

Planning and Rights of Way Panel (EAST)

Tuesday, 2nd September 2014
at 6.00 pm

PLEASE NOTE TIME OF MEETING

Conference Room 3 and 4
- Civic Centre

This meeting is open to the public

Members

Councillor Lewzey (Chair)
Councillor Denness (Vice-Chair)
Councillor Fitzhenry
Councillor Hecks
Councillor Tucker

Contacts

Democratic Support Officer
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Planning and Development Manager
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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 Priorities

- Jobs for local people
- Prevention and early intervention
- Protecting vulnerable people
- Affordable housing
- Services for all
- City pride
- A sustainable Council

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 2014/15

Planning and Rights of Way - EAST

2014	2015
8 July 2014	13 January 2015
5 August	10 February
2 September	10 March
30 September	7 April
28 October	5 May
25 November	

Planning and Rights of Way - WEST

2014	2015
24 June 2014	27 January 2015
22 July	24 February
19 August	24 March
16 September	21 April
14 October	
11 November	
9 December	

CONDUCT OF MEETING

Terms of Reference

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

Business to be discussed

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

Rules of Procedure

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

Quorum

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

DISCLOSURE OF INTERESTS

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

DISCLOSABLE PECUNIARY INTERESTS

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

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

(ii) Sponsorship:

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

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

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

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

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

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

a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or

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

Other Interests

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

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

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

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

Principles of Decision Making

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

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

In exercising discretion, the decision maker must:

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

AGENDA

Agendas and papers are available via the Council's Website

1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

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

2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

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

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

3 STATEMENT FROM THE CHAIR

4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)

To approve and sign as a correct record the Minutes of the meeting held on 5th August 2014 and to deal with any matters arising, attached.

CONSIDERATION OF PLANNING APPLICATIONS

5 60 - 64 ST MARY'S ROAD - 14/00931/FUL

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

6 LAND TO REAR OF 28-64 WINCHESTER ROAD AND REAR OF 204-218 WARREN AVENUE - 14/00676/FUL

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

7 54 SWIFT GARDENS - 14/01006/FUL

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

8 15 BELMONT ROAD - 14/01034/FUL

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

9 21 MERRIDALE ROAD - 14/00976/FUL

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

Friday, 22 August 2014

HEAD OF LEGAL AND DEMOCRATIC SERVICES

PLANNING AND RIGHTS OF WAY PANEL (EAST)
MINUTES OF THE MEETING HELD ON 5 AUGUST 2014

Present: Councillors Lewzey (Chair), Denness (Vice-Chair), Fitzhenry, Hecks and Tucker

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

RESOLVED that the minutes of the meeting held on 8th July 2014 be approved and signed as a correct record subject to the amendment to show that Councillor Denness had been elected Vice-Chair for the Municipal Year 2014/2015.

10. **LAND REAR OF 38-40 LIME AVENUE - 14/00856/FUL**

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

Rob Wiles (agent), Angela Horn and Jean Underhill (local residents / objecting) and Councillor Jeffrey (ward councillor / objecting) were present and with the consent of the Chair, addressed the meeting.

The Panel noted the receipt of amended plans, the amendment to Condition 13 and an additional condition regarding dropped kerb access.

Amended Condition

13. APPROVAL CONDITION - Construction delivery times

No deliveries to site between 8.00am – 9.30am and 3.00pm – 4.30pm Monday to Friday; and at no time on Saturday and Sunday during the construction phase.

REASON:

In the interests of highway and pedestrian safety and to prevent highway congestion, particularly during start and finish times of the nearby schools and college.

Additional Condition

APPROVAL CONDITION – Dropped Kerb

Details of the position and design of the drop kerb to serve the site be submitted and agreed in writing prior to the commencement of development. The drop kerb be installed as agreed.

REASON: For the avoidance of doubt and to secure a satisfactory form of development.

RESOLVED to refuse planning permission for the reason set out below:

01. REFUSAL REASON - Out of keeping with the character and appearance of the area

The proposed development by reason of its design, scale, height, layout, level of site coverage with buildings and hard surfacing was out of keeping with the character and appearance of the area and symptomatic of a site overdevelopment. Furthermore, dwelling 1 by reason of its height and proximity to the south-western boundary appeared overbearing and lead to an increased sense of enclosure when viewed from 3 Lime Close and was detrimental to the residential amenities of those neighbouring occupiers. As such the development was contrary to Policies SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (March 2006), Policies CS13 of the Local Development Framework Core Strategy (January 2010) and the relevant sections of the Residential Design Guide SPG (September 2006), particularly Parts 2 and 3.

RECORDED VOTE to refuse planning permission for the reason set out above:

FOR: Councillors Denness, Hecks and Tucker
AGAINST: Councillors Fitzhenry and Lewzey

Reason for Refusal

02. REFUSAL REASON – Insufficient parking and increased highway congestion

The proposed development was considered to provide an inadequate amount of on-site car parking for a development of two four bedroom houses within an area of low accessibility, having regard to the existing take-up of on-street parking adjoining the site (exacerbated by the proximity to nearby schools and Itchen College) and narrow carriageway width in Lime Close and Lime Avenue. Taken with the likely amount of car ownership and traffic generated by the development, it was considered that any car parking overspill from the development impacted negatively on the amenities of those living in Lime Close and Lime Avenue and lead to increased highway congestion in the area. The development proposal was thereby contrary to 'saved' policies SDP1 and SDP7 of the adopted City of Southampton Local Plan Review (March 2006) and policy CS13 and CS19 of the adopted Local Development Framework Core Strategy (January 2010) as supported by the adopted Parking Standards SPD (September 2011) and Part 5 of the Council's adopted Residential Design Guide SPD (2006).

RECORDED VOTE to refuse planning permission for the reason set out above:

FOR: Councillors Denness, Hecks and Tucker
AGAINST: Councillor Fitzhenry
ABSTAINED: Councillor Lewzey

11. **13 OMDURMAN ROAD - 14/00644/FUL**

The Panel considered the report of the Planning and Development Manager recommending refusal in respect of an application for a proposed development at the above address and that an Enforcement Notice be served to remedy the breach of planning control. (Copy of the report circulated with the agenda and appended to the signed minutes).

RESOLVED

- (i) that planning permission with regard to application 13/00418/FUL be refused for the amended reason set out below; and
- (ii) that an Enforcement Notice be served to remedy the breach of planning control.

Amended Reason for Refusal:

REASON FOR REFUSAL - Impact on character of the local area

The conversion of the property to a HMO results in an excessive concentration of HMO's within the immediate area. This results in an adverse impact on the overall character and amenity of the area surrounding the application site in terms of the mix and balance of households in the local community. Therefore, the proposed development was contrary to saved policies SDP1(i) and H4(ii) of the City of Southampton Local Plan Review (Adopted March 2006) and policy CS16 of the City of Southampton Local Development Framework Core Strategy Development Plan Document (Adopted January 2010) as supported by the section 6.5 of the Houses in Multiple Occupation Supplementary Planning Document (Approved March 2012).

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Agenda Annex

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 2 September 2014 - 6pm Conference Rooms 3 and 4, 1st Floor, Civic Centre

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
5	RP	DEL	15	14/00931/FUL : 60 - 64 St Mary's Road
6	AL	DEL	15	14/00676/FUL : Land to rear of 28 to 64 Winchester Road and rear of 204-218 Warren Avenue
7	JF	CAP	5	14/01006/FUL : 54 Swift Gardens
8	JF	REF	5	14/01034/FUL : 15 Belmont Road
9	NP	CAP	5	14/00976/FUL : 21 Merridale Road

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

AA – Andy Amery

SB – Stuart Brooks

JF - John Fanning

AL - Anna Lee

RP - Richard Plume

Southampton City Council - Planning and Rights of Way Panel

Report of Executive Director of Environment & Economy

Local Government (Access to Information) Act 1985

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

Applications:

Background Papers

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

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

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

4. Policies and Briefs published and adopted by Southampton City Council
 - (a) Old Town Development Strategy (2004)
 - (b) Public Art Strategy
 - (c) North South Spine Strategy (2004)
 - (d) Southampton City Centre Development Design Guide (2004)
 - (e) Streetscape Manual (2005)
 - (f) Residential Design Guide (2006)
 - (g) Developer Contributions SPD (September 2013)

- (h) Greening the City - (Shoreburs; Lordsdale; Weston; Rollesbrook Valley; Bassett Wood and Lordswood Greenways) - 1985-1995.
- (i) Women in the Planned Environment (1994)
- (j) Advertisement Control Brief and Strategy (1991)
- (k) Biodiversity Action Plan (2009)
- (l) Economic Development Strategy (1996)
- (m) Test Lane (1984)
- (n) Itchen Valley Strategy (1993)
- (o) Portswood Residents' Gardens Conservation Area Character Appraisal (1999)
- (p) Land between Aldermoor Road and Worston Road Development Brief Character Appraisal(1997)
- (q) The Bevois Corridor Urban Design Framework (1998)
- (r) Southampton City Centre Urban Design Strategy (2000)
- (s) St Mary's Place Development Brief (2001)
- (t) Ascupart Street Development Brief (2001)
- (u) Woolston Riverside Development Brief (2004)
- (v) West Quay Phase 3 Development Brief (2001)
- (w) Northern Above Bar Development Brief (2002)
- (x) Design Guidance for the Uplands Estate (Highfield) Conservation Area (1993)
- (y) Design Guidance for the Ethelburt Avenue (Bassett Green Estate) Conservation Area (1993)
- (z) Canute Road Conservation Area Character Appraisal (1996)
- (aa) The Avenue Conservation Area Character Appraisal (1997)
- (bb) St James Road Conservation Area Character Appraisal (1996)
- (cc) Banister Park Character Appraisal (1991)*
- (dd) Bassett Avenue Character Appraisal (1982)*
- (ee) Howard Road Character Appraisal (1991) *
- (ff) Lower Freemantle Character Appraisal (1981) *
- (gg) Mid Freemantle Character Appraisal (1982)*
- (hh) Westridge Road Character Appraisal (1989) *
- (ii) Westwood Park Character Appraisal (1981) *
- (jj) Cranbury Place Character Appraisal (1988) *
- (kk) Carlton Crescent Character Appraisal (1988) *
- (ll) Old Town Conservation Area Character Appraisal (1974) *
- (mm) Oxford Street Conservation Area Character Appraisal (1982) *

- (nn) Bassett Green Village Character Appraisal (1987)
- (oo) Old Woolston and St Annes Road Character Appraisal (1988)
- (pp) Northam Road Area Improvement Strategy (1987)*
- (qq) Houses in Multiple Occupation (2012)
- (rr) Vyse Lane/ 58 French Street (1990)*
- (ss) Tauntons College Highfield Road Development Guidelines (1993)*
- (tt) Old Woolston Development Control Brief (1974)*
- (uu) City Centre Characterisation Appraisal (2009)
- (vv) Parking standards (2011)

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

5. Documents relating to Highways and Traffic

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

6. Planning related Government Circulars in most common use

- (a) Planning Obligations 05/05 (As adjusted by Community Infrastructure Levy Regulations 2010)
- (b) Planning controls for hazardous substances 04/00
- (c) The Use of conditions in planning permissions 11/95
- (d) Environmental Impact Assessment 2/99
- (e) Planning Controls over Demolition 10/95
- (f) Planning and Affordable Housing 6/98
- (g) Prevention of Dereliction through the Planning System 2/98
- (h) Air Quality and Land Use Planning 10/97
- (i) Town and Country Planning General Regulations 19/92

7. Government Policy Planning Advice

- (a) National Planning Policy Framework (27.3.2012)
- (b) National Planning Policy Guidance

8. Other Published Documents

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

9. Other Statutes

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

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Agenda Item 5

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 2 September 2014
Planning Application Report of the Planning and Development Manager**

Application address: 60-64 St Mary's Road			
Proposed development: Redevelopment of the site. Erection of a building ranging from three storeys to four storeys and a building ranging from eight storeys to 14 storeys to provide 147 student flats (71 cluster flats, six townhouses, and 70 studios - total number of bed spaces 467), commercial/community uses on the ground floor (Class A1-A5 inclusive, Class D1 and D2 - 180 square metres) with associated parking and communal facilities, vehicular access from Compton Walk and a new pedestrian access route from Charlotte Place to Compton Walk.			
Application number	14/00931/FUL	Application type	FUL
Case officer	Richard Plume	Public speaking time	15 minutes
Last date for determination:	02.09.2014	Ward	Bevois
Reason for Panel Referral:	Departure from the Development Plan Referred by the Planning and Development Manager due to wider public interest	Ward Councillors	Cllr Barnes-Andrews Cllr Burke Cllr Rayment

Applicant: By Development Ltd	Agent: N/A
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	Yes
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The impact of the development, in terms of design and neighbouring amenity, highway safety and parking is considered to be acceptable. In reaching this conclusion, on the acceptability of the development, particular account has been taken of the third party response to the scheme; the quality of the proposed redevelopment proposals; the need for student housing and the potential reduction in demand for converting the City's existing family housing stock into shared housing. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 planning permission should therefore be granted in accordance with the following policies:

City of Southampton Local Plan Review (March 2006) Policies SDP1, SDP4, SDP5, SDP7, SDP8, SDP9, SDP10, SDP13, SDP15, CLT5, H2, H7, H13, MSA1 and MSA3, City of Southampton Core Strategy (January 2010) Policies CS5, CS6, CS11, CS13, CS15, CS19, CS20 and CS25 as supported by the relevant national planning guidance and the Council's current supplementary planning guidance listed in the Panel report.

Appendix attached			
1	Development Plan Policies	2	Planning History

Recommendation in Full

Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report

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

- i. Financial contributions towards site specific transport improvements in the vicinity of the site, to include payment for any necessary Traffic Regulation Orders, in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPD relating to Planning Obligations (September 2013).
- ii. In lieu of an affordable housing contribution an undertaking by the developer that only students in full time education be permitted to occupy the development.
- iii. Financial Contribution towards the Solent Disturbance Mitigation Fund.
- iv. 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.
- v. Submission of a Training and Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPD relating to Planning Obligations (September 2013).
- vi. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with Policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
- vii. The submission and implementation of a Student Drop Off/Collection Management Plan committing to an ongoing review of the site.
- viii. A Site Waste Management Plan.
- ix. Submission and implementation within a specified timescale of a Travel Plan.

x. No student, with the exception of registered disabled drivers, shall be entitled to obtain parking permits for the Council's Controlled Parking Zones. The operator of the site to write to future occupiers at the beginning of their tenancy advising them not to bring a car to the site.

xi. Provision of on-site CCTV coverage and monitoring in line with Policy SDP10 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy Policies CS13 and CS25.

xii. The submission, approval and implementation of public art that is consistent with the Council's Public Art Strategy.

xiii. The provision of the public route from Compton Walk to Charlotte Place, future maintenance and public rights to pass over the route.

2. In the event that the legal agreement is not completed within two months of the Panel decision, the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

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

1. The site and its context

1.1 The application site is a roughly rectangular area of Council owned land (0.31 hectares) situated on the east side of the Charlotte Place roundabout with St Mary's Road on its eastern side and Compton Walk to the south. The site is cleared of buildings and surrounded by fencing and advertisement hoardings. It was last used for car parking and there is vehicular access from St Mary's Road and Compton Walk. The site slopes down from north to south along St Mary's Road by about 1.5 metres. The road level around the Charlotte Place roundabout is approximately 3 metres higher than Compton Walk.

1.2 The immediate surroundings are mixed in terms of uses, building heights and architectural styles. To the west, in the centre of the roundabout, are the Jurys Inn Hotel, a 13-storey building and an eight-storey office building. To the north is Orion's Point, a former office building converted to student/key worker accommodation which is seven-storeys closest to the application site, stepping up to 14-storeys at its highest to the north. Permission was granted last year for further student accommodation on that site including a new building of part 12-storeys and part 16-storeys. This development would increase the total number of student bed spaces on this site from 423 to 854. To the east, on the opposite side of St Mary's Road, is the St Mary's Sports Hall adjoined by three-storey shops with residential accommodation above. Beyond the St Mary's Road frontage are two-storey terraced houses in Clovelly Road and Oxford Avenue. To the south, on the opposite side of Compton Walk, is a car park, night club and religious building with commercial properties on the St Mary's Road frontage.

1.3 The application site is not situated within a conservation area and there are no listed buildings in the immediate vicinity. St Mary's Sports Hall opposite is a 'locally listed building'. The site is just within the defined City centre boundary.

2. Proposal

- 2.1 The application proposes redevelopment of the site to provide student residential accommodation and a ground floor commercial frontage to St Mary's Road. Two separate buildings would be provided: a part three-storey and part four-storey building fronting St Mary's Road, between which the main entrance would be provided to the main building of part eight-storeys, part 12-storeys and part 14-storeys fronting the Charlotte Place roundabout.
- 2.2 The student residential accommodation to be provided would be a total of 467 bed spaces in the form of 70 studio flats and 77 'cluster units' which will provide large flats of between four and eight bedrooms with shared kitchen/living rooms (18 x four bedrooms, 35 x five beds, 21 x six beds, 3 x eight beds). On the ground floor, fronting St Mary's Road, three commercial units totalling 180 square metres would be provided which could be used for either retail or related uses including food and drink uses (Classes A1 to A5 inclusive), non-residential institutional use (Class D1) or leisure use (Class D2). The main pedestrian entrance to the building would be from St Mary's Road. On the road frontage either side of the entrance a Management Office and Student Common Room would be provided
- 2.3 There would be a single vehicular access from Compton Walk to an open car parking area of nine spaces of which three are designed for people with disabilities. Covered cycle parking at a ratio of one space for every two bed spaces would be provided. The proposed building has been set back from Compton Walk to the south to provide a staircase link between Charlotte Place and St Mary's Road. Tree planting is indicated next to the staircase. The staircase would become a general public route but would remain in private ownership. A loading bay would be provided on St Mary's Road for vehicles servicing the commercial units. A communal landscaping area would be provided at the northern end of the site between the two buildings
- 2.4 The proposed building would have a series of flat roofs, the roof to the three-storey element would be a 'brown roof'. The proposed materials would be a mixture of red brick to the eastern elevation, including for the St Mary's Road frontage; grey brickwork to the plinth of the main building; and a mixture of white, grey and silver metal cladding panels with dark grey windows. The density of the development is the equivalent of about 460 dwellings per hectare.
- 2.5 The main differences between this application and the previous scheme are as follows:
- a reduction in the height of the building from a maximum of 20-storeys to a maximum of 14-storeys
 - a reduction in the total number of student bed spaces from 686 to 467
 - a reduction in the amount of commercial floor space fronting St Mary's Road
 - a change to the layout on site to provide two separate buildings (one fronting St Mary's Road and one fronting Charlotte Place) rather than a single 'perimeter block' building
 - changes to the pedestrian entrance, car parking layout and landscaping.
 - a change to the on-site amenity area, now at ground level between the buildings rather than an upper floor deck.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.4 The City Centre Urban Design Strategy (CCUDS) has been approved by the Council as supplementary planning guidance to the Local Plan and should be taken into account in the determination of this application. The strategy identifies the Charlotte Place area, including the application site, as a key gateway development site marking the north eastern approach to the City centre. The specific design opportunities identified for the application site are: the need to reinforce both visual and pedestrian links through to St Mary's district; the footprint of the building should be set back from the corridor connecting to the parks and the facade should be set in relation to the axis with Oxford Avenue; the junction of St Mary's Road and Compton Walk should be enhanced with a stronger public realm setting and improved landscape structure.
- 3.5 The Draft City Centre Action Plan (CCAP) is also a material policy consideration despite not being an adopted document. The application site is identified as being within the University Quarter. Draft Policy AP 34 covers the site and in order to facilitate development of this long vacant site the policy recommends a wide range of suitable uses. These uses include residential and/or student accommodation, community uses and small scale retail and food and drink uses.
The policy recognises that the heights of buildings in this area vary considerably ranging from two to 16-storeys.

4. Relevant Planning History

- 4.1 The application site was previously in two parts: a car park in the northern half and a Co-op retail store in the southern half (60-64 St Mary's Road) which was demolished in the 1970's. Details of previous planning decisions are included in Appendix 2 of this report.
- 4.2 In 2005, the Panel resolved to grant permission, subject to a Section 106 agreement, for redevelopment of the site to provide a Healthy Living Centre and 131 flats (552 bed spaces) for students and key workers in a building ranging in height from four-storeys to 13-storeys (reference 04/01490/FUL). This application included vehicular access from Compton Walk to a covered car parking area of 25 spaces, 23 of which were to be for the Healthy Living Centre

with two spaces for the student accommodation. The application also included a pedestrian link between Charlotte Place and St. Mary's Road. Following the Panel resolution the applicants decided not to proceed with the development and the application was subsequently withdrawn.

- 4.3 In May 2012, a 'Screening Opinion' under the Environmental Impact Assessment Regulations (EIA) was issued confirming that the development, subject of the current application, was not EIA development (12/00586/SCR).
- 4.4 In May 2013, planning permission was granted for redevelopment of the site, erection of a building ranging in height from three-storeys to 20-storeys to provide 154 student residential flats, (77 cluster flats, 77 studios - 686 bed spaces), commercial/community uses on the ground floor (Class A1 - A5 inclusive, Class D1 or Class D2 - 581 square metres) with associated parking and communal facilities, vehicular access from Compton Walk and a new pedestrian access route from Charlotte Place to Compton Walk (reference 12/01525/FUL).

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (13.06.2014) and erecting a site notice (13.06.2014). At the time of writing the report **1** representation had been received from surrounding residents in the form of an objection from The Charlotte Place Campaign Group (a combination of local residents associations and community groups). The following is a summary of the points raised:
- The group would like to resister an objection on the grounds of design and use of material.
 - As a gateway into Newtown/Nicholstown the site warrants a building of high quality with good design.
 - The submitted plans fails to provide any inspiration and will appear top heavy with poor use of colour and style.

Consultation Responses

- 5.2 **SCC Highways** - The principle of this development in this location is acceptable, as it is in an area of good public transport links, close to a recognised cycle network and conveniently located for the city centre and social facilities. The refuse stores are at each end of the site, although refuse collection is to be from Compton Walk. A refuse management plan is required to understand how the site management will move the bins for collection, and to understand the frequency of collections required. At the end of term students do generate large amounts of refuse, and the refuse management plan will need to address this issue, and explain how refuse will be managed at these times. The service layby shall be designed in a manner that when not in use it is an area for pedestrian movement to reduce the risk of abuse, this will require a Traffic Regulation Order (TRO) to control the use. A student management plan will be required to understand how the intake and departure will be handled at this location, and where parents can park once the students have unloaded their belongings.
- 5.3 **SCC Design Team** - The site is a challenging one given the change in levels from west to east as well as the significant change in scale from the 'city scale' of

the Charlotte Place development to the 'suburban scale' of St Mary's Road. As in the 2012 planning application, the architect has sought to create an improved pedestrian environment linking Compton Walk with Charlotte Place via a flight of steps and a landscaped edge to the north of the site. As before, the accommodation is separated into two blocks; one which responds to St Mary's Road and one to Charlotte Place. However, in this scheme there is complete separation at ground level with the creation of a ground level courtyard/car park and landscaped area for the students. This has the potential to alleviate what is likely to be an otherwise harsh urban environment, heavily shaded from midday onward, though it will be important to provide the trees and soft landscaping indicated in the southern part of this area and along Compton Walk.

- 5.4 The developer has sought to rationalise the main student block fronting Charlotte Place so that the vertical circulation is contained in one area in a central location. This results in a more slab like solution that accentuates the 'canyon' effect on Charlotte Place and creates very limited opportunity to articulate the accommodation. The new proposal rises 13 storeys above Charlotte Place, stepping down in two steps to 11 storeys to the north and eight storeys to the south. This compares favourably in terms of height with the previous application of two towers of 20 storeys and 15 storeys with an eight storey link block, in that it is significantly lower and therefore less imposing on medium to long term views (particularly from Clovelly Road and Oxford Avenue), but lacks the opportunity to articulate the blocks other than steps in height and a slight stepping back in plan. Efforts to break up the length of the block have been taken by breaking it into five sections with a central 'tower' and two side 'wings' each with its own elevational treatment and slight stepping back. The architect has been encouraged to use the kitchen windows to create more of a feature on each corner, to use a limited palette of materials to articulate the facades and accentuate the central circulation 'tower', and to create a simple skyline profile. The fenestration is repetitive by the nature of the buildings use resulting in a bland and pared down composition that tries not to compete with the Charlotte Place development but does not make a very positive contribution to the existing environment.
- 5.5 I do not think the current scheme can be improved substantially in terms of its civic architecture due to the decision to have only one vertical circulation core. The viability of the scheme and its rather bland architectural design needs to be balanced with the opportunity to fill a long standing vacant site and its contribution to increased footfall and vitality on St Mary's Road.
- 5.6 **SCC Sustainability Team** – Under Policy CS20 of the Southampton Core Strategy, all new non-residential development with a floor space of more than 500sqm must achieve a standard of 'Excellent' in the Building Research Establishment's Environmental Assessment Method. The Sustainability Statement states that the previous scheme on this site was designed to meet Excellent, but the current one is targeting only 'Very Good'. In a scheme for purpose-built student accommodation, there is a significant benefit to the applicant in ensuring the scheme is as energy efficient as possible.
- 5.7 Overall, the applicant has not provided a feasibility study which sets out why a BREEAM level of Excellent cannot be achieved, which is ultimately necessary in terms of justifying a departure from policy. Indeed, I would consider at this point, based on the evidence which has been submitted, that there are a number of

potential routes to achieving BREEAM Excellent for this scheme. It is noteworthy that all purpose built student accommodation sites in Southampton since 2012 are meeting BREEAM Excellent, such as Mayflower Halls. There is also consistent evidence from elsewhere in the country showing that BREEAM Excellent is achievable for purpose built student accommodation developments. Indeed the City Council has recently considered a number of purpose built student accommodation schemes, and there is another currently with us for determination at Back of the Walls. This is a similarly large development (358 bedrooms) and is proposing an energy strategy based on fabric efficiency and CHP, achieving BREEAM Excellent.

- 5.8 At this point, the proposed development would meet the 15% reduction in emissions required through CS20. However, the development would not achieve BREEAM Excellent and there is not sufficient evidence to justify a deviation from policy. As such, an objection to the application is maintained, based on non-compliance with Policy CS20. The applicant is proposing a brown roof to the townhouses. I would agree with the applicant's rationale behind the brown as opposed to green roof and fully support this addition to the scheme.

Response

The applicant has subsequently confirmed that they will accept a requirement for BREEAM Excellent.

- 5.9 **SCC Heritage Team** – The archaeological deposits on this site have been dealt with under previous applications. There may be the potential for further archaeological work, but this will be subject to the final landscaping details (placement of trees in particular), and new service connections. Subject to the above, I would not require any conditions to be appended to this application.
- 5.10 **SCC Environmental Health (Pollution and Safety)** This site is located within an Air Quality Management Area. I would request an air quality (AQ) assessment to be carried out and the recommendations of the report to be agreed by the Local Planning Authority and implemented prior to the occupation of the buildings. This AQ report should be accompanied by an acoustic report and the method of ventilation of the rooms shall be agreed.
- 5.11 **SCC Environmental Health (Contaminated Land)** - The proposed land use is considered to be sensitive to the effects of land contamination. Records indicate that the subject site is located on/adjacent to the following existing and historical land uses: Garage 20m North (Approx); Rope Works 40m South East (Approx); Coach Building Works 50m South (Approx). These land uses are associated with potential land contamination hazards. There is the potential for these off-site hazards to migrate from source and present a risk to the proposed end use, workers involved in construction and the wider environment. Therefore, to ensure compliance with Paragraphs 120 and 121 of the National Planning Policy Framework and Policies SDP1 and SDP22 of the Local Plan Review this department would recommend that the site be assessed for land contamination risks and, where appropriate, remediated to ensure the long term safety of the site.
- 5.12 **SCC Ecology** – The site is currently derelict and the vegetation is limited to self-sown shrubs and ruderals. This is a highly disturbed habitat and is unlikely

to support high levels of biodiversity. The ecology report accompanying the planning application makes a number of recommendations for mitigation measures. These are practical measures and I would like to see their implementation secured through a planning condition. In addition to increasing the range of plant species on the site, the landscape scheme should also aim to replace the loss of foraging and nesting opportunities. Subject to these conditions there are no objections to the application.

5.10 **Southampton Commons and Parks Protection Society (SCAPPS)** – although the new application is a welcome reduction in height of building and number of students, SCAPPS objects to the proposal for the following reasons.

- Material submitted with the application include a number of perspective views but none show whether the proposed development would be visible from within Andrews Park despite applicant and planning officers being well-aware of concerns about visual intrusion from the Parks. SCAPPS suspects the reduction in height means, unlike the previous proposal, the building will not be seen from within Andrews Park but, before reaching a decision on the application, the Planning and Rights of Way Panel should be shown perspective views from the Park showing conclusively that this is so.
- SCAPPS principal objection is that the proposed development will result in increased pressure of use, and a type of use, that risks damaging the Central Parks. The proposed development includes no provision for outdoor recreation and gives no consideration to how the outdoor recreation needs of the 467 active young residents would be met. SCAPPS concern is of impact on Andrews Park of increased pressure of use, and particularly the active recreation kick-about type activity likely to result from bringing so many active young persons to live close by, and especially as that will be additional to the numbers already consequent on permissions given nearby at Orion's Point. The part of Andrews Park closest to the application site is laid out as ornamental gardens and is particularly unsuited to withstanding pressure from this type of use.
- SCAPPS would not normally comment on design, but in this case feels obliged to object to the poor quality of the proposed design; Southampton deserves better. The application proposes a massive, slab-like block running north-south the length of the site fronting Charlotte Place producing a canyon-like effect against the Jurys Inn block and looming over the lower block on St Mary's Road when seen from Newtown. Presumably with the intention of relieving the visual impact of so monolithic a slab, west and east elevations are then divided into discordant and seemingly unrelated parts by use of different surface materials and colours. The result is a most unfortunate, visually restless muddle. The narrow north and south facing end elevations are left as plain, heavy-looking slabs of monotonous uniform facing material, and yet will be particularly visible approaching the site from the north on St Mary's Road or from the south on the principal traffic route of St Andrews Road from Six Dials. It is important for Southampton's 'image' that visitors to the City using this principal traffic route see buildings of top-quality design that enhance and add interest to the townscape. This application fails that test.

Response

Although the upper parts of the buildings would be visible from within the central parks, the height and separation is such that this proposal would not adversely affect the setting of the historic park. The previously permitted scheme was for a significantly taller building than proposed now.

5.11 **City of Southampton Society** – Object to the planning application on the following grounds:

- Whilst the Society is pleased with the reduced height of the buildings and consequent reduced number of students, it is still felt that the proposed number of students (467) amounts to an overdevelopment and would cause an unacceptable level of stress on the adjacent city centre parks;
- the proposed building is of poor design, both the north and south facing walls are bereft of any interest being mainly brick faced;
- the height and mass of the west facing wall and its proximity to the pavement creates a canyon effect with the Jurys Inn complex in the centre of the roundabout which will add further to the wind at street level;
- the design of the main block only has one staircase in which to evacuate 425 students in the case of a fire.

Response

The design issues are addressed later in this report. On the fire escape issue, this is something to be addressed as part of the Building Regulations. The applicants have had discussions with the relevant bodies including Hampshire Fire and Rescue who apparently accept a single entrance subject to an appropriate fire strategy being agreed.

5.12 **Southern Water** – Initial investigations show there is currently inadequate capacity in the local network to provide surface water disposal to service the proposed development. Any excess surface water should be attenuated and stored on site. There are no objections subject to the imposition of conditions and informatives.

5.13 **BAA** - The plans have been examined from an aerodrome safeguarding perspective and this development could conflict with safeguarding criteria unless any planning permission granted is subject to a condition requiring submission of Bird Hazard Management Plan.

6. Planning Consideration Key Issues

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

- The principle of this form of development
- Design issues including the provision of tall buildings on the site
- Transport and parking issues
- Impact on residential amenity
- Environmental and sustainability considerations.

6.2 Principle of Development

This site has been vacant for many years. It is derelict and an eyesore at an important location on the edge of the city centre. The site was identified in both the Local Plan Review, site allocation MSA3, and the City Centre Urban Design Strategy (CCUDS), as a key development site. Furthermore, the emerging City Centre Action Plan (CCAP) identifies the site as suitable for a range of uses, including student residential accommodation. This is a difficult site to develop given the change in levels and the need to provide an active frontage to St Mary's Road. The principle of this development for large scale student residential accommodation was accepted by the planning permission granted last year.

6.3 As previously approved, the proposed student accommodation is a mixture of self-contained studio flats and 'cluster flats', where groups of students have individual study bedrooms and share a communal living space. The principle of this type of accommodation is supported by 'saved' Local Plan Policy H13 and is well suited for this site which is on the edge of the City centre and within easy walking distance of Southampton Solent University (approximately 300 metres from the main campus). Furthermore, the provision of purpose built student accommodation reduces the pressure, in part, on the City's existing family housing stock to be converted to housing in multiple occupation. Policy H13 requires such housing to be restricted by a planning condition or an appropriate legal agreement. Where this is accepted, the Council's normal affordable housing requirements do not apply. The application is therefore considered to be policy compliant and acceptable in principle. Concern has been expressed about the level of new student accommodation being provided in this part of the City centre. Research carried out as part of this application and other proposals show that the two universities together have an overall capacity of some 40,000 students whereas the purpose built accommodation is only approximately 8,000 student rooms. There is therefore considered to be a significant shortfall in the number of purpose built student bed spaces: this proposal will contribute to meeting that need.

6.4 Design issues

Adopted Local Plan Policy SDP9 defines a tall building as having five or more storeys of accommodation. It states that the principle of tall(er) buildings is accepted on major routes into and out of the City, at junctions, "gateway" locations, adjoining the City centre parks and on "major" sites. The application site meets these requirements as it can be defined as a gateway location in to the City centre when arriving from the north. It is identified in the CCUDS as an appropriate site for a landmark building. Furthermore, this part of the City has

developed a cluster of tall buildings in recent years including the Charlotte Place hotel and office building which adjoins to the west and Orion's Point to the north. The principle of a tall building on this site has been accepted by the previous permission: this application is for a building of reduced height.

6.5 The application proposes substantial new buildings which will significantly change the appearance of this area. Although there are tall buildings on adjoining sites, this development needs to be sensitive to the more domestic scale buildings of the residential community to the east. The reduced height of the building where it fronts St Mary's Road is a suitable scale of development in the street scene and is very similar to the previous approval. The provision of an active frontage to St Mary's Road will add to the vitality of the area and there is scope for some tree planting to both the south and east frontages.

6.6 On detailed design issues, Members' attention is drawn to the comments of the Council's City Design Team in paragraphs 5.3 to 5.5 of this report. It is considered that the current application compares unfavourably with that of the previous permission. That earlier design, although taller, did include more features of interest with a better articulated design and a distinctive skyline profile. The scheme has been 'value engineered' for viability reasons. A crucial change has been the decision to go for one entrance with lifts and staircase. This change reduces the options for a greater range of height across the main building: whereas the previous scheme had tower features at either end of the site and a lower central feature; this development has the tallest element in the middle (where the entrance is situated) and a more uniform height fronting the Charlotte Place roundabout. This would result in something of a 'canyon effect' between the two buildings either side of the roundabout. Furthermore, the removal of the entrance from the northern end of the building does result in a less attractive street frontage when approaching the site from the North. These design shortcomings of the scheme have to be balanced against the benefits of securing a viable and productive use of this site which has been vacant for over 30 years.

6.7 Transport and Parking

Highways officers are satisfied with the proposed vehicular access, which is in the only practical location given the constraints of the site, and the car and cycle parking arrangements. The car parking spaces are now in the open between the buildings, rather than enclosed within the building, but the number of spaces is the same as previously. For the previous application, local residents were understandably concerned that the limited car parking provision for the residential accommodation would result in overspill into adjoining streets. However, this site is well served by public transport and is within convenient walking distance of the City centre. The availability of car parking is a key determinant in the choice of mode of travel. Local and national policies aim to reduce reliance on the private car and encourage alternative modes of transportation such as public transport, walking and cycling. The application site is very close to Southampton Solent University where it is anticipated many of the student residents will attend. A 'car free' scheme with only limited disabled and staff parking is proposed for the development. Students will be discouraged from bringing a car to the City and nearby parking is all restricted. Providing that no resident obtains a permit to park in one of the nearby Controlled Parking Zones, as secured through the S.106 legal agreement, the

proposal is considered to be acceptable given this location.

6.8 In terms of highway related issues during the beginning and end of term the S.106 legal agreement makes provision for a management plan to be secured and reviewed to ensure that any traffic problems are mitigated. A requirement for a Travel Plan can be included within the Section 106 agreement. The development also seeks to provide visual and physical links between the parks and the St Mary's area with a new staircase which will improve pedestrian links in the area. This was the same route as included in the 2004 and 2012 planning applications. The significant difference in levels between Compton Walk and the Charlotte Place roundabout would not allow for disabled access over this route; the provision of a ramp would be impractical in construction terms and there is alternative access available for disabled users through use of the lift within the car park.

6.9 Residential Amenity

The significant reduction in the height of the building compared to the previous permission will mean there would be a reduced impact on the amenities of neighbours. The shadow diagrams show that there would be some adverse impact on the properties on the east side of St Mary's Road, particularly during the afternoons. However, many of the properties affected are in predominantly commercial use including the leisure centre directly opposite. The residential properties in the side streets including Clovelly Road, are much less significantly affected. As these houses face north/south the accepted planning standards of daylight and sunlight would be satisfied for these properties. Issues of privacy have also been raised by local residents. The height of the buildings and the amount of glazing will give the perception of being overlooked but the separation distances and the relative position of windows should mean this is not a significant problem. The distance across St Mary's Road between the upper floors above shops and this development would be 18 metres, which is normal across a road in a city location. The distance between windows in the highest part of the development and the nearest residential properties in Clovelly Road and Oxford Avenue, is some 70 metres, and this is at an oblique angle. Overall, it is considered that the development would not significantly affect the amenities of neighbours in terms of loss of light, privacy or outlook.

6.10 This application has resulted in considerably fewer objections from local people than the previous one. This may partly be due to the consultation carried out by the applicant. It is also probably due to the significant reduction in the amount of development proposed. The number of bed spaces (and therefore students) is over 30% less than approved last year. In considering the previous application it was recognised that it would be difficult to make a direct connection between this use and the amenities of the area given the busy central nature of this location.

6.11 Environmental issues and Section 106 agreement

The site has been cleared of its previously overgrown vegetation which was of no landscape value. There will be scope for some additional soft landscaping and tree planting as a result of these works. In terms of sustainability, the application was submitted on the basis of meeting BREEAM 'Very Good' rather than 'Excellent'. Consequently, the application was advertised as a Departure. The applicants submitted pre-assessments demonstrating only a 6% difference

between the very good and excellent standards. Following further discussions, the applicant has confirmed that they are prepared to commit to BREEAM Excellent. This can be conditioned and would mean the development would comply with Core Strategy Policy CS20. The application site is within an Air Quality Management Area and, as for the previous application, it will be necessary for the rooms facing Charlotte Place to be mechanically ventilated to safeguard the amenities of future occupiers. This can be covered by a condition.

- 6.12 In accordance with policy, a Section 106 agreement will be necessary to mitigate the impact of the development. The issue of the impact additional students might have on the existing parks as raised by SCAPPS is understandable and a financial contribution was previously sought towards improvements to the parks as part of potential increased usage. The previous permission was granted before the Council adopted the Community Infrastructure Levy (CIL). As CIL is now in place, it is no longer possible to require financial contributions towards park improvements through the Section 106 process. For more active pursuits, students will have access to the sports facilities at their universities. The S.106 agreement can include measures to influence the travel habits of future residents.

7. Summary

- 7.1 This is a finely balanced case. The application proposes a tall building and provides additional student accommodation in a central location close to one of the City's universities. This is not an easy site to develop as evidenced by the previous proposals which have not been implemented. It is disappointing that the applicant is now unable to deliver the scheme approved last year. The current application compares unfavourably with that previous approval. Attempts to secure improvements to the design have met with only limited success. On the other hand, the site has been vacant for some 30 years and currently contributes nothing to the City. This is considered to be a significant material consideration which weighs in favour of supporting the application. In these circumstances the proposal is considered to be acceptable in terms of design and neighbouring amenity, highway safety and parking.

8. Conclusion

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

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 3(a), 4(d), 4(g), 4(r), 4(vv), 6(a), 7(a), 8(a), 8(j), 9(a), 9(b).

RP2 for 02/09/14 PROW Panel

PLANNING CONDITIONS

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

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

Reason:

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

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

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

Reason:

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

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

Notwithstanding the submitted details before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted, which includes:

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

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

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme

implemented shall be maintained for a minimum period of five 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 and Occupation Condition]

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

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

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

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

Reason:

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

05. 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.

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

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

Reason:

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

07. APPROVAL CONDITION - 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.

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

Prior to the commencement of any development a written construction environment management plan shall be submitted to and approved by the 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. The measures shall include arrangements for vehicle parking by site operatives during construction. 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.

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

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

Reason:

In the interests of highway safety.

10. APPROVAL CONDITION - Archaeological damage-assessment [Pre-Commencement Condition]

No development shall take place within the site until the type and dimensions of all proposed groundworks (including details of foundations, ground beams, all services etc) have been submitted to and agreed by the Local planning Authority. The developer will restrict groundworks accordingly unless a variation is agreed in writing by the Local Planning Authority.

Reason: To inform and update the assessment of the threat to the archaeological deposits.

11. APPROVAL CONDITION - Archaeological investigation [Pre-Commencement Condition]

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

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

12. 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.

13. APPROVAL CONDITION - Bird Hazard Management Plan (BHMP)

Submission of a Bird Hazard Management Plan

Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of:

- management of any flat/shallow pitched/green/brown roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design' See information section below. The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building. No

subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

Reason: It is necessary to manage the flat/shallow pitched *roofs* in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Southampton Airport.

For information:

The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs, ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season, gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by BAA Airfield Operations Staff. In some instances, it may be necessary to contact BAA Airfield Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof. The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences from Natural England before the removal of nests and eggs.

14. APPROVAL CONDITION - Piling Method (Pre-Commencement 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 piling/foundation design risk assessment and method statement for the preferred piling/foundation design/designs shall be submitted to and approved in writing by the Local Planning Authority. Any pile driving operations as approved shall be carried out in accordance with that approved method statement. To limit vibration, a continuous flight auger method is the preferred method and no percussion or impact driven piling activities should take place for pre-works, foundations, or as any part of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure the selected piling method can be justified on the grounds of structural, geotechnical, contamination, noise, vibration and practicability and ensure any adverse environmental impacts are identified and appropriate mitigation measures are proposed

15. APPROVAL CONDITION - Sustainable Drainage Systems (Pre-Occupation Condition)

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

Reason:

To conserve valuable water resources, in compliance with and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010) and to prevent an increase in surface run-off and reduce flood risk.

16. APPROVAL CONDITION - BREEAM Standards (new development) [Pre-Occupation Condition]

Written documentary evidence demonstrating that the development has achieved at minimum a rating of Excellent against the BREEAM standard shall be submitted to the Local Planning Authority and verified in writing within 6 months of 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 BREEAM 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).

17. APPROVAL CONDITION - Refuse facilities (Pre-Occupation Condition)

The refuse storage facilities, which shall include recycling facilities, as shown on the approved drawings shall be provided before the use to which the facility relates has been provided. The storage areas shall be retained thereafter.

Reason:

To ensure suitable refuse and recycling facilities are provided and in the interests of visual amenity

18. APPROVAL CONDITION - Layout of Car Parking/Servicing (Pre-Occupation Condition)

The whole of the car parking and servicing facilities shown on the approved plans shall be laid out and made available before the use of the building to which these facilities relate commences and thereafter retained solely for the use of the occupants and visitors to the site and for no other purpose.

Reason:

To ensure adequate on-site parking and servicing facilities and to avoid congestion in the adjoining highway.

19. APPROVAL CONDITION - Details of cycle parking (Pre-Occupation Condition)

Notwithstanding what is shown on the approved drawings, the development hereby approved shall not be first occupied until cycle facilities for both visitors and residents have been provided in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The approved cycle facilities shall subsequently be retained on site.

Reason:

To ensure satisfactory provision of cycle facilities for visitors to the site.

20. APPROVAL CONDITION - Noise - plant and machinery [Pre-Commencement Condition]

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

Reason:

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

21. APPROVAL CONDITION - Mechanical Ventilation (Pre-Commencement Condition)

The development shall not commence until a scheme of measures for mechanical ventilation to the residential accommodation hereby approved has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be installed before first occupation of the new accommodation to which it relates and retained thereafter.

Reason:

To protect the amenities of future occupiers of the development in view of the air quality characteristics of the area

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

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

Reason:

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

23. APPROVAL CONDITION - Television Reception (Pre-Commencement Condition)

No development shall commence until a survey and report of the impact of the proposed development on television reception to adjoining properties has been submitted to and approved in writing by the Local Planning Authority. Any remedial measures recommended in this report shall be implemented in accordance with measures and timescale to be agreed by the Local Planning Authority.

Reason:

To safeguard the amenities of neighbours.

24. APPROVAL CONDITION - Diversion of sewers (Pre-Commencement Condition)

No development shall commence until details of measures to be undertaken to divert/protect the public water supply mains and sewers has been submitted to and approved in writing by the Local Planning Authority in conjunction with Southern Water. The development shall subsequently be carried out in accordance with these approved measures.

Reason:

In order to protect Southern Water apparatus

25. APPROVAL CONDITION - Security Measures (Pre-Occupation Condition)

Prior to either the first occupation of the development or the installation of the details listed below (whichever is sooner) a Security Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of:

- i. CCTV coverage and concierge arrangements with 24 hour on-site management;
- ii. semi-private ground floor courtyard access and management arrangements to include hours of access by the public;
- iii. door types of the storage areas;
- iv. outer communal door sets and the cluster flat access door sets;
- v. the design of the security gates into the central courtyard in consultation with Hampshire Constabulary;
- vi. ground floor windows; and
- vii. audio/visual control through the communal access doors.

Development shall be completed and maintained in accordance with the agreed details.

Reason:

In the interests of crime prevention and residential safety

26. APPROVAL CONDITION - Protection of nesting birds [Performance Condition]

No clearance of vegetation likely to support nesting birds shall take place between 1 March and 31 August unless a method statement has been agreed in writing by the Local Planning Authority and works implemented in accordance with the agreed details.

Reason:

For the safeguarding of species protected by The Wildlife and Countryside Act 1981 (as amended) and the conservation of biodiversity

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

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

Reason:

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

28. APPROVAL CONDITION - Hours of use (Performance Condition)

The ground floor commercial units to be used for Class A3, A4 or A5 uses hereby approved shall not be open to the public outside the hours of 0800 to midnight on any day.

Reason:

To safeguard the amenities of the area.

29. APPROVAL CONDITION - Provision of communal facilities (Pre-Occupation Condition)

The student residential accommodation hereby approved shall not be first occupied until the ground floor launderette and common rooms and the upper floor shared amenity area has been provided as shown on the approved drawings.

Reason:

To ensure these shared facilities are provided as submitted, in the interests of the appearance of the area and the amenities of future occupiers.

30. APPROVAL CONDITION - Noise and Vibration (external noise sources)
[Pre-Commencement Condition]

Construction work shall not begin until an acoustic report and written scheme to protect the proposed development in terms of habitable rooms, balconies, roof terraces and gardens from external noise sources (noise includes vibration) including transportation noise, has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be completed and be available for use before any part of the development is occupied.

Reason:

To protect the occupiers of the development from excessive external noise.

31. APPROVAL CONDITION - Active frontages

Notwithstanding the provisions of Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007 the occupier(s) of the non-residential uses hereby approved on the ground floor shall retain an 'active window display' along the length of the shop frontages hereby approved (without the installation of window vinyls or roller shutters) in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority prior to the occupation of each unit to which the information relates.

Reason:

In the interests of retaining a lively and attractive street scene.

32. APPROVAL CONDITION - Approved Plans

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

Reason:

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

APPENDIX 1

POLICY CONTEXT

Core Strategy - (January 2010)

CS1	City Centre Approach
CS3	Promoting Successful Places
CS4	Housing Delivery
CS5	Housing Density
CS11	An Educated City
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS24	Access to Jobs
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting
SDP22	Contaminated Land
HE5	Parks and Gardens of Special Historic Interest
HE6	Archaeological Remains
CLT5	Open Space in New Residential Developments
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment
H13	New Student Accommodation
MSA1	City Centre Design
MSA3	Charlotte Place

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

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

Parking Standards (September 2011)

City Centre Urban Design Strategy (2001)
City Centre Action Plan - Preferred Approach (January 2012)

Other Relevant Guidance

The National Planning Policy Framework 2012

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Relevant Planning History

In 1978, planning permission was refused for redevelopment to provide a supermarket of 76,000 square feet with associated car parking. The reasons for refusal related to shopping policy considerations, the location of the proposed development, traffic generation and future transportation proposals.

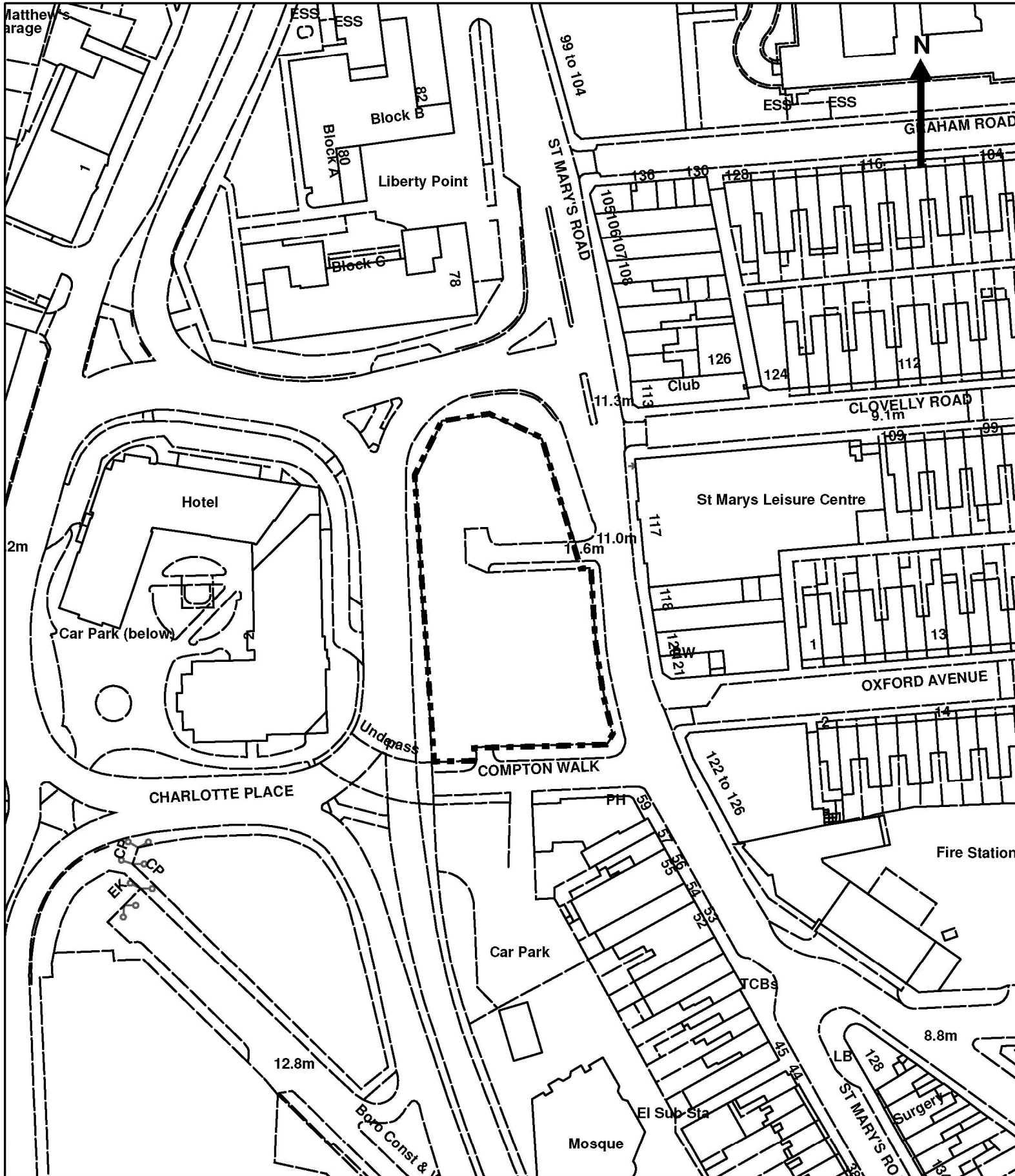
In 1988, outline planning permission was granted for redevelopment of the whole site to provide an office development comprising 9,196 square metres of floorspace with associated car parking and retail units on the St Mary's Road frontage. This permission was not acted upon.

In 1991, planning permission was refused for redevelopment of the site by the erection of a building providing 10,127 square metres of office floorspace and 2,932 square metres educational floorspace and associated car parking. The reasons for refusal related to the size and scale of the building in relation to the restricted nature of the surroundings, highway and car parking issues and archaeology.

In 1993, planning permission was granted for the erection of a 6 to 8-storey office building of 8,919 square metres floorspace with associated car parking.

In January 2004, a limited period planning permission, expiring in January 2005 was granted for the establishment of a temporary short-term car park on the site with lighting.

14/00931/FUL



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Agenda Item 6

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 2 September 2014
Planning Application Report of the Planning and Development Manager**

Application address: Land to rear of 28-64 Winchester Road and rear of 204-218 Warren Avenue			
Proposed development: Redevelopment of the site to the rear of 28-64 Winchester Road and 204-218 Warren Avenue to include the construction of a new part two storey and part three storey building to provide 14 flats (9 x two bedroom, 3 x three bedroom, 2 x four bedroom) with access from Warren Avenue.			
Application number	14/00676/FUL	Application type	FUL
Case officer	Anna Lee	Public speaking time	15 minutes
Last date for determination:	25.07.2014	Ward	Shirley
Reason for Panel Referral:	Major planning application subject to 5 or more objections	Ward Councillors	Cllr Kaur Cllr Coombs Cllr Chaloner

Applicant: Homelife Developments Mr Glen Sahota	Agent: Chris Edmond Associates
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	Yes
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below and the Planning Inspectorate's Appeal Decision (Local Planning Authority reference 12/01923/OUT). Other material considerations including the character of the area 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. Having regard to the Appeal Decision the scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP4, SDP5, SDP6 SDP7, SDP9, SDP10, SDP13, SDP16, SDP22, SDP23, NE4 and H7 of the City of Southampton Local Plan Review (March 2006) and CS4, CS5, CS6, CS13, CS15, CS18, CS19, CS20, CS22, CS23 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010)

Appendix attached			
1	Development Plan Policies	2	Planning History
3	Inspector's Decision 12/01923/OUT		

Recommendation in Full

1. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:
 - i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPD relating to Planning Obligations (September 2013);
 - ii. Provision of affordable housing in accordance with Policies CS15, CS16 and CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPD relating to Planning Obligations (September 2013).
 - iii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
 - vi. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
 - v. A refuse management plan to ensure arrangements are in place for the removal of refuse and recycling from the property.
 - vi. The submission of a satisfactory slope stability report which demonstrates that with appropriate mitigation if necessary the development would not be subject to or cause land instability issues.
 - vii. An obligation to preclude future residents being issued with car parking permits.
2. In the event that the legal agreement is not completed within three months of the Panel decision, that the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
3. That the Planning and Development Manager be given delegated powers to add, vary and/or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

Note: - Is it likely that the schemes viability is to be tested.

1.0 Background

- 1.1 The most recent application for a similar development was refused for failure to provide a sufficient width of access way of 3.1m (12/01923/OUT). The Refusal Notice was appealed and dismissed, albeit solely on failure to enter into a S106 legal agreement securing the matters set out in the above recommendation. The Inspector was satisfied with the proposed access. The Planning Inspector disagreed with the Council's reason for refusal relating to highway safety. Therefore, the revised application should only be assessed on the basis of the changes proposed to the scheme since the last application and the previous Inspector's decision is a significant material consideration in the determination of this current application.

2.0 The site and its context

- 2.1 The application site is a vacant piece of land of an irregular shape which is bounded by the rear gardens of residential properties on three sides. The part of the site to be developed is overgrown. Beyond the northern site boundary is Hollybrook Greenway and Shirley Pond which is a Site of Importance for Nature Conservation (SINC). This boundary benefits from mature tree screening. There is a notable change in levels across the site with the land dropping away towards the northern boundary.
- 2.2 The site is accessed from an existing track between 218-220 and 216 Warren Avenue and this un-metalled road also provides access to garages associated with the residential properties which neighbour the site. Currently the site is in a poor condition and has a low visual quality, despite its backland location. The application site is located within Public Transport Accessibility Level (PTAL) 3 meaning that it has reasonable access to local shops, services and public transport links.

3.0 Proposal

- 3.1 Full planning permission is sought for the construction of single residential block which would contain 14 flats at a density 87.5 dwellings/hectare. The block would front the access road with fenestration concentrated on the northern and southern elevations. The building would have a part two and part three-storey scale and would have a combination of flat and mono-pitched roof form. The front elevation is well articulated with a staggered building line and clear breaks in the massing. The overall design approach is relatively contemporary with a palette of materials including brick, render and timber boarding.
- 3.2 A total of eight car parking spaces would be provided to the western end of the site. The building would have a staggered footprint which would front the vehicular access into the site. There are five units on the ground floor: three three-bed units, one two-bed and one four-bed unit. On the first floor there are five two-bed units and one four-bed unit. On the third floor are a further three two bed-units. All units are accessed via the front, and cycle and refuse storage is located within the ground floor.
- 3.3 A total of 380sqm (excluding areas under tree canopies) of amenity space would be provided in the form of communal grounds. This area equates to over 20sqm of useable space per flat (in line with current guidance) and two units have

private garden areas. In addition to this, five of the flats would also benefit from private balconies. The development would utilise the existing point of access from Warren Avenue and it is proposed to surface the road in block paving and tarmac and introduce traffic calming measures including a speed table.

- 3.4 The scheme put forward is similar to the refused scheme bar some internal layout changes (which results in the repositioning of a balcony). The form, layout and number of units remain the same. The number of two and three bed units have been altered to provide nine 2-beds instead of seven, and five 3-bed units instead of three. Therefore, on the basis that no material changes to the either the layout or built form have been undertaken, the Inspector's decision is a material planning consideration in the determination of this application.

4.0 Relevant Planning Policy

- 4.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 4.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13.
- 4.3 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

5.0 Relevant Planning History

- 5.1 The full planning history can be found in **Appendix 2** of this report including the reasons for refusal. The most recent and relevant application is set out below:

12/01923/OUT Refused and dismissed at Appeal 19.08.2013
Redevelopment of the site. Erection of a new building to provide 14 flats (7 x two-bedroom, 5 x three-bedroom and 2 x four-bedroom) with access from Warren Avenue (Outline application seeking approval for Access, Appearance and Layout).

- 5.2 This application was appealed and dismissed. The Inspector's decision is set out in **Appendix 3**.

6.0 Consultation Responses and Notification Representations

- 6.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (02.05.2014) and erecting a site notice (13.05.2014). At the time of writing the report, **12** representations have been received from surrounding residents. The following is a summary of the points raised:

6.1.1 The proposal cannot achieve the required access width of 2.8m without utilising third party land

Response

The applicant has served the correct notice and land ownership is not a planning issue. That said, following the receipt of land ownership details and a site visit undertaken by Officers, it is clear that the proposed access is deliverable.

6.1.2 Disturbance from the additional traffic

Response

There will be additional vehicle movements along the access road as a result of the development proposal, although this route is already used by vehicles and it is considered that the additional traffic will not give rise to any harm to residential amenity.

6.1.3 Loss of light and privacy to the neighbouring properties

Response

The Residential Design Guide suggests that a separation distance between a three storey side wall and a two storey rear wall of residential neighbours should be a minimum of 15 metres in order to protect the outlook and privacy of these properties and their access to natural light. It also suggests that a separation distance of 28 metres between the windows is sufficient to maintain privacy, access to natural light and outlook.

The proposed building would be approximately 22m from the rear elevations of properties on Warren Avenue and approximately 30m from the rear of properties located on Winchester Road. Due to the orientation of the plot and the distance between the properties and the proposed building, they would be unaffected by overshadowing for the majority of the day. The windows in the side elevation are secondary and therefore a condition is suggested to fix shut and obscurely glaze these openings. The scheme is identical to that previously refused and the application was not refused for amenity concerns. In addition, the Planning Inspector in their decision at paragraph 23 agrees that amenity would not be detrimentally affected.

6.1.4 Insufficient width for access by emergency vehicles

Response

Emergency vehicles need 2.75m wide access and 2.8m is proposed.

6.1.5 Concerned about construction damage and construction access

Response

Any damage done to third party land is a civil matter, and with respect to the construction phase of the proposed development a construction management condition is recommended to prevent unnecessary disturbance to the wider vicinity.

6.1.6 Concerned about pedestrian safety

Response

Due to the straight access and the width provided the Planning Inspector deemed a 2.8m access width to be sufficient to prevent issues of highway safety.

6.1.7 **Loss of parking for properties to the rear of 218-220 Warren Avenue**

Response

These car parking spaces are to remain as shown on the site plan submitted.

Consultation Responses

- 6.2 **Highways Development Management** – No objection as the road width of 2.8m is achievable subject to conditions securing parking space sizes, lighting, refuse management, cycle storage, sight lines, road construction and construction management plan.
- 6.3 The application has been reviewed following the Appeal Decision, which removes the reason for refusal given by Highways Officers previously. Residents have commented on the route of the right of way/easement which exists to the rear of their properties, which is shown to be 8 feet wide, which is 2.4m. The applicant has documentation which concurs with this. However, the applicant has shown an access width of 2.8m, and therefore it is a legal issue which needs to be resolved outside of the planning process as to the difference of 0.4m width to achieve the Inspector's agreed minimum width.
- 6.4 The proposal for 14 flats has eight parking spaces shown to be provided, around a turning head. By providing parking increases traffic generation along this narrow access route however, due to the nature of the access route, it is not well overlooked and therefore is not user friendly after dark making the provision of some parking acceptable. Coxford Road benefits from on street parking in the form of Controlled Permit Zones, allowing a maximum of two hours waiting during the day time. Although residents of this new development will not be eligible for parking permits, they will be able to park in these areas during the uncontrolled times. There are bus stops in Coxford Road very close to the site entrance, and the Shirley District centre is a short walk or cycle away, and the site does fall within an area of high accessibility. This means that there should be less dependency on the car due to ease of access to local amenities and regular bus services. Southampton General Hospital, as a major local employer, is a short walk or cycle ride away.
- 6.5 **Southern Water** - No objection but suggests conditions relating to connection to sewerage system.
- 6.6 **Sustainability** - No objection. Suggests conditions to secure code level 4.
- 6.7 **Ecology** – No objection subject to conditions relating to a biodiversity mitigation plan and a lighting plan that ensures that light pollution along the woodland edge is minimised.
- 6.8 **Affordable Housing** - As the scheme comprises of 14 dwellings in total the affordable housing requirement from the proposed development is 20% (CS15-sites of 5-14 units = 20%). The affordable housing requirement is therefore three dwellings.
- 6.9 **Environmental Health (Contamination)** - There is reason to suspect ground contamination on the site and therefore conditions are suggested to investigate this and secure any remediation if necessary.

- 6.10 **Environmental Health (Pollution and Safety)** - No objection subject to conditions relating to hours of work, piling and no bonfires (the restriction of bonfires is not included as it can be dealt with under separate legislation)
- 6.11 **Environment Agency** - No objection
- 6.12 **Southern Water** - No objection but suggests conditions relating to protecting the existing sewer.
- 6.13 **Archaeology** - The western part of the application site lies within the Old Shirley Area of Archaeological Potential. There is the potential for archaeological remains to be disturbed as a result of the development, and therefore an archaeological watching brief condition is recommended.

7.0 Planning Consideration Key Issues

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

- Principle of Development
- Highway Issues
- Design, Density and Amenity
- Development mitigation.

7.2 Principle of Development

The site is not previously developed land but is allocated for residential development by the saved policies of the Local Plan. The site itself does not provide useable recreational space nor does the site itself have particular ecological or landscape value. Furthermore, having regard to the planning history of the site, the principle of residential development is considered to be acceptable. The mix of accommodation accords with policy CS16 of the Core Strategy in that five genuine family flats are provided (this equates to 36%).

7.3 Highway Issues

The previous scheme was refused due to Highway Officer concerns that an adequate access width could not be provided that complied with policy. Highway Officer's required 3.1m as the minimum width, in line with best practice, at the pinch point where properties fronting Winchester Road have garages. This width was required to provide adequate width for vehicles and pedestrians /cyclists /wheelchairs /pushchairs to pass with care. However, as previously stated the Planning Inspector disagreed with the required width as they felt a minimum 2.8m at the pinch point was adequate for the distance of 7.7m.

7.3.1 Land ownership issues are not a planning issue but due to the history of the site in terms of the applicant being unable to provide the previously required 3.1m, and conflicting information received, the applicants have submitted a digitalised survey to show that a 2.8m access can be provided. The plan shows that land the applicant either owns, has access over or has served notice on is sufficient to provide the width required. Residents have commented on a right of way/easement for some of the properties along Warren Avenue and Winchester Road to access their garages exists but this access is only 2.4m wide. Therefore the required width agreed by the Planning Inspector can be provided.

7.3.2 In essence this means that the key issue for consideration for this virtually

identical scheme is whether or not the applicant can complete the S106 legal agreement. Whilst there has been some confusion regarding landownership and the applicant's ability to provide a 2.8m wide access, this is now resolved and Officers are satisfied that this scheme is deliverable.

7.3.3 The proposal for 14 flats has eight parking spaces proposed (as did the appealed scheme). The Planning Inspector concluded in paragraph 11 of the Inspector's Decision that the level of parking in this location for the number of units was 'appropriate'. The number of bedrooms proposed has been reduced from 37 in the appealed scheme to 35 for this scheme and therefore the maximum car parking spaces (applying current standard) possible for this development is 30. Therefore, on the basis that this scheme has less bedrooms and that the Inspector deemed the car parking level to be appropriate previously; the number of spaces proposed in this scheme is acceptable and complies with policy. Requiring the maximum level of on-site parking would result in a poor residential development to the detriment of prospective residents. The correct balance between housing delivery, on-site amenity space and associated parking is considered to have been found in this case.

7.4 Design, Density and Amenity

All other issues such as design, density and impact on neighbouring properties did not form a reason for refusal previously and the Planning Inspector did not feel they warranted a refusal. The scale of development is appropriate and yields a density in line with current requirements (between 50-100 dwellings per hectare). Therefore, in terms of assessing this application, the key issue to be considered is whether or not the proposal addresses the concerns set out in the Inspector's decision and whether any changes put forward in this proposal warrant a refusal. All other matters have been addressed previously.

7.5 Development mitigation

As identified by the Planning Inspector, the application needs to address and mitigate the additional pressure on the social and economic infrastructure of the City, in accordance with Development Plan policies and the Council's adopted Planning Obligations SPD (2013). Given the wide ranging impacts associated with a development of this scale, an extensive package of contributions and obligations is proposed as part of the application. In addition the scheme now triggers the Community Infrastructure Levy (CIL) and it is likely that the scheme's viability will need to be independently tested. The recommended delegations deal with this and it should be noted that the scheme was not previously viable with an Affordable Housing contribution. This will be independently verified.

8.0 Summary

This site is allocated for housing within the City's adopted Local Plan and will assist the City in meeting its housing need. The scheme remains similar from that refused by officers under delegated powers with regard to scale, massing, car parking and cycle provision. As planning policy and site conditions have not altered the Planning Inspectorate's decision is key. A 2.8m wide access is deliverable and the applicants are willing to enter into a S106 legal agreement. As such, the application is considered to have addressed the previous concerns and can be recommended favourably.

9.0 Conclusion

Giving the clear conclusions reached by the Planning Inspector (having assessed each point of the Council's original reasons for refusal) it would be unreasonable to formulate any recommendation other than for approval subject to appropriate conditions.

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

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

ARL for 02/09/14 PROW Panel

PLANNING CONDITIONS

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

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

Reason:

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

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

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

Reason:

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

03. APPROVAL CONDITION Access Road (Pre-Commencement Condition)

Prior to the commencement of the development full details of the construction of the access road to a minimum width of 2.8 metres shall be submitted to the Local Planning Authority for approval in writing. These details shall include the alterations to surface treatment including crossover arrangements to existing garages and parking spaces, traffic calming measures, finished contours, levels and lighting. The agreed scheme shall be implemented as approved prior to the flats first coming into occupation and shall thereafter be retained.

Reason:

To ensure a satisfactory means of access to the development.

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

Before the building is first occupied full details of facilities to be provided for the storage and removal of refuse from the premises together with the provision of suitable bins accessible with a level approach shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall include accommodation and the provision of separate bins for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained whilst the building is used for residential / commercial purposes.

Reason:

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

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

Adequate cycle storage facilities to conform to the Local Planning Authorities standards shall be submitted to and be approved in writing by the Local Planning Authority and be provided within the site before the development hereby permitted commences and such storage shall be permanently maintained for that purpose.

Reason:

To prevent obstruction to traffic in neighbouring roads and to encourage cycling as an alternative form of transport.

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

Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 no fences walls or other means of enclosure including hedges shrubs or other vertical structures shall be erected above a height of 600m above carriageway level within the sight line splays.

Reason:

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

07. APPROVAL CONDITION Parking and Access [pre-occupation condition]

Prior to the occupation of the development hereby approved both the access to the site as per the approved drawings to a width of 2.8m, and the parking spaces to a size of 5m by 2.4m for the development shall be provided in accordance with the plans hereby approved. The parking spaces shall be retained for that purpose and not used for any commercial activity.

Reason:

To ensure a satisfactory form of development

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

Prior to the commencement of any development a written construction environment management plan shall be submitted to and approved by the 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. The management plan will include details of where site operatives will park, detailing how deliveries will be timed to ensure that vehicles are not waiting on Coxford Road. 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.

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

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

Reason:

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

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

Within six months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Level 4 of the Code for Sustainable Homes in the form of post construction assessment and certificate as issued by a legitimate Code for Sustainable Homes certification body, shall be submitted to the Local Planning Authority for its approval.

Reason:

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

11. APPROVAL CONDITION - Sustainable Drainage Systems (Pre-Occupation Condition)

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

Reason:

To conserve valuable water resources, in compliance with and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010) and to prevent an increase in surface run-off and reduce flood risk.

12. APPROVAL CONDITION - Surface / foul water drainage [Pre-commencement Condition]

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

Reason:

To ensure satisfactory drainage provision for the area.

13. APPROVAL CONDITION - Public Sewer protection [Performance Condition]

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

Reason:

In order to safeguard the public sewer.

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

Notwithstanding the submitted details before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted, which includes:

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

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

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

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

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

Reason:

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

16. APPROVAL CONDITION - Archaeological investigation [Pre-Commencement Condition]

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

Reason:

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

17. 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.

18. APPROVAL CONDITION- Land Contamination investigation and remediation [Pre-Commencement and 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.

19. 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.

20. 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.

21. APPROVAL CONDITION Obscure Glazing [performance condition]

The windows in the east side elevation of the development hereby approved, above ground floor level, shall be fixed shut and obscurely glazed and retained in this manner for the lifetime of the development.

Reason:

In the interests of residential amenity

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

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

Reason:

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

23. 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.

24. APPROVAL CONDITION - Approved Plans

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

Reason:

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

Note to Applicant - 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 eight weeks, following validation, for a decision to be made on such an application. If the Decision Notice includes a

contaminated land condition you should contact the Council's Environmental Health Department, and allow sufficient time in the process to resolve any issues prior to the commencement of development. It is important that you note that if development commences without the conditions having been formally discharged by the Council in writing, any development taking place will be unauthorised in planning terms and this may invalidate the Planning Permission issued. Furthermore this may result in the Council taking enforcement action against the unauthorised development. If you are in any doubt please contact the Council's Development Management Service.
[/community-infrastructure-levy-guidance.aspx](#) or contact the Council's CIL Officer.

Note to Applicant - Performance Conditions

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

Note to Applicant - Community Infrastructure Liability (Approval)

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

Application 14/00676/FUL

APPENDIX 1

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS5	Housing Density
CS6	Economic Growth
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
SDP22	Contaminated Land
SDP23	Unstable Land
NE4	Protected Species
H1	Housing allocations
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

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Application 14/00676/FUL
APPENDIX 2

PLANNING HISTORY

05/00101/OUT

Withdrawn

26.04.2005

Erection of a two storey block comprising 15 flats (6 x 2 bed, 8 x 1 bed and 1 x studio) with associated car-parking (outline application for means of access, siting and external appearance)

218-220 Warren Avenue

01/01488/FUL

Conditionally Approved

18.07.2002

Demolition of 218 Warren Avenue and two storey extension to 220 Warren Avenue to erect two self-contained flats

08/00095/FUL

Conditionally Approved

27.11.2008

Redevelopment of the site. Erection of a part two-storey, part three-storey building to provide 14 flats (8 x 1 bedroom, 6 x 2 bedroom flats) with associated parking and vehicular access from Warren Avenue.

10/00253/FUL

Refused

04.05.2010

Redevelopment of the site to form 14 flats including a variation of planning permission 08/00095/FUL relating to access width to proposed development - Description of Development amended following validation.

REASON FOR REFUSAL

01.REFUSAL REASON – Highway Safety

The requirement for an access of no less than 3.1 metres in width to serve the development approved by application 08/00095/FUL is necessary to provide safe and convenient access to the residential development. An access width of less than 3.1 metres would not enable safe or convenient access for all, and in particular for wheelchair users, and would thereby fail to encourage use of alternative modes of transport to the private car. The proposal would thereby prove contrary to the provisions of policy CS13 of the Southampton Local Development Framework Core Strategy Development Plan Document and policies SDP1, SDP4 and SDP11 of the City of Southampton Local Plan (2006) and as supported by the Residential Design Guide Supplementary Planning Document (with specific reference to paragraphs 5.1.3 and 5.1.16 to 5.1.17).

02.REFUSAL REASON - Code for Sustainable Homes and Climate Change

In the absence of any commitment to the Code for Sustainable Homes, an improvement of energy and water efficiency, sustainable urban drainage and a low carbon development the application has failed to demonstrate that it can satisfy the requirements of the adopted LDF Core Strategy Policy CS20 as supported by Part 7 of the Council's approved Residential Design Guide SPD (2006) which seek to contribute towards tackling climate change as required by the Council's Climate Change Strategy (2004) and PPS1.

03. REFUSAL REASON - Family Housing

In the absence of either a development that includes any family housing (with 3 bedrooms and access to private amenity space) or further justification for a lack of such provision the scheme fails to assist the Council in meeting its current housing needs, particularly for families and, notwithstanding the permission for a mix of 1 and 2 bed flats, the current scheme has now been assessed as contrary to Policy CS16 of the Council's adopted Local Development Framework Core Strategy (January 2010).

04. REFUSAL REASON - Direct Impacts

In the absence of a completed S.106 Legal Agreement or Unilateral Undertaking the proposal fails to mitigate against its direct impacts and does not, therefore, satisfy the provisions of Policy CS25 (The Delivery of Infrastructure) of the Council's adopted LDF Core Strategy (January 2010) as supported by the Council's Supplementary Planning Guidance on Planning Obligations (August 2005 as amended) in the following ways:-

- (a) Measures to satisfy the public open space requirements (including play space, open space and sports pitches) of the development have not been secured. As such the development is also contrary to the adopted City of Southampton Local Plan Review (March 2006) Policy CLT5 as supported by Policy CS21 of the adopted LDF Core Strategy (2010);
- (b) Notwithstanding the previous permission the development now triggers the need for an affordable housing contribution and without such a commitment the scheme fails to assist the City with its current housing needs issues and, as such, is contrary to Policy CS15 of the Council's adopted LDF Core Strategy (January 2010);
- (c) Measures to support sustainable modes of transport, the strategic highway network, and site specific highway requirements (such as necessary improvements to public transport facilities, the offering of sustainable travel vouchers and alterations to pavements in the vicinity of the site) have not been secured contrary to the adopted City of Southampton Local Plan Review (March 2006) Policy SDP1 as supported by policies CS18 and CS25 of the Council's adopted LDF Core Strategy (January 2010);
- (d) In the absence of a commitment to undertaking an off-site highway condition survey (as previously secured) the development fails to explain how its impacts will be managed both during and after the construction phase.
- (e) In the absence of a slope stability report (as previously secured) the application fails to provide sufficient detail regarding its structural design to enable the safe development of this site.
- (f) In the absence of a refuse management plan (as previously secured) the scheme fails to explain how refuse will be collected from the site on collection day.
- (g) In the absence of an amended access width restriction the development fails to secure a safe access that is fit for its intended purpose (see also the first reason for refusal).

Note to Applicant:

This final reason for refusal could be overcome following the submission of an acceptable proposal and the completion of a S.106 legal agreement which address each of the above points.

12/01923/OUT

Refused and dismissed at Appeal 19.08.2013

Redevelopment of the site. Erection of a new building to provide 14 flats (7 x two-bedroom, 5 x three-bedroom and 2 x four-bedroom) with access from Warren Avenue (Outline application seeking approval for Access, Appearance and Layout).

REASON FOR REFUSAL

01.REFUSAL REASON - Highway Safety

The requirement for an access of no less than 3.1 metres in width to serve the development approved by application 08/00095/FUL is necessary to provide safe and convenient access to the residential development. An access width of less than 3.1 metres would not enable safe or convenient access for all, and in particular for wheelchair users, and would thereby fail to encourage use of alternative modes of transport to the private car. The proposal would thereby prove contrary to the provisions of policy CS13 of the Southampton Local Development Framework Core Strategy Development Plan Document and policies SDP1, SDP4 and SDP11 of the City of Southampton Local Plan (2006) and as supported by the Residential Design Guide Supplementary Planning Document (with specific reference to paragraphs 5.1.3 and 5.1.16 to 5.1.17).

02.REFUSAL REASON - Direct Impacts

In the absence of a completed S.106 Legal Agreement or Unilateral Undertaking the proposal fails to mitigate against its direct impacts and does not, therefore, satisfy the provisions of Policy CS25 (The Delivery of Infrastructure) of the Council's adopted LDF Core Strategy (January 2010) as supported by the Council's Supplementary Planning Guidance on Planning Obligations (August 2005 as amended) in the following ways:-

- (a) Measures to satisfy the public open space requirements (including play space, open space and sports pitches) of the development have not been secured. As such the development is also contrary to the adopted City of Southampton Local Plan Review (March 2006) Policy CLT5 as supported by Policy CS21 of the adopted LDF Core Strategy (2010);
- (b) Notwithstanding the previous permission the development now triggers the need for an affordable housing contribution and without such a commitment the scheme fails to assist the City with its current housing needs issues and, as such, is contrary to Policy CS15 of the Council's adopted LDF Core Strategy (January 2010);
- (c) Measures to support sustainable modes of transport, the strategic highway network, and site specific highway requirements (such as necessary improvements to public transport facilities, the offering of sustainable travel vouchers and alterations to pavements in the vicinity of the site) have not been secured contrary to the adopted City of Southampton Local Plan Review (March 2006) Policy SDP1 as supported by policies CS18 and CS25 of the Council's adopted LDF Core Strategy (January 2010);
- (d) In the absence of a commitment to undertaking an off-site highway condition survey (as previously secured) the development fails to explain how its impacts will be managed both during and after the construction phase.
- (e) In the absence of a slope stability report (as previously secured) the application fails to provide sufficient detail regarding its structural design to enable the safe development

of this site.

- (f) In the absence of a refuse management plan (as previously secured) the scheme fails to explain how refuse will be collected from the site on collection day.
- (g) In the absence of an amended access width restriction the development fails to secure a safe access that is fit for its intended purpose (see also the first reason for refusal).



Appeal Decision

Site visit made on 14 January 2014

by **C J Leigh BSc(Hons) MPhil MRTPI**

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

Decision date: 3 March 2014

Appeal Ref: APP/D1780/A/13/2207164

Land to the rear of 28-64 Winchester Road and rear of 204-218 Warren Avenue, Southampton, SO16 6UL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Glen Sahota against the decision of Southampton City Council.
 - The application Ref 12/01923/OUT, dated 18 December 2012, was refused by notice dated 19 August 2013.
 - The development proposed is to construct a development of 14 flats.
-

Application for Costs

1. An application for costs was made by Southampton City Council against Mr Glen Sahota. This application is the subject of a separate decision.

Preliminary matters

2. The application was made in outline with approval sought for access, appearance and layout.

Decision

3. The appeal is dismissed.

Main issues

4. The first main issue in this appeal is the effect of the proposed development on highway and pedestrian safety. The second main issue is whether contributions or other benefits are necessary to enable the proposed development to proceed consistent with the Council's strategy in respect of infrastructure and community facilities provision.

Reasons

Highway safety

5. The appeal site comprises an area of underused land that lies to the rear of the Winchester Road and Warren Avenue properties. Vehicular access to this land, and to the appeal site, is via a track that is taken from Warren Avenue. This track currently provides access to existing properties and runs adjoining the gardens, garages and parking areas for many of the Winchester Road properties.
6. I am informed planning permission for the development of 14 flats on the appeal site was granted in 2008 (ref. 08/00095/FUL), which would have

utilised this existing track for vehicular access and was subject to a condition and legal agreement that the access would be no narrower than 3.1m. The current proposal similarly proposes to use the existing track for vehicular and pedestrian access. An existing narrow footway running to Winchester Road would also be used for pedestrian access. The vehicular access would narrow to 2.8m for a length of 7.7m, due to land ownership restrictions. This width would allow vehicles to drive along the access, but the Council object to this narrowing since it would be less than the minimum width they seek, namely 3.1m.

7. The appellant states that the useable area of the access route might be wider in practice, due to the area of land outside the appellant's ownership being an open forecourt area. However, I do not accept that proposition since the owner of the adjoining land could choose to erect a physical boundary. Thus, I have treated the proposed development as not being able to provide an access road greater than the 2.8m width at its narrowest length.
8. The appellant draws my attention to the guidance in 'Manual for Streets' that states carriageway widths might be reduced to a minimum of 2.75m, but narrowing between 2.75m to 3.25m should be avoided in most cases. I concur with the appellant's observation that, in seeking a width of 3.1m as was the case with the 2008 permission, the Council do accept a narrowing of the access within this range can occur. The important matter to consider is whether the further narrowing proposed by the appellant over such a length of the access road would be harmful to highway safety.
9. The submitted drawings show the vehicular access would be upgraded to accept vehicular and pedestrian traffic, and signage would be provided along the access. A pedestrian refuge area would be provided within part of the narrowed area. I saw that visibility along the access road is good, due to the generally straight layout of the road. This will allow for vehicles to wait and pass at wider points on the road. I am mindful that the access road currently provides vehicular access for many properties at present and has the existing narrowing, and I have not been informed of any incidents along the access road whereby this narrowing has been hazardous to highway safety. Although there would be some increase in the number of vehicles using the access road as a result of the proposed development, this fact does indicate to me that users of the track can safely negotiate the dimensions and geometry of the track.
10. Furthermore, as noted above, the proposals show an improvement to the surfacing of the track and signage. I consider such measures would only lead to an enhancement in the ability of drivers to safely negotiate the track without leading to highway safety.
11. The access would be a shared route for vehicles, cyclists, pedestrians, and those with mobility problems. The Council's concern with the width of the access extends to potential conflict between these users along the narrowed stretch of the access. This is an important matter to consider, given that the flats would not have residents' parking, although visitor parking would be provided; the appeal site is located in a sustainable location with a range of facilities and public transport routes nearby, so I concur that the level of car parking proposed is appropriate. I thus agree that a safe route is needed to ensure future residents would feel secure in using the access by foot or cycle.

12. For similar reasons to the above, I consider the geometry and visibility of the access, combined with the proposed signage, refuge area and surfacing (which the appellant states would include surface delineation for users), would ensure a shared surface access would be safe for all users. The access route would also be lit. These matters would lead to an upgraded shared access route that provides a good standard for all existing users and for future occupants of the dwellings, and would ensure those occupants have a reasonable opportunity to walk and cycle from their homes.
13. On the main issue it is therefore concluded that the proposed development would not be harmful to highway safety and so be consistent with Policy CS13 of the Southampton Core Strategy 2010, Policies SDP1, SDP4 and SDP11 of the City of Southampton Local Plan Review 2006, and guidance contained in the Council's Residential Design Supplementary Planning Document 2006, which amongst other matters seek to ensure safe access for all and parking arrangements are provided in new developments.

Infrastructure provision

14. The Council's second reason for refusal related to the absence of a planning obligation to make provision for contributions towards the provision/enhancement of infrastructure, site-specific highways measures and affordable housing contribution. These objectives are supported by Policies CS15 and CS25 of the Core Strategy, with detail contained in the Council's adopted Developer Contributions Supplementary Planning Document (SPD) (April 2013).
15. The requirement for a contribution towards site-specific transport measures was not disputed by the appellant. A viability appraisal was submitted with the planning application that concluded the proposed development would not be viable with the required affordable housing contribution. The Council commissioned an independent review of this assessment at the appeal stage which concluded, in summary, that the proposed development would not be viable with a full contribution towards affordable housing but that a reduced contribution was appropriate. The appellant agreed with this conclusion and submitted a Unilateral Undertaking that included the required affordable housing contribution, in addition to the site-specific transport contribution.
16. The Council also sought in any planning obligation measures to secure an off-site highway condition survey, a slope stability report and a refuse management plan. The sole access road to the appeal site is relatively long and serves existing properties, and so it is reasonable for measures relating to a highway condition survey of roads in the vicinity and refuse management to be provided in these circumstances. The appeal site is also steeply sloping and so measures to address this are necessary. The submitted Undertaking includes wording to address these details. Finally, the Council's second reason for refusal also referred to any planning obligation setting out a requirement to provide an amended access. The appellant's Undertaking does not include this and, as I have concluded on the first issue that the proposed access would be acceptable, I concur there is no need for such wording.
17. The planning policy framework set out above provides a strong basis for demonstrating the need for new facilities and contributions arising from the proposed dwellings. The requirement for site-specific transport measures and an affordable housing contribution fairly related to the proposal has been

robustly addressed. The Council's request for contributions through a planning obligation as sought therefore satisfies the tests of paragraph 204 of the National Planning Policy Framework.

18. The proposed development is also liable for the Council's local charging schedule for the Community Infrastructure Levy (CIL), as set out in their adopted Community Infrastructure Levy Charging Schedule Development Plan Document (July 2013). The Council do not seek contributions within a planning obligation that are addressed through the CIL, and the submitted Undertaking accordingly does not include such matters.
19. The Council's request for a planning obligation is therefore necessary, directly related to the development and fairly and reasonably related in scale and kind. The request therefore passes the statutory tests.
20. The Council, though, raise concerns on a number of details in the Unilateral Undertaking submitted by the appellant and consider these would lead to difficulties of its enforceability. The Council's comments include matters regarding the ownership of the land and the signatories, enforcing the provisions for the waste management plan and any actions necessary in relation to the stability of slopes, and the date upon which the obligation would take effect. I share the Council's concerns that the drafting of the Undertaking in a number of respects are of sufficient substance to make it uncertain that the payments and measures contained in the obligation would be made or would be enforceable.
21. Therefore, as it stands, the proposed development would undermine the Council's strategy in respect of infrastructure and affordable housing provision, and the delivery of measures to mitigate any impact of the proposal. This would be contrary to the Policies and the SPD referred to earlier.

Other considerations

22. The area upon which it is proposed to erect the new flats is an underused parcel of land, which slopes steeply to the north and Shirley Pond Park. The proposed development shows a layout and appearance which would be appropriate in scale and design for the site and landform. A reasonable degree of spaciousness would be retained around the new buildings and they would assimilate well into the area. This includes in views from Shirley Pond Park and the wider area.
23. The distance retained between the proposed dwellings and existing properties would ensure no loss of privacy or overbearing impact upon adjoining residents. The increase in the use of the vehicular access would not lead to a material change in the level of disturbance for existing residents.

Conclusions

24. Although I have found in favour of the proposed development on a number of issues, the conflict that arises from the second main issue is sufficient to outweigh all other findings. Therefore, for the reasons given and having regard to all other matters raised, it is concluded that the appeal should be dismissed.

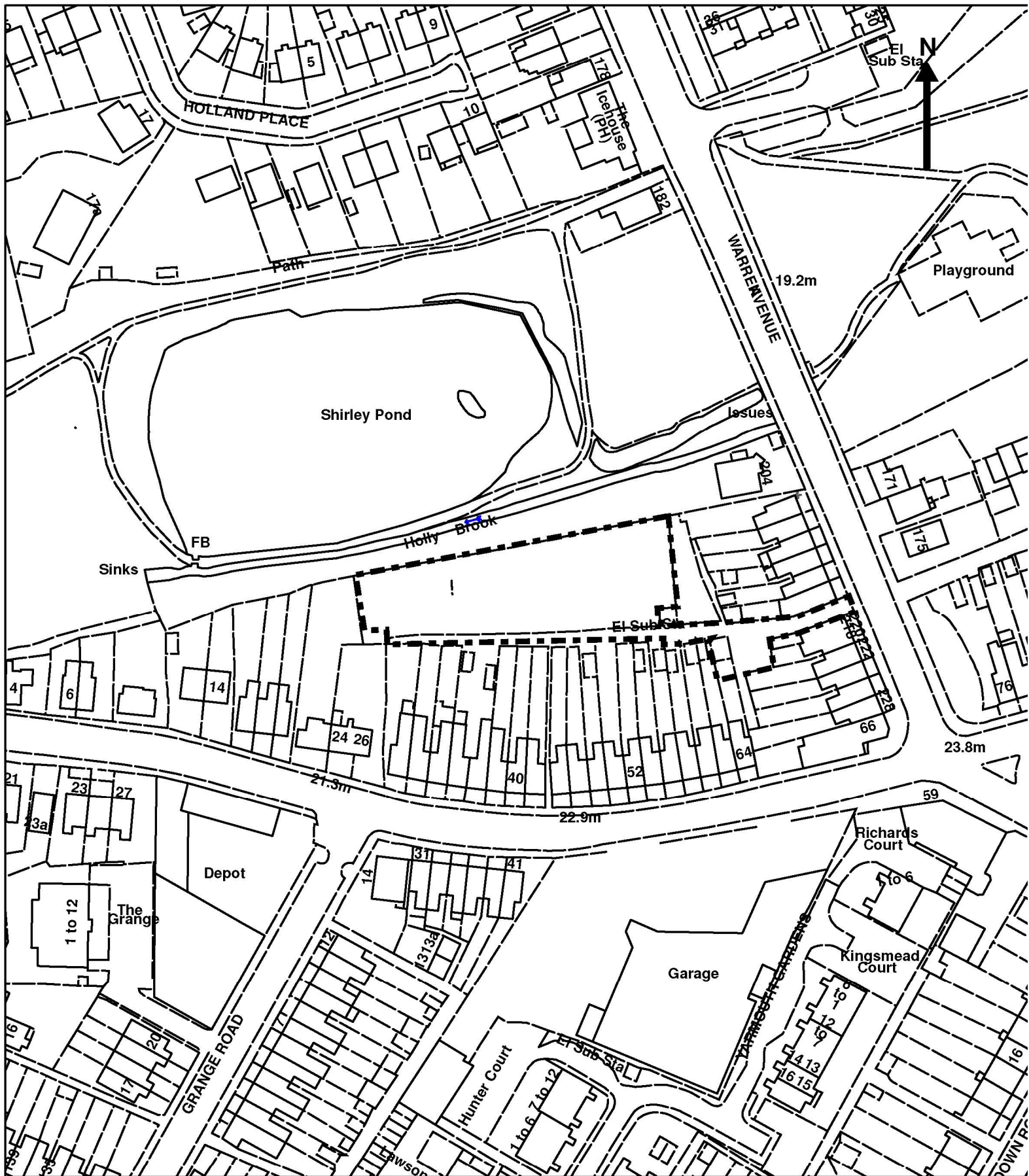
C J Leigh

INSPECTOR

Agenda Item 6

14/00676/FUL

Appendix 4



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

Application address: 54 Swift Gardens SO19 9FQ			
Proposed development: Conversion of existing three bedroom property to create one, three bedroom flat and one, two bedroom flat, to include single storey rear extension, with associated bin cycle storage.			
Application number	14/01006/FUL	Application type	FUL
Case officer	John Fanning	Public speaking time	5 minutes
Last date for determination:	08/09/14	Ward	Woolston
Reason for Panel Referral:	Request by Ward Member and five or more letters of objection have been received	Ward Councillors	Cllr Chamberlain Cllr Hammond Cllr Payne

Applicant: Mr B Singh	Agent: Jenkins Architecture Ltd
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Yes
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Reason for granting Permission

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

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

Appendix attached			
1	Development Plan Policies		
2	Site history		

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 The application site is a semi-detached residential dwelling in an area typified by similar semi-detached residential dwellings.
- 1.2 Swift Gardens is a relatively narrow cul-de-sac, with many of the properties having a dropped kerb, reducing the availability of on road parking.

2.0 Proposal

- 2.1 The application proposes splitting the property into one, three bedroom flat and one, two bedroom flat, with a loft conversion and single storey rear extension to facilitate this conversion. The proposal would result in residential density of 122 dwellings per hectare, compared to 53 dwellings per hectare in the surrounding street scene.
- 2.2 Following amended plans, both properties would have a single allocated parking space to the front of the dwelling (which is currently hard surfaced).
- 2.3 The ground floor flat ('Flat A' on the plans) will be accessed towards the rear of the property via the side access, which will also provide access to the rear amenity space. The first floor flat ('Flat B' on the plans) will be access towards the front via the side access (with a gate blocking further access). Then is an internal stair case down to the rear providing direct access to the amenity space.
- 2.4 There are a number of minor physical alterations to facilitate this change. The single storey rear extension is increased in depth and height. The layout and number of side facing windows and doors at ground floor level has been altered and two side facing Velux windows are proposed in the roof.

3.0 Relevant Planning Policy

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

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

4.0 Relevant Planning History

4.1 There is an existing single storey rear extension, approved in 1979, which will be replaced under the current application.

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice (the original site notice erected was removed shortly after it was put up; a secondary site notice was put up on 25/07/14). At the time of writing the report 7 representations have been received from surrounding residents. The following is a summary of the points raised:

- 5.2
- The increased level of occupation will exacerbate the existing parking issue in the already congested cul-de-sac
 - The intensity of the proposed use would be harmful to neighbouring occupiers in terms of noise and disturbance
 - There is no need for flats in this location, with other areas of the city being well served by such types of development
 - The use as flats is not in keeping with the character of the surrounding area
 - The first floor living/kitchen room adjoining the neighbouring semi-detached property will create a noise nuisance
 - The proposal may set a future precedent.

Note: Each application is considered on its individual merits at the time of submission with reference to relevant local and national policy.

- There have been building works ongoing at the property for some time.
- Note: Any works that may have been completed by the applicant to facilitate a change of use for which they do not have a valid planning consent is done entirely at their own risk.

5.3 Consultation Responses

5.4 **SCC Highways** - No objection.

5.5 **SCC Sustainability** – No objection provided suitable conditions are imposed to ensure the new dwelling meets the relevant policy considerations for a residential conversion.

- 5.6 **CIL** – The development is CIL liable.
- 5.7 **SCC Environmental Health** – No objection provided suitable conditions are imposed.
- 5.8 **Cllr Payne** - Request that the application be heard at Panel.

6.0 Planning Consideration Key Issues

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

6.2 Principle of Development

The application proposes the subdivision of an existing 'family home' (as classified by CS16 as a three bed dwelling with direct access to suitable amenity space). A family dwelling is retained as part of the application, with the first floor flat having three bedrooms (including a constrained bedroom in the loft) and direct access to the subdivided gardens to the rear.

On this basis, the broad principle of the proposal is considered acceptable and the main assessment is the specific impacts on the proposed development in relation to the application site and surroundings.

6.3 Character

The existing single storey rear extension will be enlarged in both depth and height. The property already protrudes slightly at two-storey level from the conjoined property at 55 Swift Gardens, however on balance it is felt that, given the scale of the design (with particular reference to the minimal maximum height), the proposal will not have a harmful impact on the overall character of the host dwelling.

While the use of the area to the front of the house as two parking spaces is not ideal, this does not represent a significant difference to the existing character of the property when viewed from the front, with the area being entirely hard surfaced.

6.4 Impact on amenity of neighbouring occupiers

The single storey rear extension has increased in both depth and height. However, the height remains minimal, with the flat roof design minimising the impact on neighbouring occupiers. On balance it is not felt that such significant harm would be caused to neighbouring occupiers in terms of an overshadowing or overbearing form of development to justify a reason for refusal in this regard.

The proposed change of use would also have an impact on neighbouring occupiers in terms of a change in how the property is being occupied and utilised. While there will be a change, it is noted that there are separate

legislative powers to address anti-social behaviour and statutory noise complaints. Furthermore, increased activity along the side access route would be mitigated by the existing boundary treatment. On balance it is not considered that the potential additional comings and goings would amount to such significant additional harm to justify a reason for refusal.

The application proposes the removal of an existing side facing habitable room window at ground floor level and its replacement with two windows, one to serve a habitable room (unobscured) and one serving a bathroom (obscured). On balanced it is not felt that this alteration would result in any additional overlooking between the neighbouring properties than the existing situation.

6.5 Amenity of occupants

In accordance with the requirements of CS16 and sections 2.3.12-14 of the RDG the flats have both been provided with 20m² of private amenity space, with both properties having direct access. While the outlook for 'Bedroom 2' at ground floor level is far from ideal, the layout of the existing property has a habitable room in this location.

Bin and bike stores have been provided for the occupants in compliance with relevant council policy.

6.6 Parking

The existing property has the potential parking for two cars on the hard surfacing to the front of the site. Under the Councils parking standards the maximum parking provision for both a two and three bed dwelling is two spaces. Following the submission of amended plans the applicant has proposed one space for each unit. With reference to the lack of objection from Highways, the provision of cycle stores for both properties and the provided parking spaces, it considered that sufficient provision has been made for the occupants of the two flats.

7.0 Summary

7.1 While the application proposes an increase in the potential intensity of occupation, on balance it is considered that the proposal would not cause such additional harm as to justify refusing the application and would not be harmful to the amenities of the occupants of the dwelling.

8.0 Conclusion

8.1 The application is recommended for conditional approval.

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

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

JF1 for 02/09/14 PROW Panel

PLANNING CONDITIONS

CONDITIONS for 14/01006/FUL

01. APPROVAL CONDITION - Full Permission Timing Condition

The development hereby permitted shall begin no later than three years from the date on which this planning permission was granted.

Reason:

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

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

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

Reason:

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

03. APPROVAL CONDITION - Energy (Pre-Occupation Condition)

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

Reason:

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

04. APPROVAL CONDITION - Refuse and Cycle Stores [Pre-Occupation Condition]

Prior to the first occupation of the use hereby approved the proposed cycle and refuse stores shall be provided in accordance with the details submitted (Drawing No. 101 Rev B). They shall be permanently maintained as such thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason:

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

05. APPROVAL CONDITION - Means of Enclosure and Amenity Space

Prior to first occupation of the flatted units hereby approved all new means of enclosure and the areas of amenity space shall be provided in a fully completed and ready to use condition and thereafter be retained and maintained for the use by the occupiers of the flats.

Reason

To ensure appropriate facilities are available for occupiers of the flats at all times.

06. APPROVAL CONDITION - Approved Plans

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

Reason:

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

00. Reason for granting Planning Permission

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

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

Note to Applicant

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

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

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
H1	Housing Supply
H7	The Residential Environment

Supplementary Planning Guidance

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

Other Relevant Guidance

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

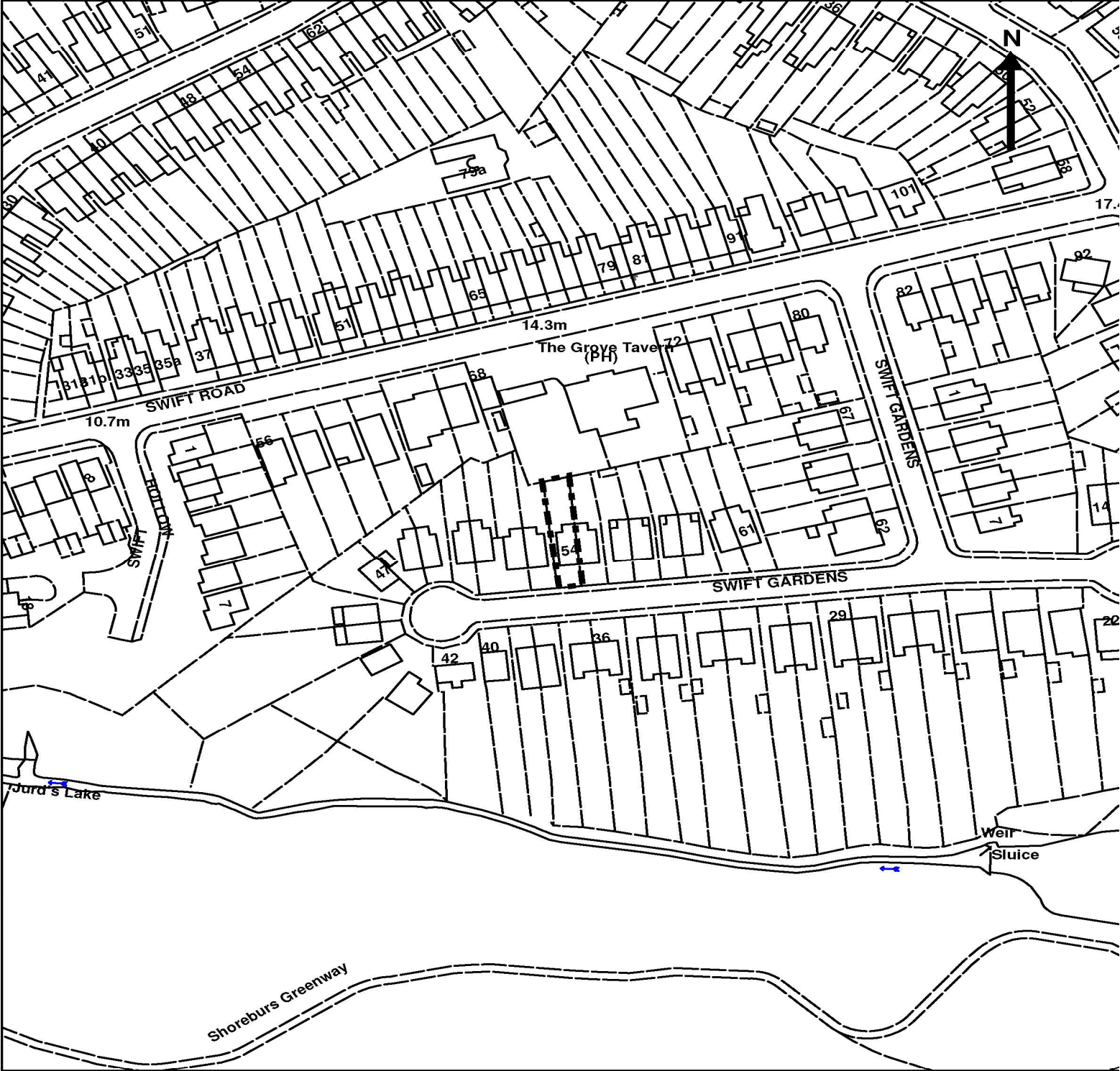
Application 14/01006/FUL

APPENDIX 2

Relevant Planning History

1557/E54, Erection of a first floor rear extension
Conditionally Approved, 04.09.1979

14/01006/FUL



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Agenda Item 8

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

Application address: 15 Belmont Road SO17 2GD			
Proposed development: Change of use from a Family Dwelling (C3) to a House of Multiple Occupation with eight bedrooms, with associated bin and cycle stores.			
Application number	14/01034/FUL	Application type	FUL
Case officer	John Fanning	Public speaking time	5 minutes
Last date for determination:	2/9/14	Ward	Portswood
Reason for Panel Referral:	Request by Ward Member	Ward Councillors	Cllr O'Neil Cllr Claisse Cllr Norris

Applicant: Mr Sihota	Agent: Sanders Design Services Ltd
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Recommendation Summary	Refuse
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Community Infrastructure Levy Liable	Not applicable
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Refusal

Appendix attached			
1	Development Plan Policies		
2	Site history		

Recommendation in Full

Refuse

REASON FOR REFUSAL - Impact on character of the local area

The proposed conversion of the property to a HMO will result in an excessive concentration of HMO's within the immediate area. This would result in an adverse impact on the overall character and amenity of the area surrounding the application site in terms of the mix and balance of households in the local community. Therefore, the proposal will be contrary to saved policies SDP1(i) and H4(ii) of the City of Southampton Local Plan Review (Adopted March 2006) and policy CS16 of the City of Southampton Local Development Framework Core Strategy Development Plan Document (Adopted January 2010) as supported by the

1.0 The site and its context

- 1.1 The property lies within the Portswood Ward. The surrounding area is predominately residential in nature, with a mix of type. Many of the properties are either flatted blocks or have been converted as such.
- 1.2 The application site is occupied by a very sizable semi-detached Class C3 dwelling house. The original plot has been subdivided, with a new dwelling positioned to the rear facing into Westridge Road. This leaves the original dwelling with comparatively little garden space, considering the size of the property.

2.0 Proposal

- 2.1 As part of this application, very few physical changes are proposed to the building. During the site visit it was noted that the 'Existing' plans had a few discrepancies from the actual building (there is a door between the ground floor 'Study' and 'Home Office' and a slightly different toilet arrangement in the loft, with access through to both rooms) however, it is not considered that these differences have a significant impact on the overall assessment. There is some internal rearrangement in terms of room uses but all of the proposed bedrooms are already habitable rooms.
- 2.2 The application proposes a change of use of the existing Class C3 dwelling to form an eight bed Sui Generis HMO. As the application proposes a new HMO, the radius criteria outlined in the HMO Supplementary Planning Document (SPD) will be a material consideration.

3.0 Relevant Planning Policy

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

4.0 Relevant Planning History

- 4.1 An application has recently been refused and an appeal dismissed for the change of use of the property to three flats (two x 3-bed and one x 2-bed, all in Class C3 use).
- 4.2 The previous application was refused on the grounds of both overdevelopment and inadequate provision of private amenity space for all three flats.

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice (04/07/14). At the time of writing the report 5 representations have been received from surrounding residents. The following is a summary of the points raised:

- Late night disturbance
- Overdevelopment
- Exacerbate existing parking issues
- HMOs are already an over dominant feature of the local area
- The dwelling has previously been significantly extended and the garden subdivided
- Belmont Road already exceeds the threshold criteria outlined in the HMO SPD
- The proposed use will be associated with at least eight cars.

5.2 **Consultation Responses**

5.3 **SCC Highways** - Some concern about potential overspill parking but overall no objection provided condition is imposed regarding amended bike stores to comply with SCC standards.

5.4 **SCC Environmental Health** – Concern that the property would not currently comply with HMO Licensing

This property will require a licence as an HMO. Room sizes must comply with SCC standard for HMOs and fire precautions to comply with Lacors fire safety guidance. With this fire safety guidance in mind the current proposed layout to the ground floor will not comply, as the ground floor rear bedroom will be classed as an inner room, and to overcome this the door to this room should be moved to open from the protected stair well, rather than from the dining room (risk room).

5.5 **Cllr Norris** – Request that the application be taken to Panel.

6.0 **Planning Consideration Key Issues**

6.1 Broadly speaking, the internal layout of rooms is very similar to the existing layout and on balance it is not considered that the proposal would represent a significant difference when compared to the existing situation in terms of the amenity of the occupants of the property. It is noted that the issues raised by the Environmental Health team in terms of HMO licensing requirement are independent from Planning. That said, the relocation of the door as suggested would not require planning permission and is not considered to raise any material issues in planning terms.

6.2 As such the main consideration is the overall principle of the use of the property as an eight bed Sui Generis HMO. As a proposal for a new House in Multiple Occupation, the application will be assessed against the threshold and other criteria set out in the HMO SPD. In order to protect the character and balance of communities within an area, threshold limits have been set, in Portswood Ward this limit has been set at 10%. The surrounding area has a complex mix of a variety of different uses, with a number of properties converted to flats. As per section 6.4.2 of the HMO SPD, flatted properties of one to two beds were discounted. Due to

incomplete or fragmented information, the use of some properties was not completely clear. In line with section 6.4.5 of the HMO SPD these properties were not counted towards the threshold.

- 6.3 Following the assessment process, the percentage of HMO uses was 38%, exceeding the 10% limit set out for Portswood Ward. In accordance with section 6.6 of the HMO SPD, the applicant has provided some information to demonstrate that there is no demand for the property for sale as a Class C3 dwelling. Section 6.6.1 highlights that the exceptional circumstances should only be considered where the property forms one of the last 'one or two remaining C3 dwellings' where the conversion 'would not further harm the character of the area'. On balance, it is not considered that this is the case in this location. As such it is considered that the proposed use would be harmful to the overall character of the area and should be refused on this basis.

7.0 Summary

- 7.1 While there are some concerns about other elements of the scheme, it is broadly considered that these could be addressed by condition. For the reasons discussed above, the application is recommended for refusal.

8.0 Conclusion

- 8.1 The application is recommended for refusal.

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

1(a)(b)(c)(d), 2(b)(d), 4(f)(qq), 6(c)

JF1 for 02/09/14 PROW Panel

Reason for refusal

REASON FOR REFUSAL - Impact on character of the local area

The proposed conversion of the property to a HMO will result in an excessive concentration of HMO's within the immediate area. This would result in an adverse impact on the overall character and amenity of the area surrounding the application site in terms of the mix and balance of households in the local community. Therefore, the proposal will be contrary to saved policies SDP1(i) and H4(ii) of the City of Southampton Local Plan Review (Adopted March 2006) and policy CS16 of the City of Southampton Local Development Framework Core Strategy Development Plan Document (Adopted January 2010) as supported by the section 6.5 of the Houses in Multiple Occupation Supplementary Planning Document (Approved March 2012).

Application 14/01034/FUL

APPENDIX 1

POLICY CONTEXT

Core Strategy - (January 2010)

CS16	Housing Mix and Type
CS19	Car & Cycle Parking

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP5	Parking
H4	Houses in Multiple Occupation

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - September 2013)
Parking Standards SPD (September 2011)
Houses in Multiple Occupation Supplementary Planning Document (March 2012)

Other Relevant Guidance

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

Application 14/01034/FUL

APPENDIX 2

Relevant Planning History

14/00302/FUL, Alterations to front elevation and conversion to form 3 flats (2 x 3 bed and 1 x 2 bed all within Class C3) with integral bicycle and refuse stores

Refused, 25.04.2014

Appeal Dismissed, 06.08.2014

14/01034/FUL



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Agenda Item 9

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

Application address: 21 Merridale Road SO19 7AB			
Proposed development: Change of use from Family Dwelling House (C3 Class) to Dwelling House (C3 Class) and Child-Minding Business (D1)			
Application number	14/00976/FUL	Application type	FUL
Case officer	Nathan Pearce	Public speaking time	5 minutes
Last date for determination:	06/08/2014	Ward	Peartree
Reason for Panel Referral:	Councillor objection and five or more letters of objection have been received	Ward Councillors	Cllr Lewzey Cllr Dr Paffey Cllr Keogh

Applicant: Mrs Clare Hayles	Agent: Mrs Clare Hayles
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	No
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Reason for granting Permission

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

Policies - SDP1, SDP5, SDP7, SDP16, L4, H1 and H7 of the City of Southampton Local Plan Review (March 2006) and CS4, CS16 and CS19 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies	2	Site History
3	Parking Survey		

Recommendation in Full

Conditionally Approve

1.0 The site and its context

1.1 The application site consists of a chalet bungalow located/fronting onto a turning head on a bend within this relatively quiet residential road. The road has a mix of residential properties including bungalows, chalet bungalows and two storey houses. The front garden is used for parking, with space for two cars.

2.0 Proposal

2.1 The proposal seeks to regularise an existing use as a joint child-minding business which appears to have been operating for a number of years without planning permission. The applicant currently has up to nine children as part of the child-minding business within the family dwelling house and seeks to increase the number of children to a maximum of 13.

2.2 The ground floor lounge/dining room, kitchen, bathroom and two ground floor bedrooms, together with the first floor area are proposed for dual use. The other rooms will be for used for residential use only. There remains a part implemented planning consent which allows for a further rear extension to be added to the property but it is indicated that this will be used for residential purposes only.

3.0 Relevant Planning Policy

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

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

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

4.0 Relevant Planning History

4.1 There have been no previous applications for a child-minding business on this site. Pre-application advice was sought in 2013 for increasing the number of children to

be looked after which triggered the advice that planning permission was required for both the existing and proposed use.

An application for a front and rear extension and a porch was approved in 2005, this has been mostly built with one additional room not yet constructed.

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

5.0 Consultation Responses and Notification Representations

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

- **Parking issues**

Response – An initial parking survey has been undertaken which indicates that there is capacity to park on road within the vicinity of the site. A further verbal update will be given at the Panel. See Highways comments regarding issues of highway safety.

- **Noise issues from children in garden**

Response - The principle of providing nursery and child minding facilities within residential areas has been long established and supported in principle by planning policy. The number of children is relatively small. Unreasonable noise and behaviour generating statutory nuisance would be a matter for Environmental Health however, day to day noise of children playing is not considered inappropriate.

- **Reduced property values**

Response - Personal economic circumstances do not constitute material planning considerations and as such cannot be considered as part of this application.

- **Staff employed in business**

Response - Confirmation has been received from the applicant that there are 3 family members already present at the property who act as child-minders at the property.

- **Business has been operating unlawfully for some time**

Response - This planning application will regularise any unlawful use and set a limit on the number of children.

Consultation Responses

5.2 **SCC Highways - Remarks**

This site is situated within a residential area where traffic level is relatively low. The proposed development will generate additional vehicular trips to the site but will most likely be staggered arrivals due to the nature of the use. Though the overall impact will not be concentrated, it may create amenity - not highway safety - issues for the adjacent properties and nearby residents. Therefore a parking survey should be undertaken.

To help lessen the impact further, at least one of the parking spaces on the forecourt should be fully laid and marked out to be reserved for visitors/parents only - as suggested by the applicant within their design and access statement. Residents can then park there during out of business opening hours.
No objection raised subject to conditions.

5.3 **SCC Environmental Health** - No objection in principle to the proposal providing the operating times and child level limits are conditioned accordingly to the times and child numbers detailed in the applicant's proposals.

5.4 **Cllr Dr Darren Paffey –**

What is the amount of space that will be used for child-minding?

Response - Lounge/dining room, kitchen, bathroom and bedroom as shown on floor plan.

Is the space sufficient to meet Ofsted standards?

Response - This is not a planning matter but a matter for licencing by other regulatory bodies, in this instance OFSTED.

Will there be 18 children looked after as the three child-minders have licence for six each?

Response - No, the planning application is for a maximum number of 13.

Does the forecourt have sufficient space for parents to pull up?

Response – The highways team have raised no objections. It can be conditioned to retain one of the off-road spaces to be used

Have neighbouring driveways been blocked by visiting parents?

Response - The initial parking survey shows that there is capacity on the road for vehicles to park.

A child-minding business in this residential location may lead to future disputes between neighbours and the business.

The impact on residential amenity is part of the assessment of this application.

6.0 **Planning Consideration Key Issues**

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

6.2 Principle of Development

Nursery provision in residential premises are supported by policy L4 in the Local Plan Review, provided that the impact upon the amenities of neighbouring residential premises, by reason of noise and disturbance by children and parents going to and leaving the premises, or by children playing in external areas is acceptable.

6.3 Residential amenity of neighbouring properties

The change of use will have some impact upon neighbouring properties, particularly in regards to traffic generation and noise from children playing in the rear garden. However, it is consider this can be adequately mitigated through the use of conditions including a limit of 13 children being present at the site at any one

time and restricting the business hours to 7am to 7pm Monday to Friday.

6.4 Design and character

There will be no impact upon the character of the house or street scene, no physical development is proposed and the building will retain its appearance of a dwelling house that is similar to those in the area.

6.5 Highways and parking

The Council's Highways Development Management team have advised that there will be little impact upon highway safety but that an allocated parking space for parents should be provided to reduce the impact upon the highway amenity. The initial parking survey indicates capacity on the road for people to pick up and drop off their children.

7.0 Summary

7.1 With regard to the above, it is judged that no harm would be caused to neighbours or the local area which would justify the refusal of the application. The scheme is acceptable in terms of residential amenity of occupiers and neighbours, the effect of the character of the area and street scene and the impact on the local area in general. The proposal is in conformity with policy L4. Planning permission is therefore recommended for approval subject to conditions.

8.0 Conclusion

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

Policies - SDP1, SDP5, SDP7, SDP16, H1, H7 and L4 of the City of Southampton Local Plan Review (March 2006) and CS4, CS16 and CS19 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

NP for 02/09/14 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Approved Plans

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

Reason:

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

02. APPROVAL CONDITION - Numbers of children

No more than 13 children shall attend the child-minding facility at any one time without prior written consent of the Local Planning Authority.

Reason:

To prevent an over-intensive use of the premises and in the interest of safeguarding the residential amenities of nearby residential properties.

03. APPROVAL CONDITION - Use of premises

The specific rooms, parking bay and garden of the premises identified to be used as a dwelling house (C3) and child-minding facility shall be the only areas of the property to benefit from this consent and at no time shall the property be used for other purposes including solely as a child-minding business or any other purpose in Class D1 (Non-residential Institutions) of the Schedule to the Town and Country Planning (Use Classes) Amendment Order 2005, (or in any equivalent provision in any statutory instrument revoking or re-enacting that Order).

Reason:

To enable the Local Planning Authority to retain control over the development in the interests of the amenities of the area.

04. APPROVAL CONDITION - Hours of business use

Unless the Local Planning Authority agree in writing, the premises to which this permission relates shall not be open for business outside the hours specified below and at no time on Saturdays or Sundays:

Monday to Friday 7.00am - 7.00pm

Reason:

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

05. APPROVAL CONDITION - Storage/Removal of Refuse Material

Details of satisfactory facilities to be provided for the storage and removal of refuse from the premises shall be submitted to the Local Planning Authority before the change of use begins. The facilities shall include accommodation for the separation of waste to enable recycling.

Reason:

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

06. APPROVAL CONDITION - Car Parking spaces

At least one forecourt parking space to be fully laid and marked out for the use of visitors/parents during the operating hours of the business.

Reason:

To ease parking congestion when parents are picking up and dropping off children.

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Application 14/00976/FUL
APPENDIX 1

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS16	Housing Mix and Type
CS19	Car & Cycle Parking

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP16	Noise
H1	Housing Supply
H7	The Residential Environment
L4	Nursery Provision

Supplementary Planning Guidance

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

Other Relevant Guidance

The National Planning Policy Framework 2012

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Application 14/00976/FUL

APPENDIX 2

Relevant Planning History

13/01426/PREAP2 - Use of property for childminding business - Planning permission would be required to regularise the existing use and to change the use of the property to allow for 13 children.

05/00628/FUL - Erection of front and rear extension with porch to front elevation - CAP

00/01047/FUL - Construction of single storey rear extension, new roof to provide accommodation and chimney stack - CAP

00/00601/FUL - Erection of a rear extension and new roof with chimney stack - REF

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Agenda Item 9

Appendix 3

Parking Survey

Between 23/08/2014 and 4/8/14

09.00 -10.00





17.00 – 18.30







7.30 to 8.30

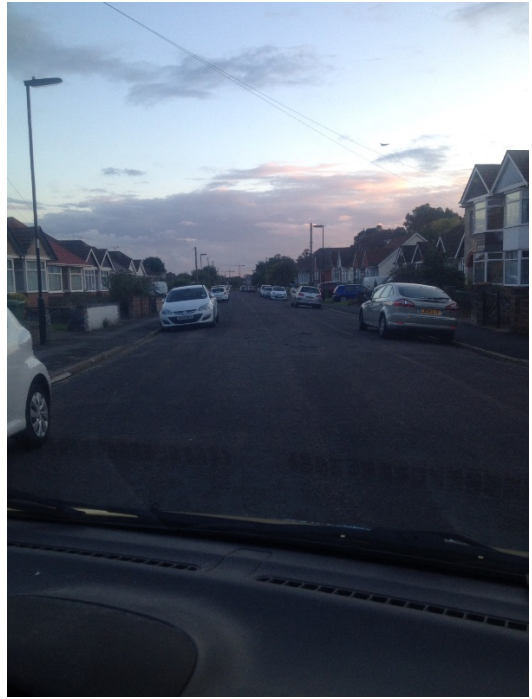






19/8/14 – 20.45 – 21.45





14/00976/FUL



Scale: 1:1,250

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