigation and enhancement measures recommend under paragraph 9.4 of the approved Ecological Appraisal report CS/039406-08-01. The principles of these measures shall have been submitted and agreed in writing with the Local Planning Authority at the Reserved Matters stage. Unless otherwise agreed in writing by the Local Planning Authority those measures shall be implemented in accordance with the agreed programme.

REASON:

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

11. APPROVAL CONDITION - No Amplified System

There shall be no installation or use of a personal address system or tannoy equipment or other sound amplification machinery for external broadcast outside of the college building at any time unless agreed in writing by the Local Planning Authority for temporary, seasonal, or permanent use.

REASON:

To protect the residential amenities of adjacent residents.

12. APPROVAL CONDITION - BREEAM Standards (commercial development)

In accordance with the submitted Design and Access Statement written documentary evidence demonstrating that the development will achieve at minimum a rating of 'Excellent' against the BREEAM standard (or equivalent ratings using an alternative recognised assessment method), shall be submitted to the Local Planning Authority at the detailed Reserved Matters stage and verified in writing prior to the first occupation of the development hereby granted permission.

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) as supported by adopted LDF Core Strategy Policy CS20.

13. APPROVAL CONDITION - Renewable Energy - Micro-Renewables

An assessment of the development's total energy demand and a feasibility study for the inclusion of renewable energy technologies on the site, that will achieve a reduction in CO2 emissions of at least 15%, shall 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 15% shall be submitted and approved in writing by the Local Planning Authority at the Reserved Matters stage. 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 as supported by adopted LDF Core Strategy Policy CS20.

14. APPROVAL CONDITION - Noise - plant and machinery

The use hereby approved shall not commence until an acoustic report and written scheme to minimise noise from plant and machinery associated with the proposed development, including details of location, orientation and acoustic enclosure, has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall follow the recommendations of the submitted acoustic report CS/040723 01A, particularly the design targets set out in paragraph 6.1.7 of that report. The development shall be implemented in accordance with the agreed details.

REASON:

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

15. APPROVAL CONDITION - Ventilation - control of noise, fumes and odour

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

REASON:

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

16. APPROVAL CONDITION - Tree Retention and Safeguarding

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

REASON:

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

17. APPROVAL CONDITION - no storage under tree canopy

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.

## 19. APPROVAL CONDITION - Arboricultural Method Statement

Notwithstanding the information submitted to date 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.

## 20. APPROVAL CONDITION - Arboricultural Protection Measures

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.

## 21. APPROVAL CONDITION - Sports development plan

Prior to commencement of use a Sports Development Plan shall be submitted to and approved in writing by the Local Planning Authority. The Programme shall be carried out and implemented in full in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority after consultation with Sport England.

### REASON

To secure sufficient benefits to the development of sport and to accord with Local Plan policy.

## 22. APPROVAL CONDITION - Means of enclosure/sound barriers [Pre-Occupation Condition]

Prior to the commencement of the development hereby approved, details of the design and specifications of the boundary treatment of the site and any replacement bunding/fencing for the all-weather pitch (in accordance with the recommendations of paragraph 5.5.6 of the submitted acoustic report CS/040723 01A, 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 building or the first re-use of the all-weather pitch outside school hours provided under this permission and such boundary treatment shall thereafter be retained and maintained as agreed.

### REASON:

In the interests of the visual amenities of the area and to protect the amenities and privacy of the occupiers of adjoining property, especially given the extended community use of the all-weather pitch into the evening

## 23. APPROVAL CONDITION - External Lighting [Pre-Commencement Condition]

A written lighting scheme - relating to the car parking and any other external areas - including light scatter diagram with relevant contours shall be submitted to and approved in writing by the Local Planning Authority prior to implementation of any external lighting to support the development hereby approved. The scheme must demonstrate compliance with table 1 - Obtrusive Light Limitations for Exterior Lighting Installations - by the Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light 2005. The installation must be maintained in accordance with the agreed written scheme. For the avoidance of doubt, this outline consent does not permit the installation of floodlighting to the all-weather pitch to be retained, which should be the subject of a further planning application if intended at some future date.

### REASON:

To protect the amenities of the occupiers of existing nearby residential properties and in the interests of crime prevention.

## 24. APPROVAL CONDITION- Land Contamination Investigation

Notwithstanding the phase 1 geotechnical desktop study submitted to date, prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. That scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

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



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

**REASON:**

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

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

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

**REASON:**

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

**26. APPROVAL CONDITION- Unsuspected Contamination**

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.

**27. APPROVAL CONDITION - Construction & Demolition Method Statement**

Before development commences a statement setting out the management of demolition and construction operations shall be submitted to and approved by the Local Planning Authority. The statement shall include detailed plans specifying:-

- (i) the areas to be used for contractor's vehicle parking and plant;
- (ii) storage of building materials, and any excavated material, huts and all working areas (including cement mixing and washings) required for the construction of the development hereby permitted;
- (iii) areas for the parking of vehicles of site personnel, operatives and visitors;
- (iv) areas for the loading and unloading of plant and materials;
- (v) the treatment of all relevant pedestrian routes and highways within and around the site throughout the course of demolition and construction and their reinstatement where necessary;
- (vi) a scheme for the erection and maintenance of security hoardings including decorative displays and facilities for public viewing;
- (vii) a scheme for recycling waste resulting from the construction programme;
- (viii) measures to be used for the suppression of dust and dirt throughout the course of construction; and, (including wheel cleaning);

(ix) a "hotline" telephone number shall be provided for the use of residents in the case of problems being experienced from demolition and construction works on the site. The phone line will be provided, managed and problems dealt with by a person or persons to be nominated by the developer and shall operate throughout the entire development period.

The demolition and development works shall be implemented in accordance with the agreed statement. For the avoidance of doubt the local planning authority's preference is that the existing all-weather pitch shall not be used for any of the above activities unless it can be clearly demonstrated that this is an operational necessity. In the event of that being demonstrated, this sand based all-weather pitch shall be fully re-instated to playing standard before the new school first re-opens.

REASON:

To protect the amenities of neighbours and the wider environment.

#### 28. 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.

#### 29. APPROVAL CONDITION - Hours of Work for Demolition/Construction

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.

REASON:

To protect the amenities of neighbours and the wider environment.

#### 30. APPROVAL CONDITION - Secured By Design

The applicant shall submit as part of any reserved matters application further details of how the proposed school and its site has been designed to achieve a 'Secured By Design' accreditation. The development shall be carried out in accordance with the agreed details.

REASON:

In the interests of crime reduction and customer/staff safety.

#### 31. APPROVAL CONDITION - CCTV system [pre-commencement condition]

Before the use is first commenced details of a scheme for a CCTV system to comprehensively cover the site including all public entry points, car parks, and all-weather pitch, 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 approved use first commencing and shall be maintained in working order and operated at all times when the premises is open. Recorded images shall be held for a 1 month period after being made on a daily basis for use by the Police as required.

REASON:

In the interests of crime reduction and customer/staff safety.

### 32. APPROVAL CONDITION - Sustainable Drainage Systems (Pre-Occupation Condition)

A feasibility study demonstrating an assessment of the potential for the creation of a sustainable drainage system on site, including any green roof for the building, 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) and Code for Sustainable Homes: Category 4 - Surface Water Run-off.

### 33. APPROVAL CONDITION - Archaeological investigation [Pre-Commencement Condition]

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

#### Reason:

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

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

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

#### Reason:

To ensure that the archaeological investigation is completed.

### 35. PERFORMANCE CONDITION - Travel plan

The framework travel plan submitted by Capita Symonds dated 28 October 2009 shall be implemented at all times the college is in use and shall be updated and reviewed on an annual basis, in accordance with the recommendations of Section 9 of the above document. The City Council's Travel Plan Officer and at least one Deputy Head Teacher from the college shall be members of the body that will review the School Travel Plan hereby approved. A copy of the reviewed Travel Plan shall be submitted to and approved in writing by the Local Planning Authority 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 to be submitted at the Reserved Matters stage for bicycle parking, including shower facilities, lockers and secure bicycle parking shall be fully implemented as part of this permission and any later approval of reserved matters and retained at all times thereafter.

## REASON

To encourage sustainable modes of travel.

### 36. Reason for Granting Outline Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set on the attached sheet. Other material considerations do not have sufficient weight to justify a refusal of the application. Where appropriate planning conditions have been imposed to mitigate any harm identified. Overall, the exceptional educational need and positive regenerative opportunities associated with the development are considered to outweigh the dis-benefits of general disturbance and periodic, localised highway congestion likely during the construction period. The proposed construction traffic access onto Middle Road has been considered by Highways DC as acceptable and any impact on the residents of Middle Road and South-East Road can be mitigated as explained in the report to the Planning and Rights of Way Panel on 16th February 2010. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Outline Planning Permission should therefore be granted having account of the following planning policies:

LDF Core Strategy - Adopted January 2010

CS6, CS11, CS13, CS18, CS19, CS20, CS22 and CS25

Local Plan Review (2006) - Saved Policies

SDP1, SDP2, SDP3, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP15, SDP16, SDP17, SDP19, SDP20, SDP22, NE4, HE6, L1 and REI7

#### Note to Applicant

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

2. The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Atkins Ltd, Anglo, St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01962 858688), or [www.southernwater.co.uk](http://www.southernwater.co.uk).

3. 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.

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

5. The Environment Agency welcomes the consideration of a range of SUDS techniques within the submitted Flood Risk Assessment (FRA). We would wish to see appropriate SUDS techniques incorporated into the final surface water drainage system.

The final drainage system should be designed to accommodate surface water runoff according to the following criteria:

- The discharge from the developed site should be no greater than that from the site as existing for a range of storms including the 1 in 2, 1 in 30 and 1 in 100 20% (climate change allowance) events. The FRA recommends that surface water drainage from the site following development will be maintained at 80% of the current runoff levels. This is welcomed by the Agency.
- Long term storage must be provided to cater for the additional runoff volume generated by the development compared to that from the site as existing.
- The drainage system should be designed to ensure no surface flooding for storms up to the 1 in 30 year event.
- Surface flooding for storms exceeding this return period might be acceptable for short periods providing water is routed away from buildings, access ways and does not increase flood risk off site.
- There should be no flooding of buildings for storms up to and including the 1 in 100 20% event.

6. 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).

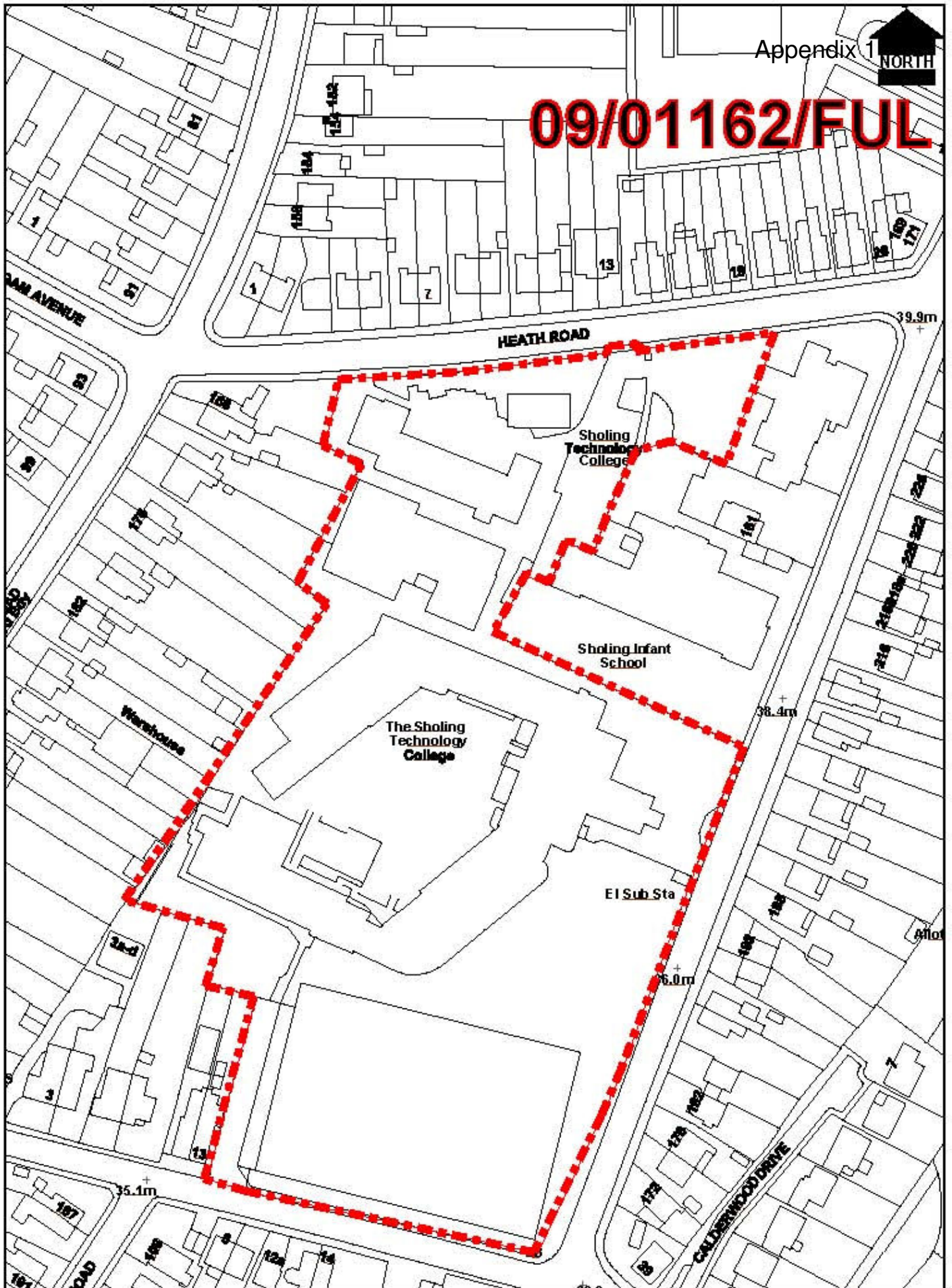
7. The development is close to Southampton Airport and the landscaping it includes may attract birds, which in turn may create an unacceptable increase in birdstrike hazard. Any such landscaping should, therefore, be carefully designed to minimise its attractiveness to hazardous species of birds. Your attention is drawn to Advice Note 3, "Potential bird hazards: Amenity landscaping and building design", available at - [www.aoa.org.uk/publications/safeguarding.asp](http://www.aoa.org.uk/publications/safeguarding.asp).

8. Bird management plan: Due to the location of the site and the proposed nature of the development, there is potential for large flat roofs to be used. Your attention is drawn to advice note 8 - "Potential bird hazards from building design", a copy of which is attached to this decision notice., which details the requirements for roofing and the potential attraction of birds.

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# 09/01162/FUL



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Date :04 February 2010

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# Agenda Item 8

Southampton City Planning & Sustainability  
 Planning and Rights of Way Panel meeting 16<sup>th</sup> February 2010  
 Planning Application Report of the Head of Division

Application address: St Coleman's Church, Warburton Road, Thornhill			
Proposed development: Erection of two-storey and three-storey buildings to provide 13 houses (3 two-bedroom, 9 three-bedroom and 1 four-bedroom) and 18 two-bedroom flats with associated access, parking and landscaping including stopping up and diversion of a public footpath and following demolition of the existing buildings			
Application number	09/01282/FUL	Application type	Full Detailed
Case officer	Stephen Harrison	Application category	Q07 (Small Major)

<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: First Wessex Housing Group Ltd	Agent: Kenn Scaddan Associates Ltd
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Date of receipt	02.12.2009	City Ward	Bitterne
Date of registration	02.12.2009	Ward members	Cllr Fuller
Publicity expiry date	07.01.2010		Cllr Stevens
Date to determine by	03.03.2010 <b>IN TIME</b>		Cllr Letts

Site area	0.4 hectares	Usable amenity area	40-50sq.m per house 4sq.m balcony per flat 230sq.m communal
Site coverage (developed area)	Approximately 70%		
Density - whole site	78dph	Landscaped areas	Site frontage and car parking areas

Residential mix	numbers	size sq.m	Other land uses	class	size sqm
Studio / 1-bedroom			Commercial use	N/A	N/A
2-bedroom	21	65-74	Retail use	N/A	N/A
3-bedroom	9	105	Leisure use	N/A	N/A
other	1	96	other	N/A	N/A

accessibility zone	low	policy parking max	47 spaces
parking permit zone	no	existing site parking	informal
cyclist facilities	yes	car parking provision	31 spaces (1 per unit)
motor & bicycles	0 motor / 64 cycles	disabled parking	2 spaces

Key submitted documents supporting application			
1	Design & Access Statement	2	Affordable Housing Statement
3	Code for Sustainable Homes (Water)	4	Arboricultural Method Statement
5	Contaminated Land Report	6	Ecological Assessment
7	Sustainability Checklist	8	S.106 "Offer"
9	Landscape Specification	10	Landscaping Statement
11	Transport Statement & Summary	12	Green Travel Plan
13	Statement of Community Involvement		

Appendix attached			
1	Development Plan Policies	2	Planning History
3	Suggested Planning Conditions		

## **Recommendation in full**

1. Authorisation of the Panel be given to enter into a footpath diversion order under s.257 of the Planning Act, as it affects the southern part of the application site; and,
2. Delegate to the Development Control Manager to grant planning permission subject to the applicant entering into a Section 106 Legal Agreement to secure:
  - i) Provision of affordable housing in accordance with Policies CS15 and CS25 of the adopted LDF Core Strategy (2010);
  - ii) Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
  - 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) Financial contributions towards the relevant elements of public open space required by the development in line with policies CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
    - Amenity Open Space (“open space”)
    - Play Space
    - Playing Field;
  - v) Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.

And in the event that the legal agreement is not completed by the 13 week date (3 March) 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 and surrounding context**

### Context

The application site is located on the western side of Warburton Road at its junction with Lydgate Road. It comprises a redundant church and hall, two semi-detached bungalows and extensive hard-standing laid to car parking. The church was last used in 2001. The site is currently fenced off and used as a contractor’s site compound as part of the wider estates regeneration programme. The prevailing pattern of development is varied, albeit predominantly residential in nature and is formed by traditional two-storey terraced dwellings and larger flatted blocks set within open space settings. These blocks are typically between 5 and 13 storeys in height.

### Proposal

The development of the site for 31 dwellings designed as a perimeter block of two and three storeys that wraps around a central parking courtyard accessed from Lydgate Road.

A modern design approach and palette of materials is proposed. The flatted blocks are typically 11m in height and finished with a flat roof. The dwelling houses are more traditional in appearance and are typically 8.5m in height (to ridge). Nine of these houses provide a bedroom within the roofspace served by a rooflight with an outlook across the central courtyard. The flats are located within the three storey blocks and are served by an internal lift.

The scheme seeks Code Level 3 for Lifetime Homes and Code Level 4 across the scheme as a whole. The whole scheme is to be affordable accommodation for the rented market.

### The Grounds

Parking is provided, mainly, within a private rear courtyard that is accessed from Lydgate Road. A total of 23 parking spaces are provided within this courtyard and an additional 8 spaces are located along the Lydgate Road frontage. A communal bin store is integral to the proposed flatted blocks and the dwelling houses have private storage facilities.

The proposal retains the mature Lime tree along the site's southern frontage. Although this tree is not protected it is sited on City Council land and is, therefore, afforded a similar level of protection to that of a TPO.

All 13 dwelling houses have access to a private garden of between 40 and 50sq.m (varying in length from between 8m & 11m) and the flats have access to private balconies. In addition, plots 8-16 share 110sq.m of communal space and plots 23-31 share 120sq.m of communal space.

### **Relevant Planning Policy**

#### LDF Core Strategy - Planning Southampton to 2026

Following the receipt of the Inspector's Report from the Examination into the Southampton Core Strategy Development Plan Document (13/10/2009) and its consideration and adoption by the Council (20/01/2010) the policies of the LDF Core Strategy, and those "saved" from the Local Plan Review, form the planning policy framework against which this application should be determined.

The relevant CS policies the "saved" policies from the Local Plan Review are set out at **Appendix 1**. The adopted LDF Core Strategy Policy CS3 is relevant in the determination of this application.

The site was not allocated in the Local Plan Review and the existing building was until recently in use for community purposes.

### Sustainability Implications

Major developments are expected to meet high sustainable construction standards in accordance with the City Council's adopted and emerging policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan saved Policy SDP13 the applicants have submitted a 'Sustainable Development Checklist' to support their application and have made a commitment to achieving a Code for Sustainable Homes Level 4.

The Council's Sustainability Team has confirmed that they are able to support the requirement to achieve Code Level 4 rather than Code Level 3 (with the use of on-site renewables as required by CS20) stating that "it should be noted that this approach has been adopted given the specific circumstances which surround this particular application".

## Relevant Planning History

The relevant site history for this site is set out at **Appendix 2** to this report

## Consultation Responses and Notification Representations

The application is supported by a 'Statement of Community Involvement', which details how the applicants engaged with the local community prior to the formal planning submission. The applicants held 4 separate sessions between June and July 2009 and the comments received have informed the current planning application.

Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (17.12.09) and erecting a site notice (17.12.09). At the time of writing the report **no** representations have been received from surrounding residents.

### Summary of Consultation comments

**SCC Highways** – No highway objection are raised to the proposal subject to the attached planning conditions and the completion of a S.106 legal agreement. The application site is located within an area defined as having “low” accessibility to public transport and services. The provision of 1 parking space per dwelling meets the Council’s maximum parking standards. Following detailed pre-application discussions the gated central courtyard has evolved and provides safe, well surveyed parking for residents. The proposed access onto Lydgate Road is acceptable.

**SCC Sustainability** – No objection raised subject to the attached planning condition to secure a development that meets the Code for Sustainable Homes level 4.

**SCC Ecologist** - No objection is raised to the proposed development. The Ecological Assessment submitted with the planning application indicates that the application site is of very limited value to local biodiversity. The ecology report makes a number of recommendations for biodiversity enhancements that could be incorporated into the proposed development. A planning condition should be applied to any permission to secure implementation of these measures.

**SCC Environmental Health (Pollution & Safety)** – No objection raised subject to the attached planning conditions regarding controls over the demolition and construction phase.

**SCC Environmental Health (Contamination)** – No objection raised subject to the attached planning conditions regarding land contamination.

**SCC Access Officer** - The Access Statement appears very thorough and mentions access for all and compliance with all things Part 'M'. The site is level so accessibility should not be a problem.

**SCC Tree Team** - The only important tree that can be affected by this development is a large Lime just off site to the south in Southampton City Council land. This tree can be easily retained provided it is adequately protected by fencing during construction. The rest of the trees within the site have limited amenity value and I have no objections to their removal. The two-leylandii hedges are to be removed and replaced with native hedging. Although the evergreen hedge has a screening benefit they are likely to cause future high hedge complaints so I therefore have no objections to their removal. The submitted landscaping plan shows 12 trees to be planted in the site. However, an opportunity is being

missed to plant larger tree species which will provide higher amenity value and greater environmental benefits, particularly in the car park areas where large trees are less likely to cause shading issues. These issues can be addressed by the attached landscaping condition.

**SCC Landscaping Officer** – The submitted landscaping proposals require additional work and clarification. These matters can be resolved with the attached planning conditions relating to landscaping.

**SCC Regeneration & Renewal** – The Regeneration & Renewal Team supports the proposal. The provision of new affordable housing will help to meet housing need and provide a more efficient use of the site.

The proposed redevelopment will bring more efficient use of the church site and help with the physical regeneration of the Thornhill area. It is understood that the church has not been in use for almost ten years, whilst the church hall has been underused for some time. The loss of the community facility will not adversely affect the local community. In terms of demand for churches in the area; we are not aware that any groups have been seeking such space for worship / prayer in this area. Generally most enquiries received for worshipping space focus on areas where there is more accessibility such as the district and town centres, and the city centre.

In terms of deprivation the Thornhill area has high levels of multiple deprivation including high levels of income deprivation, and high levels of crime. There are low levels of employment and education, skills and training in Thornhill. Since 2001 the Thornhill area has benefited from government regeneration funding of approximately £50m through the New Deal for Communities (NDC) programme and managed locally by the Thornhill Plus You team. The NDC programme is designed to address multiple deprivation factors including the health, education, living environment, crime and employment and training. The Thornhill Plus You team have worked with the Council to deliver street scene improvements at Hinkler Road, Decent Homes improvements work, extensive open space improvements to Hinkler Green, and the Better Neighbourhoods project, a major project to improve the living environment through improvements to housing areas.

**SCC Housing** - The Housing Development Team fully supports this application. The minimum affordable housing requirement from the proposed development is 11 units (i.e. 35% of 31 units). The land (owned by Thornhill Plus You) is being disposed of specifically for the provision of affordable housing. All 31 units will be for general needs rent. The mix will provide a range of unit types and sizes to meet housing need including larger homes with 3+ bedrooms and complies with the Family Housing policy requirements.

**SCC Leisure Services** – No objection raised subject to an off-site contribution being secured towards local playspace at Thornhill.

**The Local Architect's Panel (LAP)** – The scheme was presented at the pre-application stage and was generally supported. The layout was considered to be appropriate. Amendments have since been made to the Lydgate Road frontage, the surveillance of the rear car park, and the building detailing which has been improved.

**Hampshire Constabulary** – No objection raised. The recent statistics for criminal damage, rowdy behaviour, vehicle crime etc. for both Lydgate and Warburton Road are relevant. For the type of offences mentioned there were around 650 offences last year. The submission has incorporated previous comments, especially the gated entrance to the car park. The pergolas are welcomed and the scheme incorporates Secured By Design principles. A planning condition is needed to secure the details of the boundary treatments following the removal of the existing Leylandii.

**Southern Water** – No objection raised subject to conditions, foul sewage disposal can be provided but will require a formal application for a connection to the public sewer.

**BAA** – BAA raise no objection, the proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria.

### **Planning Consideration Key Issues**

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

- i. The principle of development;
- ii. Design;
- iii. Residential Amenity;
- iv. Highways and Parking;
- v. Trees; and,
- vi. Whether or not the scheme mitigates sufficiently against its direct local impacts.

#### Principle of Development

The principle of redevelopment has been assessed against Local Plan policies H1 and H2 as acceptable. The application seeks to maximise residential use for this previously developed land, including the provision of 10 three-bedroom dwellings that are supported by private external amenity space that is fit for its intended purpose. The application proposes a net increase in family accommodation and would provide a genuine “mixed-and-balanced-community” as required by PPS3, LDF Core Strategy Policy CS16, Local Plan Policy H12 and Part 6 of the approved Residential Design Guide SPD.

Adopted LDF Core Strategy Policy CS3 seeks to protect existing community facilities unless it can be demonstrated that there are similar or replacement facilities in the same neighbourhood. The existing Church’s congregation numbers fell until it closed in 2001, and the associated hall was last used as a dance hall in 2006. The applicants have suggested that there are 4 other churches operating within 3 miles of the site. The Council’s Regeneration and Renewal Team have confirmed that they have not received any appropriate enquiries for continued use of this building to serve a community need. Its replacement with an affordable housing scheme is, therefore, supported in principle.

#### Design

Warburton Road is characterised, in this location, by family dwellings set back from the highway, and large areas of surface car parking and green open spaces. Tight-knit terraced housing sits alongside flatted blocks, including tall buildings of some 13 storeys. As such, there is no single defining feature or form of development although the existing church building reads as an anomaly within this context.

The proposed building has been designed as a two storey terraced building with rooms in the roof-space served by roof-lights to the rear. This design steps to a three storey block at both its southern end, and at the junction of Warburton Road with Lydgate Road. This design approach is consistent with the guidance contained within the Residential Design Guide as the additional scale and change in form marks two important views of the site on its approach. The chosen design solution is domestic in scale and appropriate for this location. The submitted street-scenes and modelling demonstrate that the proposed building will sit comfortably with its neighbours, especially when viewed from Lydgate Road and on its approach from the Bursledon Road junction.

A modern palette of materials is proposed, including a through colour render, facing brickwork and lead or zinc detailing and porch canopies. Further details can be secured with the attached planning condition.

The proposed level of development, at 78 dwellings per hectare, exceeds the Council's current guidance (of between 30 and 50 dph for areas of low accessibility) and the requirements of LDF Core Strategy Policy CS5. However it should be noted that the site is within 100m of a defined area of medium accessibility where 78dph would be compliant.

In good planning terms the consideration of density should not be the prime determination factor for an otherwise acceptable proposal. Density should only be taken as a final test as to the appropriateness of a scheme; and where a schemes layout and design is considered to be appropriate for its context (as is the case here) it is these assessments rather than an arbitrary density figure that should prevail.

In this case, it is accepted that to provide a viable proposal that delivers affordable family housing a higher density scheme will need to be employed. The proposed quantum of residential development also assists as part of a wider regeneration project. The existing pattern of development comprises high density living in the form of terraced housing and tall buildings. This scheme responds well to this context. It is considered that the proposed footprint and quantum of development is acceptable and would not result in any substantial harm to the visual amenities of the locality. The current scheme enables the better use of this previously developed land and assists the Council in meeting its housing requirements. It is considered that the design and appearance of the proposed building is acceptable, appropriate for its context and would not result in any substantial harm to the visual amenities of the locality. The application accords with Local Plan policies SDP1, SDP7, H7 as supported by Core Strategy Policy CS13.

### Residential Amenity

Given the building's siting it is not considered that the proposed development will lead to any adverse impact on the surrounding properties in terms of overshadowing, loss of outlook or a significant loss of privacy. The main Warburton Road frontage faces an existing surface car park. As the development turns into Lydgate Road it reduces to two storeys and is set back from the highway to accommodate frontage car parking. This replicates the dwellings opposite and secures a front-to-front distance across the road of between 22m & 28m. This relationship is adequate and no objections have been raised by these affected residents. Any shadowing that falls outside of the site will affect public highway and not private amenity space. As such the application is considered to address the requirements of adopted Local Plan policies SDP1(i), SDP7(v) and SDP9(v) as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006).

The internal layout of the building is judged acceptable. All room sizes are acceptable and noise transfer between units can be mitigated at the Building Regulations stage. In accordance with the Council's current external space standards all units have access to external amenity space that is "fit for its intended purpose". The houses are supported by between 40 - 50sq.m of useable private gardens. Plot 1 (the 4 bedroom house) has direct access to 130sq.m of garden. Residents of the flatted units have access to private balconies (measuring approximately 4sq.m each) and communal space of 100sq.m is provided to serve each block. These spaces are useable, landscaped and suitable for their intended purpose. Whilst these areas do not strictly meet the required standard of 20sq.m per flat when considered in the context of affordable family housing delivery within a good residential layout this shortfall can, on balance, be supported.

## Highways and Parking

Car parking is a key determinant in the choice of mode of travel. The Local Plan aims to reduce reliance on the private car and encourage alternative modes of transportation such as public transport, walking and cycling. Applying the Council's adopted maximum standards (of 1.5 spaces per two/three-bedroom units and 2 spaces per 4) the residential units should be supported by no more than 47 spaces. The provision of 31 spaces (including 2 disabled spaces) on a 1:1 basis conforms to the Council's standards as set out in Local Plan Policy SDP5 and LDF Core Strategy Policy CS19. Cycle storage is private to each flat and residents of the houses will be provided with a lockable shed in their rear gardens. The Council's Highways Officer is supportive of these arrangements and the provision of the residential parking spaces within the courtyard area is considered to improve their security, especially as the applicants propose to operate a CCTV camera at the access to this parking court.

## Trees

Adopted Local Plan policies SDP1(ii), SDP6(vii), SDP7(i), SDP12 (as supported by section 4.7 of the Council's approved Residential Design Guide) seek to ensure that major planning applications are supported by tree survey work and details of tree protection. The application is supported by an Arboricultural Method Statement, which has assessed the trees on the site to establish an acceptable development area. The proposals include the removal of a mature leylandii hedge and the retention of an off-site mature Lime tree to the south of the site. Both proposals are acceptable. The Council's Arboricultural Officer has raised no objection to the proposed footprint or the impact on the boundary trees. As such, the application is considered to safeguard the longevity of existing trees and accords with adopted Local Plan policies cited above.

## S.106 Legal Agreement

In the event that the recommendation is supported the applicants have agreed to enter into a S.106 Legal Agreement with the Council in order to secure contributions towards transport and open space improvements that mitigate against the development's direct impacts. In addition, the proposed level of development triggers the need for a minimum of 11 units to be provided as "affordable" (applying Core Strategy Policy CS15). The applicants propose to offer all 31 dwelling units as affordable and this represents a significant benefit of the current proposal.

## **Summary**

This application for the redevelopment of the St. Coleman's Church site with a residential scheme offers significant regeneration benefits as well as providing a good mix of affordable family housing. The site is accessible to good public transport links and the consideration of density should follow that of good urban design. On that basis the proposed density is not considered to be unduly harmful and the proposed development is supported. The loss of the existing community use has been justified in the context of Core Strategy Policy CS3.

## **Conclusion**

This application has been assessed as being acceptable to residential amenity and its local context. The application is recommended for conditional approval, subject to the completion of the aforementioned S.106 Legal Agreement.



**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), City Plan Review (Adopted Version) and the adopted LDF Core Strategy (2010)  
SH for 16.02.10 PROW Panel

**POLICY CONTEXT**LDF Core Strategy - Planning Southampton to 2026

The LDF Core Strategy has now been formally adopted by the Council and now forms part of development plan against which this application should be determined. The following policies are relevant:

CS3	Town, district and local centres, community hubs and community facilities
CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – Adopted Version (March 2006)

A large number of the policies in the Local Plan Review - Adopted Version March 2006 have been “saved” either in part or full pending the subsequent preparation of other Development Plan Documents. Whilst there are no site-specific policies relating to this site within the City of Southampton, the plan contains general policies applicable to this development. This application needs to be assessed in the light of the following local planning “saved” policies:

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Safety & Security
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

Supplementary Planning Guidance

The following SPD/G also forms a material consideration in the determination of this planning application:

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

Other Relevant Guidance

PPS1	Delivering Sustainable Development (2004)
PPS3	Housing (2006)

**RELEVANT SITE HISTORY**

04/01211/FUL

Change of use from a church building to a storage and distribution centre (Use class B8) and the siting of a temporary storage container to the north of the church building.  
REF 19.10.2004

*“The proposal would result in the loss of a community facility contrary to Policy CLT2 of the City of Southampton Local Plan Review Revised Deposit Version (February 2003) which aims to protect such uses”*

04/01745/FUL

Retrospective application for the change of use of church hall to a dance studio (D2).  
CAP 25.01.2005

05/00076/FUL

Change of use from a church to a community resource centre  
CAP 17.03.2005

07/01721/TEMP

Temporary change of use from Community Resource Centre (Use Class D1) to offices and storage (Use Classes B1 and B8) until July 2009.  
CAP 13.12.2007

*“The use would aid the community who are having there home improved and need the offices closely located in order to ask questions and the company needs the storage during this time. In all the scheme will benefit the community and as it is a temporary use the building can and will be reverted back to a community resource centre in compliance with the conditions imposed”*

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RECOMMENDATION: S106

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## **CONDITIONS for 09/01282/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 of building materials to be used [Pre-Commencement Condition]**

Notwithstanding the details shown on the approved drawings no development works (excluding the demolition phase) 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 external walls and the roof of the proposed buildings has been submitted to and approved in writing by the Local Planning Authority. The development shall proceed 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 - Refuse & Recycling Bin Storage – [Pre Occupation Condition]**

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

#### **REASON:**

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

### **04. APPROVAL CONDITION – Cycle storage [Pre-Occupation Condition]**

The development to which this consent relates shall not be brought into use in full or in part until secure, covered space has been laid out within the site for 31 bicycles to be stored, and for cycle stands to be made available for visitors to the site as specified hereunder. The cycle stores and stands hereby approved shall thereafter be retained on site for those purposes.

#### **REASON:**

To encourage cycling as an alternative form of transport

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

The external amenity space serving the development hereby approved, and pedestrian access to it, shall be made available prior to the first occupation of the development hereby permitted and shall be retained with access to it at all times for the use of the residents to this scheme.

#### **REASON:**

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

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

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

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

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

And at no time on Sundays and recognised public holidays. Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the LPA.

REASON:

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

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

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

REASON:

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

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

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

REASON:

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

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

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

REASON:

In the interests of highway safety.

10. APPROVAL CONDITION - 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.

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

Notwithstanding the details shown on plan ref: SO/Hs/731-1 Rev A before the commencement of any site works (excluding the demolition phase) 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, treatment of hard surfaced areas, details of CCTV and lighting 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

**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 – including the replacement fencing along the site’s western boundary following the removal of the existing leylandii hedge - 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 – Lighting [Pre-Commencement Condition]**

A written lighting scheme including light scatter diagram with relevant contours shall be submitted to and approved in writing by the Local Planning Authority prior to implementation of the lighting scheme. The scheme must demonstrate compliance with table 1 “Obtrusive Light Limitations for Exterior Lighting Installations”, by the Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light 2005. The installation must be maintained in accordance with the agreed written scheme.

**REASON:**

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

**14. APPROVAL CONDITION – Sustainable Drainage Systems [Pre Occupation Condition]**

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

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

Written documentary evidence demonstrating that the development will achieve a minimum level 4 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 unless otherwise agreed in writing by the Local Planning Authority

REASON:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy SDP13 of the City of Southampton Local Plan (2006) as supported by Core Strategy Policy CS20 and as offered by the applicant in their email dated 13th January 2010.

16. APPROVAL CONDITION – Foul Sewerage

No development (excluding the demolition phase) shall take place until details of the proposed means of foul sewerage disposal have been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented in accordance with the agreed details.

REASON:

In the interests of securing appropriate sewerage infrastructure to serve the development as required by Southern Water in their letter dated 31st December 2009.

17. APPROVAL CONDITION – Foul Drainage

The proposed foul drainage system shall be fully sealed to prevent the ingress of flood water into the sewerage network.

REASON:

In the interests of securing appropriate sewerage infrastructure to serve the development as required by Southern Water in their letter dated 31st December 2009.

18. 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 F (hard surface area)

REASON:

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

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

Notwithstanding the submitted details prior to the commencement of development (excluding the demolition phase) 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.

**20. 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.

**21. APPROVAL CONDITION - Unsuspected Contamination**

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

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

Prior to development commencing, including demolition and site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, as set out in the submitted ECOSA Ecological Assessment (November 2009) 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.



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

REASON:

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

24. 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.

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

REASON:

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

26. APPROVAL CONDITION - Stopping up existing access [Pre-Commencement Condition]  
Any redundant access to the site shall be stopped up and abandoned and the footway, and verge crossings and kerbs shall be reinstated before the development is brought into use.

REASON:

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

27. APPROVAL CONDITION - Parking

The parking spaces shown on the approved site plan shall be marked out and made available prior to the first occupation of the development hereby approved. Unless otherwise agreed in writing by the Local Planning Authority these spaces shall be retained for their intended purpose, as detailed within the submission, during the lifetime of the development.

REASON:

In the interests of highways safety and to ensure that the development is correctly served by on-site car parking.

## 00. Reason for Granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The use of this previously developed site for affordable housing accords with local and national planning policy. The loss of the community use is justified in this instance and although the proposed density exceeds the targets sets by the LDF Core Strategy the proposed layout and design is considered fit for this context. There are no third party objections to the proposals. 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, SDP11, SDP12, SDP13, H1, H2 and H7 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS3, CS4, CS5, CS13, CS15, CS16, CS19, CS20, CS22 and CS25 and the Council's current adopted Supplementary Planning Guidance.

### Notes to Applicant

#### S.257 (Town and Country Planning Act 1990)

The applicant is advised to contact the Council's Legal Services in order to progress this application under S.257 of the Town and Country Planning Act. They will also be able to advise of the likely fees that this work will incur.

#### Southern Water – Public Sewerage - Informative

A formal application for connection to the public sewerage is required in order to service this development. Please contact Atkins Ltd, Angle St James House, 39a Southgate Street, Winchester So23 9EH (tel. 01962 858688) or [www.southernwater.co.uk](http://www.southernwater.co.uk)

#### S.106 Legal Agreement Informative

A Section 106 agreement relates to this site which includes a requirement for contributions towards: affordable housing, highways (site specific and strategic) and play/open space. A full copy of the S106 legal agreement is available on the Public Register held at Southampton City Council.

#### Note to Applicant – Pre-Commencement Conditions

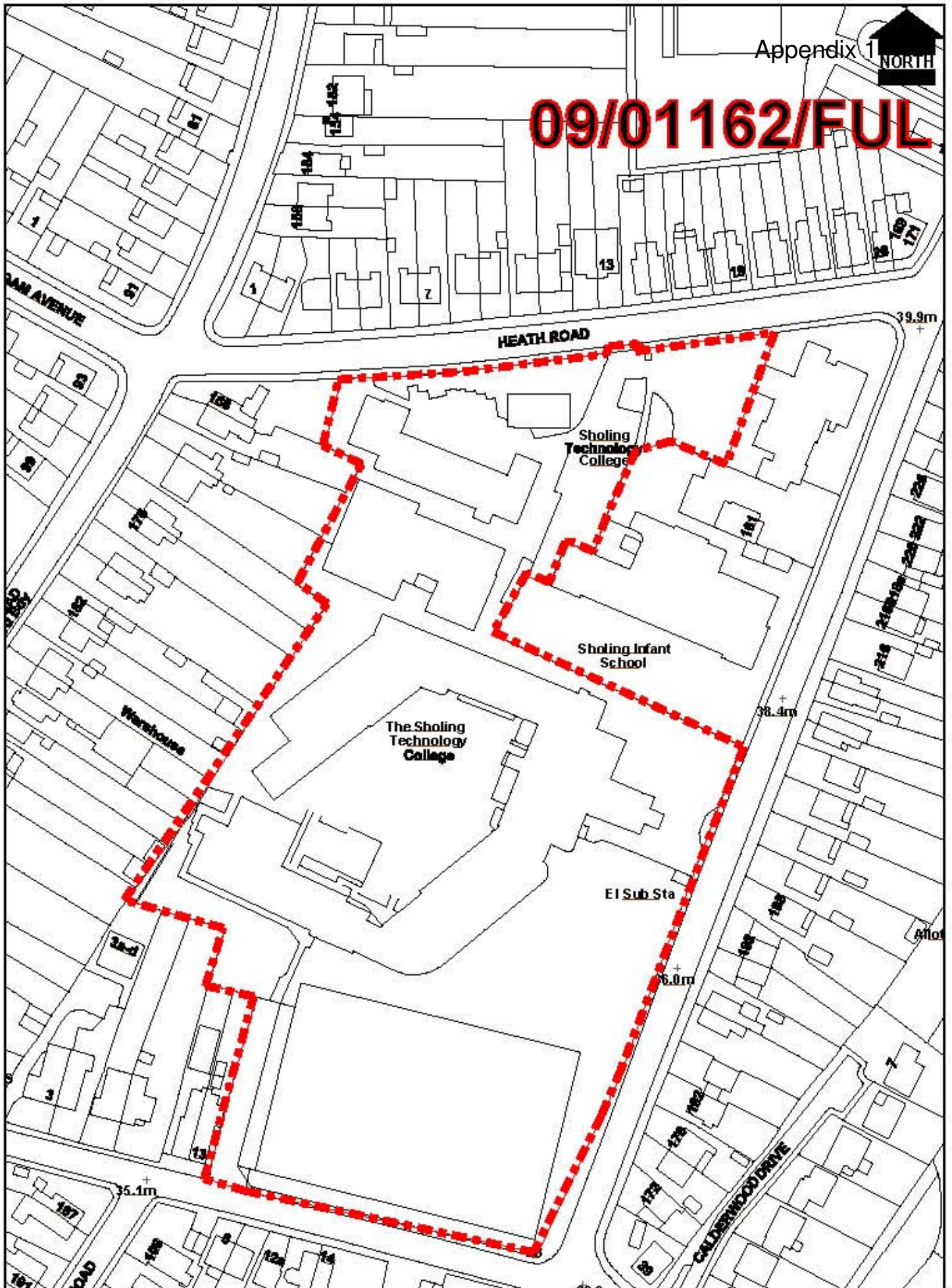
Your attention is drawn to the pre-commencement conditions above which require the full terms of the condition to be satisfied before development commences. In order to discharge these conditions you are advised that a formal application for condition discharge is required. You should allow approximately 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.

#### Note to Applicant – Performance Conditions

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



# 09/01162/FUL



Scale : 1:1250

Date :04 February 2010

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# Agenda Item 9

Southampton City Planning & Sustainability  
 Planning and Rights of Way Panel meeting 16<sup>th</sup> February 2010  
 Planning Application Report of the Head of Division

Application address: 8 Canada Road, Southampton			
Proposed development: Single storey side extension and additional window to first floor side elevation to enable conversion of dwelling into 2 one-bedroom flats			
Application number	10/00017/FUL	Application type	FUL
Case officer	Stuart Brooks	Application category	Q13 - Minor Dwelling

<b>Recommendation Summary</b>	<b>Conditionally Approve</b>
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Reason for Panel consideration	The application represents a departure from the adopted Core Strategy policy CS16 – Housing Mix and Type
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Applicant :	Mr C Whitlock	Agent:	N/A
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Date of receipt	11.01.2010	City Ward	Woolston
Date of registration	11.01.2010	Ward members	Cllr Cunio
Publicity expiry date	11.02.2010		Cllr Williams
Date to determine by	08.03.2010 <b>IN TIME</b>		Cllr Payne

Site area	558 sqm	Usable amenity area	330 sqm
Site coverage (developed area)	N/A	Landscaped areas	N/A
Density - whole site	35dph		

Residential mix	numbers	size sqm	Other land uses	class	size sqm
Studio / 1-bedroom	2	40	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	N/A	N/A	other	N/A	N/A

accessibility zone	medium	policy parking max	1 space
parking permit zone	no	existing site parking	2 spaces
cyclist facilities	yes	car parking provision	2 spaces
motor & bicycles	0 motor / 2 cycles	disabled parking	N/A

**Key submitted documents supporting application**

1	Design & Access Statement	2	Sustainability Checklist
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**Appendix attached**

1	09/00944/FUL Decision Notice	3	Development Plan Policies
2	Appeal Decision Notice 4 Canada Road	4	Suggested Planning Conditions

**Recommendation in full**

Approve conditional planning permission.

## **Background**

A similar proposal for a house conversion was refused in November 2009 (LPA ref: 09/00944/FUL) following pre-application discussions with the applicant since 3 June 2009. The reasons for refusal (as set out on the attached decision notice, see **Appendix 1**) related to a loss privacy to Canada Road and a lack of information regarding trees. The current proposal has addressed these issues, however the adoption of the Core Strategy with a presumption against the loss of family housing has now made the resubmission technically a departure to the development plan requiring Panel approval. Given the history of the site and the changes now proposed a favourable recommendation is made and officers would not recommend introducing a new reason for refusal relating to the loss of family housing..

## **Proposed Development and surrounding context**

### Context

The site is located along Canada Road in a predominantly residential street, which is characterised by a mix of two storey semi-detached and detached properties with a similar style and appearance built on narrow plots with small front gardens, and short to medium length rear gardens. There are a mix of flats and houses within Canada Road including a recent conversion, allowed at appeal, for 4 Canada Road (a copy of the appeal decision notice is appended at **Appendix 2**). The application site consists of a two storey semi detached dwelling house with a mix of planting and hard surfacing used for parking to the side, leading to a fenced off rear garden. There are two Sycamore Trees to the rear most northern and southern boundaries of the property.

### Proposal

This proposal is to build a single storey side extension and additional window to first floor side elevation to enable the conversion of the dwelling into 2 one-bedroom flats. The layout of the two units will provide an independent means of ground floor access for both units, with two parking spaces (1 per unit) and turning space utilising the existing access. The rear garden space will be subdivided using a 1.8m tall close boarded fence, retaining the existing hedge on the common boundary with the properties 6 and 10 Canada Road. The residents of the separate flats have individual access to an external amenity size of 100 and 230sqm respectively.

## **Relevant Planning Policy**

### LDF Core Strategy - Planning Southampton to 2026

Following the receipt of the Inspector's Report from the Examination into the Southampton Core Strategy Development Plan Document (13/10/2009) and its consideration and adoption by the Council (20/01/2010) the policies of the LDF Core Strategy, and those "saved" from the Local Plan Review, form the planning policy framework against which this application should be determined.

The relevant CS policies and the "saved" policies from the Local Plan Review are set out at **Appendix 3**. In particular, the adopted LDF Core Strategy Policy CS16 and CS20 are relevant in the determination of this application.

## Relevant Planning History

870443/E

Conditionally Approved 04.08.1987

Erection of part single storey and part two storey rear extension

09/00944/FUL

Refused 02.11.09

Single storey side extension to facilitate conversion of existing house into 2 one-bedroom flats with associated parking and refuse/cycle storage and new detached double garage  
*A copy of this decision notice is attached at **Appendix 1**.*

## 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. At the time of writing five letters of representation have been received from surrounding residents opposing the proposed development. The period for notification will have expired on 11<sup>th</sup> February 2010, and therefore, a verbal update of any further responses will be provided at the Panel meeting.

### Summary of Representations made

- The amount of off street parking available is insufficient. The development would result over parking of the local street.

### Summary of Consultation comments

**Highway Control** – No objection raised to the impact on highway safety grounds. 1:1 parking is acceptable.

**Sustainability Team** – No objection raised, subject to achieving at minimum Level 3 of the Code for Sustainable Homes and providing a feasibility study for inclusion of renewable energy technologies on the site.

**Tree Team** – No objection raised, subject to providing suitable protection measures during construction to safeguard protected trees on site. Conditions attached.

## Planning Consideration Key Issues

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

- Principle of development;
- Net loss of family housing;
- The design and appearance of the building, including landscaping;
- Impact on protected trees;
- Impact on residential amenity;
- Impact on highway safety.

### 1. Principle of development

The intensification of this residential property into two separate units in principle is acceptable under government guidance PPS3 which encourages the efficient use of previously developed land, where paragraph 31 states that conversions can provide an important source of new housing. The intensification of this property for further residential use is not out of character with the local area which mainly characterised by residential properties. Therefore, it is considered that the principle of this development will be acceptable.

## 2. Net loss of family housing

Policy CS16 of the LDF Core Strategy does not allow the net loss of family housing. This development is therefore a departure of this policy which was adopted by the Council on 20<sup>th</sup> January 2010.

Pre-application discussions have been held with the applicant dating back to June 2009 in relation to the proposed development. The Local Planning Authority should act reasonably with due regard to the period of discussions prior to adopting new planning policy, and a flexible approach to this application is recommended as the applicant has addressed both previous reasons for refusal. This would not set a precedent for other house conversions.

## 3. The design and appearance of the building

The external changes to the appearance of the existing property, include an additional window to first floor side elevation, and the erection of a modest sized single storey side extension to extend the existing porch structure, with a significant set back from the front building line to appear subordinate to the main dwelling. These changes are in proportion and not out of character with the appearance of the property and the wider street scene.

The front and side of the property currently have an attractive landscape setting with a mix of planting, hard surfacing, and brick wall and close boarded fence enclosures. The garden to the rear is screened off from the front parking area by a tall close boarded fence. It is proposed to retain the existing front boundary brick walls, and to provide fenced enclosures to the rear to subdivide amenity space. The proposed changes to the layout of the hard and soft surfaced areas including planting should be agreed prior to the commencement of development.

## 4. Impact on protected trees

Following additional clarification from the appellant there is no objection to the impact on existing trees within the rearmost part of the garden on the eastern and northern property boundaries.

## 5. Impact on residential amenity

Application 09/00944/FUL was refused on the basis that the conversion of the upper floor flat would result in direct inter-looking between a living room (due to the likely intensification of the room which is currently serves a bedroom) and a first floor window serving a habitable room in the neighbouring property at 10 Canada Road.

The internal layout has now been revised. The affected window now serves a kitchen (which is not considered to be a habitable room), and the application also introduces an additional first floor side shower room window to be obscure glazed. This will result in an acceptable level of inter-looking between the neighbouring property, and overcomes the concerns in the reason for refusal under the previous application.

The layout and amount of private amenity space proposed for both units is fit for the purpose intended, and meets the Council's minimum standards set out in the Residential Design Guide 2006.

Therefore it is considered that the impact on residential amenity will be acceptable.



## 6. Impact on highway safety and parking

The Highway Officer has raised no objection to the impact on highway safety with regard to the proposed access, layout of parking and refuse storage. There will be an adequate number of parking spaces provided to serve the proposed accommodation. This exceeds the Council's maximum parking standards in a medium accessibility zone within the city, but 1 space per dwelling is reasonable for this location and can be accommodated satisfactorily on site. Furthermore, the appeal Inspector for the scheme at 4 Canada Road (as attached at Appendix 1) supported a conversion to 4 flats served by 2 parking spaces (decision notice 9 refers). This is material to the current application at 8 Canada Road.

### **Summary**

Overall the scheme for intensifying this property for further residential use is in keeping with the character of the local area, providing sufficient level of private amenity space and off street parking to serve the occupiers, whilst not causing harm to neighbouring residential amenity and local visual character of the local area. The current application has fully addressed the Council's previous reasons for refusal. The loss of family housing in this instance has been accepted with due regard to the nature and period of pre-application discussions with the applicant dating back to June 2009 and the character of the area

### **Conclusion**

This application has been assessed as acceptable, and therefore, recommended for conditional planning approval.

### **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), City Plan Review (Adopted Version) and adopted Local Development Framework Core Strategy (2010)  
SB for 16.02.10 PROW Panel

**POLICY CONTEXT****LDF Core Strategy - Planning Southampton to 2026**

The LDF Core Strategy has now been formally adopted by the Council and now forms part of development plan against which this application should be determined. The following policies are relevant:

CS5	Density
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change

**City of Southampton Local Plan Review – Adopted Version (March 2006)**

A number of the policies in the Local Plan Review - Adopted Version March 2006 have been “saved” either in part or full pending the subsequent preparation of other Development Plan Documents. Whilst there are no site-specific policies relating to this site within the City of Southampton, the plan contains general policies applicable to this development. This application needs to be assessed in the light of the following local planning “saved” policies:

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
H2	Previously Developed Land
H7	The Residential Environment

**Approved Residential Design Guide (RDG) (2006)**

The RDG is a material consideration in the determination of this planning application. The proposal does not raise any issues that would be taken as contrary to the advice provided within the RDG. The proposal provides flats with adequate garden space (in accordance with Paragraphs 2.3.12-14), which exceeds the required area indicated in the RDG. Access to cycle storage and refuse bins is provided (in accordance with Paragraph 2.2.2) and the design approach respects the existing building (in accordance with Part 3). The proposed net residential density of 35 dwellings per hectare (dph) is below the 50-100dph guidance for areas of medium accessibility but meets the Council’s minimum standards of 35dph (as set out at Section 3.2 and supported by LDF Core Strategy Policy CS5).

**Planning Policy Statement PPS3 - Housing (2006)**

The advice given in PPS3 in relation to making the best use of previously developed sites, whilst respecting a site’s existing context, is clearly relevant in the determination of this planning application. This PPS also reemphasises the need for the planning system to create sustainable, inclusive, mixed communities with an improved choice of accommodation. Paragraph 31 acknowledges that the conversion of existing housing “*can provide an important source of new housing*”.

## 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. One element of this approach is the implementation of 'maximum' car parking standards, as set out at Policy SDP5 and Appendix 1 of the City of Southampton Local Plan Review (2006).

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RECOMMENDATION: CAP

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## **CONDITIONS for 10/00017/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 - Materials [Performance Condition]

Unless otherwise agreed in writing by the Local Planning Authority, the materials and finishes to be used for the construction of the development hereby shall in accordance with the approved plans.

Reason:

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

### 03. APPROVAL CONDITION - Window specification limitations [Performance Condition]

Unless the Local Planning Authority agree otherwise in writing and notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (as amended), or any Order revoking or re-enacting that Order, in relation to the development hereby permitted, the shower room and kitchen first floor level windows on the north facing elevation shall be top-hung opening and fitted with obscure glass. The windows shall be retained in this manner for the duration of use of the building for residential use.

Reason:

To protect the amenity and privacy of the adjoining property.

### 04. APPROVAL CONDITION - Tree Retention and Safeguarding [Pre-Commencement Condition]

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

Reason:

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

05. 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.

06. 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.

07. APPROVAL CONDITION - Code for Sustainable Homes (residential development) [Performance Condition]

Written documentary evidence demonstrating that the development will achieve at minimum Level 3 of the Code for Sustainable Homes shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted consent unless otherwise agreed in writing by the LPA. The evidence shall take the form of a post construction certificate as issued by a qualified BRE Assessor.

Reason:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010). Also to comply with policy NRM11 of the Regional Spatial Strategy for the South East of England adopted version (May 2009) – CSH has since replaced Eco Homes for new build developments.

08. APPROVAL CONDITION - Renewable Energy - Micro-Renewables

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

Reason:

To reduce the impact of the development on climate change and finite energy resources and to comply with adopted policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010). Also to comply with policy NRM11 of the Regional Spatial Strategy for the South East of England adopted version (May 2009)

#### 09. APPROVAL CONDITION - Cycle parking [Pre-Occupation Condition]

Prior to the first occupation of the development the cycle parking (to be covered, enclosed and secure) shall be provided in accordance with approved plans and thereafter retained for those purposes.

Reason:

To accord with sustainable transport policy aimed at providing a choice of travel mode available for the staff of the premises by enabling adequate provision of a facility which is likely to reduce the amount of vehicular traffic on existing roads.

#### 10. APPROVAL CONDITION - Refuse & Recycling [Pre-Commencement Condition]

Prior to the first occupation of the development the facilities for the storage, removal and recycling of refuse shall be provided in accordance with approved plans and thereafter retained for those purposes. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the buildings hereby approved.

Reason:

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

#### 11. 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.

#### 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. Overall the scheme for intensifying this property for further residential use is in keeping with the character of the local area, providing sufficient level of private amenity space and off street parking to serve the occupiers, whilst not causing harm to neighbouring residential amenity and local visual character of the local area. The current application has fully addressed the Council's previous reasons for refusal. The departure from policy CS19 due to the loss of family housing in this instance has been accepted with due regard to the nature and period of pre-application discussions with the applicant dating back to July 2009. Other material considerations

have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, H2, H7 of the City of Southampton Local Plan Review (March 2006) and CS13, CS16, CS19, CS20 of the Local Development Framework Core Strategy (January 2010)

#### 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 - Performance Conditions

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

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## DETERMINATION OF APPLICATION

### TOWN AND COUNTRY PLANNING ACT 1990

#### Town and Country Planning (General Development Procedure) Order 1995

Mr Christopher Whitlock  
8 Canada Road  
Woolston  
Southampton  
Hampshire  
SO19 9DR  
United Kingdom

In pursuance of its powers under the above Act and Order, Southampton City Council as the Local Planning Authority, hereby gives notice that the application described below has been determined. The decision is:

#### **FULL APPLICATION - REFUSAL**

**Proposal:** Single storey side extension to facilitate conversion of existing house into 2 x 1 bedroom flats with associated parking and refuse/cycle storage and new detached double garage.

**Site Address:** 8 Canada Road Southampton SO19 9DR

**Application No:** 09/00944/FUL

For the following reason(s):

01.

REASON FOR REFUSAL - Loss of privacy

Given the limited separation distance between the first floor habitable room window in the south elevation at 10 Canada Road and the proposed first floor living room window serving the first floor flat, and the likely intensification in use of this room, it is considered that the direct overlooking afforded by this proposal would result in a worsening of the privacy currently enjoyed to the detriment of the occupiers of 10 Canada Road. The prospective residents privacy and amenity would also be compromised by this arrangement. The development therefore proves contrary to policies SDP1, SDP7, SDP9, H2, H7 of the adopted City of Southampton Local Plan Review (2006) as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006).

02.

REASON FOR REFUSAL - Protected Trees

There is a lack of information submitted with the planning application for the Local Planning Authority (LPA) to fully determine that the location of the proposed garage will not have an adverse impact on the existing TPO trees along the north-eastern boundary, and therefore, the LPA cannot be satisfied that the application accords with policies SDP1 (ii), SDP7 (i) and SDP12 of the City of Southampton Local Plan Review (Adopted Version) March 2006.

David Rothery   
Development Control Manager

2 November 2009

For any further enquiries please contact:  
**Stuart Brooks**

**IMPORTANT NOTE TO APPLICANT**

This decision has been made in accordance with the submitted application details and supporting documents and in respect of the following plans and drawings.

<b>Drawing No:</b>	<b>Version:</b>	<b>Description:</b>	<b>Date Received:</b>	<b>Status:</b>
		Location Plan	11.09.2009	Refused
		Site Plan	11.09.2009	Refused
		Floor Plan	11.09.2009	Refused
		Elevational Plan	11.09.2009	Refused



# Appeal Decision

Site visit made on 15 May 2008

by **G M Hollington MA, BPhil, MRTPI**

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

## Appendix 2

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

**Decision date:**  
**10 June 2008**

### Appeal Ref: **APP/D1780/A/08/2062527**

#### **4 Canada Road, Woolston, Southampton, Hampshire, SO19 9DR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by HGS Developments Ltd against the decision of Southampton City Council.
- The application Ref. 07/00535/FUL, dated 13 April 2007, was refused by notice dated 10 July 2007.
- The development proposed is extension and conversion of 3-bedroom house to form 4 1-bedroom flats (resubmission following withdrawal of previous application Ref. 07/00263).

### Decision

1. I allow the appeal, and grant planning permission for extension and conversion of 3-bedroom house to form 4 1-bedroom flats (resubmission following withdrawal of previous application Ref. 07/00263) at 4 Canada Road, Woolston, Southampton, Hampshire, SO19 9DR in accordance with the terms of the application, Ref. 07/00535/FUL, dated 13 April 2007, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
  - 3) Bin storage shall be laid out with a level approach prior to the first occupation of the flats hereby permitted and shall be kept available at all times. The facilities shall include accommodation for the separation of waste to enable recycling.
  - 4) No development shall take place until details of the external appearance of the bike shed have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
  - 5) Cycle storage shall be laid out with a level approach and Sheffield-style stands prior to the first occupation of the development hereby permitted. The cycle storage shall be kept available for this purpose at all times.
  - 6) The garden area shown on the approved plan and the pedestrian access to it shall be made available as a communal area prior to the first

occupation of the flats hereby permitted and shall be kept available as a communal area at all times.

- 7) In connection with the implementation of this permission, no demolition, conversion and construction works, including the delivery of materials to the site, shall take place outside the following hours: 0800-1800, Mondays-Fridays; 0900-1300, Saturdays; and not at all on Sundays or Public Holidays. Any works outside the permitted hours shall be confined to the internal preparation of the building without audible noise from outside the building.
- 8) The car parking area hereby permitted shall be laid out and surfaced prior to the first occupation of the flats hereby permitted and shall be kept available for the parking of cars at all times.

### **Main Issue**

2. I consider the main issue in this appeal to be the effect of the proposed development on the character and appearance of the surrounding area.

### **Reasons**

3. The appeal site is in a predominantly residential area comprising a mix of mostly semi-detached and detached houses of varying ages and designs. 2/4 and 6/8 Canada Road have relatively large gaps to either side and both nos. 2 and 4 have been extended to the rear, including a lean-to single storey building at no. 2 and, formerly, a car port at no. 4.
4. The proposed development would extend rearwards from no. 4, stepping down slightly in height. Its footprint and plot coverage would be similar to those of the previous buildings but its bulk would be greater, with 2 floors of accommodation under pitched roofs.
5. Nevertheless, the scale of the building, its juxtaposition with the rear extension at no. 2 and the remaining gap to the boundary with no. 6 would not result in the development being seen as overdevelopment or out of keeping with its surroundings. Some other dwellings, notably no. 14, have also been extended substantially to the rear.
6. Furthermore, the Council has subsequently permitted a very similar scheme (Ref. 07/01059/FUL) for 3 flats, the main external differences being the stepping down of the rear part of the extension to give only a single storey of accommodation at the rear, and the use of hipped rather than gable ended roofs. The differences between the 2 schemes are not sufficient, in my view, to have any materially different effects on the wider area.
7. The Council is concerned that a building akin to a residential mews terrace would not respect the character of the street, and I acknowledge there is no similar form of development nearby. In addition, the space between nos. 4 and 6 would allow views to the extension and appreciation of its size and depth. However, the permitted scheme would also have the appearance of a mews terrace, with the same number of entrance doors, and I consider the effect of the appeal proposal on the character of the street would be little different; neither scheme would impinge directly on the street scene itself.

8. I therefore conclude that the proposed development would not result in unacceptable harm to the character and appearance of the surrounding area. It would not conflict with the aims of policies SDP 1, SDP 7, and SDP 9 of the City of Southampton Local Plan Review or of the Residential Design Guide.
9. I have also taken into account all the other matters raised in the written representations, including local residents' concerns about car parking and traffic, but the number of parking spaces would accord with the Council's standards and I note the highway authority has no objection (subject to imposing certain conditions). None of the other matters is of such significance as to outweigh the considerations which have led to my conclusion on the main issue.
10. I have considered the need for conditions in the light of the advice in Circular 11/95: *The Use of Conditions in Planning Permissions*. Because of the similarity with the permitted scheme, I consider it appropriate to apply the conditions attached to permission Ref. 07/1059/FUL but with some minor re-wording for clarification and to reflect Circular advice, while not altering their aims, and with 2 other changes.
11. I consider it unnecessary to impose a condition referring specifically to the application drawings. On the other hand, no details of the appearance of the bike shed have been provided and, in the interests of the area's character and appearance, it is necessary to obtain these.

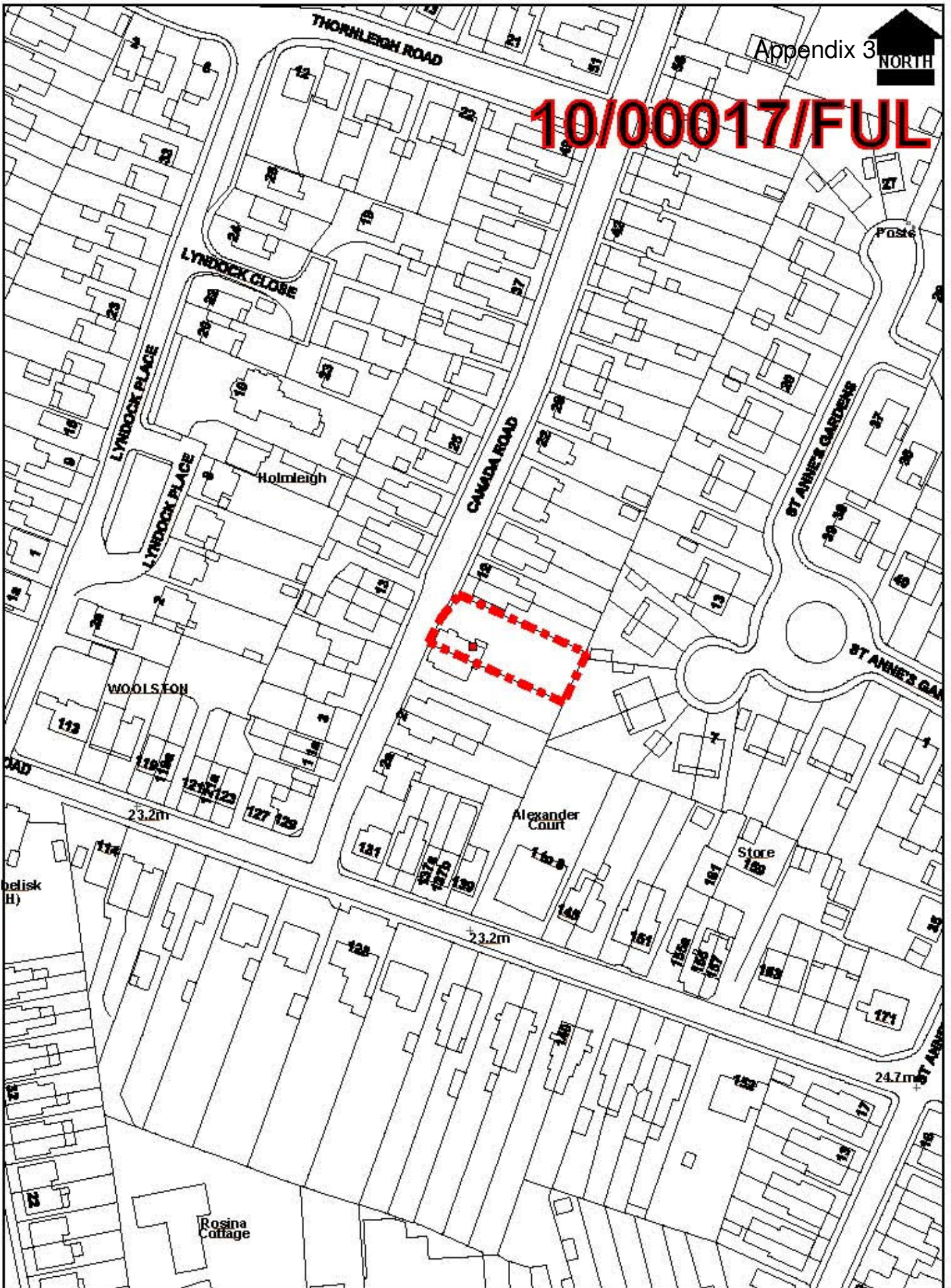
*G M Hollington*

INSPECTOR

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**10/00017/FUL**



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Date :03 February 2010

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# Agenda Item 10

Southampton City Planning & Sustainability  
 Planning and Rights of Way Panel meeting 16 February 2010  
 Planning Application Report of the Head of Division

Application address: Hinkler Parade, 318 – 400 (evens) Hinkler Road, 2-32 Marston Road and Housing Office at Tatwin Crescent, Thornhill, Southampton			
Proposed development: Redevelopment with 2, 3 and 4-storey buildings to provide 106 dwellings (8 two-bedroom houses, 26 three-bedroom houses and 5 four-bedroom house, 20 one-bedroom flats, 41 two-bedroom flats, 6 three-bedroom flats), retail uses (Class A1) , hot food take-away uses (Class A5), a community centre and with associated access, parking and open space (affects public rights of way at Hinkler Parade) following demolition of existing buildings			
Application number	09/01136/FUL	Application type	Full
Case officer	Richard Plume	Application category	Q07 Major 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	Major development (small scale) of strategic significance requiring completion of a legal agreement under Section 106 of the 1990 Act
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Applicant: Barratt David Wilson	Agent: Robin Reay (Luken Beck)
---------------------------------	--------------------------------

Date of receipt	02.11.2009	City Ward	Bitterne
Date of registration	02.11.2009	Ward members	Cllr Fuller
Publicity expiry date	17.12.2009		Cllr Stevens
Date to determine by	01.02.2010 <b>OVER</b>		Cllr Letts

Site area	Hinkler – 1 hectare Tatwin – 0.1 hectare	Usable amenity area	1900 sq.m.
Site coverage (developed area)	4,400 sqm	Landscaped areas	
Density -	Hinkler – 99 dph Tatwin – 70 dph		

Residential mix	numbers	size sqm	Other land uses	class	size sqm
Studio / 1-bedroom	20	51 sq.m	Commercial use		
2-bedroom	41 flats, 8 houses	66 sq.m	Retail use	A1/A5	700 sq.m.
3-bedroom	6 flats, 26 houses	93 sq.m. 107 sq.m.	Community use		340 sq.m.
4-bedroom	5 houses	106 sq.m.	other		

accessibility zone	medium	policy parking max	76 spaces
parking permit zone	no	existing site parking	71 spaces
cyclist facilities	yes	car parking provision	88 spaces
motor & bicycles	0 motor /106 cycles	disabled parking	spaces

Key submitted documents supporting application			
1	Design and Access Statement	2	Planning Drawings
3	Transport Assessment	4	Tree Report
5	Ecological Appraisal	6	Drainage Statement
7	Sustainability Appraisal		

## **Recommendation in full:**

1. Subject to written confirmation of the Environment Agency withdrawing their objection to the application on flood risk grounds,
2. Delegate to the Development Control Manager to grant planning permission subject to the applicant entering into a Section 106 Legal Agreement to secure:
  - a) Site specific highway works in the vicinity of the site to be secured through a Section 278 agreement.
  - b) Provision of affordable housing in accordance with policy.
  - c) A financial contribution towards strategic transport improvements in accordance with policy.
  - d) A financial contribution towards open space improvements in accordance with policy.
  - e) A highways condition survey.
  - f) A Training and Employment Management Plan.
  - g) The developer paying for the necessary Traffic Regulation Order.
  - h) Submission and implementation of a Travel Plan.
  - i) The provision of Public Art in accordance with policy.
  - j) A Servicing Management Plan for vehicles serving the development.
  - k) A Construction Traffic Management Plan.
  - l) A Refuse Management Scheme.
  - m) Off-site tree planting to ensure 2 for 1 replacement tree planting.

And in the event that the legal agreement is not completed 6 weeks following the Panel decision the D C Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Agreement.

## **Background**

This application is part of the estates regeneration programme. The application site is in two distinct parts, the larger element is the Hinkler Road parade which is the local centre for Thornhill. The smaller site in Tatwin Crescent is currently the local housing office. The two parts of the site are linked in that it is a requirement of the Council as landowner that a new community centre is provided on the Hinkler Road site to include a replacement local housing office prior to the development of the Tatwin Crescent site. The applicants are in partnership with affordable housing provider and were selected following a design competition in 2009.

## **Proposed Development and surrounding context**

### The application site and surroundings

The Hinkler Parade site is approximately 1ha in area and comprises 3-storey buildings which form the shopping parade with flats above. There are currently 17 shop units, most of which are now vacant, with 22 flats on the upper floors. At the rear of the shop units are various garages and stores. There are currently 71 car parking spaces on the site, a mixture of garages and on-street parking on the Hinkler Road frontage for users of the shops.

The application site also includes a 5-storey block of 16 flats at 2-32 Marston Road which is on the corner of Hinkler Road. The site incorporates various public highway land including an access road through the site which serves the garages and a public footpath which connects Farringford Road to Hinkler Road. There is a significant level difference across the site with the land dropping significantly from north to south and a less significant

drop from east to west. The immediate surroundings are predominantly two-storey houses with gardens and there are extensive green spaces as part of the open layout of the original estate.

The Tatwin Crescent part of the site is approximately 0.1ha in area and currently comprises a single-storey building used as a local housing office with associated car parking. The immediate surroundings of this part of the site are a mixture of 4-storey blocks of flats and two-storey houses.

### Details of the Proposal

This is a full planning application which proposes the complete redevelopment of both parts of the site. On the Hinkler Road part of the site, a mixed use development is proposed with a ground floor community centre which will incorporate a variety of activities including a replacement local housing office and a library. The floor-space of this building is approximately 340sqm.

The proposed replacement retail uses would comprise a food retail store of 42 sqm and 4 smaller retail and/or hot food take away units of 70sqm each. Above the retail and community uses there would be three floors of flats. A smaller three-storey block of flats is proposed on the Farringford Road frontage of the site. On the site of 2 – 32 Marston Road a new 4-storey perimeter block of flats is proposed with vehicular access from Marston Road to an area of courtyard car parking.

The remainder of the site would accommodate new houses of two types: what the applicant has described as 'concept houses' which are on three-storeys without traditional back gardens but with amenity areas at ground, first floor and roof levels; and a terrace of traditional houses with rear gardens which would be along the northern boundary of the site.

In terms of the road layout, there would be alterations to the highway in Hinkler Road where traffic calming measures would be introduced, a new layby to provide servicing facilities for the new food store and re-alignment of the on-street car parking spaces to serve the shops and the new community centre. The existing access road which serves the garages on the site would be stopped-up and a new access road created through the site. The existing public footpath from Farringford Road which runs through the existing shopping parade would be realigned and would incorporate a new accessibility ramp.

The existing houses at 1-13 Marston Road, which adjoin the application site have rights of access from Marston Road to the rear of their properties. As part of this application it is proposed to retain these access rights and to provide each of these properties with a car parking space on the application site.

Of the 88 parking spaces proposed, 58 would be allocated parking for the new flats and houses; 8 non-allocated spaces adjoining the houses; 15 spaces for the retail/community use on Hinkler Road and 7 spaces for the Marston Road neighbours.

### **Relevant Planning Policy**

#### LDF Core Strategy - Planning Southampton to 2026

Following the receipt of the Inspector's Report from the Examination into the Southampton Core Strategy Development Plan Document (13/10/2009) and its consideration and adoption by the Council (20/01/2010) the policies of the LDF Core Strategy, and those "saved" from the Local Plan Review, form the planning policy framework against which this application should be determined.

The relevant CS policies the “saved” policies from the Local Plan Review are set out at **Appendix 1**. The adopted LDF Core Strategy Policy CS3 is relevant in the determination of this application.

The site was not allocated in the Local Plan Review. National planning guidance in PPS1, PPS3, PPG13 and PPS25 is relevant to consideration of this application.

### **Relevant Planning History**

The existing buildings on the Hinkler Road part of the site date from the early 1960’s, planning permission having been granted in 1959 for the erection of 15 shop units, 20 maisonettes, 5 bedsits, 2 houses, a house and surgery and 72 garages. There have been subsequent planning decisions for alterations and changes of use of the retail units which are not directly relevant to the current application.

The existing building on the Tatwin Crescent part of the site dates from the 1990’s, planning permission was granted in 1991 for the erection of a single-storey building for use as an area housing office and car parking.

### **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 and displaying site notices. At the time of writing the report **no** representations had been received from surrounding residents.

Prior to the submission of the planning application there was extensive public consultation with local residents and other stakeholders. A public exhibition of three shortlisted schemes (by different developers) which was coordinated by Solent Centre for Architecture and Design was held in May 2009. Following the selection of the applicant as the preferred developer two further consultation events took place in September 2009.

#### Summary of Consultation comments

**SCC Ecology Officer** – no objection, the ecology report confirms that the site is of low ecological value however, foraging activity by bats was detected. The inclusion of bat roosting boxes as recommended in the Ecology Report should be required by condition.

**SCC Environmental Health (Contamination)** – Records do not indicate that any potentially contaminating land uses have existed on or in the vicinity of the application site. However, these records are not authoritative and in view of the sensitive nature of the proposal a more thorough assessment of the potential land contamination hazards would be prudent through the imposition of conditions.

**SCC Tree Officer** – objects to the application: the proposed removal of the two Hornbeam trees on the Farringford Road frontage (shown as being Category B quality in the applicants Tree Survey) is unacceptable on tree grounds and cannot be supported. Replacement planting on a two-for-one basis of semi-mature tree stock does go some way to mitigating this loss. A large Oak Tree growing in the adjoining vicarage would overhang one of the proposed houses giving a significant overbearing presence which is unacceptable in tree terms. Unless there is some redesign of the scheme to allow at least 4.5m clearance from the boundary, a tree refusal is suggested. With regard to the Oak Tree on the Tatwin Crescent part of the site, subject to some pruning of branches, this development would be acceptable.

**Environment Agency** – object to the application as the Flood Risk Assessment submitted does not comply with the requirements of PPS25. It does not therefore provide a suitable basis for assessment to be made of the flood risk arising from the proposed development. In particular the Flood Risk Assessment fails to take full account of the surface water management of the site with an allowance for climate change.

**Southern Water** – has no objection to the proposal providing conditions and informatives are imposed relating to drainage/sewerage issues. Initial investigations show that there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. Additional off-site sewers or improvements to existing sewers will be required to provide sufficient capacity to service the development.

**British Airports Authority** – have no aerodrome safeguarding objections to the proposal provided a condition is imposed relating to the submission of a bird hazard management plan.

### **Planning Consideration Key Issues**

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

- The principle of this development and the form and mix of uses proposed.
- Design issues relating to the layout, the amount of development proposed and the impact on the character of the area.
- Transportation and Parking issues
- Environmental issues including trees, landscaping, flood risk and sustainability considerations.

### The principle of the development

The Hinkler Parade site was designed as the local centre for Thornhill providing for the day to day shopping needs of residents together with community use and health and medical facilities. The parade is now in poor condition and most of the commercial and residential tenants have been relocated. Arrangements are in place for relocating the dental surgery which remains on the site.

Policy CS3 of the Core Strategy provides for the comprehensive redevelopment of a local centre where it can be demonstrated that the centre is failing and where the community benefits of redevelopment can justify any loss of retail facilities. The policy also promotes the provision of community hubs, providing a range of community facilities and services, in appropriate locations. This application is based on these principles and the local community have been actively involved in the preparation of this scheme.

The development would provide less retail floor-space than existing on the site although a range of retail units would be provided including one large retail store and four small units, one of which would be used as a hot food take-away (Use Class A5). The proposed community centre would incorporate a range of activities including a library, a new local housing office to be relocated from Tatwin Crescent and health and wellbeing facilities.

The residential accommodation to be provided would cover a range of unit sizes, providing both flats, including family sized units, and family houses. 37 family sized dwellings of 3 or more dwellings with access to appropriate amenity space would be provided. Family units account for 35% of the total dwellings which is in accordance with the adopted Core Strategy policy. The development would incorporate 43 affordable housing units (41% of the total) including a mix of flats and houses which would be dispersed around the development. This mix of units and the level of affordable housing proposed is in accordance with policy and is to be welcomed.

On the Tatwin Crescent part of the site, 7 family sized houses are proposed once the housing office function is relocated to Hinkler Road. The form of development proposed is more suburban in character and compatible with its surroundings.

The principle of the development is therefore acceptable and in accordance with national and local policies.

### Design issues

The Hinkler Road development is quite a high density contemporary approach which reflects the function of this site as a local centre with improved community and retail facilities. The layout of the site provides a predominantly commercial frontage to Hinkler Road and traditional streets through the scheme fronted by houses which will allow for improved natural surveillance of public areas. A contemporary design approach, albeit with traditional materials, would create a new focal point for the estate and enhance the appearance of the area. The development would respond positively and integrate with its local surroundings without being a pastiche of the past, as required by Policy CS13 of the Core Strategy. The scale and massing of the development on Hinkler Road and Marston Road are similar to the existing, with the remainder of the development having a more domestic scale. Discussions have been held with the police Crime prevention Design Adviser and the development is acceptable in terms of safety and security.

The layout of the main part of the development does result in new buildings being in closer proximity than recommended in the Council's Residential Design Guide. However, various detailed design measures have been adopted to limit the potential for overlooking whilst allowing for improved surveillance of public areas. The proposed 'concept houses' do not have traditional rear gardens but a series of separate amenity areas on different levels. This is unusual and innovative and should not be a reason for opposing the development. Overall a good standard of residential environment would be created.

### Transportation issues

The application proposes various changes to the roads and footpaths through and around the development. The existing public highways which serve the garages in the middle of the site will be stopped up for which the necessary road closure procedures will need to be made. A replacement access road will be formed through the development which will have the characteristics of a home-zone with priority for pedestrians and cyclists. Various works will take place in Hinkler Road including traffic calming measures and the provision of replacement car parking and servicing to the front of the shops. The existing public footpath from Farringford Road to the shops will be diverted and improved with the incorporation of a DDA compliant ramp. This footpath is a desire line across the site to the shops and its retention is welcomed. The level of car parking proposed is in accordance with policy and provides spaces for future residents, short stay spaces for users of the shops and community centre as well as some spaces for the existing residents in Marston Road.

### Environmental Issues

The application involves the removal of 16 trees on the site. The majority of these trees are not of a high standard but two Hornbeam trees on the Farringford Road frontage are of amenity value and the Council's tree officer has objected to the loss of these two trees. The removal of these healthy semi-mature trees is regrettable but they are near a steeply sloping bank which is proposed to be reconfigured as part of the footpath diversion arrangements. It would therefore be difficult to amend the scheme to retain these trees. The landscape strategy proposes to plant some 20 trees on the site which is less than the Council's policy of seeking two for one replacement. To overcome this issue, a Section 106

obligation requiring off-site tree planting has been agreed. This mitigates the impact of the loss of these trees and the overall benefits of the scheme justify an exception being made to retaining trees of this nature. The proposed landscaping is a mixture of hard and soft treatment and the continued impact will depend on future maintenance arrangements.

The application seeks to meet a high sustainability level with Code Level 4 for the residential and BREAM very good for the commercial element. The Environment Agency have objected to the application due to surface water drainage issues. The applicants have provided further information to overcome this objection and a verbal update of the position will be given at the meeting.

## **Conclusion**

This first large scale estates regeneration project has been the subject of extensive consultation with the local community in Thornhill. The redevelopment of the Hinkler Parade offers a considerable enhancement to both the appearance of the area and the facilities available in the local centre. A high quality contemporary design is proposed with a good mix of houses and flats. The quality of the scheme is to be welcomed and the recommendation is to grant permission subject to a Section 106 agreement and conditions.

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

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

1(a), 1(b), 1(c), 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)

RP 25.01.10 for 16.02.10 PROW Panel

**POLICY CONTEXT****LDF Core Strategy - Planning Southampton to 2026**

The LDF Core Strategy has now been formally adopted by the Council and now forms part of development plan against which this application should be determined. The following policies are relevant:

CS3	Town, district and local centres, community hubs and community facilities
CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS25	The Delivery of Infrastructure and Developer Contributions

**City of Southampton Local Plan Review – Adopted Version (March 2006)**

A large number of the policies in the Local Plan Review - Adopted Version March 2006 have been “saved” either in part or full pending the subsequent preparation of other Development Plan Documents. Whilst there are no site-specific policies relating to this site within the City of Southampton, the plan contains general policies applicable to this development. This application needs to be assessed in the light of the following local planning “saved” policies:

- SDP1 – Quality of Development
- 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
- SDP13 – Resource Conservation
- SDP21 – Water Quality and Drainage
- SDP22 – Contaminated Land
- CLT5/6 – Open Space/Play Space
- H1 – Housing Supply
- H2 – Previously Developed Land
- H7 – The Residential Environment



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RECOMMENDATION: DEL

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## **CONDITIONS for 09/01136/FUL**

### 00. REASON FOR GRANTING PERMISSION

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

Policies SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP13, H1, H2, H7, CLT5/6 of the City of Southampton Local Plan (March 2006).

Policies CS3, CS4, CS5, CS13, CS15, CS16, CS19, CS20 and CS25 of the Southampton Core Strategy 2010

### NOTE TO APPLICANT

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

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

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

Reason:

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

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

Notwithstanding the information shown on the approved drawings and application form no development works shall be carried out unless and until a schedule of materials and finishes (including full details of the manufacturers, types and colours of the external materials) 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. 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 - Retained access arrangements (Performance Condition)

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

#### REASON

To ensure that permeability is retained through the site.

### 04. APPROVAL CONDITION - No other windows or doors other than approved [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings including roof windows or dormer windows other than those expressly authorised by this permission shall be inserted in the 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 - 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.

### 06. APPROVAL CONDITION - replacement trees [Performance Condition]

Any trees to be felled pursuant to this decision notice will be replaced with species of trees to be agreed in writing with the Local Planning Authority at a ratio of two replacement trees for every single tree removed. The trees will be planted within the site or at a place agreed in writing with the Local Planning Authority. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting. The replacement planting shall be carried out within the next planting season (between November and March) following the completion of construction. If the trees, within a period of 5 years from the date of planting die, fail to establish, are removed or

become damaged or diseased, they will be replaced by the site owner / site developer or person responsible for the upkeep of the land in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason:

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

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

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, as set out in the Ecological Appraisal dated October 2009 submitted with the application which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place.

Reason

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

#### 08. 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 Submission Core Strategy policy CS22.

#### 09. 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).

#### 10. APPROVAL CONDITION - Sustainable Drainage Systems (Pre-Occupation Condition)

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

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

An assessment of the development's total energy demand and a feasibility study for the inclusion of renewable energy technologies on the site, that will achieve a reduction in CO2 emissions 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.

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

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

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

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

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

Reason:

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

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 - 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.

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

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

Reason:

To protect the amenities of users of the surrounding area.

17. 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.

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

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

##### REASON

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

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

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

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

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

##### Reason:

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

#### 20. APPROVAL CONDITION - Refuse & Recycling [Pre-Commencement Condition]

Before the works commence details (and amended plans) of facilities to be provided for the storage, removal and recycling of refuse from the premises shall be submitted to the Local Planning Authority and approved in writing. Such facilities as approved shall provide for a level approach and be permanently maintained and retained for that purpose.

##### Reason:

In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety

#### 21. 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

## 22. APPROVAL CONDITION - Layout of Car Parking/Serviceing (Pre-Occupation Condition)

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

### REASON

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

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

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

### REASON

To protect the amenities of neighbours and the wider environment

## 24. APPROVAL CONDITION - Hours of Use (Performance Condition)

Those parts of the development to be used for purposes within Class A5 of the Town and Country Planning (Use Classes) Order 1987 (or any order replacing or amending this Order) shall not be open for public use outside the hours of 0730 to 2330.

### REASON

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

## 25. APPROVAL CONDITION - Restriction on use (Performance Condition)

No more than one of the small retail units hereby approved shall be used for Class A5 purposes without the prior written approval of the Local Planning Authority.

### REASON

To ensure a satisfactory mix of uses on the site.

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

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

### Reason

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

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

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

Planning Authority:

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

Class B (roof alteration),

Class C (other alteration to the roof),

Class D (porch),

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

Class F (hard surface area)

Class G (heating fuel store)

or Class H (satellite antenna or dish)

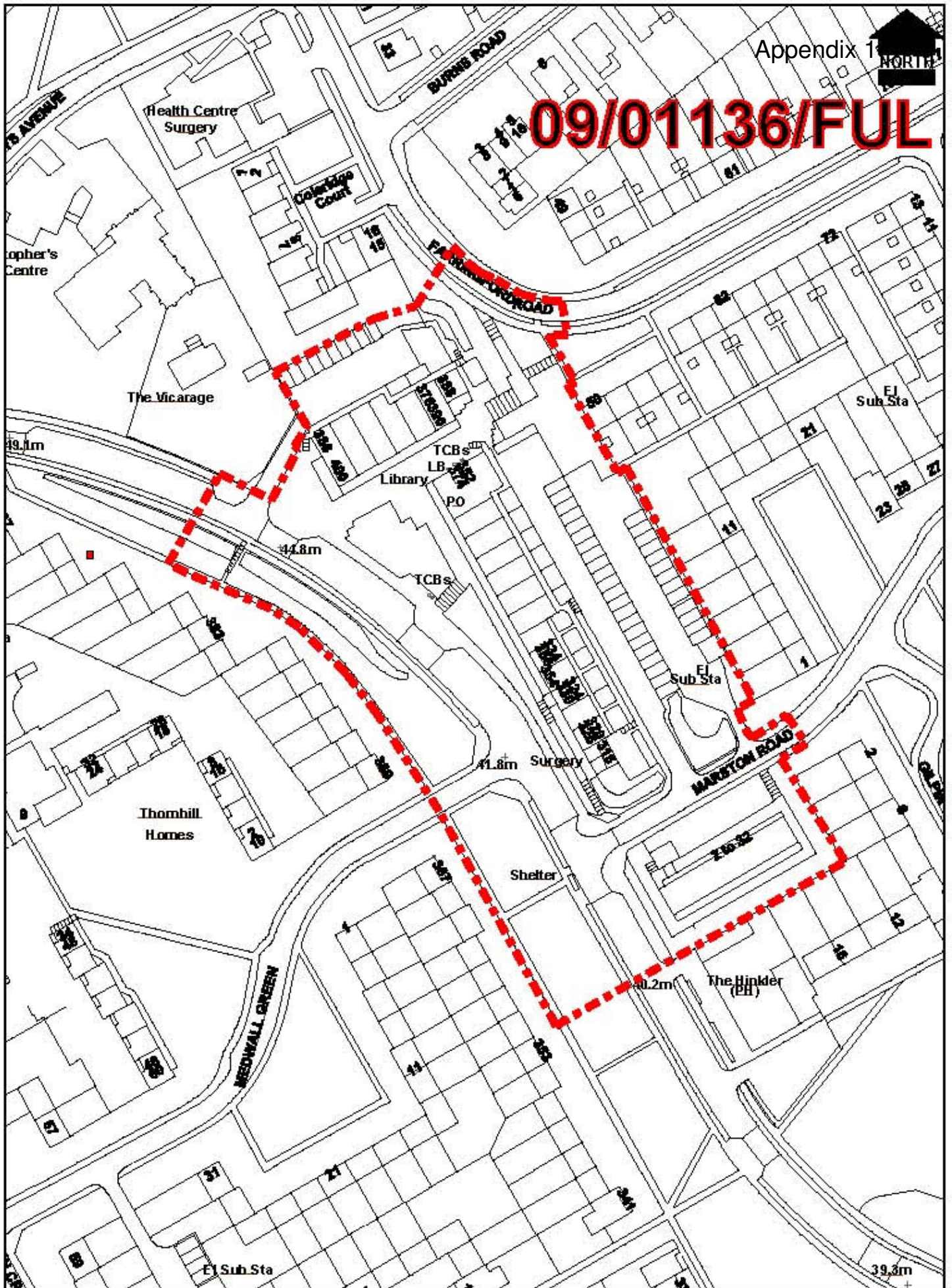
Reason:

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





09/01136/FUL



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Date :04 February 2010

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# Agenda Item 11

Southampton City Planning & Sustainability  
Planning and Rights of Way Panel meeting 16 February 2010  
Planning Application Report of the Head of Division

Application address: 97 Botany Bay Road Southampton			
Proposed development Part two-storey/part three-storey side/rear additions (including accommodation in enlarged roof) and conversion to create five flats (1 three-bedroom maisonette, 2 two-bedroom and 2 one-bedroom flats) with associated remodelling of site levels to rear to create car/cycle parking with amenity space areas			
Application number	09/01391/FUL	Application type	Full Detailed
Case officer	Steve Lawrence	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 Mrs Blatchford
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Applicant:	Mr C Cooper	Agent:	Mr C Patrick
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Date of receipt	21/12/2009	City Ward	Sholing
Date of registration	21/12/2009	Ward members	Cllr Mrs S J Blatchford
Publicity expiry date	15/2/2010		Cllr C G Dick
Date to determine by	15/02/2010 <b>OVER</b>		Cllr N M Fitzgerald

Site area	0.056 ha	Usable amenity area	120 sq.m.
Site coverage	75%	Landscaped areas	N/A
Density - whole site	100 d.p.h		

Residential mix	numbers	size sq.m	Other land uses	class	size sq.m
Studio / 1-bedroom	1	37-75sqm	Commercial use	N/A	N/A
2-bedroom	N/A	N/A	Retail use	N/A	N/A
3-bedroom	2	58-63sqm	Leisure use		
other	1	72 sq m	other	N/A	N/A

accessibility zone	medium	policy parking max	4 spaces
parking permit zone	no	existing site parking	3 spaces
cyclist facilities	yes	car parking proposed	6 spaces
motor & bicycles	5 cycles	disabled parking	0 spaces

Key submitted documents supporting application			
1	Design and Access Statement	2	Sustainability Checklist
3	Landscaping plan	4	Aboricultural Report
5	Visual montage of site and surrounds	6	Planning Statement

Appendix attached			
1	Development Plan Policies	2	Suggested Planning Conditions

## Recommendation in full

Delegate to Development Control Manager to grant planning permission subject to the applicant entering into a Section 106 Legal Agreement to secure:-

- (i) A waste management plan, to ensure that refuse containers are brought to the property's front forecourt on collection day and removed back to their enclosure within the site once emptied; and,
- (ii) A financial contribution towards the reinstatement and enhancement of the biodiversity immediately adjoining the application site's south-western boundary, in accordance with Policies CS22, CS23 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended) ; and,
- (iii) Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.

And that the D C Manager be authorised to refuse permission if the Section 106 Agreement has not been completed within 56 days of the date of the Panels decision on the ground of failure to secure the provisions of the Section 106 Agreement.

### **Site & Surrounding Context**

The street is very mixed in terms of the character and appearance of its housing. Some flats have been constructed in the street and a number of properties abutting the Greenway have taken advantage of the site slope to extend downwards, and have developed their roofspaces so that they read as four levels of accommodation at the rear and only two levels to the street.

The south-eastern and south-western boundaries of the site are abutted by the Shorburs Greenway, which is allocated on the Proposals Map of the Local Plan Review as protected open space and a site of importance for nature conservation. That part immediately abutting the site has a more open grassed character, merging into trees on the street frontage and done by the brook. The south-eastern side of the street, with its outlook over the wooded Greenway and the highway leading to the site from Portsmouth Road has a rural character.

It is abutted by the other semi-detached house to the north-east. Detached and semi-detached housing is located on the north-west side of the street opposite the site, set back the carriageway (no pavement exists in this part/side of the street) occupying a more elevated position.

A prominent Oak tree exists just outside the site in the Council's care. Even without leaf cover its canopy obscures the appearance of the application site.

### **Proposed Development**

The applicant proposes to extend this semi-detached dwelling to the side and rear to enable its conversion to five flats. The sides of the extension would mostly be treated with sloping roof surfaces, leading up to an area of flat roof. The flat to be formed in the roofspace would have a terrace area cut into its surface and otherwise lit from two rooflight windows on its south-west facing roofslope and a number in the area of flat roof.

An undercroft would exist in the side extension to enable vehicular access to the rear of the site and a segregated pedestrian corridor would give common access via a central stairwell for the occupants of the other dwellings to safely and conveniently reach the parking area and garden beyond

Some re-modelling of site levels would occur at the rear to create 6 car parking spaces with lower common amenity space beyond. A private garden terrace would be available to the maisonette and a balcony would be provided to the flat above it. A common bicycle and garden store would be created underneath the private garden terrace and accessed from the parking area, where a refuse enclosure would also be formed. Refuse would be taken to the front forecourt area on collection days and returned to the refuse store once the refuse containers had been emptied.

The proposals have been amended from their original submission, where seven one bedroom flats were initially proposed. The roof form has also been adjusted so that the rear eaves line matches that of its abutting neighbour. These amendments have been re-notified to neighbours, Ward Members and consultees. Any further communications received will be reported verbally at the meeting.

The site is located on the south-east side of the street, set back some 4.2m from the pavement. Levels drop some 6.5m across the site from the street to a brook which forms the rear boundary. A landscaped common amenity space of some 120sqm would be available below the parking area.

### **Other Site Related Issues**

Part of the south-western margin of the site is shown allocated as a Greenway on the proposals map of the Local Plan Review. Over a period of time the application plot has increased in size in both a south-western and south-eastern direction, with claims to title having been registered with the land registry. Any questions about this case of 'adverse possession' will be answered at the Panel meeting. In more recent time, the City Council has erected a post and rail fence adjacent to the panel fence the applicant has erected along the south-western side boundary.

In recent time and certainly since March 2009, a tarmac hardstanding has been formed to the south-western side of the property to park vehicles on. In very recent time that and the front forecourt of the property have now been covered with shingle/pebbles. The character of that part of the Proposals Map allocation has clearly changed and has been incorporated into the curtilage of the dwelling.

Whereas no planning application has ever been made for the technical change of use of that strip of land from public open space to private dwelling curtilage, if that change has occurred more than four years ago, it would have become lawful and immune from planning enforcement action.

Whether there is any other separate action the Council could take to reclaim the land back is a separate matter outside of planning control, but this would clearly be a consideration for the applicant on deciding whether it was 'safe' to implement any works on this strip of 'allocated' land.

The agent has been challenged as to whether the correct ownership Certificate has been completed. The applicant has produced a land registry title map to affirm that the correct Certificate has been completed and that no eaves or foundation would project over the application site edged red if consent were granted and the scheme built out. Officers are therefore satisfied that the correct procedures have been followed and that the Panel acting as the local planning authority would be clear to reach a decision on this application.

Other than the S.I.N.C. designation of a part of the site – which the agent freely acknowledges - there are no site-specific policies which relate to the application site. The agent refers to the overall justification for original designation of the S.I.N.C. by Hampshire County Council in 1995 for its ancient woodland character. No part of the application site could be said to exhibit that character.

## **Relevant Planning Policy**

### LDF Core Strategy - Planning Southampton to 2026

Following the receipt of the Inspector's Report from the Examination into the Southampton Core Strategy Development Plan Document (13/10/2009) and its consideration and adoption by the Council (20/01/2010) the policies of the LDF Core Strategy, and those "saved" from the Local Plan Review, form the planning policy framework against which this application should be determined.

The relevant CS policies and the "saved" policies from the Local Plan Review are set out at **Appendix 1**. In particular, the adopted LDF Core Strategy Policy CS4 is relevant in the determination of this application.

## **Relevant Planning History**

There is no history of planning applications at this site, but pre-application discussions have occurred since 2007.

## **Consultation Responses & Notification Representations**

A consultation 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, **12** representations had been received from surrounding residents relating to the originally submitted proposals.

The amended proposals have been re-notified to interested parties and any further representations received in writing will be reported verbally at the meeting.

### Summary of Representations made

- Part of the site is not in the applicant's ownership, but in fact belongs to the City Council.
- Visual Impact not in keeping with a fine example of late Victorian property
- Overdevelopment and would appear overbearing to adjoining occupiers
- Overdevelopment and intensity of occupation would harm the character of the area
- Overlooking neighbouring properties and result in a loss of privacy
- Car parking provision is not enough to serve the development
- Disturbance from use of the car parking area that previously did not exist
- Increase in vehicular movements would have a harmful impact on highway safety
- Drainage infrastructure does not have sufficient capacity to cope
- Flat sizes are too small and the accommodation would not be accessible by all
- Devaluation of property values and disturbance/congestion during construction
- The proposals would be unsustainable nor meet the challenges of climate change
- The cycle store is inconveniently located
- Ecological enhancements are inadequate

## Summary of Consultation comments

**SCC Highways** – No objections subject to conditions.

**SCC Ecology** – Overall, an objection is raised to the incursion into the S.I.N.C. as delineated on the Proposals Map of the Local Plan Review, albeit it is acknowledged that the precise boundary line is now hard to tell and that the upper part of the garden is already hard surfaced.

The loss of hedgerows abutting the new fence the applicant has erected is regretted in terms of the wildlife habitat it would have provided. This should be re-instated to comply with one of the reasons why the S.I.N.C. was first established. The absence of woodland on that part of the site technically within the S.I.N.C. does not diminish the social value of designation. The creation of a formal landscaped garden would be of value to some invertebrates and birds. The creation of a more natural environment by the brook is also supported. The proposals are considered to breach Policy NE3 of the Local Plan Review and Policy CS22 of the Core Strategy.

**SCC Sustainability** – Consider that the new dwellings should be built out to achieve Level 3 of the Code for Sustainable Homes. The use of SUDS is promoted in relation to the proposed parking apron. Conditions are suggested to secure that objective to meet Policy CS20 of the Core Strategy.

**SCC Environmental Health (Contamination)** - No objection. Suggests conditions to assess the contamination risks on site and to secure remediation as necessary.

**SCC Environmental Health (Pollution and Safety)** - No objection. Suggests conditions to minimise disruption during construction.

**SCC Trees Team** – There is already hardstanding within the root protection of the prominent Oak tree outside the site, so it would be feasible to construct this proposal. Disappointment is expressed as to no details of an arboricultural impact statement to safeguard that tree and a number of safeguarding conditions are suggested. Reservation is expressed about allowing further access across the Greenway to implement the development.

**SCC Civil Engineering Team** – the submitted method statement pertaining to the terracing of the land is accepted including the need for a competent structural engineer to design and supervise the works. No objections are raised in principle.

**SCC Housing**– Noting the reduction in dwellings from 7 to 5, a net gain of only four dwellings would result and as such this would not trigger a requirement for affordable housing under Core Strategy Policy CS15.

**SCC Property Services** – The encroachment onto Council land has resulted over a number of years from a case of ‘adverse possession’, where the applicant has registered title with the land registry. The matter is still being looked into and an Officer from the Property Service will be available at the meeting to give an update and answer Member questions.

**Natural England** – do not have any concerns relating to this development and sites designated for nature conservation purposes. The developer’s attention should be drawn to the presence of protected species, particularly bats, if the development proceeds. Biodiversity enhancements in the form of bird and bat boxes are supported.

**Hampshire Constabulary** – note the secure cycle store and secured gated access to the undercroft, which should mitigate for limited natural surveillance of parked vehicles on site.

## **Planning Consideration Key Issues**

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

- Encroachment onto the S.I.N.C. and whether significant harm has resulted to local nature conservation interests, which cannot be mitigated;
- Principle of development;
- Residential design, density and impact on the established character;
- The impact on existing residential amenity;
- The quality of residential environment for future occupants; and,
- Whether highway safety would be compromised and whether the travel demands of the development can be met.

### Encroachment onto the S.I.N.C.

Evidence exists to show this has occurred. This does not prevent an application being made on land so designated and provided the correct ownership certificate procedures have been followed, the local planning authority is free to arrive at a decision on the application.

The site was visited in March 2009 and it was noted that the lower part of the 'boundary' to the Greenway was marked by a hedge and the upper part by fence panels flanking a tarmac hardstanding. The garden was laid to turf and appeared to have no obvious ecological value. Tree felling had occurred in the margin adjacent to the brook and this was known to the Council's Tree Officers.

Notwithstanding the proposals, it is hard to argue that harm has been caused to the Greenway as an entity, based upon its condition witnessed in March 2009. Having regard to other provisions of the Development Plan, the proposals are not considered so harmful to local nature conservation interests to warrant the refusal of permission, where mitigation and enhancement to the S.I.N.C. could be secured through a planning agreement.

Whether the Council intends to challenge the encroachment as a land owner is a separate matter and does not prevent the local planning authority reaching a decision on this application.

### Principle of Development

The redevelopment of this site for residential purposes is in accordance with central government's aims and local plan policies for the efficient use of vacant and brownfield sites. The application proposes a genuine mix of accommodation including a three-bedroom maisonette family sized unit, which will provide a greater choice of accommodation within this community, in accordance with central government planning guidance on housing development (PPS3). The residential density accords with the minimum amount required by the Local Plan Review. Flatted development exists close by, so a housing character argument would not be sustainable at Appeal.

### Residential design, density and impact on the established character

The percentage site coverage does exceed the guide of 50% in the Residential Design Guide, but given the site topographical constraints, residents' calls for more car parking,



common amenity space exceeding the council's standards, private amenity space and the limited public views of hard surfacing (which could be attractively treated), this is difficult to sustain as an objection to the proposals.

In terms of scale and massing, whilst the application proposes three-storey residential accommodation at the rear, with a fourth level contained within the roof space, there are examples elsewhere in the street of others who have used the topography of the site to comfortably achieve that in visual terms.

The extension would be sub-ordinate in appearance when viewed from the street to the host dwelling and its semi-detached neighbour at 95 Botany Bay Road. Views north-east from the Greenway would reveal a built form greater than that currently seen, but overall the style of architecture is not considered to be discordant to the very mixed character of built form in the area. Views from the east side of the Greenway looking west are very obscured by tree cover, even without its foliage, as the panel presentation will demonstrate.

#### Impact on residential amenity

The property which stands to be most affected is the other semi-detached house abutting the site - 95 Botany Bay Road. That property has a stepped-in boundary line with No.97 at the rear, which is unusual and the main garden area falls away rapidly down a slope, dog-legging to the north-east away from the application site and alongside the brook. A first floor window in No. 95 serves a bathroom and is obscured glazed. The nearest bedroom window and the dining room window below that are recessed around a return in the building footprint and do not provide an outlook of where the rear extension is proposed. There is only a very narrow garden strip from where the extension would be most noticeable.

Overall the extension would not appear overbearing when viewed from the garden of 95 Botany Bay Road and would not shade any habitable rooms, nor restrict outlook from the aforementioned bedroom or dining room.

#### The quality of residential environment for future occupants

A satisfactory residential environment would be created, with an attractive outlook onto the Greenway. Flat sizes are not considered to be too small and have in fact increased owing to the reduction in density.

#### Whether highway safety would be compromised and whether the travel demands of the development can be met

The site lies within an area of medium accessibility to public transport and the proposal incorporates above the maximum number of car parking spaces permitted by the Local Plan. The likelihood of overspill car parking to the street may occur to a degree, but this is not considered so harmful as to warrant the refusal of planning permission.

The development would be served by the existing point of access and there is sufficient space to enable vehicles to turn on site and so enter and leave the site in a forward gear. There would be adequate sight lines from the access.

Cycle parking has been provided to the council's standards and following the reduction in density now exceeds those standards.

## Other matters

Overlooking – No greater degree of overlooking of neighbouring gardens would take place than already is possible from a first floor window.

Having regard to the layout of 95 Botany Bay Road, no additional disturbance from the periodic movement of cars can be considered so disturbing to warrant the refusal of planning permission.

No objections on highway safety have been received from Highway Officers and a segregated pedestrian access exists alongside the vehicular undercroft. Regarding the alleged removal of a school warning traffic sign from the public highway, the missing school safety traffic sign has been brought to the attention of the Schools Safety Officer and is being investigated.

The proposed cellular storm drainage units under the car parking apron would cater for drainage infrastructure capacity. Any views from Southern Water will be reported at the meeting, but ultimately this is a technical problem which has a solution.

Devaluation of property values is not a material planning consideration.

Any disturbance / congestion during construction could be countered by a Party Wall agreement with the neighbour to implement any consent. A construction management plan condition is suggested to ensure undue or prolonged congestion of the highway does not occur. Whether the council will give the applicant a licence to cross Greenway land to realistically build out the proposals is a separate matter outside the determination of this planning application.

The proposals would need to be DDA compliant with Part M of the Building Regulations.

No provision has been made to bring refuse bins to the highway on collection day as this would be controlled through the legal agreement.

Whilst the mix and balance of any community can be affected by development, flatted development already exists and no special policies exist in the development plan pertaining to this street to substantiate such a notion at Appeal.

The better use of brownfield land is itself recognised as sustainable by the government. Other matters of water and energy efficiency can be conditioned.

The cycle store has been located to take advantage of the topography, it is useable and considered adequate by Hampshire Constabulary and Highways.

The ecological enhancements are supportable and compliant with the development plan. The legal agreement would seek redress to any habitat erosion that recently took place when a new fence was installed.

Matters of land ownership have been covered elsewhere and the Council may take separate action in respect of the title the applicant has registered, covering part of land formally shown as a S.I.N.C. on the Proposal Map of the Local Plan Review.

## Summary

The proposed development would make more efficient use of this brownfield site and would deliver safeguard family housing, whilst delivering a mix of other dwellings, with the potential to make a balanced community. The proposal respects the amenities of nearby residential development.

## **CONCLUSION**

By securing the matters set out in the recommendations section of this report by the completion of a Section 106 Legal Agreement, 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) (b) (c) (d), 2 (a) (c) (d), 3 (a), 6 (a) (c) (d) (l), 7 (a) (c) (k), 8 (a) (j)  
(SL 3.2.2010 for 16.02.2010 PRow Panel)

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RECOMMENDATION: DEL

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**CONDITIONS for 09/01391/FUL**

01. Commencement

The development 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 - 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 Botany Bay Road and Bay Road.

03. PERFORMANCE CONDITION - Construction access

Unless otherwise specifically agreed through further written Licence by the City Council's Property Services, no construction access to the site shall be taken over the adjoining Shorburs Greenway.

Reason:

To protect a Site of Importance for Nature Conservation under Policy NE3 of the City of Southampton Local Plan Review (March 2006).

04. Details of External Materials - Samples

No development shall take place until details (and samples where required) of the materials to be used in the construction of the external surfaces of the development including all external fixtures, fittings, facing brickwork, render, window frames and mortar and details of window and doorway reveals have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved 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.

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

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

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

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

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

Reason:

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

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

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

Reason:

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

#### 07. APPROVAL CONDITION- Unsuspected Contamination

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.

**08. APPROVAL CONDITION - Landscaping detailed plan**

The detailed landscaping scheme shown on drawing 07/435/15, prepared by Elizabeth Dean shall be carried out prior to occupation of any of the dwellings 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.

**09. APPROVAL CONDITION - Tree Retention and Safeguarding [Pre-Commencement Condition]**

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

**Reason:**

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

**10. No Pruning Felling Trees**

The large Oak tree and other trees within the adjoining Shorburs Greenway adjacent to the site shall not be pruned/cut, felled or uprooted otherwise than shall be agreed in writing 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.

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

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

- Induction and personnel awareness of arboricultural matters
- Identification of individual responsibilities and key personnel
- Statement of delegated powers

Timing and methods of site visiting and record keeping, including updates  
Procedures for dealing with variations and incidents.

Reason:

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

#### 12. APPROVAL CONDITION - 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.

#### 13. 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 adjacent to 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.

#### 14. 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 building work or site clearance takes place.

REASON:

In the interests of enhancing the site's biodiversity and mitigating against the scheme's direct impacts.

#### 15. APPROVAL CONDITION - Sustainable Construction Materials (Pre-Commencement Condition)

A report detailing the specifications of the materials and construction techniques to be employed should be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent. This report should demonstrate that the development achieves at least 1 out of the available 2 Construction Site Waste credits in the Code for Sustainable Homes Was 2 and achieves at least 8 out of the available 24 Materials credits in the Code for Sustainable Homes. The Local Planning Authority must be satisfied that developer has met the agreed requirements and this must be approved by them in writing prior to the first occupation of the development hereby granted consent. Only materials to the specifications agreed must be used in the construction of the development.

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) and Core Strategy Policy CS20.

#### 16. APPROVAL CONDITION - Water efficiency measures (Pre-Commencement Condition)

A comprehensive water use assessment of all the properties on the site shall be submitted to the Local Planning Authority prior to commencement of the development. The water use assessment shall inform a water management plan including measures and techniques to minimise water consumption during the lifetime of the development. The plan shall state the Internal potable water consumption measures in litres per person per day (l/p/d), and contain clear targets and a monitoring programme. The water management plan shall be submitted to the Local Planning Authority prior to the commencement of the development hereby granted consent.

Reason:

To reduce overall water consumption and demand on resources in compliance with SDP13 (vii) of the City of Southampton Local Plan (2006).

#### 17. APPROVAL CONDITION - Energy Efficiency Measures (Pre-Commencement Condition)

A comprehensive energy assessment for all the properties on the site should be submitted to the Local Planning Authority prior to the commencement of the development. The energy assessment shall inform an energy management plan including measures and techniques to minimise energy consumption during the lifetime of the development. The plan shall state the percentage improvement over Target Emission Rate (TER) as determined by the 2006 Building Regulation Standards, and contain clear targets and a monitoring programme. The energy management plan shall be submitted to the Local Planning Authority prior to the commencement of the development hereby granted consent.

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).

#### 18. Maximum car parking

Only 6 car parking spaces, in accordance with the plan number 07/435/14.C, shall be surfaced, marked out and made available for occupiers of the development, before the first occupation of any of the dwellings. The onsite turning area shall be kept clear at all times.

REASON

To prevent obstruction to traffic in neighbouring roads.



## 19. Cycle parking

The facilities shown for the secure and undercover parking of at least 5 bicycles utilising an individual locking system for each cycle (e.g. Sheffield stands) shall be provided and made available for use by occupiers of the development before any of the flats are first occupied in accordance with the approved plans. The cycle storage approved shall be retained and maintained on site for that purpose at all times.

### Reason

To encourage cycling as an alternative form of transport.

## 20. Refuse facilities

Before any of the flats are first occupied, the respective bin stores shown on the approved plans shall be provided and made available to occupants of the dwellings. A level bin stationing area created on the forecourt of the property. Those facilities, which shall include provision for recycling waste, shall be retained at all times thereafter.

### Reason

In the interests of amenity.

## 21. 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 occupiers of nearby dwellings during the construction period and in the interests of highway safety in the vicinity.

## 22. External lighting

Before any of the flats hereby approved are first occupied, the developer shall submit details of all external lighting for the completed project, particularly to common car parking areas to the flats for approval by the Local Planning Authority in writing. The scheme shall specify that lighting is of flat glass, full cut-off design with horizontal mountings and shall be so designed and sited as to not cause undue glare and light spillage above the horizontal onto neighbouring land/the night sky. Once approved, those details relating to the finished development shall be fully implemented before any of the dwellings are first occupied in accordance with the approved details and maintained in good working order at all times thereafter.

### Reason

In the interests of crime prevention, to protect the amenities of neighbours and to minimise the light intrusion to the adjoining Shorburs Greenway, where bats forage.

### 23. Land stability

No dwelling shall be occupied until the retaining wall structures shown on drawing 07/435/17 have been constructed under the supervision of competent structural engineer.

#### Reason

To secure a satisfactory form of development in the interests of public safety.

### 24. 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.

### 25. APPROVAL CONDITION - Amenity Space Access

The garden areas and external pathways shown on the approved site plan (save those show allocated to ground floor flats), and pedestrian access to them, shall be made available as communal areas prior to the first occupation of any of the flats and shall be retained with access to it at all times for the use of the residents and their visitors.

#### REASON:

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

### 26. PERFORMANCE CONDITION - Cellular storm-water storage

The Cellular storm-water storage system indicated on drawing 07/435/13C shall be fully implemented as part of the proposals and maintained in full working order for the life of the development.

#### Reason:

To mitigate the impact of storm-water in times of heavy rainfall, to avoid flooding downstream, in the interests of preserving the ecology of the adjoining Shorburns Greenway and highway safety downstream adjacent to the brook.

### 00. REASON FOR GRANTING PERMISSION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The architectural solution, is acceptable for this site having regard to the change in site levels and sub-ordinate roof ridge and set-back from the front building line. Whereas part of the site appears to be zoned within a Site of Importance for Nature Conservation, in reality where the footprint of the side extension is shown is already largely a hardstanding and the remaining strip has been largely turfed. Mitigation for damage to habitat is to be achieved through a financial contribution to enhance biodiversity immediately outside the site boundary. The proposed car parking exceeds the Council's current Local Plan Review standards but has been justified. The application has addressed the policies of the Council's Core Strategy and plans to meet its sustainable development obligations. 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, SDP3, SDP5, SDP7, SDP9, SDP10, SDP13, NE3, H1, H7, and IMP1 of the City of Southampton Local Plan Review (March 2006) and Policies CS 4, CS 5, CS 13, CS 16, CS 18, CS 19, CS 20, CS 22 and CS 25 of the Core Strategy for Southampton (January 2010).

#### Note to Applicant

1. A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water's Network Development Team (Wastewater) based in Otterbourne, Hampshire or [www.southernwater.co.uk](http://www.southernwater.co.uk).

2. A formal application for connection to the water supply system is required in order to service this development. Please contact Southern Water's Network Development Team (Water) based in Chatham, Kent or [www.southernwater.co.uk](http://www.southernwater.co.uk).

**Relevant Planning Policy**

**Core Strategy (January 2010)**

Policy CS 4 Housing delivery  
Policy CS 5 Housing density  
Policy CS 13 Fundamentals of design  
Policy CS 16 Housing mix and type  
Policy CS 18 Transport: reduce – manage - invest  
Policy CS 19 Car and cycle parking  
Policy CS 20 Tackling and adapting to climate change  
Policy CS 22 Promoting biodiversity and protecting habitats  
Policy CS 25 The delivery of infrastructure and developer contributions

**Adopted City of Southampton Local Plan Review Policies**

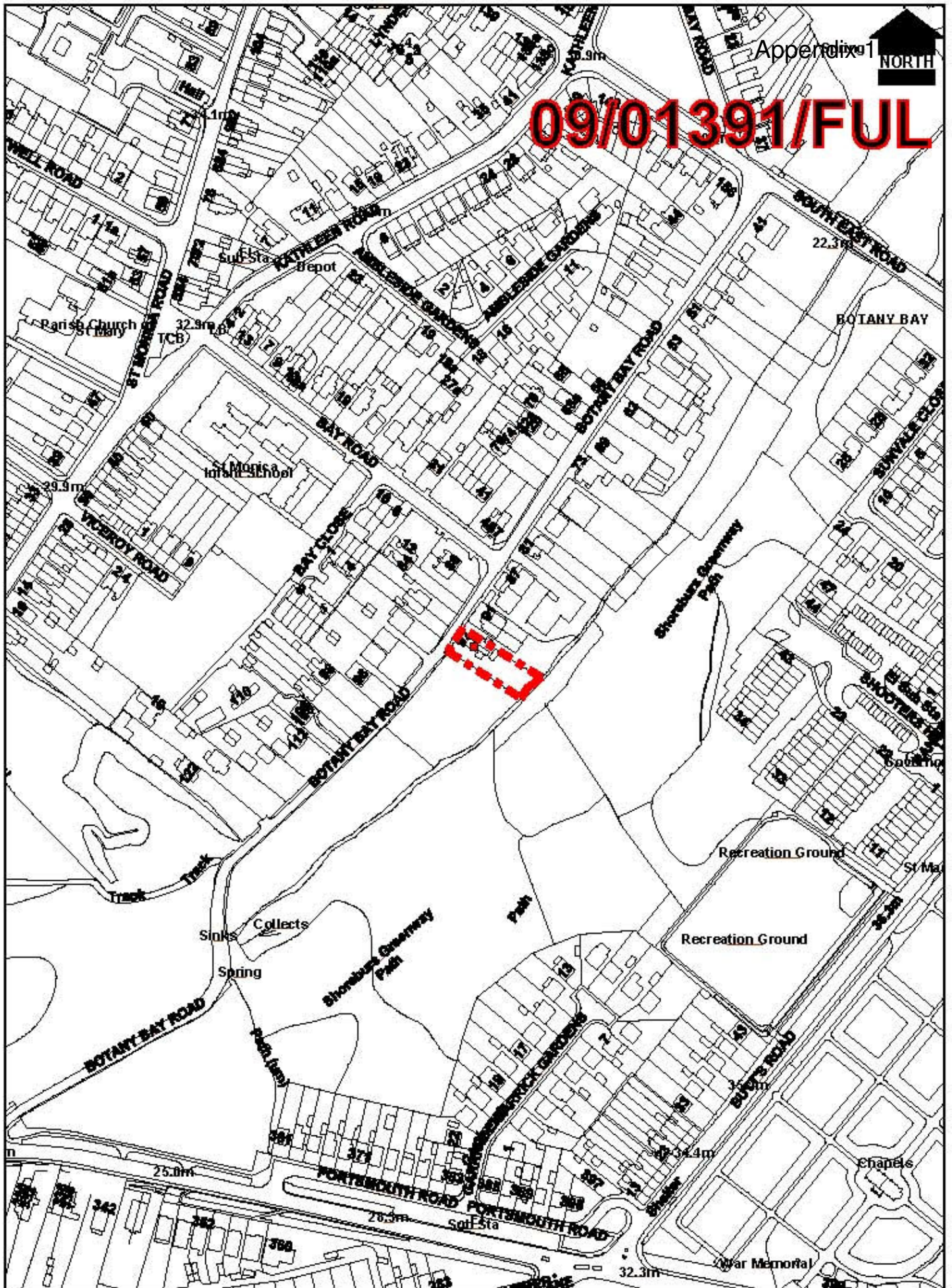
SDP1	General Principles
SDP2	Integrating transport and Development
SDP3	Travel Demands
SDP5	Development Access
SDP6	Parking
SDP7	Context
SDP9	Scale, Massing and Appearance
SDP10	Safety and Security
NE3	Sites of Importance for Nature Conservation
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential 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

Residential Deign Guide (September 2006)

Family Housing SPD (2009)



09/01391/FUL



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Date :03 February 2010



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<b>DECISION – MAKER:</b>	PLANNING AND RIGHTS OF WAY PANEL
<b>DATE OF DECISION:</b>	16 FEBRUARY 2010
<b>SUBJECT:</b>	STREET NAMING REPORT – 10 BATH ROAD AND LAND TO THE REAR OF 4 – 14 BATH ROAD
<b>REPORT OF:</b>	HEAD OF PLANNING AND SUSTAINABILITY
<b>AUTHOR:</b>	HELINES JAGOT
<b>CONTACT DETAIL</b>	HIGHWAYS CONTROL TEAM (HCT) TEL: 023 8083 3990 Email: <a href="mailto:helines.jagot@southampton.gov.uk">helines.jagot@southampton.gov.uk</a>

### **A. RECOMMENDATION**

It is recommended that the name 'Sanctuary Close' be approved as the street name for the development under construction at 10 Bath Road.

### **B. REASONS FOR REPORT RECOMMENDATIONS**

The purpose of this report is to decide the name of a new street to enable postal addresses to be assigned to the properties before the occupants take residence.

### **C. ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

The name 'Spa Close' is an alternative suggestion put forward by the developer however the Royal Mail has raised concern due to an existing 'Spa Road' within the City.

### **D. WARDS / COMMUNITIES AFFECTED**

The development is situated in Bitterne ward.

### **SUMMARY**

1. Members are asked to consider the proposed name and agree this report's recommendation.

### **BACKGROUND AND REPORT DETAILS**

2. Testway Housing are building 8 dwellings on the site of 10 Bath Road. The new development requires the creation of a new street. A location plan appended to this report illustrates the position of the new street within the development.
3. Research into the area has not revealed any obvious link to support the name 'Bath Road'. The developer has decided to follow the 'bathing theme' and has suggested either 'Spa Close' or 'Sanctuary Close'.

4. The Royal Mail has been consulted and has raised objection to the name 'Spa Close' but the recommended name is acceptable. Should an alternative name be chosen further consultation with the Royal Mail will be required.

#### **POLICY FRAMEWORK IMPLICATIONS**

5. None

#### **LEGAL IMPLICATIONS**

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

#### **FINANCIAL IMPLICATIONS**

7. There are no financial implications associated with this report. Street nameplates will be funded by the developer.

#### **CONSULTATION AND CONCLUSIONS**

8. The street name 'Sanctuary Close' is acceptable to the Royal Mail and the name is not duplicated within the City. It is recommended that the proposed name should be supported.

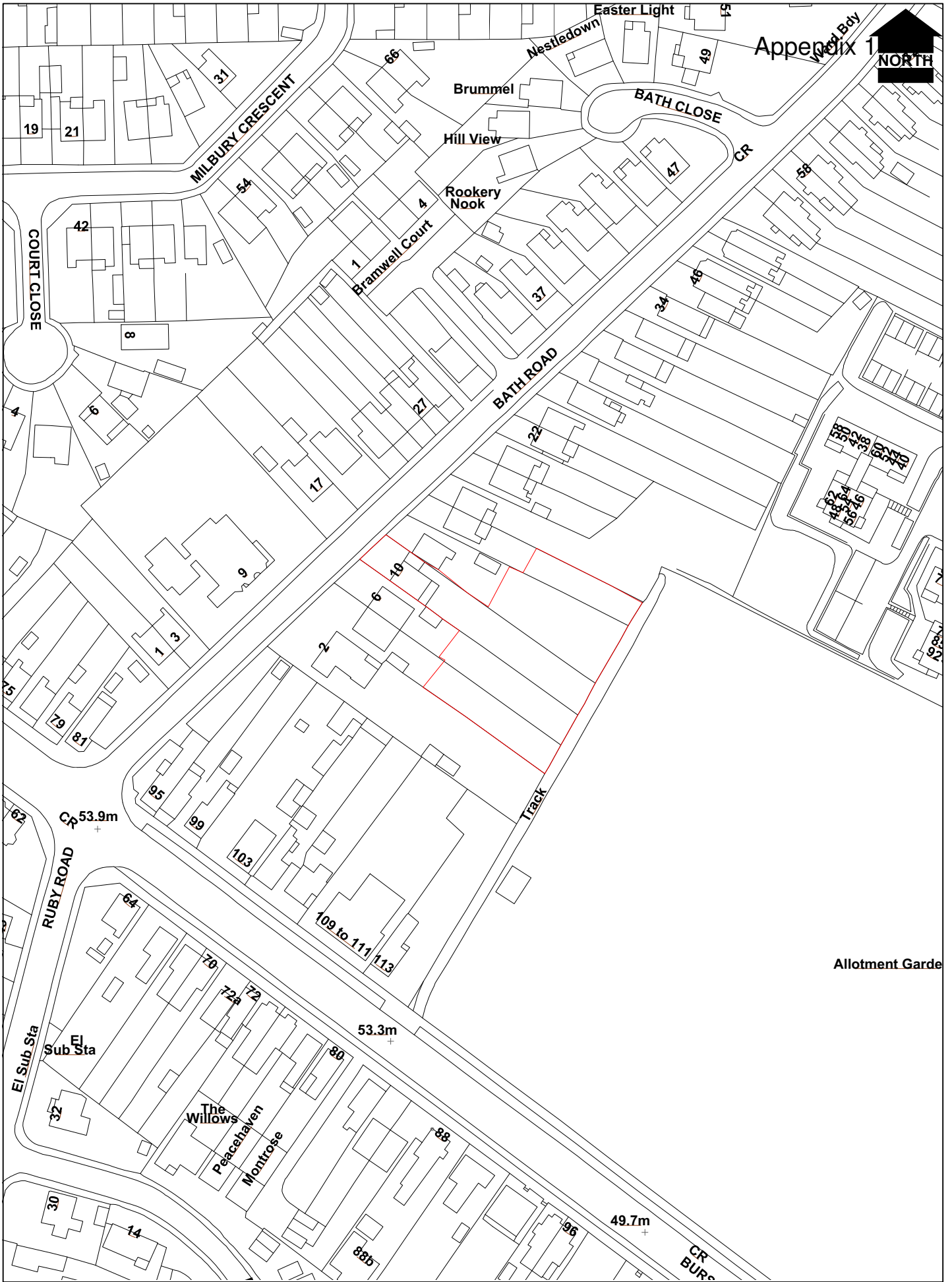
#### **BACKGROUND PAPERS**

Street Naming & Numbering file

Appendices: Location Plan

Documents in Members Rooms: Nil





Appendix 1



Scale : 1:1250

Date :02 February 2010

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