

**Planning, Transport & Sustainability Division**  
**Planning and Rights of Way Panel 22nd April 2014**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 51 High Road, Southampton, SO16 2JE			
<b>Proposed development:</b> Demolition of the existing building and erection of a two-storey building (with additional accommodation in the roofspace) to provide 17 self contained studio flats for student accommodation with associated facilities.			
<b>Application number</b>	14/00025/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Jo Mourse	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	06/05/2014	<b>Ward</b>	Swaythling
<b>Reason for Panel Referral:</b>	Major planning application subject to objection  Departure from the Development Plan	<b>Ward Councillors</b>	Cllr Mintoff Cllr Vassiliou Cllr Turner

<b>Applicant:</b> Lainstone Colleys LLP	<b>Agent:</b> Peter Atfield - Goadsby Planning And Environment
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<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Yes</b>
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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 Local Authority is also satisfied that the character and appearance of the area would be preserved. The site is part of a defined local centre, whereas no retail use has been proposed for the ground floor of the new building it is recognised that there are a number of vacant units within the local centre. The loss of this commercial unit has previously been accepted and weight has been given to the previous outline permission ref: 10/00181/OUT and those material considerations listed in the report to the Planning Panel on 22/04/2014. 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 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). Accordingly the proposal complies with policies CS4, CS6, CS13, CS15, CS16, CS17, CS18, CS19, CS20 and CS25 of the Core Strategy (2010) saved policies SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP16, H1, H2, H7 and REI6 of the Local Plan (2006), Supplementary Planning Document 'Residential Design Guide' (2006), 'Developer Contributions' (2013) and 'Parking Standards' (2011) and the National Planning Policy Framework (2012).

<b>Appendix attached</b>			
1	Panel Minutes from 10/00181/OUT	2	Development Plan Policies

## **Recommendation in Full**

**Subject to no additional objections being received in connection with the site being advertised as a departure from Local Plan policy REI6.**

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. In lieu of an affordable housing contribution an undertaking by the developer that only students in full time education be permitted to occupy the development. The development to comply with the requirements of the Southampton Accreditation Scheme for Student Housing (SASH).
  - 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. Student intake management plan to detail student drop off and collection with ongoing review.
2. In the event that the legal agreement is not completed by 06/05/2014 the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
3. That the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

### **1. The site and its context**

- 1.1 The application site, 51 High Road, is a two-storey building comprising of a restaurant (Class A3 use) unit at ground floor with a residential flat above. The

restaurant unit has been vacant since 2010 and the flat has recently been vacated. The building is in a slightly dilapidated condition and is of no particular architectural merit. A vehicle access runs to the south of the site which leads to an informal parking area to the rear of the building.

- 1.2 The area is of mixed character containing mainly two-storey properties with commercial uses on the ground floor with residential uses above as well as dwelling houses. The attached neighbouring property to the north, no.57 contains a commercial unit at ground floor with a flat above, the neighbouring property to the south no.49 is a semi-detached house. 350 Burgess Road which runs to the rear, is a commercial premises.
- 1.3 To the north and east of the site is the defined Swaythling local centre containing a mixture of shops, café's and takeaways. The majority of premises have residential accommodation at first floor level.
- 1.4 The rear of the site is given entirely over to hard standing which was previously used as a car park for both staff and patrons of the restaurant. The parking area is not formalised and approximately 8 - 10 cars can park within the space at any one time. The parking area is accessed from High Road.
- 1.5 Located within a medium accessibility area, the property is within a short walking distance of regular bus routes that run both into and out of the city, and Riverside Park.

## **2. Proposal**

- 2.1 The application seeks full planning permission for the erection of a two-storey building with rooms in the roof containing 17 studio student flats each comprising a bedroom/kitchen/living area and an en-suite bathroom. The building is of traditional appearance containing two full height bay windows to its front elevation, it has a full pitch roof with a small flat roof element. To its rear the proposal is staggered away from the boundary to the north and drops down in height.
- 2.2 A rear communal garden area of 172 sq m is provided to the rear of the proposal which also contains a cycle store for 17 bikes and a drying area.
- 2.3 Bin storage for the development is to be provided internally within the development.
- 2.4 This application follows a similar permission for redevelopment (LPA ref: 10/00181/OUT). This application was approved by the Planning Panel in 2010. A copy of the Panel minutes are attached at **Appendix 1**. The key differences between the consent and the proposed scheme are:
  - Accommodation specifically for students
  - Larger footprint of development facilitated by a single storey element to the rear.
  - Reduction in car parking from 5 spaces to 0.
  - Building line towards High Road brought slightly further forward.
  - Increase in size of rear amenity area.

- 2.5 The proposal to redevelop the site for solely residential use would be contrary to the adopted development plan, namely Policy CS3 of the Core Strategy and Policy REI6 of the Local Plan Review, which seek to resist residential uses on the ground floor at the expense of active commercial frontages serving the local centre.

### **3. Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 2**.
- 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 Policy CS5 advocates that intensification and higher densities will be appropriate in some areas of the city in order to make best use of land, to support a range of local services and infrastructure and to create a residential environment with a mix of housing including smaller units and affordable housing. At all densities, residential development should be high quality, energy efficient and in line with best practice in sustainability and should maximise outdoor space, for example by providing gardens, roof terraces or balconies.
- 3.4 Policy REI 6 refers to the city’s defined local centres and seeks to retain their role in serving the daily needs of the local population.
- 3.5 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> 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. Relevant Planning History**

- 4.1 10/00181/OUT - Outline planning permission granted (05/07/10) for the erection of a part three-storey, part two-storey building to provide 3 x 3 bed and 2 x 2 bed flats with associated parking and refuse/cycle storage following demolition of existing building. Outline application seeking consideration of access, appearance, layout and scale only (details of landscaping reserved). As an application for reserved matters approval has not been submitted within 3 years this outline permission has now lapsed.
- 4.2 Originally a shop with residential accommodation above, the ground floor of the property received planning permission in 1973 for a change of use to restaurant seating 28 people. In 1983, the shop frontage was infilled resulting in a rendered front wall with single entrance. Its current appearance is unchanged.

## **5. Consultation Responses and Notification Representations**

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (21/02/2014) and erecting a site notice (11/02/2014). The application has also recently been advertised as a departure from Local Plan Policy RE16 At the time of writing the report **3 representations** have been received from surrounding residents and also an objection from ward Cllr Turner. The following is a summary of the points raised:

- The proposed units are cramped.
- The toilet and washing areas opening onto food preparation areas is poor.
- The plans are incorrect in stating that no.55 is vacant it is actually occupied.
- Concerned how the exposed wall with no.55 will be made good including chimneys, downpipes.  
Response: This is largely a civil matter that the developer will need to agree with the owner of this property. A planning condition is also recommended.
- Inadequate space is left between the side wall of the proposal to allow for maintenance of no.55.
- Loss of light to neighbouring dwellings.
- Overdevelopment of the site.
- Noise and disturbance resulting from an over intensive use of the site.
- Excessive waste will be generated due to the over intensive use of the site.
- Overlooking and a loss of privacy due to windows located within the south elevation.
- The front elevation is to be faced in brick but it is not shown how the side elevations will be finished, they should be in keeping with the front elevation and the street.  
Response: This can be conditioned.
- Student flats will change the community character of the area.
- First year undergraduate student should be prevented from occupying the building.

The planning related issues are addressed in the Planning Considerations section of this report.

### **Consultation Responses**

5.2 **SCC Highways** - Raise no objection subject to conditions.

5.3 **SCC Housing** – Confirm no affordable housing is required provided that the building is restricted by S106 agreement to student use.

5.4 **SCC Sustainability Team** – Raise no objections subject to conditions.

5.5 **SCC Environmental Health (Contaminated Land)** - Consider that the proposal is sensitive to the affects of land contamination and recommend conditions.

5.6 **SCC Ecology** – Raise no objection to the proposal on grounds the site has low biodiversity value.

5.7 **Southern Water** – Request that an informative is attached advising the applicant of the requirement to divert public sewers.

## 6. **Planning Consideration Key Issues**

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

- The principle of development
- The student use of the building
- The design of the development and the provision of an acceptable residential environment
- Impact on neighbour amenity.
- Sustainability
- Highway and parking implications
- Mitigation for infrastructure.

### 6.2 Principle of development

6.2.1 The proposal seeks the redevelopment of the site by the erection of a two-storey building containing 17 student studio flats following the demolition of the existing building, which currently contains a restaurant at ground floor level and residential flat above. The site is within Swaythling Local Centre where commercial uses are protected by policy REI 6 of the Local Plan. The unit has been vacant for a number of years and Planning Policy have confirmed that the occupancy of commercial units in the Centre is historically lower than city wide averages even before the recession. The location of the application site directly adjacent to the boundary of the centre would continue to provide a natural break between the commercial and residential elements of this part of Swaythling and in this instance the centre would continue to be clearly defined. As such, due to the circumstances of the location of the site, the historical levels of high vacancy of commercial units in the area and the Council's previous approval for a similar Local Plan departure the loss of the restaurant is acceptable in these circumstances.

### 6.3 The student use of the building

6.3.1 The expansion of the City's universities has put pressure on existing areas of conventional housing. Due to increased demand for student accommodation, private sector provision of student housing has expanded in other parts of the City. The provision of specialist student accommodation, such as the proposal, will take away pressure to convert existing family dwellings to Houses of Multiple Occupation for student accommodation therefore assisting to reduce pressure on family housing stock within the City. Whilst concerns have been raised in respect of the student use of the building, the S106 agreement requires the management of the building, by signing up to the Southampton Accreditation Scheme for Student Housing (SASSH) which, amongst other things, sets guidelines for the behaviour of landlords and students. As the development is car free any external noise and disturbance will also be minimised.

### 6.4 The design of the development and the provision of an acceptable residential environment

- 6.4.1 Residential accommodation within the Swaythling area is made up of a range of unit sizes and accommodation types. With the majority of properties having traditionally been family houses, some of these properties have now been converted into one and two bedroom accommodation. The houses that remain are either occupied by families, students or private rental properties. The site's close proximity to Southampton University means that there is a demand for a range of unit sizes within this area.
- 6.4.2 The proposed development is of traditional design and proportions incorporating bay projecting windows to its front elevation. This is similar to the design of the neighbouring pair of semi-detached dwellings to the south, nos.47 - 49, the footprint and height of the development is also comparable to these properties albeit it is taller than the neighbouring properties to the north. Given that the development is to be used for residential purposes, and is in keeping with the appearance of the adjacent residential dwellings that lie to the south of the site, it is considered that the development would be compatible with the street scene. The proposal is also very similar to the previously approved scheme, the main difference in design terms are the replacement of two dormer windows in the front roof slope with one; the front door has been relocated to the side elevation and the building extends further towards the rear at single storey level.
- 6.4.3 The proposed building is to contain 17 student studio flats which each contain a small living/bedroom with kitchen area and an en-suite bathroom. The units range in size from 15.7sq m to 25.6 sq m, whilst 15.7 sq m is small the Council does not have any adopted minimum floorspace standards. All units will have outlook onto High Road or the rear amenity area apart from the units in the roof which are served by rooflights giving oblique views to the sky. A rear communal amenity area of 172 sq m is also provided for the development. It is considered that the proposal will provide an adequate residential environment for its proposed occupiers.
- 6.5 Impact on neighbour amenity
- 6.5.1 Immediate residential dwellings lie to the north and south of the site, nos. 55 and 49, respectively. The proposal has a staggered rear building line at two-storey level and is set adjacent to and 4.6 m from the boundary of this property projecting to a depth of 9.35m beyond the main rear building line of no.55. This is comparable to the scale and layout of development allowed under outline planning permission ref: 10/00181/OUT. This previous development was assessed against the Local Plan (2010) and the 'Residential Design Guide' Supplementary Planning Document (2006) which are still relevant to the assessment of this application. The proposal will project to an overall depth of 12.6m when including the single storey element (which was not part of the previous proposals). This part of the development has a flat roof in order to minimise its impact on light and visual amenity.

- 6.5.2 No. 49 contains a number of habitable room windows within its side elevation, the access serving the proposed development separates it from this dwelling. No. 55 contains windows in its rear elevation. The applicant has submitted a 'Daylight and Sunlight Assessment' in accordance with the Building Research Establishment guidelines. The assessment concludes that there will be a negligible impact from the development on the daylight entering the windows of no.55. It states that there will be a slight reduction in daylight to some of the ground floor windows in no.49 concluding that there will be a minor adverse impact. In respect to Sunlight the development will affect no.55 however this impact, with the exception of one window, falls within the minimum guidelines recommended by the BRE, this impact is concluded as negligible. The proposal will have no impact on no.49 in respect to sunlight due to its orientation. Outlook from the bedroom windows at no.49 will be towards the proposed building which is hipped to mitigate this impact.
- 6.5.3 No overlooking to neighbouring dwellings will occur as the only habitable room windows that are located in the side elevation of the building give oblique views to roofs and sky.
- 6.5.4 On balance, in view of the previous planning history and the submitted Sunlight and Daylight Assessment it is considered that the proposed development will have an acceptable impact on the amenities enjoyed by the occupiers of the neighbouring dwellings
- 6.6 Sustainability
- 6.6.1 A pre-estimator assessment was submitted with the application demonstrating that the development can meet the policy requirement of BREEAM 'Excellent'. The requirement can be appropriately secured by condition. In addition to this policy CS25 supported by SPD 'Developer Contributions' 2013 requires a contribution towards carbon offsetting, this can be secured by legal agreement.
- 6.7 Highway and parking implications.
- 6.7.1 The application proposes no car parking for the development. The previous scheme for private housing had five spaces. It is however located close to the university, local shops and frequent bus links to the City Centre. Given the location of the proposal, a car free scheme for students is considered to be acceptable. Bike storage is provided at one space per flat. Furthermore highways have raised no objection to the proposal. For these reasons the proposal is considered to be acceptable subject to the attached planning conditions.
- 6.8 Infrastructure mitigation
- 6.8.1 The development is CIL liable and will be levied at £70 per sq m. An S106 agreement is also required in addition to CIL securing mitigation towards highway improvements within the vicinity of the site, carbon offsetting and student restrictions as outlined in the 'Recommendation in Full' section of this report.
- 7. Summary**
- 7.1 The proposal represents a sustainable form of development that will make efficient and effective use of this previously developed site within the urban area for a housing scheme, is a visually acceptable form of development that is in keeping with the street scene, will provide an adequate residential environment for its proposed occupiers, will not adversely affect the amenities enjoyed by the occupiers of the neighbouring dwellings and will not harm highway safety.



## **8. Conclusion**

It is recommended that planning permission is 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 (d), 2 (b), 2 (d), 7 (a), 8 (a)

### **JM for 22/04/2014 PROW Panel**

#### **PLANNING CONDITIONS**

##### **1. 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).

##### **2. APPROVAL CONDITION - No other windows or doors other than approved [Performance Condition]**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings including roof windows or dormer windows other than those expressly authorised by this permission shall be inserted in the development hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the adjoining residential properties.

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

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

Reason:

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

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

Notwithstanding the submitted details before the commencement of any site works a detailed landscaping scheme including both the front and rear of the proposed building and implementation timetable shall be submitted, which includes:

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

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

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

#### 5. APPROVAL CONDITION - Amenity space access [Pre-Occupation Condition]

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

Reason:

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

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

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

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

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

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

### Reason:

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

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

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

### Reason:

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

#### 8. APPROVAL CONDITION- Unsuspected contamination [Performance Condition]

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

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

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

Reason:

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

#### 9. APPROVAL CONDITION - BREEAM Standards (commercial development) [Pre-Commencement Condition]

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

Reason:

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

#### 10. APPROVAL CONDITION - BREEAM Standards (commercial development) [performance condition]

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Excellent against the BREEAM Standard in the form of post construction assessment and certificate as issued by a legitimate BREEAM certification body shall be submitted to the Local Planning Authority for its approval.

Reason:

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

#### 11. APPROVAL CONDITION - 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.

#### 12. APPROVAL CONDITION - Material storage (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, 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.

#### 13. 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.

#### 14. 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.

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

The refuse and recycling facilities hereby approved shall be retained in perpetuity for such purposes and 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.

#### 16. APPROVAL CONDITION - Public sewer protection [Performance Condition]

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

Reason:

In order to safeguard the public sewer.

17. 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 High 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.

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

Prior to the first occupation of the development details and plans of the covered, enclosed and secure bicycle parking compound (including elevational and material details) shall be submitted to and approved in writing by the Local Planning Authority. The bicycle compound shall provide for a minimum of 17 bicycles. The development shall not be occupied until provision has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority after consultation with the Local Highway Authority for the parking of bicycles. Such space shall not thereafter be used other than for the purposes for which it is provided.

Reason:

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

19. APPROVAL CONDITION - Window specification limitations [Performance Condition]

Unless the Local Planning Authority agree otherwise in writing and notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (as amended), or any Order revoking or re-enacting that Order, in relation to the development hereby permitted, all windows at first floor level or above on the north and south elevations shall be non-opening below 1.7m above floor level and fitted with obscure or tinted glass. The windows shall be retained in this manner for the duration of use of the building for residential occupation.

Reason:

To protect the amenity and privacy of the adjoining property.

20. APPROVAL CONDITION - Making good flank wall of 55 High Road [Pre-commencement Condition]

Prior to the commencement of the development, details of a scheme to make good, structurally sound and weather proof the exposed wall of 55 High Road shall be submitted to the local planning authority and agreed in writing. The development shall proceed in accordance with the agreed details and thereafter be retained.

Reason

To ensure the structural integrity of, and to secure a good level of amenity for, 55 High Road.

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

Prior to the commencement of any development a written construction environment management plan shall be submitted to and approved by the Local Planning Authority. The plan shall contain method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary. All specified measures shall be available and implemented during any processes for which those measures are required.

Reason:

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

**Minutes from Planning Panel - 22nd June 2010**

11. 51 HIGH ROAD - 10/00181/OUT

Erection of a part 3-storey, part 2-storey building to provide 3 x 3-bed and 2 x 2-bed flats with associated parking and refuse/cycle storage following demolition of existing building. Outline application seeking consideration of access, appearance, layout and scale only (details of landscaping to be reserved) (Departure From Local Plan).

Mr Wiles (Agent) and Mr and Mrs Vardy (Local Residents) were present and with the consent of the Chair, addressed the meeting.

NOTE: Councillors Fitzhenry (Chair) and Slade declared a prejudicial interest in this item and withdrew from the meeting.

COUNCILLOR JONES IN THE CHAIR

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO DELEGATE AUTHORITY TO THE HEAD OF PLANNING AND SUSTAINABILITY TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO NO ADDITIONAL OR ADVERSE CONSULTATION COMMENTS BEING RECEIVED IN RELATION TO THE PROPOSAL WAS CARRIED UNANIMOUSLY RESOLVED that authority be delegated to the Head of Planning and Sustainability to grant conditional planning approval subject to the conditions in the report and the amended / additional conditions below.

Amended Conditions:

1 - 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, the scale, massing and bulk of the structure, and the landscaping (both hard, soft and including enclosure details) of the site is approved subject to the following:

(i) 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. The reserved landscaping of the site specifying both the hard, soft treatments and means of enclosures (RESERVED MATTER).

(ii) 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

(iii) 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).



## 9 - Public Sewer diversion

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

### REASON:

In order to safeguard the public sewer.

### Additional Conditions:

#### 15 – Making good flank wall of 55 High Road

Prior to the commencement of the development, details of a scheme to make good, structurally sound and weather proof the exposed wall of 55 High Road shall be submitted to the local planning authority and agreed in writing. The development shall proceed in accordance with the agreed details and thereafter be retained.

### REASON:

To ensure the structural integrity of, and to secure a good level of amenity for, 55 High Road.

### REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The site is part of a defined local centre. Whereas no retail use has been proposed for the ground floor of the new building, it is recognised that there are a number of vacant units within the local centre. The loss of a commercial unit on the application site is not considered harmful to the overall vitality and viability of the entire defined local centre. This technical failure to meet policy REI6 is therefore not considered sufficient to justify a refusal. Other material considerations including the design, impact on the residential amenity of neighbouring dwellings and highway safety issues have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Saved Policies - SDP1(i), SDP5, SDP7 (iv) (v), SDP9 (v) H2 (iii) (vii) and REI6 of the City of Southampton Local Plan Review (March 2006).

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

**POLICY CONTEXT**

Core Strategy - (January 2010)

CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS17	Gypsy and Traveller Accommodation and Accommodation for Travelling Showpeople
CS18	Transport: Reduce-Manage-Invest
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
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment
REI6	Local Centres

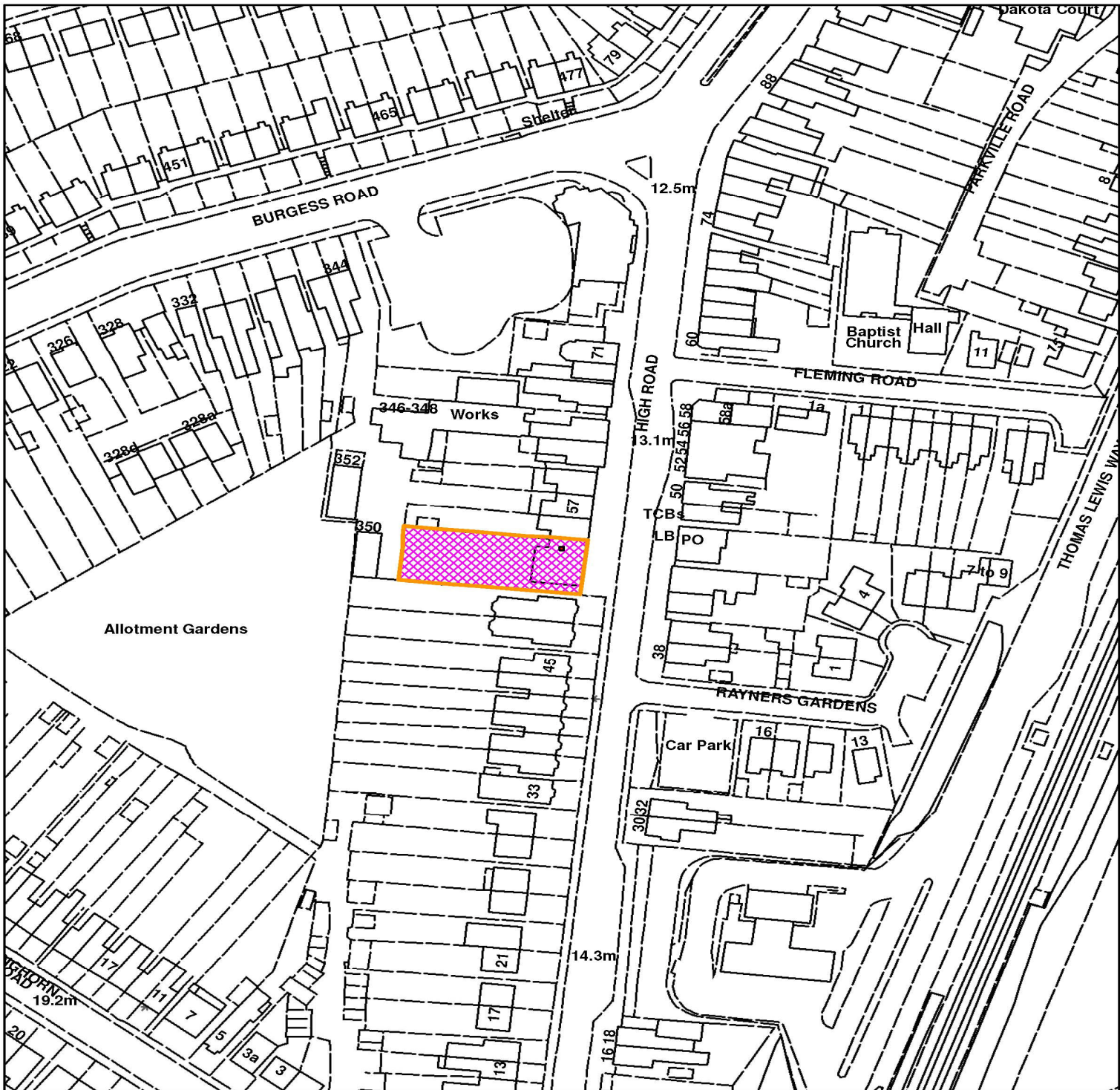
Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
Developer Contributions (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)

# 14/00025/FUL



Scale: 1:1,250

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