



DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

Town and Country Planning (General Development Procedure) Order 1995

Tony Oldfield Architects
5 Freemantle Business Centre
152 Millbrook Road East
Southampton
SO15 1JR

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: **Erection of a new building to provide 13 flats (4 x one bedroom, 6 x two bedroom, 3 x three bedroom) with associated storage and refuse facilities to the rear of the retained building facade (outline application seeking approval for layout, scale, access and appearance)**

Site Address: **17 - 21 Portsmouth Road, Southampton SO19 9BA**

Application No: **12/01281/OUT**

For the following reason(s):

01. REFUSAL REASON - DESIGN

The proposed scheme of facade retention, involving divorcing the facade from the new building with a steel support frame and formation of enlarged openings within the facade for daylighting and outlook purposes, represents an unacceptable design approach. The resultant design, including the design for the new build element, would be out of keeping with the locally listed facade and would harm the character and appearance of the area, contrary to Policies SDP1, SDP7, SDP9, HE4 and REI5 of the City of Southampton Local Plan Review (March 2006) and Policies CS3, CS13 and CS14 of the Local Development Framework Core Strategy (January 2010), the relevant sections of the Council's Residential Design Guide SPG and Section 7 of the National Planning Policy Framework.

02. REFUSAL REASON - IMPACT ON THE DISTRICT CENTRE

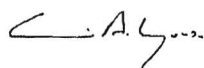
The proposed development would involve the loss of ground floor commercial space fronting Victoria Road shopping parade and as such would detract from the vitality and viability of Woolston District Centre, contrary to Policy REI5 of the City of Southampton Local Plan Review (March 2006) and Policy CS3 of the Local Development Framework Core Strategy (January 2010).

03. REFUSAL REASON - S106 PLANNING OBLIGATIONS

In the absence of a completed S.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 the following ways:-

- a) As the scheme triggers the threshold for the provision of affordable housing it is expected to provide a contribution to affordable housing to assist the City in meeting its current identified housing needs as required by Policy CS15 from the adopted Local Development Framework Core Strategy Development Plan Document (January 2010)
- b) Site specific transport works for highway improvements in the vicinity of the site which are directly necessary to make the scheme acceptable in highway terms have not been secured - in accordance with Policies CS18, CS19 & CS25 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended).
- c) Measures to support strategic transport improvements in the wider area in accordance with Policies CS18 & CS25 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended) have not been secured.
- d) A financial contribution towards the provision and maintenance of open space in accordance with 'saved' Policies CLT5 and CLT6 of the adopted City of Southampton Local Plan Review (March 2006), Policies CS21 and CS25 from the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) and applicable SPG is required to support the scheme and has not been secured;
- e) In the absence of a mechanism for securing a (pre and post construction) highway condition survey it is unlikely that the development will make appropriate repairs to the highway - caused during the construction phase - to the detriment of the visual appearance and usability of the local highway network.



Chris Lyons
Planning & Development Manager



11 December 2012

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:
P05		Elevational Plan		Refused
P06		Site Plan		Refused
P07		Floor Plan		Refused
P07		Floor Plan		Refused
P09		Roof Plan		Refused
P010		Other Plans		Refused
P011		Other Plans		Refused
P012		Other Plans		Refused

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**