

Planning and Rights of Way Panel (WEST)

Tuesday, 22nd July 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 Lloyd (Vice-Chair)
Councillor Claisse
Councillor L Harris
Councillor Mintoff

Contacts

Democratic Support Officer
Pat Wood
Tel: 023 8083 2302
Email: pat.wood@southampton.gov.uk

Planning and Development Manager
Chris Lyons
Tel: 023 8083 2044
Email: chris.lyons@southampton.gov.uk

PUBLIC INFORMATION

Terms of Reference

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

Public Representations

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

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

Southampton City Council's Priorities

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

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 - 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	

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	

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 24 June 2014 and to deal with any matters arising, attached.

CONSIDERATION OF PLANNING APPLICATIONS

5 VERMONT CLOSE - 14/00429/OUT

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 21 WESTROW GARDENS - 14/00709/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.

7 79 MILTON ROAD - 14/00857/FUL

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

8 10-11 PALMERSTON ROAD - 14/00935/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.

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PLANNING AND RIGHTS OF WAY PANEL (WEST)
MINUTES OF THE MEETING HELD ON 24 JUNE 2014

Present: Councillors Lewzey (Chair), Fitzhenry, L Harris, Lloyd and Tucker

Apologies: Councillor Mintoff

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

It was noted that following receipt of the temporary resignation of Councillor Mintoff from the Panel, the Head of Legal and Democratic Services, acting under delegated powers, had appointed Councillor Tucker to replace them for the purposes of this meeting.

The Panel noted the resignation of Councillor Hecks, and the appointment of Councillor Harris in place thereof in accordance with the provisions of Council Procedure Rule 4.3.

2. **ELECTION OF VICE CHAIR**

RESOLVED that Councillor Lloyd be elected Vice-Chair for the Municipal Year 2014/2015.

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

RESOLVED that the Minutes of the Meeting held on 13 May 2014 be approved and signed as a correct record.

4. **TANNERS BROOK PRIMARY SCHOOL, ELMES DRIVE SO15 4PF 14/00346/R3CFL**

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

Colin Floyd (applicant), Claire Lebas (local resident / objecting) and Councillors Galton and Thorpe (ward councillors) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported:

- an amendment to the recommendation to include an additional delegation that in the event the Undertaking is not provided within two months from the Panel decision that officers be able to refuse/seek withdrawal of the application;
- the receipt of additional correspondence from SCC Environment Health to secure a noise report with recommendations regarding amplified music;
- amended and additional conditions regarding trees, contaminated land and noise; and
- an additional condition regarding construction delivery hours.

The Panel expressed their concern regarding the operating hours and potential noise from the community centre element of the application.

RESOLVED that this item be deferred to secure amendments to the application, a noise survey and additional consultation with local residents.

RECORDED VOTE to defer the application:-

FOR: Councillors Harris, Lewzey, Lloyd and Tucker

AGAINST: Councillor Fitzhenry

5. **SOUTHAMPTON GENERAL HOSPITAL, TREMONA ROAD 14/00574/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).

Mark Bagnall (applicant) was present and with the consent of the Chair, addressed the meeting.

The presenting officer reported SCC Environmental Health's response with regard to noise and safety issues that there had been no complaints regarding the existing car park and thus had no objection subject to conditions.

RESOLVED that planning permission be granted subject to the conditions listed in the report.

6. **MAYFLOWER PARK, HERBERT WALKER AVENUE 14/00636/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).

The presenting officer reported late correspondence from Associated British Ports confirming that they had no outstanding concerns with the application subject to the conditions recommended and included in the report.

RESOLVED that planning permission be granted subject to the conditions in the report.

7. **CENTRAL SITE, WEST QUAY PHASE 3, HARBOUR PARADE 14/00668/REM**

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).

Guy Wells (applicant) was present and with the consent of the Chair, addressed the meeting.

The presenting officer reported amendments to the conditions relating to building materials and with regard to completion of landscaping and the occupation of the building.

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

Amended Conditions

01. 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 samples and a written schedule of external materials and finishes for that particular element of the development 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; the signage location and specification; terraces, balustrading, canopies and interface with steps; shopfronts and tenants terrace paving/cafe furniture; assembly drawings for interface between existing shopping centre and DZ1 on Harbour Parade. 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.

05. APPROVAL CONDITION - Landscaping detailed plan [Performance Condition]

The whole of the landscaping scheme to include the water feature, swale, seating and steps shown on the approved drawings shall be completed within six months of the first occupation of any building on the site or during the first planting season following the full completion of building works whichever is sooner.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of five 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 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.

8. **BROOKLANDS COURTYARD, FIRST AVENUE SO15 0LJ 14/00692/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).

RESOLVED that planning permission be granted subject to the conditions in the report.

9. **NATIONAL OCEANOGRAPHY CENTRE, EUROPEAN WAY 14/00399/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).

RESOLVED that planning permission be granted subject to the conditions in the report.

Agenda Annex

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 22 July 2014 - Conference Rooms 3 and 4, 1st Floor, Civic Centre

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
5	AA	DEL	15	Land at Vermont Close 14/00429/OUT
6	AA/JH	CAP	5	21 Westrow Gardens 14/00709/FUL
7	AA/JH	REF	5	79C Milton Road 14/00857/FUL
8	AA/AG	DEL	5	10-11 Palmerston Road 14/00935/FUL

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; JH – Joanne Hall; AG – Andy Gregory

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 Lordwood Greenways) - 1985-1995.
 - (i) Women in the Planned Environment (1994)
 - (j) Advertisement Control Brief and Strategy (1991)
 - (k) Biodiversity Action Plan (2009)
 - (l) Economic Development Strategy (1996)
 - (m) Test Lane (1984)
 - (n) Itchen Valley Strategy (1993)
 - (o) Portswood Residents' Gardens Conservation Area Character Appraisal (1999)
 - (p) Land between Alder Moor Road and Worston Road Development Brief Character Appraisal(1997)
 - (q) The Bevois Corridor Urban Design Framework (1998)
 - (r) Southampton City Centre Urban Design Strategy (2000)

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

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

5. Documents relating to Highways and Traffic

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

6. Planning related Government Circulars in most common use

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

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

7. Government Policy Planning Advice

- (a) National Planning Policy Framework (27.3.2012)

8. Other Published Documents

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

9. Other Statutes

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

**Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 22nd July 2014
 Planning Application Report of the Planning and Development Manager**

Application address: Land at Vermont Close			
Proposed development: Redevelopment of the site. Erection of two new buildings ranging in height from two storeys to four storeys, to provide 26 student flats (120 bedrooms), with associated refuse, cycle store and parking following demolition of existing workshop/stores (outline application seeking approval for access, layout, scale and appearance)			
Application number	14/00429/Out	Application type	Out
Case officer	Andy Amery	Public speaking time	15 minutes
Last date for determination:	21.08.2012 (PPA)	Ward	Bassett
Reason for Panel Referral:	5 or more objections and 3 ward councillor requests	Ward Councillors	Cllr Hannides Cllr L Harris Cllr B Harris

Applicant: Mrs A Hauser	Agent: Concept Design & Planning - FAO Mr Rob Wiles
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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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Reason for granting Permission

The development is considered acceptable when placing significant material on the recent appeal decision which took into account the policies and proposals of the Development Plan as set out below.

The impact of the development, in terms of visual and neighbouring amenity, highway safety and parking was deemed to be acceptable in that decision. In reaching this conclusion, as to the acceptability of the development, particular account has also been taken of the applicants addressing of the tree issue raised by the Inspector and the applicants entering into a S106 agreement. The officer's original assessment and third party response to the scheme have been fully considered but are not considered to outweigh the decision made on appeal. The need for student housing and the potential reduction in demand for converting the City's existing family housing stock into shared housing has also been taken into account. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 planning permission should therefore be granted in accordance with the following policies:

City of Southampton Local Plan Review (March 2006) policies SDP1, SDP4, SDP5, SDP7, SDP8, SDP9, SDP10, SDP12, SDP13, SDP15, SDP22, HE3, HE5, HE6, CLT1, CLT5, H2, H7, and City of Southampton Core Strategy (January 2010) policies CS3, CS4, CS6, CS7, CS11, CS13, CS14, CS15, CS18, CS19, CS20, CS21, CS22, CS24 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	Relevant Planning History
3	Inspectors Decision Notice		

Recommendation in Full

1. Delegate to the Planning and Development Manager to grant conditional approval subject to the completion of a S.106 legal agreement to secure the following:
 - i. Financial contributions towards the relevant elements of public open space required by the development in line with Policy CLT5 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS21 and CS25;
 - ii. A financial contribution and/or the implementation and maintenance of an agreed series of site specific transport and off-site landscaping and public realm works (including the provision of the service laybys) under S.278 of the Highways Act with implementation prior to first occupation in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS18 and CS25;
 - iii. An occupation restriction to ensure that all residents are in full time higher education and that the provider is a member of the Southampton Accreditation Scheme for Student Housing (SASSH) (or equivalent) in accordance with Local Plan Policy H13(v);
 - iv. The submission and implementation of a Student Drop Off/Collection Management Plan committing to an ongoing review of the site;
 - v. Agreement of construction vehicle routing;
 - vi. Submission and implementation of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer;
 - vii. A Site Waste Management Plan;
 - viii. Submission and implementation within a specified timescale of a Travel Plan, including the provision of UNilink bus passes to all residents;

- ix. No student, with the exception of registered disabled drivers, shall be entitled to obtain parking permits to the Council's Controlled Parking Zones.
 - x. Submission and implementation of a Training and Employment Management Plan committing to adopting local labour and employment initiatives (during and post construction) in line with LDF Core Strategy policies CS24 and CS25;
 - 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;
2. In the event that the S.106 Legal Agreement is not completed within two months from the date of this Panel meeting delegated authority be given to the Planning and Development Manager to refuse the application for failing to secure the S.106 legal agreement mitigation measures listed above.
 3. That the Planning and Development Manager be given delegated powers to vary relevant parts of the Section 106 agreement and to remove, vary or add conditions as necessary.

BACKGROUND

The application is a resubmission of a virtually identical scheme refused under officers delegated powers in February 2013. The original submission 12/01758/Out was refused on six specific grounds:

1. Scale, Height, Massing, Site coverage, Character, Overdevelopment.

The scale, height and overall massing of the proposed buildings would introduce a visually dominant building form which would be out of scale and character with its immediate context of the smaller scale school buildings and leisure facility which are all located to the west of the residential units in Vermont Close and are all served by the same narrow access track.

The buildings would be visually dominating and overbearing when viewed from the adjacent school and its playground due to the significant change in levels between the sites, and when viewed along the Vermont Road access route from Winchester Road from where the current openness of the site and mature tree planting adds positively to the character and setting of the wider street scene given the attractive low density, open, spacious, well landscaped edge of suburb character.

The proposals are therefore contrary to policies SDP1 (i), SDP7 (i, ii, iii, iv and v) SDP9 (i, ii, iv, and v), H2 (i and iii) and H13 (iii) of the City of Southampton Local Plan Review 2006 and Policy CS13 of the Core Strategy 2010.

2. Impact on the character and amenity of the area.

The quantum of 120 bed-spaces is not considered appropriate for the location of the site. The site is not located within a high accessibility area nor is it within immediate proximity of the range of facilities the occupants would need to access for day to day

living needs. The site is located within a relatively quiet residential enclave with relatively narrow access roads serving residents of Vermont Close, two modest scale local schools and a small scale leisure facility.

Given the lack of parking and servicing provided on the site all residents would need to walk or be driven through the existing residential cul-de-sac to gain access to the university, the nearest shopping facilities and to access public transport. The introduction of a 120 bed student accommodation block will therefore significantly alter the levels of activity associated with the site to the detriment of the quiet amenity currently enjoyed by residents. In particular, given the relative remoteness of the site from evening economy facilities it is likely to introduce noise and activity during the evening and night-time period.

The proposals are therefore contrary to policies SDP1 (i) and H13 (iii) of the City of Southampton Local Plan Review 2013 and CS13 of the Core Strategy 2010.

The proposed siting and layout of the buildings fails to have adequate regard to safeguard the protected trees of the site.

The trees on and adjacent to this site are protected three different Tree Preservation Orders:-

- The Southampton (Winchester Road - Bassett Crescent West) Tree Preservation Order 1965
- The Southampton (Vermont Close) TPO 1988
- The Southampton (land at Vermont Close) Tree Preservation Order 2012

The proposed buildings within the Root Protection Area and beneath the crown spread of protected Pine trees to the rear eastern boundary. This is contrary to BS 5837:2012 and not considered acceptable in tree terms.

The suggested reduction of branches is not appropriate on arboriculture grounds and is only proposed to provide clearance from the proposed building.

The site and layout of the buildings fails to allow adequate clearance to avoid future conflict with occupiers of the building due to potential excessive shading to the buildings and also an overbearing presence on future occupants, cause nuisance from falling debris.

Due to the proposed siting of the buildings it is considered that construction would be likely to cause direct damage to protected trees and will require unnecessary crown reduction of several trees.

The proposals are therefore contrary to Policies SDP7 (i) and SDP12 of the City of Southampton Local Plan Review 2006

3. The proposed siting and layout of the buildings fails to have adequate regard to safeguard the protected trees of the site.

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The suggested reduction of branches is not appropriate on arboricultural grounds and is only proposed to provide clearance from the proposed building.

The site and layout of the buildings fails to allow adequate clearance to avoid future conflict with occupiers of the building due to potential excessive shading to the buildings and also an overbearing presence on future occupants, cause nuisance from falling debris.

Due to the proposed siting of the buildings it is considered that construction would be likely to cause direct damage to protected trees and will require unnecessary crown reduction of several trees.

The proposals are therefore contrary to Policies SDP7 (i) and SDP12 of the City of Southampton Local Plan Review 2006

4. Impact on character from demands for car parking, and servicing of the site

The level of parking and servicing space shown to serve the development is considered to be inadequate and inappropriate given the low accessibility location of the site and the number of students proposed to be accommodated.

The provision of 120 student bed spaces has the potential to introduce significant additional traffic movements and increase demands for on-road parking within the immediate area. Notwithstanding existing permit controls in Vermont Close, up to 120 students would have the ability to park on the public highway outside the controlled time periods or in accordance with the short term day time parking allowed. This would conflict with other uses and users of the area including two schools and a leisure facility and significantly change the character of what is a quiet, verdant residential area

The proposals are therefore contrary to policies SDP1 (i), and H13 (iii) of the City of Southampton Local Plan Review 2006.

5. Design and Layout

Notwithstanding the other matters of scale, massing and height, the design of the buildings incorporates an 'undercroft' feature which is a wholly alien feature within the building forms on adjacent and nearby sites and is more a feature of higher density urban centre schemes than a sub-urban edge of residential location.

The layout would also create an internal amenity space that would be on the northern side of three and four storey buildings gaining little direct sunlight and is at variance with the openness and soft landscape spaciousness that forms the setting of the taller flats within Vermont Close. The layout and quantum of the space is not

considered to provide an adequate external environment for the 120 students proposed.

This relationship between the building form and its 'amenity space' highlights that the scheme represents an overdevelopment of a relatively small and constrained site and would give the appearance of a cramped layout which would be out of character with the area.

The proposal is therefore contrary to policies SDP7 (i, ii, iii, iv and v), SDP9 (iv and v) of the City of Southampton Local Plan Review 2006 and Policy CS13 of the Core Strategy 2010

6. In the absence of a completed Section 106 Legal Agreement the proposals fail to mitigate against their direct impact and do not, therefore, satisfy the provisions of Policy CS25 of the adopted Local Development Framework Core Strategy (January 2010) as supported by the Council's Supplementary Planning Guidance on Planning Obligations (August 2005, as amended) in that they fail to make appropriate developer contributions or the necessary obligations including:

- 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 SPG relating to Planning Obligations (August 2005 as amended);
- ii. A financial contribution towards strategic transport projects for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
- iii. Financial contributions towards the relevant elements of public open space required by the development in line with policies CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
Amenity Open Space ("open space")
Playing Field;
- iv. The restriction of the occupation of the buildings to students only.
- v. The submission, approval and implementation of a scheme for on-site management including an on-site contact for local residents.
- vi. The submission of a highway condition survey prior to the demolition of the existing buildings and its subsequent reinstatement;
- vii. Submission and approval of a travel plan including measures for students arriving and departing at the beginning and end of term
- viii. Parking permits restrictions.
- ix. Submission of a construction traffic management plan.

A copy of the Inspector's decision notice is attached as an appendix to this report and addresses each of the Council's reasons for refusal in turn.

1. The site and its context

- 1.1 The site was recently sold at auction by the Council. It historically formed a small scale store/depot with a range of single storey utilitarian buildings with a hard surfaced compound. It is located beyond a quiet residential enclave which comprises a mix of flatted blocks and houses with mature landscaping. Beyond the site the levels drop to an adjacent school served by a narrow access route which also serves as vehicular access to a specialist school and for pedestrians and cyclists access to the Sports Centre.
- 1.2 The mature and protected trees surrounding the site are an important feature within the street and form an attractive backdrop to the flats and houses in Vermont Close and a screen to the adjacent school which sits a lower level than the site (in the region of 2m difference).
- 1.3 The site is to the west of Vermont Close and in terms of visual context and functional access (as well as historic use) relates more to the buildings on the western side of Vermont Close rather than the taller flats close to Winchester Road which the applicant has taken as the main reference for the height of the proposals.
- 1.4 Vehicular access is from a narrow and banked track off Vermont Close which also provides access to two schools and a leisure facility (swimming pool).
- 1.5 The land was deemed surplus to Council needs in November 2010 and sold at auction on 21 February 2013.

2. Proposal

- 2.1 Outline planning permission is sought for the redevelopment of the site to provide university halls of residence style accommodation in two separate blocks of predominantly three and four storey in height and arranged as 26 'cluster flats', with a total of 120 bedrooms.
- 2.2 The cluster flats are mainly arranged in groupings of six bedrooms sharing communal dining, kitchen and bathroom facilities.
- 2.3 There is no provision for parking within the scheme but a vehicular access located in the same position as the former Council depot access is provided to facilitate servicing and drop off of students on arrival and departure. 60 secure cycle spaces are shown within the central courtyard in accordance with the Council's adopted standards.
- 2.4 Site coverage of the footprint of the buildings is 43% which is less than the maximum 50% set out in the Council's policies.
- 2.5 The nearest residential buildings are to the north and east within Vermont Close at a distance of approximately 20m. The existing mature tree boundary will provide a

significant screen between the existing residential dwellings and the new development for long periods during the year.

- 2.6 The nearest bus routes are located in Winchester Road to the south east of the site but served by a segregated and illuminated footpath leading from opposite the entrance to the site to Winchester Road. The route is largely screened from Vermont Close itself by mature landscaping.
- 2.7 The buildings are not dissimilar in scale, height and proportion to the flatted blocks which already exist within Talbot Close and Vermont Close. They represent flat roof buildings forming a perimeter block fronting Vermont Close and the un-named track to the south set within courtyards and mature tree planting. For purposes of fire escape and circulation each 'building' forms two distinct accommodation blocks.
- 2.8 **Block A** fronts Vermont Close and is the northern most element of the scheme and the closest to houses in Vermont Close. This block is three storey with a 9m roof height. Access is from the rear courtyard
- 2.9 **Block B** fronts Vermont Close. This block is four storey with a 11.6m roof height.
- 2.10 **Block C** sits at the corner of Vermont Close and the un-named track serving the school sites. This would be the most prominent element of the building and would be the element visible when viewed from Winchester Road. This block is four storey with a 11.6m roof height.
- 2.11 **Block D** sits along the boundary adjacent to the school and is predominantly three storey but with a small two storey projection adjacent to the school boundary.
- 2.12 A mix of modern and traditional materials are proposed including buff brick, white render and a green 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. Having regard to paragraph 214 of the NPPF the local policies and saved policies listed in this report retain their full material weight for decision making purposes.
- 3.3 Major developments are expected to meet high sustainable construction standards in accordance with adopted Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13

4.0 Relevant Planning History

4.1 The site's planning history is summarised at **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 also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (18.03.14) and erecting a site notice (21.03.14).

At the time of writing the report **58** representations have been received from surrounding residents and Ward Councillors:-

5.2 Third Party Comment

The following planning-related issues have been raised by Local Residents and Ward Councillors:

- The area is populated by generally older residents and is not suitable or appropriate for students – it cannot accommodate numbers of this level without having a significant impact on the character and amenity and quality of life of those residents.
- The development will introduce significant increases in traffic and parking into an area that will conflict with existing school and leisure uses and the quiet residential character of the area.
- The bulk and massing of the buildings is too dominant and out of character.
- There will be noise and disturbance to neighbours with anti-social behaviour in the evening as revellers return to the site.
- The site is not located close to the University or facilities that students will need day to day access to.
- There will be an adverse impact on trees and wildlife.
- Anti-social behaviour will increase.
- Overlooking and loss of privacy for existing residents and the school grounds.
- A poor design which is too tall and looks like an 'eye-sore'. This is an over-intensive use of the site.
- There will be foul water drainage issues as the existing network does not have capacity.
- The proposals show a pedestrian access which crosses privately owned land and would not be made available.

Consultee Comments

5.3 **SCC Highways** – Remain of the opinion that the location of the development is not appropriate for this many students given the low accessibility of the location, the lack of immediate access to facilities for day to day needs, the lack of parking on site, the potential for increased traffic within the vicinity of the site and the lack of management/servicing arrangements. The comments and the conclusion of the Inspector are noted however.

- 5.4 **SCC Sustainability Team** – Objection raised. The development will be required to meet BREEAM ‘Excellent’.
- 5.5 **SCC City Design Manager** – No objections to the scale of buildings but considers design and layout could be revised to achieve a better solution in terms of on-site amenity of occupiers of the student units and the character of the area. The Inspector’s comments and conclusions are noted however.
- 5.6 **SCC Trees** - based on additional information provided by the applicant and points clarified following the appeal decision prior to submission of the re-submitted application, objections are no longer raised but conditions are required to be imposed and enforced.
- 5.7 **SCC Environmental Health (EHO)** – No objections, but request planning conditions relating to air quality, acoustic reports (plant/machinery and construction work), the control of noise, fumes and odours from extraction equipment, hours of construction, the submission of an environmental management plan, details of piling method and refuse management.
- 5.8 **SCC Ecologist** – Following the submission of a full bat emergence survey there are no significant biodiversity issues associated with the re-development of this site.
- 5.9 **SCC Contaminated Land** - Regulatory Services considers the proposed land use as being sensitive to the effects of land contamination. Records maintained by the Council indicate that the subject site is located on land known to be affected by contamination and there is the potential for these off-site hazards to present a risk to the proposed end use, workers involved in construction and the wider environment. Therefore, to ensure compliance with policies SDP1 and SDP22 of the Local Plan Review (2006) the site should be assessed for land contamination risks and remediated to ensure the long term safety of the site.

6.0 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
- i. The principle of a student building development in this location;
 - ii. The scale and design of the proposals and its impact on the established character including trees;
 - iii. The impact on existing and proposed residential amenity;
 - iv. The quality of the proposed living environment;
 - v. The level of on-site parking and its impact on highway safety; and,
 - vi. The requirement for a S.106 Agreement
- 6.2 The proposals are as considered previously by officers when refusing the scheme on six clear and separate grounds.
- 6.2.1 The only changes to the proposals have been the additional reports relating to trees, ecology and sustainability. These reports have been considered and satisfy the requirements of the material planning considerations therein.

- 6.2.2 The significant material change in circumstances between an assessment of this application and that of the refused is the need to take into account the Inspector's decision notice when making a final determination on this application.
- 6.2.3 The Inspector's decision was dated 31 December 2013. The Inspector concluded in his final paragraph that:
*'Although I consider that the proposed development would be acceptable in terms of its impact on neighbouring living conditions and in relation to car parking provision, I am persuaded from the evidence before me that not all of the existing protected trees on and straddling the site would remain unaffected by the proposal. The loss of any of these important trees would unacceptably harm the character and appearance of the area **and for this reason alone** the appeal is dismissed. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should fail.*
- 6.2.4 The Inspector's decision is clear and strongly worded. Of all the issues set out in the reasons for refusal only the issue of the impact on the trees was held to be worthy of a refusal notice.
- 6.2.5 Tree concerns have been addressed and therefore the sole reason for refusal as determined by the appeal Inspector has been overcome.
- 6.2.6 Officers and other decision makers must have due regard to all material considerations. The appeal decision has significant weight in terms of its recent timing and its assessment of all other issues and finding no harm would be caused as a result of the development.
- 6.2.7 The officer's recommendation notwithstanding, continued concern must reflect that set of considerations in order to be reasonable and identify appropriate conditions and measures to mitigate the impact of the development.

6.3 **The principle of a student building development in this location**

Officers remained concerned on this point but recognise the conclusions of the appeal that:
"the appeal site is not in an area of low accessibility for students, and that its proximity to the main university campus is similar to several existing student residencies".

6.4 **The scale and design of the proposals and its impact on the established character including trees;**

Officers remained concerned on this point but recognise the conclusions of the appeal that:
"The proposed blocks, however, are set at angles to the school, which would reduce much of their impact; this could be further mitigated by tree and hedge planting along the north-west boundary. The separation

distances between the proposed blocks and the nearest existing properties to the east would be sufficient to ensure no undue impact on the residents' living conditions through overlooking, loss of light or loss of outlook."

6.5 The impact on existing and proposed residential amenity;

Officers remained concerned on this point but recognise the conclusions of the appeal that:

"I conclude that the proposal would not unduly harm the living conditions of either the users of the school or the neighbouring residents, and would therefore not conflict with the Framework (paragraph 17)."

6.6 The level of on-site parking and its impact on highway safety;

Officers remained concerned on this point but recognise the conclusions of the appeal that therefore conclude

"that the impact of the proposed low car parking provision would be mitigated by the proximity of the site to bus services, the university and facilities, and that the further measures described above could be introduced to mitigate any potential disturbance or inconvenience caused by student parking. As such, the proposal, subject to additional management measures which would have been necessary were I minded to allow the appeal would not be contrary to the accessibility criteria of Core Strategy policy CS13 (design principles) or Local Plan policies SDP1 (quality of development) or H13 (new student accommodation)."

6.7 The requirement for a S.106 Agreement

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 SPG. 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.

A development of this scale would normally trigger the need for 35% affordable housing in accordance with Core Strategy Policy CS15. However, as the proposal is for student accommodation no affordable housing requirement is required. The S.106 legal agreement would include a restriction that occupiers of the flats would be in full time higher education in accordance with Local Plan Review Policy H13(v).

7.0 **Summary**

The scheme remains unchanged from that refused by officers under delegated powers with regards to scale, massing, numbers of students, car parking and servicing and cycle provision. Additional information not available to the Inspector has been provided and is considered to address the sole reason for refusal identified by the Inspector.

8.0 **Conclusion**

Notwithstanding continued officer concern, given 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.

PLANNING CONDITIONS to include:

01 APPROVAL CONDITION - Outline Permission Timing Condition

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

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

REASON:

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

02 APPROVAL CONDITION - Approved Plans

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

REASON:

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

03 APPROVAL CONDITION - Details of External Materials - Samples

Notwithstanding the submission to date no work for the construction of the buildings hereby permitted (excluding the demolition and site preparation phase including any below ground works required) shall commence unless and until details and samples of the materials and finishes to be used for the external walls, windows, window reveals, doors and roof of the building have been submitted to and approved in writing by the Local Planning Authority. These details should include the construction on-site of a sample panel of the relevant materials for approval, and a commitment to using an anti-graffiti finish (where feasible) to the ground floor level. 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 interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality that enhances the setting of the local heritage assets to which it will relate.

04 APPROVAL CONDITION - Window Reveal Detail

Unless otherwise agreed in writing with the Local Planning Authority the windows all Blocks shall be fitted in accordance with a reveal of at least 150mm.

REASON:

In the interests of securing a high quality design with shadow to break up the massing on this sensitive site.

05 APPROVAL CONDITION - Building Heights and Roof Plant

There shall be no alterations to or deviations from the finished floor levels and finished building heights as detailed on the approved plans without the prior written agreement of the local planning authority.

REASON:

To ensure that the impact of the development in relation to the natural features of the site and nearby buildings is as demonstrated and in the interests of visual and neighbour amenity.

06 APPROVAL CONDITION - Security Measures

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:

- CCTV coverage and concierge arrangements with 24 hour on-site management;
- semi-private ground floor courtyard access and management arrangements to include hours of access by the public;
- door types of the storage areas;
- outer communal doorsets and the cluster flat access doorsets;
- the design of the security gates into the central courtyard in consultation with Hampshire Constabulary;
- ground floor windows; and
- 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

07 APPROVAL CONDITION - Hours of Construction and Associated Deliveries

Any demolition, preparation and construction works, including the delivery of materials to the site, shall not take place outside the hours of:

- 8am and 6pm Mondays to Fridays; and,
- 9am and 1pm on Saturdays.
- Works shall not take place at all on Sundays or Public Holidays without the prior written approval of the Local Planning Authority.
- Any works outside the permitted hours shall be confined to the internal preparation of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

Notwithstanding the above restrictions the date/time of delivery to site and erection of the three tower cranes required to construct the development outside of these permitted hours shall be agreed in writing with the Local Planning Authority, in consultation with the Highways Department, prior to their delivery.

REASON:

To protect local residents from unreasonable disturbances from works connected with implementing this permission, and to ensure that construction traffic does not conflict unduly with the City's peak hour traffic.

08 APPROVAL CONDITION - Ecological Mitigation Statement

Prior to development commencing (excluding the demolition and site preparation phase) 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 an agreed programme and retained thereafter.

REASON:

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

09 APPROVAL CONDITION - Green roof feasibility study

A detailed feasibility study for a green/brown roof must be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the development (excluding the demolition and site preparation phase) hereby granted consent. If the study demonstrates the site has the capacity for the green/brown roof a specification shall be agreed in writing with the Local Planning Authority. The green/brown roof to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained and maintained thereafter.

REASON:

To reduce flood risk and manage surface water run-off in accordance with core strategy policy CS20 (Tackling and Adapting to Climate Change) and CS23 (Flood risk), combat the effects of climate change through mitigating the heat

island effect in accordance with policy CS20, enhance energy efficiency through improved insulation in accordance with core strategy policy CS20, promote biodiversity in accordance with core strategy policy CS22 (Promoting Biodiversity and Protecting Habitats), contribute to a high quality environment and 'greening the city' in accordance with core strategy policy CS13 (Design Fundamentals), and improve air quality in accordance with saved Local Plan policy SDP13.

10 APPROVAL CONDITION – Foul and Surface Water Drainage

No development (excluding the demolition and site preparation phase) shall commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The approved measures shall be in place before first occupation of the development unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To ensure satisfactory drainage provision for the area.

11 APPROVAL CONDITION – Sustainable measures

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 from 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).

12 APPROVAL CONDITION - Energy (Pre-Commencement Condition)

Notwithstanding the submitted details an assessment of the development's total energy demand and a feasibility study for the inclusion of renewable energy technologies on the site, or other means of improving energy efficiency that will achieve a reduction in CO2 emissions of 15% for the residential and 12.5% for non-residential uses over part L of the Building Regulations must be conducted. Plans for the incorporation of renewable energy technologies or other means of improving energy efficiency to the scale that is demonstrated to be feasible by the study, and that will reduce the CO2 emissions of the development of 15% for the residential and 12.5% for non-residential uses over part L of the Building Regulations must be submitted and approved in writing by the Local Planning Authority within 6 months from the commencement of the development hereby granted consent. 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

13 APPROVAL CONDITION - Existing Accesses

Any existing access to the site not required to serve this development shall be stopped up and abandoned and footway and verge crossings shall be reinstated immediately after completion of the new access hereby approved.

REASON:

In the interests of highway safety.

14 APPROVAL CONDITION - Refuse and Recycling Bin Storage

Bin storage shall be laid out with a level approach prior to the first occupation of the development hereby approved in accordance with the approved amended plans listed below. All storage shall be located and retained inside the building and presented to the relevant layby only on the day of collection. The facilities shall include accommodation for the separation of waste to enable recycling by residents. The approved refuse and recycling storage shall be retained whilst the building is used for residential purposes.

REASON:

In the interests of the visual appearance of the building and the area in general.

15 APPROVAL CONDITION - Litter Bins

Provision shall be made on-site for the installation and subsequent emptying of litter bins and such provision shall be approved in writing by the Local Planning Authority before the first occupation of the development hereby permitted. The agreed scheme shall be retained and managed during the lifetime of the development.

REASON:

To ensure that adequate facilities are provided for the collection and disposal of litter likely to be generated by this mixed-use development.

16 APPROVAL CONDITION - Cycle Storage

Notwithstanding the information already submitted no development shall be occupied until details of the secure, covered cycle storage for all uses included within the development hereby approved (and their visitors) have been submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be made available prior to the occupation of the development in accordance with the approved details. The cycle storage shall be retained whilst the building is occupied for the approved use.

REASON:

In the interest of the amenity of residents and to reduce reliance on the private motor car.

17 APPROVAL CONDITION- Land Contamination investigation and remediation

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:

- 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.
- 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.
- A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

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

REASON:

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

18 APPROVAL CONDITION - Reuse of uncontaminated soils

No soils, sub-soil or other spoil material generated from the construction must be re-used on the near-surface soils unless it can be validated as being fit for use (i.e. evidently undisturbed, natural soils or, if otherwise, tested to ensure it is free of contamination).

REASON:

The property is in an area where there land has been unfilled or reclaimed. It would be prudent to ensure any potential fill material excavated during construction is not reused in sensitive areas unless it is evident that it is unlikely to present a land contamination risk.

19 APPROVAL CONDITION- Unsuspected Contamination

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

REASON:

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

20 APPROVAL CONDITION – Telecommunications PD Restriction

Notwithstanding the provisions of Schedule 2 Part 25 the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending, revoking or re-enacting that Order, no external telecommunication equipment shall be erected or carried out to any building hereby permitted without the prior written approval of the Local Planning Authority.

REASON:

In the interests of visual amenity.

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

No storage of goods including building materials, machinery and soil, shall take place underneath the crown spread of the trees to be retained on the site.

There will be no change in soil levels or routing of services through tree protection zones or within canopy spreads, whichever is greater. There will be no fires on site. There will be no discharge of chemical substances including petrol, diesel and cement mixings within the tree protection zones or within canopy spreads, whichever is greater.

REASON:

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

22 APPROVAL CONDITION - Overhanging tree loss [Performance Condition]

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

REASON:

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

23 APPROVAL CONDITION - replacement trees [Performance Condition]

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

consent to any variation.

REASON:

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

**24 APPROVAL CONDITION - Arboricultural Protection Measures
[Pre-Commencement Condition]**

No works or development shall take place on site until a scheme of supervision for the arboricultural protection measures has been approved in writing by the LPA. This scheme will be appropriate to the scale and duration of the works and may include details of:

- Induction and personnel awareness of arboricultural matters
- Identification of individual responsibilities and key personnel
- Statement of delegated powers
- Timing and methods of site visiting and record keeping, including updates
- Procedures for dealing with variations and incidents.

REASON:

To provide continued protection of trees, in accordance with Local Plan Policy SDP12 and British Standard BS5837:2012, throughout the development of the land and to ensure that all conditions relating to trees are being adhered to. Also to ensure that any variations or incidents are dealt with quickly and with minimal effect to the trees on site.

25 APPROVAL CONDITION - Contractors Compound (Pre-Commencement Condition)

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

REASON:

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

26 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.

27. APPROVAL CONDITION - Bonfires [Performance Condition]

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

REASON:

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

Notes To Applicant

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.

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 - Southern Water – Water Supply - Informative

A formal application for connection to the public water supply is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39a Southgate Street, Winchester, SO23 9EH (tel. 01962 858688).

Note to Applicant - Southern Water – Sewers - Informative

The applicant should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Atkins Ltd, Anglo St James House, 39a Southgate Street, Winchester, SO23 9EH (tel. 01962 858688).

Note to Applicant - Cranes

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' available at www.caa.co.uk/srg/aerodrome. The contact for crane issues at Southampton Airport is Iain Mc Dermott-Paine, Airside Compliance Manager telephone 02380 627173.

POLICY CONTEXT

Core Strategy - (January 2010)

CS3	Promoting Successful Places
CS4	Housing Delivery
CS6	Economic Growth
CS11	An Educated City
CS13	Fundamentals of Design
CS15	Affordable Housing
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats
CS24	Access to Jobs
CS25	The Delivery of Infrastructure and Developer Contributions

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP8	Urban Form & Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP15	Air Quality
SDP22	Contaminated Land
CLT1	Location of Development
CLT5	Open Space
H2	Previously Developed Land
H7	The Residential Environment
IMP1	Provision of Infrastructure

Supplementary Planning Guidance

Car Parking SPD (Adopted September 2011)
North South Spine Strategy (2004)
City Centre Streetscape Manual (2005)
Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - August 2005 and amended November 2006)

Other Relevant Guidance

The National Planning Policy Framework (March 2012)

Relevant Planning History

04/00502/FUL:

Temporary consent (for 2 years) to site a portakabin and consent to increase the height of the existing fence to the perimeter to 2m.

Conditionally Approved 07.05.2004

06/00414/TEMP:

Continued siting of a portakabin to be used as administrative offices (renewal of temporary consent 04/00502/FUL) for a further 2 year period.

Conditionally Approved 09.05.2006

08/00174/TEMP:

Continued siting of a portakabin to be used as administrative offices (renewal of temporary consent 04/00502/FUL following previous renewal.

Conditionally Approved 10.04.2008

12/00845/PREAP1:

Pre-app for re-development of site comprising the demolition of existing store and erection of 2 blocks of student cluster flats in 5 and 6-storey buildings.

12/01758/OUT

Redevelopment of the site. Erection of two new buildings ranging in height from 2 storeys to 4 storeys, to provide 26 student flats (120 bedrooms), with associated refuse, cycle store and parking following demolition of existing workshop/stores (outline application seeking approval for access, layout, scale and appearance) (as amended by plans received 07.02.2013)

Refused 18.02.2013

Appeal Dismissed 31.12.2013

Inspector's Appeal Decision

Appeal Decision

Site visit made on 11 December 2013 by **Mike Fox BA (Hons) Dip TP MRTPI** an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 December 2013

Appeal Ref: APP/D1780/A/13/2194762

Land at Vermont Close, Southampton, SO16 7LT

- 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 Mrs A Hauser against the decision of Southampton City Council.
- The application Ref 12/01758/OUT, dated 6 November 2012, was refused by notice dated 18 February 2013.
- The development proposed is the redevelopment of the site and the erection of two new buildings ranging in height from two to four storeys to provide 26 student flats (120 bedrooms), with associated refuse, cycle store and parking following the demolition of the existing workshop/stores.

Decision

1. The appeal is dismissed.

Procedural matters

2. The only matter of detail which has been reserved for future approval is landscaping.
3. Descriptions of the former use of the appeal site vary between the appeal planning application and the Design and Access Statement. I have therefore used the simplified description of the site as included in the Decision Notice.
4. Although no landscaping plans have been submitted, an Arboricultural Statement has been included as part of the Appeal Statement. The Arboricultural Statement, however, has no plans showing either the locations of the trees on the appeal site or their proposed management in relation to their root protection areas or the spread of their crowns.
5. The original application was for 32 student flats, although this number was reduced to 26. For clarification and the removal of doubt, the reduced scheme is the appeal proposal.

Main Issues

6. The main issues are the effect of the proposed development on the character and appearance of the area; and on the living conditions of the neighbouring residential occupiers and users of the adjacent primary school with particular reference to noise, disturbance and outlook; and the adequacy of car parking and servicing provision.

Reasons

Character and appearance

7. The appeal site is located between flats and houses to the south, two schools to the north and west, and a community swimming pool to the south-west. It accommodates two disused former storage buildings and areas of hardstanding. There are three groups of mature trees either within the site or straddling its boundaries. These include a line of Oaks along the south-east boundary; a cluster including a Norway Maple, Scots Pine, Lime and Horse Chestnut at the southern junction of Vermont Close and the access lane to the nearby schools; and a group of (mainly) pines to the north-east. These trees, which are protected by a TPO1, contribute significantly to the character and appearance of the maturely landscaped Vermont Close area, to the north-west of the A35 Winchester Road.

8. The proposal is for two linked/staggered and mainly 3/4 storey residential blocks (A and B) in the eastern part of the site, parallel to Vermont Close, and two similarly configured and mainly 3/4 storey blocks (C and D) in the south-western part, parallel to the access road to the schools. The blocks almost converge at the southern apex of the site, leaving a triangular open space between them, opening out towards Vermont School, which sits on lower land next door, to the north-west of the site.

9. Although landscaping is a reserved matter, the appellant argues that: "the proposal would not erode the landscaped setting of the street". This consideration is at the heart of the appeal. The Council is concerned in particular about the impact of Block A on the root protection areas and crowns of the pine trees in the north-east of the site. The submitted drawings which identify the layout, scale and height of the proposed blocks provide an indication of their likely impact on the existing trees.

10. The appellant's Arboricultural Statement (paragraph 6.1) indicates that the proposed buildings are partly situated within the retained tree root protection areas, but also states that these buildings are located on extensive areas of 'built environment', hostile to tree roots. Block A, however, would be remote from the existing buildings, although the ground is covered by hardstanding. Furthermore, the existing single-storey structures are significantly lower than the proposed development, with proportionately less impact on both the root protection areas and the crowns. The appellant's Arboricultural Statement acknowledges (paragraph 6.2) that the proposal may require some crown reduction.

11. Neither of the main parties has submitted detailed drawings to indicate the precise location of the four blocks in relation to the protected trees, their root protection areas and crowns. However, from examining the plans, reading the evidence and from my site observations, I consider that the proximity of the proposed development to the protected trees on the appeal site would result in a harmful impact and in particular on the pines in the north-east corner.

12. My concerns relate to both the construction stage and the potential cumulative arboricultural harm over time. In particular, the proximity of some of the existing mature trees, such as the row of Oaks along the south-west boundary,

1 The Southampton (Land at Vermont Close) Tree Preservation Order (TPO) 2012.

Appeal Decision APP/D1780/A/13/2194762

www.planningportal.gov.uk/planninginspectorate 3 would cause excessive shading to the proposed development. There is likely to be pressure from future occupiers to remove significant branches and/or to remove some of these trees based on their overshadowing effects. The design, scale and external materials of the proposed development, however, would not be out of place in relation to the housing directly facing the appeal site and in the rest of the 'enclave' to the north-west of Winchester Road.

13. In the absence of detailed tree plans to fully address the concerns referred to above, I conclude on the evidence before me that the proposal would be likely to result in significant harm to several of the above-mentioned trees, to the detriment of the character and appearance of the both the site and the streetscene. This would be contrary to the relevant British Standard Trees Advice², the Council's *Core Strategy*³ policy CS13, which states that development should contribute to the 'greening of the city', and the Council's *Local Plan*⁴ policies SDP7 (i) which protects natural features in the environment and SDP12, which specifically refers to the need for development to ensure the protection of trees. The proposal would also not accord with national policy, as expressed in *the Framework*⁵, which expects developments to respond to local character and reinforce local distinctiveness (paragraphs 58 and 60).

Living conditions

14. The Council expressed concern that the height and scale of the proposed development would be overbearing on the outlook from Vermont School, immediately to the north-west of the site, on lower ground. The proposed blocks, however, are set at angles to the school, which would reduce much of their impact; this could be further mitigated by tree and hedge planting along the north-west boundary.

15. The separation distances between the proposed blocks and the nearest existing properties to the east would be sufficient to ensure no undue impact on the residents' living conditions through overlooking, loss of light or loss of outlook.

16. Concern was expressed about the proximity of student accommodation to the 'established' residential areas and the likelihood of noise and disturbance.

There was also concern over students making pedestrian 'rat runs' through 'private' residential space to gain access to the university, shops and other facilities. The appellant, however, has signed a Unilateral Undertaking under S106 of the Act to achieve, amongst other objectives, a management agreement in line with the Southampton Accreditation

Scheme for Student Housing, which sets down acceptable standards of student behaviour.

17. Accordingly, I conclude that the proposal would not unduly harm the living conditions of either the users of the school or the neighbouring residents, and would therefore not conflict with *the Framework* (paragraph 17).

Car parking

18. The Council was concerned that the low accessibility of the site to public transport, the university and facilities would increase the pressure for car

2 BS 5837:2012: *Trees in relation to design, demolition and construction - Recommendations*

3 Southampton City Council: *Core Strategy-Adopted Version*; January 2010.

4 *City of Southampton Local Plan Review* (March 2006)

5 Department for Communities and Local Government: *National Planning Policy Framework (the Framework)*; March 2012.

Appeal Decision APP/D1780/A/13/2194762

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access, and that this would exacerbate the level of noise and disturbance to local residents, who would be competing for the limited number of on-street parking spaces with the students. The provision of two spaces for dropping off/servicing was considered inadequate to meet the demands of the student population, thus compounding the impact on the residents as described above. 19. Regarding accessibility, the appellant has submitted a map which shows the location of the appeal site in relation to bus routes, bus stops, the university campus, main areas of student residences and local shopping centres. This demonstrates that the site is within easy walking distance to bus stops, frequent bus services and a range of facilities.

20. At the site visit, I walked along a footpath which runs directly from opposite the entrance of the appeal site, next to the swimming pool, to Winchester Road to the south, which it meets at a pedestrian crossing close to bus stops in both directions. Although this path is unlit, has an unmade surface and passes through woodland, it is wide enough for both a cycleway and a pedestrian route, and the potential exists for an enhanced safe and convenient link in the future. Even without this footpath, students could use Vermont Close to access buses and facilities, subject to a S278 Agreement to ensure the establishment of a continuous footpath from the site to Winchester Road.

21. The above information demonstrates that the appeal site is not in an area of low accessibility for students, and that its proximity to the main university campus is similar to several existing student residencies. I note that a residents' parking scheme exists in the roads in the neighbourhood. The Council would have the power to extend this scheme to include evenings and weekends if the impact of on-street student parking was perceived to be significant, whilst on-site parking could be controlled by

condition, had I been minded to allow the appeal. Moreover, the former use on the site, which could be re-enacted for storage and distribution without planning permission, could generate significant traffic in the area.

22. I therefore conclude that the impact of the proposed low car parking provision would be mitigated by the proximity of the site to bus services, the university and facilities, and that the further measures described above could be introduced to mitigate any potential disturbance or inconvenience caused by student parking. As such, the proposal, subject to additional management measures which would have been necessary were I minded to allow the appeal, would not be contrary to the accessibility criteria of *Core Strategy* policy CS13 (design principles) or *Local Plan* policies SDP1 (quality of development) or H13 (new student accommodation).

23. The Council's recent planning permission for the erection of a 107 bedrooms student building at Bevois Road/Earls Road⁶ was brought to my attention as evidence of the Council's alleged inconsistency over its parking policies. In that case, however, the Council's view was that the site was accessible to the educational establishments in the city, which would explain the way the Council considered the limited parking arrangements of that scheme. Furthermore, significant tree loss was not an issue in that scheme.

⁶ Planning application 11/01143/FUL for the erection of a building ranging in height from 2 storeys to 5 storeys to provide 24 flats for students (107 bedrooms) on land at corner of Bevois Road and Earls Road; planning permission approved following the meeting of Southampton City Planning & Sustainability Planning and Rights of Way Panel meeting 22 November 2011.

Appeal Decision APP/D1780/A/13/2194762
www.planningportal.gov.uk/planninginspectorate 5

Section 106 Agreement

24. The appellant has submitted a signed and dated Unilateral Undertaking under S106 of the Act. This would provide a financial contribution towards highway improvements in the vicinity of the site and the wider area and public open space. It would also provide for mitigation measures, including the restriction of the occupation to students only, on-site management, a highway condition survey prior to the demolition of the existing buildings, a travel plan, parking permits restrictions and a construction traffic management plan. From the evidence submitted by the Council, I am satisfied that all parts of this Unilateral Undertaking meet the tests set out in Community Infrastructure Levy (CIL) Regulation 122.

25. Even in the event of the recently adopted CIL charging regime being operational, the mitigation measures of the Unilateral Undertaking would still be relevant, had I been minded to allow the appeal.

Other considerations

26. My attention was drawn to a recent appeal decision which allowed the redevelopment of 6 residential dwellings for student accommodation of 99

rooms in Winchester⁷. The absence of any reference to trees in that decision limits its relevance to the appeal before me. Furthermore, I have no detailed knowledge of the background to this appeal. For these reasons I cannot give it much weight in my decision.

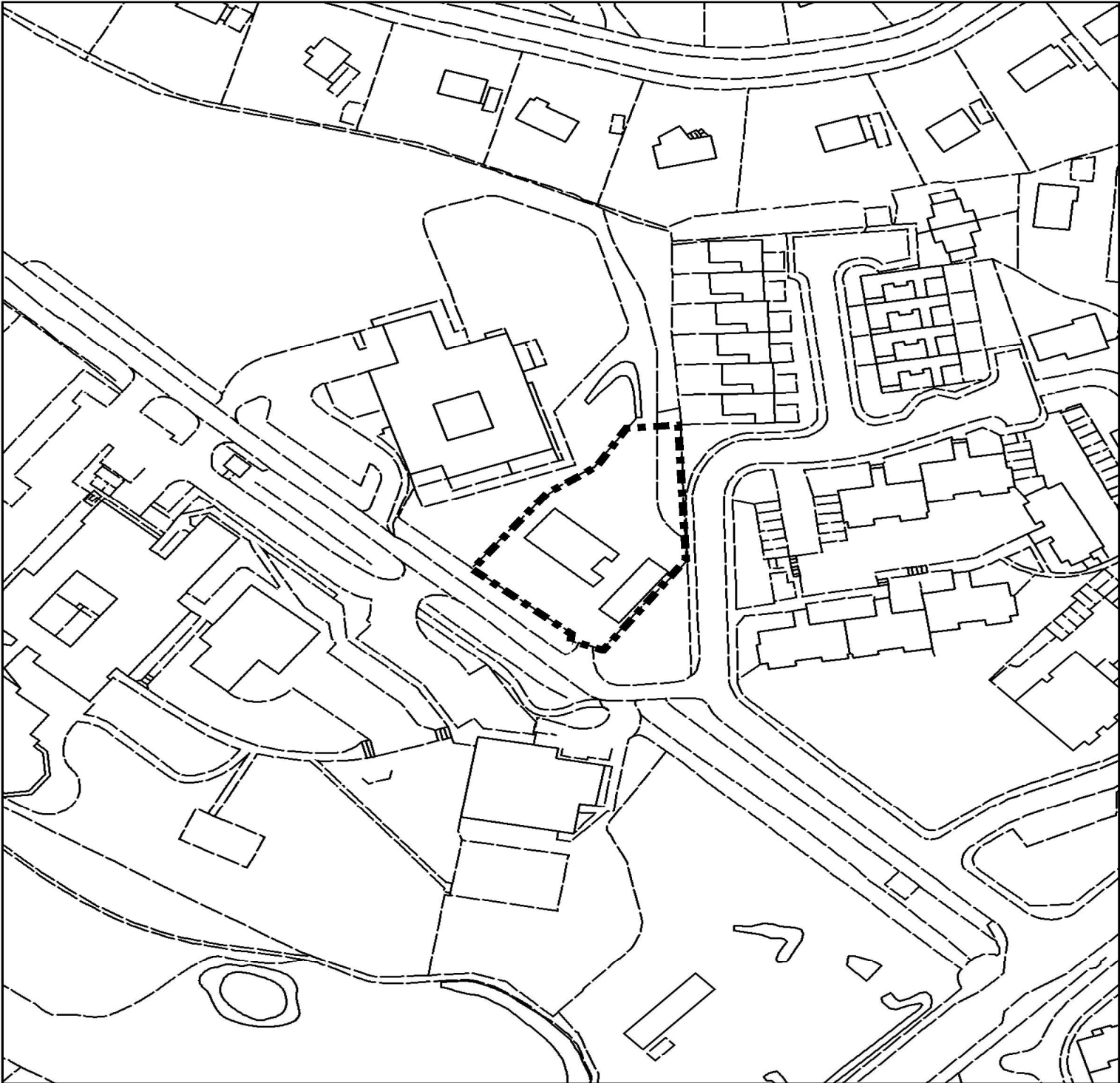
Conclusion

27. Although I consider that the proposed development would be acceptable in terms of its impact on neighbouring living conditions and in relation to car parking provision, I am persuaded from the evidence before me that not all of the existing protected trees on and straddling the site would remain unaffected by the proposal. The loss of any of these important trees would unacceptably harm the character and appearance of the area and for this reason alone the appeal is dismissed. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should fail.

Mike Fox

INSPECTOR

14/00429/OUT



Scale: 1:1,250

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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: 21 Westrow Gardens SO15 2LZ			
Proposed development: Change of use from a Dwelling House (Class C3) to either a Dwelling House (Class C3) and/or a three-bed House In Multiple Occupation (Class C4)			
Application number	14/00709/FUL	Application type	FUL
Case officer	Joanne Hall	Public speaking time	5 minutes
Last date for determination:	22/07/2014	Ward	Freemantle
Reason for Panel Referral:	Request by Ward Member and/or five or more letters of objection have been received	Ward Councillors	Cllr Brian Parnell Cllr David Shields Cllr Jeremy Moulton

Applicant: Dr Shabana Qaiyoom	Agent: NA
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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, SDP7, SDP9 and H4 of the City of Southampton Local Plan Review (March 2006) and CS16 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies	3	Parking Survey
2	HMO SPD Calculations	4	Site Map

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 The application site consists of two-storey semi-detached dwelling house within the Freemantle Ward of Southampton. The site falls within the Banister's Park area of the City with Southampton Common to the north, the Polygon area to the south and with main roads Hill Lane and the Avenue to the east and west.
- 1.2 The immediate area around Westrow Gardens is characterised by semi-detached and detached dwellings of a similar scale. To the rear of the application there is a large nursing home. Westrow Gardens is a cul-de-sac leading off of Westrow Road and therefore has no through traffic. The road is subject to parking restrictions which prevents parking on the road between the hours of 08:00 and 18:00.

2.0 Proposal

- 2.1 The application seeks to obtain permission to use the property as either a C3 dwelling house or a C4 House of Multiple Occupation (HMO) for a period of 10 years. After this time, the use would permanently become that which it is used as on that date.
- 2.2 It is proposed that as well as using the property as it current exists (C3) it could be used as accommodation for three unrelated individuals. The proposal includes three parking spaces on site and bin storage within an existing car port to the side of the property. Amenity space is provided to the rear of the site.

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 No previous planning history for this site.

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice (10/06/2014). At the time of writing the report **20** representations have been received from surrounding residents. The following is a summary of the points raised:

- Take precedence/ creates other HMOs - Any future applications would also be assessed against the HMO SPD which states that no more than 20% of the households surrounding an application site should be HMOs in order to maintain a balance of types of households.
- Road safety – The Highways Development Management team have indicated that the application would not have an impact on highway safety and that any parking matters should be considered with regards to amenity rather than safety.
- Increased traffic – It is judged that the parking for an HMO property limited to three residents would not be significantly different to that of a family dwelling. On-street parking restrictions will deter overspill during the day. However, a parking survey has been submitted to illustrate the on-street parking availability.
- Character of the area/ family dwellings - The area is currently characterised by properties occupied by single families. The HMO SPD is designed to ensure that the balance between family homes and HMOs is controlled in order to maintain a balance of households within a community. The SPD sets out an assessment area of 40m radius around a proposal site of which the proportion of HMOs should not exceed 20% (in the Freemantle ward). There are no other HMOs within the assessment area and as such the threshold is not exceeded. It is therefore judged that the balance of households in the community would not be significantly altered in a way which would harm the character of the area. It should be noted that the application does not result in the loss of a family home as it can be let to families and would not be subdivide or altered in anyway which would mean that it could no longer be described as a family home.

- Intensification of use/ up to six people/ maybe more than six people – A C4 (small HMO) dwelling is defined as 3-6 unrelated people living together as separate households. More than six people would become a large HMO falling within use class Sui Generis. Planning permission would therefore be required to change from C4-Sui Generis in order to increase the occupancy to over six people. In relation to the intensification of the site, it is judged that a maximum of three people should be permitted to reside in the property whilst in C4 occupation in order to provide sufficient quality of residential amenity to occupiers. This would also limit this impact of the development in terms of potential for noise disturbance, parking pressures and refuse collection. It is judged that that the impact on three unrelated people is not significantly different from the occupation of a property by a family.
- Proximity to care home – As stated above, it is recommended that the occupancy is restricted to three people when in C4 use in order to mitigate the impact on neighbouring properties and to maintain an occupancy in-keeping with that of a family home
- More waste, noise and anti-social behaviour - As stated above, it is recommended that the occupancy is restricted to three people when in C4 use in order to mitigate the impact on neighbouring properties and to maintain occupancy in-keeping with that of a family home and the quiet residential cul-de-sac.
- Poor maintenance of property – The Local Planning Authority is not able to control the maintenance of the properties.
- Commercial interest behind application - The application needs to be assessed against material considerations and personal financial circumstances to do form such a consideration. However, perceived implications of a commercial venture which were raised in objections such as increased occupancy and parking pressures are dealt within this section.
- No demand for an HMO in this area – No evidence has been submitted to support this claim. However, the application seeks flexible C3-C4 use so would be suitable for letting to families if no demand is found for use as an HMO.
- Impact on quality of life – It has been raised that a combination of the aforementioned issues could impact on the quality of life of nearby residents. In order to mitigate this, it is recommended that the occupancy is restricted to three people when in C4 use in order to mitigate the impact on neighbouring properties and to maintain an occupancy in-keeping with that of a family home and the quiet residential cul-de-sac.
- Transient nature of residents - Whilst it is accepted that the nature of HMO tenancies is usually short-term, it is judged that the addition of one HMO within the area would not have a harmful impact on the area as supported by the HMO SPD 40m radius calculation of 6% of

property used as HMOs if this application is approved (current 0%). This is below the maximum 20% for the ward.

- Already too many HMOs - As stated above, there are current no HMOs within the assessment area. This is explored further on section 6.3.2.
- C3 use should be determined by parking issues - As the property already benefits from C3 use, there would be no change of use when let to a family regardless of owner-occupancy or occupancy by rental tenants

5.1.1 In response to the objections, the applicant has prepared a list of comments relating to the points raised. In particular, it indicated the acceptance of a limited occupancy condition. This note has been added to the file as part of the planning application.

Consultation Responses

5.2 **SCC Highways** - The proposal does not incorporate any increase in floor space or bedrooms. There is on-site parking but it is tandem which may cause cars blocking each other in. The street contains parking restrictions from 08:00'18:00 which will deter any overspill parking.

Any overspill parking in this area will be more of an amenity issue rather than highway safety due to the fact that it is a cul-de-sac, traffic levels are low and vehicles entering the street will mostly be residents and not through traffic. For this reason, I can recommend (not require) a parking survey to be conducted to see what the demand is for on-street parking during the evenings as an HMO can be argued to attract more visitors than a single dwelling.

As an HMO, each unit/bedsit should benefit from their own individual cycles store. If it is a communal store, than each resident should be able to lock their cycles within the store via for example, Sheffield stands.

Recommendation

I recommend approval subject to the following conditions:-

'Details of cycle storage to be submitted and agreed upon in writing by the local planning authority

Updated - The department are satisfied with the content of the parking survey and do not consider any potential overspill parking to be of a highway safety concern. The parking survey is acceptable and appears to have generally complied with the Lambeth Methodology.

5.6 **SCC Environmental Health (Pollution and Safety)** - No objections to this application for change of use. The use of the rooms should comply with SCC space and amenity standards for HMOs. Fire precautions to comply with Lacors fire safety guidance.

5.7 **Cllr Brian Parnell** – Request for item to be heard by Planning and Rights of Way Panel

5.8 **Cllr Jeremy Moulton** - Request for item to be heard by Planning and Rights of Way Panel

6.0 Planning Consideration Key Issues

6.1 The key issues for consideration in the determination of this planning application are: the principle of development; its impact on the character of the surrounding area; the impact on residential amenity of occupiers of neighbouring properties and the application site and; the impact on highway safety and parking.

6.2 Principle of Development

6.2.1 The HMO SPD was designed to ensure that a mix of households is maintained and HMOs do not become dominant within an area. Having conducted the assessment outlined within the HMO SPD, it appears that this property would be the only HMO within the 40m radius assessment area (measured from the middle of the front door of the application site). The percentage of properties within the radius which would be HMOs as a result of this application would be 6% and therefore below the maximum 20% threshold of the Freemantle ward. (NB: the nursing home to the rear of the site has not been included in the calculation as does not meet the requirements of the HMO SPD section 3.4 as per Schedule 14 of the Housing Act 2004).

6.2.2 Whilst the principle is acceptable, other material considerations such as the impact on the area, residential amenity and highway safety need to be considered.

6.2.3 Policy CS16 seeks to provide a mix of housing types and requires that there be no net loss of family homes. The application does not result in the loss of a family home as the property will not be subdivided and can be used as a family home in the future. The application seeks a flexible use between a family unit (defined as at least three bedrooms with direct access to private amenity space) and a three bedroom HMO.

6.3 Impact on the character of the area

6.3.1 The HMO SPD seeks to maintain a balance of households and community by restricting the amount of HMOs within certain areas in order to maintain the character of the area. The area is characterised by mostly semi-detached family/owner occupier properties.

6.3.2 It is noted that the Council does not have an up to date database of the location of HMOs in the city, though the location of HMOs was gathered using the best information available to the Council using the Electoral Register, the HMO licensing register, Council Tax records and other checks. Based on this assessment, it is judged that the introduction of an HMO would maintain this balance as it would be the only HMO within the 40m radius. As this would not exceed the allowable threshold within the area. For details of the calculation, please see **Appendix 2**.

6.3.4 Notwithstanding this, it is recognised that the street is a quiet, residential cul-de-sac which is mainly occupied by families. Considering the context of the area, it is judged that the intensified use of the property as an HMO for four-six people would not be in-keeping with the family-orientated character of the area. This can be mitigated by reducing the allowable number of residents to three people when in C4 occupation in order to be more in-keeping with the use of other properties within the area.

6.4 Impact on residential amenity

6.4.1 It is considered that a small HMO would not have a significantly adverse impact on the residential amenity of neighbouring properties. It is unlikely that a dwelling house shared by three unrelated persons would have a different impact in terms of comings and goings, noise or refuse than a family or the same amount of people living as one household.

6.4.2 However, the potential impact of more than three people could increase the comings and goings to the property with four - six individuals using the application site independently from each other. It is therefore recommended that the application site is restricted to allow no more than three people to reside in the property whilst in C4 use in order to limit any potentially adverse impact of over-intensification such as increased parking pressure, noise disturbance and poor waste management.

6.4.3 There would be no physical alterations to the building which would impact neighbouring properties.

6.4.4 With regards to the residential amenity of occupiers of the application site itself, the Environmental Health team have indicated that they are content that the room and amenity space sizes comply with the Council's private sector housing standards (NB: the Local Planning Authority do not have minimum room size standards).

6.5 Impact on highway safety and parking

6.5.1 The site has parking space for three parking spaces, all of which would be retained. It is considered that three cars being parked on site by occupiers of an HMO would not be significantly different to having three cars within a family house. Whilst the parking is in tandem and would require some manoeuvring due to cars being block in, this again would not be significantly different to the situation should the property remain in C3 use. The street contains parking restrictions from 08:00 -18:00 Monday-Saturday which will deter any overspill parking during these hours.

- 6.5.2 A parking survey has been submitted to show the on-street parking availability within the surrounding area. This was undertaken on Wednesday, 2nd July 2014 between 20:30 and 21:15 hours. It appears to demonstrate a high level of on-street parking availability within the evening. The Highways Development Management team have indicated that the survey is acceptable in terms of its format and level of detail and generally complies with the Lambeth Methodology.
- 6.5.3 The Council has minimum cycle parking requirements to encourage alternative transportation use. One cycle storage space needs to be supplied for each resident. If the store is communal, each resident should be able to lock their cycles within the store via for example, Sheffield stands. This can be secured by condition.

7.0 Summary

- 7.1 In summary, the proposed HMO does not exceed the Freemantle threshold limit of 20% within 40 metres of the application site in accordance with the HMO SPD. The introduction of an HMO to Westrow Gardens is acceptable in terms of its impact on the character of the area surrounding the application site and the residential amenity of residents of the street. The proposal maintains a sustainable mix and balance of households in the local community, whilst meeting the need for important housing in the city.

8.0 Conclusion

- 8.1 The application is recommended for approval subject to conditions.

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

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

JOAHAL for 22/07/14 PROW Panel

PLANNING CONDITIONS

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

REASON:

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

02. APPROVAL CONDITION - Approved Plans

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

REASON:

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

03. APPROVAL CONDITION - C3/C4 dual use [Performance Condition]

The "dual C3 (dwellinghouse) and/or C4 (House in multiple occupation) use" hereby permitted shall, under Class E, Part 3, Schedule 2 of the Town and County Planning (General Permitted Development) Order 1995, be for a limited period of 10 years only from the date of this Decision Notice. That dwelling shall remain as the prevailing use at that time as hereby agreed in writing by the Local Planning Authority. For the avoidance of doubt, if a C4 use is instituted and subsequently reverts to C3 use and is in that use on 22 July 2024, planning permission will be required to convert to Class C4 use thereafter.

REASON:

In order to provide greater flexibility to the development and to clarify the lawful use hereby permitted and the specific criteria relating to this use.

04. APPROVAL CONDITION - Occupancy Restriction [Performance condition]

Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 (SI 2010/653) or any Order amending, revoking or re-enacting that Order, no more than 3 residents shall at anytime occupy the property whilst it is in use as a C4 dwelling house (house in multiple occupancy whereby the property is occupied by unrelated individuals who share basic amenities).

REASON

In order that the Local Planning Authority may exercise further control in this locality given the surrounding context and character and to reduce the potential impact of the development.

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

Adequate cycle storage facilities to conform to the Local Planning Authorities standards of one space per resident shall be provided within the site before the development hereby permitted commences and such parking and storage shall be permanently maintained for that purpose. In the avoidance of doubt this means that three secure, lockable cycle parking spaces shall be provided on site.

REASON:

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

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

Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the buildings hereby approved.

REASON:

In the interest of visual amenity and for the safety and convenience of the users of the adjacent footway.

07. Note to Applicant - Pre-Commencement Conditions

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

APPENDIX 1

Application 14/00709/FUL

POLICY CONTEXT

Core Strategy - (January 2010)

CS13	Fundamentals of Design
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
SDP9	Scale, Massing & Appearance
H4	Houses in Multiple Occupation

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012

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APPENDIX 2

Westrow Gardens – number of existing HMO's

Property No.	Council Tax	Licencing	Electoral Roll	Site visit ²
5	-	-	-	-
6	-	-	-	-
7	-	-	-	-
8	-	-	-	-
9	-	-	-	-
10	-	-	-	-
11	-	-	-	-
12	-	-	-	-
17	-	-	-	-
18	-	-	-	-
19	-	-	-	-
20	-	-	-	-
21 ¹	-	-	-	-
22	-	-	-	-
23	-	-	-	-
24	-	-	-	-
25	-	-	-	-
Nursing home ³	NA	NA	NA	NA

¹ Application site

² Having conducted a site visit, it was not apparent that any property was occupied in any other way than as a single C3 dwelling. However, individual properties were not approached for further investigation.

³ Nursing home is a property that cannot be used as an HMO and as such it is not included in the calculation (as per 3.4 of the HMO and Schedule 14 of the Housing Act 2004).

Calculation

Total properties = 17

Total current HMO's = 0

Total proposed HMO's = 1

$1/17 \times 100 = 5.6\%$ (rounded up as per HMO SPD)

Resultant HMO percentage = 6%

Freemantle ward threshold = 20%

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Parking Survey

Planning application 14/00709/FUL 21 Westrow Gardens, Southampton, SO15 2LZ

Performed by Dr. Shabana Qaiyoom (applicant)

A change of use from C3 to mixed C3/C4 use is proposed for **21 Westrow Gardens, Southampton, SO15 2LZ**.

A parking survey has been undertaken at the suggestion of the planning office.

Scope of survey: Westrow Gardens, Westrow Road and a portion of Northlands Road (from Archers Road end to Marshall Square roundabout).

The count was taken on Wednesday 2nd July 2014 between 20:30 and 21.15 hrs.

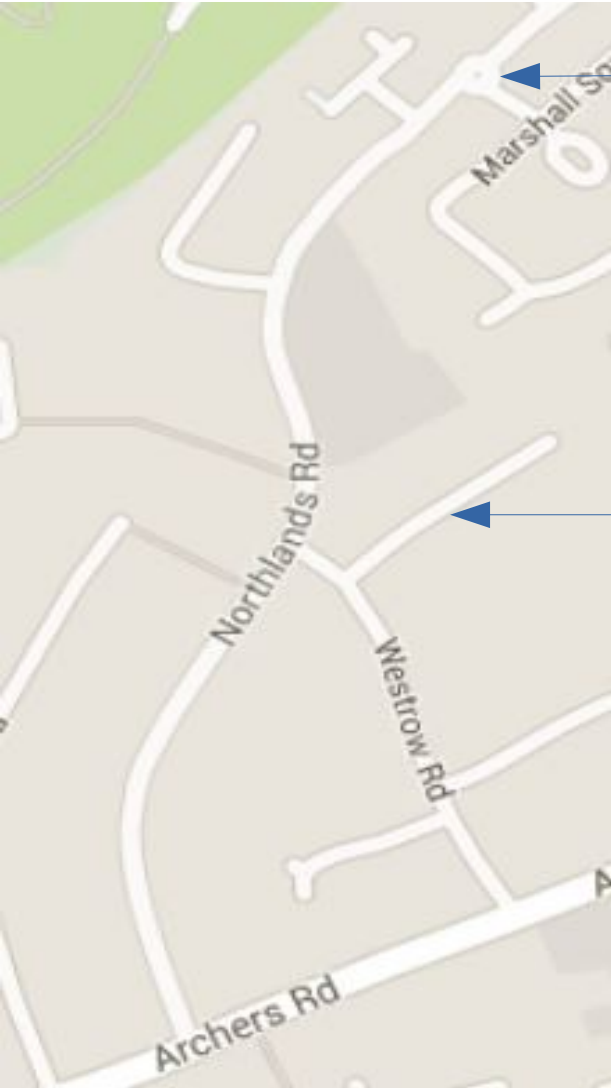
Dropped kerbs – these have not been included in the count of available on-street parking spaces.

Disabled bays – these have not been included in the count of available on-street parking spaces.

Parking restrictions – double yellow lines have not been included in the count of available on-street parking spaces. Single yellow lines exist on all of the above roads restricting parking between 8am and 6pm Mon – Sat.

Results are shown in the table below. A map and photographs are included to support this survey.

Street name	Total Number of on-street parking spaces	Number of cars parked on street 2/7/2014, 20.30 – 21.15	Parking stress 2/7/2014
Westrow Road	34	14	42%
Westrow Gardens	22	0	0%
Northlands Road	104 (Archers Rd to Marshall Sq roundabout)	37	36%



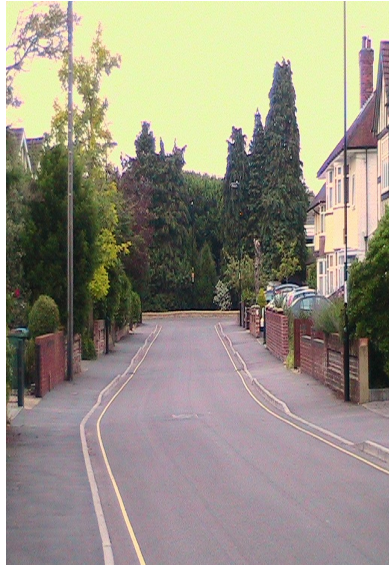
Marshall Square Roundabout



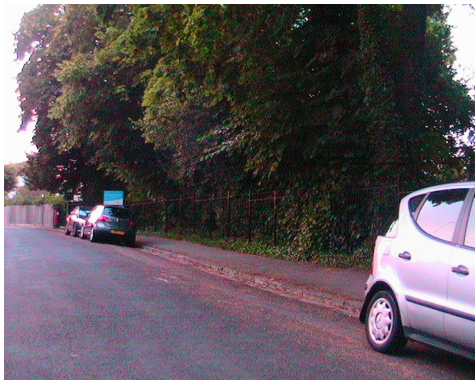
Westrow Gardens



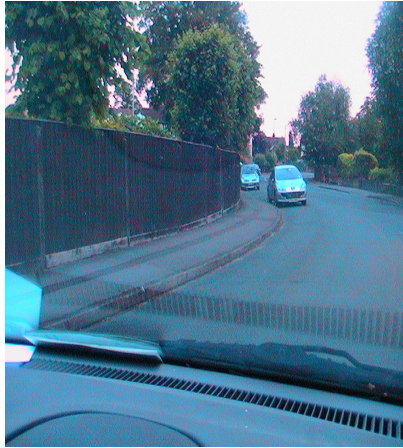
Westrow Gardens



Westrow Road



Northlands Road



Westrow Gardens - House number and number of cars parked in drives.

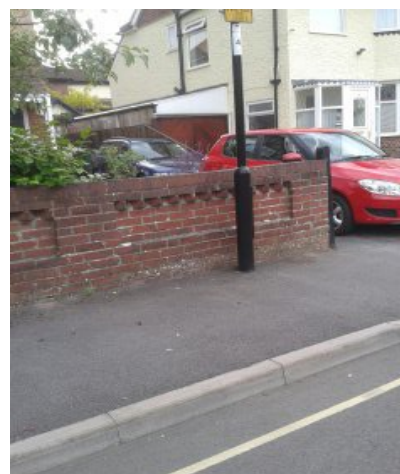
House number	Number of cars on drive
5	2
6	2
7	2
8	1
9	2 in a row
10	2
11	1
12	1
13	1
14	1
15	1 in side alley
15a	2
16	2
17	2 in a row
18	2
19	2
20	1
21	0
22	1 in alley
23	2 in a row
24	0
25	1



No. 12 – 4 cars in drive



No. 16 – 3 cars in drive



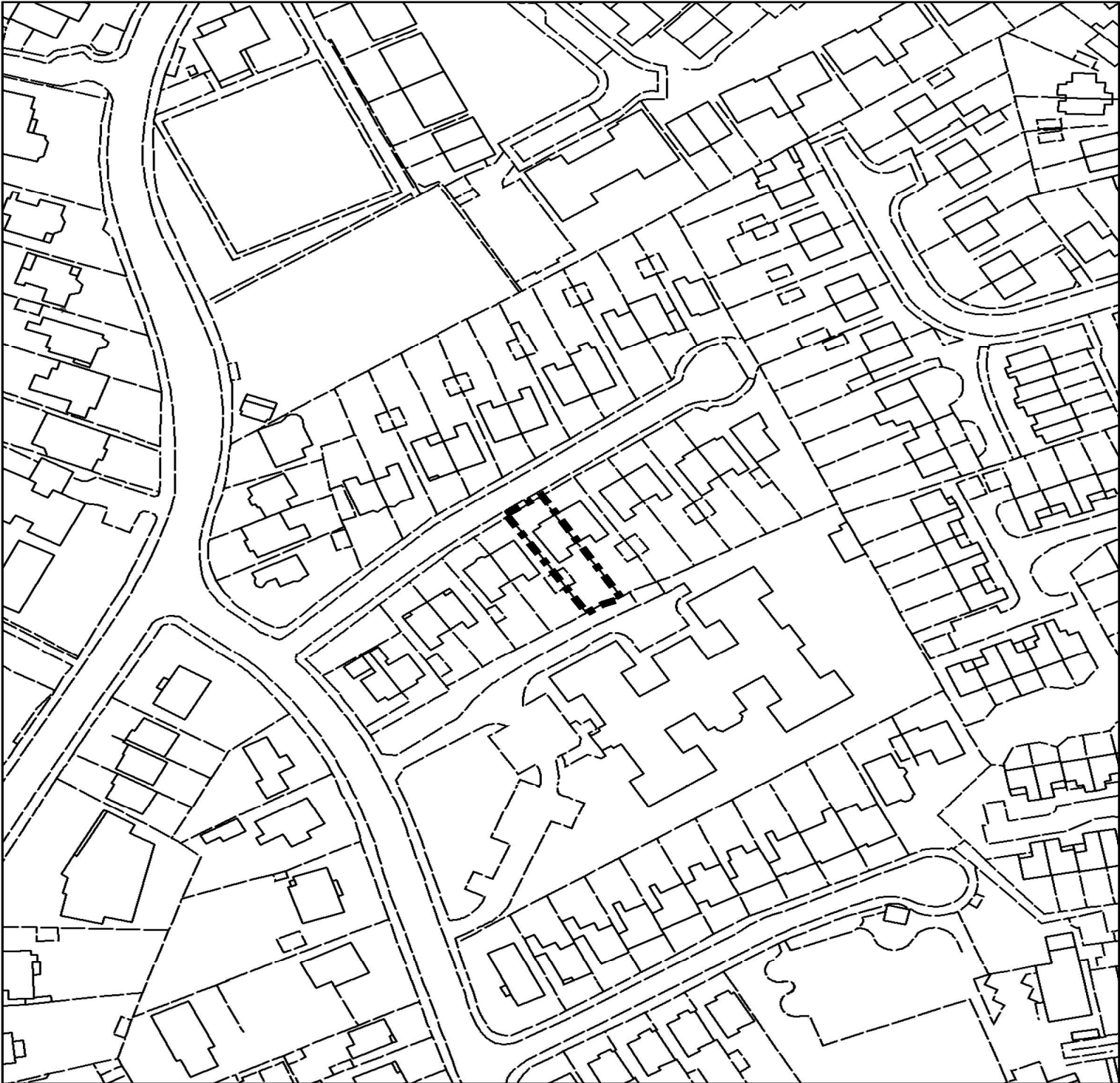
No. 17 – 2 cars in drive



No. 18 – 2 Cars in drive

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14/00709/FUL



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Agenda Item 7

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

Application address: 79C Milton Road SO15 2HS			
Proposed development: Conversion of existing garage to form one studio flat			
Application number	14/00857/FUL	Application type	FUL
Case officer	Joanne Hall	Public speaking time	5 minutes
Last date for determination:	18/07/2014	Ward	Bargate
Reason for Panel Referral:	Request by Ward Member OR five or more letters of objection have been received	Ward Councillors	Cllr Sarah Bogle Cllr John Noon Cllr Matthew Tucker

Applicant: Mr R Singh	Agent: Concept Design & Planning
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Recommendation Summary	Refuse
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Community Infrastructure Levy Liable	Yes
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Reason for Refusal

Poor residential environment

The proposal fails to provide adequate amenity space and would result in the creation of a poor living environment for future occupiers in terms of access to daylight, outlook and useable amenity space. The lack of defensible space around the window of the property would result in an unacceptable level of privacy. The proposal therefore demonstrates clear features of over-intensification of the use of the site. It is considered that the application is contrary to policy SDP1 (i) of the City of Southampton Local Plan Review (March 2006) as supported by paragraphs 2.3.12-2.3.14 of the Council's Residential Design Guide Supplementary Planning Document (Approved September 2006).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Refuse

1.0 The site and its context

- 1.1 The application site consists of a two-storey, end-terrace dwelling house which has been converted into three studio flats. The site is located on the corner of Milton Road and Holt Road. The rear portion of the ground floor currently contains a double garage with two single garage doors facing onto Holt Road.
- 1.2 The area is characterised by two-storey terraced dwellings facing onto the highway with gardens to the rear. The site is close to but not within the City Centre boundary. The area is surrounded by the North end of the City Centre to the south-east, the Polygon area to the South West and the Banister Park area to the North.

2.0 Proposal

- 2.1 The application seeks to convert the existing garage space into one studio flat. This would consist of one living space (for use as the bedroom, living room and kitchen), a separate bathroom, a hallway including a bike storage area and a small boiler cupboard. No amenity space or parking provision is proposed with the unit. The flat would be accessed via Holt Road.
- 2.2 The physical alterations would involve the removal of the two garage doors and the insertion of a window and door into the side elevation of the property. A separate bin store would be included with access directly from Holt Road.

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 901296/E - AMENDMENT TO ROOF AND ELEVATIONAL ALTERATIONS (PREVIOUS PLANNING CONSENT 892177/761/E DATED 24.1.90 AT 79 MILTON ROAD - Conditionally approved 13/11/1990
- 4.2 892177/761/E - CHANGE OF USE TO 3 SELF CONTAINED STUDIO FLATS REBUILDING OF REAR TWO STOREY ELEMENT PLUS ELEVATIONAL ALTERATIONS AND ASSOCIATED GARAGING AT 79 MILTON ROAD - Conditionally approved 24/01/1990

4.3 890999/E - CHANGE OF USE TO 4 SELF CONTAINED STUDIO FLATS PLUS THE ERECTION OF A TWO STOREY REAR EXTENSION AND NEW BAY WINDOW TO FRONT ELEVATION AT 79 MILTON ROAD - Refused 14/07/1989

4.4 920/14 - ERECTION OF A WC ADDITIONAL - Withdrawn 27/07/1949

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 24/06/2014. At the time of writing the report 7 representations have been received from surrounding residents. The following is a summary of the points raised:

5.1.1 Refusal of previous application – The previous application was considered to be overdevelopment and highlighted the lack of amenity space and parking spaces. Whilst some weight can be given to previous discussions changes in materials considerations, namely national and local planning policy, have occurred since 1989 when the scheme was originally approved.

Increase parking pressure – The Highways Development Management team have indicated that there would be no harm caused to highway safety. However, the loss of parking may increase on street parking which could be detrimental to residential amenity.

Set precedent for other garage conversions – Each case should be taken on its own merits and considered within the context of its own environment

Enough students in the area/ too many HMO's – The property would not be an HMO but a self-contained flat. The Planning Department cannot control what type of individual the land owner wishes to let to.

Need for family housing – The Council does have policies relating to the loss of family housing (CS16) but this is not relevant to this application as there would be no loss of family housing.

Cramped accommodation/ only one small window – There are no minimum room size standards which can be applied. However, a cramped layout may create a poor living environment in relation to other standards which can be applied such as those related to outlook, daylight and privacy.

No amenity space – The RDG does have minimum standards for amenity space provision. For flats this is 20m². However, the RDG does state that this can be altered where smaller gardens are characteristic of the area. This is explored further in section 6.3

Over-crowded - A density calculation have been made as part of this assessment. The density of the entire site known as 79 Milton Road would become 400 dwellings per hectare (DPH) as a result of this application. Whilst the area is within the highest accessibility zone of the Public Transport Accessibility Levels (band 6) which can accommodate density above 100dph (policy CS5), the densities of the sites within the immediate area are around 100dph.

Transient residents and related noise, unkempt gardens, refuse issues – whilst there are policies to safeguard properties for family housing, these do not apply in this case as the application site is not currently used as a family dwelling. Issues

relating to anti-social behaviour or waste management should be directed to the appropriate department of the Council such as environmental health.

Object to application being submitted – the applicant is at will to submit an application for a scheme for the Local Planning Authorities consideration.

Consultation Responses

5.2 SCC Highways - Remarks

In terms of highway safety, the removal of the existing garages will be considered as betterment due to their close proximity to the public footway. Due to the scale of the development, I cannot deem this large enough to create enough impact to create harm in terms of highway safety.

The refuse and cycle store is not entirely ideal but is acceptable given the site restraints and that there is a slither of private land in front of the unit to access the bin store.

Recommendation:

I raise no objections and therefore recommend APPROVAL.

- 5.3 SCC Community Infrastructure Levy** – The development is CIL liable as there is a net gain of residential units through the change of use. The charge will be levied at £70 per sq m on the Gross Internal Area of the development. If any existing floorspace is to be used as deductible floorspace the applicant will need to demonstrate that continuous lawful use of the building has occurred for a continuous period of at least 6 months within the period of 3 years ending on the day that planning permission first permits the chargeable development.

- 5.4 SCC Sustainability Team** – There is no information on how the development intends to meet policy CS20 and provide 20% CO2 savings. Whilst this should ideally be submitted with the application, the applicant has confirmed that they are able to provide such information at the technical design stage, which is welcomed.

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

K065 (ENERGY' insert 20%)

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).

5.5 **Polygon and Fitzhugh Community Action Group –**

Concerns that this development could lead the way towards development of other garages within the area into living accommodation. Highlighted that the retention of the parking spaces allowed for a previous application to be approved (892177/761/E) and that parking pressure has increased considerably since 1989.

6.0 **Planning Consideration Key Issues**

6.1 The key issues for consideration in the determination of this planning application are: residential amenity; character of the dwelling; character of the area and; parking and highways safety issues.

6.2 Residential amenity

6.2.1 There is no provision for amenity space for the proposed unit which is contrary to RDG paragraphs 2.3.12-2.3.14 which states that flats should have a minimum of 20m² of amenity space unless it can be considered characteristic of the area to have an amount below this standard. Whilst the application site is close to the City Centre, the area is characterised by terraced dwelling houses with garden space to the rear and it cannot therefore be said that a unit with no amenity space is characteristic of the area. This would have a detrimental impact on occupiers of the flat as the site would not benefit from amenity space which allows for sitting out, drying washing and other associated activities as well as access to suitable outlook from the unit.

6.2.2 In addition, the proposed unit would only have one window. This would be located in the living/bedroom area and face directly onto the street. There is no defensible space to protect occupier's privacy from pedestrians using the footpath directly adjacent to the window. Any measures taken to mitigate this either by the applicant introducing obscure glazing, or the occupiers using curtains or other furnishings, would limit the access to natural daylight and outlook to the only window of the flat.

6.3 Character of the dwelling

6.3.1 There would be little impact on the character of the dwelling as a result of the change to the side elevation. The removal of the garage doors and the introduction of a window would be in-keeping with the general form of development within the area. The introduction of a studio flat within a dwelling characterised by studio flats is not out of character in terms of the dwelling itself.

6.4 Character of the area

6.4.1 The physical alterations to the elevations have been designed to be in keeping with the character of the area.

6.4.2 The density of the entire site known as 79 Milton Road would become 400 dwellings per hectare. This is high even within an area of high accessibility such as this. The typical terraced dwellings within the area surrounding the site have an approximate density close to 100 dph.

6.4.3 Policy CS5 states that higher densities will be appropriate in some parts of the city in order to make better use of the land. Densities above 100dph should only be allowed in areas of high accessibility according to the Public Transport

Accessibility Levels. This site is within band 6, the highest level of accessibility. Therefore, a high density is acceptable in principle on this site. However, the lack of residential amenity as described in section 6.4.1 is symptomatic an intensified use of the site.

6.4.4 Overall, high density is acceptable in principle within this locality and whilst the high density would have a detrimental impact on the residential amenity of the occupiers, it would not pose a character issue in this case.

6.5 Parking and highway safety

6.5.1 Highways Development Management have indicated that they have no objections to the development in terms of highway safety and that in fact, the development would be an improvement on the arrangement on site which involves garage doors opening on to the public footpath. The application would result in the loss of two parking spaces. Whilst this could have an impact on on-street parking, it is not of sufficient scale to be harmful to highway safety or residential amenity. The site is located within close proximity to the City Centre and public transport. The site also contains provision of for cycle storage in line with the Council's standards to encourage alternative transportation.

7.0 Summary

7.1 The application is acceptable in terms of the visual impact of the physical alterations and its impact on highway safety. However, the application is not supportable due to the poor living environment created by means of the lack of any amenity space and the lack of privacy, daylight and outlook afforded to the proposed unit. These issues are symptomatic of overdevelopment of the site.

8.0 Conclusion

8.1 Having considered the aforementioned points, it is considered that the application is contrary to polices SDP1(i) and SDP7 (iv) of the City of Southampton Local Plan Review (March 2006) and CS5 and CS13 (11) of the City of Southampton Core Strategy (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. (c), 7. (a)

JOAHAL for 22/07/14 PROW Panel

Reasons for refusal

1. Poor residential environment

The proposal fails to provide adequate amenity space and would result in the creation of a poor living environment for future occupiers in terms of access to daylight, outlook and useable amenity space. The lack of defensible space around the window of the property would result in an unacceptable level of privacy. The proposal therefore demonstrates clear features of over-intensification of the use of the site. It is considered that the application is contrary to policy SDP1 (i) of the City of Southampton Local Plan Review (March 2006) as supported by paragraphs 2.3.12-2.3.14 of the Council's Residential Design Guide Supplementary Planning Document (Approved September 2006).

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
H1	Housing Supply
H2	Previously Developed Land
H5	Conversion to residential Use
H7	The Residential Environment

Supplementary Planning Guidance

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

Other Relevant Guidance

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

14/00857/FUL



Scale: 1:1,250

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Agenda Item 8

Planning, Transport & Sustainability Division

Planning and Rights of Way Panel 22.7.14

Planning Application Report of the Planning and Development Manager

Application address: 10-11 Palmerston Road SO14 1LL			
Proposed development: Alterations and conversion of existing Public House to create 9 flats (4 x studio, 4 x 1-bedroom, 1 x 2-bedroom) with associated works.			
Application number	14/00935/FUL	Application type	FUL
Case officer	Andrew Gregory	Public speaking time	5 minutes
Last date for determination:	31.7.14	Ward	Bargate
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors	Cllr Sarah Bogle Cllr John Noon Cllr Matt Tucker

Applicant: Mr A Bajar	Agent: Concept Design & Planning
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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. Overall the scheme is acceptable and the level of development sought will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area. The development would secure additional flats and bring a vacant building back into use. The site is located in a sustainable location close to public transport, central parks and city centre amenities and therefore reduced parking and private amenity space can be supported in this area. Furthermore the proposed residential use is likely to have less noise impact on neighbouring residents than the authorised public house (Use Class A4).

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, SDP9, SDP10, SDP11, SDP16 and H1 of the City of Southampton Core Strategy (January 2010) Policies CS4, CS5, CS13, CS15, CS16, 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	13/00969/OUT and 12/01887/FUL
3	Site Map		

Recommendation in Full

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

i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPD relating to Planning Obligations (September 2013);

ii. Provision of affordable housing in accordance with Policies CS15, CS16 and CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPD relating to Planning Obligations (September 2013).

iii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.

iv. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).

v. No resident, with the exception of registered disabled drivers, shall be entitled to obtain parking permits to the Council's Controlled Parking Zones.

2. In the event that the legal agreement is not completed within two months of the 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.

1.0 The site and its context

- 1.1 The application site comprises a vacant three-storey pub building (Use Class A4) which fronts Palmerston Road. The building has an asymmetric roof pitch with dormer windows to the rear. The site levels step down to the rear and the building incorporates a basement level with outlook onto an enclosed yard area to the rear. Gated rear pedestrian access is available into Cossack Green. Flatted development is located immediately to the south and east, known as Central Park and Green Park Court which ranges in scale from three to five storeys. The buildings to the north form a terrace of three-storey buildings with a courtyard to the rear. Palmerston Park is located adjacent to the west. Parking restrictions exist within surrounding streets.

2.0 Proposal

- 2.1 The proposal seeks to convert the vacant pub building into nine flats. Limited external works are proposed to facilitate the conversion with changes to openings and the insertion of basement level windows within the rear elevation. The rear courtyard area will provide an amenity area with cycle storage facilities. Rear pedestrian access is provided onto Cossack Green. No on-site car parking is available.
- 2.2 The basement level contains 2 x 1-bed flats with rear outlook provided to the habitable rooms (lounge and bedrooms). The main entrance into the building is from Palmerston Road. The ground floor contains an integral bin store with access onto Palmerston Road, 1 x 1-bed flat and 2 x studio flats. The first floor contains 1 x 1-bed flat and 2 x studio flats and the second floor contains 1 x 2-bed flat. Rear access is taken from ground floor level which steps down to the rear yard area.

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 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 13/00969/OUT - Re-development of the site. Erection of Sui Generis halls of residence building providing five-storey of accommodation (arranged as 19 flats for student occupation) following demolition of existing building. Outline application seeking approval for Layout, Access and Scale. Refused on 12.09.2013
- 4.2 12/01887/FUL - Demolition of existing building and re-development to provide 21 units of student accommodation in a 4-storey building plus basement. Refused on 27.03.2013
- 4.3 11/00261/FUL - Redevelopment of site. Erection of 3-storey building (including basements) comprising 5 flats (1x 1-bed and 4x 2-bed) following demolition of existing building. Conditionally Approved on 14.04.2011

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 (13.06.2014). At the time of writing the report 7 representations have been received from surrounding residents and Cllr John Noon. The following is a summary of the points raised:

Noise nuisance arising from nine flats

Response - It is likely the flats will have less noise impact than the authorised pub use. Statutory noise nuisance from future tenants would be controlled by Environmental Health legislation. Flatted development would be in keeping with the surrounding character of the area. The proposal seeks C3 planning use and the application cannot be refused because of a perceived noise impact from any future residents which may be key workers or students.

Impact of traffic and loss of parking

Response - This is a highly sustainable location where zero car parking provision can be supported. Parking controls are in place within the city centre and residents of the development would not be automatically entitled to apply for parking permits. Bin and bike storage would be contained within the site. The applicants have provided land registry details to indicate they have rear access rights for bins, cycles and pedestrians. The planning application form indicates this is a zero parking scheme. Residents would not be entitled to park on neighbouring private land without the landowners consent.

Overdevelopment

Response - There is no upward density level within the city centre and therefore the proposed density of 246 dwellings per hectare would be policy compliant.

Furthermore the Council doesn't have any planning policies requiring minimum room size standards. All habitable rooms are provided with outlook

and natural daylighting. There is an identified need for one and two-bed flats within the city centre.

Issues regarding right of access over third party land to gain rear access to Cosack Green

Response - The applicant has submitted title deed information which claims a right of access for pedestrians, to include bin and bike access.

Concern regarding noise, dust and debris during construction work

Response - The impact of noise dust and debris is far less for a conversion compared to a redevelopment. An hours of work condition can be added to ensure construction noise is limited to Monday to Friday 8am-6pm and Saturday 9am-1pm. Furthermore, a construction environment management plan can also be added to control the location of parked construction vehicles and materials storage.

There is concern that residents will park within the private courtyard adjacent (rear of 12-13 Palmerston Road).

Response - The planning application form indicates this is a zero parking scheme. Residents would not be entitled to park on neighbouring private land without the landowners consent.

Concern regarding potential damage to neighbouring parked vehicles during construction works

Response - This is a civil matter and cannot be controlled by planning condition nor can planning permission be refused for this reason.

Concerns regarding the impact of large delivery vehicles on the neighbouring courtyard

Response - The applicant does not have a right of vehicle access into the neighbouring courtyard. The proposed conversion is unlikely to generate high levels of large construction vehicles.

Concerns regarding bin storage

Response - It would appear the rear bin storage area cannot be served by the Council refuse collection team because euro bins cannot be stored on the public footway and the applicant does not have the right to store bins on third party land.

Therefore integral storage to the front has been incorporated.

Consultation Responses

- 5.1 **SCC Highways** - No objection subject to conditions to secure sufficient bin and bike storage.
- 5.2 **SCC Sustainability Team** – If the Local Planning Authority is minded to approve the application, then a condition is recommended to ensure the development will at minimum achieve a reduction in CO2 emissions of 20% over part L of the Building Regulations

- 5.3 **SCC Historic Environment Team** - No objection
- 5.4 **SCC Environmental Health (Pollution and Safety)** -At the time of writing no comments have been received and an update will be provided at the panel meeting. It is likely that conditions will be required regarding hours of work and to ensure suitable glazing is used to protect the building from traffic noise on Palmerston Road.
- 5.5 **Southern Water** – No objection. Request a condition regarding details of foul and surface water disposal and an informative regarding connection to the public sewer.

6.0 **Planning Consideration Key Issues**

- 6.1 The key issues for consideration in the determination of this planning application are:
- Principle of development
 - Impact on the character and appearance of the area
 - Residential environment for future occupiers
 - Transport and parking issues
 - Impact on residential amenity
- 6.2 **Principle of Development**
- 6.2.1 The proposed conversion of this pub building into nine flats is acceptable in principle and residential use would be compatible with neighbouring uses. The site is not safeguarded for A4 use and the proposal would bring the building back into use. The pub is not considered a community facility, in line with paragraph 70 of the National Planning Policy Framework (March 2012), because it has been vacant since at least 2011 and there are many alternative drinking establishments and community facilities within the city centre. Furthermore pubs are not safeguarded as community facilities within policy CS3 of the Core Strategy. Residential development would be compatible with neighbouring land uses.
- 6.2.2 The development has a density of 246 dwellings per hectare which accords with policy CS5 of the Core Strategy. Densities in excess of excess of 100dph can be considered in high accessibility areas, such as the City Centre. The proposal seeks conversion of the existing building and as such the density will not harm the character of the area. The proposal seeks 9 units and therefore there is no requirement for family housing provision under policy CS16 of the Core Strategy. The provision of 1 and 2-bed units is suitable in this locality and there is need for such units within the city centre.
- 6.2.3 The site planning history indicates that elapsed planning permission for redevelopment of the site with a 3-storey building comprising 5 flats was approved in 2011. Subsequent redevelopment schemes (References 13/00969/OUT and 12/01887/FUL) for larger 4-storey buildings with deeper footprints were refused. This current conversion scheme is materially different to those previous refusals.

6.3 Impact on the character and appearance of the area

- 6.3.1 The proposed conversion of the existing building and limited external works will not adversely impact on the appearance of the area. Bringing the building back into use will enhance the area and residential use would be compatible with neighbouring flats and offices.

6.4 Residential Environment for future occupiers

- 6.4.1 All habitable rooms will receive sufficient outlook and day lighting. The Council does not have minimum room size standards in relation to self-contained flats. 67 square metres of communal amenity space is provided to the rear which is acceptable given the nature of the units, residential mix (predominantly 1-bed units) and proximity to city centre parks and amenities.

6.5 Transport and parking issues

- 6.5.1 The development represents a 'car free' scheme which can be supported in the city centre because the area is high accessibility. The site is located close to public transport and city centre amenities. 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. On-street parking controls are in place. Details bike storage will be reserved by condition. The bin storage has been amended because of land ownership complications with rear access and therefore integral storage has been provided with aluminium louvered access doors.

6.6 Impact on Residential Amenity

- 6.6.1 The residential amenities of neighbouring residents will not be adversely harmed. A reasonable back to back separation distance of up to 21m is provided with Green Park Court which is acceptable having regard to the tighter urban grain within the city centre and opportunity to bring this building back into use. It is likely the flats will have less noise impact than the authorised pub use. Statutory noise nuisance from future tenants would be controlled by Environmental Health legislation.

7.0 Summary

- 7.1 The existing A4 drinking establishment is not safeguarded and conversion of the building and bringing it back into use for residential purposes is policy compliant. Retention of this character building is welcomed and the proposed external alterations are in keeping with the character and appearance of the building and will not harm the visual amenities of the area. The application cannot be refused for loss of a community facility due to the amount of alternative community facilities and pubs available within the city centre and the pub has been vacant since 2011.
- 7.2 The impact of the development, in terms of visual and neighbouring amenity, highway safety and parking is considered to be acceptable.

8.0 Conclusion

- 8.1 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), 4(f), 4(g), 4(vv), 6(a), 6(c), 7(a), 8(a), 9(a), 9(b).

AG for 22/7/14 Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Full Permission Timing Condition - Physical works
The development works hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

REASON:

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

02. APPROVAL CONDITION - Materials to match [Performance Condition]
The materials and finishes to be used for the external walls, doors and windows (including recesses) 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 - 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.

04. APPROVAL CONDITION - Construction management (Pre-Commencement Condition)

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

REASON:

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

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

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

Air gap between panes - 12mm

Inner pane of glass - 6 mm

or, with secondary glazing with a -

Outer pane of glass - 6mm

Air gap between panes - 100mm

Inner pane of glass - 6.4 mm

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

REASON:

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

06. 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).

07. 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 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 purposes.

REASON:

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

08. APPROVAL CONDITION - Cycle storage

The building shall not be occupied in full or in part until secure, covered space has been laid out within the site for 09 bicycles to be stored for the benefit of the occupants in accordance with plans to be submitted to and approved in writing by the Local Planning Authority. The cycle storage hereby approved shall thereafter be retained on site for that purpose.

REASON:

To encourage cycling as a sustainable form of transport.

09. 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.

10. 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.

Application 14/00935/FUL

APPENDIX 1

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
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
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP16	Noise
H1	Housing Supply
H2	Previously Developed Land

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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DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

Town and Country Planning (General Development Procedure) Order 1995

Goadsby Planning and Environment
Mr Peter Atfield
99 Holdenhurst Road
Bournemouth
BH8 8DY

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

FULL APPLICATION - REFUSAL

Proposal: **Demolition of existing building and re-development to provide 21 units of student accommodation in a 4-storey building plus basement.**

Site Address: **10-11 Palmerston Road Southampton SO14 1LL**

Application No: **12/01887/FUL**

For the following reason(s):

01.The proposal by reason of its height, scale, bulk and design detailing would create an awkward form of development appearing at odds with its neighbours which would be incongruous within the street scene to the detriment of the character and appearance of the area contrary to policy CS13 of the Southampton Core Strategy (2010), policies SDP1 (i), SDP7 (iii) and (iv) and SDP9 (i), (iv) and (v) of the Southampton Local Plan Review (2006) and Section 3 of the Residential Design Guide SPD (2006)

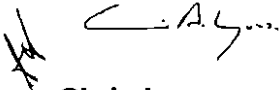
02.The proposal by reason of its internal layout, failure to provide amenity space and service yard access arrangements would provide an unacceptable residential environment for its proposed occupiers contrary to policy SDP1 (i) of the Southampton Local Plan Review (2006) and Section 2 of the Residential Design Guide SPD (2006).

03.The proposal by reason of its rear projection and elevational design would achieve inadequate separation distances between the development and Central Park which would result in mutual overlooking and a loss of privacy to the occupiers of the units and would also have an enclosing impact on the rear aspect of these neighbouring units. The proposal is therefore contrary to policy SDP1 (i) of the Southampton Local Plan Review (2006) and Section 2 of the Residential Design Guide SPD (2006).

04.In the absence of a supporting statement it cannot be determined that the loss of the public house is acceptable in accordance with to Paragraphs 69 and 70 of the National Planning Policy Framework (2012).

05.The proposal fails to adequately demonstrate how it will achieve BREEAM 'excellent' standard in accordance with policy CS20 of the Southampton Core Strategy (2010).

06.The applicant has failed to enter into a legal agreement securing: a highway condition survey, contributions towards transportation/highways, open space and the public realm, student restrictions and a travel plan. In the absence of such an agreement it cannot be demonstrated that the proposal will not have an adverse impact on infrastructure or achieve a high quality development contrary to policy CS25 of the Southampton Core Strategy (2010).



Chris Lyons
Planning & Development Manager

27 March 2013

For any further enquiries please contact:
Jo Moore

IMPORTANT NOTE TO APPLICANT

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

Drawing No:	Version:	Description:	Date Received:	Status:
	01A	Site Plan	30.01.2013	
	02B	Floor Plan	30.01.2013	
	03A	Floor Plan	30.01.2013	
	04B	Elevational Plan	30.01.2013	
	05A	Elevational Plan	30.01.2013	

NOTES

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development, they may appeal to the Secretary of State for Communities and Local Government in accordance with Section 78 of the Town and Country Planning Act 1990, within the timescales set out below.

1. Appeals can be submitted on line and **must be registered within six months of the date of this notice at www.planning-inspectorate.gov.uk** or by a form available from the Planning Inspectorate, 3/15 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS2 9DJ. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not, however, required to entertain such an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority.
2. If permission to develop land is refused, whether by the Local Planning Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Local Planning Authority a purchase notice requiring that the Authority purchase their interest in the land in accordance with Part IV of the Town and Country Planning Act 1990.
3. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
4. For those developments which are covered by the Disability Discrimination Act, the attention of developers is drawn to the relevant provisions of the Act and to the British Standard B300:2001 Design of buildings and their approaches to meet the needs of disabled people code of practice.
5. The applicant is recommended to retain this form with the title deeds of the property
6. 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)

Please address any correspondence in connection with this form, quoting the application No to: **Development Control Service, Southampton City Council, Civic Centre, SOUTHAMPTON, SO14 7LS**



DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

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

Goadsby Planning and Environment
Mr Peter Atfield
99 Holdenhurst Road
Bournemouth
BH8 8DY

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

OUTLINE APPLICATION - REFUSAL

Proposal: Re-development of the site. Erection of Sui Generis halls of residence building providing five-storey's of accommodation (arranged as 19 flats for student occupation) following demolition of existing building. Outline application seeking approval for Layout, Access and Scale.

Site Address: 10-11 Palmerston Road Southampton SO14 1LL

Application No: 13/00969/OUT

For the following reason(s):

01.REFUSAL REASON - Unacceptable residential environment / Overdevelopment

The proposal by reason of the layout, depth of the building and provision of single-aspect units would provide an unacceptable living environment for future occupiers. In particular, the introduction of obscure glazed oriel windows to prevent overlooking would provide unacceptable limited outlook to the sole window serving the rear-facing studio and 2-bed flats. The use of obscure glazing to design out overlooking, in the manner proposed, is considered symptomatic of a site overdevelopment and inappropriate given the type of accommodation proposed. Furthermore it has not been demonstrated satisfactorily that the front-facing single-aspect basement units would receive adequate outlook and daylighting to meet the needs of the residents. As such, the proposed intensification of development over that previously consented has been assessed as contrary to 'saved' Policy SDP1 (i) of the adopted Southampton Local Plan Review (2006) and Section 2 of the Council's approved Residential Design Guide SPD (2006).

02.REFUSAL REASON - Harm to neighbouring amenities

The proposal, by reason of its layout, depth of rear projection and associated separation distances, scale, bulk and massing would result in loss of outlook, sense of enclosure and loss of daylighting to the rear ground floor (north facing) flat within the neighbouring Green Park Court. The development would therefore be harmful to the residential amenities of neighbouring occupiers and contrary to 'saved' Policy SDP1 (i) of the adopted Southampton Local Plan Review (2006), Section 2 of the Council's approved Residential Design Guide

SPD (2006) and section 2.2 of the BRE guidance for site layout planning for daylight and sunlight.

03. REFUSAL REASON - S106 obligations

The applicant has failed to enter into a legal agreement securing a highway condition survey, site travel plan (including a student drop-off/collection management plan and a commitment that residents will not seek to secure parking permits to the Council's Controlled Parking Zones) and contributions towards site specific transportation/highway works that will mitigate the direct impacts of the development. Furthermore, the scheme does not limit occupation to students in lieu of an affordable housing contribution. In the absence of such an agreement it cannot be demonstrated that the proposal will not have an adverse impact on infrastructure or achieve a high quality development and the scheme is, therefore, contrary to policy CS15 and CS25 of the adopted Southampton LDF Core Strategy (2010) as supported by the Council's approved S.106 Planning Obligations SPD (2013).

00. Note to Applicant - Community Infrastructure Liability (Refusal)

You are advised that, had the development been acceptable, it could be liable to pay the Community Infrastructure Levy (CIL). Please ensure that, should you choose to reapply or appeal, 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.


Chris Lyons
Planning & Development Manager

12 September 2013

For any further enquiries please contact:
Andrew Gregory

IMPORTANT NOTE TO APPLICANT

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

Drawing No:	Version:	Description:	Date Received:	Status:
06		Location Plan	12.07.2013	Refused
01D		Site Plan	12.07.2013	Refused
05B		Elevational Plan	12.07.2013	Refused
02D		Floor Plan	12.07.2013	Refused
03C		Floor Plan	12.07.2013	Refused
04C		Elevational Plan	12.07.2013	Refused



DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

Town and Country Planning (General Development Procedure) Order 1995

Goadsby Planning and Environment
 Mr Peter Atfield
 99 Holdenhurst Road
 Bournemouth
 BH8 8DY

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

FULL APPLICATION - REFUSAL

Proposal: **Demolition of existing building and re-development to provide 21 units of student accommodation in a 4-storey building plus basement.**

Site Address: **10-11 Palmerston Road Southampton SO14 1LL**

Application No: **12/01887/FUL**

For the following reason(s):

01.The proposal by reason of its height, scale, bulk and design detailing would create an awkward form of development appearing at odds with its neighbours which would be incongruous within the street scene to the detriment of the character and appearance of the area contrary to policy CS13 of the Southampton Core Strategy (2010), policies SDP1 (i), SDP7 (iii) and (iv) and SDP9 (i), (iv) and (v) of the Southampton Local Plan Review (2006) and Section 3 of the Residential Design Guide SPD (2006)

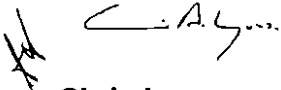
02.The proposal by reason of its internal layout, failure to provide amenity space and service yard access arrangements would provide an unacceptable residential environment for its proposed occupiers contrary to policy SDP1 (i) of the Southampton Local Plan Review (2006) and Section 2 of the Residential Design Guide SPD (2006).

03.The proposal by reason of its rear projection and elevational design would achieve inadequate separation distances between the development and Central Park which would result in mutual overlooking and a loss of privacy to the occupiers of the units and would also have an enclosing impact on the rear aspect of these neighbouring units. The proposal is therefore contrary to policy SDP1 (i) of the Southampton Local Plan Review (2006) and Section 2 of the Residential Design Guide SPD (2006).

04.In the absence of a supporting statement it cannot be determined that the loss of the public house is acceptable in accordance with to Paragraphs 69 and 70 of the National Planning Policy Framework (2012).

05.The proposal fails to adequately demonstrate how it will achieve BREEAM 'excellent' standard in accordance with policy CS20 of the Southampton Core Strategy (2010).

06.The applicant has failed to enter into a legal agreement securing: a highway condition survey, contributions towards transportation/highways, open space and the public realm, student restrictions and a travel plan. In the absence of such an agreement it cannot be demonstrated that the proposal will not have an adverse impact on infrastructure or achieve a high quality development contrary to policy CS25 of the Southampton Core Strategy (2010).



Chris Lyons
Planning & Development Manager

27 March 2013

For any further enquiries please contact:
Jo Moore

IMPORTANT NOTE TO APPLICANT

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

Drawing No:	Version:	Description:	Date Received:	Status:
	01A	Site Plan	30.01.2013	
	02B	Floor Plan	30.01.2013	
	03A	Floor Plan	30.01.2013	
	04B	Elevational Plan	30.01.2013	
	05A	Elevational Plan	30.01.2013	

NOTES

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development, they may appeal to the Secretary of State for Communities and Local Government in accordance with Section 78 of the Town and Country Planning Act 1990, within the timescales set out below.

1. Appeals can be submitted on line and **must be registered within six months of the date of this notice at www.planning-inspectorate.gov.uk** or by a form available from the Planning Inspectorate, 3/15 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS2 9DJ. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not, however, required to entertain such an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority.
2. If permission to develop land is refused, whether by the Local Planning Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Local Planning Authority a purchase notice requiring that the Authority purchase their interest in the land in accordance with Part IV of the Town and Country Planning Act 1990.
3. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
4. For those developments which are covered by the Disability Discrimination Act, the attention of developers is drawn to the relevant provisions of the Act and to the British Standard B300:2001 Design of buildings and their approaches to meet the needs of disabled people code of practice.
5. The applicant is recommended to retain this form with the title deeds of the property
6. 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)

Please address any correspondence in connection with this form, quoting the application No to: **Development Control Service, Southampton City Council, Civic Centre, SOUTHAMPTON, SO14 7LS**



DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

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

Goadsby Planning and Environment
Mr Peter Atfield
99 Holdenhurst Road
Bournemouth
BH8 8DY

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

OUTLINE APPLICATION - REFUSAL

Proposal: Re-development of the site. Erection of Sui Generis halls of residence building providing five-storey's of accommodation (arranged as 19 flats for student occupation) following demolition of existing building. Outline application seeking approval for Layout, Access and Scale.

Site Address: 10-11 Palmerston Road Southampton SO14 1LL

Application No: 13/00969/OUT

For the following reason(s):

01.REFUSAL REASON - Unacceptable residential environment / Overdevelopment

The proposal by reason of the layout, depth of the building and provision of single-aspect units would provide an unacceptable living environment for future occupiers. In particular, the introduction of obscure glazed oriel windows to prevent overlooking would provide unacceptable limited outlook to the sole window serving the rear-facing studio and 2-bed flats. The use of obscure glazing to design out overlooking, in the manner proposed, is considered symptomatic of a site overdevelopment and inappropriate given the type of accommodation proposed. Furthermore it has not been demonstrated satisfactorily that the front-facing single-aspect basement units would receive adequate outlook and daylighting to meet the needs of the residents. As such, the proposed intensification of development over that previously consented has been assessed as contrary to 'saved' Policy SDP1 (i) of the adopted Southampton Local Plan Review (2006) and Section 2 of the Council's approved Residential Design Guide SPD (2006).

02.REFUSAL REASON - Harm to neighbouring amenities

The proposal, by reason of its layout, depth of rear projection and associated separation distances, scale, bulk and massing would result in loss of outlook, sense of enclosure and loss of daylighting to the rear ground floor (north facing) flat within the neighbouring Green Park Court. The development would therefore be harmful to the residential amenities of neighbouring occupiers and contrary to 'saved' Policy SDP1 (i) of the adopted Southampton Local Plan Review (2006), Section 2 of the Council's approved Residential Design Guide

SPD (2006) and section 2.2 of the BRE guidance for site layout planning for daylight and sunlight.

03. REFUSAL REASON - S106 obligations

The applicant has failed to enter into a legal agreement securing a highway condition survey, site travel plan (including a student drop-off/collection management plan and a commitment that residents will not seek to secure parking permits to the Council's Controlled Parking Zones) and contributions towards site specific transportation/highway works that will mitigate the direct impacts of the development. Furthermore, the scheme does not limit occupation to students in lieu of an affordable housing contribution. In the absence of such an agreement it cannot be demonstrated that the proposal will not have an adverse impact on infrastructure or achieve a high quality development and the scheme is, therefore, contrary to policy CS15 and CS25 of the adopted Southampton LDF Core Strategy (2010) as supported by the Council's approved S.106 Planning Obligations SPD (2013).

00. Note to Applicant - Community Infrastructure Liability (Refusal)

You are advised that, had the development been acceptable, it could be liable to pay the Community Infrastructure Levy (CIL). Please ensure that, should you chose to reapply or appeal, 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.


Chris Lyons
Planning & Development Manager

12 September 2013

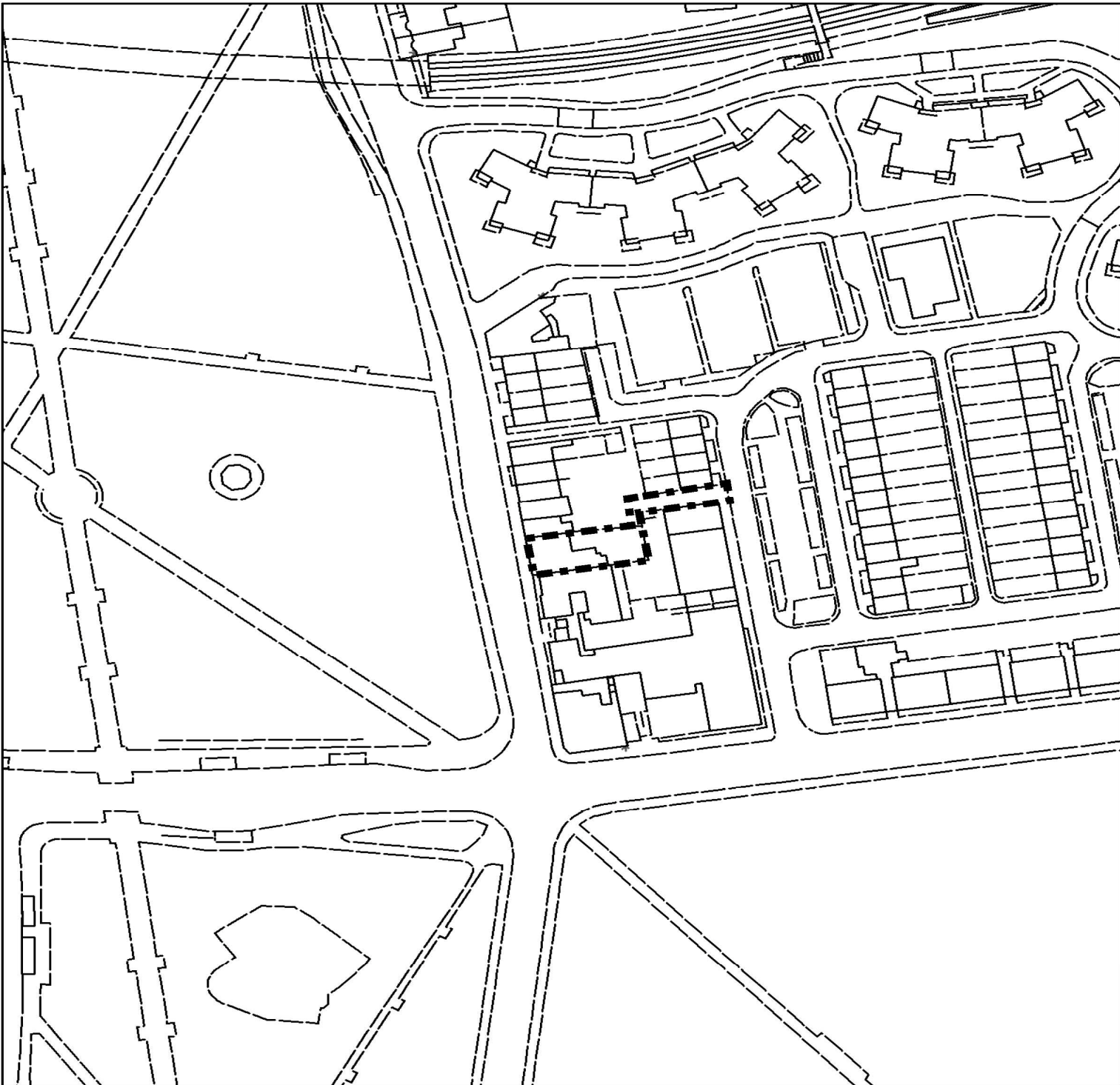
For any further enquiries please contact:
Andrew Gregory

IMPORTANT NOTE TO APPLICANT

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

Drawing No:	Version:	Description:	Date Received:	Status:
06		Location Plan	12.07.2013	Refused
01D		Site Plan	12.07.2013	Refused
05B		Elevational Plan	12.07.2013	Refused
02D		Floor Plan	12.07.2013	Refused
03C		Floor Plan	12.07.2013	Refused
04C		Elevational Plan	12.07.2013	Refused

14/00935/FUL



Scale: 1:1,250

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