

Planning and Rights of Way Panel

Tuesday, 25th May 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
Councillor Letts
Councillor Mead
Councillor Osmond
Councillor Slade
Councillor Thomas

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 2010/11

2010	2011
25 May 2010	18 January 2011
22 June	15 February
20 July	15 March
17 August	12 April
31 August	
28 September	
26 October	
23 November	
21 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 available on-line via the Council's Website

1 ELECTION OF VICE-CHAIR

To appoint a Vice-Chair to the Panel for this Municipal Year.

2 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.

3 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.

4 STATEMENT FROM THE CHAIR

5 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)

To approve and sign as a correct record the Minutes of the meeting held on 13th April 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

6 LAND TO THE REAR OF 429 SHIRLEY ROAD - 10/00283/FUL

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.

59 AVENUE ROAD - 10/00311/FUL

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.

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

8 20-24 ORCHARD PLACE - 10/00242/FUL

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

Monday, 17 May 2010

SOLICITOR TO THE COUNCIL

PLANNING AND RIGHTS OF WAY PANEL

MINUTES OF THE MEETING HELD ON 13TH APRIL 2010

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

77. MINUTES OF PREVIOUS MEETINGS (INCLUDING MATTERS ARISING)

RESOLVED that the Minutes of the meeting held on 16th March 2010 be approved and signed as a correct record subject to the following amendment:-

Item 74 – 09.01377 468 480 Portswood Road Paragraph 3

– Delete second bullet point 'Play Space'

CONSIDERATION OF PLANNING APPLICATIONS

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

78. 09/01305/FUL Headway Centre / Millbrook Clinic, Helvellyn Road / Cumbrian Way SO16 4AS

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. (As amended by plans received 15 March 2010).

The Panel noted that the officer recommendation had been amended by the removal of recommendation 2 on the published agenda together with the receipt of late objections from Fernside Close, comments from Southern Water and the planning policy update that there was no conflict with policy with regard to the loss of the community facility.

UPON BEING PUT TO THE VOTE THE AMENDED OFFICER RECOMMENDATION TO DELEGATE AUTHORITY TO THE HEAD OF PLANNING AND SUSTAINABILITY TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO THE 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 AND THAT THE UNDERTAKING SHALL ALSO SECURE A HIGHWAY CONDITION SURVEY, WAS CARRIED UNANIMOUSLY

RESOLVED that authority be delegated to the Head of Planning and Sustainability to grant conditional planning approval subject to:-

- (i) the conditions in the report, the amended and additional conditions below; and
- (ii) the 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, strategic transport projects and the securing of a highway condition survey.

Amended Conditions

6 - 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

Additional Conditions

18 - Other details sought

Prior to works commencing on site, details of the following matters shall be submitted to and approved in writing by the Local Planning Authority and the development shall then be implemented in accordance with such drawings as subsequently approved in writing at 1:20 scale:

- a. details of the handrails, balustrade and under trays of all balconies;
- b. details of the roof junctions between the houses and the flatted block;
- c. details of all entrance canopies to flats and houses;
- d. details of refuse stores to all houses;
- e. details of the front boundary treatment to be provided to delineate the private and public areas of the site; and,
- f. the positions of rainwater goods and vents where these are on front or side elevations.

REASON:

To enable agreement of this detail at a scale which avoids doubt, in the interests of the visual amenities of the area.

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. There is no policy objection to the loss of the Clinic which

has been provided elsewhere. 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).

79. 10/00156/FUL McDonalds, Redbridge Road,

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.

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

RECORDED VOTE:

FOR: Councillors Mrs Blatchford, Fitzhenry, Jones, Norris and Osmond

AGAINST: Councillors Cunio and Davis

RESOLVED that planning approval be granted subject to the conditions 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 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 Local Planning Authority has also taken into account the lack of recorded complaints associated with the site operating the requested hours under the temporary one year consent ((08/01761/FUL). 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).

80. 10/00060/FUL 171 Porchester Road

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)

Mr Sennitt (Applicant) and Councillor Richard Williams (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE AMENDED OFFICER
RECOMMENDATION TO GRANT CONDITIONAL PLANNING PERMISSION
SUBJECT TO THE APPLICANT ENTERING INTO AN AMENDED SECTION
106 LEGAL AGREEMENT WAS LOST

RECORDED VOTE:

FOR: Nil

AGAINST: Councillors Mrs Blatchford, Cunio, Davis, Jones and Norris

ABSTAINED: Councillors Fitzhenry and Osmond

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

(i) Overdevelopment / Out of Character

The proposal represents an overdevelopment of the site, with a density and level of site coverage that is out of character and in excess of the guidelines provided for development in defined "medium" accessibility suburban residential areas such as this. Accordingly the development would be detrimental to the visual amenities of the area and harmful to its character, would fail to address reason for refusal 01 of the previous decision (reference 08/00086/FUL) and would be contrary to policies SDP1, SDP7, SDP9, H2 and H7 of the adopted City of Southampton Local Plan Review (March 2006) CS5 and CS13 of the Local Development Framework Core Strategy (January 2010) and the relevant sections of the Council's approved Residential Design Guide SPD (September 2006).

(ii) Unacceptable Residential Environment for Future Occupiers

As a consequence of a site overdevelopment the proposed layout would provide an unacceptable residential environment for future occupiers, with the provision of north facing single-aspect accommodation and amenity space which is not considered fit for purpose, by reason of its orientation, degree of shadowing, level of enclosure, and overlooking / loss of privacy from passing traffic, scale, massing and layout. The development proposal is thereby contrary to policies SDP1, SDP9 and H7 of the adopted City of Southampton Local Plan Review (March 2006) CS5, CS13 and CS16 of the Local Development Framework Core Strategy (January 2010) and the relevant sections of the Council's approved Residential Design Guide SPD (September 2006).

(iii) Fails to secure S.106 provisions

The proposals fail to satisfy the provisions of Policy CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010), policies in the Local Plan Review (March 2006) and the provisions of the Council's Supplementary Planning Guidance on Planning Obligations (August 2005 as amended) in the following ways:-

- (a) Provision of affordable housing as such the development is contrary to Policy H9 of the City of Southampton Local Plan Review - Adopted Version March 2006 and Policies CS15, CS16

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).

- (b) Measures to satisfy the public open space (Sports Pitch Contributions) requirements of the development. As such the development is contrary to Policy CLT5 of the City of Southampton Local Plan Review (March 2006) and policies 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).
- (c) Measures to satisfy the children's play space requirements of the development. As such the development is contrary to Policy CLT6 of the City of Southampton Local Plan Review (March 2006) and policies 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).
- (d) Measures to support sustainable modes of transport such as necessary improvements to public transport facilities and pavements in the vicinity of the site, including the making of a Traffic Regulation Order, to control parking on the eastern side of Station Road, by the junction with Porchester Road. This would be contrary to policy SDP1 and SDP2 of the City of Southampton Local Plan Review (March 2006) and 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);
- (e) Measures to support strategic transportation initiatives.
- (f) In the absence of a Highway Condition survey the application fails to demonstrate how the development will mitigate against its impacts during the construction phase; and
- (h) Measures to secure off site tree provision in the event that 2:1 tree replacement cannot be achieved on site. As such the development would be contrary to paragraph 4.8.8 of the Residential Design Guide SPD (September 2006).
- (i) The dedication of land within the application site to provide sight lines at the junction of Porchester Road and Station Road. As such the development is contrary to policy SDP1, SDP4 and TI2 of the City of Southampton Local Plan Review (March 2006).

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

81. 10/00119/FUL

Land to the rear of Sheridan Close

Re-development of the site, including demolition of existing garages. Erection of 9 dwellings as part of a second phase (comprising 3 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 - Description amended after validation following deletion of Plot 8

The Panel noted the removal of the planning policy objection resulting from the deletion of plot 8 from the scheme.

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

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO DELEGATE AUTHORITY TO THE HEAD OF PLANNING AND SUSTAINABILITY TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO THE RECEIPT OF AN UNDERTAKING FROM THE HEAD OF PROPERTY AND PROCUREMENT CONFIRMING THAT THE CONTRACT OF SALE WILL INCLUDE A REQUIREMENT TO ENTER INTO SECTION 106 AGREEMENT PRIOR TO COMPLETION OF THE LAND TRANSFER

RESOLVED

- (i) that authority be delegated to the Head of Planning and Sustainability to make a footpath diversion order under Section 257 of the Planning Act to enable the development to proceed; and
- (ii) that authority be delegated to the Head of Planning and Sustainability to grant conditional planning approval subject to:-
 - a) the conditions in the report and the amended conditions below;
 - b) subject to the receipt of an undertaking from the Head of Property and Procurement confirming that the contract of sale will include a requirement for the purchaser to enter into a S.106 Legal Agreement prior to completion of the land transfer to secure:
 - 1 provision of 100% affordable housing in accordance with Policies CS15 and CS25 of the adopted LDF Core Strategy (2010);
 - 2 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);
 - 3 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;
 - 4 financial contributions towards the relevant elements of public open space required by the development in line with polices

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;
- 5 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
- 6 prior to the commencement of development the applicants shall submit details of when and how the retained open space (following removal of Plot 8) shall be laid out and maintained. The approved details shall be implemented in accordance with the agreed details.

Amended Conditions

15 - Foul Sewerage and Surface Water Drainage

Following the receipt of Southern Water’s consultation response dated 18th March 2010, no development (excluding the demolition phase) shall take place until further details of how the proposed development will accommodate the existing foul sewerage and surface water drainage apparatus have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The submission shall also include details of the proposed means of foul sewerage and surface water disposal. Development shall be implemented in accordance with the agreed details.

REASON:

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

21 - Parking

The parking spaces shown on the approved site plan (as amended), including those 9 spaces identified for communal use, shall be marked out and made available prior to the first occupation of the development hereby approved. No more than 1 space per dwelling shall be allocated to each dwelling for use by its occupants and their visitors. 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 and that the communal spaces are available for the wider community as proposed.

REASONS FOR THE DECISION

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 amongst other material considerations and which 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.

Agenda Annex

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 25 MAY 2010

PLEASE NOTE: THE PANEL, SHOULD IT BE REQUIRED, WILL BREAK FOR LUNCH
AT APPROXIMATELY 1.00 PM FOR ONE HOUR

Application Number	Officer	Recommendation	Type	PSA	Site Address
<u>BETWEEN 9.30 A.M. AND 11.00 A.M.</u>					
10/00283/FUL	BG	DEL	MAJ	15	Land to the rear of 429 Shirley Road
10/00311/FUL	BG	DEL	MAJ	15	59 Avenue Road
<u>BETWEEN 11.00 A.M. AND 11.30 A.M</u>					
10/00242/FUL	MP	CAP	MIN	5	20-24 Orchard Place

Abbreviations:

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

AA – Andrew Amery, AG - Andrew Gregory, ARL – Anna Lee, AW - Alan Watts, BG- Bryony Giles, DJR - David Randal, GG – Gavin Grayer, JT - Jenna Turner, KC – Karl Collymore, LD - Luan Dray, MP- Mathew Pidgeon, MT- Melanie Tapping, SH- Stephen Harrison, SL - Steve Lawrence, SB – Stuart Brooks, RP – Richard Plume, RT- Roger Taylor,

Southampton City Council - Planning and Rights of Way Panel

Local Government (Access to Information) Act 1985

Index of Documents referred to in the preparation of reports on Planning Applications: Background Papers

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

2. Statutory Plans
 - (a) City of Southampton Local Development Framework – Core Strategy
 - (b) City of Southampton Local Plan Review (Adopted March 2006) saved policies
 - (c) Local Transport Plan 2006 – 2011 (June 2006)
 - (d) Hampshire County Structure Plan 1996-2011 (review) - the Joint Structure Plan for the counties of Hampshire, Portsmouth and Southampton 2000.
 - (e) Hampshire, Portsmouth and Southampton Minerals and Waste Local Plan 1998.

3. Statutory Plans in Preparation

4. Policies and Briefs published and adopted by Southampton City Council
 - (a) Greening the City - (Shoreburs; Lordsdale; Weston; Rollesbrook Valley; Bassett Wood and Lordswood Greenways) - 1985-1995.
 - (c) Women in the Planned Environment (1994)
 - (d) Advertisement Control Brief and Strategy (1991)
 - (e) Nature Conservation Strategy (1992)
 - (g) Economic Development Strategy (1996)
 - (h) Banister Park (1991)
 - (i) Bassett Avenue (1982)
 - (k) Howard Road (1991)
 - (l) Lower Freemantle (1981)
 - (m) Mid Freemantle (1982)
 - (n) Westridge Road (1989)
 - (o) Westwood Park (1981)
 - (p) Test Lane (1984)
 - (q) Northam Road Area Improvement Strategy (1987)
 - (r) Houses in Multiple Occupation (1990)
 - (s) Residential Standards (1989)
 - (u) Vyse Lane/58 French Street (1990)
 - (v) Tauntons College Development Guidelines (1993)
 - (w) Old Woolston Development Control Brief (1974)
 - (x) Cranbury Place (1988)
 - (y) Carlton Crescent (1988)
 - (z) Old Town (1974)

 - (aa) Oxford Street (1982)
 - (ab) The Avenue (1988)
 - (ac) Bassett Green Village (1987)
 - (ad) Old Woolston and St Annes Road (1988)
 - (ae) Itchen Valley (1993)

- (af) Itchen Valley Strategy (1993)
- (ai) Portswood Residents' Gardens Conservation Area Character Appraisal (1999)
- (ak) Land between Aldermoor Road and Worston Road Development Brief (1997)
- (al) The Bevois Corridor Urban Design Framework (1998)
- (am) Southampton City Centre Urban Design Strategy (2000)
- (an) St Mary's Place Development Brief (2001)
- (ao) Ascupart Street Development Brief (2001)
- (ap) Design Guidance for the Uplands Estate (Highfield) Conservation Area 1993
- (aq) Design Guidance for the Ethelburt Avenue (Bassett Green Estate) Conservation Area (1993)
- (ar) Canute Road Conservation Area Character Appraisal (1996)
- (as) The Avenue Conservation Area Character Appraisal (1997)
- (at) St James Road Conservation Area Character Appraisal (1996)
- (au) Old Town Development Strategy (2004)

5. Documents relating to Highways and Traffic

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

6. Planning related Government Circulars in most common use

- | | | |
|-----|---|-------|
| (a) | Planning Obligations | 1/97 |
| (b) | Planning Controls over Hazardous Uses | 11/92 |
| (c) | The Use of conditions in planning permissions | 11/95 |
| (d) | Planning out Crime | 5/94 |
| (e) | Environmental Impact Assessment | 2/99 |
| (f) | Development and Flood Risk | 30/92 |
| (g) | Planning Controls over Demolition | 10/95 |
| (h) | Planning and Affordable Housing | 6/98 |
| (i) | Planning and the Historic Environment | 14/97 |
| (j) | Prevention of Dereliction through the Planning System | 2/98 |
| (k) | Air Quality and Land Use Planning | 10/97 |
| (l) | Town and Country Planning General Regulations | 19/92 |
| (m) | Planning and Affordable Housing | 6/98 |

7. Government Policy Planning Advice

- (a) PPS1 Delivering Sustainable Development (February 2005)
- (b) PPG2 Green Belts (January 1995 - Amended March 2001)
- (c) PPS3 Housing (November 2006)
- (d) PPG4 Industrial, Commercial Development and Small Firms (November 1992)
- PPG5 Simplified Planning Zones (November 1992)
- (e) PPS6 Planning for Town Centres (March 2005)
- PPS7 Sustainable Development in Rural Areas (August 2004)
- (f) PPG8 Telecommunications (August 2001)
- (g) PPS9 Biodiversity and Geological Conservation (August 2005)
- (h) PPS10 Planning for Sustainable Waste Management (July 2005)
- (i) PPS11 Regional Spatial Strategies (September 2004)
- (j) PPS12 Local Development Frameworks (September 2004)
- (k) PPG13 Transport (March 2001)

- (l) PPG14 Development on Unstable Land (1990)
- (m) PPG15 Planning and the Historic Environment (September 1994)
- (n) PPG16 Archaeology and Planning (November 1990)
- (o) PPG17 Planning for Open Space, Sport and Recreation (July 2002)
- (p) PPG18 Enforcing Planning Control (December 1991)
- (q) PPG19 Outdoor Advertising Control (March 1992)
- (r) PPG20 Coastal Planning (September 1992)
- (s) PPG21 Tourism (1992)
- (t) PPS22 Renewable Energy (August 2004)
- (u) PPS23 Planning and Pollution Control (November 2004)
- (v) PPG24 Planning and Noise (September 1994)
- (w) PPG25 Development and Flood Risk (July 2001)
- (x) Regional Planning Guidance for the South East (July 2004)

8. Other Published Documents

- (a) Planning for Daylight and Sunlight - DOE
- (b) Coast and Countryside Conservation Policy - HCC
- (c) The influence of trees on house foundations in clay soils - BREDK
- (d) Survey and Analysis - Landscape and Development HCC
- (e) Root Damage to Trees - siting of dwellings and special precautions - Practice Note 3 NHDC
- (f) Shopping Policies in South Hampshire - HCC
- (h) Buildings at Risk Register SCC (1998)
- (i) Southampton City Safety Audit (1998)
- (j) Urban Capacity Study 2005 – 2001 (March 2006)

9. Other Statutes

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

Partially Revised: 29.01.2010

Agenda Item 6

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 25th May 2010
 Planning Application Report of the Head of Division

Application address	Land to rear of 429 Shirley Road		
Proposed development:	Redevelopment of the site. Erection of a part 2-storey and part 3-storey building to provide 10 flats (1x one bedroom, 6 x two bedroom and 3 x three bedroom) with associated works		
Application number	10/00283/FUL	Application type	Full Detailed
Case officer	Bryony Giles	Application category	Q13 - Minor Dwellings

Recommendation Summary	Delegate to Head of Planning and 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:	Mr Mark Sennitt Orchard Homes & Developments Ltd 51-67 Commercial Road Southampton	Agent:	Julian Boswell Sherlock Boswell Architecture 410 The Grange Romsey Road Michelmersh
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Date of receipt	26.03.2010	City Ward	Shirley
Date of registration	26.03.2010	Ward members	Cllr Dean
Publicity expiry date	06.05.2010		Cllr Mead
Date to determine by	25.06.2010 IN TIME		Cllr Matthews

Site area	600 sq.m (00.06 ha)	Usable amenity area	shown: 200m2
Site coverage (developed area)	58%	Landscaped areas	shown: 50m2 (Approx)
Density - whole site	166 d.p.h		

Residential mix	nos	size sqm	Other land uses	class	size sqm
Studio / 1-bedroom	1	50 sq.m	Commercial use	-	-
2-bedroom	6	55 – 60sq.m	Retail use	-	-
3-bedroom	3	67 - 71 sq.m	Leisure use	-	-
other	-	-	other	-	-
Policy designation	-				

Accessibility zone	High	Policy parking max	4 spaces
Parking Permit Zone	no	existing site parking	0 spaces
Cyclist facilities	yes	car parking provision	0 spaces
motor & bicycles	14 cycles	disabled parking	0 spaces

Key submitted documents supporting application			
1	Design and Access Statement	2	Transport Statement
3	Noise report	4	Tree Survey
5	Shadow diagrams		
Appendix attached			
1	Planning History	2	Relevant Planning Policy

Recommendation in full

Delegate to Head of Planning and Sustainability to grant planning permission subject to the applicant entering into a Section 106 Legal Agreement to secure:

- a A financial contribution towards the provision of public open space and equipment in accordance with policy CLT5 & IMP1 of the adopted City of Southampton Local Plan and applicable SPG.
- b A financial contribution towards the provision of a new children's play area and equipment in accordance with policy CLT6 & IMP1 the adopted City of Southampton Local Plan and applicable SPG.
- c A financial contribution towards site specific transport contributions for highway improvement in the vicinity of the site in accordance with IMP1 the adopted City of Southampton Local Plan and appropriate SPG to encourage sustainability in travel through the use of alternative modes of transport to the private car.
- d A financial contribution towards strategic transport contributions for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG.
- e A highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
- f Refuse management plan to outline the methods of storage and waste collection of refuse from the land in accordance with policy SDP1 of the development plan and appropriate SPG.
- g Affordable housing provision in accordance with appropriate SPG.

And that in the event that the legal agreement is not been completed by 25th June 2010 that the D C Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Agreement.

BACKGROUND

Site and surrounding context

The application site relates to land located to the rear of 429 Shirley Road, on Shirley Avenue. The site is located within the defined Shirley Town Centre on the corner of Shirley Road and Shirley Avenue. Along Shirley Avenue there are trees within the footway which screen the site.

The existing use of the site is A1 retail with ancillary storage. Now vacant, the site traded as the Plumb Centre.

The site consists of a single storey element to the corner building which runs parallel to Shirley Avenue. Beyond that is a concreted area enclosed by a 1.8m high wall/gate that was last used for storage.

The remainder of the existing building outside this application site is to be retained and planning permission has been sought for its conversion to A3/A4 on the ground floor with residential accommodation above.

To the east of the site is a gated vehicle entry point which allows vehicles to park behind the buildings fronting Shirley Road.

Directly opposite the application site is a post office and pet store. The lower part of Shirley Avenue (adjacent to Shirley Road) is occupied by A1 uses. As you move north-east up Shirley Avenue the street becomes predominantly residential, made up of two storey detached and semi-detached housing. The tree lined avenue has a typical suburban residential feel; properties have large front gardens. On street parking is available.

Proposal

The application is one of three schemes currently being considered by the LPA on this site.

The application seeks planning permission for a development comprising of 10 flats providing a mix of 1, 2 and 3 bedroom units. The scheme proposes a 100% affordable housing scheme which is to be controlled by a Registered Social Landlord.

The part 2/part 3 storey building will be formed of facing brick and render. The front elevation is well articulated with the building mass broken down into separate sections through the use of recessed balconies and varying sized fenestration.

The footprint of the building occupies 58% of the site, with 33% of the site available for private and communal amenity space with the remaining 9% being landscaped.

There is to be no parking on the site and all units will have direct access to private and useable amenity space to the required standards.

Relevant Planning Policy

LDF Core Strategy - Planning Southampton to 2026

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

The relevant CS policies and the "saved" policies from the Local Plan Review are set out at **Appendix 1**. In particular, the adopted LDF Core Strategy Policy CS13 (Fundamentals of Design), as supported by Local Plan Policy SDP1 are relevant in the determination of this application, as is policy CS5 of the adopted Core Strategy.

Policy SDP1(i) requires planning permission to only be granted for development which does not unacceptably affect the health, safety and amenity of the city and its citizens.

Policy CS13 (11) expands on this requiring urban form and scale to be considered and advocates the need to make higher densities work, being of an appropriate scale, massing and appearance.

Policy CS5 advocates that intensification and higher densities will be appropriate in some areas of the city in order to make best use of land, to support a range of local services and infrastructure and to create a residential environment with a mix of housing including smaller units and affordable housing. At all densities, residential development should be high quality, energy efficient and in line with best practice in sustainability and should maximise outdoor space, for example by providing gardens, roof terraces or balconies.

Sustainability Implications

Major developments are expected to meet high sustainable construction standards in accordance with the City Council's adopted policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan saved Policy SDP13 the applicant has submitted a 'Sustainable Development Checklist' to support their application and have made a commitment to achieving a Code for Sustainable Homes Level 3.

Relevant Planning History

09/01268/FUL - Redevelopment of the site. Erection of a three storey building to provide 10 x 2 bedroom flats with associated access and parking following demolition of the existing buildings – REFUSED - 03.02.2010.

1. Design, bulk and massing of proposed development

The proposed three storey height combined with the overall mass of the development in a street-scene predominately characterised by two-storey dwellings would appear unduly dominant thereby detracting from the character of the area. The design of the proposal fails to have regard to the proportion of buildings or architectural features of the Shirley Avenue street-scene within which it is located but instead seeks to introduce a building of scale, massing and design more typically found Shirley High Street. The development does not therefore respect the character of its immediate surroundings in terms of height, massing, footprint and design. Therefore, the development is contrary to the provisions of policies SDP1, SDP7 and SDP9 of the City of Southampton Local Plan (March 2006) and policies CS13 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010).

2. Residential amenity issues

The proposed development by virtue of its footprint and site coverage fails to provide sufficient private amenity space for the occupiers of all the flats and in addition the amenity space that has been provided in the form of a landscaped area is not fit for purpose. As such the proposal is contrary to policies SDP1, SDP7 and SDP9 of the City of Southampton Local Plan (March 2006), policy CS13 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and section 4.4 of the Residential Design Guide (September 2006).

3. Lack of family housing

The proposed development of ten two-bed units fails to provide sufficient sized units to provide family housing on site in an area characterised by family housing and as such the proposal is contrary to policies SDP1 and H7 of the Local Plan (March 2006) and policy CS16 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010).

Other applications not yet determined relating to this site

10/00317/FUL – Redevelopment of the site. Erection of a part 2 / part 3 storey terraced block, of 7 houses (comprising of 2 x 2-bed and 5 x 4-bed) with associated storage. Car free development. Proposed to be determined under delegated powers.

Other applications not yet determined immediately adjoining this site

10/00282/FUL - Single storey ground floor side and rear extensions; convert/use of ground floor as a restaurant as a (class A3); create 4 x 2 bedroom flats on first and second floors. Form two residential roof terraces over side extension with balustrade safety rail. Proposed to be determined under delegated powers.

Consultation Responses and Notification Representations

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 (15.04.2010) and erecting a site notice (08.04.2010).

At the time of writing the report **2** objections have been received from surrounding residents, on the following grounds:-

The development should not be taken in isolation but should be considered alongside the planning permission already granted for the Post Office Complex opposite and for the building on the opposite corner of Vincent Rd/Shirley Avenue. The combination of developments significantly increases the density of the development, adds to parking problems and changes the character of the area.

Response

The council's own policies allow for the more intensive use of 'Brownfield' sites in high accessibility areas.

Each site must be considered on its own merits. Extant planning permissions have been taken into account. Full consideration has been given to the existing character of the Shirley Road/Shirley Avenue street scenes.

The design of the flats is not in keeping with the attractive design of the original old building on the corner.

Response

The adopted Residential Design Guide advocates that new developments should respond to the character and context of its site and establish a new high quality 21st century contemporary architecture for the city that makes an appropriate reference to the local vernacular architecture (para 3.10.2). The proposed development picks up in the key architectural features of the historic building (such as the gable roof form and build line) and interprets these in a modern design approach.

There is insufficient parking within the surrounding area to serve this development.

Response

The site is located within a high accessibility area. Bus stops located just a short walking distance from the application site provide regular bus services into and out of the city. Direct bus routes are also available to central railway station.

A zero parking scheme accords with the councils maximum car parking standards as set out in policy SDP5 (Appendix 1) of the Local Plan Review.

A precedent for this type of development in this area should not be set.

Response

Each application site is and must be judged on its own merits in relation to current planning policy and design guidance.

Summary of Consultation comments

SCC Highways

An objection was raised from Highways DC by reason of the carry distance between residential units and the refuse store for some units being greater than 30m. Paragraphs 9.2.4-9.2.5 of the Residential Design Guide advocates that waste storage should be sited so as to enable residents and collection workers to conveniently and safely access waste containers and to ensure that the distance for householders to carry refuse from their dwelling not to exceed 30 metres (excluding any vertical distance).

Only three units within the development have a carry distance over 30m. The distance they are required to carry their refuse is 38m. A discussion was had with the architect to explore the possibility of relocating the waste store into the centre of the building to overcome this issue. It was concluded that doing so would not only harm the external appearance of the building, but also disrupt the size and layout with units in the building. All units have direct access to the waste store and as such it is judged that the harm to the aesthetic and function of the scheme outweighs the benefits of relocating the waste store.

SCC Sustainability

No objection raised. The development will meet Code Level 3 in accordance with policy CS20 and should be conditioned.

There is also a requirement for development of this type to provide a 20% reduction in CO2 emissions through the use of renewables. Whilst a feasibility study has been conducted, this has not been submitted. The applicant states it is likely that PV or solar hot water heating will be used. Renewables should be considered as early as possible to ensure that they are fully integrated into the design of the development and able to achieve satisfactory carbon savings. A condition requiring on site renewables is recommended.

SCC Environmental Health (Contamination)

No objections raised subject to the imposition of conditions relating to land contamination investigations taking place prior to the commencement of works.

SCC Environmental Health (Pollution & Safety)

No objections raised subject to the imposition of conditions relating to a construction plan, appropriate soundproof glazing, control of the hours of work on site and ensuring no bonfires take place on site.

SCC Ecologist

No objection raised. The building is flat roofed with no obvious entry point for bats. As a result there is a low probability that bats will be roosting in the building. The remainder of the site has little or no biodiversity value. The site has minimal biodiversity value and as a consequence the proposed development will not have an adverse impact on local wildlife.

Trees

No objection raised, subject to the imposition of conditions to ensure that no construction goods shall be stored under the tree canopy located on Shirley Avenue and to ensure that the overhanging trees adjacent to the site shall not be pruned or felled unless otherwise agreed in writing by the local planning authority.

Archaeology

No objections raised subject to the imposition of an Archaeological structure-recording and archaeological work programme conditions.

Planning Consideration Key Issues

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

- i. The principle of development
- ii. Design, density & impact on established character;
- iii. Residential amenity;
- iv. Highways and parking

The principle of development

The site is part of a defined shopping centre (secondary retail frontage). Whereas no retail use has been proposed for the ground floor of the new building, it is recognised that the main focus for retail activity is Shirley Road and the immediate return into Shirley Avenue. Those elements are outside the application site. Less retail (storage) space on the application site is not considered harmful to the overall vitality and viability of the entire defined shopping centre.

This technical failure to meet policy RE14 is therefore not considered to justify a refusal, which is consistent with the approach taken when refusing 09/01268/FUL. Also, policy CS3 does not contain any specific prohibition of non-retail uses at ground floor level but rather focuses on how proposals would affect the vitality and viability of the defined Shirley Town Centre as a whole.

Residential development is considered acceptable in principle and will reinforce the predominant character of Shirley Avenue.

Density, design & impact on established character

This application proposes a development that maximises the potential of this previously developed land. The proposed density accords with the minimum density requirements identified by adopted Core Strategy Policy CS5 (Housing Density) and paragraph 3.2.5 of the Residential Design Guide.

Following the previous refusal on this site, the design of the development has been amended to provide a better transition between the 2 storey dwellings of Shirley Avenue and the three storey corner building which is to be retained.

The proportions of the building have been improved, providing better articulation within the front elevation of the building through gable features and recessed balconies. The articulation of the elevations reduces the overall bulk and massing of the development, improving its appearance within the street scene and its relationship with neighbouring dwellings.

The development covers 58% of the site, a reduction in 2% from the previous scheme. Whilst the footprint of the building is not greatly reduced, the scale and massing of the building and its layout has been altered to provide a better residential environment and to better relate to the context and character of the surrounding street scene. As such, it is judged that the proposed design makes efficient use of the site whilst avoiding overdevelopment.

The development has been designed to address Shirley Avenue with primary accesses providing an active frontage to the scheme. Sufficient measures have been taken to ensure that entrances are safe and well surveyed. A planting buffer is proposed to the front of the site to provide a defensible space between ground floor habitable rooms on the front elevation and the highway.

In accordance with policy CS16 of the adopted Core Strategy 3 x three bedroom units (each enjoying its own private garden) are provided on the ground floor of the development. The provision of these units overcomes the reason for refusal 3 on the previous application and provides a suitable provision of family homes on the site. Overall the scheme provides a good mix of unit sizes and will make a positive contribution to the city's housing stock.

The proposed scheme has sufficiently addressed the councils previous concerns with regards to design and layout of the site and it is considered that it will improve the character and appearance of this site, which at present is inactive and appears rundown in accordance with policies SDP1, SDP7, SDP9 and H2 of the Local Plan Review [March 2006] and CS5 and CS13 of the adopted Core Strategy [January 2010].

Residential Amenity

All the residential standards are achieved to at least minimum standards. Outlook, privacy and light and provided for the proposed dwellings and retained to an appropriate standard for all neighbouring dwellings. On average there is 20sqm of amenity space available per unit. While this is not split evenly, each unit has access to a balcony and/or private amenity area as well as the use of the communal courtyard areas. The 3 x three bed units all have direct access to private amenity space of 20sqm or more. Given the site's city centre location the amount of amenity space provided accords with policy and will provide a good standard of residential environment for occupants of the site.

Privacy and outlook distances are successfully achieved. The development has been sensitively designed so as not to overlook any existing neighbours or units within the building itself.

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 loss of privacy. As such the application is considered to address the requirements of adopted Local Plan policies SDP1(i), SDP7(v) and SDP9(v) as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006) and policy CS13 of the adopted Core Strategy.

Highways and Parking

Given the site's high accessibility location a car free scheme accords with policy SDP5 (Appendix 1).

Appropriate cycle and refuse storage has been provided for future occupants of the site in accordance with policy SDP5 (Appendix 2) of the adopted City of Southampton Local Plan Review, CS19 of the adopted Core Strategy and paragraphs 5.3 and 9.22 – 9.2.6 of the Residential Design Guide.

S.106 Legal Agreement

In the event of 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, open space and public realm improvements that mitigate the development's direct impacts.

Summary

The scheme is wholly affordable (over and above the 20% Core Strategy requirement), it will be constructed to a Code for Sustainable Homes Level 3 and will enhance this currently vacant site.

This application offers 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 high 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 a S.106 legal agreement being completed.

Corporate Awareness Considerations

The planning assessment made on this planning application proposal has taken into account the relative importance of Council initiatives and corporate aims as considered appropriate to the formulation of the recommendation reached. The recommendation is considered to accord with the wider aims and objectives of the councils agenda.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a), 1(b), 1(c), 1 (d), 2 (c), 2 (d), 2 (e), 4(s), 5 (e), 6(a), 6(c), 6(h), 7 (a), 7(c),7 (f), 7 (m)
8(a), 9(a) and 9(b)

(BG 11/05/2010 for 25/05/2010 PROW Panel)

Recommended 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 - Amenity Space Access [Pre-Occupation Condition]

The refuse store, cycle store and common amenity space (separate from individual private gardens) 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 all the flat units.

REASON:

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

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

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

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

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

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

Reason:

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

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

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

Planning Authority:

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

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

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

Reason:

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

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

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

Reason:

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

06. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

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

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

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

Reason:

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

07. APPROVAL CONDITION - Stopping up existing access [Pre-Occupation Condition]

Any redundant access to the site shall be stopped up and abandoned and the footway, and verge crossings and kerbs shall be reinstated before the development is brought into use.

Reason:

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

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

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

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

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

And at no time on Sundays and recognised public holidays.

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

Reason:

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

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

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

Reason:

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

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

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

Reason:

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

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

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

REASON:

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

12. APPROVAL CONDITION - Renewable Energy - Micro-Renewables (Pre-Commencement Condition)

An assessment of the development's total energy demand and a feasibility study for the inclusion of renewable energy technologies on the site, that will achieve a reduction in CO2 emissions [of at least 12.5%] 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 12.5%] 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)

The condition shall need to be adjusted depending on the development type. Please refer to Policy CS20.

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

Works pursuant to this permission shall not be commenced until a scheme for protecting the proposed flats and houses from traffic noise from Shirley Road and Shirley Avenue has been submitted to and approved by the local planning authority in writing. Unless otherwise agreed in writing, that scheme shall specify either:- Outer pane of glass - 10mm

Air gap between panes - 12mm

Inner pane of glass - 6 mm

or, with secondary glazing with a -

Outer pane of glass - 6mm

Air gap between panes - 100mm

Inner pane of glass - 6.4 mm

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

Reason:

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

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

Prior to the commencement of any development a written construction environment management plan and waste 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.

15. 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.

16. 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.

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

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

Reason:

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

18. Approval Condition – Foul and Surface Water Disposal - [Pre-commencement condition]

Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved by the local planning authority. Once approved the development shall be implemented in accordance with the agreed details and thereafter retained and maintained at all times.

Reason

To ensure appropriate connection with the foul drainage system and drainage provision.

19. APPROVAL CONDITION - Archaeological work programme [Performance Condition]

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

Reason:

To ensure that the archaeological investigation is completed.

20. APPROVAL CONDITION - Archaeological structure-recording [Pre-Commencement Condition]

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

Reason:

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

Reason for granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The site is part of a defined shopping centre (secondary retail frontage). Whereas no retail use has been proposed for the ground floor of the new building, it is recognised that the main focus for retail activity is Shirley Road and the immediate return into Shirley Avenue. Those elements are outside the application site. Less retail (storage) space on the application site is not considered harmful to the overall vitality and viability of the entire defined shopping centre. This technical failure to meet policy REI4 is therefore not considered to justify a refusal. Other material considerations including the design, impact on the residential amenity of neighbouring dwellings and highway safety issues have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Saved Policies - SDP1(i), SDP5, SDP7 (iv) (v), SDP9 (v) H2 (ii) (iii) (vii), CLT5, CLT6 and REI4 of the City of Southampton Local Plan Review (March 2006).

CS5, CS13 (11) (12), CS15, CS16, CS19, CS20, CS25 of the adopted Core Strategy (January 2010).

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.

Informative:-

A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for development please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, So23 9EH (01962 858688) or southernwater.co.uk.

09/01269/FUL - Single storey extension to the side and rear to facilitate change of use from shop (Class A1) to bar (Class A4) and conversion of 1st and 2nd floors into 4 x 2-bedroom flats with associated parking, cycle/refuse storage and roof gardens – REFUSED - 03.02.2010.



POLICY CONTEXT

The application needs to be assessed in the light of the following local planning policies.

City of Southampton Local Plan Review- Adopted Version March 2006

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Context
SDP9	Scale, massing and appearance
H1 (iii)	Housing Supply
H2	Previously Developed Land
H7	Residential Environment
CLT 5	Open Space
CLT6	Children's play space
REI 4	Secondary retail frontage

Core Strategy – Adopted January 2010

CS3	Town, district and local centres, community hubs and community facilities.
CS5	Housing Density
CS13	Fundamentals of design
CS16	Housing Mix and Type
CS19	Car and Cycle Parking
CS20	Tackling and adapting to climate change
CS25	The delivery of infrastructure and developer contributions

Supplementary Planning Guidance

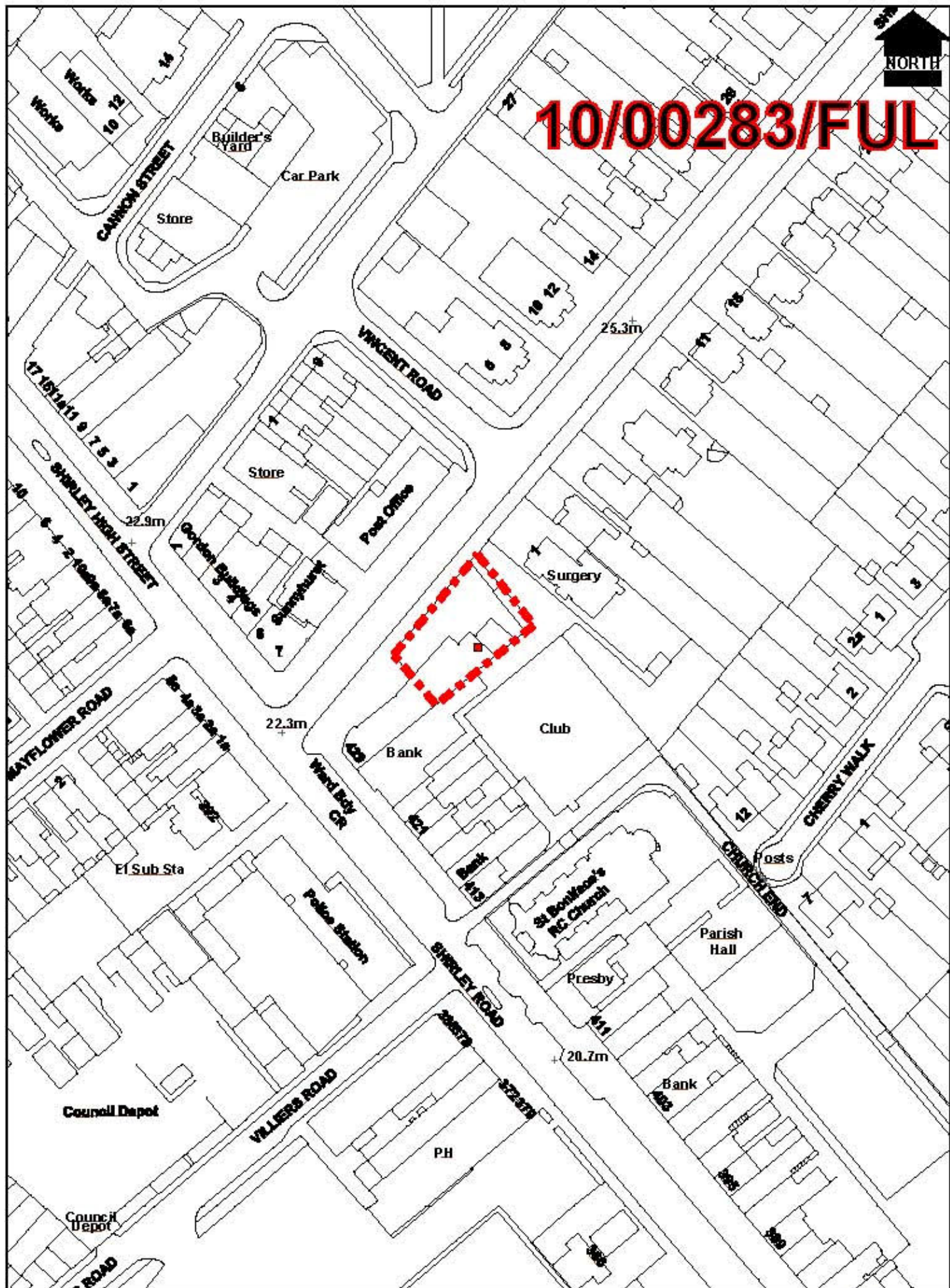
Residential Design Guide (September 2006)
Planning Obligations (August 2005)

Other relevant guidance

PPS1 – Sustainable Development
PPS 3 – Housing
PPS6 – Planning for town centres
PPG13 – Transport
PPG17 – Planning for open space, sport and recreation
PPG24 – Planning and noise



10/00283/FUL



Scale : 1:1250

Date : 13 May 2010

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Land R/O 429 Shirley Road



Agenda Item 7

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 25th May 2010
 Planning Application Report of the Head of Division

Application address	59 Avenue Road		
Proposed development:	Alterations to existing building including new windows and doors and change of use to provide 12 flats (9 x studio flats, 2 x one bedroom flats and 1 x three-bedroom flat) with associated refuse store.		
Application number	10/ 00311/FUL	Application type	Full Detailed
Case officer	Bryony Giles	Application category	Q13 - Minor Dwellings

Recommendation Summary	Delegate to Head of Planning and 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: Mr Tim Stevens	Agent: Concept Design & Planning LLP
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Date of receipt	26.03.2010	City Ward	Bevois
Date of registration	26.03.2010	Ward members	Cllr Burke
Publicity expiry date	06.05.2010		Cllr Rayment
Date to determine by	25.06.2010 IN TIME		Cllr Barnes-Andrews

Site area	670sq.m (0.067 ha)	Usable amenity area	shown: 233m2
Site coverage (developed area)	42%	Landscaped areas	shown: 63m2
Density - whole site	180 d.p.h		

Residential mix	nos	size sqm	Other land uses	class	size sqm
Studio / 1-bedroom	11	20 - 42 sq.m	Commercial use	-	-
2-bedroom	N/A		Retail use	-	-
3-bedroom	1	65 sqm	Leisure use	-	-
other	N/A	-	other	-	-
Policy designation					

Accessibility zone	Medium	Policy parking max	6 spaces
Parking Permit Zone	no	existing site parking	4 spaces
Cyclist facilities	yes	car parking provision	0 spaces
motor & bicycles	20	disabled parking	0 spaces

Key submitted documents supporting application			
1	Design and Access Statement	2	Transport Assessment/Statement
3	Sustainability Assessment	4	Statement of Community Involvement
Appendix attached			
1	Relevant Planning Policy		

Recommendation in full

Delegate to Head of Planning and Sustainability to grant planning permission subject to the applicant entering into a Section 106 Legal Agreement to secure:

1. a A financial contribution towards the provision of public open space and equipment in accordance with policy CLT5 & IMP1 of the adopted City of Southampton Local Plan and applicable SPG.
- b A financial contribution towards the provision of a new children's play area and equipment in accordance with policy CLT6 & IMP1 the adopted City of Southampton Local Plan and applicable SPG.
- c A financial contribution towards site specific transport contributions for highway improvement in the vicinity of the site in accordance with IMP1 the adopted City of Southampton Local Plan and appropriate SPG to encourage sustainability in travel through the use of alternative modes of transport to the private car.
- d A financial contribution towards strategic transport contributions for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG.
- e A highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
- f A financial contribution towards affordable housing in accordance with appropriate SPG.

And that in the event that the legal agreement is not been completed by 25th June 2010 that the D C Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Agreement.

Site and surroundings

The application site relates to an existing office building located within the Inner Avenue area of Southampton. The semi-detached property is neighboured by residential dwellings, within a predominately residential area of the city.

The property currently has four car parking spaces located to the front of the site, with additional parking to the rear which is accessed through the internal garage and store area.

Located within a medium accessibility area, the site is a short walk away from The Avenue and Lodge Road which both offer a regular bus services into and out of the city, and local shopping and amenities.

No residents car parking permit scheme operates in the area.

Proposal

Planning permission is sought for the conversion of the office (B1) to residential (C3) use. The proposal comprises of 12 individual residential units (9 x studio flats, 2 x 1 bed flats and 1 x 3 bed flat) with private amenity space, refuse storage and cycle storage provided. The proposal yields a residential density of 180 dwellings per hectare. (The 1995 approved scheme had a density of 164 dwellings per hectare).

All dwellings have access to private amenity space. The proposed 3 bed unit has a private amenity area of 20m²; a one bed unit to the front of the building has 10m² of private amenity space while the remaining 190m² of amenity space will be shared by the tenants of the other units.

A purpose built refuse store is proposed to the front of the site, while cycle storage is provided internally.

The site's frontage is to be landscaped and a low boundary wall reinstated to provide a defensible space between the highway and front bedrooms windows.

Relevant Planning Policy

LDF Core Strategy - Planning Southampton to 2026

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

The relevant CS policies and the "saved" policies from the Local Plan Review are set out at **Appendix 1**. The adopted LDF Core Strategy Policy CS13 (Fundamentals of Design), as supported by Local Plan Policy SDP1 (i), is relevant in the determination of this application, as are policies CS5 of the adopted Core Strategy and saved policy H5 of the adopted Local Plan Review.

Policy SDP1(i) requires planning permission to only be granted for development which does not unacceptably affect the health, safety and amenity of the city and its citizens.

Policy CS13 (11) expands on this requiring urban form and scale to be considered and advocates the need to make higher densities work, being of an appropriate scale, massing and appearance.

Policy CS5 advocates that intensification and higher densities will be appropriate in some areas of the city in order to make best use of land, to support a range of local services and infrastructure and to create a residential environment with a mix of housing including smaller units and affordable housing. At all densities, residential development should be high quality, energy efficient and in line with best practice in sustainability and should maximise outdoor space, for example by providing gardens, roof terraces or balconies.

When considering the conversion of a non-residential use to residential policies H5 and H7 requires consideration to be given to the councils maximum car parking standards, the site's location in relation to public transport, local amenities and suitable pedestrian facilities as well as ensuring that the proposal results in the creation of a satisfactory residential environment.

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 on site renewable energy measures.

The Council's Sustainability Team has confirmed that they are able to support this approach subject to the imposition of conditions to agree a comprehensive energy management plan including measures and techniques to minimise energy consumption during the lifetime of the development and full details for renewable energy systems to be incorporated within the development.

Relevant Planning History

Originally a residential dwelling, the property has been in use as an office since the early 1960's with a flat at 59a being converted to additional office space in 1972.

In 1995 planning permission was granted for the redevelopment of the site as flats, but this scheme was never implemented (941431/W).

Consultation Responses and Notification Representations

The application is supported by a 'Statement of Community Involvement', which details how the applicant engaged with the local community prior to the formal planning submission. The applicant sent letters to direct neighbours of the site detailing their intention of conversion.

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 (15.04.2010) and erecting a site notice (08.04.2010).

At the time of writing the report **2** objections have been received from surrounding residents. Planning related comments can be summarised as follows:

The number of proposed dwellings is excessive.

Response

The site does exceed density levels prescribed for areas of medium accessibility. However, density levels must be considered in relation to the type and quality of residential accommodation proposed. The proposal converts an existing building which apart from the modest bin store does not increase site coverage. The site does not demonstrate attributes of overdevelopment, as discussed below, and as such the number of units proposed is not considered to be an over intensive use of the site.

It is thought that an earlier application to convert the premises into flats was refused.

Response

No such refusal was found on planning records.

Lack of onsite parking will exacerbate the existing parking problems within Avenue Road/Cedar Road to the detriment of highway safety.

Response

It is appreciated that there is a high demand for on street car parking within this area. However, A zero parking scheme complies with the local planning authorities maximum car parking standards, as set out in policy SDP5 of the adopted local plan review.

Refuse is a problem if not correctly stored. The pavements are routinely littered with bins, and there is always rubbish present on pavements in gardens etc.

Response

The proposal provides sufficient refuse storage for all units, which is easily accessible from the highway.

An increase in noise as a result of the change of use proposed.

Response

Whilst this may result from the intensity of use, other legislation exists to control noisy neighbours.

The use of the site is not at odds with the surrounding area. The site has long been used for commercial premises and other commercial uses are located on Avenue Road and in the surrounding area.

Response

See comments below.

The site does not provide first for the disabled nor does it provide 20% affordable housing as required by policy CS15 of the adopted Core Strategy.

Response

The benefits of retaining the existing building is a key consideration when assessing this application. The site does not provide access for the disabled at the present time. Should a proposal for the redevelopment of the site come forward then the council would insist that such a provision was made. It is important to note that many developments within the city do make provision for disabled access and as such there is a choice of accommodation for people with particular access needs. The requirements of the DDA would be met by part M of the Building Regulations.

A financial contribution to the council is sought from the applicant for the provision of off site affordable housing via the S106 process.

Summary of Consultation comments

SCC Highways

In order to comply with Highway Safety standards it has been necessary for all parking to the front of the site to have been removed. This is due to the fact that the car parking spaces were too small and cars parked in these spaces would have overhung the pavement.

The revised plans reinstate the front boundary wall and provide a front garden. There are no objections to the application on highways grounds subject to the imposition of conditions to ensure contractors equipment and materials is kept off the highway, reinstatement of a dropped kerb/access and appropriate construction of the refuse store.

SCC Sustainability

No objections raised subject to the attached planning conditions to provide onsite renewable energy, water efficiency measures and energy efficiency measures.

SCC Housing Development

The affordable housing requirement for this scheme is 2.4 dwellings. Policy CS15 of the adopted Core Strategy sets a hierarchy for the provision of affordable housing which allows an onsite contribution to affordable housing, the provision of affordable housing on an alternative and suitable site or commuted financial payment to be utilised in providing affordable housing on an alternative site.

The size of the units proposed are not considered suitable for affordable housing. As such, a commuted financial payment through S106 contribution is appropriate.

SCC Environmental Health (Contamination)

This department does not recognise any land contamination risks that could affect this proposal and has no objection to approval be given.

SCC Environmental Health (Pollution & Safety)

No objection raised subject to the attached planning condition to control the hours of construction on site and prohibit on-site bonfires.

SCC Ecologist

No objections raised subject to a condition being imposed which requires the building's roof space to be inspected for Bats prior to the commencement of conversion work. If Bats are discovered, work must be stopped and advice sought from Natural England on how to proceed.

Southern Water

No objections raised subject to the imposition of conditions relating to details of foul sewerage disposal and means of surface water disposal.

Planning Consideration Key Issues

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

- i. The principle of development;
- ii. Design, density & impact on established character;
- iii. Residential amenity;
- iv. Highways and parking;

The Principle of Development

The principle of conversion from Office use (B1) to Residential (C3) is considered acceptable. The site is not allocated for a specific purpose within the adopted local plan review.

The loss of the use of the building for office purposes is not considered to be detrimental to the availability of office space within the city. The London Road area of Southampton, which is just a short walk from the application site, is specifically allocated as an area for the retention and development of office space within the city. There are currently a number of available office units within this area.

A residential conversion is the most appropriate use for this building when considered in relation to its location and the existing neighbouring uses.

Design, density & impact on established character

Only minor external alterations to the windows and doorways are proposed, including the introduction of a purpose built refuse store and the re-instatement of a front boundary wall. The refuse store has been designed to appear as an extension to the main building, rather than a stand alone structure, and will allow direct access by all residents.

A low front boundary wall is in keeping with existing residential frontages in the area. The wall will provide a defensible space between the street and ground floor habitable room windows.

Internally, the residential units have been designed to make use of the existing room layout. Each unit is considered to enjoy adequate outlook and natural light.

The density of the development does exceed the density level range prescribed for a medium accessibility area as set out in policy CS5 of the adopted Core Strategy. However, the proposal does not result in the site being over-developed. As policy CS5 states 'Intensification and higher densities will be appropriate in some areas of the city in order to make best use of land, to support a range of local services and infrastructure and to create a residential environment with a mix of housing including smaller units and affordable housing'.

Residential accommodation within the Inner Avenue is made up of a range of unit sizes and accommodation types. With the majority of properties having traditionally been family houses, a number of these properties have now been converted into one and two bedroom accommodation. The houses that remain are either occupied by families, students or let as houses in multiple occupation. The site's close proximity to the city centre and both Southampton's universities means that there is a demand for a range of unit sizes within this area.

The mix of unit types within this development meets the criteria of policy CS16 of the adopted Core Strategy. One three bed unit suitable for family occupancy has been provided. Given that the proposal is making use of an existing building and is restricted by layout, the local planning authority have (through the course of pre-application discussions) offered some flexibility with regards to this issue and agreed that the provision of one three bed unit is acceptable. The ground floor three bed unit has direct access to a private and usable area of amenity space and has sufficient outlook and light to the unit.

All units have direct access to private and usable garden area that meets the minimum requirements of the residential design guide. Sufficient refuse and cycle storage is provided.

The character of the surrounding area is predominately residential. There are a few small businesses located within the residential streets of the Inner Avenue, but residential accommodation is the primary use. Whilst the use of the site will be intensified through its use both day and night, the way in which it will be used is no different to the existing neighbouring uses.

There is to be no parking on site and as such movement on the premises will be restricted to pedestrian activity. It is judged that there will be no harm caused to the established character of the area as a result of this proposed development. In addition, movements associated with a commercial use will be removed from this residential area.

Given that this proposal seeks to convert an existing building which can provide an appropriate residential environment for all future tenants of the site, it is considered that an intensified density level is acceptable and the number of units on site does not result in an over intensive use of the site.

Residential Amenity

The proposal meets all residential amenity standards. A sufficient amount of private and useable garden space is provided for all units. The provision of amenity space falls 7m² short of the required amount, this is considered negligible and the quality and usability of the space outweighs the deficit. The amenity space is bounded by a high level brick wall which makes it private and reduces the impact of its use on neighbouring dwellings.

As a result of the original design of the building, first floor windows sit above the average eye height. As such, the privacy of neighbouring dwelling is retained, yet sufficient light and outlook is provided for future occupants of the units.

Refuse and cycle storage is appropriately and conveniently designed into the proposal.

Highways and Parking

At present the site has four off road parking spaces to serve the existing office block with additional parking to the rear (accessed via an internal garage). It was the applicants' intention to retain parking on site. However, the size of the spaces does not conform to current standards. By reason of their length cars parked on the frontage overhand the public highway. Therefore, in the interest of highway safety the applicant was asked to remove all parking spaces to the front of the site, and re-instate a front boundary wall.

It is appreciated that there is a high demand for on street car parking within this area. However, A zero parking scheme complies with the local planning authorities maximum car parking standards, as set out in policy SDP5 of the adopted local plan review and as such a zero parking scheme is not reason enough to refuse the application.

S.106 Legal Agreement

In the event of the recommendation is supported the applicants must have agreed to enter into a S.106 Legal Agreement with the council in order to secure contributions towards transport, affordable housing, open space and public realm improvements that mitigate the development's direct impacts.

Summary

The development is considered to respond successfully to the requirements of the recently adopted Core Strategy to provide a appropriate residential environment for future occupiers of the site, provide a mix of residential accommodation and the council's aspirations for the provision of on-site renewable energy.

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

Corporate Awareness Considerations

The planning assessment made on this planning application proposal has taken into account the relative importance of Council initiatives and corporate aims as considered appropriate to the formulation of the recommendation reached. The recommendation is considered to accord with the wider aims and objectives of the council's agenda.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a), 1(b), 1(c), 1 (d), 2 (c), 2 (d), 2 (e), 4(s), 5 (e), 6(a), 6(c), 6(h), 7 (a), 7(c), 7 (m), 7 (q), 8(a), 9(a) and 9(b)

(BG 10.05.10 for 25.05.10 PRow Panel)

RECOMMENDATION: CAP

CONDITIONS for 10/00311/FUL

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

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

Reason:

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

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

No development works shall be carried out unless and until a detailed schedule of materials and finishes including samples (if required by the LPA) to be used for the front boundary wall and refuse store has been submitted to and approved in writing by the Local Planning Authority. Details shall include all drainage goods, and the ground surface treatments formed. Development shall be implemented only in accordance with the agreed details.

Reason:

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

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

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

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

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

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

Reason:

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

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

Prior to development of this proposal commencing full details of the renewable energy systems to be incorporated within the development shall be submitted to and agreed in writing with the Local Planning Authority. The details should include the full specification of the air source heat pump which shall achieve the agreed target of 10% reduced CO2 emissions as detailed within the agreed submitted energy assessment.

REASON:

To reduce the impact of the development on climate change and finite energy resources and to comply 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).

05. APPROVAL CONDITION - Energy Efficiency Measures (Pre-Commencement Condition)

A comprehensive energy assessment for all the properties on the site should be submitted to the Local Planning Authority prior to the commencement of the development. The energy assessment shall inform an energy management plan including measures and techniques to minimise energy consumption during the lifetime of the development. The plan shall state the percentage improvement over Target Emission Rate (TER) as determined by the 2006 Building Regulation Standards, and contain clear targets and a monitoring programme. The energy management plan shall be submitted to the Local Planning Authority prior to the commencement of the development hereby granted consent.

REASON:

To minimise energy consumption 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).

06. APPROVAL CONDITION - Water efficiency measures (Pre-Commencement Condition)

A comprehensive water management plan including measures and techniques to minimise water consumption during the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. The plan shall state the internal potable water consumption rates in litres per person per day (l/p/d) for each measure/technique adopted, and the plan shall be submitted to the Local Planning Authority and approved in writing prior to the commencement of the development hereby granted consent.

REASON:

To minimise the impact of the development on water resources and to comply with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

07. APPROVAL CONDITION - Bat Inspection [Prior Commencement Condition]

Prior to the development taking place, the building must be inspected for the presence of Bats. If Bats are discovered within the building work must be stopped, the local planning authority informed and advice sought from Natural England on how to proceed. Development must not proceed until the developer has written confirmation from the local planning authority that the works can proceed. If Bats are not discovered within the building this must be put in writing to the local planning authority prior to the commencement of works.

Reason:

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

08. 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.

09. 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.

10. APPROVAL CONDITION - Stopping up existing access [Pre-Commencement Condition]

Any redundant access to the site shall be stopped up and abandoned and the footway, and verge crossings and kerbs shall be reinstated before the development is brought into use.

Reason:

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

11. 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.

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 Local Planning Authority.

Reason:

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

13. APPROVAL CONDITION - Amenity Space Access, Refuse and Cycle Storage [Pre-Occupation Condition]

The amenity space, refuse and cycle storage serving the development hereby approved, and pedestrian access to it, shall be made available as a 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, refuse and cycle storage in association with the approved flats.

14. APPROVAL CONDITION - Surface Water Disposal - [Pre-commencement condition]

Construction of the development shall not commence until details of the proposed means of surface water disposal have been submitted to, and approved by the local planning authority. Once approved the development shall be implemented in accordance with the agreed details and thereafter retained and maintained at all times.

Reason

To ensure appropriate on site drainage provision.

15. APPROVAL CONDITION - Foul Sewerage Disposal - [Pre-commencement condition]

Construction of the development shall not commence until details of the proposed means of foul sewerage disposal have been submitted to, and approved by the local planning authority. Once approved the development shall be implemented in accordance with the agreed details and thereafter retained and maintained at all times.

Reason

To ensure appropriate connection with the foul drainage system.

Reason for granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including the loss of office accommodation, the impact on the residential amenity of neighbouring dwellings and highway safety issues have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. Objections regarding overintensive use of the site, where the quality of living accommodation proposed is of an acceptable standard, have been carefully considered. The proposals are considered to be an appropriate re-use of an existing building. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Saved Policies - SDP1(i), SDP5, SDP7 (iv) (v), SDP9 (v) H2 (ii) (iii) (vii), H5, CLT5, CLT6, of the City of Southampton Local Plan Review (March 2006).

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

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.

Informative:-

A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for development please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, So23 9EH (01962 858688) or southernwater.co.uk.

POLICY CONTEXT

The application needs to be assessed in the light of the following local planning policies.

City of Southampton Local Plan Review- Adopted Version March 2006

Saved policies

SDP1	Quality of Development
SDP5	Parking
SDP7	Context
SDP9	Scale, massing and appearance
H2	Previously Developed Land
H7	Residential Environment
CLT 5	Open Space
CLT6	Children's play space

Core Strategy – Adopted Version January 2010

CS5	Housing Density
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Cycles and Car parking
CS20	Tackling and Adapting to Climate Change

Supplementary Planning Guidance

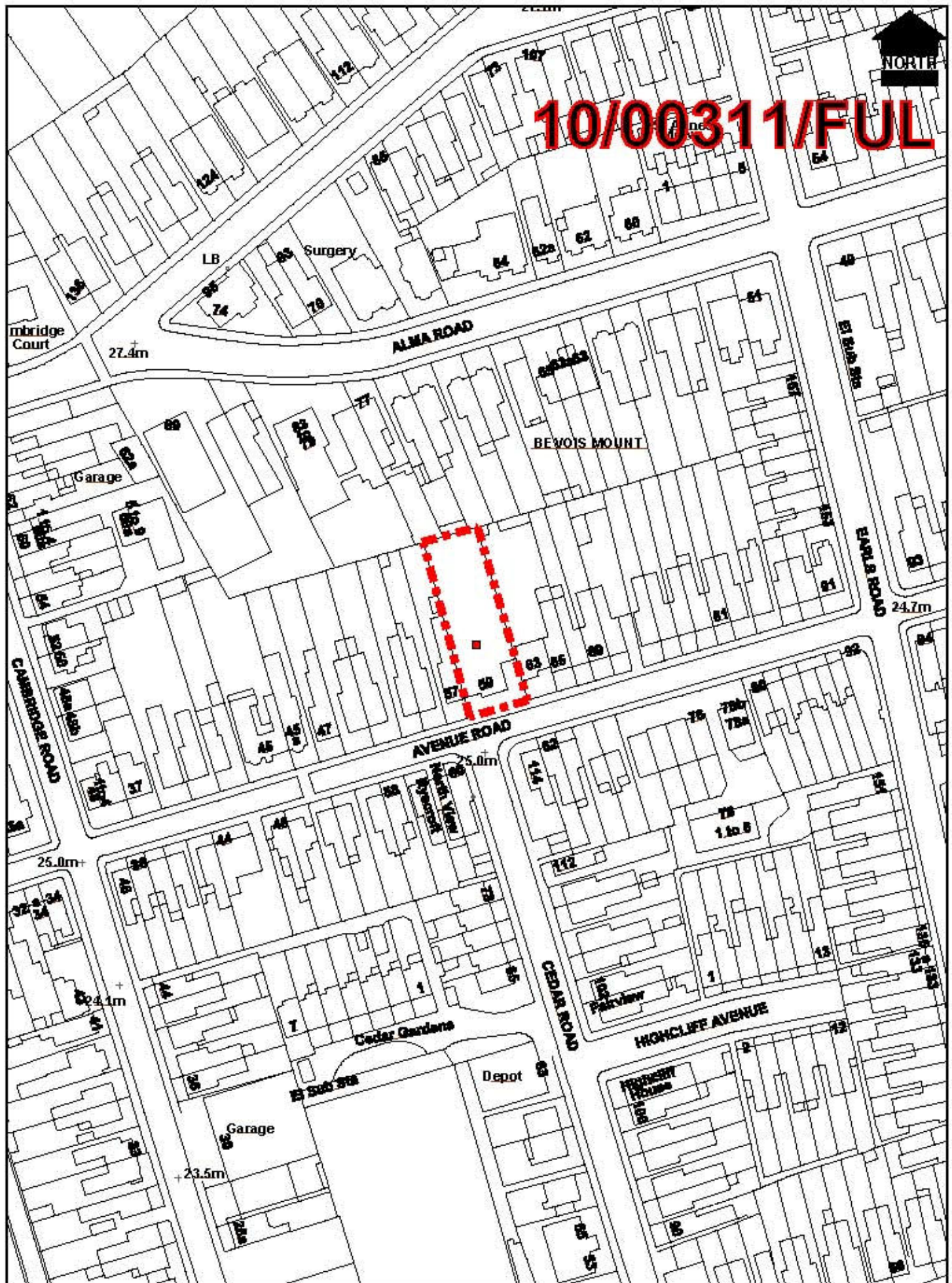
Residential Design Guide (September 2006)
Planning Obligations (August 2005)

Other relevant guidance

PPS1 – Sustainable Development
PPS 3 – Housing
PPG13 – Transport
PPG17 – Planning for open space, sport and recreation



10/00311/FUL



Scale : 1:1250

Date : 13 May 2010

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59 Avenue Road



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Agenda Item 8

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 25/05/2009
 Planning Application Report of the Head of Division

Application address: 20 – 24 Orchard Place			
Proposed development Renewal of 06/01681/TEMP for continued use of land for parking 24 cars for a further 3 years (Until 31.03.2013).			
Application number	10/00242/FUL	Application type	FUL
Case officer	Mathew Pidgeon	Application category	Q28 - Other

Recommendation Summary	Grant temporary planning permission until 31.03.2013, subject to criteria listed in report
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Reason for Panel consideration	Departure from Development Plan (NB under the terms of Circular 02/2009, it is not necessary for any favourable resolution by the Panel to be referred to the Secretary of State for Communities and Local Government, via the Government Office of the South-East).
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Applicant Mr H.A Barker	Agent Ms Emma Clarke
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Date of receipt	05.03.2010	City Ward	Bargate
Date of registration	05.03.2010	Ward members	Cllr Bogle
Publicity expiry date	29/04/2010		Cllr Damani
Date to determine by	30/04/2010		Cllr Willacy

Site area	0.05ha	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	n/a	n/a
3-bedroom	n/a	n/a	Leisure use	n/a	n/a
other	n/a	n/a	other	Sui generis	0.05ha
Policy designation	Business industry and Warehousing REI11 (v) (Brunswick Square Industrial Area - light industry).				

Accessibility zone	High / medium / low	Policy parking max	Spaces
Parking Permit Zone	yes / no	existing site parking	24 spaces
Cyclist facilities	yes / no	car parking provision	24 spaces
		motor & bicycles	0 motor / 0 cycles

Key submitted documents supporting application			
1	Covering letter	2	Site plan

Recommendation in full

To grant temporary planning permission until 31.03.2013.

Background

Temporary planning permission was granted at appeal on 11th March 2008. At the time of the appeal the main consideration was whether or not the proposed change of use would be contrary to the emerging City Centre Action plan (CCAP). The CCAP was at the 'Issues and Options' stage when the appeal was determined and therefore it was considered acceptable to the Inspector to allow a temporary consent since Circular 11/95 allows the use of temporary conditions when it is expected that planning circumstances are likely to change in a particular way over a given specified time period. Accordingly a limiting condition of a maximum of two years was added to the permission.

Proposed Development and Surrounding Context

The site itself forms part of the REI11 (v) light industry allocation on the proposals map of the Local Plan Review. The site is within the Eastern Character area identified by the City Centre Urban Design Strategy (2001) and within area 17 of the City Centre Characterisation Study (2009). The site is immediately adjacent to, but not within, the Oxford Street Conservation Area.

The application site is located within the city centre in an area comprising a mix of uses including office, industrial and residential. The immediate area of Brunswick Square contains predominantly light industrial use with a social club adjoining the northern boundary. Opposite the block is a five storey residential block.

The site has been entirely hard surfaced with a low wall around the outside to separate the car parking facility with the public highway/footway. Lighting to the car park is provided predominantly by three street lights located on three of the corners of the site. The lighting columns overhang the public realm.

There are no CCTV cameras which specifically cover the site although CCTV is a feature of the surroundings. Having undertaken a site visit CCTV cameras were evident in Brunswick Square covering the industrial unit and Social Club.

At present there is one ticket machine on site which is located on the north east corner.

The proposed development seeks to retain parking on site for a further 3 years with no alterations to the existing circumstance.

Relevant Planning Policy

The Council's normal considerations in respect of quality of development, protection of the character of the area and the amenities of neighbouring occupiers apply. The planning policy to be considered as part of this proposal is scheduled in **Appendix 1** to this report. The site is allocated within the City of Southampton Local Plan Review - Adopted Version March 2006 under policies REI 11 (v) and the Plan also contains general policies applicable to this development. Commentary on CS18 (7) is given later in the report, in terms of the Council's aim to reduce travel by the private car in relation to CS19 – car and cycle parking, where preparation of the City Centre Action Plan is at a very early stage of preparation as part of the Local Development Framework.

Relevant Planning History

06/01681/TEMP – APP/D1780/A/07/2046121 - Temporary use of land for parking 24 cars including the provision of parking pre-payment equipment – Appeal Allowed.

Condition 1: The use hereby permitted shall be discontinued and the land restored to its former condition within two years from the date of this decision (11th March 2008).

Consultation Responses and Notification Representations

A consultation 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 **16 letters of support** have been received on the basis that the car park provides useful parking provision for the area.

Summary of Consultation comments

Highways Development Control:

There have been no reported accidents at this site (2005 - 2008). Conditions are recommended to ensure unfair competition with city council car parks does not occur.

Hampshire Constabulary:

There are no existing reported crime incidents relating to this site.

Theft has been reported from cars located in the car park of Oceana Boulevard and there is also one reported theft from a vehicle located on Orchard Place. No objection.

Planning consideration key issues:

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

- The principle of the proposed use;
- Impact on highway safety, traffic congestion and sustainable modes of transport; and
- Crime.

Principal of the use:

The main consideration is the emerging City Centre Action Plan (CCAP). This document has only progressed to the 'Preferred Options' Stage and is not due to be adopted until 2013.

The Planning Policy Team do not object to an extension of time over which the temporary car park can operate. Accordingly the application is only supported on a further temporary basis.

As the CCAP is not due to be adopted until 2013 and given the support from the Planning Policy Team and given that this is an existing situation having a neutral effect on the amenities of the area - introducing some activity and natural surveillance to the area - it is considered unreasonable to object to the principle of the proposal for a further temporary period.

The main thrust of Policy CS18 of the Core Strategy, adopted after the relevant appeal decision, is to reduce the number of vehicles entering the city centre and accordingly the level of parking provision. Having regard to the temporary nature of the application, the amount of parking involved as well as the timescale for adopting the City Centre Action Plan, it is not considered that the granting of temporary permission would prejudice the objectives of Policy CS18. The site is unlikely to come forward for a comprehensive development in the immediate future and the granting of a further temporary permission would at least keep the site in an active use.

Impact on highway safety:

As there have been no reported traffic related incidents and as it is unlikely that the CCAP will not be adopted until 2013 there are no justifiable reasons to prevent the ongoing operation of the car park on the site until this date. As the car park is an existing one there will be no net increase in the number of parking spaces in the city and therefore the development does not contribute to, or create any, additional competition to city council owned car parking facilities.

Safety and security:

The site is sufficiently overlooked by residential properties located to the east and street lighting adequately provides illumination of the site. These two circumstances reduce the potential for crime to occur however CCTV cover has not been confirmed. Given that there are no known crime related events to have taken place on site since the site began use as a car park it is considered unreasonable to object the scheme on safety and security grounds. Furthermore upon consideration of the scheme being for a further temporary period only it is considered unreasonable to insist on the incorporation of additional CCTV.

Conclusion:

There has been no objection to the proposal from either members of the public or from our consultees, there is no history of crime on the site and there are no overriding policy reasons to prevent support for the scheme for a further temporary period.

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(c), 2(d), 2(e), 4(c), 4(g), 5(e), 5(d), 6(c), 7(a), 7(d), 7(m), 9(a) and 9(b).

MP 13.05.10 for 25.05.10 PROW Panel

CONDITIONS for 10/00242/FUL

01. APPROVAL CONDITION - Time Limited (Temporary) Permission Condition

The use hereby permitted shall be discontinued on or before 31 March 2013.

Reason:

To enable the Local Planning Authority to review the special circumstances under which planning permission is granted for this type of development and having regard to the fact that the City Centre Action Plan is only at a very early stage of preparation and the council would wish to review to appropriateness of continuing this private car park provision in the light of Policy CS18 of the Core Strategy (January 2010).

02. APPROVAL CONDITION - Car parking charging rates PERFORMANCE CONDITION

Parking charges must comply with the city council's public car parking charging standards.

REASON

To ensure that the charging scheme does not conflict with the existing city centre charging structure and strategy.

Reason for granting temporary permission until 30 March 2013

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including surrounding character and amenity 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. As the City Centre Action Plan is not due to be adopted until 2013 and given that this is an existing situation having a neutral effect on the amenities of the area - introducing some activity and natural surveillance to the area - it is considered unreasonable to object to the principle of the proposal for a further temporary period. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus temporary permission until 30 March 2013 should therefore be granted.

Policies - SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11 and SDP17 of the City of Southampton Local Plan Review (March 2006); and,

CS18, CS19 and CS20 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Relevant Planning Policy

Adopted City of Southampton Local Plan Review (2006)

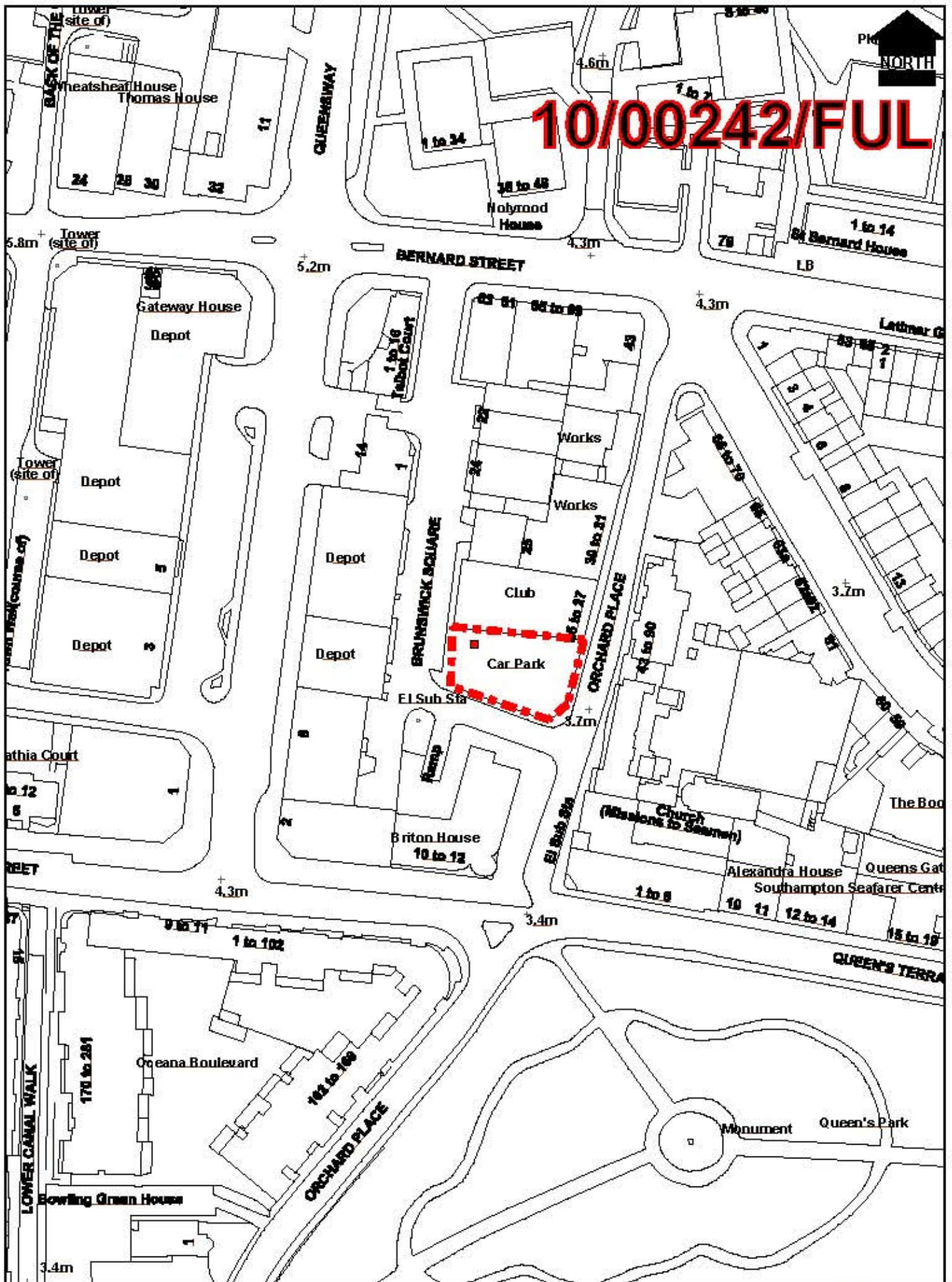
SDP1 (Quality of Development)
SDP4 (Development Access)
SDP5 (parking) and Appendix 1
SDP7 (Context)
SDP9 (Scale, Massing and Appearance)
SDP10 (Safety & Security)
SDP11 (Accessibility & Movement)
SDP17 (Lighting)
REI 11 (v) (Allocation for light industrial purposes)

Local Development Framework, Core Strategy Development Plan Document, Adopted Version (January 2010)

CS18 Transport: Reduce – Manage – Invest
CS19 Car & Cycle Parking
CS20 Tackling and Adapting to Climate Change

National planning guidance

PPS1 – Delivering sustainable communities
PPS4 – Planning for sustainable economic growth
PPG13 - Transport



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Date: 13 May 2010

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20-24 Orchard Place



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