

Southampton City Planning & Sustainability  
 Planning and Rights of Way Panel meeting 19 January 2010  
 Planning Application Report of the Head of Division

Application address	238 Weston Lane		
Proposed development:	Erection of a 3-storey building (including accommodation in roofspace) to create 6 x1-bed and 2 x 2-bed flats with associated parking and cycle/refuse storage		
Application number	09/ 01134 /FUL	Application type	Full Detailed
Case officer	Jenna Turner	Application category	Q13 - Minor Dwellings

Recommendation Summary	<b>Delegate to Development Control Manager to grant planning permission subject to criteria listed in report.</b>
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Reason for Panel consideration	Ward Member referral request - Item requested to go before the panel by local ward member Cllr Williams & Cllr Payne
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Applicant: Keycare Projects Ltd	Agent: Anders Roberts and Associates
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Date of receipt	04/11/2009	City Ward	Woolston
Date of registration	04/11/2009	Ward members	Cllr Cunio
Publicity expiry date	10/12/2009		Cllr R Williams
Date to determine	30/12/2009 <b>OVER</b>		Cllr Payne

Site area	718 sq.m (0.07 ha)	Usable amenity area • communal amenity space for flats • private space for retained dwelling	147 sq.m (24 sq.m per flat) 85 sq.m
Site coverage (developed area)	40%		
Density - whole site	100 d.p.h		

Residential mix	nos	size sqm	Other land uses	class	size sqm
Studio / 1-bedroom	6	40-46 sq.m	Commercial use	-	-
2-bedroom	2	52 sq.m	Retail use	-	-
4-bedroom	1	-	Leisure use	-	-
other	-	-	other	-	-
Policy designation	None				

Accessibility zone	Medium	Policy parking max	7.5 spaces
Parking Permit Zone	no	existing site parking	4 spaces
Cyclist facilities	yes	car parking provision	4 spaces
motor & bicycles	7 cycles	disabled parking	0 spaces

Key submitted documents supporting application			
1	Design and Access Statement	2	Shadow Diagrams
3	Sustainability Checklist	4	Aboricultural Repor
Appendix attached			
1	Relevant Planning Policy	2	Relevant Planning History
3	Previous appeal decision	4	Suggested conditions

## **Recommendation in full**

Delegate to Development Control Manager to grant planning permission subject to

1. the applicant entering into a Section 106 Legal Agreement to secure
  - i. a financial contribution towards the provision and maintenance of open space required by the development in line with policies CLT5 and IMP1 of the City of Southampton Local Plan Review (Adopted Version - March 2006) and the adopted SPG relating to 'Planning Obligations' (November 2006);
  - ii. A financial contribution towards the provision and maintenance of play space required by the development in line with policies CLT6 and IMP1 of the City of Southampton Local Plan March 2006 and adopted guidance on Planning Obligations November 2006.
  - iii. a financial contribution towards site specific transport contributions for highway improvements in the vicinity of the site towards measures to encourage the use of alternative modes of transport to the private car in line with policies SDP3, SDP4 and IMP1 of the City of Southampton Local Plan Review (Adopted Version - March 2006) and the adopted SPG relating to 'Planning Obligations' (November 2006);
  - iv. a financial contribution towards strategic transport contributions for highway network improvements in line with policies SDP3, SDP4 and IMP1 of the City of Southampton Local Plan Review (Adopted Version - March 2006), the Local Transport Plan, and the adopted SPG relating to 'Planning Obligations' (November 2006);
  - v. entering into a Traffic Regulation Order.
  - vi. 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
  - vii. submission and implementation within a specified timescale of a Waste Management Plan

And that the D C Manager be authorised to refuse permission if the Section 106 Agreement has not been completed within 6 weeks of the date of the Panel on the ground of failure to secure the provisions of the Section 106 Agreement.

## **Proposed Development & Surrounding Context**

The proposal is for the construction of a two-storey residential building with accommodation within the roof space served by gable windows, dormer windows and roof lights whilst retaining the existing dwelling on the site. A traditional design which is articulated with double-height bays and porches is proposed. The building addresses both street frontages with entrances on the Newtown Road and Weston Lane elevations. The building layout is staggered with the ridge height of the building also varying. The materials proposed to be used for the construction consist of a facing brick and render. The proposed vehicular entrance onto the site would be from Weston Lane. The proposal provides two integral stores for refuse and cycles.

The site comprises a detached two-storey dwelling of traditional appearance. It is located on the corner of Weston Lane and Newtown Road with vehicular access from Weston Lane.

The principle garden area of the property is to the north-east side of the dwelling. The road frontage is bounded by dense vegetation, which gives the plot a verdant character and contributes to the suburban character of the area. The surrounding area is predominantly residential and characterised by two-storey, semi-detached single family dwelling houses.

### **Relevant Planning Policy**

The planning policy to be considered as part of this proposal is scheduled in **Appendix 1** to this report. There are no site-specific policies which relate to the application site. Policy H1 (v) supports the redevelopment of previously developed land to provide additional residential accommodation and the Council's normal consideration in respect of quality of development, protection of the character of the area and the amenities of neighbouring occupiers apply as required by Policies SDP1, SDP7 & SDP9.

The development is in accordance with the emerging policies in the Council's Core Strategy.

### **Relevant Planning History**

The history of the site is attached in **Appendix 2** to this report.

### **Consultation Responses & Notification Representations**

A publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement and erecting a site notice. At the time of writing the report, 7 representations had been received from surrounding residents.

#### Summary of Representations made

**Highway Safety** - The site is located on a dangerous junction and the proposal would exacerbate highway safety there by increasing traffic movements onto the junction. The additional traffic would also exacerbate congestion on the junction.

**Parking** - The development would be not be served by sufficient car parking spaces which would have an adverse impact on highway safety

**Privacy Impact** - The proposal would result in overlooking of the neighbouring properties

**Character Impact** - Flats would be out of keeping with the character of the area

**Visual Impact** - The proposal would represent an over-development of the site and the new building would appear out of keeping with the older properties in the vicinity of the site.

#### Summary of Consultation comments

**SCC Highways** - No objection. Suggests a condition seeking details of the doors to the cycle storage to ensure it is easily accessible

**SCC Ecology** - No objection subject to securing a biodiversity mitigation and enhancement plan by planning condition

**SCC Sustainability** - No objection. Suggest conditions to secure level 3 of the Code for Sustainable Homes and a sustainable urban drainage system.

**SCC Environmental Health (Pollution and Safety)** - No objection. Suggests conditions to minimise disruption to residents during the construction phase.

**SCC Environmental Health (Contamination)** - No objection. There is historic contamination in the vicinity of the site and therefore conditions are suggested to assess the risk and secure remediation as necessary

**SCC Play Services** - No objection. Require a financial contribution to improve facilities in a local play area

**Southern Water** - No objection. Suggest a condition to secure details of foul and surface water drainage and an informative.

### **Planning Consideration Key Issues**

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

- Principle of development
- Residential design, density and impact on the established character;
- The impact on existing residential amenity;
- The quality of residential environment for future occupants
- The impact on protected trees and the ecological value of the site
- Whether the travel demands of the development can be met.

The development proposal needs to be assessed in light of the planning history of the site and in particular the appeal decision contained in **Appendix 3** to this report.

#### 1. Principle of development

The redevelopment of this site for residential purposes is in accordance with central government's aims and local plan policies for the efficient use of vacant and brownfield sites. The application proposes a genuine mix of accommodation and includes the retention of the existing family dwelling on site which is welcome.

#### 2. Character and design matters

The design approach remains similar to the previously refused scheme. Accommodation has been removed from the roofspace adjacent to 1 Newtown Road and the massing of the building along Weston Lane as also been reduced to enable the retention of the existing dwelling. Whilst scale, massing and footprint were cited as reason for refusing the previous application on this site, at appeal the Planning Inspectorate considered that massing, design and footprint of the proposed building was acceptable having particular regard to the corner nature of the site (paragraph 10 of the appeal decision in **Appendix 3** refers). The combined footprint of the proposed building and the retained building is 5% greater than previous scheme, however, the reduction in the massing in the roof of the building adjacent to 1 Newtown Road and the incorporation of a 3m gap between the existing building and the proposed building would ensure that in visual terms the massing of the building would not appear notably greater than the appeal scheme.

The proposed building turns the corner well and addresses both street frontages and is in accordance with design principles within the Residential Design Guide which acknowledges that a building of greater massing and height can provide a positive visual focus on corner locations. The building line is staggered to relieve the massing and the design is articulated traditional features. The building would therefore be sympathetic the prevailing pattern of development in the vicinity of the site.

Concerns have been raised that a development of flats would not be in character with the

surrounding area which is typified by family dwellings. This matter was debated at the earlier planning appeal and the Inspectorate considered at paragraphs 9 and 10 that the principle of a higher density scheme was acceptable and that the development of flats rather than houses is not in itself indicative of harm to the character of the area.

### 3. Residential amenity

The main consideration in this respect is the relationship of the proposal building with 1 Newtown Road which was the sole reason for the previous planning appeal being dismissed (paragraphs 22 to 27 of the appeal decision in **Appendix 3** refers). In particular the west side elevation of 1 Newtown Road contains windows at ground and first floor serving habitable rooms. There are no specific separation standards relating to this kind of relationship although a sunlight and shadow path analysis can indicate if any demonstrable harm to residential amenity will occur. The proposed building is positioned approximately 6m from the boundary with 1 Newtown Road and 10m from the side elevation of the neighbouring property itself. This represents a significant improvement to the refused scheme which was positioned just 0.6m from the common boundary. Daylight and shadow path analysis submitted with the application demonstrate that 1 Newtown Road would continue to enjoy a good level of day-lighting and not be adversely subject to a harmful level of overshadowing.

In terms of privacy, windows have been carefully positioned to mainly look over the public realm rather than the neighbouring residential properties. An existing intervening outbuilding structure positioned on the boundary of 1 Newtown Road will ensure that no harmful overlooking will occur as a result of the first floor east facing bedroom window.

### 4. Residential standards

The previous application was refused on the basis of insufficient amenity space which was not fit for purpose due to its positioning adjacent to a busy road. In dismissing the appeal, the inspector considered that the amount of amenity space was acceptable particularly having regard to the proximity of the site to a large public park. The amount of amenity space per flat remains the same as the appeal scheme and accordingly, in light of the inspector's comments is considered acceptable to serve the development. The retained dwelling would be left with 85 sq.m of private rear garden space which is slightly less than the 90 sq.m required by the Residential Design Guide however, the quality and useability is considered good and having regard to the weight the inspector gave of the proximity of the site to a public park, this slight shortfall is considered to be acceptable.

Both cycle and refuse storage is now integral to the building which is preferable from a visual perspective. Both stores are conveniently located for access by future residents.

### 5. Parking and highways matters

The level of car parking spaces proposed complies with the Council's adopted standards and current planning guidance in the form of PPG13: 'Transport', PPS1 'Delivering Sustainable Development' and PPS3 'Housing' emphasises the need to reduced car dependence. Furthermore, Local Plan policy SDP5 confirms that car parking is a key determinant in the choice of the mode of travel. The site lies within an area of Medium Accessibility for public transport meaning it lies within a 400m radius of a bus corridor served by between 10 and 19 buses an hour. The provision of secure and convenient cycle storage would promote cycling as an alternative to the private car. The level of car parking proposed to serve the development is therefore considered to be acceptable. The application proposes one additional car parking space when compared with the appeal scheme in which the Inspector found that the level of on-site car parking was acceptable (please refer to paragraph 21 of the appeal decision in **Appendix 3**).

The existing vehicular access to the from Weston Lane would be retained and slightly altered. The level of car parking remains the same as currently increase and therefore there would be no intensification of the use of this access. On-site turning is provided to ensure that vehicles can enter and leave the site in a forward gear. The application also proposes the gifting to a section of the site around the corner to the highways authority to improve the sight-lines at this junction. The proposal would therefore represent an improvement in highway safety terms and this is also acknowledged by the appeal inspector at paragraph 34 of the decision.

### Summary

The proposed development would make efficient use of this brownfield site whilst respecting the character of the area and providing an attractive visual focus for this corner site. The previous reason for dismissing the planning appeal has been fully addressed.

### **CONCLUSION**

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

### **Local Government (Access to Information) Act 1985**

#### **Documents used in the preparation of this report Background Papers**

1 (a) (b) (c) (d), 2 (a) (c) (d), 3 (a), 6 (a) (c) (d) (l), 7 (a) (c) (k), 8 (a) (j)

(JT for 19.01.10 PROWP)

**Relevant Planning Policy**

**Adopted City of Southampton Local Plan Review Policies**

SDP1	General Principles
SDP2	Integrating transport and Development
SDP3	Travel Demands
SDP5	Development Access
SDP6	Parking
SDP7	Context
SDP9	Scale, Massing and Appearance
SDP10	Safety and Security

H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment
H8	Housing Density
H12	Housing Type and Design

CLT5	Provision of Open Space
CLT6	Provision of Children's Play Space

IMP1	Provision of Infrastructure
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**Core Strategy Policies**

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS 15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport
CS19	Car and Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS25	The Delivery of Infrastructure and Developer Contributions

**Relevant Planning History**

08/00612/FUL Refused 08.09.08 and appeal dismissed  
Redevelopment of the site. Erection of a 3-storey building (including accommodation within the roof space) to provide 10 flats (6 x one bedroom, 4 x two bedroom flats) with associated parking, following demolition of the existing building.

Reasons for refusal:

01.

Overdevelopment/ lack of amenity

The proposed development by virtue of its bulk, massing, excessive footprint would result in an overdevelopment of the site which does not respect the character of the surrounding area. In addition, in terms of the private amenity space whilst it accords with policy in terms of the area for the number of flats proposed, the area provided is not deemed usable due to its location fronting Newtown Road and Weston Lane in terms of noise pollution and that the part fronting Newtown Lane would be in the shade for long periods. As such the proposed development is contrary to Policies SDP1, SDP7, SDP9 and H7 of the Adopted City of Southampton Local Plan Review (March 2006) and guidance set out in the adopted Residential Design Guide 2006.

02.

Highway safety

The proposed development fails to make provisions to meet the travel demands of the residents of the new development, in particular it does not provide adequate car parking facilities. This would cause additional on-street parking and lead to congestion and inconvenience to the detriment of highway safety and therefore the proposal is therefore contrary to Policies SDP1 and SDP5 of the City of Southampton Local Plan Review Revised Deposit Version.

03.

Non-Compliance with S106 Agreement

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

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

(ii) Measures to satisfy the children's play space requirements of the development. As such the development is contrary to Policy CLT6 of the City of Southampton Local Plan Review (March 2006).

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

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

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

(vi) Failure to provide a Waste Management Plan to demonstrate how refuse will be stored / removed from the site

*The applicant is advised that this final reason for refusal could be overcome following completion of a S.106 Legal Agreement associated with an acceptable proposal.*

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RECOMMENDATION: DEL

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**CONDITIONS for 09/01134/FUL**

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

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

Reason:

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

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

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

Reason:

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

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

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

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

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

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

Reason:

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

of the Town and Country Planning Act 1990

04. APPROVAL CONDITION - Boundary fence [Pre-Occupation Condition]

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

Reason:

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

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

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, to identify whether there are slow worms present and a mitigation plan if any are found, a schedule for replacement native hedgerow and details and location of bats and swift roosting and nesting boxes which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place

Reason

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

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

Written documentary evidence demonstrating that the development will achieve a minimum level 3 standard in the Code for Sustainable Homes (or equivalent ratings using an alternative recognised assessment method), shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted consent.

Reason:

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

07. APPROVAL CONDITION – Drainage and Foul Water Disposal [pre-commencement condition]

Prior to the commencement of the development hereby approved details of the proposed means of foul water disposal and surface water disposal shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the agreed details.

REASON

To ensure the proposal does not increase the likelihood of flooding in the vicinity of the site.

08. APPROVAL CONDITION - / egress arrangements (Pre-Commencement Condition)

Prior to works commencing on the site details of the means of access for construction (and demolition) of the structures on the site shall be submitted to and agreed with the Local Planning Authority. Such details shall indicate any areas of equipment and material storage during the work period and any measures to limit the possible nuisance effects on surrounding and neighbouring residential properties.

Reason:

In order to protect the residential amenity of nearby properties

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

Prior to the first occupation of the development the cycle storage shall be provided in accordance with the approved plans. The storage shall thereafter be retained for the benefits of the occupants of the development.

Reason:

To accord with sustainable transport policy aimed at providing a choice of travel mode available for residents by enabling adequate provision of a facility which is likely to reduce the amount of vehicular traffic on existing roads.

#### 10. 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

#### 11. APPROVAL CONDITION - Refuse & Recycling [Pre-Commencement Condition]

Before the works commence details (and amended plans) of facilities to be provided for the storage, removal and recycling of refuse from the premises shall be submitted to the Local Planning Authority and approved in writing. Such facilities as approved shall provide for a level approach and be permanently maintained and retained for that purpose.

Reason:

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

#### 12. APPROVAL CONDITION - Delivery times [Pre-Occupation Condition]

No deliveries shall be taken in or dispatched from the site during construction outside the following times;

9.30am to 15.00pm

Reason:

To avoid traffic congestion

#### 13. APPROVAL CONDITION - Sightlines specification [Pre-Commencement Condition]

Sight lines m by m measured at the kerblines shall be provided before the use of any building hereby approved commences, and notwithstanding the provisions of the Town and Country Planning General Development Order 1988 no fences walls or other means of enclosure including hedges shrubs or other vertical structures shall be erected above a height of 0.6m above carriageway level within the sight line splays

Reason

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

#### 14. 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 Weston Lane and Newtown 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

00. Reason for granting Planning Permission

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

Policies - SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (March 2006).