

PLANNING AND RIGHTS OF WAY PANEL

Tuesday, 22nd April 2014
at 9.30 am

PLEASE NOTE TIME OF MEETING

Conference Room 3 - Civic Centre

This meeting is open to the public

Members

Councillor Mrs Blatchford (Chair)
Councillor Claisse
Councillor Cunio (Vice-Chair)
Councillor L Harris
Councillor Lewzey
Councillor Lloyd
Councillor Norris

Contacts

Democratic Support Officer
Sue Lawrence
Tel: 023 8083 3569
Email: susan.lawrence@southampton.gov.uk

Head of Planning, Transport and Sustainability
Paul Nichols
Tel: 023 8083 2553
Email: paul.nichols@southampton.gov.uk

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.

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.

Southampton City Council's Priorities

- **Economic:** Promoting Southampton and attracting investment; raising ambitions and improving outcomes for children and young people.
- **Social:** Improving health and keeping people safe; helping individuals and communities to work together and help themselves.
- **Environmental:** Encouraging new house building and improving existing homes; making the city more attractive and sustainable.
- **One Council:** Developing an engaged, skilled and motivated workforce; implementing better ways of working to manage reduced budgets and increased demand.

Dates of Meetings: Municipal Year 2013/14

2013	2014
28 May 2013	14 January 2014
25 June	18 February
23 July	25 March
20 August	22 April
17 September	13 May
15 October	
19 November	
17 December	

2014	2015
24 June	13 January 2015
22 July	10 February
19 August	3 March
16 September	28 April
14 October	
11 November	
9 December	

CONDUCT OF MEETING

Terms of Reference

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

Business to be discussed

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

Rules of Procedure

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

Quorum

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

DISCLOSURE OF INTERESTS

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

DISCLOSABLE PECUNIARY INTERESTS

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

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

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

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

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

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

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

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

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

Other Interests

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

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

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

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

Principles of Decision Making

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

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

In exercising discretion, the decision maker must:

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

AGENDA

Agendas and papers are available via the Council's Website

1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

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

2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

NOTE: Members are reminded that, where applicable, they must complete the appropriate form recording details of any such interests and hand it to the Democratic Support Officer.

3 STATEMENT FROM THE CHAIR

4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)

To approve and sign as a correct record the Minutes of the meeting held on 25th March 2014 and to deal with any matters arising, attached.

CONSIDERATION OF PLANNING APPLICATIONS

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

5 14/00122/FUL - WOOL HOUSE, TOWN QUAY

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

6 14/00123/LBC - WOOL HOUSE, TOWN QUAY

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

ITEMS TO BE HEARD BETWEEN 10:15 AM TO 10.45 AM

7 14/00304/FUL - 367A WINCHESTER ROAD

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

ITEMS TO BE HEARD BETWEEN 10:45 AM TO 11:30 AM

8 14/00029/OUT - 83 WATERHOUSE LANE

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

ITEMS TO BE HEARD BETWEEN 11:30 AM TO 12 NOON

9 13/01900/FUL - ACORN ESTATE REAR OF 137 WARREN AVENUE

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

ITEMS TO BE HEARD BETWEEN 12 NOON AND 12:45 PM

10 14/00164/FUL - 5 CHAFEN ROAD

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

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

11 14/00043/FUL - 13 BASSETT GREEN ROAD

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

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

12 14/00025/FUL - 51 HIGH ROAD

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

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

13 14/00330/MMA - THE BUNGALOW, 54A ROSELANDS GARDENS

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

MAIN AGENDA ITEMS

14 REMOVAL OF SIX TREES - STATION QUARTER

Report of the Head of City Services regarding the removal of six trees in the Station Quarter, attached.

Thursday, 10 April 2014

HEAD OF LEGAL AND DEMOCRATIC SERVICES

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SOUTHAMPTON CITY COUNCIL
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 25 MARCH 2014

Present: Councillors Mrs Blatchford (Chair), Claisse (except Agenda Items 11 to 16 / Minute Items 113 to 118 inclusive), Cunio (Vice-Chair), L Harris, Lewzey, Lloyd and Norris

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

RESOLVED that the minutes of the meeting held on 18th February 2014 be approved and signed as a correct record.

107. **13/01789/FUL - PART OF FORMER ORDNANCE SURVEY OFFICES, ROMSEY ROAD**

The Panel considered the report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes).

Erection of two and three storey buildings to provide 66 dwellings (43 houses and 23 flats), a retail unit (Class A1 - 453 square metres) and a single-storey retail/café unit (Class A1/A3 - 164 square metres) with associated parking and landscaping, a new public park and new vehicle and pedestrian access from Romsey Road and a new pedestrian access from Wimpson Lane.

Councillor Pope was present and with the consent of the Chair, addressed the meeting.

The presenting officer reported the following updates to the report:-

- an amendment to the description of the development and consequently to paragraph 2.1 of the report as there were now 44 houses and 22 apartments to be provided on the site to provide disabled person accommodation;
- the School Organisation and Strategy Manager whilst not objecting to the application had commented that new housing puts pressure on local schools, the majority of which are currently full;
- the agent had provided more information about community and health facilities in the area which had included a direct response to representations from Councillor Pope (paragraph 5.1.1 refers).

RESOLVED

- (i) that the Planning and Development Manager be given delegated powers to **grant** planning permission subject to the completion of a S106 legal agreement and the conditions in the report;
- (ii) that in the event that the legal agreement is not completed by 25th May 2014 the Planning and Development Manager be authorised to refuse permission on the

- ground of failure to secure the provisions of the Section 106 Legal Agreement;
and
(iii) that the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

108. **13/01960/FUL - FORMER PARK HOTEL, 90 SHIRLEY ROAD**

The Panel considered the report of the Planning and Development Manager recommending refusal in respect of an application for a proposed development at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes).

Erection of two-storey extensions to both sides of the building and conversion to provide 11 flats (6 x one-bedroom and 5 x two-bedroom) with associated parking and storage facilities.

Mr Knight (agent / architect), Ms Matt and Ms Joel (local residents / objecting) and Councillors Moulton and Shields (ward councillors) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that the consultation period had been extended following the submission of amended plans by the applicant and that this would require an amendment to the recommendation to await the outcome of the consultation and would necessitate granting delegating authority to the Planning and Development Manager to refuse the application subject to no new issues arising from the consultation.

The receipt of a late additional letter of objection was also reported.

RESOLVED to delegate authority to the Planning and Development Manager to refuse planning application 13/00418/FUL after the expiry of the consultation period on 28/03/2014, subject to the receipt of no further objections being received that introduce additional matters not previously considered, and for the reasons set out in the report.

RECORDED VOTE to grant delegated authority to refuse planning permission:-

FOR: Councillors Mrs Blatchford, Claisse, Harris and Lewzey

AGAINST: Councillors Cunio, Lloyd and Norris

109. **14/00048/OUT - GARAGES TO REAR OF ELIZABETH COURT, ABERDEEN ROAD**

The Panel considered the report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes).

Redevelopment of the site. Erection of two detached three bedroom dwellings with associated parking, refuse and cycle storage following the demolition of existing garages [Outline application seeking approval for Access, Appearance, Layout and Scale]

Mr Wiles (agent), Ms Long (agent for garage owner / objecting), Mr Street (local resident / objecting) and Councillor Vinson (ward councillor) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that the word 'not' should be removed from paragraph 6.2.1 of the report; an amended Condition 1 from full to outline permission; an additional condition regarding the refuse collection point and two additional conditions regarding trees following the late consultation response from the SCC Tree Team.

The Panel requested an additional condition regarding obscured glazing of the side window and an informative note to the applicant regarding removal of asbestos from the garage roofs.

RESOLVED that planning permission be granted subject to the conditions in the report; and the amended / additional conditions and note to the applicant set out below.

Amended Condition

1. APPROVAL CONDITION - Outline Permission Timing Condition

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

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

REASON:

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

Additional Conditions

APPROVAL CONDITION - Refuse Collection [Pre-Occupation Condition]

Notwithstanding the approved plans prior to the occupation of the development hereby approved plans detailing a refuse collection point no more than 20m from the public highway shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse collection point shall be constructed in accordance with the approved plans prior to the first occupation of the hereby approved development. Such facilities as approved shall be permanently retained for that purpose.

REASON:

To encourage cycling as an alternative form of transport and in the interests of visual amenity, amenities of future occupants of the development and the occupiers of nearby properties.

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.

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.

APPROVAL CONDITION - Glazing panel specification, Pre Occupation Condition.

The windows in the side elevations of the buildings hereby approved [to the rooms indicated as bathrooms] shall be glazed in obscure glass and shall be non opening, or shall only have a top hung opening above a level of 1.7m from the floor area of the room to which they serve. The windows as specified shall be installed before the development hereby permitted is first occupied and shall be permanently retained in that form.

REASON:

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

Note to applicant

Demolition shall take place in accordance with all relevant legislation regarding hazardous materials if any such materials (including asbestos) is identified prior to or during demolition.

110. 13/01976/FUL - 29 WINN ROAD

The Panel considered the report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes).

Redevelopment of the site. Demolition of the existing building and erection of a five-storey building to provide 10 flats (2 x one-bedroom, 7 x two-bedroom and 1 x 3-bedroom) with associated parking, access and landscaping.

Mr Hirsh (agent), Mr Worsfold (architect), Mr Knappett (planning consultant for Oakmount Triangle Residents' Association (OTRA) / objecting), Professor Marshall (Chair of OTRA / objecting), Mr Bevan and Mr Jenkins (local residents / objecting) and Councillor Vinson (ward councillor) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported:-

- an amended recommendation to grant additional delegated powers to grant planning permission subject to no objection being raised by the Tree Officer;
- an additional clause under the S106 agreement regarding residents' parking permits;
- three amended conditions (4, 8 and 26);
- an additional condition regarding noise mitigation; and
- the addition of an informative to the applicant regarding protected species.

Amended Recommendation

Delegate to the Planning and Development Manager to grant planning permission subject to no objection being raised by the Tree Officer with regards to minor revisions to the plan showing the Tree Protection Measures.

Additional S106 Clause

- (v) No resident shall be entitled to obtain parking permits to the Council's Controlled Parking Zones.

Amended Conditions

4 - APPROVAL CONDITION - Privacy screens (Prior to commencement)
Prior to first commencement of the development hereby approved, details of the balcony and privacy screens/walls shall be submitted to and agreed in writing by the Local Planning Authority. This shall include a detailed design, specification and material samples for the screens and the obscured colour glass brick walls. The privacy screens/walls shall thereafter be installed as agreed and retained in this manner for the duration of use of the building for residential occupation.

REASON:

To protect the amenity and privacy of the adjoining property.

8 - APPROVAL CONDITION - Arboricultural Method Statement [Pre-Commencement Condition]

The development hereby permitted shall be implemented in accordance with the Astill Treecare Ltd Arboricultural Report ref: ATC/TS/AIA/AMS/2013/260 and the amended Tree Protection Plan (Rev 2) received by the Local Planning Authority on 11th March 2014 and will be adhered to throughout the duration of the demolition and development works on site.

REASON:

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

26 - APPROVAL CONDITION - Ecological Survey (by exception) [Pre-Commencement Condition]

Prior to the commencement of development, including demolition, the findings of two bat emergence surveys, undertaken at an appropriate time of year, are to be submitted to and approved in writing by the Local Planning Authority. If the presence of a bat roost is detected the submitted report should include appropriate mitigation measures to safeguard the ecological interest of the site.

REASON:

For the safeguarding of species protected by The Wildlife and Countryside Act 1981 (as amended) and the conservation of biodiversity as the site is potentially of ecological interest.

Additional Condition

APPROVAL CONDITION – Noise mitigation (prior to occupation)

Prior to first occupation of the development hereby approved, a written scheme for the control of noise for the car park barriers and air source heat pumps shall be submitted to and approved in writing by the Local Planning Authority. Prior to first operational use, the car park barriers and air source heat pumps shall be implemented in accordance with the noise mitigation findings approved and thereafter be maintained and retained.

REASON:

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

Note to applicant:-

If protected species such as bats are found, the advice of Natural England shall be sought and taken into account and adhered to, including obtaining the relevant licenses. It is a criminal offence to harm habitats of protected species.

RESOLVED to refuse planning permission for the reasons set out below:-

Reasons for Refusal

1 - REASON FOR REFUSAL - Impact on character

The proposed development by reason of its 5 storey height would be unduly dominant and visually intrusive when viewed within the street scene, wider public views in the Oakmount Triangle Conservation Area and the rear gardens of adjacent properties in Blenheim Avenue. The height is out of keeping with the overriding character and appearance of the immediate street scene of Winn Road. Furthermore the proposal fails to preserve or enhance the character, appearance and setting of the Oakmount Triangle Conservation Area. As such the proposal will have an unacceptable and harmful impact on visual amenity and is therefore contrary to saved policies SDP7(iv) and HE1(i) of the City of Southampton Local Plan Review (Adopted March 2006) and policy CS5, CS13 and CS14 of the Development Plan Document Core Strategy Local Development Framework (Adopted January 2010).

2 - REASON FOR REFUSAL - Impact on residential amenity

The height and massing of the proposed development in close proximity to the common boundary of Pinehurst Court represents an unneighbourly form of development, resulting in an overbearing impact on the outlook of the neighbouring occupiers and shading of external amenity space and habitable room windows. As such the proposal will have an unacceptable impact on residential amenity and therefore contrary to saved policies SDP1(i) of the City of Southampton Local Plan Review (Adopted March 2006) as supported by the guidance set out in paragraph 2.2.1 to 2.2.2 of the Council's Residential Design Guide Supplementary Planning Document (Approved September 2006).

3 - REASON FOR REFUSAL - Failure to enter into a Section 106 Agreement that mitigates against the development

In the absence of a completed S106 Legal Agreement the proposals fail to mitigate against their direct impact and do not therefore, satisfy the provisions of policies CS15 and CS25 of the adopted Local Development Framework Core Strategy (January 2010) as supported by the Council's Supplementary Planning Guidance on Planning Obligations (September 2013) in the following ways:-

- (i) Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site, including the provision of pedestrian facilities to aid road crossing in the near vicinity of the site which will also operate as a traffic calming measure, and Traffic Regulation Order to facilitate pedestrian crossing, 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 SPD relating to Planning Obligations (September 2013);
- (ii) The 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 has not been secured;
- (iii) Provision of affordable housing in accordance with Policies CS15, CS16 and CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPD relating to Planning Obligations (September 2013);
- (iv) The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013);
- (v) No resident shall be entitled to obtain parking permits to the Council's Controlled Parking Zones.

Note: This final reason for refusal could be resolved following the submission of an acceptable scheme and a completed S.106 legal agreement.

RECORDED VOTE to refuse planning permission:-

FOR:	Councillors Cunio, Claisse, Harris and Norris
AGAINST:	Councillors Mrs Blatchford and Lewzey
ABSTAINED:	Councillor Lloyd

111. **14/00037/FUL - REAR OF 6 FURZEDOWN RD**

The Panel considered the report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes).

Erection of a detached two storey, two bedroom dwelling with associated amenity space, refuse and cycle storage.

Professor Leary (local resident / objecting) and Councillor Vinson (ward councillor / objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an additional condition.

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

Additional Condition

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.

RECORDED VOTE to grant planning permission:-

FOR: Councillors Mrs Blatchford, Cunio and Lloyd
AGAINST: Councillors Claisse, Harris and Norris
ABSTAINED: Councillor Lewzey

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

112. **14/00067/MMA - JOHN MARTIN MEWS 58 WEST END ROAD**

The Panel considered the report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes).

Amendments to previous planning permission 11/01987/FUL for conversion, extensions and new buildings to provide ten dwellings (the changes relate to car parking arrangements, landscaping, layout and cycle and refuse storage).

Mr Toomer (Housing Association / site owner), Ms Weaver (SCC Housing Renewal and Delivery) and Mrs Hogan (local resident / objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an additional condition regarding cycle and refuse storage.

RESOLVED

- (i) that the Planning and Development Manager be given delegated powers to **grant** planning permission subject to the completion of a deed of variation to link the S.106 Legal Agreement under permission 11/01987/FUL, the conditions in the report and the additional condition set out below;
- (ii) that in the event that the legal agreement is not completed within two months of the date of this decision, the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement; and
- (iii) that the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

Additional Condition

APPROVAL CONDITION - Cycle and refuse store provision (Pre-Occupation Condition)

The refuse and cycle storage serving the development hereby approved in accordance with the approved plans, and pedestrian access to it, shall be made available prior to the first occupation of the development hereby approved and shall be retained with access to it at all times for the use of the residential units.

REASON:

To ensure adequate refuse and cycle storage facilities are provided in accordance with policy SDP1 and SDP5 of the adopted local plan review (March 2006).

113. **14/00106/FUL - 22 WHITHEDWOOD AVE**

The Panel considered the report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes).

Retrospective application for the erection of single-storey side and rear extensions and pitched roof to existing garage.

Mr Baptista (applicant) and Mrs Davis (local resident objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that:-

- Condition 2 be deleted;
- Existing Condition 5 be amended to delete the reference to the type of fuel to be used;

- An additional note to the decision to inform the applicant of the need to satisfy both Building Regulations and Environmental Health regulations under the Clean Air Act.

RESOLVED that planning permission be granted subject to the conditions in the report, and the amended conditions and additional note to the applicant as set out below.

Amended Conditions

Condition 2 deleted.

Condition 5 renumbered Condition 4 (following deletion of Condition 2) and amended to read:

04. APPROVAL CONDITION - Wood burner details to be approved

Notwithstanding the permission hereby granted, the wood burner within the side extension shall not come into use until a full specification of the appliance and the flue arrangement have been submitted to and approved in writing by the Local Planning Authority. The wood burner shall thereafter be retained, maintained and operated in accordance with the approved details.

REASON:

To protect the residential amenity of the neighbouring properties.

Additional Note to Applicant:-

Note to Applicant - Environmental Health and potential implications for chimney height and need for additional planning permission.

The applicant is advised that the operation of the oven is subject to regulatory control under the Clean Air Act 1993 and the Environmental Protection Act 1990. The enforcement of these regulations by Environmental Health may require the height of the chimney to be raised in order to avoid nuisance occurring. Any further increase in the height of the chimney above that shown on the approved plans will require planning permission which must be sought prior to the works being undertaken. There is no guarantee that planning permission will be granted to extend the height of the chimney above the position already approved.

RECORDED VOTE to grant planning permission

FOR:	Councillors Mrs Blatchford and Lewzey
AGAINST:	Councillors Harris and Norris
ABSTAINED:	Councillors Cunio and Lloyd

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

NOTE: Councillor Claisse was absent for this item.

114. **14/00255/FUL - 512 PORTSMOUTH ROAD**

The Panel considered the report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes).

Installation of a temporary building for a period of two years for car sales use, with associated external sales display area, landscaping, and staff and customer parking.

The presenting officer reported the following updates to the report:-

- S106 agreement delegation amended to “completed by 28 March 2014” instead of two months;
- additional S106 agreement clause to add Highway Condition Survey;
- amended Condition 5 regarding land contamination;
- that Southern Water had raised no objection subject to imposition of Condition 11 (Public Sewer Protection Measures);
- late objection received from the Oasis Mayfield Academy with regard to applicant’s staff not observing parking restrictions resulting in restricted access to the Academy.

RESOLVED

- (i) that the Planning and Development Manager be given delegated powers to grant planning permission subject to the completion of a S106 legal agreement, the conditions in the report and the amendment to the S106 and amended conditions, set out below;
- (ii) that in the event that the legal agreement is not completed by 28th March 2014, the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement; and
- (iii) that the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

Additional clause to the S106 agreement

- (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.

Amended Condition

05. - APPROVAL CONDITION – Land Contamination

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme of remediation to deal with the risks (as identified within the Environmental Site Investigation Report ref: E-E1478/SI/LJP) associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. 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.

NOTE: Councillor Claisse was absent for this item.

115. **14/00028/FUL - FORMER FORD FACTORY, WIDE LANE**

The Panel considered the report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes).

Use of the existing buildings at the rear of the site as a vehicle repair centre and export distribution centre with alterations to the existing buildings. Changes to the secure fence line of the existing Mansbridge Road car park to enlarge the vehicle storage area with new perimeter fencing, barriers, lighting columns, CCTV and associated works.

Mr Banham (applicant) was present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an additional condition resulting from a requirement notified by the SCC Highways Team regarding cycle and motorcycle parking.

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

Additional Condition

06. APPROVAL CONDITION – Cycle and Motorcycle Storage

The amendments to the car parking area shall include a minimum of six spaces marked out for motorcycle parking and 14 long stay secure and covered 'Sheffield-style' staff cycle spaces. These spaces shall be provided prior to the first use of the parking area for the intended purposes to serve the development hereby approved and retained thereafter.

REASON:

In the interests of promoting alternative travel to the private car.

NOTE: Councillor Claisse was absent for this item.

116. **OBJECTION TO THE IMPLEMENTATION OF THE SOUTHAMPTON (82 THE GROVE) TREE PRESERVATION ORDER 2013**

The Panel considered the report of the Head of City Services regarding an objection to the implementation of the Southampton (82 The Grove) Tree Preservation Order 2013. (Copy of the report circulated with the agenda and appended to the signed minutes).

The presenting officer reported that a late objection had been received which was presented to the Panel.

RESOLVED that The Southampton (82 The Grove) Tree Preservation Order 2013 be approved without modifications.

NOTE: Councillor Claisse was absent for this item.

117. **REMOVAL OF COUNCIL OWNED TREES FOR THE INSTALLATION OF A REPLACEMENT RAILWAY BRIDGE - BRIDGE ROAD**

The Panel considered the report of the Head of City Services seeking approval for the removal of five Council owned London Plane trees on Bridge Road, Woolston, to assist with the installation of the new replacement railway bridge. (Copy of the report circulated with the agenda and appended to the signed minutes).

The presenting officer reported an amendment to the recommendation regarding the planting scheme, replacement trees, and maintenance fees and mitigation of cost of the replacement trees.

RESOLVED that the removal of five Council owned London Plane trees on Bridge Road, Woolston, be approved subject to:-

- (i) agreement of a suitable planting scheme;
- (ii) replacement trees being planted in the same location; and
- (iii) a contribution being made to the Council in the sum of £5,292 (inclusive of VAT) for the purchase and maintenance of the replacement trees.

NOTE: Councillor Claisse was absent for this item.

118. **REMOVAL OF COUNCIL OWNED TREES ON HOLCROFT SOCIAL SERVICE SITE**

The Panel considered the report of the Head of City Services seeking approval for the removal of two Council owned Monterey Cypress trees on the rear boundary of the Holcroft social service site. (Copy of the report circulated with the agenda and appended to the signed minutes).

RESOLVED that the removal of two Council owned Monterey Cypress trees on the rear boundary of the Holcroft social service site and their replacement with suitable alternative trees planted in same location; be approved.

NOTE: Councillor Claisse was absent for this item.

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Agenda Annex

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 22 April 2014 - Conference Room 3, 1st Floor, Civic Centre

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

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
<u>BETWEEN 9.30 AM AND 10.15 AM</u>				
5	AG	CAP	5	14/00122/FUL Wool House, Town Quay
6	AG	CAP	5	14/00123/LBC Wool House, Town Quay
<u>BETWEEN 10.15 AM AND 10.45 AM</u>				
7	DN	CAP	5	14/00304/FUL 367A Winchester Road
<u>BETWEEN 10.45 AM AND 11.30 PM</u>				
8	JH	DEL	5	14/00029/OUT 83 Waterhouse Lane
<u>BETWEEN 11.30 PM AND 12.00 PM</u>				
9	DN	CAP	5	13/01900/FUL Acorn Estate rear of 137 Warren Avenue
<u>BETWEEN 12.00 PM AND 12.45 PM</u>				
10	NP	CAP	5	14/00164/FUL 5 Chafen Road
<u>LUNCH BREAK – 12:45 PM to 1:15 PM</u>				
<u>BETWEEN 1.15 PM AND 1.45 PM</u>				
11	SB	CAP	5	14/00043/FUL 13 Bassett Green Road
<u>BETWEEN 1.45 PM AND 2.15 PM</u>				
12	JM	DEL	15	14/00025/FUL 51 High Road
<u>BETWEEN 2.15 PM AND 2.45 PM</u>				
13	AG	CAP	5	14/00330/MMA The Bungalow 54A Roselands Gardens
<u>MAIN AGENDA REPORT TAKEN AT 2.45 PM</u>				
14	Tree Report – Station Quarter			

PSA – Public Speaking Allowance (mins); CAP - Approve with Conditions: DEL - Delegate to Officers: PER - Approve without Conditions: REF – Refusal: TCON – Temporary Consent
 AG – Andy Gregory, SB – Stuart Brooks, DN – David Nip, JH – Joanne Hall, NP – Nathan Pearce, JM – Jo Moore

Southampton City Council - Planning and Rights of Way Panel

Report of Executive Director of Environment

Local Government (Access to Information) Act 1985

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

Applications:

Background Papers

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

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

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

4. **Policies and Briefs published and adopted by Southampton City Council**
 - (a) Old Town Development Strategy (2004)
 - (b) Public Art Strategy
 - (c) North South Spine Strategy (2004)
 - (d) Southampton City Centre Development Design Guide (2004)
 - (e) Streetscape Manual (2005)
 - (f) Residential Design Guide (2006)
 - (g) Developer Contributions SPD (September 2013)
 - (h) Greening the City - (Shoreburs; Lordsdale; Weston; Rollesbrook Valley; Bassett Wood and Lordswood Greenways) - 1985-1995.
 - (i) Women in the Planned Environment (1994)
 - (j) Advertisement Control Brief and Strategy (1991)
 - (k) Biodiversity Action Plan (2009)
 - (l) Economic Development Strategy (1996)
 - (m) Test Lane (1984)
 - (n) Itchen Valley Strategy (1993)
 - (o) Portswood Residents' Gardens Conservation Area Character Appraisal (1999)
 - (p) Land between Alder Moor Road and Worston Road Development Brief Character Appraisal (1997)
 - (q) The Bevois Corridor Urban Design Framework (1998)
 - (r) Southampton City Centre Urban Design Strategy (2000)

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

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

5. Documents relating to Highways and Traffic

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

6. Planning related Government Circulars in most common use

- (a) Planning Obligations 05/05 (As adjusted by Community Infrastructure Levy Regulations 2010)
- (b) Planning controls for hazardous substances 04/00
- (c) The Use of conditions in planning permissions 11/95
- (d) Environmental Impact Assessment 2/99

- (e) Planning Controls over Demolition 10/95
- (f) Planning and Affordable Housing 6/98
- (g) Prevention of Dereliction through the Planning System 2/98
- (h) Air Quality and Land Use Planning 10/97
- (i) Town and Country Planning General Regulations 19/92

7. Government Policy Planning Advice

- (a) National Planning Policy Framework (27.3.2012)

8. Other Published Documents

- (a) Planning for Daylight and Sunlight - DOE
- (b) Coast and Countryside Conservation Policy - HCC
- (c) The influence of trees on house foundations in clay soils - BREDK
- (d) Survey and Analysis - Landscape and Development HCC
- (e) Root Damage to Trees - siting of dwellings and special precautions – Practice Note 3 NHDC
- (f) Shopping Policies in South Hampshire - HCC
- (g) Buildings at Risk Register SCC (1998)
- (h) Southampton City Safety Audit (1998)
- (i) Urban Capacity Study 2005 – 2011 (March 2006)
- (j) Strategic Housing Land Availability Assessment (March 2013)

9. Other Statutes

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

Agenda Item 5

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 22 April 2014
Planning Application Report of the Planning and Development Manager

Application address: The Wool House, Town Quay, SO14 2AR			
Proposed development: Change of use from Museum (Use Class D1) to Public House and Restaurant (Use Class A3/A4) (submitted in conjunction with 14/00123/LBC).			
Application number	14/00122/FUL	Application type	FUL
Case officer	Andrew Gregory	Public speaking time	5 minutes
Last date for determination:	17.04.2014	Ward	Bargate
Reason for Panel Referral:	Referred by the Planning & Development Manager due to wider public interest	Ward Councillors	Cllr John Noon Cllr Matthew Tucker Cllr Sarah Bogle

Applicant: Mr Stuart Cross	Agent: Ian Knight (Knight Architectural Design)
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	No, because the application does not propose any additional floorspace and therefore CIL is not triggered.
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The public house and restaurant use will provide a viable continued use for this Grade I listed building and will not adversely harm the character and appearance of the building. No objection has been raised by English Heritage or the Council's Conservation officer, and their recommended conditions have been attached to this decision. Furthermore conditions have been added to control the hours of use and noise impact in the interests of neighbouring residential amenities. The planning system does not intervene in the market and cannot resist such applications on the grounds of increased competition to nearby public houses and restaurants.

Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP7, HE1, HE3 and REI7 of the City of Southampton Local Plan Review (March 2006) and CS1, CS13 and CS14 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally Approve

1. Background

- 1.1 The Wool House is a Grade I listed building owned and managed by the Council. The building was formerly occupied as the Maritime Museum which closed in October 2011 following the opening of the SeaCity Museum at the Civic Centre.
- 1.2 The Council sought a tenant through advertising the opportunity in 2011, but this was unsuccessful. The building was re-advertised in 2012 and the winning bid was from Dancing Man Brewery. The advertising of the building was an open process to secure a tenant for the building. Given the Council has limited resources; a tenant was needed who could deliver public access, invest in the building and provide a new use to secure its future. The Wool House has performed many functions over its long history, the establishment of a brewery is simply the latest in a long list; museum, grain store, prison. Element Arts have been occupying the building on a short term basis.

2. Site and Surroundings

- 2.1 The Wool House is a two storey building constructed of stone with a tiled pitch roof. The building is located at the southern end of Bugle Street within the Old Town (West) Conservation Area. The building frames the footway on Bugle Street and fronts Town Quay with a deep footway to the front. A narrow gated service alley is located to the rear of the building.

Town Quay Park is located to the east side of the building. The surrounding area comprises a mix of residential and commercial use. Town Quay and the red funnel ferry terminal are located to the south, and the city Registry office is location to the north. A vacant Grade II listed building (previously occupied by the Southampton University Air Squadron) is located on the opposite side of Bugle Street. On-street parking controls are in place within Bugle Street and double yellow lines are located outside the Wool House, at the junction with Town Quay.

The list description for this Grade I listed building reads as follows:

- 2.2 "C14 with C18 alterations. This was built, after the French raid of 1338, by Cistercian Monks as a storehouse for wool to be exported to Europe. It is the only surviving freestanding mediaeval warehouse in Southampton. Two storeys built of stone rubble with angle quoins. Old tiled roof. The west side has 3 massive buttresses, semi-circular in plan, probably added in the C16 and C17. In the C18 the building was used to house French prisoners of war during the Seven Years War and Napoleonic Wars. At this time the quay front was rebuilt with segmental-headed windows and central door. The interior contains a fine C14 arched collar braced roof of Spanish chestnut. Aumbry set in the northern bay of the west wall at first floor level. Scheduled as an ancient monument. "

3. **Proposal**

- 3.1 The proposal seeks to change the use of the Wool House from a museum (Use Class D1) to a public house and restaurant (Use Class A3/A4). The layout includes a micro-brewery located to the rear of the ground floor. The ground floor will also include a bar and seating area and toilets at the front. The first floor will contain additional seating with the kitchen area and toilets to the rear. A mezzanine floor is proposed at the rear of the building providing office, staffroom and storage space.
- 3.2 No significant external changes are proposed. The layout will utilise existing openings and ducting. Bin storage and a compressor will be located within the rear alley and a new external gate is proposed to secure this area. Signage is proposed to be applied to the central first-floor glass window within the front elevation. Servicing will be via an existing opening to the side elevation facing Bugle Street. The proposal seeks to utilize two existing on-street parking bays for loading / unloading. The side door to Town Quay Park will be opened up for use for emergency access.
- 3.3 The application indicates that much of the fit out works will be kept away from the original stone walls. It also avoids attachment to the 14th Century beams and posts. As such, much of the original fabric will remain on show. The ground floor level is to be raised by 360mm for servicing and the proposal seeks connect to the existing drainage. The brewing area will be visible to the public and will have a hygiene clad perimeter to the side and rear walls.

4. **Relevant Planning Policy**

- 4.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 4.2 Developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13.

- 4.3 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

5. Relevant Planning History

- 5.1 Planning permission was granted for use of the building as a licensed restaurant in 1963 (SCC Ref 1223/76R1) however it is unclear whether this permission was implemented.
- 5.2 Please note that a listed building application has been submitted in conjunction with this planning application (SCC Ref 14/00123/LBC).

6. Consultation Responses and Notification Representations

- 6.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (28.02.2014) and erecting a site notice (28.02.2014). At the time of writing the report **87** representations have been received from surrounding residents with 50 in support (including support from Cllr Noon), 35 objections and 2 neutral comments. The following is a summary of the points raised.
- 6.2 This Grade I listed building / scheduled ancient monument is an important part of the city's maritime heritage and should be put to use to better serve the interests of local families, children, residents, Southampton citizens who take pride in their heritage, or to visitors with an interest in the heritage of the city.

Officer Response – The proposal will provide a viable and continued use for the building. No objections have been raised by English Heritage and the Council's specialist Conservation officer. The Council does not have funding to continue operating the building for public use and alternative arts venues are available.

- 6.3 The proposed development does nothing to preserve the character and distinguishing features of the wool house as the significant beams and roof, pillars will be obscured by internal pods and mezzanine area.

Officer Response - No objections have been raised by English Heritage and the Council's specialist Conservation officer subject to conditions. Much of the original walls and roof beams will remain on show

- 6.4 Heavy usage of the building in terms of cooking and brewing processes may damage the building. There is insufficient information on how the crumbling walls will be preserved or how they will stand up to the building works.

Officer Response - No objections have been raised by English Heritage and the Council's specialist Conservation officer subject to conditions. Any steam will be contained within the tanks and the temperature of the brewing area will be controlled with air conditioning.

- 6.5 There appears to have been no risk assessment of the potential impact from the brewing process in terms of high temperatures, condensation and other manufacturing hazards

Officer Response - No objections have been raised by English Heritage and the Council's specialist Conservation officer subject to conditions. The brewing process does not require dangerously high temperatures. A microbrewery is currently in place at the Platform Tavern.

- 6.6 The proposed development will have a detrimental impact on the surrounding residential neighbourhood. There will be late night noise and potential disruption to local residents as drinkers gather on the pavement and leave the pub at night.

Officer Response – No objection has been raised by the Council's Environmental Health officer. The building is of solid stone construction, has limited window openings and the main entrance is lobbied therefore significant noise breakout is unlikely. The premises will be conditioned to have terminal hours of midnight closing. The application for a premises license will assess the need for controls in relation to any amplified music. Tables and chairs and ash trays will be to the front of the building. There is existing background noise in this area from road traffic noise and from commercial activity at Town Quay (including Red Funnel).

- 6.7 There is no need for another drinking establishment in the area with three pubs already sited on Bugle Street, already causing late night noise for some residents. The Council should be seeking to minimise the impact of alcohol in residential areas, not adding to the problem.

Officer Response – No evidence has been submitted to demonstrate that an additional pub will have a harmful cumulative impact and there is no planning policy restricting additional pubs providing that other amenity and land use policies prevail

- 6.8 Deliveries will cause disturbance and the siting of the loading bay on the lower east side of Bugle Street may prejudice highway because vehicles overtaking the parked vehicle may collide with vehicles turning into Bugle Street (at speed). Loss of parking spaces within Bugle Street.

Officer Response – Highways Development Control consider that a TRO is needed to make two on-street parking spaces available for deliveries and collection.
The TRO could be tailored to make the spaces available for parking in the evening.

- 6.9 Increased on-street parking pressures

Officer Response – The site is located within the city centre which is an area of high accessibility. It would be difficult to defend a reason for refusal relating to increased parking pressures given the availability of parking within the city centre and the level of accessibility by alternative modes of transport. TRO parking controls (pay and display) exist within the area.

- 6.10 The production brewing process will cause odour nuisance. Furthermore the cleaning of the barrels will be an environmental hazard with insufficient external space or on-site drainage.

Officer Response - The brewing process and associated aroma is contained within the building. Keg barrels will be cleaned off site because there is insufficient external space and drainage for cleaning on site.

- 6.11 Concerns that an increase in the number of people within the building may conflict with fire regulations. Bins within the rear alley will block persons exiting the building in the event of a fire.

Officer Response – Fire risk assessment is not a matter for planning however the rear alley does not appear to be an important escape route. The rear alley is the only practical area to store the bins.

- 6.12 There is a danger that patrons spilling out onto Town Quay Park will squeeze out other users of the park such as dog walkers and families with children. There is no explanation of how the park will be protected as a separate space from pub users, or protected from other detritus such as glasses, broken glass or cigarette butts

Officer Response – It is understood that the premises license will not allow drinking on town Quay Park. Drinking is only allowed within the licensed area within the lessee's control.

6.13 In support

- The prospective landlord has proved to be a good and responsible landlord at the Platform Tavern.
- The fact that the applicants want to invest in this heritage building shows their commitment to Southampton's community.
- The development will provide jobs and a more secure future for the venue.
- The recently completed 'Butchers Hook pub and micro brewery' has had a positive community impact in Bitterne Park.
- The development is in keeping with the conservation area and listed building.
- Excellent use for this Grade I listed heritage building.
- Southampton needs to make use of such assets.
- Alternative arts facilities will be available in the new arts quarter near the Guildhall and within God House Tower.

Consultation Responses

6.14 **English Heritage** - No objection in principle subject to planning conditions requiring the following:

- Details of the new mezzanine floor to ensure that the existing structure is capable of taking the additional loadings and the methods of fixing and lining the walls;
- A method statement for removing the concrete steps which are against the medieval stonework (to ensure that no stonework is damaged);
- The surface finish or cladding of the new walls to the new structure on the mezzanine (bar/staffroom/kitchen area);
- A repair schedule to ensure that the building is properly repaired prior to occupation.

This fine grade I Medieval building is a great asset to the City of Southampton and its closure to the public since the Maritime Museum was relocated has been a great loss to the community. It is particularly pleasing, therefore, that a proposed use, which will enable the public to enjoy this building once again, has come forward. The use would also appear to be a very good 'fit' for the building in that relatively little alteration would be required to accommodate the micro brewery/pub/restaurant use.

6.15 **SCC Heritage** – No objection subject to the following conditions:

- A Method Statement for the removal of the stairs at the north-west corner of the building is required.
- Structural Engineer's calculations are required to demonstrate that the mezzanine at first floor is capable of being supported on the timber beam (as shown).
- Details of the external finish to the offices above are required.
- Details of the design of the new door to the east elevation, and the proposed new gates to the alleyway at the north are required, including details of fixings.
- Details of loading and unloading to ensure the pavement is not damaged
- Details of mechanical and electrical services will need to be agreed prior to works starting on site.
- An informative will be needed indicating that any additional signage will need advertisement and listed building consent.

The proposed use as a micro-brewery would have minimal impact on the structure and fabric of the building. No new openings are proposed into the walls, and the only items that will be removed are the 1960's steps to the rear.

6.16 **SCC Sustainability Team** – No objection subject to a condition requiring an investigation into the potential for sustainability enhancement to this listed building.

6.17 **SCC Environmental Health** – No objection subject to conditions to control of noise (relating to the proposed compressor) and hours of work.

6.18 **Police (Crime Prevention)** - No comments received.

6.19 **SCC Highways** – No objection subject to the 2 nearest car parking spaces being converted into a loading bay by TRO also details of cycle parking. There is concern that if a TRO loading bay is not secured then loading and unloading may take place on the double yellow lines on a narrower stretch of Bugle Street, nearer to the junction with Town Quay. This may lead to driver conflict and may cause obstruction to the flow of traffic along Town Quay because vehicles may not be able to pass the parked delivery vehicle which may create queuing traffic waiting to turn left into Bugle Street.

Officer Response - The opportunity to secure the TRO through the lease agreement rather than the S106 Agreement is currently being investigated. Secure cycle parking is not considered practical given the constraints of the listed building; this is a sustainable location and is accessible on foot and by bus.

6.20 **Old Town Residents Association** - OTRA is not against the planned change of use in principle, however they have serious concerns about the proposals (and the lack of detail therein) in regards to noise, parking, traffic, fire safety, waste management and internal pod structure and associated impact on the character of the building. It is hoped that any and lease and licence granted by the Council approving any change of use will protect both local residents and the integrity and heritage of the building.

6.21 **Southampton Commons and Parks Protection Society** – No objection in principle subject to the following caveats:

No means of enclosure being erected between the building and Town Quay Park, in the interests of views from the park.

Officer Response – A planning condition can be added.

The proposal seeks to re-open the door on the east elevation allowing access to Town Quay Park. SCAPPS would have no objection to patrons using Town Quay Park providing it does not exclude the general public from using that area and that the lessee supervises the use of the area and ensures it's kept clean and tidy.

Officer Response – Use of Town Quay Park for drinking is unlikely to be granted under the premises license application.

7. Planning Consideration Key Issues

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

- Principle of development;
- Impact on listed building;
- Impact on character of the area;
- Impact on neighbouring residential amenities;
- Highway matters.

7.2 Principle of Development

7.3 The proposed change of use of the Wool House into a public house and restaurant is considered acceptable in principle. The building is not safeguarded for a particular planning use and the Council does not intend continuing to operate this building for leisure use, with considerable investment needed to make the Wool House suitable for use as a modern publicly accessible venue. The building has historically been used for a variety of uses including grain store, prison and museum. The proposed change of use will provide a continued viable use for this Grade I listed building and will provide the necessary investment needed to sensitively modernise the building for improved public access. English Heritage has raised no objection indicating that the proposed use is a 'good fit' for the building. The proposed use will still allow public access with the focus shifted from leisure to food and drink use.

7.4 Paragraph 131 of the National Planning Policy Framework indicates:
"In determining planning applications local authorities should take account of...the desirability of sustaining and enhancing the significance of heritage assets and putting them into viable uses consistent with their conservation"

7.5 Local and national planning policy does not restrict the number of pubs within the city centre and the planning system cannot intervene in the market to prevent competition. Saved policy RE17 (Food and Drink Uses) indicates that new A3 and A4 uses will be permitted in the city centre providing that appropriate planning conditions can be added to prevent undue noise and odour nuisance.

7.6 Impact on the Listed Building

7.7 The detailed listed building considerations are dealt with in the report on the listed building application also on this agenda. The development proposes no significant external changes to the building and the development will not impact on the setting of the Old Town (West) Conservation Area. The proposal has raised no objections from English Heritage and the Council's Conservation Officer and their suggested conditions seeking details of works, services, repairs and materials will be added. The internal fit out will be carefully monitored and is proposed to have minimal intrusion on the historic fabric of the building. The internal design ensures that much of the original fabric will remain on show to the public and will not harmfully detract from the character of the building.

7.8 Impact on the character and appearance of the area

7.9 The surrounding area contains a mix of commercial and residential use. The site is located within the Old Town (West) Conservation Area and adjacent to Town Quay which is designated as a night time zone. There are a number of existing pubs and restaurants within Bugle Street and along Town Quay. As such, the proposed mixed A3 and A4 uses will not be out of character with the surrounding area and a balanced mix of commercial and residential uses will remain. The development will have no adverse impact on Town Quay Park because the premises license will not allow drinking outside of the lease area which comprises the building and the forecourt. Furthermore smokers will be encouraged to smoke at the front of the building.

7.10 Impact on neighbouring residential amenities

7.11 The proposed public house and restaurant is not considered demonstrably harmful to neighbouring residential amenities. No objection has been raised by the Council's Environmental Health team and conditions can be added to restrict the operating time until 12 midnight. The main entrance and front forecourt is located away from the nearest residential properties within Bugle Street. There is limited opportunity for noise breakout from this building having regard to its stone construction, limited door and window openings and because the entrance has an acoustic lobby. Furthermore regard needs to be had to existing background noise levels from road traffic, Red Funnel traffic and associated commercial activity within Town Quay and the surrounding area. The site is located within the city centre where commercial and residential uses co-exist. It should be noted that there is no residential use immediately adjoining the building or its entrance. Smoking is to be encouraged at the front with external tables and ashtrays to be provided. The proposal will need a separate approval for the premises license which will assess the suitability of amplified music in this location.

7.12 Customers do not generally leave pubs en mass so it is unlikely that customers leaving the premises and dispersing through adjoining streets will have a demonstrably harmful impact on the amenities of neighbours. It is worth noting that the applicants manage the Platform Tavern which appears to be well managed with very few documented noise complaints. The brewing process will not have an adverse impact on neighbours with any odours contained within the building. Furthermore there is an existing kitchen extract flue to prevent harmful cooking odours.

7.13 Highway Issues

7.14 The site is located within a high accessibility location and car free development is acceptable within the city centre due to good access by foot and public transport. Parking controls exist within Bugle Street and surrounding streets to prevent harmful on-street parking pressures. A traffic regulation order is required to convert the nearest 2 on-street parking spaces into a loading area which can be tailored to allow for deliveries during the daytime and car parking at night. Deliveries on the double yellow lines would not be acceptable due to the narrow width of that part of Bugle Street which may lead to vehicle conflict and vehicles unable to pass with vehicles backing up at the junction.

7.15 Bins will be stored to the rear of the building.

8. Summary

8.1 The public house and restaurant use will provide a viable continued use for this Grade I listed building and will not adversely harm the character and appearance of the building. No objection has been raised by English Heritage or the Council's Conservation officer, and their recommended conditions have been attached to this decision. Furthermore conditions have been added to control the hours of use and noise impact in the interests of neighbouring residential amenities. The planning system does not intervene in the market and cannot resist such applications on the grounds of increased competition to nearby public houses and restaurants.

9. Conclusion

9.1 It is recommended that the application be approved with conditions

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

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

AG for 22/04/14 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Full Permission Timing Condition - Change of use

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

Reason:

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

02. APPROVAL CONDITION - Hours of Use - food/drink establishments [Performance Condition]

The food and drink use hereby permitted shall not operate (meaning that customers shall not be present on the premises, no preparation, sale or delivery of food or drink for consumption on or off the premises) outside the following hours:

Monday to Sunday 12:00 hours to midnight

Reason:

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

03. APPROVAL CONDITION - Extract Ventilation - control of noise, fumes and odour [Pre-Commencement Condition]

No development shall take place until a written scheme for the control of noise, fumes and odours from extractor fans and other equipment have been submitted to and approved in writing by the Local Planning Authority. To include the compressor located externally. 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.

04. 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.

05. APPROVAL CONDITION - S106 to secure Traffic Regulation Order (Pre-commencement condition)

No development shall commence until the applicant has entered into a S106 legal agreement with the Council to secure a Traffic Regulation Order to allow the conversion of 2 on-street parking spaces within Bugle Street to be converted into a designated loading and unloading area during daytime hours. The spaces shall be reverted back to car parking during the evening with details to be agreed as part of the S106 negotiations.

REASON: In the interests of highway safety

06. APPROVAL CONDITION - Sustainable measures in a listed building [Pre-Occupation Condition]

Prior to the first occupation of the development hereby granted consent, the applicant shall provide to the Local Planning Authority for approval in writing a report demonstrating that sustainable design measures have been maximised and implemented (where agreed appropriate with the historic environment team)

REASON: To ensure the development minimises overall demand for resources and is compliant with the City of Southampton Core Strategy Development Plan Document (January 2010) policy CS20 and the City of Southampton Local Plan (March 2006) policies SDP13 and SDP6.

07. APPROVAL CONDITION - External Storage

Bins shall be stored within the gated rear alley at all times and shall only be moved for collection and cleaning purposes. No equipment or goods associated with the use hereby approved shall be stored externally unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interests of the setting of the listed building and the visual amenities of the area.

08. APPROVAL CONDITION – Delivery Times [Performance Condition]

No deliveries shall take place outside the hours of 0800hrs to 1900hrs on any day

REASON: In the interests of the amenities of the amenities of nearby properties

09. APPROVAL CONDITION – Soundproofing [Performance Condition]

Unless otherwise agreed in writing with the Local Planning Authority, a detailed scheme for the soundproofing of the building shall be submitted to and approved by the Local Planning Authority. Such agreed scheme of soundproofing shall be fully implemented to the satisfaction of the Local Planning Authority before the building is first brought into use and retained thereafter for the duration of the approved use of the building.

REASON: To protect the amenities of the surrounding area.

10. APPROVAL CONDITION - Permitted Development Restriction on Means of Enclosure [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 means of site enclosure within Schedule 2, Part 2, shall be erected around the building without the prior written consent of the Local Planning Authority.

REASON:

In the interests of the setting of the listed building and Town Quay Park

11. APPROVAL CONDITION - Approved Plans

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

REASON:

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

Note to Applicant:

01. Any additional signage will require separate listed building and advertisements consent.

POLICY CONTEXT

Core Strategy - (January 2010)

CS1	City Centre Approach
CS13	Fundamentals of Design
CS14	Historic Environment

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP7	Urban Design Context
HE1	New Development in Conservation Areas
HE3	Listed Buildings
REI7	Food and Drink Uses (Classes A3, A4 and A5)

Supplementary Planning Guidance

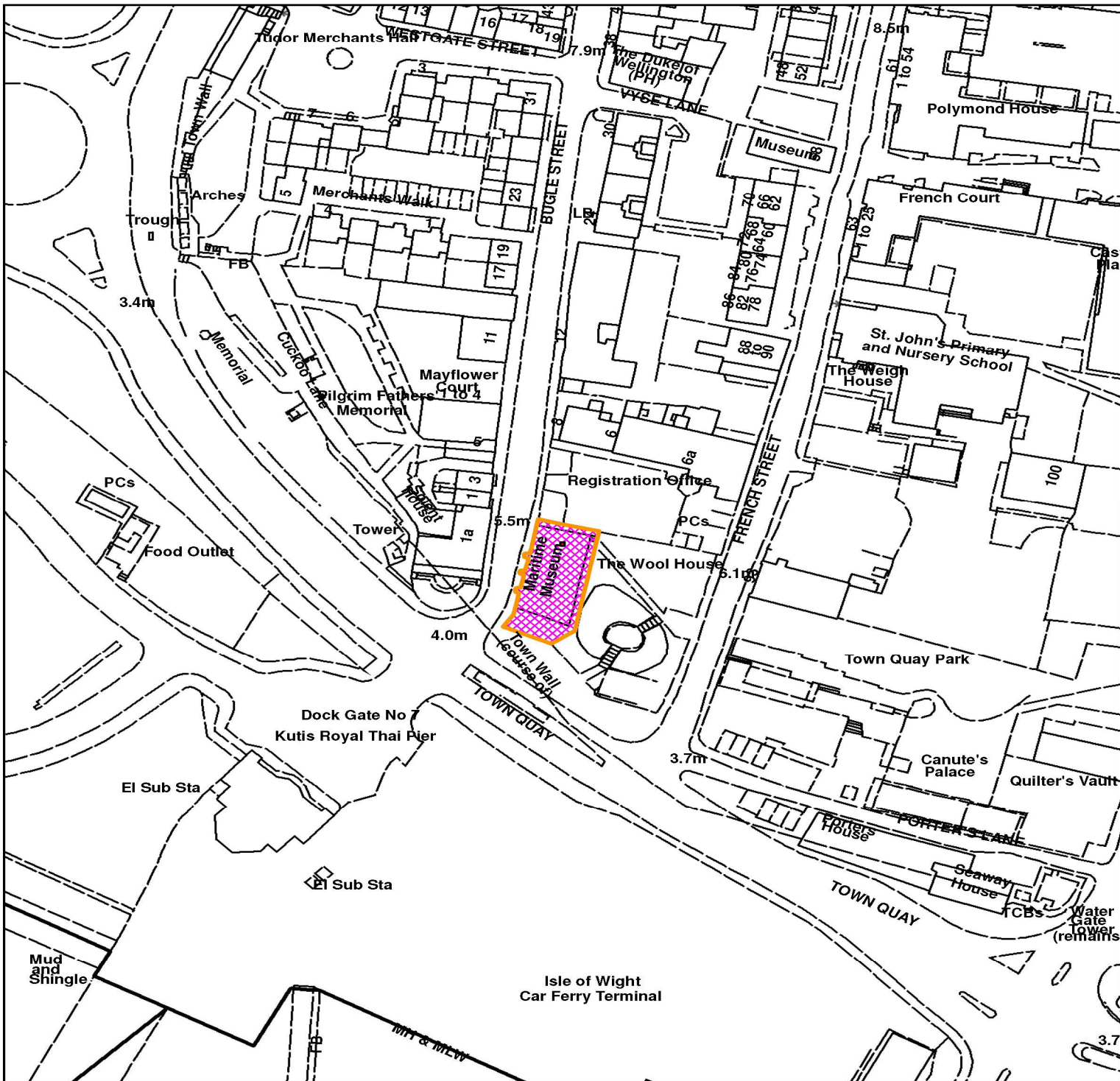
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

14/00122/FUL



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Agenda Item 6

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 22 April 2014
Planning Application Report of the Planning and Development Manager**

Application address: The Wool House, Town Quay, SO14 2AR			
Proposed development: Listed Building Consent sought for internal alterations to enable conversion of the existing museum into a Public House and Restaurant (submitted in conjunction with 14/00122/FUL).			
Application number	14/00123/LBC	Application type	LBC
Case officer	Andrew Gregory	Public speaking time	5 minutes
Last date for determination:	17.04.2014	Ward	Bargate
Reason for Panel Referral:	Referred by the Planning & Development Manager due to wider public interest	Ward Councillors	Cllr John Noon Cllr Matthew Tucker Cllr Sarah Bogle

Applicant: Mr Stuart Cross	Agent: Ian Knight (Knight Architectural Design)
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Not applicable
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Reason for granting listed building consent

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The public house and restaurant use will provide a viable continued use for this Grade I listed building and will not adversely harm the character and appearance of the building. No objection has been raised by English Heritage or the Council's Conservation officer, and their recommended conditions have been attached to this decision. 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 the relevant provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Planning (Listed Buildings and Conservation Areas) Regulations 1990 as amended. Listed Building Consent should therefore be granted.

In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP7, SDP9 and HE3 of the City of Southampton Local Plan Review (March 2006) and CS13 and CS14 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally approve

1. Background

1.1 The Wool House is a Grade I listed building owned and managed by the Council. The building was formerly occupied as the Maritime Museum which closed in October 2011 following the opening of the SeaCity Museum at the Civic Centre.

1.2 The Council sought a tenant through advertising the opportunity in 2011, but this was unsuccessful. The building was re-advertised in 2012 and the winning bid was from Dancing Man Brewery. The advertising of the building was an open process to secure a tenant for the building. Given the Council has limited resources; a tenant was needed who could deliver public access, invest in the building and provide a new use. The Wool house has performed many functions over its long history, the establishment of a brewery is simply the latest in a long list; museum, grain store, prison. Element Arts have been occupying the building on a short term basis.

2. Site and Surroundings

2.1 The Wool House is a two storey building constructed of stone with a tiled pitch roof. The building is located at the southern end of Bugle Street within the Old Town (West) Conservation Area. The building frames the footway on Bugle Street and fronts Town Quay with a deep footway to the front. A narrow gated service alley is located to the rear of the building.

2.2 Town Quay Park is located to the east side of the building. The surrounding area comprises a mix of residential and commercial use. Town Quay and the Red Funnel ferry terminal are located to the south, and the city Registry office is to the north. A vacant Grade II listed building (previously occupied by the Southampton University Air Squadron) is located on the opposite side of Bugle Street. On-street parking controls are in place within Bugle Street and double yellow lines are located outside the Wool House, at the junction with Town Quay.

2.3 The list description for this Grade I listed building reads as follows:

"C14 with C18 alterations. This was built, after the French raid of 1338, by Cistercian Monks as a storehouse for wool to be exported to Europe. It is the only surviving freestanding mediaeval warehouse in Southampton. Two storeys built of stone rubble with angle quoins. Old tiled roof. The west side has three massive

buttresses, semi-circular in plan, probably added in the C16 and C17. In the C18 the building was used to house French prisoners of war during the Seven Years War and Napoleonic Wars. At this time the quay front was rebuilt with segmental-headed windows and central door. The interior contains a fine C14 arched collar braced roof of Spanish chestnut. Aumbry set in the northern bay of the west wall at first floor level. Scheduled as an ancient monument. "

3. **Proposal**

- 3.1 The proposal is for listed building consent for the necessary alterations in connection with the change of use of the Wool House from a museum (Use Class D1) to a public house and restaurant (Use Class A3/A4). The layout includes a micro-brewery located to the rear of the ground floor. The ground floor will also include a bar and seating area and toilets at the front. The first floor will contain additional seating with the kitchen area and toilets to the rear. A mezzanine floor is proposed at the rear of the building providing office, staffroom and storage space.
- 3.2 No significant external changes are proposed. The layout will utilise existing openings and ducting. Bin storage and a compressor will be located within the rear alley and a new external gate is proposed to secure this area. Signage is proposed to be applied to the central first-floor glass window within the front elevation. Servicing will be via an existing opening to the side elevation facing Bugle Street. The side door to Town Quay Park will be opened up for use for emergency access.
- 3.3 The application indicates that much of the fit out works will be kept away from the original stone walls. It also avoids attachment to the 14th Century beams and posts. As such, much of the original fabric will remain on show. The ground floor level is to be raised by 360mm for servicing and the proposal seeks to connect to the existing drainage. The brewing area will be visible to the public and will have a hygiene clad perimeter to the side and rear walls.

4. **Relevant Planning Policy**

- 4.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 4.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

5. **Relevant Planning History**

- 5.1 Planning permission was granted for use of the building as a licensed restaurant in 1963 (SCC Ref 1223/76R1) however it is unclear whether this permission was implemented.

5.2 Please note that a full planning building application has been submitted in conjunction with this listed building application (SCC Ref 14/00122/FUL).

6. Consultation Responses and Notification Representations

6.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (28.02.2014) and erecting a site notice (25.02.2014). At the time of writing the report **36** representations have been received from surrounding residents with 17 in support (including support from Cllr Noon), 18 objections and 1 neutral comment. The following is a summary of the points raised.

6.2 This Grade I listed building is an important part of the city's maritime heritage and should be put to use to better serve the interests of local families, children, residents, Southampton citizens who take pride in their heritage, or to visitors with an interest in the heritage of the city.

Officer Response – The proposal will provide a viable and continued use for the building. No objections have been raised by English Heritage and the Council's specialist Conservation officer. The Council does not have funding to continue operating the building for public use and alternative arts venues are available.

6.3 The proposed development does nothing to preserve the character and distinguishing features of the Wool House as the significant beams and roof, pillars will be obscured by internal pods and mezzanine area.

Officer Response - No objections have been raised by English Heritage and the Council's specialist Conservation officer subject to conditions. Much of the original walls and roof beams will remain on show

6.4 Heavy usage of the building in terms of cooking and brewing processes may damage the building. There is insufficient information on how the crumbling walls will be preserved or how they will stand up to the building works.

Officer Response - No objections have been raised by English Heritage and the Council's specialist Conservation officer subject to conditions. Any steam will be contained within the tanks and the temperature of the brewing area will be controlled with air conditioning.

6.5 There appears to have been no risk assessment of the potential impact from the brewing process in terms of high temperatures, condensation and other manufacturing hazards

Officer Response - No objections have been raised by English Heritage and the Council's specialist Conservation officer subject to conditions. The brewing process does not require dangerously high temperatures. A microbrewery is currently in place at the Platform Tavern.

6.6 The proposed development will have a detrimental impact on the surrounding residential neighbourhood. There will be late night noise and potential disruption to local residents as drinkers gather on the pavement and leave the pub at night.

Officer Response – No objection has been raised by the Council's Environmental Health officer. The building is of solid stone construction, has limited window openings and the main entrance is lobbied therefore significant noise breakout is

unlikely. The premises will be conditioned to have terminal hours of midnight closing. The application for a premises license will assess the need for controls in relation to any amplified music. Tables and chairs and ash trays will be to the front of the building. There is existing background noise in this area from road traffic noise and from commercial activity at Town Quay (including Red Funnel).

- 6.7 There is no need for another drinking establishment in the area with three pubs already sited on Bugle Street, already causing late night noise for some residents. The Council should be seeking to minimise the impact of alcohol in residential areas, not adding to the problem.

Officer Response – No evidence has been submitted to demonstrate that an additional pub will have a harmful cumulative impact and there is no planning policy restricting additional pubs providing that other amenity and land use policies prevail

- 6.8 Deliveries will cause disturbance and the siting of the loading bay on the lower east side of Bugle Street may prejudice highway because vehicles overtaking the parked vehicle may collide with vehicles turning into Bugle Street (at speed). Loss of parking spaces within Bugle Street.

Officer Response – Highways Development Control consider that a TRO is needed to make two on-street parking spaces available for deliveries and collection.
The TRO could be tailored to make the spaces available for parking in the evening.

- 6.9 Increased on-street parking pressures

Officer Response – The site is located within the city centre which is an area of high accessibility. It would be difficult to defend a reason for refusal relating to increased parking pressures given the availability of parking within the city centre and the level of accessibility by alternative modes of transport. TRO parking controls (pay and display) exist within the area.

- 6.10 The production brewing process will cause odour nuisance. Furthermore the cleaning of the barrels will be an environmental hazard with insufficient external space or on-site drainage.

Officer Response - The brewing process and associated aroma is contained within the building. Keg barrels will be cleaned off site because there is insufficient external space and drainage for cleaning on site.

- 6.11 Concerns that an increase in the number of people within the building may conflict with fire regulations. Bins within the rear alley will block persons exiting the building in the event of a fire.

Officer Response – Fire risk assessment is not a matter for planning however, the rear alley does not appear to be an important escape route.
The rear alley is the only practical area to store the bins.

- 6.12 There is a danger that patrons spilling out onto Town Quay Park will squeeze out other users of the park such as dog walkers and families with children. There is no explanation of how the park will be protected as a separate space from pub users, or protected from other detritus such as glasses, broken glass or cigarette butts

Officer Response – It is understood that the premises license will not allow drinking on Town Quay Park. Drinking is only allowed within the licensed area within the lessee's control.

6.13 In support

- The prospective landlord has proved to be a good and responsible landlord at the Platform Tavern.
- The fact that the applicants want to invest in this heritage building shows their commitment to Southampton's community.
- The development will provide jobs and a more secure future for the venue.
- The recently completed 'Butchers Hook pub and micro brewery' has had a positive community impact in Bitterne Park.
- The development is in keeping with the conservation area and listed building.
- Excellent use for this Grade I listed heritage building.
- Southampton needs to make use of such assets.
- Alternative arts facilities will be available in the new arts quarter near the Guildhall and within God House Tower.

Consultation Responses

- 6.14 **English Heritage** - No objection in principle subject to planning conditions requiring the following:

- Details of the new mezzanine floor to ensure that the existing structure is capable of taking the additional loadings and the methods of fixing and lining the walls;
- A method statement for removing the concrete steps which are against the medieval stonework (to ensure that no stonework is damaged);
- The surface finish or cladding of the new walls to the new structure on the mezzanine (bar/staffroom/kitchen area);
- A repair schedule to ensure that the building is properly repaired prior to occupation.

This fine Grade I Medieval building is a great asset to the City of Southampton and its closure to the public since the Maritime Museum was relocated has been a great loss to the community. It is particularly pleasing, therefore, that a proposed use, which will enable the public to enjoy this building once again, has come forward. The use would also appear to be a very good 'fit' for the building

in that relatively little alteration would be required to accommodate the micro brewery/pub/restaurant use.

6.15 **SCC Heritage** – No objection subject to the following conditions:

- A Method Statement for the removal of the stairs at the north-west corner of the building is required.
- Structural Engineer's calculations are required to demonstrate that the mezzanine at first floor is capable of being supported on the timber beam (as shown).
- Details of the external finish to the offices above are required.
- Details of the design of the new door to the east elevation, and the proposed new gates to the alleyway at the north are required, including details of fixings.
- Details of loading and unloading to ensure the pavement is not damaged
- Details of mechanical and electrical services will need to be agreed prior to works starting on site.
- An informative will be needed indicating that any additional signage will need advertisement and listed building consent.

The proposed use as a micro-brewery would have minimal impact on the structure and fabric of the building. No new openings are proposed into the walls, and the only items that will be removed are the 1960's steps to the rear.

6.16 **Old Town Residents Association** - OTRA is not against the planned change of use in principle, however they have serious concerns about the proposals (and the lack of detail therein) in regards to noise, parking, traffic, fire safety, waste management and internal pod structure and associated impact on the character of the building. It is hoped that any lease and licence granted by the Council approving any change of use will protect both local residents and the integrity and heritage of the building.

6.17 **Southampton Commons and Park Protection Society** – No objection in principle subject to the following caveats:

No means of enclosure being erected between the building and Town Quay Park, in the interests of views from the park.

Officer Response – A planning condition can be added.

The proposal seeks to re-open the door on the east elevation allowing access to Town Quay Park. SCAPS would have no objection to patrons using Town Quay Park providing it does not exclude the general public from using that area and that the lessee supervises the use of the area and ensures it's kept clean and tidy.

Officer Response – Use of Town Quay Park for drinking is unlikely to be granted under the premises license application.

7. Planning Consideration Key Issues

- 7.1 The key issue for consideration in the determination of this application is the impact on the special architectural and historic interest of the listed building. All other planning matters are considered as part of the associated planning application on this agenda.
- 7.2 The development proposes no significant external changes to the building and the development will not impact on the setting of the Old Town (West) Conservation Area. The proposal has raised no objections from English Heritage and the Council's Conservation Officer and their suggested conditions seeking details of works, services, repairs and materials will be added. The internal fit out will be carefully monitored and is proposed to have minimal intrusion on the historic fabric of the building. The internal design ensures that much of the original fabric will remain on show to the public and will not harmfully detract from the character of the building.

8 Summary

- 8.1 The public house and restaurant use will provide a viable continued use for this Grade I listed building and will safeguard the special architectural and historic interest of the building. No objection has been raised by English Heritage or the Council's Conservation officer, and their recommended conditions have been attached to this decision.

9 Conclusion

- 9.1 It is recommended that the application be approved with conditions

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

AG for 22/04/14 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Listed Building Commencement Period Condition

The works to which this Listed Building consent relates must be begun not later than three years beginning with the date on which this consent is granted.

Reason:

To conform to the requirements of Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

02. APPROVAL CONDITION - Works to listed building

Prior to the commencement of development the following details shall be submitted to the Local Planning Authority and agreed in writing and the works shall be carried out strictly in accordance with the agreed details:

- Details of the new mezzanine floor to ensure that the existing structure is capable of taking the additional loadings (including structural engineer's calculations) and the methods of fixing and lining the walls;
- A method statement for removing the concrete steps which are against the medieval stonework (to ensure that no stonework is damaged);
- The surface finish or cladding of the new walls to the new structure on the mezzanine (bar/staffroom/kitchen area);
- A repair schedule to ensure that the building is properly repaired prior to occupation;
- Details of the design of the new door to the east elevation, and the proposed new gates to the alleyway at the north are required, including details of fixings;
- Details of loading and unloading to ensure the pavement is not damaged;
- Details of mechanical and electrical services.

REASON: To protect the character and setting of this Grade I listed building

03. APPROVAL CONDITION - Approved Plans

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

Reason:

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

POLICY CONTEXT

Core Strategy - (January 2010)

CS13 Fundamentals of Design
CS14 Historic Environment

City of Southampton Local Plan Review – (March 2006)

SDP1 Quality of Development
SDP7 Urban Design Context
SDP9 Scale, Massing & Appearance
HE3 Listed Buildings

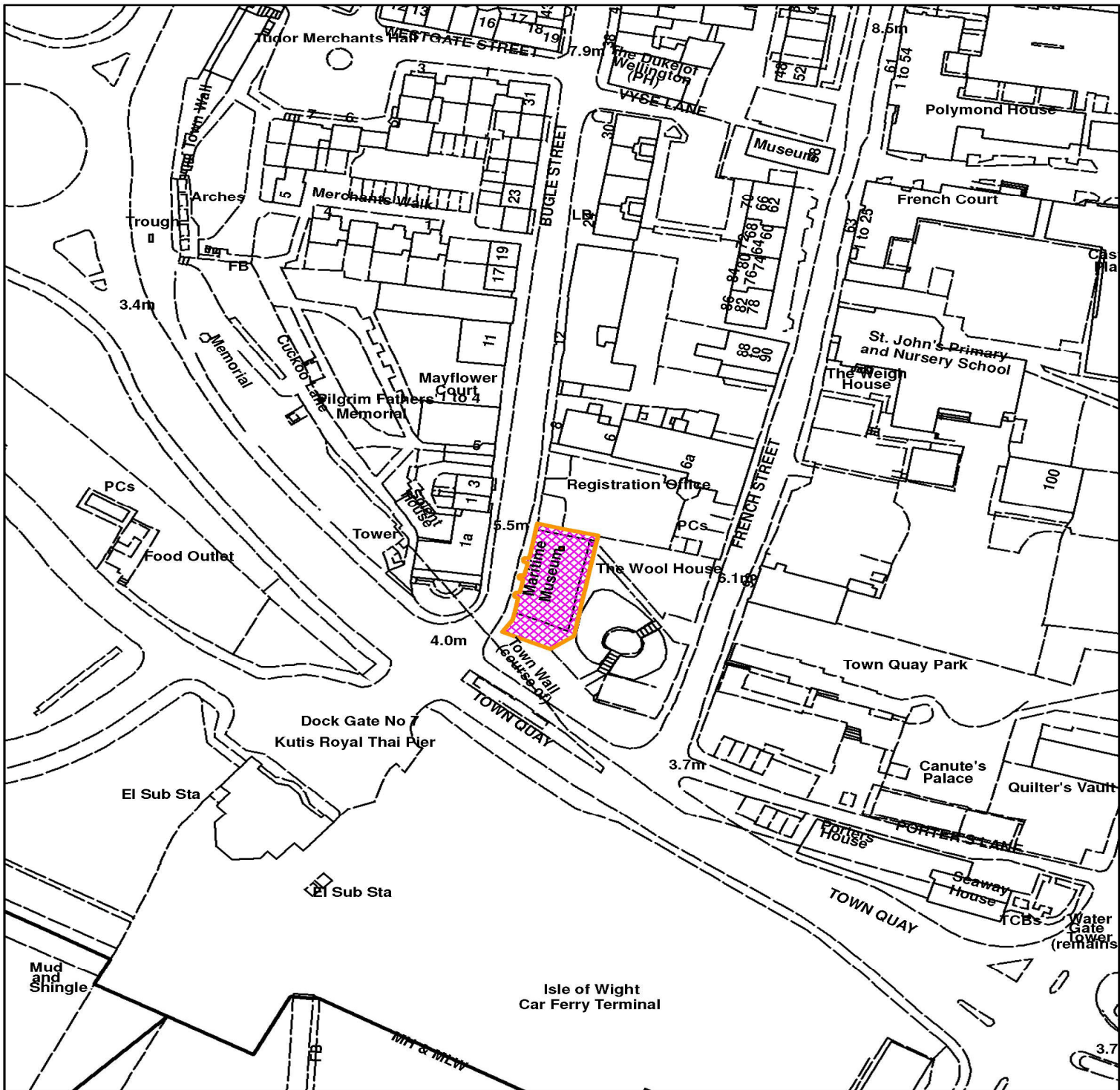
Supplementary Planning Guidance

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012

14/00123/LBC



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Agenda Item 7

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

Application address: 367A Winchester Road SO16 7DJ			
Proposed development: Change of use from kitchen showroom (Class A1) to beauty salon			
Application number	14/00304/FUL	Application type	FUL
Case officer	David Nip	Public speaking time	5 minutes
Last date for determination:	23.04.2014	Ward	Bassett
Reason for Panel Referral:	Request by Ward Member and five or more letters of objection have been received	Ward Councillors	Cllr B Harris Cllr L Harris Cllr J Hannides

Applicant: Ms Cheryl Howard	Agent: Mr Tim Sage
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	No
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Overall the scheme is acceptable and the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area. Other material considerations have been considered and do not have sufficient weight to justify a refusal of the application. The application is in accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 Planning Permission should therefore be granted.

Policies SDP1 and REI6 of the City of Southampton Local Plan Review (March 2006); Policies CS3 and CS19 of the Local Development Framework Core Strategy (January 2010) and National Planning Guidance contained within the National Planning Policy Framework (March 2012).

Appendix attached	
1	Development Plan Policies
2	Relevant Planning History
3	Land uses in the Local Centre

Recommendation in Full – Conditional Approval

1.0 The site and its context

- 1.1 367A Winchester Road is designated within a local centre. A variety of retail uses concentrate along this section of Winchester Road and Burgess Road at immediate south. The site was previously in retail use but it is currently vacant.

2.0 Proposal

- 2.1 Change of use of ground floor (A1 Use Class) retail unit to use as beauty salon (sui generis Use Class).

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4.0 Relevant Planning History

- 4.1 The unit was last used as a kitchen showroom, it is believed that the site has been vacant for approximately one year; an application was submitted last year which sought for change of use of the A1 unit to a Café (A3) and Takeaway (A5) (ref: 13/01068/FUL), the application was subsequently withdrawn.
- 4.2 The remaining planning history is given in **Appendix 2**.

5.0 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice (04/03/2014). At the time of writing the report **34** representations have been received from local residents and ward councillors. The following is a summary of the points raised:
- 5.2 *Parking situation would be worsening should permission be granted for change of use.*

Response: The Highways Officer is satisfied that the proposed development has an acceptable impact on highway safety and parking. Please see paragraph 6.4 for further discussion.

- 5.3 *The introduction of the hair salon would have an adverse impact towards other shops of similar nature. There are alternative uses which may be more suitable for this site.*

Response: This is a matter for the “market” to decide and not a planning matter. The local centre policies allow for a full range of uses which provide a direct service to customer so the proposed use is very much part of a modern centre.

- 5.4 *The concentration of beauty shop along Winchester Road would become unacceptably high that would affect the balance of the local centre.*

Response: It is considered the impact towards the Local Centre would be acceptable. There is a strong mix of uses within the local centre of which retail remains the most dominant use. The proposal will bring a currently vacant building back into use which will be beneficial for the vitality of the area.

5.5 Consultation Responses

5.6 SCC Highways – No objection

6.0 Planning Consideration Key Issues

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

6.2 Principle of Development

- 6.2.1 The site forms part of the designated Local Centre and safeguarded by Saved Policy REI6. A wide range of Class “A” Uses are permitted in principle.
- 6.2.2 A beauty salon whilst a sui generis use, is likely to have similar activities to some A1 retail uses such as a hairdresser, and is also likely to work on an appointment basis and attract occasional passer-by customers. The existing shop front would be retained.
- 6.2.3 It is proposed to open the beauty salon from 09.00 hours to 18.00 hours Monday to Sunday and this would also be comparable with the opening hours of many Class A1 premises along Winchester Road. Therefore, the proposed change of use from A1 retail unit to a beauty salon would be acceptable in this instance.
- 6.2.4 The proposed use provides employment opportunities; furthermore, it is encouraged that the proposal would bring the vacant site back into use, which is in accordance to Policy CS3 and REI6.

6.3 Impact on character of Local Centre

Changes of use within local centre are acceptable provided the retail function and vitality of the parade is not undermined. The existing A1 unit (vacant at present) will be replaced, but more than 50% of the units in the Local Centre remained as A1 use. The map and graph attached in **Appendix 3** show the distribution of the Uses (based on *Use Classes Order 1987*) within the designated Local Centre.

- 6.3.1 In the current situation the premises is one of twenty one units in the Local Centre. There are two existing beauty salon (sui Generis), two restaurant/café (A3), three take-away (A5) and a wide range of retail uses (A1) including two hairdressers.

6.3.2 The proposal would increase the concentration of beauty shop from 9.5% to 14.3%; including the two hairdressers (which are classified as A1 Retail use) the concentration would be approximately 24%. Based on the figures, it is considered the introduction of the third beauty shop would not be harmful towards the balance of the Local Centre, as 76% of the uses would remain non-cosmetic related.

6.3.3 The proposed use is considered acceptable in this location.

6.4 Neighbouring Amenity

6.4.1 It is considered that there would not be any adverse impact towards the amenities of the adjoining occupiers. The activities associated with the proposed sui Generis use as a beauty salon would cause no more harm than that which might be generated by a similar retail use such as a hairdressers. However, it is recommended that the hours of use proposed be secured as a condition of planning permission.

6.4.2 The impact towards neighbouring amenity is acceptable and complies with relevant policies.

6.5 Highways

6.5.1 No parking space is proposed under this application, it is noted that there is one parking space at rear which is mainly for staff parking. The proposal does not create a new retail unit and it is unlikely to generate any traffic over and above that which might be generated by an A1 retail unit. No objection received from the Council's Highways Development Team.

6.5.2 It is not therefore considered that there are any parking or highway concerns to justify a refusal of planning permission.

7.0 Conclusion

7.1 All other planning considerations including equalities have been taken into account. The development is considered acceptable and in accordance to the Development Plan Policies. On balance, this application is recommended for approval subject to conditions set out in the agenda.

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

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

SCSD for 22/04/2014 PROW Panel

PLANNING CONDITIONS

1. APPROVAL CONDITION - Full Permission Timing Condition - Change of use [Performance Condition]

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

Reason:

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

2. APPROVAL CONDITION - Approved Plans [Performance Condition]

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

Reason:

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

3. APPROVAL CONDITION - Hours of Use – Beauty Salon [Performance Condition]

The beauty salon hereby permitted shall not operate (meaning that customers shall not be present on the premises, no preparation or sale on or off the premises) outside the following hours:

Monday to Sunday and recognised public holidays 09.00 hours to 18.00 hours
(9.00am to 6.00pm)

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

Reason:

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

POLICY CONTEXT

Core Strategy - (January 2010)

CS3 Promoting Successful Places
CS19 Car & Cycle Parking

City of Southampton Local Plan Review – (March 2006)

SDP1 Quality of Development
REI6 Local Centres

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012

Relevant Planning History

1094/39 - Office (East of No. 367)
Temporary Conditional Approval - 01.10.1956

1288/59 - Erection of a block of 4 shops and 4 maisonettes and a block of four garages
Conditionally Approved - 13.07.1965

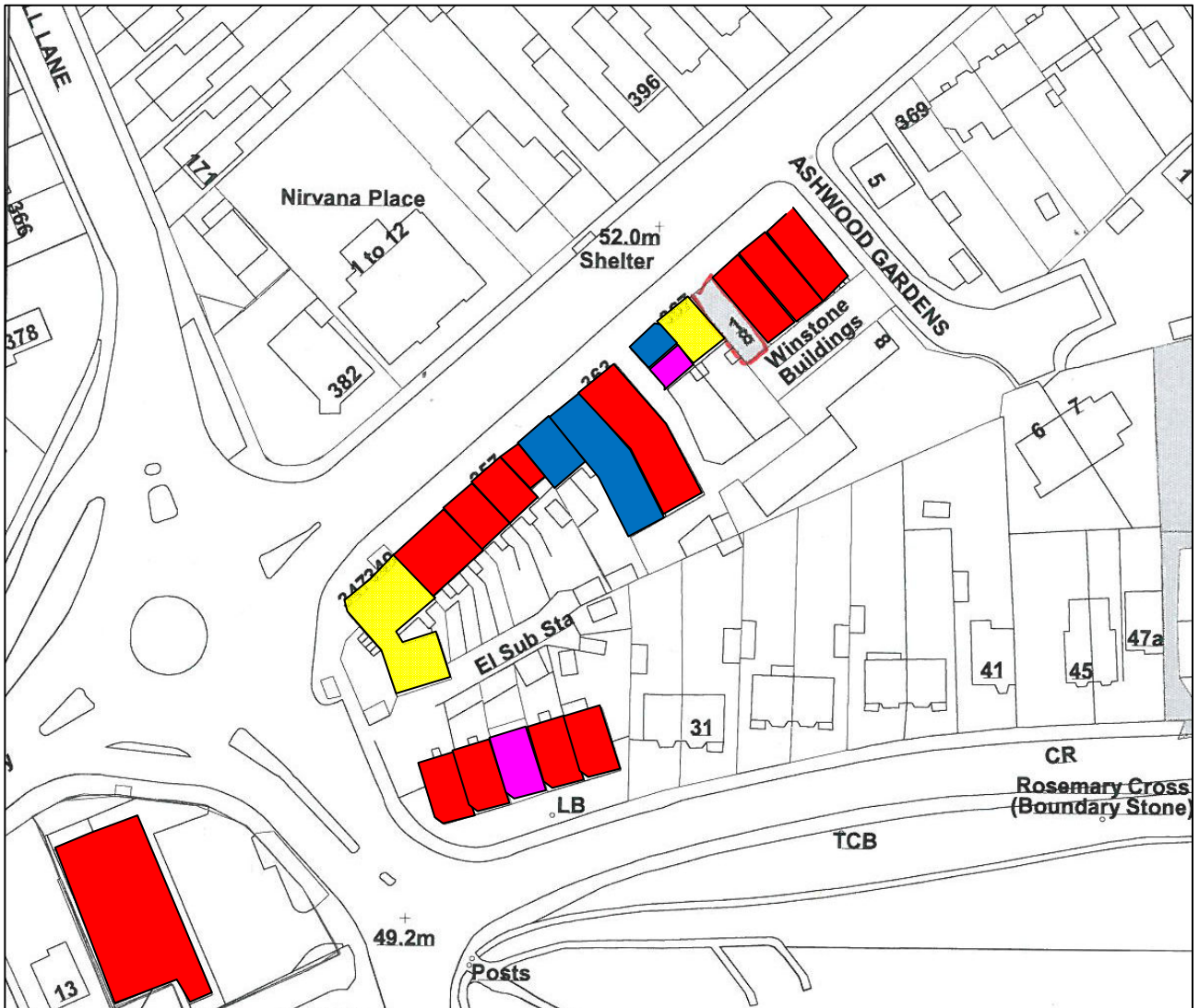
1301/P14 - Use as a bank of the westernmost shop unit in the development.
Conditionally Approved - 08.02.1966

980082/W – Change of use from retail shop (Class A1) to beauty and body tanning shop
(Class A2)
Conditionally Approved - 13.03.1998

990340/W - Change of use from retail shop (Class A1) to tea rooms
Withdrawn - 20.04.1999

13/01068/FUL - Change of use from A1 retail to a flexible mixed use including A1, A3
cafe/restaurant & A5 hot food takeaway. Installation of extraction flue to rear
Withdrawn - 10.09.2013

Land Uses in the Local Centre



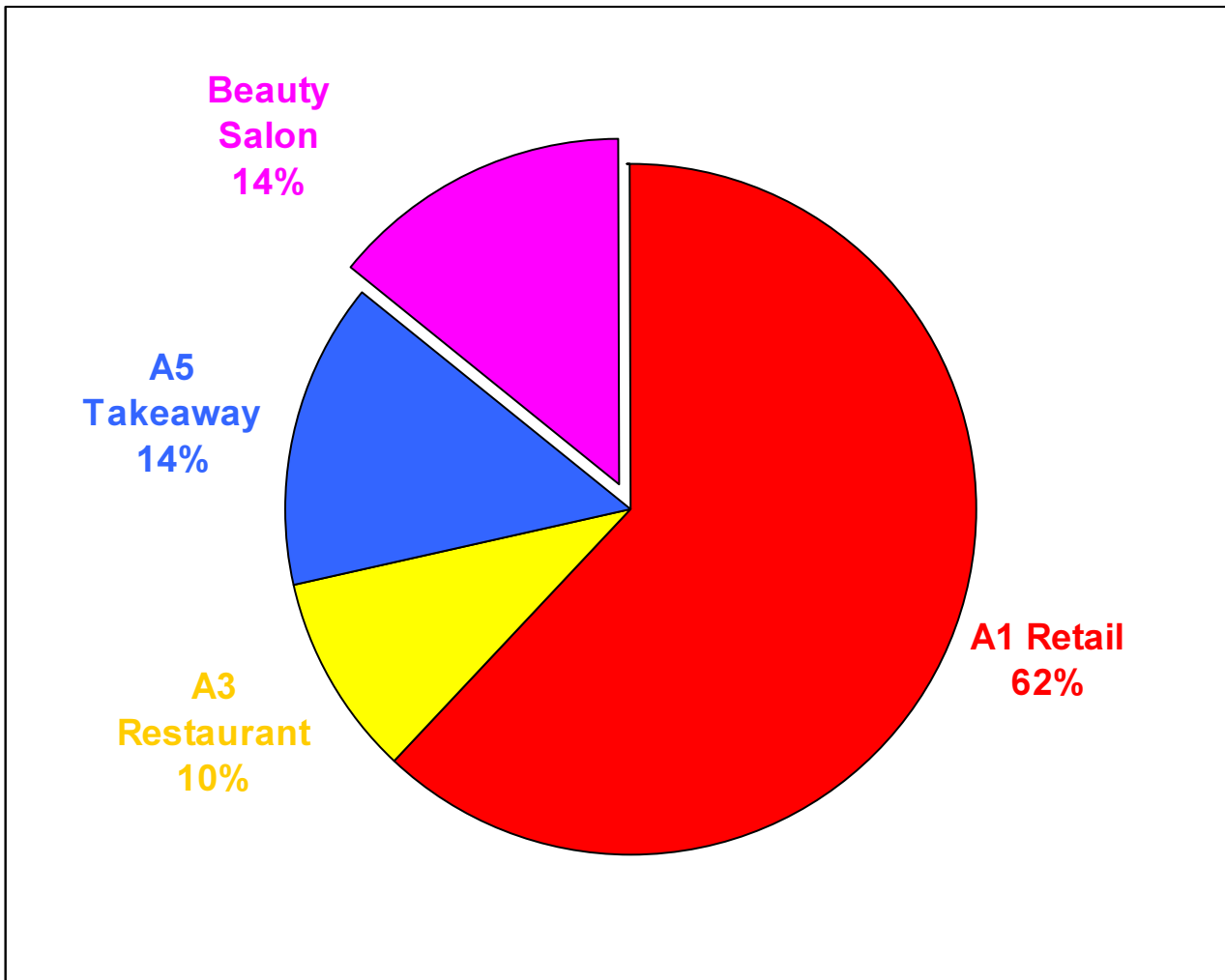
367A Winchester Road
14/00304/FUL
Appendix 3

Survey date: 25th Feb 2014

Existing Land Use

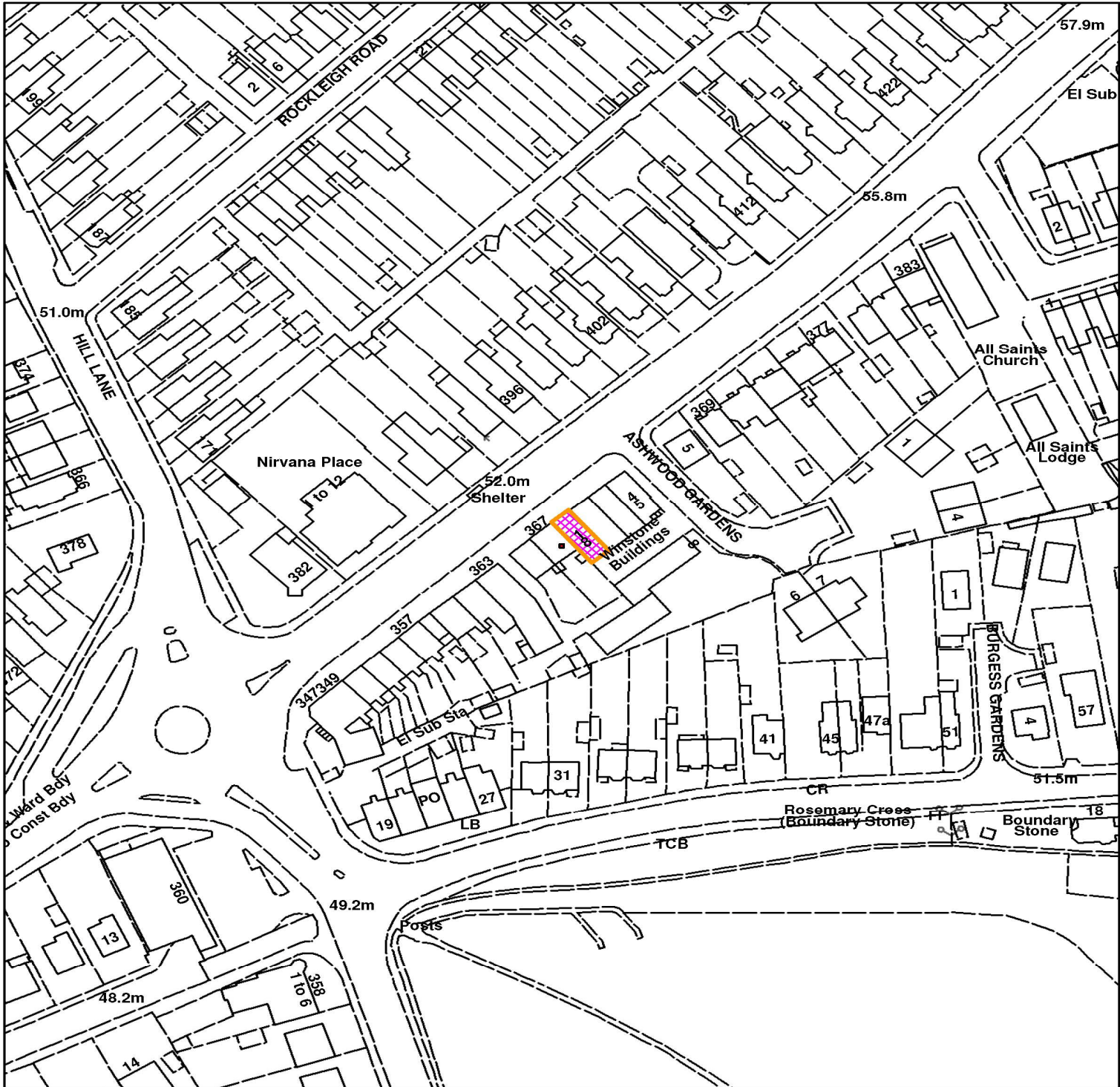
-  A1 Retail
-  A3 Restaurant
-  A5 Take-away
-  Beauty Salon

Land Use distribution if permission is granted



367A Winchester Road
14/00304/FUL
Appendix 3

14/00304/FUL



Scale: 1:1,250

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Agenda Item 8

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

Application address: 83 Waterhouse Lane SO15 8QB			
Proposed development: Erection of a three storey building including accommodation in the roofspace, comprising 1 x one bed and 4 x two bed flats (Outline Application seeking approval for Access, Appearance, Layout And Scale)			
Application number	14/00029/OUT	Application type	OUT
Case officer	Joanne Hall	Public speaking time	5 minutes
Last date for determination:	03/03/2014	Ward	Millbrook
Reason for Panel Referral:	Referred by the Planning & Development Manager	Ward Councillors	Cllr Asa Thorpe Cllr David Furnell

Applicant: Allen Property Management Ltd	Agent: John Warwick
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to the criteria listed in the report.
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Community Infrastructure Levy Liable	Yes
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations 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. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

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

Appendix attached			
1	Development Plan Policies	2	Site History

Recommendation in Full

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

- i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPD relating to Planning Obligations (September 2013);
- ii. Provision of affordable housing in accordance with Policies CS15, CS16 and CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPD relating to Planning Obligations (September 2013).
- iii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
- iv. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).

2. In the event that the legal agreement is not completed by *3 months from the date of this meeting (by 22 July 2014)* the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

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

1.0 The site and its context

1.1 The application site consists of land taken from rear gardens of properties within Waterhouse Lane. The site itself faces onto Waterhouse Way. The site is surrounded by a mix of residential properties including two storey houses, blocks of flats and apartments for the elderly. Directly opposite the site is part of the old B.A.T site. The site currently contains garages which are accessed from a side track which run along the rear gardens of the properties on Waterhouse Lane.

2.0 Proposal

2.1 The proposal is for a three-storey block of flats comprising 4x two bed flats and 1x one bedroom flat in the roofspace. The design would include two front dormer windows and six rear facing rooflights within a hipped roof. The front elevation of the block would include two projecting gables and a porch above a central, communal front door. It is proposed that the materials used on the exterior of the building would be brickwork at ground floor, render to the first floor and roof tiles to the third floor/roof space similar to that of a traditional dwelling.

2.2 Similar schemes have previously been determined on this site as detailed in section 4.1 and **Appendix 2**. Some earlier schemes had a smaller site area with only three rear gardens incorporated within the application site. This application incorporates the rear gardens of 83, 85, 87 and 89 Waterhouse Lane.

2.3 The scheme has no provision for off-road parking and only provides facilities on site for the storage for bicycles. The proposal includes a communal rear garden space for the use of the residents of the flats. It is proposed that the flats will be built to meet Code 4 of the Code for Sustainable Homes as required by policy CS20.

3.0 Relevant Planning Policy

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

3.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.

3.3 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4.0 Relevant Planning History

4.1 There have been various similar applications on this site in the past. A scheme was originally refused in 2007 due to the bulk of the building as well as issues relating to overlooking. This has been previously addressed by the removal of rear facing windows, lowering the height of the roof and reducing the depth of the building. This amended scheme was approved in 2007 but not implemented and as such that permission has expired. In 2008, the scheme was altered further to include dormer windows and an additional flat in the roof space which was judged to be supportable in principle but was refused only due to the lack of an S106 agreement.

4.2 Full site history is shown in **Appendix 2**

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice (10.01.2014). At the time of writing the report **3** representations have been received from surrounding residents. The following is a summary of the points raised:

5.1.1

- Reduction in size of garden means less area for children to play

Response – The rear gardens of 83-89 Waterhouse Lane remain suitable for residential amenity of the occupiers of the properties. Planning permission is not required to subdivide the gardens.

- There are already noise concerns and potential for anti-social behaviour which this application could make worse

Response – any existing neighbour problems are not particularly relevant to this application and, in principle, the proposal should not lead to noise problems. Like other properties, if occupants do cause a problem then the appropriate route is to raise that with Environmental Health who have the necessary powers to deal with such nuisance.

- Inconvenience, noise and obstructions caused by construction works / access to rear track leading to garages

Response – The rear track is used by the residents of Waterhouse Lane as it is a means of access to the rear of their properties. Access can be controlled by condition to minimise the impact on residential neighbours through limiting hours of construction and requiring vehicles to leave the track clear for residents to use.

- Reduce property values

Response – Property values are not a material planning consideration and as such cannot be considered as part of this application.

- Only immediate neighbours have been notified

Response – The Local Planning Authority has fulfilled its obligation by notifying all neighbours which share a boundary with the site including those in Latham Court who border the site. A site notice was also erected close to the site. Comments will be considered by anyone submitting them in time.

- Loss of privacy

Response – There are not rear windows at first floor level which would overlook the properties and gardens to the rear of the site. The impact on the residential amenity of the flats is mitigated using roof lights within the roof slope. There is a side window in each side elevation which serves bathrooms. These will be obscure glazed.

- Daylight

Response – The Residential Design Guide SPD sets out separation distances of 12.5m between habitable room windows and gable ends to ensure that adequate daylight is not lost. Number 89 would be situated 15.4m at first floor level from the side wall of the proposed building with the ground floor extension being 12.5m away. Number 87 is closer with 11.7m distance at first floor and 7.7m at ground floor. However, number 87 is situated to the end of the proposed building and will partially back onto the garden area and would therefore not be impacted upon as significantly. The RDG also sets out a 45 degree rule to maintain daylight and outlook. This can be applied to the properties of Latham Court. There are no side windows which face onto the site and the proposed building would not breach the 45 degree code when measured from the front and rear windows of the flats.

- Parking issues

Response – There have been no objections from the highways officers in principle. It is noted that a parking survey would have been useful but not essential for this application as judged by the Highway Development Management Team.

Consultation Responses

- 5.2 **SCC Highways** – No objections in principle. There are however, a few things which will need to be addressed. As the scheme is car free, the introduction of five units may have some harmful impact to the local on-street parking. This will depend on its current capacity and demand and therefore a parking survey in the form of the Lambeth model may be required. Further details will need to be submitted for the cycle storage facilities and must comply with SCC standards. With shared stores, there should be lock systems provided for each individual cycle (e.g. Sheffield stands). If possible, the 2m x 2m sightline on the South-western corner of the site should be conditioned so that it must be maintained and kept clear at all times.

Updated - With regards to the lack of parking survey, this is judged to be acceptable for this application. The Highways Officer was on site along this section of Waterhouse Lane (13/03/14 evening) and the parking demand was not too high. Also, along this section of the street, the carriageway width is fairly wide and it is not considered that this is a highway safety concern and is more of an amenity issue.

- 5.3 **SCC Sustainability Team** – A full pre-assessment estimator for the code for sustainable homes has been received, demonstrating that the development can achieve level 4.

Condition to be imposed for Code Level 4 (pre-commencement)

- 5.4 **SCC Environmental Health (Contaminated Land)** - The proposed land use is judged as being sensitive to the affects of land contamination. Records maintained by SCC - Regulatory Services indicate that the subject site is located on/adjacent to the following existing and historical land uses:-

- Warehouse
- Bedding Works
- BAT Factory

These land uses are associated with potential land contamination hazards. There is the potential for these off-site hazards to migrate from source and present a risk to the proposed end use, workers involved in construction and the wider environment.

Therefore, to ensure compliance with Para 121 of the National Planning Policy Framework ' March 2012 and policies SDP1 and SDP22 of the City of Southampton Local Plan Review (adopted version, March 2006) this department would recommend that the site be assessed for land contamination risks and, where appropriate, remediated to ensure the long term safety of the site. Issues to be address by condition for unsuspected contamination.

- 5.5 **SCC Community Infrastructure Levy (CIL)** – The development will become CIL liable at reserved matters stage. The charge will be levied at £70 per sq m on the Gross Internal Area of the new development. If any existing floor space is to be used as deductible floor space the applicant will need to demonstrate that continuous lawful use of the building has occurred for a continuous period of at

least six months within the period of 12 months ending on the day that planning permission first permits the chargeable development. Please include an informative so the applicant is aware of this.

5.6 **Southern Water** – Require discussion with developer regarding connection to the sewers and therefore recommended informative on application.

5.7 **Environment Agency** - No objections to the development as proposed

6.0 **Planning Consideration Key Issues**

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

6.2 **Principle of Development**

6.2.1 There have been various applications for this scheme on this site in the past. A scheme was originally refused in 2007 due to the bulk of the building as well as an issue relating to overlooking. This was addressed by the removal of rear facing windows which overlooked neighbouring gardens. The bulk was also reduced by lowering the height of the roof and reducing the depth of the building. This amended scheme was approved in 2007 but not implemented and as such the permission no longer stands. 2008 saw the introduction of dormer windows to the front elevation to facilitate a 5th flat in the roof space. The scheme was judged to be supportable in principle but was refused due to the lack of S106 agreement. From this, it is judged that the principle of the development has previously been deemed acceptable. There have not been any material changes in policy which would override this.

6.3 **Residential amenity of neighbouring properties**

6.3.1 There are two main differences between the previous schemes and the current proposals which are:-

- that the roof height and pitch have been increased slightly; and
- that an extra area of land has been incorporated into the site from a rear garden.

The roof height is slightly higher but does not change the general appearance or scale of the proposed building. In order to mitigate the impact of the increased height, the property has been set back within the now larger site. As an additional rear garden has been incorporated into this scheme, the impact of the development upon rear gardens of Waterhouse Lane is reduced in terms of overshadowing.

6.3.2 As with the two previous schemes, measures have been taken to ensure that the neighbouring residential properties and gardens will not be overlooked by occupiers of the proposed development by removing windows from the rear elevation at first floor level and using obscure glazed windows in the side elevations. The rooms at first floor level are designated as bedrooms and would be lit by roof lights in order to maintain sufficient daylight to rooms.

6.3.3 As well as issues of privacy, concerns were raised by neighbours regarding loss of light and outlook. Paragraph 2.2.7 of the Residential Design Guide (RDG) recommends a separation distance of 12.5m between habitable room windows

and gable ends. Number 89 would be situated 15.4m at first floor level from the side wall of the proposed building with the ground floor extension being 12.5m away. Number 87 is closer with 11.7m distance at first floor and 7.7m at ground floor. However, number 87 is situated to the end of the proposed building and will partially back onto the garden area and would therefore not be impacted upon as significantly.

6.4 Design and character

6.4.1 The use of different materials helps the building to blend in with the area and helps reduce its bulk. The traditional style is in-keeping with the surrounding properties and character of the area by incorporating timber frame detailing, front facing gables and traditional materials. The three storey building height is taller than the neighbouring two storey buildings. However, it has the appearance of a traditional two storey residential building with roof space and due to the change in ground levels sloping away from Waterhouse Lane down Waterhouse Way, the ridge of the roof of the proposed block is below that at 87 and 89 Waterhouse Lane. Sufficient defensible space will be provided to the front of the site with the addition of a low level wall which protects the privacy of the ground floor flats as well as adding to the traditional appearance of the building with the creation of a front garden style area. The design of the building is therefore acceptable and is in-keeping with the character of the streetscene.

6.5 Residential amenity of occupiers of flats

6.5.1 As a result of the increased site area, the garden size has been increased which provides a good level of outdoor amenity space for the residents of the building. Both policy CS16 and the RDG state that 20sqm of garden space should be provided per flat within a communal area. This has been exceeded with a proposed area of 130sqm. The garden appears to be sufficiently private and suitable for sitting out, drying washing and other related activities. However, landscaping matters (including soft and hard landscaping and means of enclosure) will be dealt with and agreed as reserved matters.

6.5.2 The site has a density of approximately 142 dwellings per hectare (dph). This is in keeping with the high density level of the surrounding terraced properties and nearby flatted blocks. The site is within approximately 400m via English Road, Heysham Road and Villiers Road from Shirley District Centre which is a walkable distance to local amenities and public transport links. Bus stops can be found in Waterhouse Way, Shirley Park Road and English Road.

6.6 Highways and parking

6.6.1 Sufficient bin and cycle storage facilities have been provided on site with bins and some cycles being stored in the garden area and further cycle storage will be provided within the entrance of the block. The Council's Highways Development Management team have also indicated that as the scheme is car-free, a parking survey would have been beneficial. Having considered the scale of the proposal it is judged that although a survey could have been provided as supporting information, the lack of a parking survey is not sufficient to warrant refusal of this application. Having visited the site in the evening, the highways officer found that the parking provision was acceptable.

7.0 Summary

7.1 With regard to the above, it is judged that no significant detriment would be caused to neighbours or the local area which would justify the refusal of the application. The scheme is acceptable in terms of residential amenity of occupiers and neighbours, the effect of the character of the area and streetscene and the impact on the local area in general. The proposal helps to deliver housing in accordance with policy CS4 and contribute to the provision of affordable housing through the provision of a s106 agreement in accordance with policy CS15. Outline permission is therefore recommended for approval subject to conditions.

8.0 Conclusion

8.1 The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

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

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

JOAHAL for 22/04/14 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Outline Permission Timing Condition

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

- (i) Written approval of the details of the following awaited reserved matters shall be obtained from the Local Planning Authority prior to any works taking place on the site:
 - the landscaping of the site specifying both the hard landscaping treatments (such as paving or hardstanding), soft landscaping treatments (planting, lawned area, trees etc) and means of enclosures (fencing, walls, trellising)
- (ii) An application for the approval of the outstanding reserved matters shall be made in

writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission

(iii) The development hereby permitted shall be begun [either before the expiration of five years from the date of this Outline permission, or] before the expiration of two years from the date of approval of the last application of the reserved matters to be approved [whichever is the latter].

Reason:

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

02. APPROVAL CONDITION - Approved Plans

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

Reason:

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

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

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

Reason:

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

04. 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.

05. 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

06. APPROVAL CONDITION - Access to Rear Track (Performance Condition)

At all times throughout the construction of the proposal hereby approved, both pedestrian and vehicular access to the track to the west of the site shall remain open and unobstructed.

Reason:

To retain unrestricted access to the garages and rear entrances of the properties on Waterhouse Lane.

07. 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.

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

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

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

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

Reason:

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

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

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

Reason:

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

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

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum Level 4 of the Code for Sustainable Homes in the form of a design stage assessment, shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

Reason:

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

11. APPROVAL CONDITION - Surface / foul water drainage [Pre-commencement

Condition]

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

Reason:

To ensure satisfactory drainage provision for the area.

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

Sight lines [shown on the Approved drawing 13/1918/P01 of 2m by 2m measured at 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 1988 no fences walls or other means of enclosure including hedges shrubs or other vertical structures shall be erected above a height of 1.2m above carriageway level within the sight line splays.

Reason:

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

13. APPROVAL CONDITION - Cycle parking [Pre-Occupation Condition]

Prior to the first occupation of the development details and plans of the covered, enclosed and secure bicycle parking compound (including elevational and material details) shall be submitted to and approved in writing by the Local Planning Authority. The bicycle compound shall provide for a minimum of 5 bicycles. The development shall not be occupied until provision has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority after consultation with the Local Highway Authority for the parking of bicycles and the storage of associated ancillary equipment (coats, cycle helmets, books etc.) clear of the public highway and such space shall not thereafter be used other than for the purposes for which it is provided.

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.

14. Note to Applicant - Community Infrastructure Liability (Approval)

You are advised that the development appears liable to pay the Community Infrastructure Levy (CIL). Please ensure that you assume CIL liability prior to the commencement of the development (including any demolition works) otherwise a number of consequences could arise. For further information please refer to the CIL pages on the Council's website at: <http://www.southampton.gov.uk/s-environment/policy/community-infrastructure-levy-guidance.aspx> or contact the Council's CIL Officer.

15. Note to Applicant - Southern Water Connection to Public Sewer

A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterborne, Hampshire, SO21 2SW (tel. 0330 303 0119) or www.southernwater.co.uk.

16. 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.

17. Note to Applicant - Pre-Commencement Conditions

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

POLICY CONTEXT

Core Strategy - (January 2010)

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

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP22	Contaminated Land
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - September 2013)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Relevant Planning History

09/00188/OUT - Erection of a three-storey building including accommodation in the roof space, comprising 1 x one-bed and 4 x two-bed flats. (Outline application seeking approval for Access, Appearance and Layout) (Resubmission of 08/01681/OUT) - Withdrawn 30/03/2009

08/01681/OUT - Erection of a three storey building including accommodation in the roofspace, comprising 1 x one bed and 4 x two bed flats (outline application seeking approval for access, appearance, layout and scale) - REF 13/01/2009

Reason for refusal:

Failure to secure planning obligations

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 by not securing the following:

- a) measures to support sustainable modes of transport such as necessary improvements to public transport facilities, footways and pedestrian/cycle facilities within the vicinity of the site;
- b) measures to support strategic transport initiatives;
- c) a contribution towards 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);

07/01846/FUL - Redevelopment of the site. Erection of 4 x two-bed flats at land to the rear of 85-89 Waterhouse Lane with associated storage and on-site amenity space (resubmission) - CAP 10/01/2008

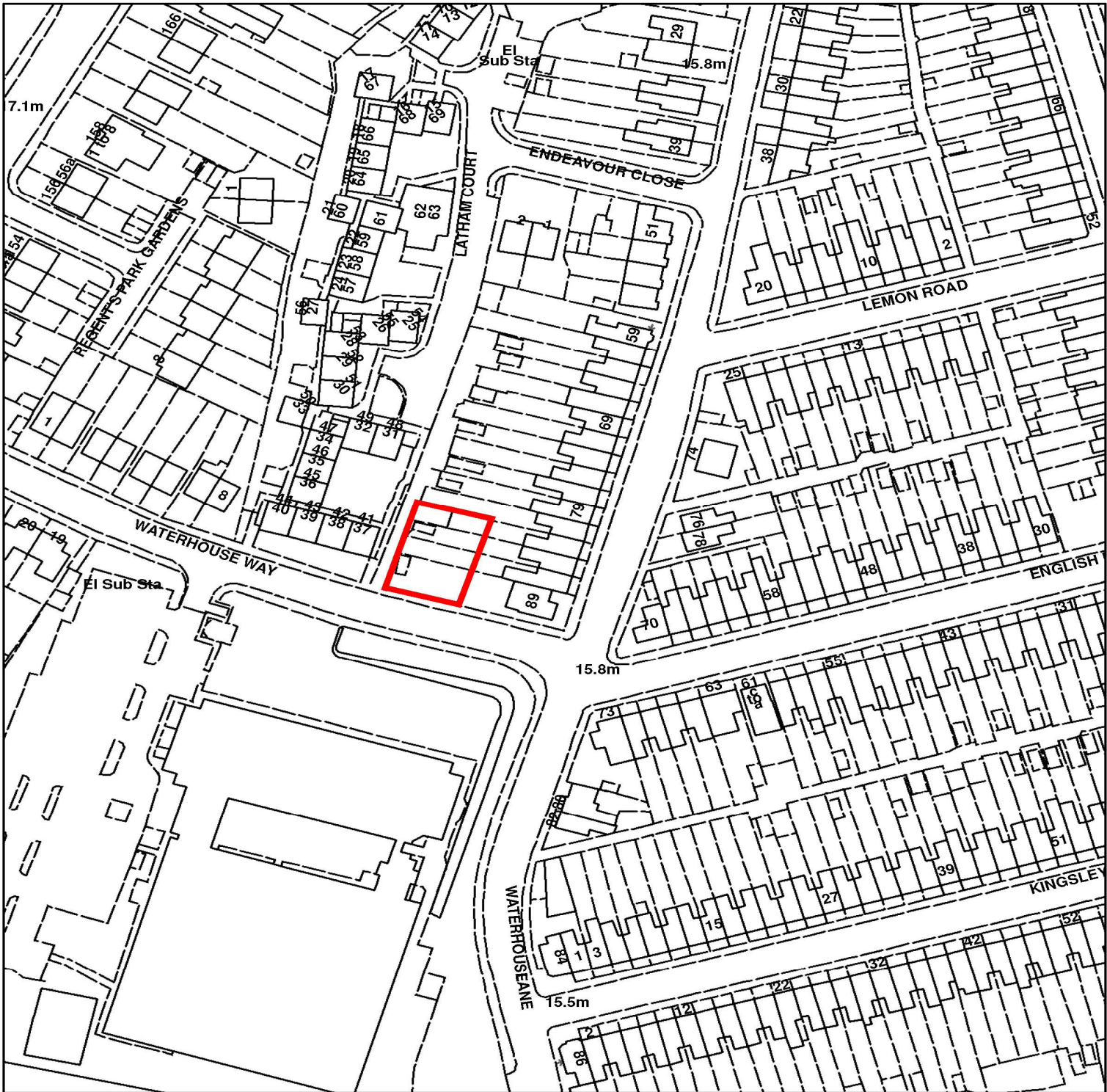
07/01185/FUL - Redevelopment of the site. Erection of 4 x two-bed flats at land to the rear of 85-87 Waterhouse Lane with associated storage and on-site amenity space - REF 19.09.2007

Reason for refusal:

Unneighbourly

The proposed two storey building, by reason of its height, bulk, massing and overlooking windows, constitutes an unneighbourly and over dominant form of development which would be detrimental to the amenities currently enjoyed the occupiers of neighbouring residential occupiers in Waterhouse Lane as result of visual intrusion, overshadowing and loss of privacy. As such the proposal is contrary to Policies SDP1 (i)/(ii - particularly paragraphs 2.2.1, 2.2.2 of the Residential Design Guide (September 2006), SDP9 (v), H2 (iii) and H7(iii) of the City of Southampton Local Plan Review (March 2006)

14/00029/OUT



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Agenda Item 9

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

Application address: Acorn Estate rear of 137 Warren Avenue			
Proposed development: Change of use of unit for storage of scrap metal			
Application number	13/01900/FUL	Application type	FUL
Case officer	David Nip	Public speaking time	5 minutes
Last date for determination:	28/04/2014	Ward	Shirley
Reason for Panel Referral:	Departure from the Development Plan	Ward Councillors	Cllr Chaloner Cllr Kaur Cllr Mead

Applicant: Mr John Hannam

Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	No
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Overall the scheme is acceptable and the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area. Other material considerations have been taken into account and 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, SDP16 and H1 of the City of Southampton Local Plan Review (March 2006) and National Planning Guidance contained within the National Planning Policy Framework (March 2012).

Appendix attached	
1	Development Plan Policies
2	Relevant Planning History

Recommendation in Full

Conditionally approve

1.0 The site and its context

1.1 The site is located in the Shirley Ward on land to the rear of houses in Warren Avenue, Tremona Road and Jessamine Road, which forms part of the Acorn Industrial Estate. The Estate is a large backland plot and has been used mainly for industrial and warehouse purposes throughout its history for which the planning records are somewhat scant. A narrow vehicular access runs between existing houses in Warren Avenue. The site is formally allocated for residential redevelopment but given the number of individual long standing commercial operators and other site constraints it is not expected to come forward for redevelopment in the near future.

2.0 Proposal

2.1 The application is for the siting and use of one metal container to be used for the storage of scrap metal. The container is located towards the north eastern boundary of the site backing onto residential properties in Jessamine Road. A row of conifer trees along that boundary act as a partial screen. The container measures 6.06m in length, 2.44m in width, and 2.59m in height. The volume of the container is 33.15 m³ and has space alongside for parking and loading/unloading.

3.0 Relevant Planning Policy

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

3.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4.0 Relevant Planning History

4.1 The site, which forms part of the Acorn Industrial Estate, which comprises a range of small scale, mainly industrial uses. The Council do not hold a comprehensive record of the uses on the site but it is clear the existing uses are long standing. Records and photographs from the 1970’s and 1980’s highlight that the majority of the current structures were present at that time. There is no current enforcement activity associated with the site.

4.2 The container is sited at the rear area of the industrial estate without the benefit of planning permission. The application therefore seeks to regularise its siting and enable its proposed use.

4.3 The relevant planning history which is formally on record is given in **Appendix 2**.

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (17/01/2014) and erecting a site notice (07/03/2014). At the time of writing the report **5** representations have been received from surrounding residents and Councillor Kaur. The following is a summary of the points raised:

5.2 *Unacceptable level of noise.*

Response: The proposal is likely to create some form of noise, mainly through the loading and unloading of material. However, the scale of the operation is strictly limited by the size of the container. Conditions such as no external storage, no breaking, sorting or sheering, and limits on hours of use are considered sufficient mitigation

5.3 *Affecting trees on the north eastern boundary.*

Response: The Council's tree team has been consulted and it is envisaged that no harm would be caused by the proposed development to the row of conifers. The container is already in place and does not require foundations. There will be no outside storage allowed and no breaking of metal components which will significantly reduce the potential for pollutants affecting the ground.

5.4 *Increasing traffic and concern towards highway safety.*

Response: The highways team has been consulted and raised no objection. It is considered that compare to the current use of the industrial estate, there is no significant additional harm towards the traffic volume and highway safety.

5.5 *Potential late night disturbance and crime.*

Response: Planning condition will be imposed to prevent un-social hours of operation; it is not considered that the proposed development would give rise to crime and disorder, the container would be locked at all time and there are existing security measures within the Industrial Estate.

Consultation Responses

5.7 **SCC Highways** – No objection

5.8 **SCC Environmental Health (Pollution and Safety)** – No objection subject to conditions to control potential noise disturbance and hours of operation.

5.9 **SCC Environmental Health (Contaminated Land)** – No objection

5.10 **SCC Trees** – No objection

6.0 Planning Consideration Key Issues

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

- (i) Principle of Development
- (ii) Neighbouring Amenity
- (iii) Highways

6.2 Principle of Development

6.2.1 The site forms part of the Acorn Industrial Estate and it has been identified as a housing site in the Saved Local Plan Policy H1.

6.2.2 Notwithstanding the proposed development is a departure from Local Plan, it is considered that the change of use would not conflict with the current use of the site and the Estate; the proposed development would not prejudice any future redevelopment opportunities for residential purpose. The Council's Planning Policy Team raised no objection, and the development is considered to be acceptable in principle.

6.3 Neighbouring Amenity

6.3.1 Neighbouring amenity is unlikely to be affected to a harmful degree by reason of the small scale nature of the operation and the conditions imposed. The Council's Environmental Health Team has been consulted during the application process, it is agreed that planning conditions would be required to ensure that no sorting, sheering and grading of metal to be carried out on site.

6.3.2 A condition would also be imposed to ensure that scrap metal would only be stored within the container and no other area within the site. Furthermore, the hours of operation would be restricted to 8:30am to 4pm, Monday to Friday, to ensure that the proposed use cannot be carried out in un-social hours.

6.3.3 Given to nature of the development is relatively minor, it is considered that the proposal would have an acceptable impact towards neighbouring amenities.

6.4 Highways

6.4.1 It is considered that there is no adverse highways impact, the nature of the vehicle access would prevent large vehicles entering the site and the applicant intends to only use his own vehicle to transport the materials. The Council's Highways Development Team raised no objection. It is likely that only one vehicle would be used in association with the use.

7.0 Conclusion

The proposed development is minor and acceptable subject to planning conditions set out below. This application is recommended for approval.

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

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

SCSD for 22/04/2014 PROW Panel

PLANNING CONDITIONS

1. APPROVAL CONDITION - Full Permission Timing Condition - Change of use
The use hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

Reason:

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

2. APPROVAL CONDITION - Hours of Operation - Scrap metal storage [Performance Condition]

The Scrap metal storage uses hereby permitted shall not operate (no loading, unloading, and processing materials) outside the following hours:

Monday to Friday 08:30 hours to 16.00 hours (08.30am to 4.00pm)

Reason:

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

3. APPROVAL CONDITION - Restricted use

The operation of the scrap metal storage shall not include breaking, sorting, sheering and grading of metals without the prior written consent of the Local Planning Authority. The site shall only be used as storage of scrap metal only.

Reason:

In the interests of the amenity of the wider area.

4. APPROVAL CONDITION - Restricted storage area

The storage use hereby permitted shall only be carried out within the interior of the container; no other parts of the site shall be used as storage of scrap metal without the prior written consent of the Local Planning Authority.

Reason:

In the interests of the amenity of the wider area.

5. APPROVAL CONDITION - Approved Plans

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

Reason:

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

POLICY CONTEXT

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP16	Noise
H1	Housing Supply

Supplementary Planning Guidance

Parking Standards SPD (September 2011)

Residential Design Guide SPD (September 2006)

Other Relevant Guidance

The National Planning Policy Framework 2012

Relevant Planning History

930231/W- ERECTION OF 10 NO STORAGE UNITS IN 3 NO BLOCKS – Conditionally Approved, 28.06.1993

960022/W - ERECTION OF A SINGLE STOREY STORES BUILDING – Conditionally Approved, 13.03.1996

00/00226/FUL- Unit 21, Acorn Estate , 137A Warren Avenue. Siting of portakabin, scaffold racking and container compound - Refused, 26.09.2000

00/00227/LDCE - Unit 21, Acorn Estate, 137A Warren Avenue - Refused, 26.09.2000

04/00548/FUL - Retrospective application for the retention of a single storey building for use as a workshop and store. – Conditionally Approved, 26.07.2004

13/01900/FUL



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Agenda Item 10

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

Application address: 5 Chafen Road SO18 1BD			
Proposed development: Conversion of existing dwelling house into one x one-bed and one x three-bed flats with associated bin/cycle storage and car parking spaces.			
Application number	14/00164/FUL	Application type	FUL
Case officer	Nathan Pearce	Public speaking time	5 minutes
Last date for determination:	02.04.2014	Ward	Bitterne Park
Reason for Panel Referral:	Request by Ward Member and five or more letters of objection have been received	Ward Councillors	Cllr Ivan White Cllr Peter Baillie Cllr John Inglis

Applicant: Mr M Fowler	Agent: Cmc Design - Fao Chris Mcdermott
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	No
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The intensification of use of the family dwelling to provide one further unit is considered on balance not to materially harm the character, amenity, and highway safety of the local area. The retention of a suitable family unit in accordance with policy CS16 and provision of a smaller housing unit will contribute to the city's housing need for families as well as low income and small households, whilst not detrimentally unbalancing the mix of the community.

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. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with

the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).
Policies - SDP1, SDP5, SDP7, H1, H2, H7, of the City of Southampton Local Plan Review (March 2006) and CS4, CS6, CS13, CS15, CS16, CS19 and CS20 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 The application site is located on the south side of an unadopted part of Chafen Road within the ward of Bitterne Park. This part of the street consists of 2 storey detached dwellings with on street parking.
- 1.2 The application site consists of a 2 storey detached dwelling with a modest sized rear garden, and without off street parking.

2.0 Proposal

- 2.1 Amended plans have been accepted during the application stage that show changes to the internal layout, this will allow the conversion of the existing three bedroom dwelling house into one x one-bed and one x three-bed flats plus associated bin/cycle storage and three car parking spaces. With the three bed flat on the ground floor and the one bed flat on the upper floor.
- 2.2 The original plans showed the ground floor flat as a two bedroom unit, this would have led to the loss of a three bedroom unit and been contrary to policy CS16.
- 2.3 The amended plans make minor changes to the internal layout of the flats and of the parking layout. These changes are considered to be an improvement of the original scheme with no further material harm to the amenity of the neighbouring occupiers or the visual character of the street scene.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

3.3 Policy CS16 of the Core Strategy requires the retention of family homes. A family home built as a flat should have direct access to a minimum of 20sqm of useable and private amenity space, where the garden is for sole use of the household. The private amenity space or garden should be fit for purpose.

3.4 Policy CS19 of the Core Strategy (Car and Cycle Parking) of the Core Strategy sets out the Council's approach to car and cycle parking standards for new developments in the city, as supported by the guidance and standards set out in section 4.2 of the Parking Standards Supplementary Planning Document (formally adopted September 2012).

4.0 Relevant Planning History

4.1 None

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice (06.02.2014). At the time of writing the report **12** representations have been received from surrounding residents. The following is a summary of the points raised:

5.2 Road safety, traffic, parking problems.

Response: The highways officer has raised no objections on highway safety grounds. The provision of three parking spaces in the front garden will help with the parking problems on the unadopted road and in the surrounding area.

5.3 Flats are out of character and the loss of a family home.

Response: The conversion is compliant with policy CS16 by retaining a suitable 3 bedroom family dwelling. The provision of the flats will further meet the city's housing need for units for lower income and small households who are not necessarily students, whilst contributing further to the mix of households in the community.

5.4 Impact on historic area.

Response: This site is not within a conservation area. The proposed changes are small scale and limited to the side and rear elevations. These are not considered to be out of character with the local area.

5.5 Impact on nearby Horse Chestnut tree.

Response: Outside of the site area, the proposed front hardstanding is not within the root protection zone of this tree.

5.6 Overlooking/loss of privacy.

Response: The existing first floor bedrooms 2 and 3 are proposed to become a living room and kitchen respectively. There is no change to the existing windows of these rooms. The private areas of adjacent neighbouring gardens would only

be visible from these windows when looking at a 45 degree angle or less. This is a typical relationship within most streets.

Consultation Responses

5.7 **SCC Highways** - No objection

5.8 **SCC Sustainability Team** – There is no information on how the development intends to meet policy CS20 and provide 20% C02 savings.

However if the case officer is minded to approve the application, the following condition is recommended:

K065 (ENERGY' insert 20%)

5.9 **Southern Water** – No objection

5.10 **Cllr Peter Baillie** - Request for item to go to PROW Panel as a result of residents concerns.

6.0 Planning Consideration Key Issues

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

- Principle of development
- Design, Scale, and Appearance
- Living conditions of existing and future occupiers
- Highway Safety

6.2 Principle of Development

In principle, the intensification of the dwelling for further residential use is acceptable. This is subject to the development complying with the requirements of policy CS16 to retain a suitable three bedroom family dwelling, whilst being assessed against other material considerations as set out below.

The creation of two flats on this site is not judged to be out of character or have a negative impact on the amenity and character of the surrounding area.

6.3 Design, Scale, and Appearance

The external changes will involve replacing the ground floor side window with a door, and blocking up the rear door and creating a new window. There will be two small sheds in the garden which will accommodate the bikes and bins associated with the flats. The rear garden will be split into two halves with associated landscaping, to allow each flat to have separate private amenity space.

The physical changes will not have a harmful impact upon the amenity of the existing dwelling or neighbouring occupiers.

6.4 Living conditions of existing and future occupiers

The first floor flat will be accessed via the existing front door. The ground floor flat will be accessed via a new side door.

Both flats will use the shared side access to get to their individual bike and bin stores. The ground floor flat will have direct access to its part of the rear garden.

The first floor flat will have access to its rear garden via the shared side access.

The rear garden is large enough to give adequate amenity space to both flats.

6.5 Highway Safety

The revised parking layout provides three parking spaces to the front. The Highway Officer has raised no objection to the impact on highway safety.

7.0 Summary

7.1 In summary, the intensification of use of the family dwelling to provide two units is considered on balance not to materially harm the character, amenity, and highway safety of the local area. The changed internal and external layout will create an acceptable living environment for the future occupiers. The retention of a suitable family unit in accordance with policy CS16 and provision of a smaller housing unit will contribute to the city's housing need for families as well as low income and small households, whilst not detrimentally unbalancing the mix of the community. Amenity space, car parking, cycle and refuse storage is provided to the council's required standards.

8.0 Conclusion

8.1 In conclusion, on balance the application is considered to have an acceptable impact in accordance with the Council's policy and guidance and, therefore, is recommended for approval.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

NP for 22/04/14 PROW Panel

PLANNING CONDITIONS

00. Reason for granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered 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. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

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

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 to match [Performance Condition]

The materials and finishes to be used for the external walls, windows (including recesses), 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.

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 - Energy (Pre-Commencement Condition)

Written documentary evidence demonstrating that the development will at minimum achieve a 20% reduction in CO2 emissions [as required in core strategy policy CS20] over part L of the Building Regulations shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted. Technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

Reason:

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

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 - Means of enclosure [Pre-Occupation Condition]

Before occupation of the development hereby approved, the means of enclosure including boundary treatment of the site shall be erected and such means of enclosure 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.

06. 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 provided in accordance with the approved plans. The cycle store hereby approved shall thereafter be retained on site for those purposes.

Reason:

To encourage cycling as an alternative form of transport.

07. APPROVAL CONDITION - Refuse and Recycling [Pre-Occupation Condition]

Prior to the first occupation of the use hereby approved, the details of facilities for the storage, removal and recycling of refuse from the flats with a level approach shall be provided in accordance with the approved plans and, thereafter, such facilities shall 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.

08. APPROVAL CONDITION - No bins to be stored at the front of the building except on collection day [Performance Condition]

No bins are to be stored at the front of the building unless on refuse collection days.

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.

09. APPROVAL CONDITION - Approved Plans

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

Reason:

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

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS6	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

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

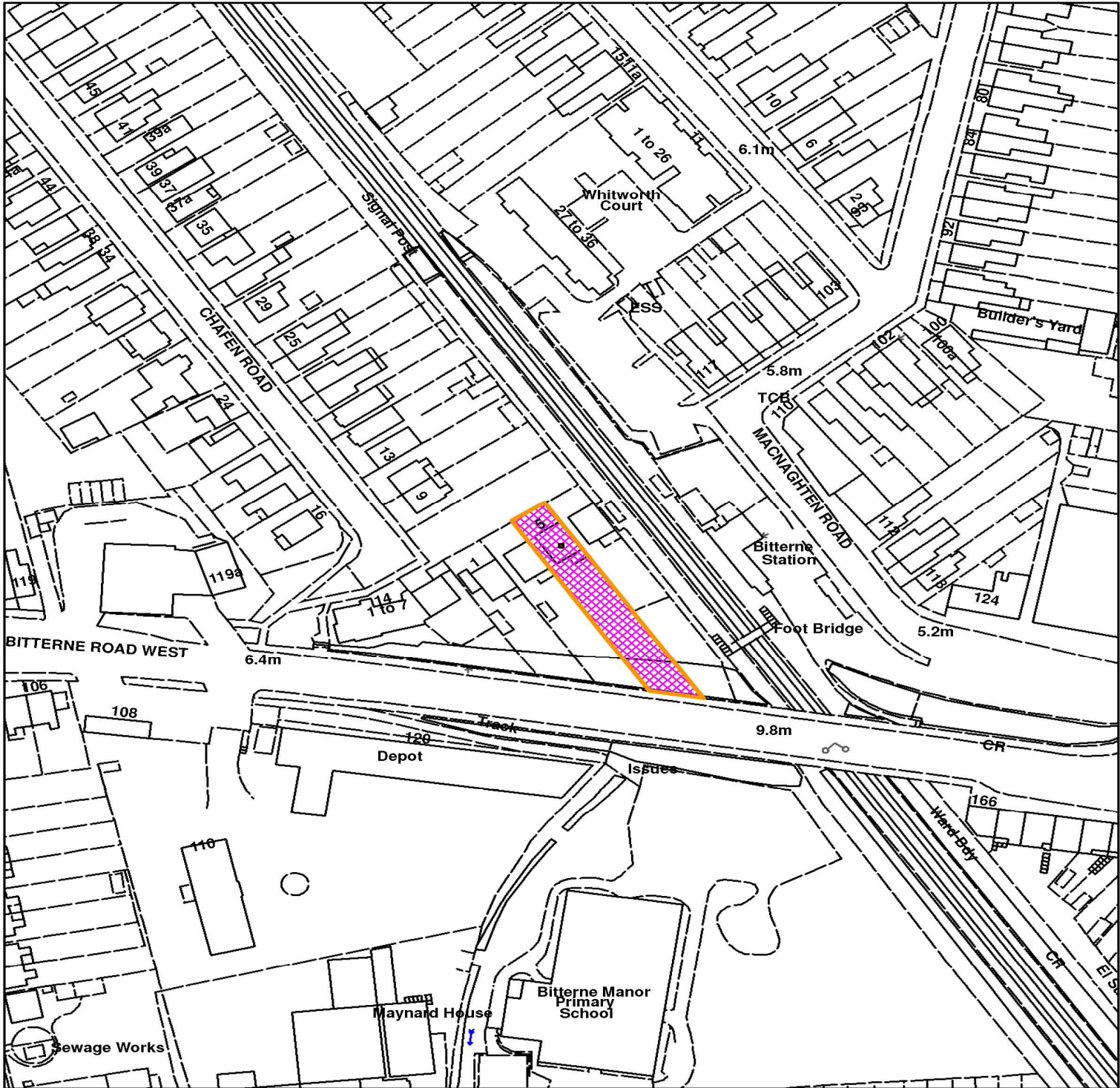
Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - September 2013)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012

14/00164/FUL



Scale: 1:1,250

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Agenda Item 11

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 22 April 2014
Planning Application Report of the Planning and Development Manager**

Application address: 13 Bassett Green Road SO16 3DJ			
Proposed development: Erection of a part two storey, part single storey side/rear extension to facilitate conversion of existing house into three flats (one x 3-bed, two x 1-bed) with associated cycle/refuse storage (resubmission of 13/00428/ful).			
Application number	14/00043/FUL	Application type	FUL
Case officer	Stuart Brooks	Public speaking time	5 minutes
Last date for determination:	19.03.2014	Ward	Swaythling
Reason for Panel Referral:	Request by Ward Member and five or more letters of objection have been received	Ward Councillors	Cllr Maureen Turner Cllr Sharon Mintoff Cllr Spiros Vassiliou

Applicant: Mr J Ahmed	Agent: Mr Balbinder Heer
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Yes
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The intensification of use of the family dwelling to provide two further units is considered on balance not to materially harm the character, amenity, and highway safety of the local area. In particular, the material consideration of the Inspector's decision has been given significant weight which accepted in principle the physical form and intensification of use. The revised internal and external layout and reduction of one unit, will create an acceptable living environment for the future occupiers addressing the Inspector's concerns. The retention of a suitable family unit in accordance with policy CS16 and provision of smaller housing units will contribute to the city's housing need for families as well as low income and small households, whilst not detrimentally unbalancing the mix of the community.

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. In reaching this decision the Local

Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

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

Appendix attached			
1	Development Plan Policies	2	Planning History
3	Appeal decision and plans		

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 The application site is located on the north side of Bassett Green Road within the ward of Swaythling. This part of the street consists of mainly two storey semi detached and detached dwellings with off street parking.
- 1.2 The application site consists of a two storey semi-detached dwelling with a modest sized rear garden, and off street parking.

2.0 Proposal

- 2.1 This is a resubmission of the application 13/00428/FUL refused under Officer's delegated powers which sought permission for a part two storey and single storey side and rear extension to facilitate the conversion of the dwelling into 4 flats (1 x 3-bed, 1 x 1-bed and 2 x studio), and was subsequently dismissed at appeal (see **Appendix 3** for appeal decision and plans).
- 2.2 The revised application has retained the same physical form of the extension, however, reduced the number of units to 3 flats, with a 3 bedroom unit on the ground floor with its own private garden space, and 2 x 1 bedroom flats on the first floor with communal garden space to the rear. There will be on site parking to the front.
- 2.3 Amended plans have been accepted during the application stage to make minor changes to the internal layout of the flats and provide details of the parking layout. These changes are considered to be an improvement of the original scheme with no further material harm to the amenity of the neighbouring occupiers or the visual character of the street scene and, therefore, not obligatory to notify the adjoining landowners about the amended plans.

3.0 Relevant Planning Policy

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

- 3.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.3 Saved policy SDP1 (Quality of development) of the Local Plan Review allows development, providing that it does not unacceptably affect the health, safety and amenity of the city and its citizens. Policy SDP7 (Context) and SDP9 (Scale, Massing, and Appearance) allows development which will not harm the character and appearance of the local area, and the building design in terms of scale and massing should be high quality which respects the surrounding area. Policy CS13 (Fundamentals of Design) assesses the development against the principles of good design.
- 3.4 Policy CS5 of the Core Strategy acknowledges that whilst there is continuing pressure for higher densities in order to deliver development in Southampton, making efficient and effective use of land, however, the development should be an appropriate density for its context, and protect and enhance the character of existing neighbourhoods.
- 3.5 Policy CS16 of the Core Strategy requires the retention of family homes. A family home built as a flat should have direct access to a minimum of 20sqm of useable and private amenity space, where the garden is for sole use of the household. The private amenity space or garden should be fit for purpose.

Policy CS19 of the Core Strategy (Car and Cycle Parking) of the Core Strategy sets out the Council's approach to car and cycle parking standards for new developments in the city, as supported by the guidance and standards set out in section 4.2 of the Parking Standards Supplementary Planning Document (formally adopted September 2012).

4.0 Relevant Planning History

- 4.1 Application 13/00428/FUL was previously refused in October 2013 and subsequently dismissed at appeal (ref no. APP/D1780/A/13/2200905). The full planning history is set out in **Appendix 2**.

5.0 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, and erecting a site notice (31.01.2014). At the time of writing the report 7 representations have been received from surrounding residents, including a panel referral by a local ward councillor. The following is a summary of the points raised:

5.2 Comment

Insufficient on-site parking leading to pressure on on-street parking. The additional on street parking on a classified 'A' road will make it more dangerous for drivers exiting their driveways and pedestrians crossing by reducing visibility.

Response

The Planning Inspector did not raise a concern with regards to kerbside parking pressure and concluded that the layout of parking can be agreed under condition. The Highway Officer has raised no objection to the impact on highway safety, following the submission of parking layout.

5.3 Comment

Out of character. The local community consists of mainly families and retired couples who maintain their properties well. Set precedent for landlords to buy houses and subdivide them into flats for students leading to same 'buy to let' problems in Portswood and Swaythling, such as poor maintenance and more disturbances. There are purpose built flats being built in the local area already.

Response

The conversion is compliant with policy CS16 by retaining a suitable three bedroom family dwelling. The provision of the flats will further meet the city's housing need for units for lower income and small households who are not necessarily students, whilst contributing further to the mix of households in the community. The upkeep of the property would be the responsibility of the Landlord as well as the tenants. Although there is the potential for similar developments in the local area, this application should be assessed on its own merits, and the housing market is outside the control of the planning system. The City Gateway development is student accommodation.

5.4 Comment

Loss of light from two storey rear extension, and noise disturbance to 11 Bassett Road through party wall. The site plan is out of date and therefore occupiers are unable to fully assess the impact on their property, in particular as extension is built up to the common boundary. The removal of chimneys will structurally affect property. The bathroom vents near rear of property will cause nuisance from smells and damp.

Response

The Planning Inspector did not dismiss the appeal on the basis of the physical form affecting the amenity of the neighbouring occupiers, which is unchanged. Despite the site plan being out of date, the case officer was able to view the layout of 11 Bassett Green Road and fully assess the application. The structural effect from the chimneys removal and building affecting the boundary would be a Party Wall and Building Regulations matter. The installation of a vent can be fitted under permitted development or may be minor alterations which are not classed as development, and the rate of discharge is controlled by building regulations. The applicant has confirmed that the vent will go through the roof and, therefore, not adversely affect no. 11.

5.5 Comment

The facilities on the ground floor do not comply with disability requirements.

Response

There are currently no legal requirements in the Planning Act or the Council's planning policies to require all new units to be designed for disabled persons notwithstanding that this is encouraged in negotiations. Other legislation may require alterations.

Consultation Responses

- 5.6 **SCC Highways** – No objection.
- 5.7 **SCC Sustainability Team** – No objection, subject to complying with policy CS20 to reduce CO2 emissions 20% above current Building Regulations.
- 5.8 **SCC Environmental Health (Pollution & Safety)** - No objection
- 5.9 **Southern Water** – No objection

6.0 Planning Consideration Key Issues

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

- Principle of development
- Design, Scale, and Appearance
- Living conditions of existing and future occupiers
- Highway Safety

6.2 Principle of Development

- 6.2.1 In principle, the sub-division of the dwelling into additional residential units is acceptable. This is subject to the development complying with the requirements of policy CS16 to retain a suitable three bedroom family dwelling, whilst being assessed against other material considerations as set out below. It should be noted that the Inspector only refused the previous application for four flats on the grounds of the poor residential environment provided for future occupiers and not on the amenity of adjacent occupiers, the character of the area or parking/traffic related issues.

6.3 Design, Scale, and Appearance

- 6.3.1 The scale and massing of the proposed rear and side two storey extensions are considered to be subordinate and in keeping with the appearance of the host dwelling. The physical form of the proposed extension is unchanged in relation to the previous application, which did not form part of the Officer's delegated reason for refusal and the Planning Inspector did not also dismiss the previous scheme on these grounds.

- 6.3.2 By maintaining reasonable section of the front garden with a low front boundary wall, this would address the Inspector's concerns with regards to the stark appearance of the front parking area previously refused (paragraph 10 refers).

6.4 Living conditions of existing and future occupiers

- 6.4.1 Neither the officer's delegated decision nor did the Planning Inspector consider there would be a harmful impact on the amenity of the neighbouring occupiers from the physical form of the extension and the intensification of use. The intensification of use will be lessened following the reduction of the proposed number of units from four to three. It would be unreasonable to refuse the application on new grounds.

6.4.2 The external and internal layout of the refused scheme represented a poor living environment for future occupiers, which was the main reason the Planning Inspector dismissed the appeal. In particular, concerns were raised with regards to the cramped size of the 13sqm studio flat; the non-compliance of the three bedroom dwelling with requirements of policy CS16 to retain a suitable family dwelling with access to its own amenity space; poor outlook onto the side boundary; and lack of privacy for ground floor units and the communal space (paragraphs 3 to 8 refers).

6.4.3 The design of the revised internal layout (amended plans following the validation of the application) is considered to be a significant improvement of the residential environment by effectively addressing all the previous concerns stated above. The first floor units each have 30sqm floor space and outlook and daylight into and out of all habitable room windows. The revised layout also removes the ability of occupiers of the flats to look directly into habitable rooms of other flats within the building. Amenity space for the upper floor flats is still below the 20sqm per flat standard but is useable and private. The three bedroom unit on the ground floor has direct access to a private space to standards solely for use by the occupiers of that unit.

6.5 Highway Safety

6.5.1 Since the submission of the application, a revised parking layout has been submitted providing two parking spaces to the front. The proposed parking layout will be similar to the existing, with the exception of widening the driveway to be wide enough for two cars. An adequate amount of soft landscaping will be retained to ensure that the frontage does not appear stark in the street scene. The Highway Officer has raised no objection to the impact on highway safety, given that the arrangement for the existing dwelling and adjacent properties results where vehicles reversing onto Bassett Green Road.

6.5.2 The number of trips and parking demand associated with the conversion will be less following the reduction of one unit. Significant weight should be attached to the previous decision as the Officer's delegated decision nor Planning Inspector did not refuse the previous application on these grounds and, therefore, the introduction of these grounds as a reason for refusal would be considered as unreasonable behaviour by the Council and ground for costs at appeal.

7.0 Summary

7.1 In summary, the intensification of use of the family dwelling to provide two further units is considered on balance not to materially harm the character, amenity, and highway safety of the local area. In particular, the material consideration of the Inspector's decision has been given significant weight which accepted in principle the physical form and intensification of use. The revised internal and external layout and reduction of one unit, will create an acceptable living environment for the future occupiers addressing the Inspector's concerns. The retention of a suitable family unit in accordance with policy CS16 and provision of smaller housing units will contribute to the city's housing need for families as well as low income and small households, whilst not detrimentally unbalancing the mix of the community.

8.0 Conclusion

- 8.1 In conclusion, on balance the application is considered to have an acceptable impact in accordance with the Council's policy and guidance and, therefore, is recommended for approval.

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

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

SB for 22/04/13 PROW Panel

PLANNING CONDITIONS

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

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

Reason:

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

02. APPROVAL CONDITION - Materials to match [Performance Condition]

The materials and finishes to be used for the external walls, windows (including recesses), drainage goods and roof in the construction of the extension hereby permitted shall match in all respects the type, size, colour, texture, form, composition, manufacture and finish of those on the existing building.

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 - Glazing panel specification [Pre-Occupation Condition]

The window in the side elevation of the building hereby approved to the bathroom shall be glazed in obscure glass. The window 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.

04. APPROVAL CONDITION - Energy (Pre-Commencement Condition)

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

must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

Reason:

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

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

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

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

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

And at no time on Sundays and recognised public holidays.

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

Reason:

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

06. APPROVAL CONDITION - Means of enclosure [Pre-Occupation Condition]

Before occupation of the development hereby approved, the means of enclosure including boundary treatment of the site shall be erected and such means of enclosure 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.

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

The external grassed 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 flat units.

Reason:

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

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

The development to which this consent relates shall not be occupied in full or in part until space has been laid out within the site in accordance with the plan number A3/13BGR/02/RevE received on 27th March 2014 for 2 vehicles to be parked.

Reason:

To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety.

09. APPROVAL CONDITION - Front boundary height [Pre-Commencement Condition]

Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 no fences walls or other means of enclosure including hedges shrubs or other vertical structures shall be erected above a height of 0.6m above carriageway level along the front boundary.

Reason:

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

10. APPROVAL CONDITION - Refuse and Recycling [Pre-Occupation Condition]

Prior to the first occupation of the use hereby approved, the details of facilities for the storage, removal and recycling of refuse from the flats with a level approach shall be provided in accordance with the approved plans and, thereafter, such facilities shall 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.

11. 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 provided in accordance with the approved plans. The cycle store hereby approved shall thereafter be retained on site for those purposes.

Reason:

To encourage cycling as an alternative form of transport.

12. APPROVAL CONDITION - Approved Plans

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

Reason:

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

Note to Applicant - Community Infrastructure Liability (Approval)

You are advised that the development appears liable to pay the Community Infrastructure Levy (CIL). Please ensure that you assume CIL liability prior to the commencement of the development (including any demolition works) otherwise a number of consequences could arise. For further information please refer to the CIL pages on the Council's website at: <http://www.southampton.gov.uk/s-environment/policy/community-infrastructure-levy-guidance.aspx> or contact the Council's CIL Officer.

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Application 14/00043/FUL

APPENDIX 1

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS15	Affordable Housing
CS19	Car and Cycle parking
CS20	Sustainability
CS21	Open Space

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP5	Parking
SDP7	Context
SDP9	Scale, Massing & Appearance
SDP10	Safety and Security
SDP12	Landscaping
H1	Housing supply
H2	Previously developed land
H7	Residential environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Parking Standards SPD (September 2011)

Developers Contributions SPD (April 2013)

Other Relevant Guidance

The National Planning Policy Framework 2012

The Southampton Community Infrastructure Levy Charging Schedule
(September 2013)

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Application 14/00043/FUL

APPENDIX 2

Relevant Planning History

13/00076/FUL - Erection of a part 2-storey, part single storey side/rear extension to facilitate conversion of existing house into 4 flats (1 x 3-bed, 1 x 1-bed and 2 x studio) with associated parking and cycle/refuse storage - WDN

13/00428/FUL - Erection of a part 2-storey, part single storey side/rear extension to facilitate conversion of existing house into 4 flats (1 x 3-bed, 1 x 1-bed and 2 x studio) with associated parking and cycle/refuse storage. (resubmission of 13/00076/FUL, reduction to amenity space) - REF

Appeal dismissed - APP/D1780/A/13/2200905

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Appeal Decision

Site visit made on 12 December 2013

by Megan Thomas BA Hons in Law, Barrister

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

Decision date: 3 January 2014

Appeal Ref: APP/D1780/A/13/2200905

13 Bassett Green Road, Southampton SO16 3DJ

- 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 J Ahmed against the decision of Southampton City Council.
 - The application Ref 13/00428/FUL, dated 18 January 2013, was refused by notice dated 28 May 2013.
 - The development proposed is "conversion of existing dwelling to 2No. studios, 1No. 1 bed flat and 1No. 3 bedroom flat, extending the existing dwelling to side & rear."
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the living conditions of the future occupants of the proposed studios and flats with particular regard to outlook, privacy and amenity space; whether the proposed 3 bedroomed flat would provide a suitable family unit; and the effect of the proposed additional front hardstanding on the character and appearance of the streetscene.

Reasons

Living conditions of future occupants

3. The appeal site is a semi-detached dwelling in the Swaythling area of Southampton, which is primarily residential. Bassett Green Road is a reasonably wide road with mainly two storey detached and semi detached dwellings along it. No.13 is on the north side and is a dwelling with three bedrooms at first floor level and two habitable rooms and a kitchen at ground floor level. Its semi-pair is no.11. There is a forecourt at the front and some landscaping. No.15 is a detached house to the west with a door in the flank wall facing the appeal site.
 4. The development scheme includes the erection of a part two storey, part single storey side and rear extension. The scheme would leave a passageway between the common boundary with no.15 and the new flank wall to the side of no.13. The part of the scheme directly adjoining the common rear boundary with no.11 would be single storey in height. There would be 4 self-contained
-

units of accommodation. Unit A would be a ground floor studio utilising the bay window at the front of the property. Unit B would be a ground floor studio with patio doors facing the rear garden. Unit C would be a ground floor 1 bedroomed flat with patio doors facing the rear cycle store, a bathroom window and a window in the new flank wall facing no.15 (that latter window is not shown on the submitted elevation drawing). Unit D would be the upper floor unit with 3 bedrooms, a lounge, bathroom and kitchen.

5. Unit A would have a floorspace of about 13sqm. This would not in my view provide adequate living space for a studio unit. It would have one window which would allow extensive views into the unit by those using the two car parking spaces located near to the window and by those entering the communal external door for units B and C.
6. Unit C would have patio doors at the rear of the building that would allow views into the bedroom by other occupants of the scheme using the cycle store and the communal garden. Furthermore, those same occupants would be using the passage adjacent to no.15 to access those areas and they would also have views into the ground floor flank window of unit C which would serve the primary living area for that flat. Accordingly, I consider that there would not be adequate privacy for the occupants of unit C. Furthermore, unit C would rely for its principal outlook on the relatively narrow passageway formed by the common boundary with no.15. Whilst the window would not currently look directly onto a building within the plot of no.15, that could change in the future and the occupants of no.15 could, for example, erect a higher boundary fence than exists at present. Whether or not that would occur, I am not convinced on the evidence before me that the occupants of unit C would have an outlook of sufficient quality from the primary living area of that proposed flat.
7. Policy CS16 of the Southampton City Council Core Strategy (adopted 2010) 'CS' defines family homes as dwellings of 3 or more bedrooms with direct access to useable private amenity space or garden for the sole use of the household. The upper floor unit, unit D, would have 3 bedrooms and could accommodate a family. It would have no private amenity space. In order for the occupants to reach the communal garden area, it would be necessary to exit the flat on the ground floor near to the front of the property and walk to the rear garden. It therefore does not meet the requirements of a family dwelling in the CS. I have considered whether there are any grounds or factors which might warrant a relaxation of the policy definition of a family unit in this case. The communal garden would be visible from unit D but this would be from a bedroom rather than a room usually used in the daytime. This would not sufficiently mitigate for the fact that the garden would not be directly accessible, would not be for sole use and would be in very close proximity to the patio doors of units B and C. The appellant has highlighted in his evidence that the Council have granted planning permission in other locations for family units which would not have direct access to amenity space. However, without full details and the approved drawings for those schemes and without knowledge of whether space was segregated for sole use by the family, I can only give limited weight to that evidence. Accordingly on the information before me, I conclude that the proposed scheme would not provide appropriate private amenity space for the family unit contrary to policy CS16 of the CS and the living conditions of the future occupants of unit D would not be of an adequate standard.

8. On this issue therefore, notwithstanding that saved policy H1 of the Southampton Local Plan Review (2006) encourages the supply of more housing through the use of conversions of existing properties, I conclude that the proposed development would result in undue harm to the living conditions of future occupants of unit A owing to inadequate living space and loss of privacy, unit C owing to loss of privacy and inadequate outlook and unit D owing to inadequate private amenity space.

Loss of a family dwelling

9. Given the finding above, the proposed scheme would not meet the terms of policy CS16 to ensure that there would be no net loss of family homes on the site. There are no overriding policy considerations justifying the loss in this case and the appellant has not sought to argue otherwise. The policy is an up-to-date one and I attach substantial weight to it and to the need to maintain the supply of family homes. Accordingly, I consider that the scheme would result in harm from the loss of a suitable family unit contrary to policy CS16 of the CS.

Character & appearance

10. The Council consider that the loss of the front garden area to hardstanding to provide parking for the scheme would have an urbanising impact on the character and appearance of the streetscene. I agree that the scheme as shown on drawing A3/13BGR/02/RevA would result in a stark appearance for the street as no landscaping is shown and the bin store would be prominent in the view, which would also detract from the existing character of the area. However, given that the provision of two parking spaces is not a minimum requirement, there is potential in my view for a planning condition to overcome the harm to the character and appearance of the area. For example, a condition requiring the provision of landscaping might be imposed. I therefore conclude on this issue that reason for refusal no.3 relating to harm to the streetscene would not warrant the refusal of planning permission on its own in this case.

Conclusion

11. I have borne in mind that there is a need to make effective and efficient use of land especially in urban and suburban areas such as Swaythling and I am mindful that it is suggested that the units could achieve code level 4 of the Code for Sustainable Homes and that the location has good sustainability credentials. However those factors do not outweigh the harm I have identified above to the living conditions of the future occupants of some of the units and from the loss of a suitable family unit on this site.
12. Having taken into account all representations made, I dismiss the appeal.

Megan Thomas

INSPECTOR



DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

Town and Country Planning (Development Management Procedure) (England) Order 2010

Mr Balbinder Heer
64 Marlborough Gardens
Hedge End
Southampton
SO30 2UT

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: **Erection of a part 2-storey, part single storey side/rear extension to facilitate conversion of existing house into 4 flats (1 x 3-bed, 1 x 1-bed and 2 x studio) with associated parking and cycle/refuse storage. (resubmission of 13/00076/FUL, reduction to amenity space).**

Site Address: **13 Bassett Green Road Southampton SO16 3DJ**

Application No: **13/00428/FUL**

For the following reason(s):

01.REFUSAL REASON - Failure to Provide Genuine Family Housing

Although a three bedroom flat is retained it fails to provide safe and convenient access to a private amenity space and, as such, the proposal would result in the loss of an existing family dwellinghouse undermining the delivery of a mix of different house types in the City contrary to the objectives of Section 6 the National Planning Policy Framework (2012), Policy CS16 of the adopted LDF Southampton Core Strategy (2010) and saved policy H1 of the Southampton Local Plan Review (2006) as supported by Part 6 of the Council's approved Residential Design Guide SPD (2006).

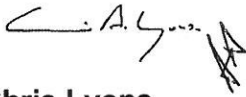
02.REFUSAL REASON - Impact on Amenity and Quality of Living Environment

The proposed development, by reason of its layout, would result in an over-intensive use of the site affording its proposed occupiers cramped living conditions and unacceptable levels of outlook, privacy and usable amenity space therefore creating an unsatisfactory residential environment contrary to Section 6 of the National Planning Policy Framework (2012), saved policies H1 and SDP1 of the Southampton Local Plan Review (2006) and Section 2 of the Residential Design Guide Supplementary Planning Document (2006).

03.REFUSAL REASON - Impact of Driveway

The proposal will result in the loss of a front garden area to hardstanding to provide parking for the development, this would have a stark and urbanising impact which would be

detrimental to visual amenity and out of keeping with the street scene contrary to saved policy SDP7 of the adopted Southampton Local Plan Review (2006).



Chris Lyons
Planning & Development Manager

28 May 2013

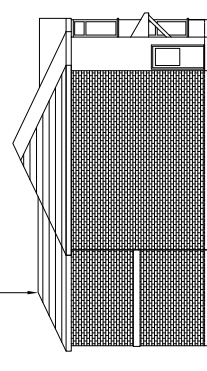
For any further enquiries please contact:
Jo Moore

IMPORTANT NOTE TO APPLICANT

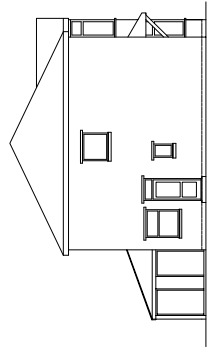
This decision has been made in accordance with the submitted application details and supporting documents and in respect of the following plans and drawings.

Drawing No:	Version:	Description:	Date Received:	Status:
A4/13BGR/06		Roof Plan	11.03.2013	Refused
A4/13BGR/02	a	Floor Plan	11.03.2013	Refused
A4/13BGR/04	a	Block Plan	11.03.2013	Refused
A4/13BGR/05	a	Site Plan	11.03.2013	Refused
A4/13BGR/03		Elevational Plan	11.03.2013	Refused

NEW SUB-DRAINATED PITCHED ROOFS TO NEW EXTENSIONS
TILES TO MATCH EXISTING ROOF

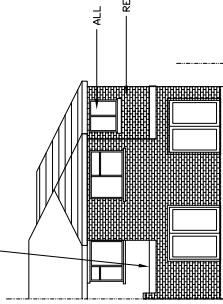


PROPOSED NORTH WEST
ELEVATION

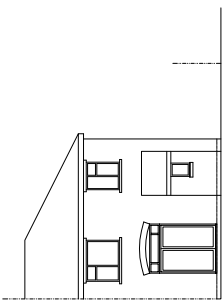


EXISTING NORTH WEST
ELEVATION

FLAT ROOFS TO REAR
GROUND FLOOR EXTENSIONS

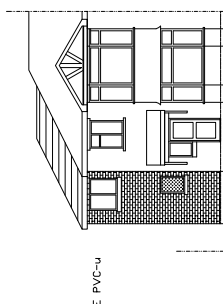


PROPOSED NORTH EAST
ELEVATION

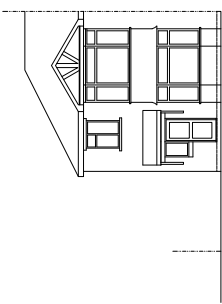


EXISTING NORTH EAST
ELEVATION

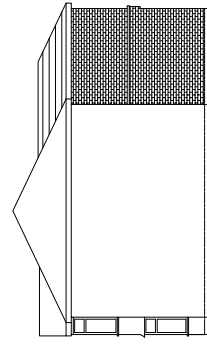
ALL NEW WINDOW & DOORS IN WHITE PVC-U
RED FACING BRICKS



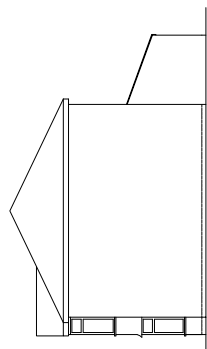
PROPOSED SOUTH WEST
ELEVATION



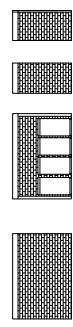
EXISTING SOUTH WEST
ELEVATION



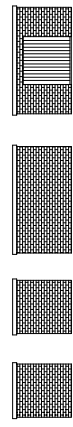
PROPOSED SOUTH EAST
ELEVATION



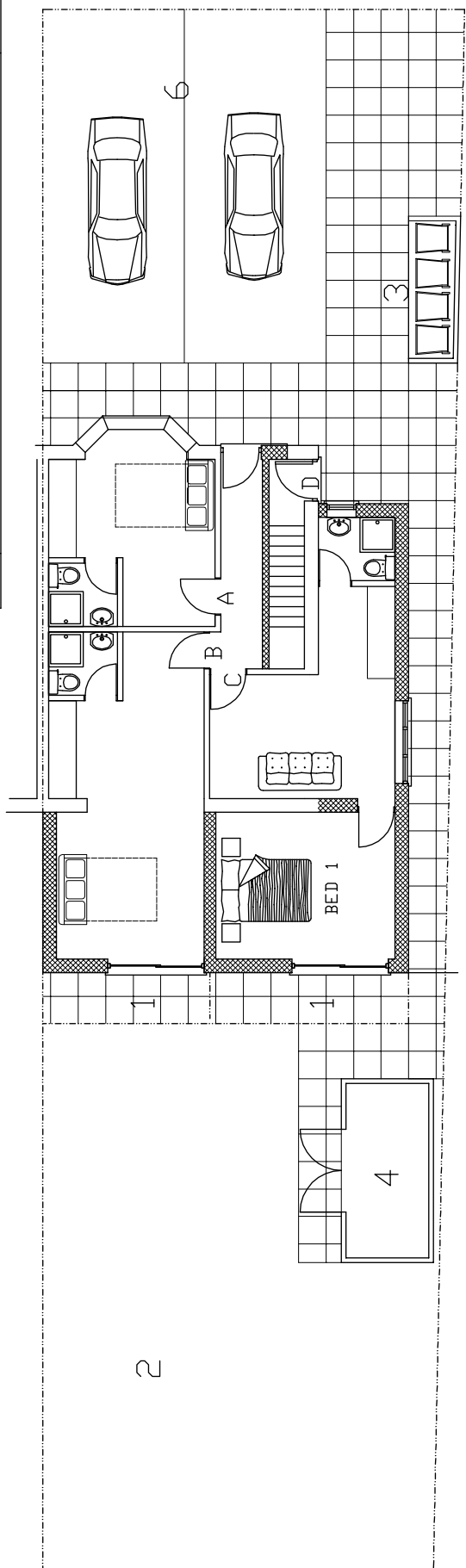
EXISTING SOUTH EAST
ELEVATION



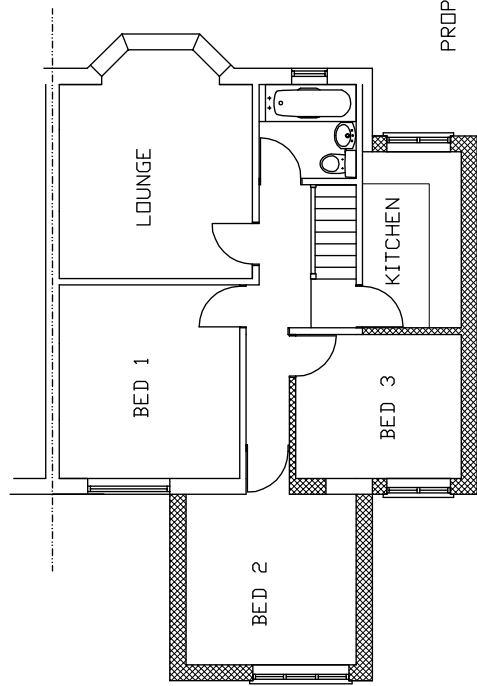
ELEVATIONS TO BIN STORE



ELEVATIONS TO CYCLE STORE



PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN

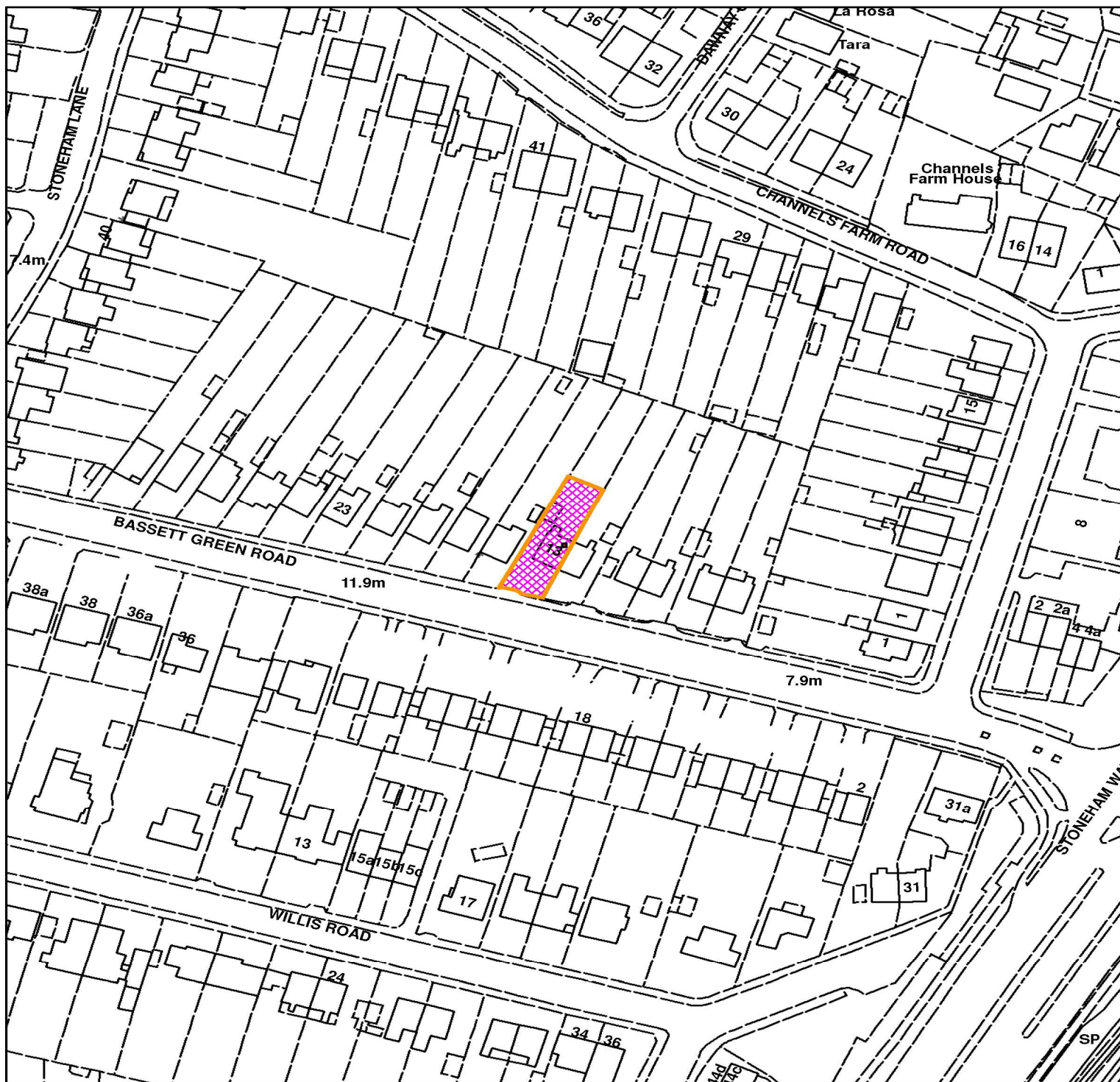
- 1 DEFENSIBLE SPACE
- 2 112m² COMMUNAL AMENITY AREA
- 3 REFUSE STORE
- 4 SECURE CYCLE STORE
- 5 HARD LANDSCAPING
- 6 OFF ROAD VISITOR PARKING PROVISION

- A STUDIO FLAT
- B STUDIO FLAT
- C 1 BED FLAT
- D C4 3 BEDROOM DWELLING

Filename	A3/13BGR/02/RevA	Date	Mar 2013	Scale	1:100
Drawing Title:		Client Details:			
PROPOSED FLOOR PLAN					

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14/00043/FUL



Scale: 1:1,250

©Crown copyright and database rights 2014 Ordnance Survey 100019679



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Agenda Item 12

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 22nd April 2014
Planning Application Report of the Planning and Development Manager**

Application address: 51 High Road, Southampton, SO16 2JE			
Proposed development: Demolition of the existing building and erection of a two-storey building (with additional accommodation in the roofspace) to provide 17 self contained studio flats for student accommodation with associated facilities.			
Application number	14/00025/FUL	Application type	FUL
Case officer	Jo Mourse	Public speaking time	15 minutes
Last date for determination:	06/05/2014	Ward	Swaythling
Reason for Panel Referral:	Major planning application subject to objection Departure from the Development Plan	Ward Councillors	Cllr Mintoff Cllr Vassiliou Cllr Turner

Applicant: Lainstone Colleys LLP	Agent: Peter Atfield - Goadsby Planning And Environment
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	Yes
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations 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 Local Authority is also satisfied that the character and appearance of the area would be preserved. The site is part of a defined local centre, whereas no retail use has been proposed for the ground floor of the new building it is recognised that there are a number of vacant units within the local centre. The loss of this commercial unit has previously been accepted and weight has been given to the previous outline permission ref: 10/00181/OUT and those material considerations listed in the report to the Planning Panel on 22/04/2014. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as

required by paragraphs 186-187 of the National Planning Policy Framework (2012). Accordingly the proposal complies with policies CS4, CS6, CS13, CS15, CS16, CS17, CS18, CS19, CS20 and CS25 of the Core Strategy (2010) saved policies SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP16, H1, H2, H7 and REI6 of the Local Plan (2006), Supplementary Planning Document 'Residential Design Guide' (2006), 'Developer Contributions' (2013) and 'Parking Standards' (2011) and the National Planning Policy Framework (2012).

Appendix attached			
1	Panel Minutes from 10/00181/OUT	2	Development Plan Policies

Recommendation in Full

Subject to no additional objections being received in connection with the site being advertised as a departure from Local Plan policy REI6.

1. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:
 - i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPD relating to Planning Obligations (September 2013);
 - ii. In lieu of an affordable housing contribution an undertaking by the developer that only students in full time education be permitted to occupy the development. The development to comply with the requirements of the Southampton Accreditation Scheme for Student Housing (SASH).
 - iii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
 - iv. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
 - v. Student intake management plan to detail student drop off and collection with ongoing review.
2. In the event that the legal agreement is not completed by 06/05/2014 the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
3. That the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

1. The site and its context

- 1.1 The application site, 51 High Road, is a two-storey building comprising of a restaurant (Class A3 use) unit at ground floor with a residential flat above. The

restaurant unit has been vacant since 2010 and the flat has recently been vacated. The building is in a slightly dilapidated condition and is of no particular architectural merit. A vehicle access runs to the south of the site which leads to an informal parking area to the rear of the building.

- 1.2 The area is of mixed character containing mainly two-storey properties with commercial uses on the ground floor with residential uses above as well as dwelling houses. The attached neighbouring property to the north, no.57 contains a commercial unit at ground floor with a flat above, the neighbouring property to the south no.49 is a semi-detached house. 350 Burgess Road which runs to the rear, is a commercial premises.
- 1.3 To the north and east of the site is the defined Swaythling local centre containing a mixture of shops, café's and takeaways. The majority of premises have residential accommodation at first floor level.
- 1.4 The rear of the site is given entirely over to hard standing which was previously used as a car park for both staff and patrons of the restaurant. The parking area is not formalised and approximately 8 - 10 cars can park within the space at any one time. The parking area is accessed from High Road.
- 1.5 Located within a medium accessibility area, the property is within a short walking distance of regular bus routes that run both into and out of the city, and Riverside Park.

2. Proposal

- 2.1 The application seeks full planning permission for the erection of a two-storey building with rooms in the roof containing 17 studio student flats each comprising a bedroom/kitchen/living area and an en-suite bathroom. The building is of traditional appearance containing two full height bay windows to its front elevation, it has a full pitch roof with a small flat roof element. To its rear the proposal is staggered away from the boundary to the north and drops down in height.
- 2.2 A rear communal garden area of 172 sq m is provided to the rear of the proposal which also contains a cycle store for 17 bikes and a drying area.
- 2.3 Bin storage for the development is to be provided internally within the development.
- 2.4 This application follows a similar permission for redevelopment (LPA ref: 10/00181/OUT). This application was approved by the Planning Panel in 2010. A copy of the Panel minutes are attached at **Appendix 1**. The key differences between the consent and the proposed scheme are:
 - Accommodation specifically for students
 - Larger footprint of development facilitated by a single storey element to the rear.
 - Reduction in car parking from 5 spaces to 0.
 - Building line towards High Road brought slightly further forward.
 - Increase in size of rear amenity area.

- 2.5 The proposal to redevelop the site for solely residential use would be contrary to the adopted development plan, namely Policy CS3 of the Core Strategy and Policy REI6 of the Local Plan Review, which seek to resist residential uses on the ground floor at the expense of active commercial frontages serving the local centre.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 2**.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 Policy CS5 advocates that intensification and higher densities will be appropriate in some areas of the city in order to make best use of land, to support a range of local services and infrastructure and to create a residential environment with a mix of housing including smaller units and affordable housing. At all densities, residential development should be high quality, energy efficient and in line with best practice in sustainability and should maximise outdoor space, for example by providing gardens, roof terraces or balconies.
- 3.4 Policy REI 6 refers to the city’s defined local centres and seeks to retain their role in serving the daily needs of the local population.
- 3.5 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4. Relevant Planning History

- 4.1 10/00181/OUT - Outline planning permission granted (05/07/10) for the erection of a part three-storey, part two-storey building to provide 3 x 3 bed and 2 x 2 bed flats with associated parking and refuse/cycle storage following demolition of existing building. Outline application seeking consideration of access, appearance, layout and scale only (details of landscaping reserved). As an application for reserved matters approval has not been submitted within 3 years this outline permission has now lapsed.
- 4.2 Originally a shop with residential accommodation above, the ground floor of the property received planning permission in 1973 for a change of use to restaurant seating 28 people. In 1983, the shop frontage was infilled resulting in a rendered front wall with single entrance. Its current appearance is unchanged.

5. Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (21/02/2014) and erecting a site notice (11/02/2014). The application has also recently been advertised as a departure from Local Plan Policy RE16 At the time of writing the report **3 representations** have been received from surrounding residents and also an objection from ward Cllr Turner. The following is a summary of the points raised:

- The proposed units are cramped.
- The toilet and washing areas opening onto food preparation areas is poor.
- The plans are incorrect in stating that no.55 is vacant it is actually occupied.
- Concerned how the exposed wall with no.55 will be made good including chimneys, downpipes.
Response: This is largely a civil matter that the developer will need to agree with the owner of this property. A planning condition is also recommended.
- Inadequate space is left between the side wall of the proposal to allow for maintenance of no.55.
- Loss of light to neighbouring dwellings.
- Overdevelopment of the site.
- Noise and disturbance resulting from an over intensive use of the site.
- Excessive waste will be generated due to the over intensive use of the site.
- Overlooking and a loss of privacy due to windows located within the south elevation.
- The front elevation is to be faced in brick but it is not shown how the side elevations will be finished, they should be in keeping with the front elevation and the street.
Response: This can be conditioned.
- Student flats will change the community character of the area.
- First year undergraduate student should be prevented from occupying the building.

The planning related issues are addressed in the Planning Considerations section of this report.

Consultation Responses

5.2 **SCC Highways** - Raise no objection subject to conditions.

5.3 **SCC Housing** – Confirm no affordable housing is required provided that the building is restricted by S106 agreement to student use.

5.4 **SCC Sustainability Team** – Raise no objections subject to conditions.

5.5 **SCC Environmental Health (Contaminated Land)** - Consider that the proposal is sensitive to the affects of land contamination and recommend conditions.

5.6 **SCC Ecology** – Raise no objection to the proposal on grounds the site has low biodiversity value.

5.7 **Southern Water** – Request that an informative is attached advising the applicant of the requirement to divert public sewers.

6. **Planning Consideration Key Issues**

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

- The principle of development
- The student use of the building
- The design of the development and the provision of an acceptable residential environment
- Impact on neighbour amenity.
- Sustainability
- Highway and parking implications
- Mitigation for infrastructure.

6.2 Principle of development

6.2.1 The proposal seeks the redevelopment of the site by the erection of a two-storey building containing 17 student studio flats following the demolition of the existing building, which currently contains a restaurant at ground floor level and residential flat above. The site is within Swaythling Local Centre where commercial uses are protected by policy REI 6 of the Local Plan. The unit has been vacant for a number of years and Planning Policy have confirmed that the occupancy of commercial units in the Centre is historically lower than city wide averages even before the recession. The location of the application site directly adjacent to the boundary of the centre would continue to provide a natural break between the commercial and residential elements of this part of Swaythling and in this instance the centre would continue to be clearly defined. As such, due to the circumstances of the location of the site, the historical levels of high vacancy of commercial units in the area and the Council's previous approval for a similar Local Plan departure the loss of the restaurant is acceptable in these circumstances.

6.3 The student use of the building

6.3.1 The expansion of the City's universities has put pressure on existing areas of conventional housing. Due to increased demand for student accommodation, private sector provision of student housing has expanded in other parts of the City. The provision of specialist student accommodation, such as the proposal, will take away pressure to convert existing family dwellings to Houses of Multiple Occupation for student accommodation therefore assisting to reduce pressure on family housing stock within the City. Whilst concerns have been raised in respect of the student use of the building, the S106 agreement requires the management of the building, by signing up to the Southampton Accreditation Scheme for Student Housing (SASSH) which, amongst other things, sets guidelines for the behaviour of landlords and students. As the development is car free any external noise and disturbance will also be minimised.

6.4 The design of the development and the provision of an acceptable residential environment

- 6.4.1 Residential accommodation within the Swaythling area is made up of a range of unit sizes and accommodation types. With the majority of properties having traditionally been family houses, some of these properties have now been converted into one and two bedroom accommodation. The houses that remain are either occupied by families, students or private rental properties. The site's close proximity to Southampton University means that there is a demand for a range of unit sizes within this area.
- 6.4.2 The proposed development is of traditional design and proportions incorporating bay projecting windows to its front elevation. This is similar to the design of the neighbouring pair of semi-detached dwellings to the south, nos.47 - 49, the footprint and height of the development is also comparable to these properties albeit it is taller than the neighbouring properties to the north. Given that the development is to be used for residential purposes, and is in keeping with the appearance of the adjacent residential dwellings that lie to the south of the site, it is considered that the development would be compatible with the street scene. The proposal is also very similar to the previously approved scheme, the main difference in design terms are the replacement of two dormer windows in the front roof slope with one; the front door has been relocated to the side elevation and the building extends further towards the rear at single storey level.
- 6.4.3 The proposed building is to contain 17 student studio flats which each contain a small living/bedroom with kitchen area and an en-suite bathroom. The units range in size from 15.7sq m to 25.6 sq m, whilst 15.7 sq m is small the Council does not have any adopted minimum floorspace standards. All units will have outlook onto High Road or the rear amenity area apart from the units in the roof which are served by rooflights giving oblique views to the sky. A rear communal amenity area of 172 sq m is also provided for the development. It is considered that the proposal will provide an adequate residential environment for its proposed occupiers.
- 6.5 Impact on neighbour amenity
- 6.5.1 Immediate residential dwellings lie to the north and south of the site, nos. 55 and 49, respectively. The proposal has a staggered rear building line at two-storey level and is set adjacent to and 4.6 m from the boundary of this property projecting to a depth of 9.35m beyond the main rear building line of no.55. This is comparable to the scale and layout of development allowed under outline planning permission ref: 10/00181/OUT. This previous development was assessed against the Local Plan (2010) and the 'Residential Design Guide' Supplementary Planning Document (2006) which are still relevant to the assessment of this application. The proposal will project to an overall depth of 12.6m when including the single storey element (which was not part of the previous proposals). This part of the development has a flat roof in order to minimise its impact on light and visual amenity.

6.5.2 No. 49 contains a number of habitable room windows within its side elevation, the access serving the proposed development separates it from this dwelling. No. 55 contains windows in its rear elevation. The applicant has submitted a 'Daylight and Sunlight Assessment' in accordance with the Building Research Establishment guidelines. The assessment concludes that there will be a negligible impact from the development on the daylight entering the windows of no.55. It states that there will be a slight reduction in daylight to some of the ground floor windows in no.49 concluding that there will be a minor adverse impact. In respect to Sunlight the development will affect no.55 however this impact, with the exception of one window, falls within the minimum guidelines recommended by the BRE, this impact is concluded as negligible. The proposal will have no impact on no.49 in respect to sunlight due to its orientation. Outlook from the bedroom windows at no.49 will be towards the proposed building which is hipped to mitigate this impact.

6.5.3 No overlooking to neighbouring dwellings will occur as the only habitable room windows that are located in the side elevation of the building give oblique views to roofs and sky.

6.5.4 On balance, in view of the previous planning history and the submitted Sunlight and Daylight Assessment it is considered that the proposed development will have an acceptable impact on the amenities enjoyed by the occupiers of the neighbouring dwellings

6.6 Sustainability

6.6.1 A pre-estimator assessment was submitted with the application demonstrating that the development can meet the policy requirement of BREEAM 'Excellent'. The requirement can be appropriately secured by condition. In addition to this policy CS25 supported by SPD 'Developer Contributions' 2013 requires a contribution towards carbon offsetting, this can be secured by legal agreement.

6.7 Highway and parking implications.

6.7.1 The application proposes no car parking for the development. The previous scheme for private housing had five spaces. It is however located close to the university, local shops and frequent bus links to the City Centre. Given the location of the proposal, a car free scheme for students is considered to be acceptable. Bike storage is provided at one space per flat. Furthermore highways have raised no objection to the proposal. For these reasons the proposal is considered to be acceptable subject to the attached planning conditions.

6.8 Infrastructure mitigation

6.8.1 The development is CIL liable and will be levied at £70 per sq m. An S106 agreement is also required in addition to CIL securing mitigation towards highway improvements within the vicinity of the site, carbon offsetting and student restrictions as outlined in the 'Recommendation in Full' section of this report.

7. Summary

7.1 The proposal represents a sustainable form of development that will make efficient and effective use of this previously developed site within the urban area for a housing scheme, is a visually acceptable form of development that is in keeping with the street scene, will provide an adequate residential environment for its proposed occupiers, will not adversely affect the amenities enjoyed by the occupiers of the neighbouring dwellings and will not harm highway safety.

8. Conclusion

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

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

1(a), 1 (b), 1 (d), 2 (b), 2 (d), 7 (a), 8 (a)

JM for 22/04/2014 PROW Panel

PLANNING CONDITIONS

1. 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).

2. 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.

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

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

Reason:

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

4. APPROVAL CONDITION - Landscaping, lighting and means of enclosure detailed plan [Pre-Commencement Condition]

Notwithstanding the submitted details before the commencement of any site works a detailed landscaping scheme including both the front and rear of the proposed building and implementation timetable shall be submitted, which includes:

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

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

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

Reason:

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

5. APPROVAL CONDITION - Amenity space access [Pre-Occupation Condition]

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

Reason:

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

6. 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:

- i. 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.
- ii. 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.
- iii. 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 (iii) 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.

7. 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.

8. 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.

9. APPROVAL CONDITION - BREEAM Standards (commercial development) [Pre-Commencement Condition]

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum Excellent against the BREEAM Standard, in the form of a design stage assessment, shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

Reason:

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

10. APPROVAL CONDITION - BREEAM Standards (commercial development) [performance condition]

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

Reason:

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

11. APPROVAL CONDITION - Wheel cleaning facilities [Pre-Use Condition]

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

Reason:

In the interests of highway safety.

12. APPROVAL CONDITION - Material storage (Pre-Commencement Condition)

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

Reason:

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

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

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

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

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

And at no time on Sundays and recognised public holidays.

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

Reason:

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

14. APPROVAL CONDITION - Approved plans

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

Reason:

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

15. APPROVAL CONDITION - Refuse storage and collection [Performance Condition]

The refuse and recycling facilities hereby approved shall be retained in perpetuity for such purposes and 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 interest of visual amenity and for the safety and convenience of the users of the adjacent footway.

16. APPROVAL CONDITION - Public sewer protection [Performance Condition]

The developer must advise the Local Planning Authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development.

Reason:

In order to safeguard the public sewer.

17. APPROVAL CONDITION - Glazing - soundproofing from external traffic noise [Pre-Commencement Condition]

Works pursuant to this permission shall not be commenced until a scheme for protecting the proposed flats and houses from traffic noise from High Road has been submitted to and approved by the local planning authority in writing. Unless otherwise agreed in writing, that scheme shall specify either:-

- Outer pane of glass - 10mm
- Air gap between panes - 12mm
- Inner pane of glass - 6 mm
- or, with secondary glazing with a: -
- Outer pane of glass - 6mm
- Air gap between panes - 100mm
- Inner pane of glass - 6.4 mm

There must be no trickle vents installed in any case. For ventilation purposes in all cases, provision of acoustically treated 'BBA' approved mechanically powered ventilation should be the preferred option. However, provision of acoustic trickle vents will be acceptable. Once approved, that glazing shall be installed before any of the flats are first occupied and thereafter retained at all times.

Reason:

In order to protect occupiers of the flats from traffic noise.

18. APPROVAL CONDITION - Cycle parking [Pre-Occupation Condition]

Prior to the first occupation of the development details and plans of the covered, enclosed and secure bicycle parking compound (including elevational and material details) shall be submitted to and approved in writing by the Local Planning Authority. The bicycle compound shall provide for a minimum of 17 bicycles. The development shall not be occupied until provision has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority after consultation with the Local Highway Authority for the parking of bicycles. Such space shall not thereafter be used other than for the purposes for which it is provided.

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.

19. 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, all windows at first floor level or above on the north and south elevations shall be non-opening below 1.7m above floor level and fitted with obscure or tinted glass. The windows shall be retained in this manner for the duration of use of the building for residential occupation.

Reason:

To protect the amenity and privacy of the adjoining property.

20. APPROVAL CONDITION - Making good flank wall of 55 High Road [Pre-commencement Condition]

Prior to the commencement of the development, details of a scheme to make good, structurally sound and weather proof the exposed wall of 55 High Road shall be submitted to the local planning authority and agreed in writing. The development shall proceed in accordance with the agreed details and thereafter be retained.

Reason

To ensure the structural integrity of, and to secure a good level of amenity for, 55 High Road.

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

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

Minutes from Planning Panel - 22nd June 2010

11. 51 HIGH ROAD - 10/00181/OUT

Erection of a part 3-storey, part 2-storey building to provide 3 x 3-bed and 2 x 2-bed flats with associated parking and refuse/cycle storage following demolition of existing building. Outline application seeking consideration of access, appearance, layout and scale only (details of landscaping to be reserved) (Departure From Local Plan).

Mr Wiles (Agent) and Mr and Mrs Vardy (Local Residents) were present and with the consent of the Chair, addressed the meeting.

NOTE: Councillors Fitzhenry (Chair) and Slade declared a prejudicial interest in this item and withdrew from the meeting.

COUNCILLOR JONES IN THE CHAIR

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO DELEGATE AUTHORITY TO THE HEAD OF PLANNING AND SUSTAINABILITY TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO NO ADDITIONAL OR ADVERSE CONSULTATION COMMENTS BEING RECEIVED IN RELATION TO THE PROPOSAL WAS CARRIED UNANIMOUSLY RESOLVED that authority be delegated to the Head of Planning and Sustainability to grant conditional planning approval subject to the conditions in the report and the amended / additional conditions below.

Amended Conditions:

1 - Outline Permission Timing Condition

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

(i) Written approval of the details of the following awaited reserved matters shall be obtained from the Local Planning Authority prior to any works taking place on the site. The reserved landscaping of the site specifying both the hard, soft treatments and means of enclosures (RESERVED MATTER).

(ii) An application for the approval of the outstanding reserved matters shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission

(iii) The development hereby permitted shall be begun [either before the expiration of five years from the date of this Outline permission, or] before the expiration of two years from the date of approval of the last application of the reserved matters to be approved [whichever is the latter].

REASON:

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

9 - Public Sewer diversion

The developer must advise the Local Planning Authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewers, prior to the commencement of the development.

REASON:

In order to safeguard the public sewer.

Additional Conditions:

15 – Making good flank wall of 55 High Road

Prior to the commencement of the development, details of a scheme to make good, structurally sound and weather proof the exposed wall of 55 High Road shall be submitted to the local planning authority and agreed in writing. The development shall proceed in accordance with the agreed details and thereafter be retained.

REASON:

To ensure the structural integrity of, and to secure a good level of amenity for, 55 High Road.

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The site is part of a defined local centre. Whereas no retail use has been proposed for the ground floor of the new building, it is recognised that there are a number of vacant units within the local centre. The loss of a commercial unit on the application site is not considered harmful to the overall vitality and viability of the entire defined local centre. This technical failure to meet policy REI6 is therefore not considered sufficient to justify a refusal. Other material considerations including the design, impact on the residential amenity of neighbouring dwellings and highway safety issues 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.

Saved Policies - SDP1(i), SDP5, SDP7 (iv) (v), SDP9 (v) H2 (iii) (vii) and REI6 of the City of Southampton Local Plan Review (March 2006).

CS5, CS13 (11) (12), CS15, CS16, CS19, CS20 of the adopted Core Strategy (January 2010).

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS17	Gypsy and Traveller Accommodation and Accommodation for Travelling Showpeople
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment
REI6	Local Centres

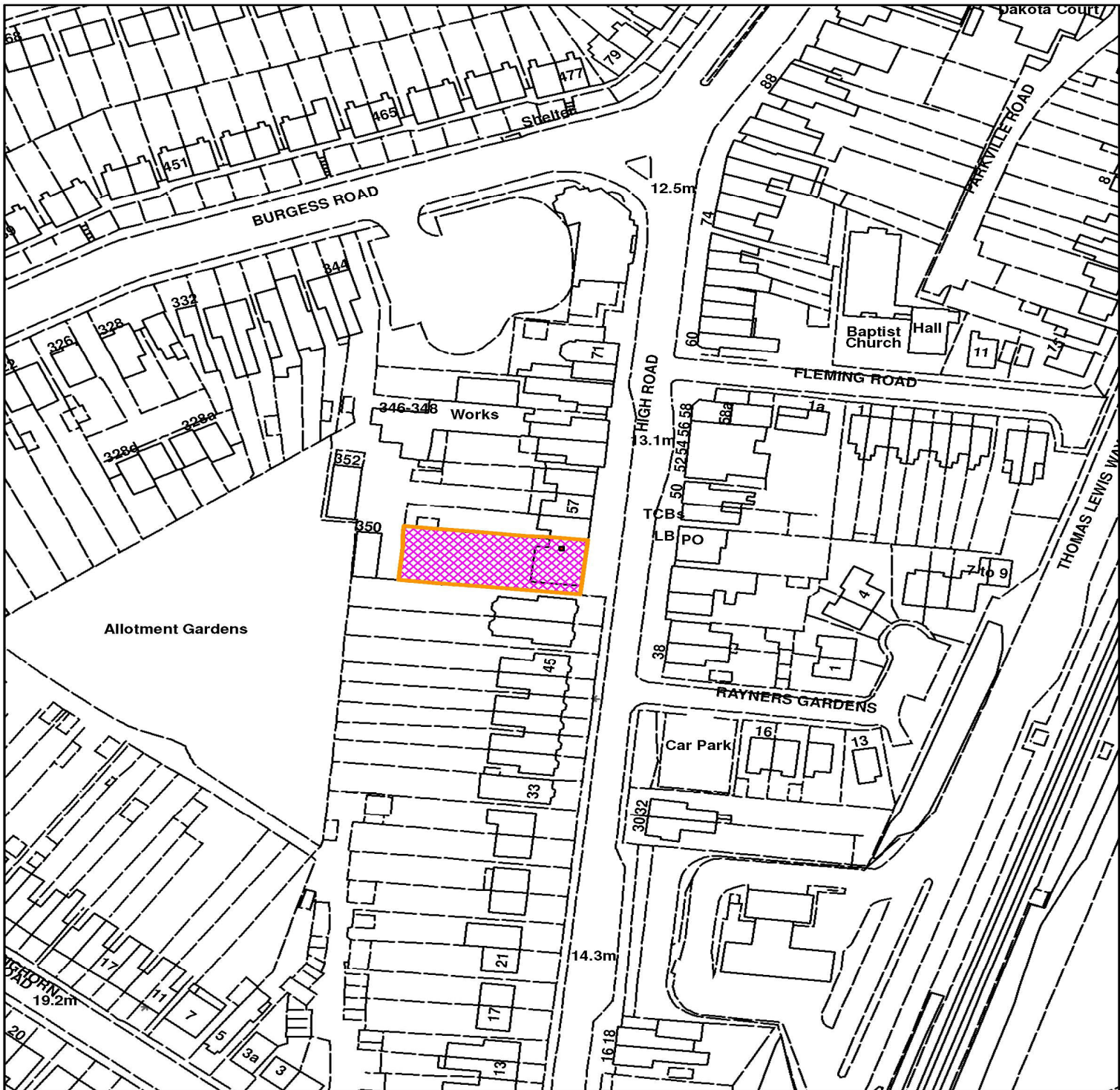
Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Developer Contributions (Adopted - September 2013)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

14/00025/FUL



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Agenda Item 13

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel - 22 April 2014
Planning Application Report of the Planning and Development Manager**

Application address: The Bungalow, 54A Roselands Gardens, SO17 1QJ			
Proposed development: Minor Material Amendment to planning permission ref 12/01376/FUL for a one-bedroom single storey dwelling not in accordance with Condition 8 (Code for Sustainable Homes). Application proposes to change the requirement from Code for Sustainable Homes Level 4 to Level 3. [Retrospective]			
Application number	14/00330/MMA	Application type	MMA
Case officer	Andrew Gregory	Public speaking time	5 minutes
Last date for determination:	18.4.14	Ward	Portswood
Reason for Panel Referral:	Departure from the Development Plan	Ward Councillors	Cllr Adrian Vinson Cllr Matthew Claisse Cllr Linda Norris

Applicant: Mr Saeed Poswall	Agent:
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Recommendation Summary	Conditionally approve
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Although the full credits for level 4 to meet policy CS20 cannot be technically achieved because of the particular circumstances of the case and because the dwelling is now built and occupied. However, following revaluation and retrofitting works the dwelling can be brought up to a reasonable level of sustainability with the development meeting level 3 of the Code for Sustainable Homes. It would be unsustainable to re-build the house to achieve code level 4 and therefore on balance with housing delivery the development can be accepted as a departure from the Development Plan.

Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, H1, H2, H7 of the City of Southampton Local Plan Review (March 2006) and CS4, CS5, CS13, CS18, CS19, CS20, of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies	2	Planning History

Recommendation in Full

Conditionally approve

1. Background

- 1.1 On 24.10.2012 planning permission was granted for a one bedroom single-storey dwelling to the rear of 54 Roselands Gardens (SCC Ref 12/01376/FUL). Condition 8 of the permission required the development to achieve code level 4 of the Code for Sustainable Homes (in accordance with Policy CS20 of the Core Strategy) and for a post construction assessment and certificate to be submitted to demonstrate this.
- 1.2 Prior to the commencement of development a code pre-assessment was carried out by an independent assessor which showed the development could achieve the 68 credits required for code level 4 compliance. However, the post completion assessment undertaken, by a different code assessor, indicated that the completed development had only achieved 40 credits which only meets code level 1.
- 1.3 Therefore the development is in breach of condition 8 of permission reference 12/01376/FUL by achieving code level 1 rather than code level 4. The applicant was advised to reevaluate the development and to look at areas where points could be increased through retrofitting works in order to increase the code level as much as reasonably possible.

2. Proposal

- 2.1 A revaluation has been carried out by a third assessor which indicates that the development can achieve 63.82 points through retrofitting works and reappraisal and therefore the development can reach code level 3. It is not possible to achieve code level 4 on this completed development because points cannot be added to the completed building fabric and because over shading of the site would make photovoltaic's unviable. As such, this application has been submitted to vary condition 8 to allow the development to reach code level 3 and is brought to the Panel as a departure from Policy CS20 of the Core Strategy.
- 2.2 The revised code assessment by Mathew Carter of Energy Calculations Ltd indicates that additional points can be gained in the following areas:
 - Installation of energy display device to allow occupants to monitor and manage energy consumption;
 - To provide energy labelled white goods;
 - To add air flow limiters to taps and showers to reduce indoor water use;

- To reassess the value of the insulating material in relation to global warming;
- Additional points can be gained in relation to construction site impacts;
- Additional points can also be gained in relation to the responsible sourcing of materials, meeting lifetime homes criteria, and in relation to the ecology value of the site.
- Installation of solar thermal panels.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4. Relevant Planning History

- 4.1 On 24.10.2012 planning permission was granted for a one bedroom single-storey dwelling to the rear of 54 Roselands Gardens (SCC Ref 12/01376/FUL). A copy of the planning history is attached as **Appendix 2**.

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (07.03.2014) and erecting a site notice (27.02.2014). At the time of writing the report **0** representations have been received from surrounding residents.

Consultation Responses

- 5.2 **SCC Sustainability Team** – No objection subject to the following condition:
Within six months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum a score of 63 in the Code for Sustainable Homes in the form of post construction assessment and certificate as issued by a legitimate Code for Sustainable Homes certification body shall be submitted to the Local Planning Authority for its approval.”

REASON:

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

- 5.3 There is no feasible reason why, if considered at the correct time and in the correct way, that this scheme would not have achieved Code for Sustainable

Homes (The Code) Level 4. However, the house is now built. It would be perverse to require a completed home, with the embodied carbon it contains, to be demolished or significant parts of it removed and replaced. On this basis, the applicant has investigated what measures can be retrofitted to the as-built house to improve the Code score.

6. Planning Consideration Key Issues

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

- Principle of development
- Design Impact

Principle of Development

6.2 The development has been completed and the dwelling is now occupied. Following a post completion assessment it is not possible for the dwelling to achieve level 4 of the code for sustainable homes and therefore the development is not in compliance with condition 8 of planning permission 12/01376/FUL. Since 2012, Policy CS20 of the Core strategy has required all residential development to achieve a minimum of level 4 of the code for sustainable homes.

6.3 The completed development only reaches code level 1 with 40 points. However the scheme can reach code level 3 with 63 points following reappraisal and with retrofitting works. It is now not possible to achieve code level 4 because the building is completed and because of the constraints of the site (points cannot be gained from the completed building fabric and photovoltaic's are unviable because of overshadowing). Furthermore it would be unsustainable to require the new building to be demolished or significant parts of it removed and replaced. Therefore code 3 would still represent a departure from policy CS20 but would represent a significant improvement to code level 1. The Council would not normally support development that fails to achieve the required sustainable construction levels but it is considered that approving this scheme will not set a precedent that ignores these requirements, as retro-fitting costs are expensive and each scheme will have to be assessed on its merits. There should not be any consideration from this recommendation that the policy can be ignored on other schemes.

6.4 Design Impact

The proposed retrofitting works will have no adverse impact on the design of the property or the visual amenities of the area. The majority of the proposed works are internal and the proposed solar thermal panels will have no adverse impact.

7. Summary

7.1 Given the particular circumstances of the case and on balance with the merits of the completed house in terms of meeting housing need; the proposed departure is considered acceptable. The development can reach 63 points which is five points short of the amount needed to reach code level 4 (68 points needed). It would be unsustainable to require the new building to be demolished or significant parts of it removed and replaced.

8. Conclusion

- 8.1 It is recommended that the application be approved as a departure from policy CS20. A condition will be added to ensure the development is completed to code level 3 within six months of the date of permission.

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

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

AG for 22/04/14 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Code for Sustainable Homes

Within six months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum a score of 63 in the Code for Sustainable Homes in the form of post construction assessment and certificate as issued by a legitimate Code for Sustainable Homes certification body shall be submitted to the Local Planning Authority for its approval.

Reason:

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

02. APPROVAL CONDITION - Refuse provision

The refuse bins shall be stored in the enclosed garden area and shall only be brought forward to the edge of pavement on collection days and returned to enclosed garden area at all other times.

Reason:

In the interest of the visual amenities of the area.

03. APPROVAL CONDITION - Residential - Permitted Development Restriction for existing and approved dwelling [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 both the retained dwelling at 54 Roselands Gardens and the new 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 D (porch),
- Class E (curtilage structures), including a garage, shed, greenhouse, etc.,

Reason:

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

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

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

Reason:

To protect the amenities of the adjoining residential properties

05. APPROVAL CONDITION - Cycle, amenity space and boundary treatment

The cycle parking, amenity space and boundary treatment as approved under planning permission reference 12/01376/FUL or the subsequent discharge of conditions shall be retained as approved in connection with the residential use hereby approved.

Reason:

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

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

The roof area of the building hereby approved shall not be used as a balcony, terrace, roof garden or similar amenity area without the grant of further specific permission from the Local Planning authority.

Reason:

In order to protect the privacy of adjoining occupiers

07. APPROVAL CONDITION - Approved Plans

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

Reason:

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

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Relevant Planning History

12/01376/FUL - Erection of a one bedroom single storey dwelling to the rear of 54 Roselands Gardens - Conditionally Approved on 07.11.2012

CONDITION 8 - APPROVAL CONDITION - Code for Sustainable Homes [Performance Condition]

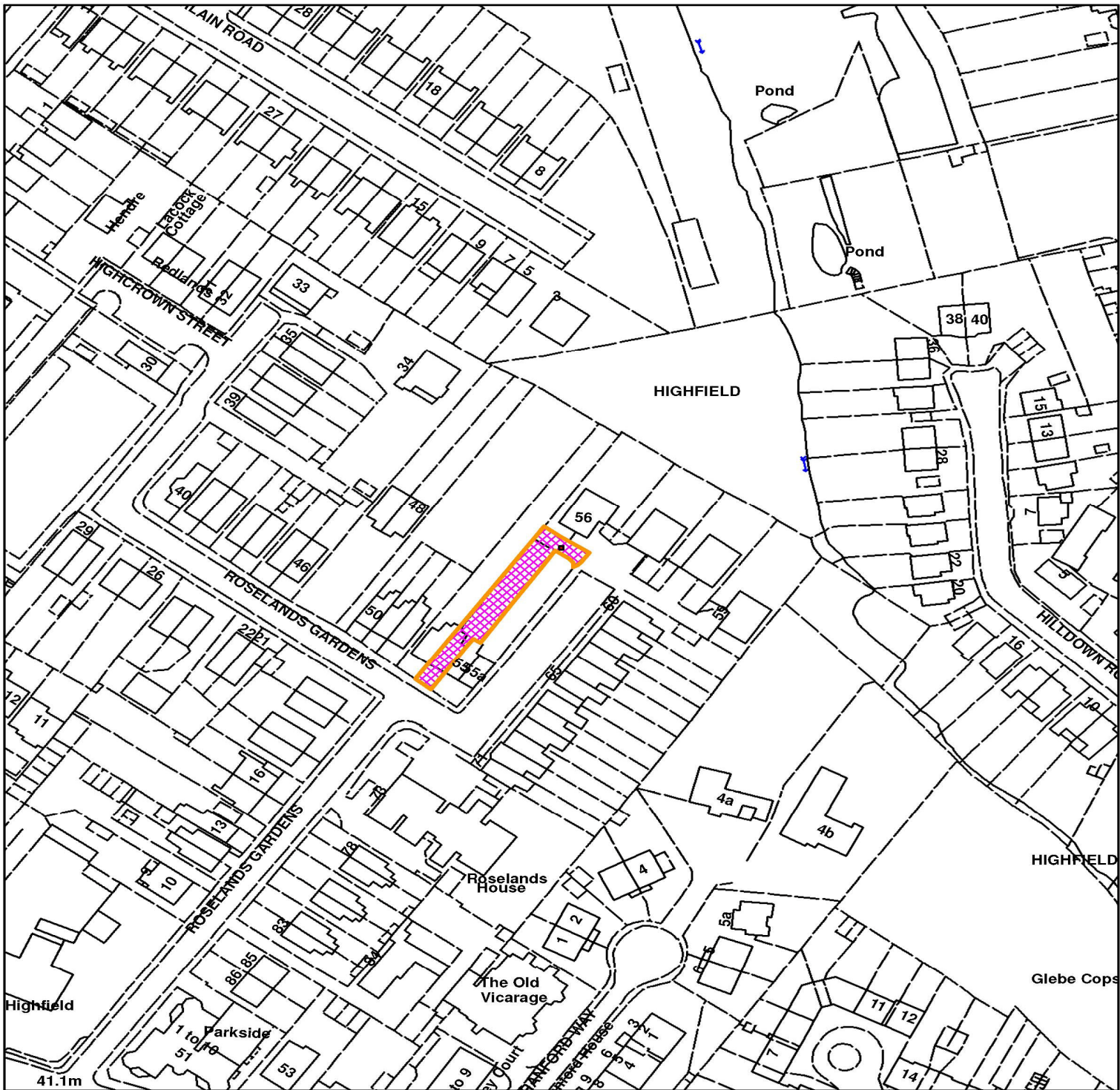
Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Level 4 of the Code for Sustainable Homes in the form of post construction assessment and certificate as issued by a legitimate Code for Sustainable Homes certification body, shall be submitted to the Local Planning Authority for its approval.

REASON:

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

13/00110/DIS - Application for discharge of conditions 2 (materials), 3 (roof drainage), 7 and 8 (code for sustainable homes), and 13 (boundary treatment) of planning permission 12/01376/FUL (erection of 1 bed dwelling) - Split decision issued on 29.04.2013

14/00330/MMA



Scale: 1:1,250

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DECISION-MAKER:	PLANNING AND RIGHTS OF WAY PANEL			
SUBJECT:	REMOVAL OF SIX TREES - STATION QUARTER			
DATE OF DECISION:	22 APRIL 2014			
REPORT OF:	HEAD OF CITY SERVICES			
<u>CONTACT DETAILS</u>				
AUTHOR:	Name:	Hannah Chalmers	Tel:	023 8083 3620
	E-mail:	hannah.chalmers@southampton.gov.uk		
Director	Name:	Stuart Love	Tel:	023 8091 7713
	E-mail:	stuart.love@southampton.gov.uk		

STATEMENT OF CONFIDENTIALITY
None.

BRIEF SUMMARY

Southampton Station Quarter North – additional tree removal – four Fraxinus Excelsior (Common Ash) at Southbrook Road car park in order to accommodate a two tier cycle stacking storage facility; and the removal of two Acer Platanoides (Norway Maple) between south east corner of Frobisher House and the bottom of Wyndham Place – in order to facilitate the rebuilding of the retaining wall of the planting bed as part of the overall re-landscaping scheme.

RECOMMENDATIONS:

- (i) To allow removal of six trees to improve the station forecourt and to improve cycle and pedestrian links from the station; and
- (ii) To provide four Alnus Cordata (Italian Alder) to replace two Norway Maples, the replacements for the four Fraxinus Excelsior (Common Ash) to be included within the overall landscaping scheme.

REASONS FOR REPORT RECOMMENDATIONS

1. If the trees are retained at Southbrook Road car park then this will prevent the installation of the cycle storage unit. The trees have been assessed as C grade trees and therefore within BS5837:2012; as trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm. The loss of these trees will be mitigated across the whole project as a greater number of new trees are to be planted than removed.
2. If the Norway Maples are retained within the raised bed between Frobisher House and the bottom of Wyndham Place this would prevent part of the re-landscaping of the overall scheme. This raised bed is showing signs of root damage from the Maples in places.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

3. Southbrook Road car park – alternative locations for the cycle storage have been discounted as they either do not provide sufficient quantity of storage or would block access for deliveries and collection of money relating to the businesses operating within the station.
4. Between south east corner of Frobisher House and the bottom of Wyndham Place: retain the existing brick wall planter. Discounted, as the new wall forms part of a suite of structures designed for the new public realm area in front of Frobisher House. Retaining the existing wall would compromise the overall aesthetic of the wider scheme improvements.
5. Extend the new wall south and east. Discounted due to the footway of Wyndham Place already being quite narrow. Services exist immediately south and diverting these would be too costly.

DETAIL (Including consultation carried out)

6. Between south east corner of Frobisher House and the bottom of Wyndham Place – originally the existing trees were to be retained. However, during the detailed design it became apparent that the new retaining wall would need to be moved north to avoid an underground pipe. The result being the existing structure would need to be removed. Damage to the crown of these trees and significant disturbance to the roots on the east side would be unavoidable.
7. The loss of the two Norway Maples will be mitigated by the planting of four *Alnus Cordata* (Italian Alder). The replacement trees will be planted with suitable root barriers / deflectors so that in the long term the surrounding structure will be protected.

RESOURCE IMPLICATIONS

Capital/Revenue

- 8 All works are being funded as part of the project. Funds are from LSTF (Local Sustainable Transport Fund, Section 106 and National Station Improvement Programme) budget previously approved by Cabinet.

Property/Other

- 9 The replacement trees will be planted on land within the ownership of the City Council.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

- 10 In accordance with the Constitution any decision relating to Council trees, unless delegated, will be determined by the Planning Panel.

Other Legal Implications:

- 11 The trees are not subject to Tree Preservation Orders.

POLICY FRAMEWORK IMPLICATIONS

12. None

KEY DECISION? No

WARDS/COMMUNITIES AFFECTED:	Bargate
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SUPPORTING DOCUMENTATION

Appendices

1.	Southampton Station Quarter – Landscape Proposals Planting Plan 201015-BE-3000-001
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Documents In Members' Rooms

1.	None
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Equality Impact Assessment

Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.	No
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Other Background Documents

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

Title of Background Paper(s)

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

1.	None	
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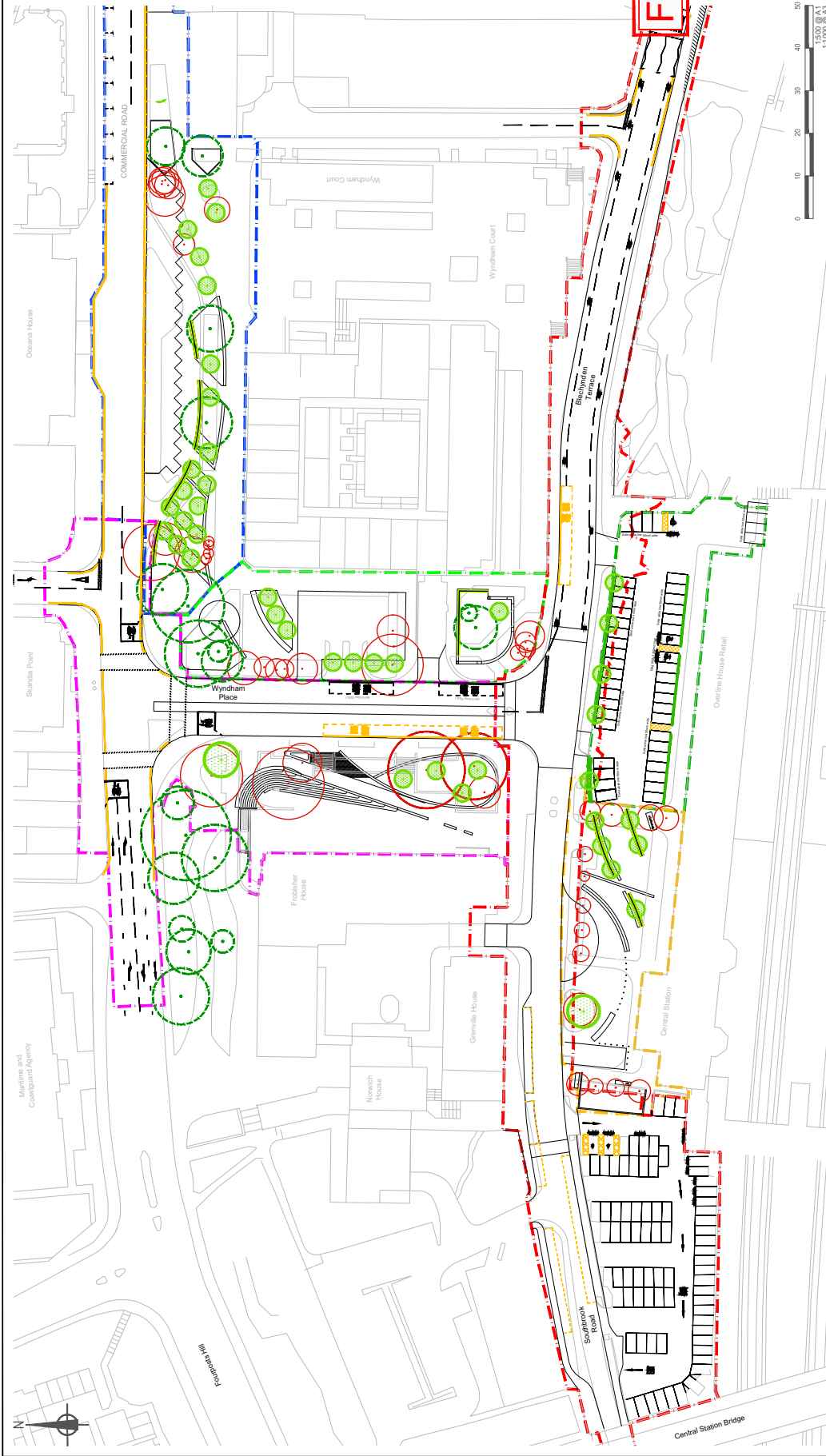
SIGNIFICANT RESIDUAL RISKS
 The following list provides a cross reference between the drawings and the Designers Report & Safety Risk Assessment and the areas of significant residual risk.

Description of Risk	Risk No.
Excavation of tree pits	1
Deep excavations	2

- Key:**
- Existing tree to be retained
 - Proposed tree
 - Existing tree to be removed
 - Grass or grass/clover sward planting as noted
 - Self binding gravel
 - Gripped hedge
- Phase 1 construction works
 Phase 2 construction works
 Phase 3 construction works
 Phase 4 construction works
- Phase 1 of E. & C. Risk
 Landscape proposals shown are part of their plans to reorganise the frontage to Overline House

FOR REVIEW

Ref	Rev	By	Date	Description
P4	01	CVH	11/05/15	Finalise and complete contract.
P3	01	CVH	11/05/15	Finalise and complete contract.
P2	01	CVH	11/05/15	Finalise and complete contract.
P1	01	CVH	11/05/15	Finalise and complete contract.
P0	01	CVH	11/05/15	Finalise and complete contract.



Matthew and
Cousins Agency

Standa Point

Ocean House

COMMERCIAL ROAD

Wyndham Court

Wyndham Court

Wyndham Place

Frisher House

Grenville House

Nowich House

Southbrook Retail

Central Station Bridge

Overline House Retail

Central Station

Wyndham

Wyndham

Wyndham

Wyndham

Wyndham

Wyndham

Wyndham

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