

Public Document Pack

Planning and Rights of Way Panel

Tuesday, 13th April 2010
at 9.30 am

PLEASE NOTE TIME OF MEETING

Conference Room 3 - Civic Centre

This meeting is open to the public

Members

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

Contacts

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PUBLIC INFORMATION

Terms of Reference

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

Public Representations

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

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

Southampton City Council's Six Priorities

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

Smoking policy – The Council operates a no-smoking policy in all civic buildings

Mobile Telephones – Please turn off your mobile telephone whilst in the meeting.

Fire Procedure – In the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

Access – Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

Dates of Meetings: Municipal Year 2009/10

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

CONDUCT OF MEETING

Terms of Reference

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

Business to be discussed

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

Rules of Procedure

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

Quorum

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

Disclosure of Interests

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

Personal Interests

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

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

A Member must disclose a personal interest.

/Continued...

Prejudicial Interests

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

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

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

There are some limited exceptions.

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

Principles of Decision Making

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

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

In exercising discretion, the decision maker must:

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

AGENDA

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

1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

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

2 DISCLOSURE OF PERSONAL AND PREJUDICIAL INTERESTS

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

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

3 STATEMENT FROM THE CHAIR

4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)

To approve and sign as a correct record the Minutes of the meeting held on 16th March 2010 and to deal with any matters arising, attached.

CONSIDERATION OF PLANNING APPLICATIONS

ITEMS TO BE HEARD BETWEEN 9:30 AM TO 11:00 AM

5 HEADWAY CENTRE / MILLBROOK CLINIC, HELVELLYN ROAD / CUMBRIAN WAY SO16 4AS

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

6 MCDONALDS, REDBRIDGE ROAD

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

ITEMS TO BE HEARD BETWEEN 11:00 AM TO 12:30 PM

7 171 PORCHESTER ROAD

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

8 LAND TO THE REAR OF SHERIDAN CLOSE, THORNHILL

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

Thursday, 1 April 2010

SOLICITOR TO THE COUNCIL

PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 16TH MARCH 2010

Present: Councillors Fitzhenry (Chair), Jones (Vice Chair), Mrs Blatchford, Cunio, Davis, Osmond (except Item 74) and Parnell

67. APOLOGIES/ CHANGES IN MEMBERSHIP

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

68. MINUTES OF PREVIOUS MEETINGS (INCLUDING MATTERS ARISING)

RESOLVED that

- (i) the Minutes of the meeting held on 19th January 2010 be approved and signed as a correct record subject to the following amendments:

Item 50 - REASONS FOR THE DECISION

Delete all and replace with the following;-

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 development is in keeping with the site and surrounds and would not have a detrimental impact on residential amenity or highway safety. The previous reasons for refusal and reasons for dismissing previous planning appeals have been addressed. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - SDP1, SDP 2, SDP3, SDP4, SDP5, SDP6, SDP7, SDP9, SPD10, H1, H2, H7, H8, H12 and IMP1 of the City of Southampton Local Plan Review (March 2006) and policies CS4, CS5, CS13, CS18, CS19, CS20 and CS25 of the Southampton Local Development Framework Core Strategy.

Item 51 - REASONS FOR THE DECISION

Delete all and replace with the following;-

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 proposal would be in keeping with the site and surrounds and would not have an adverse impact on either highway safety or the amenities of the neighbouring residential occupiers. 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.

- (1) Pedestrian crossing facilities in the vicinity of the junction of Havelock Road and West Park Road;
 - (2) Construction of an island extending out from the radius of the north side of the junction of the Havelock spur road with Havelock Road to beyond the existing centre line of the carriageway which will then provide: safe visitor cycle parking; a clear definition of the carriageway edge when travelling along Havelock Road; a clear route out of the spur which only allows left turning traffic by design; a clear deterrent for any traffic attempting to turn into the spur; suitable signage to advise traffic of new circulation routes in accordance with Policies CS18, CS19 and CS25 of the Local Development Framework Core Strategy Development Plan Document – Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended)'
- (d) Prior to the commencement of development to submit a Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended).
- (ii) the conditions in the report, the amended and additional conditions below.

Amended Conditions

5 - BREEAM Standards (commercial development)

Prior to the commencement of the development hereby approved, a feasibility study shall be submitted to the Local Planning Authority for approval in writing regarding the attainment of a Very Good rating against the BREEAM standard (or equivalent ratings using an alternative recognised assessment method). This shall be verified in writing and implemented prior to the development first coming into use.

REASON:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS22 of the Core Strategy and SDP13 of the City of Southampton Local Plan (2006).

Additional Conditions

23 – Servicing arrangements

No development shall commence until details of a scheme to ensure that the use, maintenance and management of the service areas and the circulation of refuse and delivery vehicles for both the civic centre and the museum is unhindered has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of necessary signage for the directing of those vehicles both within the site and in the surrounding roads. The development shall be carried out in accordance with the approved details.

REASON:

To ensure satisfactory servicing arrangements are retained.

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations 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 development is an acceptable use for the Civic Centre and the proposed additions are considered to safeguard the special architectural or historic interest of the listed building and its setting. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 16 (2) of the Listed Buildings Act 1990 and thus planning permission should therefore be granted.

Policies CS1, CS13, CS14, CS18, CS19, CS20 and CS25 of the Local Development Framework Core Strategy Development Plan Document

Policies - SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, HE3, HE5, HE6, CLT1, MSA1, and MSA5 of the City of Southampton Local Plan Review (March 2006).

70. 10/00021/LBC Civic Centre, Civic Centre Road SO14 7LY

Listed building application for internal and external alterations including removal of the entrance steps and reconfiguration of the entrance and extensions at roof level and to the north side of the building in connection with use as a museum

Mr Brownley (Agent), Mrs Dyer-Slade (Applicant), Mr Morton (City of Southampton Society, Mr Linneker (Southampton Common and Parks Protection Society) and Mrs Barter (Local Resident) were present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION THAT THE APPLICATION BE REFERRED TO THE GOVERNMENT OFFICE WITH A RECOMMENDATION THAT LISTED BUILDING CONSENT BE GRANTED WAS CARRIED

RECORDED VOTE:

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

AGAINST: Councillors Mrs Blatchford and Davis

RESOLVED that the application be referred to the Government Office with a recommendation that Listed Building Consent be approved subject to the conditions in the report and the amended and additional conditions below.

Amended Conditions

5 – Method Statements

No development shall take place within the site until the applicant has prepared and submitted for approval to the Local Planning Authority Method statements for all elements of the works that will affect the historic fabric. Such method statements may include works associated with;

- Opening up

- Removal of historic fabric
- All repairs
- Paint samples
- Making good

REASON:

To ensure that the proposed methods are in accordance with best practice.

Additional Conditions

11- Matching alterations

Notwithstanding the plans hereby approved, any alteration to the external appearance of the premises shall be carried out in materials to match the existing structure and shall be agreed in writing by the Local Planning Authority prior to any works taking place.

REASON:

To ensure the appearance of the premises is acceptable.

12 – Re-use of salvaged historic material

No development shall take place within the site until the applicant has prepared and submitted for approval to the Local Planning Authority a schedule of historic material to be re-used within the building. Such material may include historic stone, ironwork doors etc. Any fixtures and fittings of interest that need to be removed and/or stored during the course of the works are kept safe.

REASON:

To ensure that material of historic importance is recycled within the building.

13. APPROVAL CONDITION – Samples

Samples of all materials will be prepared for approval by the Local Planning Authority. This will include sample panels of stone or brickwork and mortar samples.

REASON:

To ensure that all materials used are appropriate.

REASONS FOR THE DECISION

The development is acceptable taking into account the policies of the Development Plan as set out below. In deciding this application, the Council considers the listed building and its setting would be preserved and the building's features of special architectural and historic interest would be safeguarded. 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. Policies - HE3 of the City of Southampton Local Plan Review (March 2006) and CS14 of the Core Strategy Development Plan Document (January 2010).

71. 10/00041/FUL Itchen Ferry Slipway, Hazel Road

Works in association with the regeneration of the Itchen ferry foreshore and beach including the extension of the slipway, construction of a removable flood barrier, regrading of foreshore wall and associated street furniture

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

RESOLVED that planning approval be granted subject to the conditions set out in the report.

REASONS FOR THE DECISION

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

Policies - HE6, NE2, NE5, SDP1, SDP7, SDP8, SDP12, CLT10 and CLT11 of the City of Southampton Local Plan Review (March 2006); CS12, CS13, CS21, CS22 and CS23 of the Local Development Framework Core Strategy Development Plan Document (January 2010); CC2, NRM1, NRM2, NRM4 and NRM5 of The South East Plan (Regional Spatial Strategy of the South East of England (may 2009); and Planning Policy Statement 25: Development and Flood Risk (PPS25).

72. 09/01328/R3CDL Upper Shirley High School, Bellemoor Road,

Redevelopment of the site with erection of a replacement school building (up to 8,350 square metres gross floor space) with relocated sports pitches, associated parking and vehicular access from two positions in Bellemoor Road following demolition of the existing buildings (Outline application: means of access for consideration)

Mr Limbert (Agent) and Mrs Harrison, Mrs Lawrie, and Mrs Wright (Local Residents) were present and with the consent of the Chair, addressed the meeting.

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

RECORDED VOTE:

FOR: Councillors Fitzhenry, Jones, Osmond and Parnell

AGAINST: Councillors Mrs Blatchford, Cunio and Davis

RESOLVED

that conditional outline planning approval be granted subject to the conditions in the report, the amended and additional conditions below:-

Amended Conditions

16 - Landscaping detailed plan

A detailed landscaping scheme and implementation timetable, which clearly indicates the numbers, planting densities, types, planting size and species of trees and shrubs to be planted, means of enclosure and treatment of hard surfaced areas, shall be submitted to and approved in writing by the Local Planning Authority as part of the approval process for the LANDSCAPING reserved matter. These details shall relate to the external spaces and the green roof as hereby approved. The details of landscaping shall also include measures for removing existing Japanese Knotweed from the site and preventing its future spread from new landscaped areas.

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

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

The approved scheme shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

REASON:

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

36 – Multi-Use Games Area

No development shall take place until a detailed scheme relating to the siting, layout, means of enclosure, external lighting and hours of operation of the multi-use games area has been submitted to and approved in writing by the Local Planning Authority. The development of the multi-use games area shall be carried out in accordance with the approved scheme and shall not be used outside the approved hours of operation.

REASON:

To ensure the location of the multi-use games area is acceptable and to ensure its future operation can be carried without adversely affecting the amenities of neighbouring residential occupiers.

42 – Access Road Limitation

The secondary access road (between 80 and 82 Bellemoor Road) hereby approved shall only be used by delivery and service vehicles to the school, including coaches, between 0730 and 1800 hours Mondays to Fridays. The secondary access road shall not be used in connection with the dual use of the school site for purposes outside of normal school hours. Details of the means of controlling access arrangements to accord with these hours of use shall be submitted to and approved in writing by the Local Planning Authority before the vehicular access is first used. The access shall operate in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To protect the amenities of neighbouring residential occupiers.

Additional Conditions

44 – Access Road Parking Limitation

The secondary access road hereby approved shall not be used for vehicle parking apart from delivery and service vehicles, including coaches, servicing the school use in accordance with Condition 42 of this planning permission.

REASON:

To protect the amenities of neighbouring residential occupiers.

45 – Access Road Connection

The two vehicular accesses to the site hereby approved and shown on approved drawing number 910-001 shall be used independently and no vehicular connection shall be formed between the two access roads within the site.

REASON:

To restrict vehicular movements within the site and to safeguard the amenities of neighbours.

46 – Archaeological investigation

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

REASON:

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

47 – Archaeological work programme

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

REASON:

To ensure that the archaeological investigation is completed.

48 – Archaeological damage-assessment

No development shall take place within the site until the type and dimensions of all proposed groundworks have been submitted to and agreed by the Local

Purchase Act 2004, Deemed Planning Permission should therefore be granted.

Development Plan Policies:-

South East Plan (May 2009) - SP2, SP3, SP4, CC1, CC6, RE1, RE4, T1, T2, T4, NRM5, NRM10, S3, S4, S5, and S6. Saved policies of the Hampshire County Structure Plan Review (27.9. 2007) T5. Saved City of Southampton Local Plan Review Policies (March 2006) - SDP1, SDP2, SDP3, SDP4, SDP5, SDP7, SDP8, SDP10, SDP11, SDP12, SDP16, SDP17, SDP22, CLT3 and NE4. City of Southampton Core Strategy (January 2010) - CS11, CS13, CS18, CS19, CS21 and SC22

74. 09/01377/OUT 468 - 480 Portswood Road

Redevelopment of the site. Erection of a new building (part two-storey, part three-storey, part four-storey plus lower ground floor) to provide 50 student housing units and a retail unit - Class A1 with associated parking (outline application seeking approval for layout, access, appearance and scale)

Mr Holmes (Agent) and Mr Slater (L&S Commercials) were present and with the consent of the Chair, addressed the meeting. A written statement from Councillor Odgers (Ward Councillor) was tabled with the consent of the Chair.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO DELEGATE AUTHORITY TO THE DEVELOPMENT CONTROL MANAGER TO GRANT CONDITIONAL PLANNING PERMISSION WAS CARRIED

RECORDED VOTE:

FOR: Councillors Mrs Blatchford, Davis, Fitzhenry, Jones and Parnell

ABSTAINED: Councillor Cunio

RESOLVED

- (i) that authority be delegated to the Development Control Manager to grant conditional planning approval subject to:-
 - a) the conditions in the report and the amended conditions below;
 - (b) the applicant entering into a Section 106 Planning Obligation to secure:
 - 1 Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in accordance with polices CS18, CS19 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended). In particular this should include to making of a Traffic Regulation Order after public consultation with regard to the introduction of parking restrictions in Belgrave Road and dedication of land to create a 2m footway;
 - 2 A financial contribution towards strategic transport projects for highway network improvements in the wider area in accordance with policies CS18 & CS25 of the Local Development Framework Core Strategy Development Plan

Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);

- 3 Financial contributions towards the relevant elements of public open space required by the development in accordance with polices CS21 and CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended) with regard to:-
 - Amenity Open Space (“open space”)
 - Play Space
 - Playing field
- 4 Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer; and
- 5 A covenant by the developer that only students in full time education be permitted to occupy any of the studio flats;
- 6 To provide to the local planning authority an undertaking to provide a list of students who have signed tenancy contracts at the start of each contract and to impose in any tenancy agreement an undertaking from the student not to bring any private car to the site save for the following exceptions:-
 - that the student is disabled and has been permitted by the developer/owner of the site to use one of the two spaces on site allocated for disabled drivers; or
 - that the student is moving their personal possessions into or out of the studio flat they have rented; or,
 - that a student has hired the use of a car from a car club procured by the developer/owner of the site;
- 7 Prior to occupation to submit details of how the pool car sharing club would be operated at the site for approval by the local planning authority in writing. Once agreed, the scheme shall be operated in accordance with the approved scheme.
- 8 Before the development commences, the developer shall submit details of a management scheme to manage the arrival and departure of students from the site at the beginning and end of their tenancies. The scheme shall include details of:-
 - (i) any “vehicle calling system” ; and
 - (ii) making best use of on-site parking and the central courtyard to avoid congestion on the adjoining public highway.

The developer shall then implement the approved scheme prior to the first occupation of any part of the building for the lifetime of the development.

- (ii) that the Development Control Manager be authorised to refuse permission should the Section 106 Agreement not be completed by 6th April 2010, on the ground of failure to secure the provisions of the Section 106 Agreement.

Amended Conditions

6 - Bicycle parking facilities

Before the development commences, the developer shall detail how the shop's basement stockroom shall be made secure from the common bicycle store and vice versa in accordance with details to be submitted to and approved in writing by the local planning authority. Once approved, bicycle parking facilities for a minimum of 60 allocated bicycles detailed on the approved plans and at least two Sheffield stands set into the forecourt of the shop shall be fully provided before any part of the building hereby approved is first occupied. Once provided, those facilities shall be maintained at all times thereafter.

REASON:

To promote the use of a sustainable form of travel given the limited on-site car parking proposed.

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set out below. Sufficient adjustments to the design and reassurance have been offered through the amended Transport Assessment to have overcome the local planning authority's reasons for refusing application 09/00409/OUT. Careful regard has been given to third party objections against the scheme. Other material considerations do not have sufficient weight to justify a refusal of the application. Where appropriate conditions have been imposed and planning legal agreements used to mitigate any harm identified. Overall, the positive regenerative opportunities and potential to alleviate neighbour problems caused by some student households within established family housing areas associated with the development are considered to outweigh the dis-benefits of the potential to interfere with the continued operation and viability of nearby businesses, through the measures and acoustic attenuation that have been designed into the scheme. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Outline Planning Permission should therefore be granted.

Policies: -

South East Plan (Regional Spatial Strategy (May 2009) - SP1, SP2, SP3, CC1, CC2, CC3, CC4, CC6, CC7, H1, H4, H5, T1, T2, T4, NRM1, NRM2, NRM4, NRM5, NRM10, NRM11, NRM12, W1, W8, M1, BE1, BE2, BE6, SH1, SH5 and SH8. Saved policies of the Hampshire County Structure Plan Review (27.9.2007) - T5. Saved City of Southampton Local Plan Review Policies (March 2006) - SDP1, SDP2, SDP3, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP15, SDP16, SDP17, SDP19, SDP20, SDP21, SDP22, HE6, CLT5, H1, H2, H3, H7, H8, H9, H12, H13, REI 1 and REI 8. Core Strategy for City of Southampton Local Development Framework (January 2010) - CS3, CS4, CS5, CS13, CS14, CS16, CS18, CS19, CS20, CS22 and CS25.

Other guidance: PPS1 - Delivering sustainable development; PPS3 – Housing; PPS4 - Planning for sustainable economic growth; PPG13 – Transport; PPG17 -

Planning for Open Space, Sport and Recreation; PPS23 - Planning and pollution control; PPG24 - Planning and Noise; DCLG Circular 5/2005 - Planning Obligations; SPG on Planning Obligations (as adjusted November 2006 and currently undergoing review, to be adopted after public consultation as a Supplementary Planning Document); Economic Development Strategy; City of Southampton Local Transport Plan 2006 – 2016; Residential Design Guide

NOTE: Councillor Osmond declared a personal and prejudicial interest in this item and withdrew from the meeting.

75. PRE-APPLICATION CHARGING

The Panel received and noted the report of the Head of Planning and Sustainability detailing the introduction of fee charges for pre-application planning advice as agreed by Full Council and Cabinet. (Copy of report circulated with the agenda and attached to the signed minutes).

76. REMOVAL OF A TREE ON THE WOODMILL OUTDOOR ACTIVITIES CENTRE SITE

The Panel considered the report of the Executive Director of Neighbourhoods in respect of an application for the removal of an Oriental plane tree on the edge of the lake on the Woodmill Outdoor Activities Centre Site to allow access for disabled fishing and kayaking by allowing a jetty to be built. (Copy of report circulated with the agenda and attached to the signed minutes).

The Panel noted that funding for 6 replacement trees had been obtained.

RESOLVED that the removal of one Oriental plane tree by Woodmill fishing lake and replacement with six trees of a species and size as agreed with the Senior Tree Officer, be approved.

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Agenda Item 5

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 13 April 2010
 Planning Application Report of the Head of Division

Application address	Headway Centre / Millbrook Clinic, Helvellyn Road / Cumbrian Way SO16 4AS		
Proposed development	Redevelopment of the site. Erection of 2-Storey and 3-storey buildings to provide 12 flats (11 X 2-bedroom and 1 X 1-bedroom) and 4 X 3 bedroom houses with associated access, parking and landscaping, following demolition of the existing buildings.		
Applicant	The Swaythling Housing Society Ltd	Agent	Mr Harry Groucott Bicentennial Building, Southern Gate, Chichester,

Application number	09/01305/FUL	Application type	FUL
Case officer	Andy Amery	Application category	Q 07 - Small scale major dwellings

Recommendation Summary	Planning permission be granted subject to receipt of a undertaking from the Director of Neighbourhoods that contributions are put aside from the housing revenue account into the general fund to secure financial contributions towards public open space, site specific highway works and strategic transport projects. The undertaking shall also secure a highway condition survey.
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Reason for Panel consideration	Major development on Council owned land
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Date of receipt	22/12/2009	City Ward	Millbrook
Date of registration	22/12/2009	Ward Members	Cllr Wells
Publicity expiry date	08/04/2010		Cllr Norris
Date to determine by	23 March 2010 OVER		Cllr Davis

Site area	1 652sq m (0.165ha)		Useable amenity area	45 sq m per house and 10 sq m per flat (including private balcony space)		
Density - whole site	97d.p.h					
Site coverage (developed area)	70%		Site coverage			
Residential mix	numbers	unit size				
Studio / 1-bedroom	1	51 sq m				
2-bedroom	11	68sq m				
3-bedroom	4	87sq m				
Accessibility zone	Medium					
Car parking provision	Proposed: 14		Existing: n/a	Policy maximum: 14		
Bicycles	Proposed: 12					
Key submitted documents supporting application						
Design and Access Statement						
Sustainability Report						
Ecology Report						
Tree Survey						
Appendix attached						
1	Local Plan Policy schedule					

Recommendation in full

1. Delegate the Head of Planning and Sustainability to grant planning permission subject to receipt of an undertaking from the Director of Neighbourhoods that contributions are put aside from the housing revenue account into the general fund to secure financial contributions towards public open space, site specific highway works and strategic transport projects. The undertaking shall also secure a highway condition survey.

2. Authorisation of the Panel be given to the Head of Planning and Sustainability to enter into a footpath diversion order under s257 of the Planning

Act should this be necessary during the demolition and construction phase of the development.

BACKGROUND

The development proposals form part of the Council's major estates regeneration programme which is intended to transform established communities and provide a mix of new homes for the people of Southampton.

The site area subject to this application is owned by the City Council and is intended to remain in Council ownership following re-development.

Proposed Development & Surrounding Context

The application represents just the first phase of a larger proposed redevelopment of the Cumbrian Way Parade - a 0.83 hectare site which currently comprises: a parade of 8 ground floor retail units with 10 maisonettes above at first and second floor level, a local housing office, a vacant two storey former clinic and a pedestrian route which runs roughly north-south through the centre of the site and allows access to the Mason Moor Primary School immediately to the north of the site.

The site is part of a defined local shopping centre on the Local Plan Review Proposals Map (March 2006).

This application represents approximately 25% of the larger re-development site and comprises the two storey former clinic building in the north east corner of that site, the access route serving the housing office on the east side of Hellvellyn Road and a small area of amenity grassland.

The development proposals consist of a total of 16 units. 12 flats in a 3 storey block along the northern boundary of the site and 4 three bedroom houses (two storey).

The proposals have been amended from the initial submission. The car parking has been largely removed from the centre of the development to the outer perimeter of Hellvellyn Road which combined with works to be undertaken to Hellvellyn Road is intended to create a 'home-zone' type environment focused on pedestrian safety. By removing the car parking from the centre of the site a greater amount of amenity space is able to be provided both for the flats and the houses and greater space for landscaping including tree planting. In addition the buildings have been re-designed to maximise the number of flats with private west facing balconies to augment the improved amenity space provision. The layout of the units has also been amended to ensure that both houses and flats directly front onto the central pedestrian route to ensure the creation of a street frontage with activity and surveillance rather than flank elevations and close boarded fencing.

Relevant Planning Policy

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

Relevant Planning History

No relevant History.

Consultation Responses & Notification Representations

A consultation exercise in line with department procedures was undertaken which included notifying **44** adjoining and nearby landowners, including local residents and businesses and the Mason Moor Primary School.

Additionally an advertisement was placed in the local press and site notices were erected.

No representations had been received from surrounding residents, businesses or the school.

It should also be noted that prior to the application being submitted a detailed community involvement exercise was undertaken by the applicant including written consultation, public meetings and exhibitions.

Summary of Representations made

None

Summary of Consultation comments

The proposals have been significantly amended following negotiations with a number of consultees, most notably the highways development control officer and the landscape officer. Advice has also been sought from the City Design Team and the Tree officers as part of the assessment of the scheme.

Highways Development Control support the proposals subject to conditions requiring the agreement of the final surface treatment and detailing of the access routes and parking areas.

The Regeneration Team fully support the proposals.

Southern Water has identified that an existing sewer will need to be diverted. The applicant was aware of this and the site layout takes this into account.

The Policy team have confirmed that the proposals are in accordance with the relevant policies of the Core Strategy and the saved policies of the City of

Southampton Local Plan Review 2006. It is also stated that the proposals have closely followed the development brief established at pre-application stage for the whole Cumbrian Way site area.

Environmental Health have raised no objections and indicate that the historic uses of the site make it unlikely for contamination to be present.

The Sustainability Team are fully supportive of the proposals which will be designed to achieve Code Level 4.

The Housing Team are fully supportive of the proposals.

The Landscape officer has negotiated the revised soft landscaping areas which enable additional tree planting to be undertaken and for additional private amenity space to be provided.

The Trees team are concerned about the loss of a silver birch tree on the existing Clinic site but do not object to the proposals which include new and replacement planting proposals.

Planning Consideration Key Issues

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

That the design, scale and character of the buildings are appropriate to their context;

That highway and pedestrian safety is not prejudiced and that car parking is provided at an appropriate level for the sites location;

That the proposals ensure delivery of an appropriate mix of new homes including family housing; and,

That the proposals are designed to meet at the very least the minimum sustainability requirements of the Core Strategy

The development proposal also needs to be assessed in terms of its impact on neighbouring residential amenities; whether or not adequate amenity space is provided and if it is acceptable in terms of highway matters including cycle and refuse storage.

1. Principle of development

The principle of demolishing a vacant and deteriorating former clinic – vacant for a considerable period, other health provision exists and therefore not considered contrary to Local Plan Review Policy CLT2 - with a residential scheme comprising a mix of family houses and smaller units is fully supported by the adopted policies of the Core Strategy and the saved policies of the Local Plan

Review. The proposals will deliver the first element of one of the Council's major estates regeneration projects at the Cumbrian Way site.

2. That the design, scale and character of the buildings are appropriate to their context

The wider area comprises a mix of two and three storey buildings, predominantly residential but, in the case of this site, a mix of uses which characterise a local centre. Proposals at two and three storey are therefore very much in keeping with the immediate context and in this regard Core Strategy policy CS13 and Local Plan Review policies SPP 7 and SDP 9 are considered to have been satisfied.

The design is modern and consistent with the scale, form and use of materials approved on other estates regeneration sites. It is intended that the architecture will create a strong sense of place and enhance the visual amenity of an area which is currently dominated by hardsurfacing and tired buildings of little architectural merit.

3. That highway and pedestrian safety is not prejudiced and that car parking is provided at an appropriate level for the site's location.

The scheme has been re-designed in close consultation with the highways officer. The revised layout offers the opportunity for a 'home-zone' type layout with the use of shared surfaces along which surface treatments, landscaping and street furniture will be designed to prioritise pedestrian movements.

The re-location of the parking bays from the centre of the site creates greater amenity space and landscaping within the setting of the buildings to the benefit of future occupiers and the visual qualities of the overall development. The re-orientation of the units to address the central pedestrian route creates a street with natural surveillance and an active frontage which is expected to be mirrored in the next phase of development. In highway safety terms therefore the proposals are considered to be acceptable.

14 parking spaces to serve the units is the maximum permissible given the mix of units proposed and the medium accessibility of the location. The proposals also provide for 16 covered and secure cycle spaces for residents.

4. That the proposals ensure delivery of an appropriate mix of new homes including family housing

The proposals provide 25% family housing which is below the 30% required by the Core Strategy. However, it should be noted that the approved development brief for the whole site indicated that development proposals on the area occupied by the vacant clinic would be predominately flatted.

The remainder of the site area is shown as intended to deliver a mix of commercial units to strengthen the role of the site as a local centre and also a higher percentage of family housing. A separate application for the remainder of the Cumbrian Way site is expected in early 2011. It is considered that delivery of family housing across the whole site should be considered comprehensively and ultimately the re-development of the Cumbrian Way site will deliver at least 30% family housing.

5. That the proposals are designed to meet at the very least the minimum sustainability requirements of the Core Strategy

The Core Strategy requires all new residential development to achieve Code Level 3 and a minimum of energy consumption from renewables of 20%. The proposals exceed these requirements and are designed to achieve Code Level 4.

Summary

The proposals will deliver much needed new homes including family housing on a key site for the council's estates regeneration project. The visual quality of the area will be lifted by a combination of modern architecture, good quality materials, increased landscaping and tree planting and improved surface treatments to roads, parking areas and pedestrian routes. The layout provides for refuse and cycle storage in accordance with the adopted standards and good quality and useable areas of both private and communal amenity space.

The density of development, at 97 d.p.h, is at the higher range of densities expected in medium accessibility areas (50 -100 dph) but the scheme does not exhibit feature normally associated with over-development. The scale, height and massing of the buildings is appropriate for its context.

CONCLUSION

The proposals are acceptable and in accordance with the Council's adopted planning policies.

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

1(a), 1(b), 1(c), 1 (d), 2 (a), 2 (c), 2 (d), 3(a), 4 (c), 4 (e), 4 (g), 5 (e), 6(a), 6(c), 6(e), 6(k), 7(a), 7(g), 7 (i), 7(k), 7 (n), 7 (o), 7(u), 7 (v),7 (w), 7 (x), 8(a), 9(a), 9(b), Draft South East Plan, City Plan Review (Adopted Version) as saved by the adopted Core Strategy (2010)

(AA 25 March 2010 for 13.4.2010 PRoW Panel)

RECOMMENDATION: CAP

CONDITIONS for 09/01305/FUL

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

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

Reason:

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

02. APPROVAL CONDITION - Details & samples of building materials to be used [Performance Condition]

The external materials to be used on the development shall be as those stated on the approved schedule of materials unless otherwise submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of amenity by endeavouring to achieve built form of visual quality.

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

Written documentary evidence demonstrating that the development shall achieve at minimum Code Level 3 against the Code for Sustainable Homes standard shall be submitted to the Local Planning Authority and verified in writing prior to the commencement of the development hereby granted consent unless otherwise agreed in writing by the Local Planning Authority. The evidence shall take the form of an interim certificate as issued by a qualified BRE Assessor. Full compliance with the condition shall only be achieved once the Local Planning Authority has received and verified in writing, written documentary evidence demonstrating that the scheme achieves at minimum a rating of Level 3 against the Code for Sustainable Home standard prior to the occupation of the development (unless a different time frame is agreed in writing). The evidence shall take the form of a post construction certificate as issued by a qualified BRE Assessor.

Reason:

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

04. APPROVAL CONDITION - Renewable Energy - Micro-Renewables

An assessment of the developments total energy demand and feasibility study for the inclusion of renewable energy technologies on the site, that will achieve a reduction in

CO2 emissions of at least 20% must be conducted . Plans for the incorporation of renewable energy technologies to the scale that is demonstrated to be feasible by the study, and that will reduce the CO2 emissions of the development by at least 20% must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved. Renewable technologies that meet the agreed specifications must be installed and made fully operational prior to first occupation of the any of the units and thereafter retained and maintained in that condition.

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 January 2010 and Policy NRM11of the Regional Spatial Strategy for the South East of England May 2009.

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

The external amenity space serving the development hereby approved, and pedestrian access to it, shall be made available 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.

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

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

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

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

And at no time on Sundays and recognised public holidays.

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

Reason:

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

07. APPROVAL CONDITION - Bonfires [Performance Condition]

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

Reason:

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

08. APPROVAL CONDITION - Refuse and Cycle store details - Performance Condition

The refuse and cycle stores shown on the approve plans shall be provided prior to first occupation of any unit hereby approved and thereafter retained and maintained for that purpose.

Reason:

To ensure appropriate facilities are provided to serve future occupiers of the development.

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- 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.

11. APPROVAL CONDITION - Ecology notification [Pre-Commencement Condition]

A minimum of 14 days notice of the commencement date of the development works , including any works of demolition and clearance, shall be given in writing to the Local Planning Authority.

Reason:

To enable the nominated ecologist to be notified in advance of the start of the development.

12. APPROVAL CONDITION - Construction traffic access/ egress arrangements (Pre-Commencement Condition)

Prior to works commencing on the site details of the means of access for vehicles associated with construction (and demolition) of the structures on the site shall be submitted to and agreed with the Local Planning Authority. Such details shall indicate any areas of equipment and material storage during the work period, site offices and

parking for construction vehicles together with any measures to limit the possible nuisance effects on surrounding and neighbouring residential properties.

Reason:

In order to protect the residential amenity of nearby properties and the safety of children and other visitors to the adjacent school.

13. APPROVAL CONDITION - Road Construction [Pre-Commencement Condition]

No development hereby permitted shall be commenced until the Local Planning Authority have approved in writing:-

A specification of the type of construction proposed for the roads, cycleways and footpaths and parking areas including :

- i. details all surface materials to used for the parking spaces, vehicle and pedestrian routes,
- ii. cross-sections and longitudinal sections showing existing and proposed levels;
- iii details of any street furniture to be provided within these areas including, bollards, landscape features, lighting, signage and the method of demarcation of routes and parking spaces
- iv details of the method of disposing of surface water.
- v a programme for the making up of the roads and footpaths to a standard suitable for adoption by the Highway Authority.

The parking areas and access to them shall be provided in accordance with the approve plans prior to first occupation of any of the units and thereafter retained and maintained for that purpose unless otherwise agreed in writing by the local planning authority or as may be superseded by any subsequent planning application.

Reason:

To ensure that the roads, cycleways, and footpaths are constructed in accordance with standards required by the Highway Authority.

14. APPROVAL CONDITION - Wheel Cleaning Facilities [Performance 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.

15. APPROVAL CONDITION - Cycle storage [Pre-Occupation Condition]

The development to which this consent relates shall not be first occupied until such time as the design and location of secure and covered visitor cycle stands to accommodate 3 cycles has been agreed in writing with the Local Planning Authority and those facilities have been provided on the site. Thereafter the visitor cycles stands shall be retained and maintained and made permanently available for that purpose.

Reason:

To encourage cycling as an alternative form of transport.

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

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

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

The approved scheme shall be carried out prior to occupation of any of the or during the first planting season following the full completion of building works, whichever is sooner and 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.

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

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

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

Reason:

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

Reason for granting Planning Permission

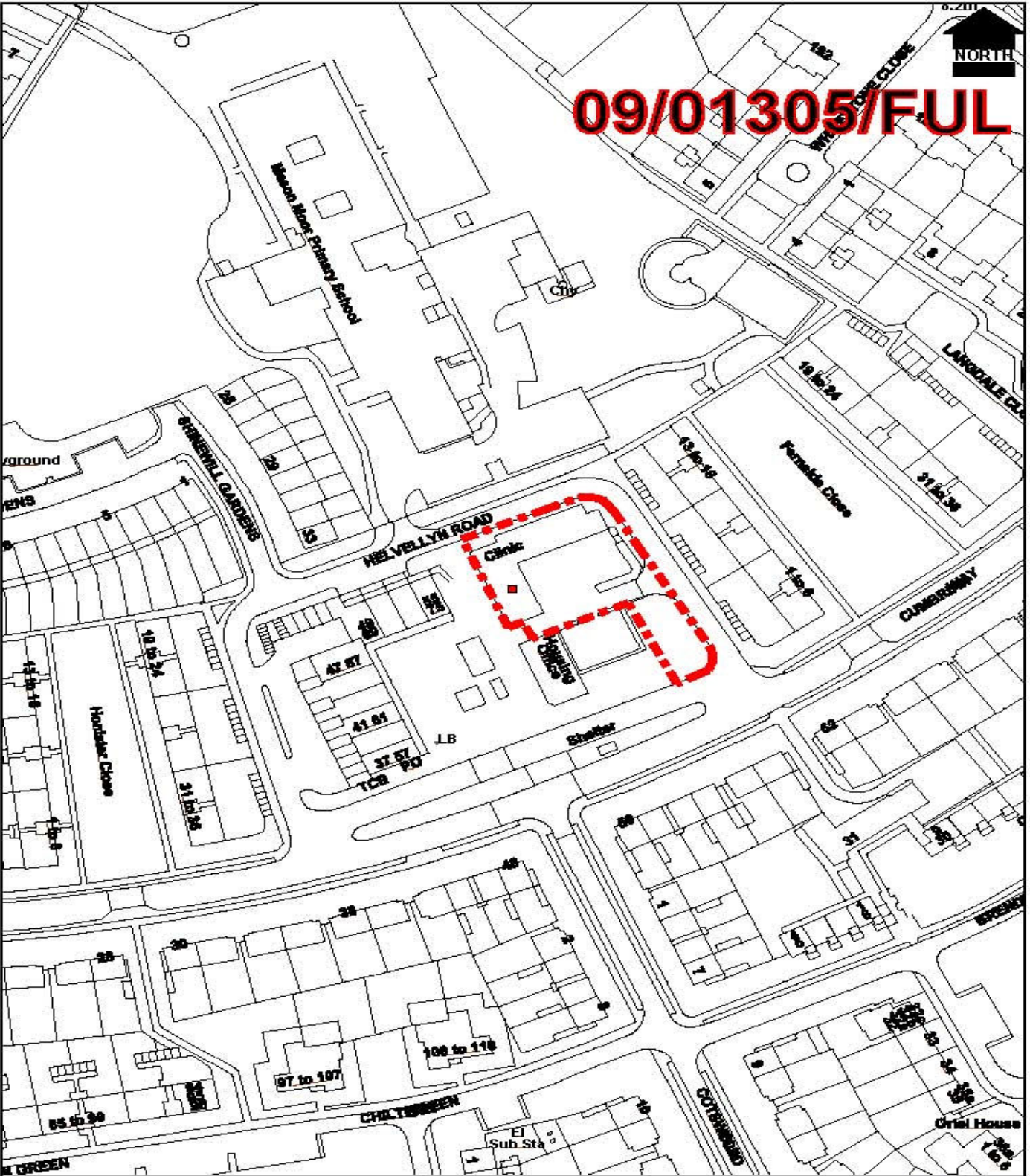
The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied 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.

Policies - CS3, CS4, CS5, CS13, CS15, CS16, CS18, CS19, CS20 and CS25 of the Core Strategy (January 2010).

Policies - SDP1, SDP2, SDP3, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP16, SDP17, SDP21, SDP22, NE4, CLT2, CLT5, CLT6, REI6, H1, H2, H7, H9 and H12 of the City of Southampton Local Plan Review (March 2006).

Notes to Applicant:

1. Your attention is drawn to the pre-commencement conditions above which require the full terms of the condition to be satisfied before development commences. In order to discharge these conditions you are advised that a formal application for condition discharge is required. You should allow approximately 8 weeks, following validation, for a decision to be made on such an application. It is important that you note that if development commences in without the condition having been formally discharged by the Council in writing, any development taking place will be unauthorised in planning terms, invalidating the Planning Permission issued. Furthermore this may result in the Council taking enforcement action against the unauthorised development. If you are in any doubt please contact the Council's Development Control Service.
2. Your attention is drawn to the performance conditions above which relate to the development approved in perpetuity. Such conditions are designed to run for the whole life of the development and are therefore not suitable to be sought for discharge. If you are in any doubt please contact the Council's Development Control Service.



09/01305/FUL

Scale : 1:1250

Date : 30 March 2010

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Application 09/01305/Ful***Appendix 1*****Relevant Planning Policy****Local Development Framework Core Strategy Development Plan Document (January 2010)**

CS3	Local Centres
CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: reduce – manage – invest
CS19	Car and cycle parking
CS20	Tackling and Adapting to Climate Change
CS25	Infrastructure Contributions

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

SDP1	Quality of Development
SDP2	Integrating Transport and development
SDP3	Travel demands
SDP4	Development access
SDP5	Car Parking
SDP6	Urban design principles
SDP7	Context
SDP8	Urban form and public space
SDP9	Scale, Massing and Appearance
SDP10	Safety and security
SDP11	Accessibility and movement
SDP12	Landscape and Bio-diversity
SDP13	Resource conservation
SDP16	Noise
SDP17	Lighting
SDP21	Water quality and drainage
SDP22	Contaminated land
NE4	Protected species
CLT 2	Community buildings
CLT5	Open space in new residential developments
CLT6	Provision of children's play areas
REI 6	Local centres
H1	Housing Supply
H2	Previously Developed Land
H7	Residential Environment
H9	Affordable housing
H12	Housing type and design

Residential Design Guide (September 2006)

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Agenda Item 6

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 13 April 2010
 Planning Application Report of the Head of Division

Application address:		McDonalds, Redbridge Road	
Proposed development Continued operation of McDonalds drive-through restaurant, not in accordance with permission 99/01046/FUL. Variation sought to condition 15 to extend opening hours from 7.30am - 11pm (Mon - Sat), and 10am - 11pm (Sunday and Public Holidays) to 6am until midnight (00.00) every day of the week.			
Application number	10/00156/FUL	Application type	FUL
Case officer	Anna Lee	Application category	Q28 - Other

Recommendation Summary	Grant Conditional Approval
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Reason for Panel consideration	Member request from Councillor Holmes
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Applicant: McDonalds Restaurants Ltd	Agent: Savills
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Date of receipt	08.02.2010	City Ward	Redbridge
Date of registration	12.02.2010	Ward members	Cllr McEwing
Publicity expiry date	11.03.2010		Cllr Holmes
Date to determine by	05.04.2010 OVER		Cllr Marsh-Jenks

Site area	n/a	Usable amenity area	n/a
Site coverage (developed area)	n/a	Landscaped areas	n/a
Density - whole site	n/a		

Residential mix	numbers	size sqm	Other land uses	Class	size sqm
Studio / 1-bedroom	n/a	n/a	Commercial use	n/a	n/a
2-bedroom	n/a	n/a	Retail use	A4	0.44ha
3-bedroom	n/a	n/a	Leisure use	n/a	n/a
other	n/a	n/a	other	n/a	n/a
Policy designation <i>see Appendix 1</i>	n/a				

Accessibility zone	high	Policy parking max	3 spaces
Parking Permit Zone	no	existing site parking	62 spaces
Cyclist facilities	None	car parking provision	62 spaces
motor & bicycles	None	Disabled parking	None

Key submitted documents supporting application			
1	Covering letter		
Appendix attached			
1	Local Plan Policy schedule		

Recommendation in full

Grant conditional planning permission.

Background

The development for McDonalds and KFC was granted conditional permission in 12.05.2000.

In 2001 planning application 01/00766/VC sought to vary the approved opening hours on Sundays and Bank Holidays from 10am to 11pm to 8am to 11pm. This application was approved by Members.

More recently, in 2008 a further extension of hours was sought to allow opening hours between 6am and midnight on a daily basis. This application was approved under delegated powers for a one year temporary period beginning on 10.02.2009.

The current application seeks to retain those hours on a permanent basis.

Site and surrounding context

The site is located at the junction of Wimpson Lane, Redbridge Road and Green Park Road. The main frontage to the site is to the heavily trafficked Tebourba Way/Redbridge Road flyover roundabout. The site currently houses McDonalds restaurant/drive-through and adjacent is a KFC restaurant/ drive –through.

The nearest housing is located 32m from the site boundary in Green Park Road.

The noise environment is dominated by vehicular traffic.

Proposed Development

The application seeks to permanently extend the opening hours from 7.30am - 11pm (Mon - Sat), and 10am - 11pm (Sunday and Public Holidays) to 6am until midnight (00.00) every day of the week. These are the hours that are currently be used at the Restaurant and have been since the temporary approval in February 2009.

Relevant Planning Policy

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

Relevant Planning History

99/01046/FUL Redevelopment of the site by construction of two drive - through restaurants (variation to permission 990383/872. CAP 12.05.2000

01/00766/VC Variation of condition 15 of previous planning consent 99/01046/FUL to alter the opening hours on Sundays and Bank Holidays to 8.00am to 11.00pm. CAP 18.09.2001

08/01761/FUL Variation of condition 15 of planning consent ref 99/01046/FUL to allow opening hours between 6am and midnight daily. Temp consent 10.02.2009

Consultation Responses and Notification Representations

A publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice.

At the time of writing the report 4 representations had been received from surrounding

residents, and an additional 2 objections from elected Members one being the Ward Member.

The objections are set out below;

- Impact of traffic (speed and number);
- Congestion;
- Noise issues;
- Smell/odour;
- Litter; and,
- Congregation of youth.

Summary of Consultation comments

Highways Development Control

No objection to the increased hours as the car parking spaces provided exceed the current maximum standards even when taking into account the car park if for two restaurant units as this site lies in an area high accessibility. In addition, the area is surrounded by traffic restrictions prevent parking on the entrance roads in the form of double yellow lines.

Environmental Health (Noise and Pollution and Food Safety)

No objection is raised subject to the ventilation system being able to cope with the increased usage. The Environmental Health team can use their legislation to confirm the system is acceptable.

Planning Consideration Key Issues

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

- Whether the proposal would have an adverse impact on the neighbouring residential properties in terms of noise and highway issues.

Impact on residential amenity

The neighbours have put forward a number of concerns relating to traffic, noise, littering and anti-social behaviour. The use of the site has been operated using the proposed hours since at least early 2009 and none of these issues have been raised to the Planning department since 2008.

The permission in 2008 was granted on a temporary basis so that the Local Planning Authority could monitor any issues or concerns raised due to the extension of hours put forward. As stated no issues have been brought to the Planning department's attention in terms of the issues raised by representations received relating to this planning application.

The approval for the site in 1999 imposed various conditions relating to removal of waste from litter bins and a barrier to prevent the car parking area being used out of hours and are therefore are still enforceable. The imposed conditions should allay the concerns raised by residents in terms of anti-social behaviour and congregation of youths, as a number of residents have stated that youths are using it a race track and if the area was restricted this would not occur. In addition, if the waste is removed at the end of the day as required the rubbish seen in the area would reduce.

Environmental Health/Highways Development Control

Food Safety and Noise and Pollution teams have not objected to this proposal in terms of noise and disturbance. Only one complaint was received about noise disturbance from external speakers, which was resolved and no complaints have been received about litter/refuse accumulation/vermin.

The Highway Development Control team have not objected as the car parking area is sufficient and the parking restrictions in the area prevent highway safety issues as parking is not allowed in nearby roads.

Summary

The temporary one year consent was given to enable an assessment as to the impact the extended opening hours would have on the amenity of local residents.

During that period there are no records of any complaints having been received by the Planning Department.

Whilst the issues raised in the objectors letters are noted a reason for refusal relating to impact on residential amenity would be difficult to justify given the lack of problems identified during the 'trial' period. Therefore, on balance, it is not considered the proposal would conflict with policy SDP1(i) or SDP16 of the Local plan or CS13 of the Core strategy.

Conclusion

The application is recommended for approval subject to the attached amended planning conditions which were imposed on the 1999 scheme for the construction of the units.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a), 1(b), 1(c), 2a, 2c, 2e, 4e, 4s, 5d, 6c, 6f, 6i, 6l, 7i, 7k, 7l, 7o, 7p, 7t, 7w, 7y, 7z, 8b, 9a and 9b.

AL 24.03.10 for 13.04.10 PROW Panel

RECOMMENDATION: CAP

CONDITIONS for 10/00156/FUL

01. APPROVAL CONDITION - Full Permission Timing 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).

02. APPROVAL CONDITION - Means of Enclosure

The existing means of enclosure approved by the Local Planning Authority, under drawing 318/A/10F, under condition 04 to permission 99/01046/FUL, shall be retained on site.

REASON

In the interests of the visual amenities of the area and to protect the amenities and privacy of occupiers of neighbouring properties.

03. APPROVAL CONDITION- Storage/Removal of Refuse Material

The existing facilities for the storage and removal of refuse from the premises shall be retained at all times.

REASON

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

04. CONDITION APPROVAL- Parking/Loading/Unloading

The areas shown on the plan approved under permission reference 99/01046/FUL, for the parking of motor vehicles and motor cycles and the loading and unloading of vehicles shall be retained and reserved for those purposes at all times.

REASON

In the interest of highway safety and to achieve a satisfactory form of development.

05. APPROVAL CONDITION- Sight Lines

No means of enclosure, structure, nor additional soft planting exceeding a height of 600mm above ground level shall be placed in the sight lines shown on the plan originally approved under permission reference 99/01046/FUL.

REASON

In the interests of highway safety.

06. APPROVAL CONDITION - Barrier/gate onto Green Park Road

Within 28 days of the date of this Decision Notice, the developer shall submit a scheme of a barrier/gate on the access and egress from Green Park Road for approval in writing by the Local Planning Authority, unless any extended period is agreed in writing with the Local Planning Authority. Once approved, that scheme of works shall be implemented within 84 days of the date of this Decision Notice, unless any extended period is agreed in writing with the Local Planning

Authority. The barrier shall then be locked shut on a daily basis when the premises are closed for business at all times thereafter.

REASON

To protect the amenities of nearby residents from the potential for anti-social behaviour to occur in the car park areas, when the premises are closed for business.

07. APPROVAL CONDITION - Hours of Use

The premises to which this permission relates shall not be open for business outside the hours specified below:

06.00 am - 00.00 am Monday to Sundays and Bank Holidays (Every day of the week)

REASON

To protect the amenities of the occupiers of adjoining residential properties.

08. APPROVAL CONDITION – CCTV and external lighting

The CCTV and external lighting scheme as approved by the Local Planning Authority under permission reference 99/01046/FUL in its letters dated 18 May 2000 and 7 June 2000 shall be retained and operated at all times that the use is in operation.

REASON

To secure a satisfactory form of development in the interests of the amenities of the adjacent residential properties and in the interests of crime prevention.

09. APPROVAL CONDITION- Servicing of buildings/delivery of goods

Servicing of the buildings, hereby granted consent including the delivery of goods to the site shall take place only between the hours of 8.00 am and 11.00 am Monday to Saturdays.

REASON

In the interests of highway safety and to safeguard the amenities of the nearby residential properties.

10. APPROVAL CONDITION - External ventilation fans

External ventilation fans to compressors, acoustic shielding and sound attenuation measures, ducting to the flues or other plant and machinery or equipment used for the purposes of providing an adequate extract ventilation system, fitted as part of the implementation of permission 99/01046/FUL, shall be retained and operated at all times thereafter in accordance with the manufacturer's instructions.

REASON

In the interests of protecting the residential amenities of occupiers of nearby housing.

11. APPROVAL CONDITION - Litter Bins

All existing litter bins on the site shall be emptied at least once a day and at the cessation of business. These litter bins shall be retained at all times the drive-through restaurant is in operation.

REASON

In the interests of the visual amenities of the area.

12. APPROVAL CONDITION - Control of surface water

Prior to being discharged into any water course, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

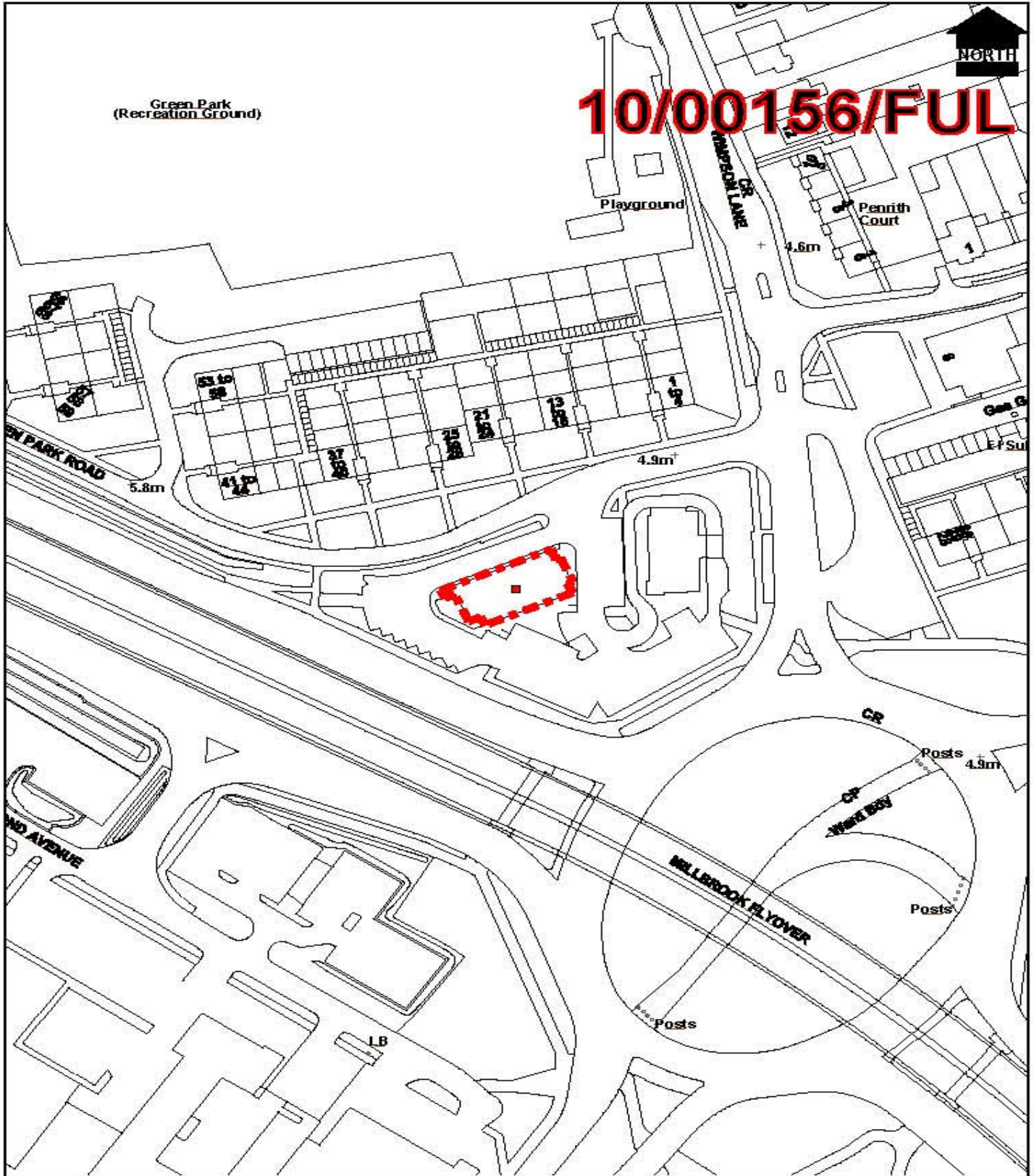
REASON

To prevent pollution of the water environment.

REASON FOR GRANTING

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

Policies - SDP1, SDP16 and REI7 of the City of Southampton Local Plan Review (March 2006).
Policy CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010).



10/00156/FUL

Scale : 1:1250

Date : 30 March 2010

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Application 10/00156/FUL

Relevant Planning Policy

Local Development Framework Core Strategy Development Plan Document
CS13 Fundamentals of Design

Saved Policies of the City of Southampton Local Plan Review

SDP1 Quality of Development
SDP16 Noise
REI 7 Food and Drink uses

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Agenda Item 7

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 13 April 2010
 Planning Application Report of the Head of Division

Application address		171 Porchester Road	
Proposed development			
Re-development of the site. Demolition of the existing house and erection of a part two-storey and part three-storey building to provide 17 flats (8 x one-bedroom, 4 x two-bedroom and 5 x three-bedroom) with associated access and parking (Amended to include revised layout and design).			
Application number	10/00060/FUL	Application type	Full
Case officer	Andy Gregory	Application category	Q07 - Smallscale Major Dwellings

Recommendation Summary	Delegate to Head of Planning & Sustainability to grant planning permission subject to criteria listed in report
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Reason for Panel consideration	Major development (small scale) requiring completion of legal agreement under Section 106 of the 1990 Act
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Applicant Orchard Homes Ltd	Agent Tony Oldfield Architects
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Date of receipt	27.01.2010	Ward	Woolston
Date of registration	27.01.2010	Ward members	Cllr Cunio
Publicity expiry	15.04.2010		Cllr Williams
Date to determine	28.04.2010 IN TIME		Cllr Payne

Site area	0.13 Hectares	Usable amenity area	504 sq.m, including 373 sq.m (private) 131 sq. m (communal)
Site coverage (developed area)	69%		
Density - whole site	130 dph		

Residential mix	numbers	size sqm	Other land uses	class	size sqm
Studio / 1-bedroom	8	45	Commercial use		
2-bedroom	4	57	Retail use		
3-bedroom	5	67-77	Leisure use		
other			other		
Policy designation	No specific allocation – located within residential area				

Accessibility zone	Medium	Policy parking max	11 spaces
Parking Permit Zone	no	existing site parking	2
bicycles	26 cycles	car parking provision	12 spaces

Key submitted documents supporting application			
1	Design and Access Statement	2	Noise Assessment
3	Community Involvement	4	Tree Report
Appendix attached			
1	Local Plan Policy schedule	2	Decision Notice for 08/00086/FUL

Recommendation in full

Subject to no fresh planning issues being raised before expiry of the 21 day re-notification period (15 April 2010) Delegate to Head of Planning & Sustainability to grant planning permission subject to the completion of a S106 legal agreement to secure:

- i) Provision of affordable housing in accordance with Policies CS15 and CS25 of the adopted LDF Core Strategy (2010);
- ii) Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
- iii) A financial contribution towards strategic transport projects for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
- iv) Financial contributions towards the relevant elements of public open space required by the development in line with policies CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
 - Amenity Open Space (“open space”)
 - Play Space
 - Playing Field;
- v) Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
- vi) Off site tree provision in the event that 2:1 tree replacement cannot be achieved on site.

And in the event that the legal agreement is not completed by the 13 week date (28.04.2010) the Head of Planning & sustainability be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Agreement.

Proposed Development and surrounding context

Site and surrounds

The application site has an area of 0.13 hectares and is located at the corner of Porchester Road and Station Road. The site is occupied by a two-storey detached dwelling set within a large garden. A detached garage is located to the rear of the plot and is served by a long driveway with access onto Porchester Road. The dwelling is traditional in appearance with a white render finish. The site is reasonably level, however it banks up towards the south-eastern boundary on account of a road bridge. A railway line runs adjacent to the north-eastern boundary. The site is enclosed by a hedgerow along the north-eastern boundary, low wall to the south-western boundary, 1.8m height c/b fence along the north-western boundary and part wall / part fencing to the north-eastern boundary with the railway line.

The surrounding area is predominantly residential in nature and mainly comprises low rise two-storey residential development. However the adjacent corner site is occupied by the Oasis Academy which comprises three-storey building which rises to a scale of four-storey at the corner of Porchester Road and Station Road with a curved feature building. The south-eastern side of Station Road is occupied by a mix of two-storey residential and a small parade of shops, near the junction with Portsmouth Road. A three-storey building is located to the rear of the aforementioned shopping parade and planning permission has recently been approved for the redevelopment of the Conservative Club on St Annes Road with a 3 storey care home.

There are no parking restrictions within Porchester Road, except at the school entrance and at the junction of Porchester Road and Station Road. Porchester Road has no entry for cars from the eastern end, with bicycle and pedestrian access only. The site is situated within an area of medium accessibility and is in close proximity to Sholing Station, which is located immediately to the east.

Proposed Development

The application proposes the redevelopment of the site with the erection of a part two and part three storey flatted block comprising 17 flats (5 x3-bed, 4x2-bed and 8x1-bed). The proposed layout situates the building centrally within the plot and respects the established building line within Porchester Road.

Access is taken from Porchester Road with an enlarged and re-positioned entry point for vehicles and pedestrians. A small car parking area accommodating 3 vehicles, interspersed with landscaping, is located on the Porchester Road frontage.

The building incorporates an undercroft, which includes 3 car parking spaces and provides access to an additional 6 car parking spaces to the rear of the site. Communal amenity space is located to the rear of the site. The eastern part of the site is occupied, as proposed, as private gardens to serve family 3-bedroom family accommodation on the ground floor. Additional private garden areas are located to the front and rear of the building.

Integral bin and cycle storage is provided and additional cycle storage is provided to the rear of the site. The proposed facing materials include a mix of face brick and render.

The proposed building has a contemporary form and includes staggered and stepped elements to break up the massing. The roof design includes a mix of flat roof elements and asymmetric shallow pitched roofs. Balconies are proposed on the south-west, south-east and north-east elevations, and a roof terrace is located to the rear. The proposed facing materials include face brick, soldier course detailing, render and a mix of concrete interlocking tiles and zinc metal for the flat roofs, with UPVC windows, doors and rainwater goods. The proposed balconies comprise a mix of glass and painted steel, with a timber deck.

The main entrance into the building is located within the undercroft, and serves a communal corridor and stairway to the upper floors. The internal layout includes 4 no. 3 bedroom units on the ground. An additional 3-bed unit is located on the second-floor and is served by the roof terrace area. All the other 1 and 2 bedroom units are located on the upper floors.

The proposal will require the removal of 7 trees within the garden, none of which are protected by a TPO. However 7 replacement trees are proposed, and an additional 7 trees will be required on or off site as part of the 2:1 tree replacement to be secured by the S106 legal agreement. The proposed means of site enclosure includes the provision of a low level brick wall along the Porchester Road frontage, retention of the existing mature hedgerow along the boundary with Station Road, close boarded fencing is proposed along the western boundary and a 1.8m height rendered wall is proposed along the rear boundary,

Relevant Planning Policy

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

The relevant CS policies the "saved" policies from the Local Plan Review are set out at **Appendix 1**.

There are no site-specific policies which relate to the application.

Sustainability Implications

Major developments are expected to meet high sustainable construction standards in accordance with the City Council's adopted and emerging policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan saved Policy SDP13 the applicants have submitted a 'Sustainable Development Checklist' to support their application and have been made aware that the development is required to achieve a minimum of level 3 of the Code for Sustainable Homes; which is recommended to be secured through condition. The Council's sustainability team has also advised the applicants that an assessment of the feasibility of incorporating at least 20% micro-renewables will be required; to be secured through condition.

Relevant Planning History

08/00086/FUL

Refuse 09.04.2008

Redevelopment of the site. Demolition of the existing house and erection of a three-storey building to provide 14 x two-bedroom flats with associated parking.

The decision notice is attached as **Appendix 2**.

Consultation Responses and Notification Representations

A consultation exercise in line with department procedures was undertaken undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (04 February 2010) as appropriate and erecting a site notice (04 February 2010 and 25 March 2010 following amendments to the scheme). At the time of writing the report **24 representations** had been received, which included 2 from Local Ward Councillors.

Summary of Representations made

- Overdevelopment of the site
- Flats are out of character with established family housing within the area
- Increased overlooking to neighbouring properties
- Intensified use of the site / increased traffic movements will lead to increased congestion at the junction and will prejudice highway and pedestrian safety
- Car parking displacement into nearby streets / increased demand for on-street car parking within Porchester Road
- There is a surplus of flatted accommodation across the city
- Loss of light to 169 Porchester Road
- Noise nuisance arising from the car parking layout and the nature of the use.
- Existing highway restrictions will compromise the safety of the access.
- Irresponsible planting of new trees could result in damage to drainage and may damage the foundations of 169 Porchester Road.

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

Summary of Consultation comments

Highway Development Control – No highway objection is raised to the proposal subject to the attached planning conditions and the completion of a S.106 legal agreement. The application site is located within an area defined as having “medium” accessibility to public transport and services. The development is not considered to compromise highway safety. The hard landscaping will need to be designed to give pedestrians priority. The provision of 12 parking spaces to serve the proposed level of development exceeds the Council’s maximum parking standards which is considered acceptable having regard to the take of existing on-street parking within the area. The height of the boundary treatment to Porchester Road will be restricted and a sliver of land along the Station Road frontage will need to be dedicated as public highway to improve the sight lines at the junction, to be secured by planning condition.

Southern Water – No objection raised subject to condition requiring details of surface water disposal, and an informative regarding connection to the public sewer.

Trees – No objection raised. The trees on site are not covered by any TPO. Although the conifers along the front boundary on Porchester Road have public amenity value, these will not be conducive to the proposed housing as shading would become an on-going issue. The remainder of the trees on site are of poor quality and low public amenity value. As this site requires the removal of 7 trees, a condition is required securing replacement trees (to be agreed).

Ecology - No objection raised. The development is unlikely to have any adverse effect on local biodiversity provided the hedgerow along the boundary with Station Road is retained and managed appropriately. The addition of a number of bat boxes, plus the use of native species in the landscaping scheme would provide appropriate biodiversity enhancements. Ecology mitigation should be secured through condition.

Sustainability - No objection. Compliance with level 3 of the code for sustainable homes should be secured as a minimum and a feasibility study investigating the

incorporation of a minimum of 20% micro-renewables should be secured through condition.

Architect's Panel – No objection to the proposed scale, layout and design. Comments relating to the ground floor arrangement, balcony treatment on the rear elevation and position of the undercroft have now been incorporated.

Environment Agency - Assess the application as having a low environmental risk.

Network Rail – No comment to make.

Pollution & Safety (Noise) – No objection raised subject to a condition requiring sound insulation details to be submitted and agreed, in accordance with the recommendations of the submitted acoustic report.

Planning Consideration Key Issues

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

- Principle of development;
- Residential design, density and impact on established character;
- The impact on existing residential amenity;
- The quality of residential environment for future occupants; and,
- Whether the travel demands of the development can be met;
- S106 Mitigation against direct impacts.

1. Principle of Development

The re-development of the site for intensified residential purposes is acceptable in principle and accords with policies contained within the development plan and central government's wishes of brownfield sites.

The provision of 17 flats (8 x one-bedroom, 4 x two-bedroom and 5 x three-bedroom) will provide a greater choice and mix of accommodation within this community, in accordance with central government planning guidance on housing development (PPS3). The provision of a wholly flatted development in this location is acceptable and will not affect the character or appearance of the area. The development has made provision for 30% family housing in accordance with policy CS16 of the Core Strategy by providing 5 x three-bedroom flats with direct access to private amenity space which is fit for purpose.

The development has a density of 130 dwellings per hectare; the local plan does not contain maximum density levels however the Council's Residential Design Guide advocates a density range of 50-100 dwellings per hectare within areas of medium accessibility. It is considered that density should not be an arbitrary figure that defines the manner in which the City develops. Instead, density should be taken as a guide to the appropriateness of a scheme; if a residential layout and design is considered to be appropriate for its context (as is the case here) it is these assessments that should prevail. The proposed density level is considered acceptable because the scale and layout of the development is suitable for this corner site and maintains a good balance between usable on site amenity space (compliant with standard), parking (also compliant with standard) and landscaping.

The site falls within Noise Exposure Category (NEC) B, as defined by PPS24, and therefore mitigation measures can be introduced to prevent noise being unreasonable harmful to future occupiers. The Council's Pollution & Safety Team are

satisfied with the recommendations of the report

2. Residential design and impact on established character

A Design and Access Statement has been submitted in accordance with the requirements of saved policy SDP6 of the Local Plan Review and identifies measures to be taken into account when maintaining the character of the area and achieving high standards of design. The proposed design, layout and scale of development is not considered to be adversely harmful to the surrounding pattern of development, having had regard to Central Government's wish to secure appropriate design that respects its context.

The surrounding area includes a mix of two-storey housing and larger 3-4 storey buildings. The design and scale of the development has sought to respect the established development within Porchester Road by picking up the existing building line, and making reference to the established eaves height and roof form of the established dwellings within the street. The development is two-storey adjacent to the existing housing providing a transition before stepping up to a scale of three-storey, which acceptably addresses the corner in accordance with current design guidance. For instance, the Councils Residential Design Guide advises that tall buildings may be considered on corner plots to create a visual focus at the end of the street. The building has been set away from the street frontage to ensure it does not appear over-dominant and to respect the frontage depths of neighbouring properties within the area. The proportion of the undercroft is considered acceptable in design terms.

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

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

3. Impact on Residential Amenity

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

The proposed development introduces two-storey development along the eastern boundary to create an arrangement which is common between existing dwellings within Porchester Road. This will result in a degree of light loss to existing openings within the side of no. 169 Porchester Road. However, this arrangement is not considered unreasonably harmful given the secondary nature of the openings, which include doorways and secondary windows. It should be noted that the existing openings are already enclosed by the existing 1.8m close boarded fencing.

The building is stepped in from the boundary after the first 8 metres, again reflecting the layout of existing dwellings within the street. This creates a 6 metre separation distance from windows to the rear of no. 169 Porchester Road and is compliant with the BRE daylighting standards to the side of a property. The remaining part of the building is then set a distance of 16 - 21 metres from the western boundary. This is considered a sufficient separation distance to prevent unreasonable enclosure, loss of light or loss of privacy to no. 169 Porchester Road. A condition will be added to ensure that secondary windows within the north western elevation of the proposed

development serving the landing are obscured to prevent overlooking. Oblique views from the rear windows of no. 169 Porchester Road will be uninterrupted, with views across the rear car parking area and amenity space.

An acceptable separation distance of approximately 30 metres will exist between the rear elevation and dwellings on the adjacent side of the railway line, which is acceptable in terms of privacy, daylighting and outlook. There will be no unreasonable harm to adjacent properties on Station Road again having regard to the orientation and separation distance between buildings and mitigation from the existing hedgerow and level changes.

The rear car parking area will not give rise to unreasonable noise nuisance having regard to the anticipated level of traffic movements and mitigation from the means of site enclosure and proposed landscaped buffer. The provision of rear car parking is a common design approach to prevent the car parking dominating the frontage of schemes. Intensified use of brownfield sites for housing delivery is promoted by Central Government, any noise nuisance arising from future occupiers will need to be addressed separately by Environmental Health legislation.

4. Residential Standards

All new residential development is expected to provide prospective residents with a good living environment. The majority of units are large with dual aspect. It is however unfortunate that the proposed layout results in the incorporation of a 2-bedroom flat with a single north facing aspect. This weakness in the scheme needs to be weighed in the balance with the merits of the scheme. It is considered that the delivery of a genuine mix of residential accommodation within the community, without compromising the character and appearance of the area, is considered to outweigh this weakness in the proposed layout. It should be noted that the 2-bedroom unit will receive a genuine outlook to the rear, which is achieved from its elevated position within the 1st floor.

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

The development provides private gardens for the 3-bedroom family units ranging from 45-119 square metres in size (a 20 square metre minimum standard applies). The rear 3-bedroom unit is served by a narrow amenity area, but it should be noted that this unit also located immediately adjacent to the communal amenity area. The second-floor 3-bed unit is served by a roof terrace with an area of 45 square metres which is acceptable. The remaining 12 no. 1 & 2-bedroom units are served by a communal amenity area which is 131 square metres in size. Independent private balconies are also provided which is acceptable. The scheme meets the Residential Design Guide Standards as set out at paragraph 2.3.14.

5. Highway Issues

The application site is within an area, which is defined as a “medium” accessibility zone in the Adopted Local Plan. The level of parking provision proposed needs to be assessed against the maximum parking standards set out in the adopted Local Plan. The development proposes 12 car parking spaces which exceeds the Council’s maximum parking standards. The level of parking provision and access arrangement will not prejudice highway safety, subject to the securing of sight lines through condition.

S.106 Legal Agreement

In the event that the recommendation is supported the applicants have agreed to enter into a S.106 Legal Agreement with the Council in order to secure contributions towards transport and open space improvements that mitigate against the development's direct impacts. In addition, the proposed level of development triggers the need for a minimum of 6 units to be provided as "affordable" (applying Core Strategy Policy CS15).

Previous Reasons for Refusal

This proposal is considered to address the previous reasons for refusal (ref – 08/00086/FUL) attached as **Appendix 2**. The revised layout, design, scale and massing is now considered appropriate within this context and will not unreasonably harm the residential amenities of neighbouring occupiers for the reasons set out above. The proposed vehicular access width and bin storage arrangement is now considered acceptable by the Council's Highway Engineers. In addition, an acoustic report has been submitted as part of this report which has been supported by the Council's Environmental Health Team

Summary

The previous reasons for refusal (ref – 08/00086/FUL) have been addressed. 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. On balance the residential environment for future occupiers is acceptable. The proposal is consistent with adopted local planning policies. A suitable balance has been achieved between securing additional housing, parking, on-site amenity space and landscaping, whilst ensuring that existing residential amenity is protected.

Conclusion

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

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a), 1(b), 1(c), 3(a), 4(s), 6(a), 6(c), 6(f), 6(h), 7(c), 8(a), 9(a), 9(b), 2(c),
LDF Core Strategy and saved policies from Local Plan (Review)
AG 30.03.10 for 13.04.10 PROW Panel

CONDITIONS for 10/00060/FUL

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

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

Reason:

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

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

No development works shall be carried out unless and until a schedule of materials and finishes (including full details of the manufacturers, types and colours of the external materials) to be used for external walls, windows, doors and the roof of the proposed buildings has been submitted to and approved in writing by the Local Planning Authority

Reason:

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

03. APPROVAL CONDITION - Wheel Cleaning

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

REASON:

In the interests of highway safety.

04. APPROVAL CONDITION - Car Parking

The car parking area shown on the approved drawing shall be laid out and surfaced before the use hereby permitted commences and shall thereafter be kept clear and maintained at all times for that purpose.

REASON:

To prevent obstruction to traffic in neighbouring roads.

05. APPROVAL CONDITION - Bicycle storage

The building shall not be occupied in full or in part until 4 cycle stands, in addition to the cycle storage shown on the approved plans, have been made available for visitors to the site in accordance with plans to be submitted to and approved in writing by the Local Planning

Authority. The cycle stands hereby approved shall thereafter be retained on site for that purpose.

REASON:

To encourage cycling as a sustainable form of transport.

06. APPROVAL CONDITION - Existing Access

Any existing access to the site shall be stopped up and abandoned and footway and verge crossings shall be reinstated immediately after completion of the new access.

REASON:

In the interests of highway safety.

07. APPROVAL CONDITION - Euro Bin Storage Condition

The bin store shall be constructed of brick under a suitable weatherproof roof, with adequate ventilation. The collection doors are to be of sturdy construction and hinged to open outwards with a minimum opening of 1.4m wide, and any lock system to comply with SCC standard lock requirements.

Internal lighting to operate when doors are open, and a tap and wash down gulley to be provided, with suitable falls to the floor. The access path to the bin store shall be constructed to footpath standards and to be a minimum width of 1.5m. Any gates on the pathway are not to be lockable, unless they comply with SCC standard lock detail. The gradient of the access path to the bin store shall not exceed 1:12 unless suitable anti-slip surfacing is used, and still shall not exceed 1:10.

REASON:

To secure a satisfactory form of development

08. APPROVAL CONDITION – Renewable Energy - Micro-Renewables

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

Reason:

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

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

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

Local Planning Authority has received and verified in writing, written documentary evidence demonstrating that the scheme achieves at minimum a rating of Level 3 against the Code for Sustainable Home standard prior to the occupation of the development (unless a different time frame is agreed in writing). The evidence shall take the form of a post construction certificate as issued by a qualified BRE Assessor.

Reason:

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

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

Written documentary evidence demonstrating that the development shall achieve at minimum Code Level 3 against the Code for Sustainable Homes standard shall be submitted to the Local Planning Authority and verified in writing prior to the commencement of the development hereby granted consent unless otherwise agreed in writing by the Local Planning Authority. The evidence shall take the form of an interim certificate as issued by a qualified BRE Assessor. Full compliance with the condition shall only be achieved once the Local Planning Authority has received and verified in writing, written documentary evidence demonstrating that the scheme achieves at minimum a rating of Level 3 against the Code for Sustainable Home standard prior to the occupation of the development (unless a different time frame is agreed in writing). The evidence shall take the form of a post construction certificate as issued by a qualified BRE Assessor.

Reason:

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

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

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

Reason

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

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

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

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

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

And at no time on Sundays and recognised public holidays. Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the LPA.

In addition deliveries of construction materials to the site and the removal of any waste materials from the site shall not take place during the following hours:-

Monday to Friday 08.00 hours and 09.30 Hours (8.00am to 9.30 am)

Monday to Friday 15.00 hours and 16.30 hours (3.00pm to 4.30pm)

and at no time on Saturdays, Sundays and public holidays to take account of the occupation and proximity of neighbouring residential properties.

Reason

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

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

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

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

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

The approved scheme shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

REASON:

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

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

Before occupation of the development hereby approved, details of the design and specifications of the boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed boundary enclosure details shall be subsequently erected prior to the occupation of any of the units provided under this permission and such boundary treatment shall thereafter be retained and maintained to the boundaries of the site.

REASON:

In the interests of the visual amenities of the area and to protect the amenities and privacy of

the occupiers of adjoining property.

15. APPROVAL CONDITION – Lighting [Pre-Commencement Condition]

A written lighting scheme including light scatter diagram with relevant contours shall be submitted to and approved in writing by the Local Planning Authority prior to implementation of the lighting scheme. The scheme must demonstrate compliance with table 1 “Obtrusive Light Limitations for Exterior Lighting Installations”, by the Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light 2005. The installation must be maintained in accordance with the agreed written scheme.

REASON:

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

16. APPROVAL CONDITION - Glazing panel specification

The first and second floor windows serving the staircase within the north west elevation of the building hereby approved shall be glazed in obscure glass and shall be none opening . 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.

17. 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.

18. APPROVAL CONDITION - Noise Report

Unless otherwise agreed in writing by the Local Planning Authority the development shall be carried out strictly in accordance with the findings of the Assessment of Noise from Rail and Road Traffic (ref - RD/0310/OH01 addendum to RD/0509/OH01) by R A Davis dated March 2010 (as amended).

REASON: To secure a satisfactory residential environment for future occupiers.

19. 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. On balance the residential environment for future occupiers is acceptable. The proposal is consistent with adopted local planning polices. A suitable balance has been achieved between securing

additional housing, parking, on-site amenity space and landscaping, whilst ensuring that existing residential amenity is protected. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 Planning Permission should therefore be granted.

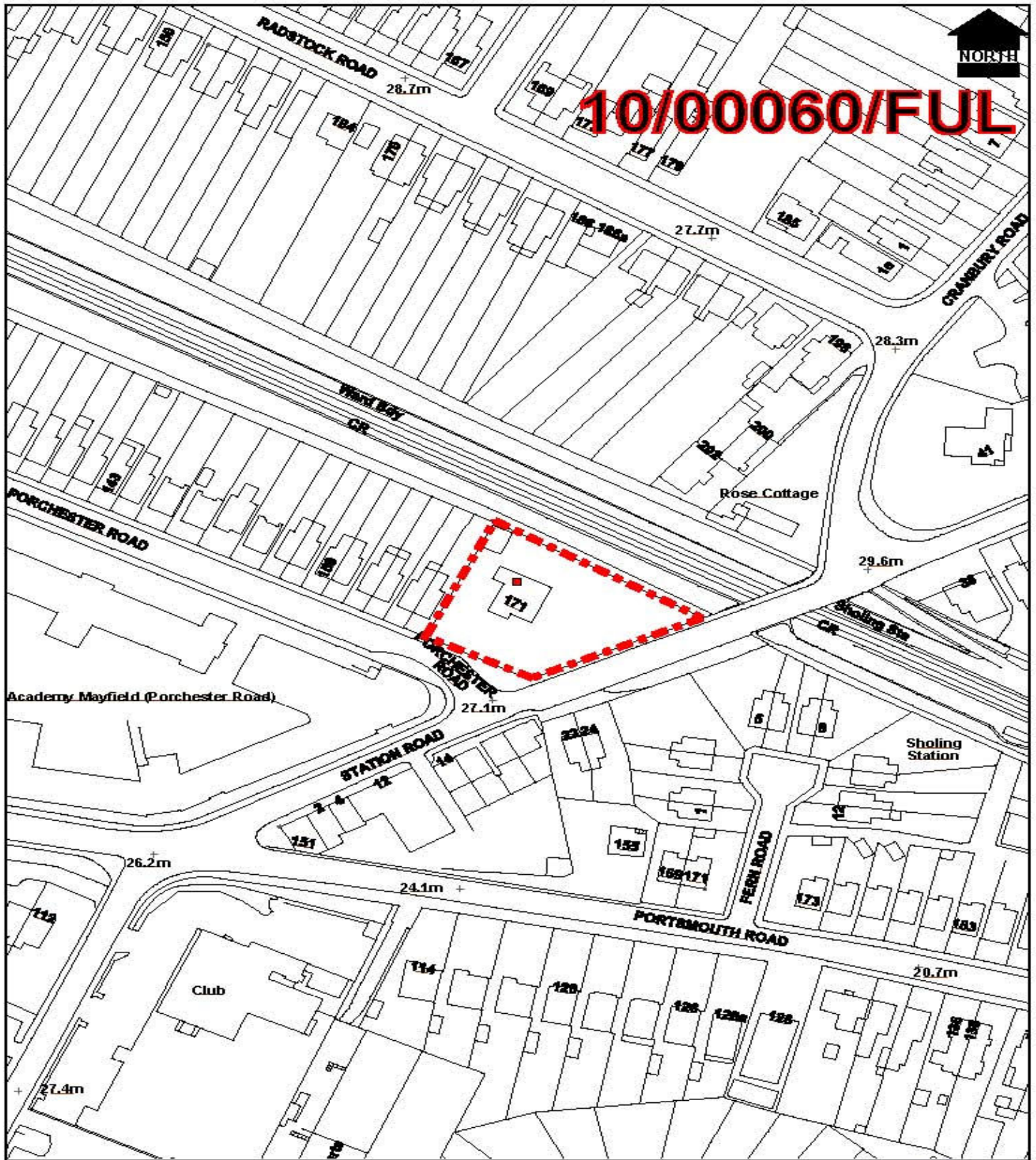
Policies CS3, CS4, CS5, CS13, CS15, CS16, CS19, CS20, CS22 and CS25 of the Local Development Framework Core Strategy (January 2010)

Saved Policies SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP12, SDP13, H1, H2 and H7 of the City of Southampton Local Plan Review (March 2006).

Note to Applicant:

01. Southern Water – Public Sewerage - Informative

A formal application for connection to the public sewerage is required in order to service this development. Please contact Southern Water's Network Development Team (Wastewater) based in Otterbourne or www.southernwater.co.uk.



10/00060/FUL

Scale : 1:1250

Date : 30 March 2010

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POLICY CONTEXT

LDF Core Strategy - Planning Southampton to 2026 – Adopted January 2010

The LDF Core Strategy now forms part of adopted development plan against which this application should be determined. The following policies are relevant:

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – Adopted Version (March 2006)

Whilst there are no site-specific policies relating to this site within the City of Southampton Local Plan Review - Adopted Version March 2006, the plan contains general policies applicable to this development. This application needs to be assessed in the light of the following local planning “saved” policies:

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Safety & Security
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

Supplementary Planning Guidance

The following SPD/G also forms a material consideration in the determination of this planning application:

Residential Design Guide (Approved - September 2006)

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

Other Relevant Guidance

PPS1	Delivering Sustainable Development (2004)
PPS3	Housing (2006)

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**DETERMINATION OF APPLICATION****TOWN AND COUNTRY PLANNING ACT 1990****Town and Country Planning (General Development Procedure) Order 1995**

Hurrell Architecture
4 Sun Hill Crescent
Alresford
Hants
SO24 9NJ

In pursuance of its powers under the above Act and Order, Southampton City Council as the District Planning Authority, hereby gives notice that the application described below has been:

REFUSED

Proposal: **Redevelopment of the site. Demolition of the existing house and erection of a three-storey building to provide 14 x two-bedroom flats with associated parking.**

Site Address: **171 Porchester Road Southampton SO19 2JA**

Application No: **08/00086/FUL**

For the following reason(s):

01.

The proposed development, by reason of its design, scale and massing, would be out of keeping with the character and appearance of the surrounding street scene, contrary to Policies SDP1, SDP7, SDP9 and H7 of the City of Southampton Local Plan Review (March 2006) and the Residential Design Guide (September 2006).

02.

The proposed development represents an un-neighbourly form of development by reason of its design, bulk, height, position and proximity to the north-western boundary. This would appear unduly dominant, leading to an undue sense of enclosure and loss of privacy for the occupiers of 169 Porchester Road contrary to Policies SDP1, SDP7, SDP9, H2 and H7 of the City of Southampton Local Plan Review (March 2006) and the Residential Design Guide [September 2006].

03.

The proposed vehicular access is considered inadequate in width to allow two vehicles to pass and therefore would prejudice highway safety by creating congestion at the entrance into the site contrary to Policies SDP1 and TI2 of the City of Southampton Local Plan Review (March 2006).

04.

The proposed integral bin store does not provide appropriate facilities for the storage and collection of refuse from the premises by reason of its design and distance from the highway. Moreover the application has not been supported by a Waste Management Plan. The development proposal is thereby contrary to Policy SDP1 of the City of Southampton Local Plan Review (March 2006).

05.

The proposal has failed to demonstrate that the development will not be adversely affected by noise and vibration from the adjacent railway line as a report from an acoustic consultant has not been submitted. The development proposal is thereby contrary to Policies SDP1 and SDP16 of the City of Southampton Local Plan Review (March 2006).

06.

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

(i) No provision for measures to support public open space and play space contrary to Policies CLT5 and CLT6 of the City of Southampton Local Plan Review - Adopted Version March 2006.

(ii) No provision for measures to support sustainable modes of transport such as necessary improvements to public transport facilities and pavements in the vicinity of the site contrary to policies SDP1, SDP2 and SDP3 of the City of Southampton Local Plan Review - Adopted Version March 2006.

(iii) No provision for measures to support strategic transport initiatives;

(iv) No provision for measures to secure a highway condition survey and post completion reinstatement

Note to Applicant:

In reaching its decision to refuse the application the Local Planning Authority has considered drawing numbers 645-D-003, 645-D-004, 645-D-005, 645-D-006 and 645-D-007 received on 17 Jan 2008.



David Rothery
Development Control Manager



9 April 2008

For any further enquiries please contact:
Andrew Gregory

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Agenda Item 8

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 13th April 2010
 Planning Application Report of the Head of Division

Application address:	Land to the rear of Sheridan Close, Thornhill		
Proposed development:	Re-development of the site, including demolition of existing garages. Erection of 10 dwellings as part of a second phase (comprising 4 x 2-bed, 5 x 3-bed, 1 x 4-bed) within 2 x two-storey terraces and 3 single-storey detached buildings. All served with parking, ancillary storage and landscaping. Proposal includes stopping up and diversion of a public footpath.		
Application number	10/00119/FUL	Application type	Full Detailed
Case officer	Stephen Harrison	Application category	Q12 (Small Major)

Recommendation Summary	Subject to the receipt of an undertaking from the Head of Property & Procurement confirming that the land transfer will include the S.106 Heads of Terms listed in this report delegate to the Head of Planning & Sustainability to grant planning permission.
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Reason for Panel consideration	Major development (small scale) requiring completion of legal agreement under Section 106 of the 1990 Act
Applicant: First Wessex Housing Group Ltd	Agent: HGP Architects

Date of receipt	17.02.2010	City Ward	Bitterne
Date of registration	17.02.2010	Ward members	Cllr Fuller
Publicity expiry date	08.04.2010		Cllr Stevens
Date to determine by	19.05.2010 IN TIME		Cllr Letts

Site area	0.27 hectares	Usable amenity area	55-110sq.m per house
Site coverage (developed area)	Approximately 70%		
Density - whole site	37dph		

Residential mix	numbers	size sq.m	Other land uses	class	size sqm
Studio / 1-bedroom	N/A	N/A	Commercial use	N/A	N/A
2-bedroom	4	79-152	Retail use	N/A	N/A
3-bedroom	5	170	Leisure use	N/A	N/A
4-bedroom	1	204	other	N/A	N/A

accessibility zone	medium	policy parking max	8 spaces
parking permit zone	no	existing site parking	26 garages
cyclist facilities	yes	car parking provision	10 spaces (1 per unit) 8 communal
motor & bicycles	0 motor / 10 cycles	disabled parking	1 space

Key submitted documents supporting application			
1	Design & Access Statement	2	Biodiversity Checklist
3	Ecological Report	4	Statement of Involvement
Appendix attached			
1	Development Plan Policies	2	Applicants Response to Policy CS21

Recommendation in full

1. Authorisation of the Panel be given to the Head of Planning & Sustainability to enter into a footpath diversion order under s.257 of the Planning Act as it affects the site; and,
2. Delegate to the Head of Planning & Sustainability to grant planning permission subject to the receipt of an undertaking from the Head of Property & Procurement confirming that the land transfer from SCC to the applicant will include a S.106 Legal Agreement to secure:
 - i) Provision of 100% affordable housing in accordance with Policies CS15 and CS25 of the adopted LDF Core Strategy (2010);
 - ii) Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
 - iii) A financial contribution towards strategic transport projects for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
 - iv) Financial contributions towards the relevant elements of public open space required by the development in line with policies CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
 - Amenity Open Space (“open space”)
 - Play Space
 - Playing Field;
 - v) Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.

BACKGROUND

The site is within the ownership of the City Council. It has been identified as being acceptable for release for the provision of affordable housing within the Thornhill area.

Proposed Development and surrounding context

Context

This application site relates to an area of informal amenity land bounded by properties fronting Sheridan Close, Byron Road and Burke Drive. The open space is characterised by a change in grade, existing footpath links, and slopes down from north to south. Close boarded fencing marks the site’s northern, eastern and western boundary with the recently completed development of 14 dwellings located to the south. Access into the area is provided primarily to serve 26 Council owned garages, many of which have fallen into disrepair. The character of this part of Thornhill is defined by two-storey semi-detached and terraced dwellings set within long thin gardens.

Proposal

Planning permission is sought for the development of the site for 10 dwellings, described by the applicants as “Phase II”, following the completion of the 14 residential dwellings approved under LPA ref: 06/01244/FUL. The proposal yields a residential density of 37 dwellings per hectare.

The proposed scheme extends the existing road network into the informal open space. The layout has been designed to adoptable standards and comprises two terraces and three single storey dwellings along the eastern boundary. A good mix of accommodation is provided including 4 no. 2-bed, 5 no. 3-bed and 1 no. 4-bed dwellings. One of the single storey 2 bed dwellings (Plot 10) has been designed as a wheelchair compliant unit.

A modern design approach and palette of materials is proposed. The single storey buildings replace the existing garage block and are finished with a flat roof. They have a typical height of between 3.8 and 4.1 metres and have been designed to maintain the outlook from the neighbouring dwellings fronting Burke Drive. The two-storey dwelling houses are more traditional in appearance and are typically 7.2 metres in height (to ridge). No accommodation is proposed in the roofspace.

The scheme seeks to provide Code for Sustainable Homes Level 4 across the scheme. The whole scheme is to be affordable accommodation for the rented/intermediate market.

The Grounds

All dwellings have access to private amenity space of between 55 and 110sq.m (varying in length from between 8m & 13m), a parking space and ancillary refuse and cycle storage. Existing footpaths that serve the north-east and west of the site are to be retained and diverted.

Relevant Planning Policy

LDF Core Strategy - Planning Southampton to 2026

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

The application will result in the loss of amenity space that is not designated as protected open space.

The relevant CS policies and the “saved” policies from the Local Plan Review are set out at **Appendix 1**. The adopted LDF Core Strategy Policy CS21 (Protecting and Enhancing Open Space), as supported by Local Plan Policy CLT4, is relevant in the determination of this application.

Policy CLT4 refers to the development of amenity space and advises that proposals for the development of amenity open space will only be permitted where the site has no overall landscape, nature conservation or recreation value. The application has been advertised because the land provides some limited recreation value for local residents. As such, if supported, this application represents a departure from the development plan as explained below. Due to the scale of the development proposed, however, and the comments received from Sport England, it is not necessary – in accordance with the guidance

contained in Circular 02/2009 - to notify the Secretary of State of this departure.

PPG17 - Planning for Open Space, Sport and Recreation (2002)

PPG17 requires an applicant to make an assessment of the existing open space in the locality to demonstrate that the application site is surplus to requirements before it can be released for alternative development. The Southampton Open Space Audit notes that there is 'a relatively high distribution of amenity green space' in this part of the City.

Sustainability Implications

Major developments are expected to meet high sustainable construction standards in accordance with the City Council's adopted and emerging policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan saved Policy SDP13 the applicants have submitted a 'Sustainable Development Checklist' to support their application and have made a commitment to achieving a Code for Sustainable Homes Level 4.

The Council's Sustainability Team has confirmed that they are able to support the requirement to achieve Code Level 4 rather than Code Level 3 (with the use of on-site renewables as required by CS20).

Relevant Planning History

06/01244/FUL Redevelopment of open ground for 14 dwelling houses with means of access, open space and parking
Approved 16.02.2007

Consultation Responses and Notification Representations

The application is supported by a 'Statement of Community Involvement', which details how the applicants engaged with the local community prior to the formal planning submission. The applicants held an event in November 2009 and the comments received have informed the current planning application.

Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (04.03.10) and erecting a site notice (25.02.10). Following the comments from the Planning Policy Team (as set out below) the application has also been advertised as a "departure" from the current Development Plan.

At the time of writing the report **1** representation has been received from surrounding residents. Planning related comments can be summarised as follows:

A lack of parking will result in additional pressures to park on Burke Drive.

Response

The proposed level of parking exceeds the maximum standards of the adopted Local Plan. The proposal also includes 8 communal on-street parking spaces to serve the existing neighbourhood (in addition to the 6 secured to serve the first phase). Whilst the concerns are noted there are no objections to the application from Highways DC.

The outlook for existing residents will be harmed by developing at the bottom of existing gardens.

Response

The proposed layout follows an extensive pre-application with the City Council and secures a development that maintains acceptable separation distances between existing and proposed buildings. Where development is located on the boundary with existing gardens

it has been kept to a single storey (some 4 metres in height) and replaces existing garage structures. A typical separation distance of 18 metres is achieved between the rear windows of those dwellings fronting Burke Drive and the proposed single storey dwellings. The closest relationship of 13.5 metres is mitigated by an existing access that removes the proposed building (Plot 10) from the neighbouring boundary. The typical separation between two storey buildings exceeds the Council's 21 metre requirement. Indeed, all separation distances proposed are consistent with those set out at section 2.2 of the Council's approved Residential Design Guide SPD (2006).

Summary of Consultation comments

SCC Planning Policy – Objection raised. The proposals would accord with the Council's policies on Affordable Housing (CS15), Housing Mix and Type (CS16), Car and Cycle Parking (CS19) and Tackling and Adapting to Climate Change (CS20). The proposed density would lie outside of the levels set out in the Core Strategy for parts of the city with a PTAL value of 3 & 4 (50-100dph). Given the constraints of the site, the prevailing housing development as well as the provision of the family housing, this is considered to make an efficient use of the land.

The proposals would, however, involve development on an area of existing open space. Development in this respect is subject to the provisions of policy contained in the PPG17, the South East Plan, the adopted Core Strategy and Local Plan. Whilst the application site is not an identified protected open space as identified by the Local Plan Proposals Map the site can easily be regarded as open space using the definition contained in PPG17. Furthermore, the Council's Green Spaces Strategy was adopted by Cabinet in October 2008 identifies the application site as an area of amenity space. Policy CS21 of the Core Strategy states that there shall be no net loss of open space within the city.

Planning permission was granted in January 2007 for the development 14 homes on land adjacent to the application site. The application was allowed on the basis that there was an over provision of open space within the walking distance of the site, alongside other planning benefits such the provision of affordable and family housing. In the granting of permission officers noted that the remaining area of open space, to which this application relates, provided a suitable gap in terms of providing a visual gap in what is otherwise a very built up area. The Council's Open Space Audit identifies that areas in the east of the city are deficient in terms of natural open space and formal parks but benefits from an over supply of open space over all. Notwithstanding this, the applicants have failed to address this issue satisfactorily. Their assessment specifically refer to the requirements of PPG17 and include details of any mitigation measures, where the first preference would be replace of the open space in another location in this part of the city.

Response

*The applicant's response to this objection is appended at **Appendix 2** to this report.*

SCC Trees, Allotments and Parks Improvement Manager – The site is a remnant of a much larger green space which has now been built on and has a very limited use for the local residents. It appears to be regularly fly-tipped and is serving only as a shortcut between the existing houses. The site has minimal amenity value in its current condition and with no funding likely to be available in the foreseeable future it is unlikely to get upgraded any time soon.

SCC Highways – No highway objection is raised to the proposal subject to improved access/security to the proposed cycle storage, the attached planning conditions and the completion of a S.106 legal agreement. The application site is located within an area defined as having "medium" accessibility to public transport and services. The loss of the existing garages and their replacement with a limited number of communal on-street

parking spaces is acceptable given current take-up levels. The provision of 1 parking space per dwelling exceeds the Council's maximum parking standards, but can be supported given the mix of residential units proposed. The proposed access onto Sheridan Close, via the first phase of development, is acceptable. Pedestrian access across the site is to be retained, although a footpath diversion order is necessary, and this is welcomed.

SCC Sustainability – No objection raised subject to the attached planning condition to secure a development that meets the Code for Sustainable Homes level 4 – in lieu of on-site renewables. Additional planting should be considered as part of the landscaping scheme to provide added shade during the summer months.

Response

These comments have been relayed to the applicants who are expected to submit a revised landscaping plan either before the Planning Panel or as part of a submission to discharge the attached landscaping conditions.

SCC Housing Development - The affordable housing requirement from the proposed development under policy is 2 units (i.e. 20% of 10 units). However, all the units proposed will be for affordable housing. The Housing Development Team strongly supports this application. We have been working with First Wessex since late 2008 to see whether a second phase of development at Sheridan Close would be feasible. The proposed scheme would provide much needed family houses plus 3 bungalows (one is for disabled residents, and two would be aimed at "under-occupiers" thereby freeing up additional family sized houses). All of the units are proposed to be for rent – there are currently over 13,000 households on the housing register.

SCC Archaeology - The site lies outside the main areas of Local Archaeological Importance and there has been no significant archaeology discovered in the vicinity of the application site. Should planning consent be granted I would not recommend that any archaeological conditions are attached.

SCC Tree Team – Following further clarification by the applicants no objections are raised to this application subject to the attached planning condition to secure a landscape plan and its subsequent maintenance.

SCC Rights of Way Officer – raises no objections following further clarification and the confirmation that a formal diversion order will be secured as part of the scheme.

SCC Environmental Health (Contamination) – No objection raised subject to the attached planning conditions regarding land contamination.

SCC Environmental Health (Pollution & Safety) – No objection raised subject to the attached planning conditions regarding controls over the construction phase.

SCC Ecologist - No objection is raised to the proposed development. A planning condition should be applied to any permission to secure implementation of an ecological mitigation statement based on the Code for Sustainable Homes Report RT-MME-104806.

SCC Access Officer – Compliance with Part 'M' of the Building Regulations will be mandatory. No further comment made.

Sport England - The application site does not constitute playing field land as defined in Article 10(2) the Town and Country Planning (General Development Procedure) Order 1995 (as amended). Therefore, Sport England has considered the application in the light of its Interim Policy Statement 'Planning for Sport & Active Recreation: Objectives & Opportunities'. The overall thrust of the statement is that a planned approach to the

provision of facilities and opportunities for sport is necessary in order to ensure the sport and recreational needs of local communities are met. Sport England is satisfied that there are significant opportunities for sport and recreation in the vicinity of the application site and, therefore, does not wish to object to the loss of the open space area. However we advocate that it is essential for such developments to contribute to the sport and recreational needs of the locality made necessary by the subsequent increase in population. We trust that an adequate contribution will be made to sport and recreation improvements taking account of your authorities Supplementary Planning Guidance on planning obligations.

Response

The applicants have made an enhanced contribution towards open space provision at Hinkler Green which will be secured by a S.106 Legal Agreement.

The Environment Agency – have assessed the application as having a low environmental risk. Current workload pressures do not allow for a more detailed response.

BAA – BAA raise no objection, the proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria.

Hampshire Constabulary – No objection subject to the imposition of the attached planning conditions relating to boundary treatments.

Planning Consideration Key Issues

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

- i. The principle of development & the loss of informal open space;
- ii. Design, Density & Impact on Established Character;
- iii. Residential Amenity;
- iv. Highways and Parking;
- v. Whether or not the scheme mitigates sufficiently against its direct local impacts.

Principle of Development & the Loss of Informal Open Space

The application site is not a designated area of formal open space but represents an area of open space with intrinsic informal recreational value for the local community (in terms of dog walking etc). The site also has some visual amenity and represents a green gap in an otherwise generally built up area. The application site has an existing amenity value, particularly for those residents living immediately adjacent to the site. Notwithstanding the application site's limited recreation value due to its topography, there is a broad presumption against the loss of any open space both nationally (PPG17) and locally (Core Strategy Policy CS21 and Local Plan Review Policy CLT4). In applying the guidance within PPG17 'open space' should be taken to mean all open space of public value that offers opportunities for sport and recreation and which can also act as a visual amenity.

To ensure effective planning for open space, sport and recreation use PPG17 explains that it is essential that the needs of local communities are known. Local authorities should undertake robust assessments of the existing and future needs of their communities for open space, sports and recreational facilities. The Council has undertaken an Open Space Audit that confirms that there is a surplus of open space in this location. In addition to the Council's own Open Space Audit the applicants have submitted their own assessment of the amenity role of the site in its local context and the current provision of open space in the locality. This is appended at **Appendix 2**. This survey demonstrates that the local area is well served by a number of green spaces characteristic of this sub-urban location (including Donkey Common and Hinkler Green). These alternatives are located within a maximum distance of 800m from the application site and are considered to offer a suitable

alternative for residents in the event that the application site is developed.

The Council's Trees, Allotments and Parks Improvement Manager has also confirmed that the application site has limited amenity value and investment would be better channelled to other nearby sites. With this in mind an enhanced off-site contribution to mitigate against the loss of this space has been offered to support the programme of works scheduled for the Hinkler Green open space.

The application site is "greenfield land" (as defined by PPS3), albeit within a suburban context, and forms the residual land from that released to construct "Phase 1" for 14 dwellings. Only in exceptional circumstances should the Council accept the principle of releasing this greenfield site for housing. With this in mind this application has been submitted by an affordable housing provider in partnership with the Council (as landowner). The application proposes a net increase in family accommodation that is supported by private external amenity space which is fit for its intended purpose, and would further assist in achieving a genuine "mixed-and-balanced-community" as required by PPS3, LDF Core Strategy Policy CS16, Local Plan Policy H12 and Part 6 of the approved Residential Design Guide SPD. Policy CS16 requires that schemes of 10 or more dwellings provides at least 30% of the units as "family homes" with at least 3 bedrooms and access to private amenity space. Of the proposed dwellings all have been designed in consultation with the Housing Solutions Team to meet an identified need and 60% meet the Core Strategy requirement. The existing land has limited amenity value and its reuse with an affordable, sustainable housing scheme (which achieves Code Level 4) is, on balance, considered to represent a good use of land that currently has limited recreational, visual or amenity value. A departure to the adopted Development Plan is, therefore, recommended.

Design

Sheridan Close is characterised, in this location, by semi-detached family dwellings set back from the highway and this pattern of development has been continued with the release of the first phase of land (approved under LPA ref: 06/01244/FUL). The proposed buildings comprise a mix of two storey terraces and single storey dwellings (along the site's eastern boundary). A modern palette of materials is proposed, including a mixture of stack bonded facing brickwork and through coloured render. Further details can be secured with the attached planning condition.

The proposed level of development, at 37 dwellings per hectare, is below the Council's current guidance (of between 50 and 100 dph for areas of medium accessibility) and the requirements of LDF Core Strategy Policy CS5. However, it should be noted that the site is constrained by its residential context and the need to retain 2 existing footpath links, whilst providing an adequate turning area to meet the needs of a refuse vehicle.

In good planning terms the consideration of density should not be the prime determination factor for an otherwise acceptable proposal. Density should only be taken as a final test as to the appropriateness of a scheme; and where a scheme's layout and design is considered to be appropriate for its context (as is the case here) it is these assessments rather than an arbitrary density figure that should prevail. In this case, it is accepted that to provide a viable proposal that delivers affordable family housing a lower density scheme will need to be employed. This scheme responds well to this context. It is considered that the proposed footprint and quantum of development is acceptable and would not result in any substantial harm to the visual amenities of the locality.

The current scheme assists the Council in meeting its housing requirements and it is considered that the application accords in broad terms with Local Plan design policies SDP1, SDP7, H7 as supported by Core Strategy Policy CS13.

Residential Amenity

Given the siting of the proposed buildings it is not considered that the proposed development will lead to any adverse impact on the surrounding properties in terms of overshadowing, loss of outlook or a significant loss of privacy. The two storey terraces have been located within the middle of the site away from neighbouring boundaries, with development closest to the rear of properties fronting Burke Drive being limited to a single storey height. For the reasons given above the application is considered to address the amenity requirements of adopted Local Plan policies SDP1(i), SDP7(v) and SDP9(v) as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006).

The internal layout of the dwellings is judged acceptable. All room sizes are acceptable and provide for a good living environment. In accordance with the Council's current external space standards all units have access to external amenity space that is "fit for its intended purpose". All dwellings have access to private amenity space of between 55 and 110sq.m (varying in length from between 8m & 13m). The detached dwellings do not achieve the recommended 90sq.m of external space but, nevertheless, offer residents three smaller areas of attractive space (including an enclosed central courtyard) in an imaginative design solution. The proposed 4 bed dwelling has access to some 100sq.m of external space. The scheme is considered to comply with the external space standards of the Council's approved Residential Design Guide SPD (2006); namely paragraph 2.3.14 and section 4.4.

Highways and Parking

Car parking is a key determinant in the choice of mode of travel. The Local Plan aims to reduce reliance on the private car and encourage alternative modes of transportation such as public transport, walking and cycling. Applying the Council's adopted maximum standards (of 0.75 spaces per two/three-bedroom units and 1 spaces per 4), as set out in Local Plan Policy SDP5 and LDF Core Strategy Policy CS19, suggests that the proposed residential units should be supported by no more than 8 spaces.

The applicants propose to provide 1 space per dwelling (including 1 disabled space) in excess of the Council's standards. This marginal over-provision is considered appropriate given the family housing proposed and the likely car ownership. The replacement of 26 garages with 8 on-street communal spaces is also supported.

Cycle storage is to be provided in a lockable shed in their rear gardens. The Council's Highways Officer has requested further details and these can be secured with the attached planning condition.

Finally, the existing rights of way across the site will be retained and diverted to accommodate the proposed works. As such, there are no significant rights of way issues affecting the proposal.

S.106 Legal Agreement

A development of this scale would normally trigger the need for a S.106 Legal Agreement to secure appropriate off-site contributions towards open space, children's play space and highway infrastructure improvements in accordance with Core Strategy Policy CS25. A development of this scale would also trigger the need for 20% affordable housing in accordance with Core Strategy Policy CS15. The applicants have offered all units as "affordable" and are willing to enter into the necessary S.106 legal agreement. That said, as the Council is the land owner in this case it is appropriate that the Head of Property &

Procurement provides an undertaking at this stage stating that the requirements of the agreement will be completed at the time of land transfer.

Summary

This application has been advertised as a departure to Core Strategy Policy CS21 in that it will result in a net loss of existing amenity space. A Planning Policy objection has also been received on this basis. That said, when considered against other policies in the Local Plan, the scheme is not considered to significantly prejudice the provisions of the Development Plan.

The scheme is wholly affordable (over and above the 20% Core Strategy requirement), it will be constructed to a Code for Sustainable Homes Level 4 (over and above the Code 3 Core Strategy requirement) and will make an enhanced off-site open space contribution towards a programme of open space works at Hinkler Road. Furthermore, the Council's Trees, Allotments and Parks Improvement Manager has confirmed that the land has limited recreational, visual or amenity value and, given the topography of the space, does not lend itself to formal enhancements. Suitable alternatives exist within walking distance of this site to mitigate against its loss.

This application offers significant regeneration benefits as well as providing a good mix of affordable family housing. The site is accessible to good public transport links and the consideration of density should follow that of good urban design. On that basis the relatively low density is not considered to be unduly harmful and, on balance, therefore, the scheme is considered to respect the character, appearance, density and overall scale of the surrounding residential area and mitigates against its direct impacts.

Conclusion

This application has been assessed as being acceptable to residential amenity and its local context. The application is recommended for conditional approval, subject to the completion of the aforementioned S.106 Legal Agreement at the land transfer stage.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a), 1(b), 1(c), 3(a), 4(s), 6(a), 6(c), 6(f), 6(h), 7(c), 8(a), 9(a), 9(b), City Plan Review (Adopted Version) and the adopted LDF Core Strategy (2010)
SH for 13.04.10 PROW Panel

Application 10/00119/FUL

SUGGESTED PLANNING CONDITIONS

01.

APPROVAL CONDITION - Full Permission Timing Condition - physical works

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

REASON:

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

02.

APPROVAL CONDITION - Details of building materials to be used

Notwithstanding the details shown on the approved drawings no development works (excluding the demolition phase) shall be carried out unless and until a schedule of materials and finishes (including full details of the manufacturers, types and colours of the external materials) to be used for external walls, windows and the roof of the proposed buildings has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority a stack bond shall be employed for those elevations identified on the approved drawings and the development shall proceed in accordance with the agreed details.

REASON:

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

03.

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

Bin storage shall be laid out with a level approach (not in excess of 1:10) prior to the first occupation of the development hereby approved in accordance with the approved plans. The facilities shall include accommodation for the separation of waste to enable recycling with doors hinged to open outwards. The approved refuse and recycling storage shall be retained whilst the development is used for residential purposes with bins kept in their allotted stores on non collection days.

REASON:

In the interests of highway safety and visual amenity and to encourage recycling.

04.

APPROVAL CONDITION – Cycle storage [Pre-Occupation Condition]

Notwithstanding the submitted details the development to which this permission relates shall not be occupied in full or in part until secure, covered space has been laid out within each plot for bicycles to be stored, in accordance with amended plans that shall have been submitted to and approved in writing by the Local Planning Authority prior to the provision of the cycle storage. The cycle stores and stands hereby approved shall thereafter be retained on site for those purposes.

REASON:

To encourage cycling as an alternative form of transport and as the proposed cycle storage is not secure and results in users having to wheel the bicycle through the dwellinghouse.

05.

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

The external amenity space serving the development hereby approved, and pedestrian access to it, shall be made available prior to the first occupation of each unit to which it relates and shall be retained with access to it at all times for the use of the residents to this scheme.

REASON:

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

06.

APPROVAL CONDITION – Hours of work for Demolition / Clearance / Construction

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

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

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

And at no time on Sundays and recognised public holidays. Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the LPA.

In addition deliveries of construction materials to the site and the removal of any waste materials from the site shall not take place during the following hours:-

Monday to Friday 08.00 hours and 09.30 Hours (8.00am to 9.30 am)

Monday to Friday 15.00 hours and 16.30 hours (3.00pm to 4.30pm)

and at no time on Saturdays, Sundays and public holidays to take account of the occupation and proximity of neighbouring residential properties.

REASON:

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

07.

APPROVAL CONDITION - Construction Environment Management Plan

Prior to the commencement of any development or demolition works a written construction environment management plan shall be submitted to and approved by the LPA. The plan shall contain method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary. All specified measures shall be available and implemented during any processes for which those measures are required.

REASON:

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

08.

APPROVAL CONDITION - Contractors Compound (Pre-Commencement Condition)

No commencement of work pertaining to this permission shall be carried out on the site unless and until there is available within the site, provision for all temporary contractors buildings, plant and storage of materials associated with the development and such provision shall be retained for these purposes throughout the period of work on the site; and the provision for the temporary parking of vehicles and the loading and unloading of vehicles associated with the phased works and other operations on the site throughout the period of work required to implement the development hereby permitted in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.

REASON:

To avoid undue congestion on the site and consequent obstruction to the access in the interests of road safety.

09.

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

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

REASON:

In the interests of highway safety.

10.

APPROVAL CONDITION - Bonfires [Performance Condition]

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

Reason:

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

11.

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

Before the commencement of any site works, notwithstanding the submitted landscaping plan 09.027.112, a detailed amended hard and soft landscaping scheme and implementation timetable, which clearly indicates the numbers, planting densities, types, planting size and species of trees and shrubs to be planted, means of enclosure, lighting and treatment of hard surfaced areas, shall be submitted to and approved in writing by the Local Planning Authority.

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

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

The approved scheme shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

REASON:

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

12.

APPROVAL CONDITION - Boundary fence [Pre-Occupation Condition]

Before occupation of the development hereby approved and its installation, details of the design and specifications of the boundary treatment of the site – taking into account the requirements of Hampshire Constabulary in their comments dated 26th March 2010 - shall be submitted to and approved in writing by the Local Planning Authority. The agreed boundary enclosure details shall be subsequently erected prior to the occupation of each of the units to which it relates and such boundary treatment shall thereafter be retained and maintained to the boundaries of the site.

REASON:

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

13.

APPROVAL CONDITION – Sustainable Drainage Systems [Pre Occupation Condition]

A feasibility study demonstrating an assessment of the potential for the creation of a sustainable drainage system on site shall be carried out and verified in writing by the Local Planning Authority prior to first occupation of the development hereby granted consent. If the study demonstrates the site has the capacity for the implementation of a sustainable drainage system, a specification shall be agreed in writing with the Local Planning Authority. A sustainable drainage system to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained and maintained thereafter. In the

development hereby granted consent, peak run-off rates and annual volumes of run-off shall be no greater than the previous conditions for the site.

REASON:

To conserve valuable water resources, in compliance with policy SDP13 (vii) of the City of Southampton Local (2006) and to protect the quality of surface run-off and prevent pollution of water resources and comply with SDP21 (ii) of the City of Southampton Local Plan (2006). To prevent an increase in surface run-off and reduce flood risk in compliance with SDP21 (i) of the City of Southampton Local Plan (2006) and Code for Sustainable Homes: Category 4 - Surface Water Run-off

14.

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

Written documentary evidence demonstrating that the development will achieve a minimum level 4 standard in the Code for Sustainable Homes (or equivalent ratings using an alternative recognised assessment method), shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted consent unless otherwise agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and verified in writing for each unit prior to its first occupation.

REASON:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy SDP13 of the City of Southampton Local Plan (2006) as supported by Core Strategy Policy CS20.

15.

APPROVAL CONDITION – Foul Sewerage

No development (excluding the demolition phase) shall take place until details of the proposed means of foul sewerage disposal have been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented in accordance with the agreed details.

REASON:

In the interests of securing appropriate sewerage infrastructure to serve the development.

16.

APPROVAL CONDITION - Residential - Permitted Development Restriction

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

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

REASON:

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

17.

APPROVAL CONDITION - Land Contamination investigation and remediation

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

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

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

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

REASON:

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

18.

APPROVAL CONDITION - Use of uncontaminated soils and fill

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

REASON:

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

19.

APPROVAL CONDITION - Unsuspected Contamination

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority. Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority. Any changes to the agreed remediation actions will require the express written consent of the Local Planning Authority.

REASON:

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

20.

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

Prior to development commencing, including demolition and site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, as set out in the submitted Biodiversity Checklist and Middlemarch-Environmental Ecological Assessment (May 2009) which unless otherwise agreed in writing by the Local Planning Authority shall be

implemented in accordance with a programme of works that shall have been agreed in writing with the Local Planning Authority prior to the commencement of development.

REASON:

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

21.

APPROVAL CONDITION - Parking

The parking spaces shown on the approved site plan, including those 8 spaces identified for communal use, shall be marked out and made available prior to the first occupation of the development hereby approved. Unless otherwise agreed in writing by the Local Planning Authority these spaces shall be retained for their intended purpose, as detailed within the submission, during the lifetime of the development.

REASON:

In the interests of highways safety and to ensure that the development is correctly served by on-site car parking.

22.

APPROVAL CONDITION – Wheelchair Compliant Units

A minimum of 1 dwelling shall be constructed and retained as being wholly wheelchair compliant in accordance with the submitted details.

REASON:

In the interests of securing an inclusive development that meets the needs of Southampton.

Reason for Granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The use of this site for affordable housing accords with local and national planning policy. Whilst the loss of this informal open space represents a departure from the current Development Plan provisions it is justified in this instance as the scheme provides wholly affordable accommodation, the space itself has low amenity value and due to its topography is not fit for purpose, Sport England have not raised an objection to its loss and the applicants are mitigating against its loss with an enhanced off-site contribution towards existing open space at Hinkler Green. Although the proposed density is below the targets set by the LDF Core Strategy the proposed layout and design is considered fit for this context. The third party objections to the proposals relate to parking and a loss of amenity, both of which have been considered as part of the Planning Panel considerations on 13th April 2010. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 Planning Permission should therefore be granted.

Policies - SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, H1, H2, H7, CLT4 and CLT6 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS4, CS5, CS13, CS15, CS16, CS19, CS20, CS21, CS22 and CS25 and the Council's current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS3 (Housing), PPG13 (Transport) and PPG17 (Open Space) are also relevant to the determination of this planning application.

Notes to Applicant

S.257 (Town and Country Planning Act 1990)

The applicant is advised to contact the Council's Legal Services in order to progress this application under S.257 of the Town and Country Planning Act. They will also be able to advise of the likely fees that this work will incur.

Southern Water – Public Sewerage - Informative

A formal application for connection to the public sewerage is required in order to service this development. Please contact Atkins Ltd, Angle St James House, 39a Southgate Street, Winchester So23 9EH (tel. 01962 858688) or www.southernwater.co.uk

S.106 Legal Agreement Informative

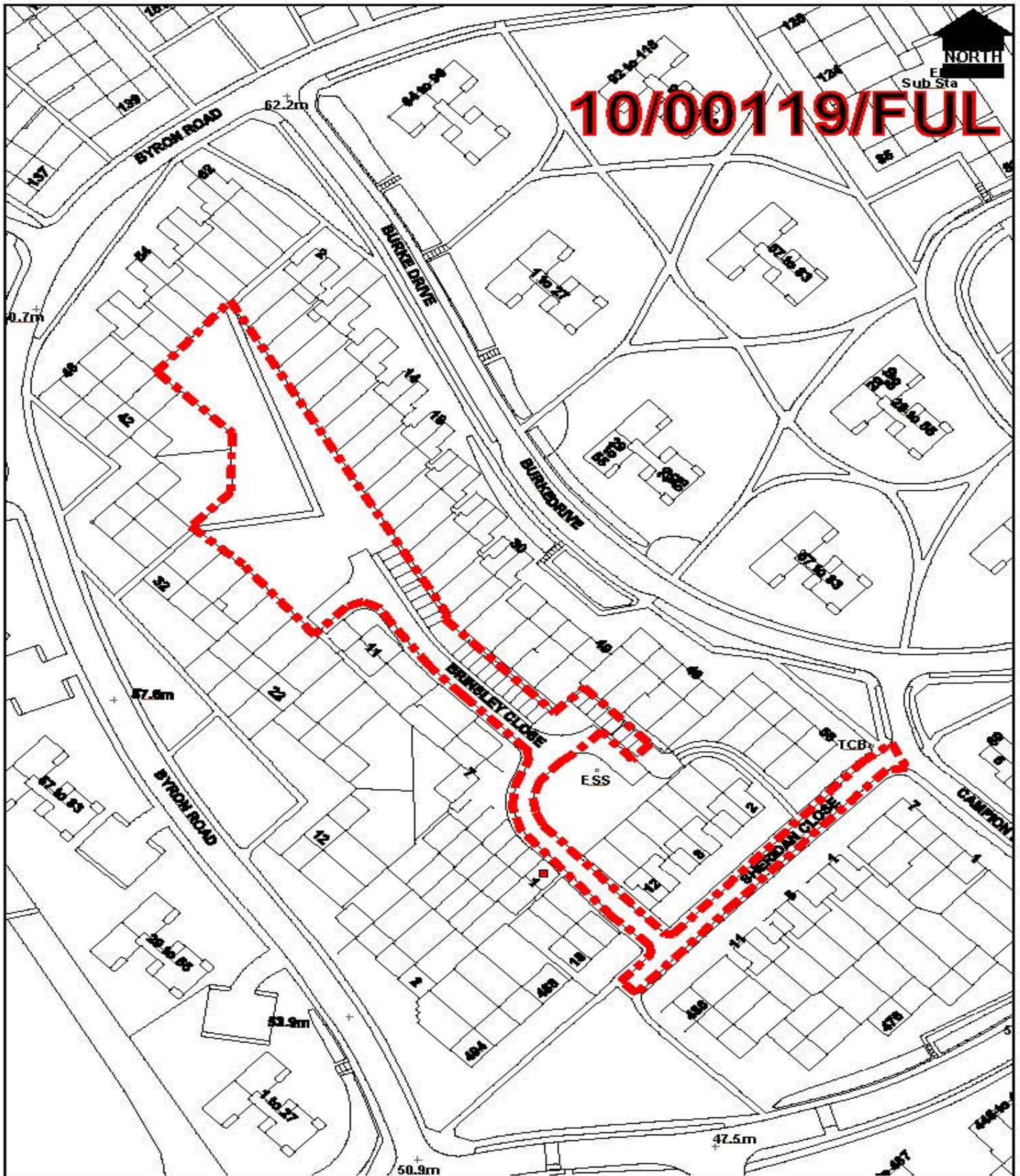
A Section 106 agreement relates to this site which includes a requirement for contributions towards: affordable housing, highways (site specific and strategic) and play/open space. A full copy of the S106 legal agreement is available on the Public Register held at Southampton City Council.

Note to Applicant – Pre-Commencement Conditions

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

Note to Applicant – Performance Conditions

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



Scale : 1:1250

Date : 30 March 2010

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POLICY CONTEXT

LDF Core Strategy - Planning Southampton to 2026

The LDF Core Strategy now forms part of adopted development plan against which this application should be determined. The following policies are relevant:

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats
CS25	The Delivery of Infrastructure and Developer Contributions

Policy CS21 advises that proposals for the development of amenity open space will only be permitted where the site has no overall landscape, nature conservation or recreation value with a requirement for no net loss of open space. The application has been advertised as the land provides some limited recreation value for local residents. As such, if supported, this application represents a departure from the development plan.

City of Southampton Local Plan Review – Adopted Version (March 2006)

Whilst there are no site-specific policies relating to this site within the City of Southampton Local Plan Review - Adopted Version March 2006, the plan contains general policies applicable to this development. This application needs to be assessed in the light of the following local planning “saved” policies:

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Safety & Security
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment
CLT4	Amenity Open Space
CLT6	Provision of Children’s Play Areas

Supplementary Planning Guidance

The following SPD/G also forms a material consideration in the determination of this planning application:

Residential Design Guide (Approved - September 2006)

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

Other Relevant Guidance

PPS1	Delivering Sustainable Development (2004)
PPS3	Housing (2006)

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**APPLICANT'S RESPONSE TO CORE STRATEGY POLICY CS21 & THE
SCC PLANNING POLICY OBJECTION****Justification for Loss of Open Space**

The proposed development would result in the loss of approximately 0.27 hectares of amenity space lying to the rear of houses on Sheridan Close, Byron Road and Burke Drive, Thornhill. The site has an elongated shape, slopes along its length and adjoins the rear gardens of neighbouring properties. It comprises rough grass with no other vegetation.

PPG 17 - Planning for Open Space, Sport and Recreation states that open space of high quality or particular value should be recognised and given protection by the planning authority through their policies, including small areas of open space in urban areas that provide an important local amenity (para. 11). The land at the rear of Sheridan Close forming the application site is not high quality or an important local amenity and does not fall into the specified areas of particular quality as set out in paragraph 11 of the PPG:

- (i) its recreational and play opportunities are low (in view of its size, shape, landform and location);
- (ii) it does not offer a community resource for events as envisaged in the PPG;
- (iii) it does not particularly benefit wildlife and biodiversity (comprising rough grass with no trees or other vegetation).

The land had no specific open space allocation on the Proposals Map of the City Council's Local Plan Review.

Paragraph 10 of the PPG states that existing open space should not be built upon unless an assessment has shown that the open space is surplus to requirements.

Open Space Assessment

Open spaces in Thornhill area located in the vicinity of the application site are shown in the table below (distances are actual travel distances by foot/cycle).

OPEN SPACE	DISTANCE FROM SITE
Hinkler Green (sports pitch, play area, skateboard park, MUGA)	700 metres
Masefield Green (woodland, children's' play area)	600 metres
Donkey Common (woodland, open space)	600 metres

Therefore there are opportunities for outdoor recreation, sports and play within 10 minutes' walk of the application site or less, other than the application site, with facilities having been upgraded and with contributions to the improvement of the facilities from the proposed development. The loss of the amenity open space comprising the application site would not result in a shortfall of these opportunities for residents within the locality of the site.

In addition, the City Council's Green Spaces Strategy indicates that the East Neighbourhood Partnership Area, within which the site at Sheridan Close falls, has a relatively high level of amenity green space (such as the application site); 17% of the total area of open space compared with no more than 4% in the other Neighbourhood Areas. In the section discussing Amenity Open Space, the Strategy indicates in paragraph 2.54 that the provision is concentrated in the east and north of the city and particularly in the Thornhill area. The local nature of this type of open space suggests that provision in Thornhill would not be of benefit to other areas of the city. The loss of the amenity open space comprising the application site would not therefore result in a shortfall of this type of open space in the locality nor have wider repercussions elsewhere in the city.

Southampton CC Core Strategy

Policy CS 21 of the Core Strategy seeks to retain the quantity and improve the quality and accessibility of open spaces in the city and specifically to:

1. protect and enhance key open spaces;
2. replace or configure other open spaces to achieve wider community benefits;
3. safeguard/extend the green grid; and
4. secure developer contributions to provide high quality, accessible open spaces.

The application site is not a key open space nor an effective part of the green grid, in view of its lack of trees or other landscaping.

The proposed development of the application site would achieve wider community benefits as part of the SCC Estate Regeneration Programme by providing affordable housing to meet local housing needs, as envisaged in paragraph 5.4.14 of the Core Strategy. The paragraph states that:

'Selected amenity open spaces with little recreational, landscape or nature conservation value may be converted to other uses as part of this wider programme.'

The proposed development of the amenity open space fits squarely within this description. In addition the proposals would secure contributions towards open space/play space elsewhere in Thornhill through the proposed Section 106 to be attached to a permission for the development (public open space at Hinkler Green and children's playspace at Masefield Green, both identified in the open space assessment above as lying within walking distance of the application site). This will improve the quality of other open spaces to achieve wider community benefits, as envisaged in section 2. of Policy CS 21.

Summary

In view of the above, the proposed development for housing of the existing amenity open space at the rear of Sheridan Close falls within the exceptions to the normal restriction on the loss of open space in PPG 17 and in SCC Core Strategy Policy CS 21, in that:

- the open space is of low recreational, amenity and ecological value;
- Thornhill has a relatively high provision of amenity open space – its loss at the application site would not exacerbate a more pressing open space shortfall for residents;
- there are other areas of recreational and sports open space of higher quality within walking distance of the site, with facilities having recently been improved;
- the proposed development of the site for housing will provide other community benefits as part of the City Council's Estates Regeneration Programme;
- S.106 contributions to be associated with the proposed development would allow facilities at existing open space and playspace in the locality to be improved.