

Southampton City Planning & Sustainability  
 Planning and Rights of Way Panel meeting 22 June 2010  
 Planning Application Report of the Head of Division

Application address <b>St Francis Of Assisi Church, Montague Avenue, Southampton</b>			
Proposed development <b>Redevelopment of the site following demolition of the church and rectory buildings. Erection of 10 two and three-storey houses (6 x three bedroom and 4 x four bedroom) with associated access and parking (Affects a public right of way).</b>			
Application number	<b>10/00354/FUL</b>	Application type	Full
Case officer	Andy Gregory	Application category	Q07 - Smallscale Major Dwellings

<b>Recommendation Summary</b>	<b>Delegate to Head of Planning &amp; Sustainability to grant planning permission subject to criteria listed in report</b>
-------------------------------	--

Reason for Panel consideration	Major development (small scale) requiring completion of legal agreement under Section 106 of the 1990 Act
--------------------------------	---

Applicant Orchard Homes Ltd	Agent Tony Oldfield Architects
--------------------------------	-----------------------------------

Date of receipt	31.03.2010	Ward	Bitterne
Date of registration	31.03.2010	Ward members	Cllr D J Fuller
Publicity expiry	06.05.2010		Cllr Stevens
Date to determine	30.06.2010 <b>IN TIME</b>		Cllr Letts

Site area	0.21 Hectares	Usable amenity area / private gardens	41- 60 square metres		
Site coverage (developed area)	34%				
Density - whole site	<b>46 dph</b>				
Residential mix	numbers	size sqm	Other land uses	class	size sqm
Studio / 1-bedroom	-	-	Commercial use	-	-
2-bedroom	-	-	Retail use	-	-
3-bedroom	6	85 sq m	Leisure use	-	-
4-bedroom	4	102sqm			
Policy designation	Unallocated				

Accessibility zone	Low (Band 2)	Policy parking max	17 spaces
Parking Permit Zone	<b>no</b>	existing site parking	2 spaces
Bicycle parking	10	car parking provision	10 Spaces

Key submitted documents supporting application			
1	Design and Access Statement	2	Transport Statement
3	Ecology Report	4	Tree Report
Appendix attached			
1	Local Plan Policy schedule	2	Decision Notice for 09/01271/FUL

## **Recommendation in full**

Delegate to Head of Planning & Sustainability to grant planning permission subject to the completion of a S106 legal agreement to secure:

- i) Provision of affordable housing in accordance with Policies CS15 and CS25 of the adopted LDF Core Strategy (2010);
- ii) 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);
- iii) 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;
- iv) 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”)
  - Play Space
  - Playing Field;
- v) 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.

And in the event that the legal agreement is not completed by the 13 week date (30.06.2010) the Head of Planning & Sustainability be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Agreement.

## **Site and surrounds**

The application site comprises a vacant church (C1960's) and rectory located on the eastern side of the City. The buildings are not listed, locally listed or considered of historic significance.

A group of mature trees frames the boundary of the rectory, protected by The Southampton (St Francis Parsonage) Tree Preservation Order 2008.

Vehicular access is taken from Sullivan Road with forecourt parking provided at the front of the site. There are no on-street parking restrictions in place.

The site has open boundaries and a grassed setting. A pedestrian footpath runs through the site, linking to a parade of shop to the north. The surrounding area comprises a mix of estate housing; including 2-storey dwellings to the east, 2-storey flatted block / maisonettes to the south and a 4-storey flatted block to the north. A scout hut and associated curtilidge is situated immediately to the west.

## Proposed Development

The application proposes the redevelopment of the site with the erection of two terrace groups providing 10 dwelling houses following the demolition of the existing buildings on site and the removal of a Silver Birch tree along the northern boundary.

Terrace A, located on the western part of the site, comprises 7 houses (4 x 4-bed and 3 x 3-bed) and is part three-storey and part two-storey in scale, stepping up in height towards the northern boundary. The terrace has a curved and stepped footprint, with an east and west facing aspect. Private rear gardens occupy the western part of the site enclosed with 1.8m height close boarded fencing. The terrace has a design incorporating a shallow pitch roof with gable ends, with elevations finished in face brick. The front elevation incorporates porch canopies and integral bin storage (cycle storage is internal) with an open landscaped frontage. The rear elevation of the three-storey element incorporates first-floor balconies.

Terrace B, located on the eastern part of the site, comprises 3 x 3-bed houses which are two-storey in scale. Private rear gardens occupy the eastern part of the site, enclosed by 1.8m height close boarded fencing. The building has a varied shallow pitched roof design with gabled ends, with elevations finished with face brick. Integral bin and bike stores are located to the front. The plots have an open landscaped frontage.

The group of protected trees and pedestrian access is retained through the middle of the site. The forecourt to the front of the site (southern part) is proposed to be remodelled to provide 7 spaces. An additional 3 spaces are provided within the northern part of the site with access onto Montague Avenue.

## Relevant Planning Policy

Following the receipt of the Inspector's Report from the Examination into the Southampton Core Strategy Development Plan Document (13/10/2009) and its consideration and adoption by the Council (20/01/2010) the policies of the LDF Core Strategy, and those "saved" from the Local Plan Review, form the planning policy framework against which this application should be determined.

The relevant CS policies the "saved" policies from the Local Plan Review are set out at **Appendix 1**.

There are no site-specific policies which relate to the application.

## Sustainability Implications

Major developments are expected to meet high sustainable construction standards in accordance with the City Council's adopted and emerging policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan saved Policy SDP13 the applicants have submitted a 'Sustainable Development Checklist' to support their application and have been made aware that the development is required to achieve a minimum of level 3 of the Code for Sustainable Homes; which is recommended to be secured through condition. The Council's sustainability team has also advised the applicant that an assessment of the feasibility of incorporating at least 20% micro-renewables will be required, to be secured through condition.

## Relevant Planning History

09/01247/FUL

*Withdrawn 11.01.2010*

Demolition of existing church hall and rectory (affects setting of a right of way).

09/01271/FUL

*Refuse 05.02.2010*

Re-development of the site following demolition of the church and rectory buildings. Erection of 10 two and three storey houses ( 5 x three bedroom, 5 x four bedroom) with associated access and parking (affects a public right of way)

The decision notice for application 09/01271/FUL is attached as **Appendix 2**.

## Consultation Responses and Notification Representations

A consultation exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (15 April 2010) as appropriate and erecting a site notice (15 April 2010). At the time of writing the report **no representations** had been received.

However it is understood that the Vicar of Sholing is concerned about instances of anti-social behaviour which have been taking place on site.

### Summary of Consultation comments

**Highway Development Control** – No highway objection is raised to the proposal subject to the attached planning conditions and the completion of a S.106 legal agreement. The application site is located within an area defined as having “low” accessibility to public transport and services. The development is not considered to compromise highway safety. The provision of 10 parking spaces to serve the proposed level of development accords with the Council’s maximum parking standards and is considered acceptable having regard to the take of existing on-street parking within the area.

**Environmental Health (Land Contamination)** – Potentially contaminated site; adequate assessments will need to be carried out on site to determine the likely presence of contaminants. Planning condition recommended.

**Southern Water** – No objection raised subject to a condition requiring details of foul sewerage and surface water disposal.

**BAA Safeguarding** – No objection.

**SCC Housing Development** - As the scheme comprises of 9 dwellings net, the affordable housing requirement from the proposed development is 2 dwellings. In this case the decision is to accept on-site affordable housing. The developer is working with a local Housing Association and has confirmed that this scheme will provide 100% affordable housing. Planning obligations will be used to ensure that the affordable housing will remain at an affordable price for future eligible households, or for the subsidy to be recycled to alternative housing provision.

**Trees** – No objection raised. In general agreement with the Arboricultural implications assessment and consider the trees shown to be removed as necessary to implement the development. Feel that the number of trees remaining on the site,

off-sets this loss. Attach conditions relating to tree retention and safeguarding.

**Ecology** – Partly satisfied with the ecology assessment and suggested mitigation recommends further works for bats and reptiles. At the time of writing this report the additional bat and reptile work is being completed and an update will be provided at the Panel.

**Sustainability** - No objection. Compliance with level 3 of the code for sustainable homes should be secured as a minimum and a feasibility study investigating the incorporation of a minimum of 20% micro-renewables should be secured through condition.

**Pollution & Safety**– No objection raised subject to conditions restricting hours of work, no bonfires and a site waste management plan.

**Rights of Way** – No objection raised. It is recommended that any works that encroach onto or across the footpaths will require a temporary Traffic Regulation Order to close the route so that use is unavailable on the grounds of safety for the duration of the works. This will be added as a note to applicant.

### **Planning Consideration Key Issues**

The key issues for consideration in the determination of this planning application by reference to overcoming the previous reasons for refusal are:

- Principle of development;
- Residential design, density and impact on established character;
- The impact on existing residential amenity;
- The quality of residential environment for future occupants; and,
- Whether the travel demands of the development can be met;
- S106 Mitigation against direct impacts.

#### 1. Principle of Development

The re-development of the site for residential purposes is acceptable and accords with policies contained within the development plan. The level of development fits within the density parameters for the site (of between 35 and 50dph) and is in accordance with central government's wishes for more intensive use of brownfield sites for housing delivery. The provision of genuine family housing is welcomed as part of a mix of housing types and fulfils the requirements of policy CS16 of the Core Strategy. 20% affordable housing will be secured as a planning obligation in accordance with CS15 of the Core Strategy.

#### 2. Residential design and impact on established character

A Design and Access Statement has been submitted in accordance with the requirements of saved policy SDP6 of the Local Plan Review and identifies measures to be taken into account when maintaining the character of the area and achieving high standards of design. The proposed design, layout and scale of development is not considered to be adversely harmful to the surrounding pattern of development, having had regard to Central Government's wish to secure appropriate

design that respects its context.

The surrounding area includes a mix of two-storey housing and larger 4- storey buildings. The design, scale and form of the development has sought to respect the established development within Sullivan Road and Montague Avenue.

Terrace A steps up to a three-storey scale adjacent to the northern boundary which provides a transition between the four-storey flatted block to the north and the two-storey scale to the south. This proposal has sought to address the previous reason for refusal (ref 09/01271/FUL) by pulling the three-storey element off the northern boundary to improve the setting of the development and to provide an acceptable separation distance with the adjacent flatted block (12.5m separation across a street). Adequate separation distance is provided from neighbouring two-storey properties to the east.

The proposed design approach responds to the local context and will not be detrimental to the visual amenities of the area. Details of materials will be secured through condition; however an acceptable materials palette is currently proposed.

### 3. Impact on Residential Amenity

The residential amenities of nearby residents will not be adversely harmed. The proposed development will not give rise to harmful sense of enclosure, loss of light, shadowing or overlooking / loss of privacy, having regard to the separation distance and orientation in relation to neighbouring properties.

The Residential Design Guide SPD advises a back to back separation privacy distance of 21m between two-storey dwellings, which is achieved and exceeded (24m between Terrace B and the dwellings to the east). An acceptable front to front separation distance of 24m is achieved between both terraces. As stated, Terrace A has been pulled off the northern boundary to provide an acceptable separation distance of 12.5metres with the flatted block to the north. The proposed layout maintains adequate day lighting and outlook to adjacent properties. Shadow diagrams have been submitted which demonstrate compliance with the BRE standards and shows that no unreasonable shadowing will occur to neighbouring properties.

### 4. Residential Standards

All new residential development is expected to provide prospective residents with a good living environment. The established trees on site will restrict sun lighting to the front of the properties, however this is likely to prove beneficial in the event of climate change. The internal layout is compatible with modern living standards. There will be no restriction to sunlight to rear habitable rooms and all habitable rooms will receive adequate outlook and day lighting.

The development provides private gardens and balconies with a combined area ranging between 41-60 square metres per plot. Four of the gardens are below the recommended garden size for a terrace property of 50 square metres contained within the Councils Residential Design Guide SPD. However, on balance with housing delivery, this marginal shortfall is acceptable given the gardens remain acceptable in terms of quality and usability.

### 5. Highway Issues

The application site is within an area, which is defined as a “low” accessibility zone in the development plan. The level of parking provision proposed needs to be assessed against the parking standards set out in the adopted Local Plan, which are maximums, therefore careful consideration needs to be made of the implications of the proposed number of spaces. The development proposes 10 car parking spaces

for 1:1 provision. This level of provision accords with the maximum standards and is considered acceptable having regard to local and national car parking guidance and the likely car ownership of this accommodation and the existing take-up of on-street car parking within the area.

### S.106 Legal Agreement

In the event that the recommendation is supported the applicants have agreed to enter into a S.106 Legal Agreement with the Council in order to secure contributions towards transport and open space improvements that mitigate against the development’s direct impacts. In addition, the proposed level of development triggers the need for a minimum of 2 units to be provided as “affordable” (applying Core Strategy Policy CS15).

### Previous Reasons for Refusal

This proposal is considered to address the previous reasons for refusal (ref – 09/01271/FUL) attached as **Appendix 2**, subject to the receipt and agreement of additional information related to protected species and loss of a community facility. The revised layout is now considered to provide an appropriate setting and relationship with the adjacent four-storey flatted block to the north.

Sufficient information has now been provided to demonstrate that species protected by law are not adversely affected, subject to approval from the Councils Ecology Officer (to be reported in an update at the panel meeting).

The church is defined as a community facility in accordance with policy CS3 of the Core Strategy. The applicant has sought to justify the loss of the church on the basis that the congregation has dwindled and is now served by another church within the area. However further information is required to demonstrate that there is no genuine demand for this community facility / community land from the commercial sector, public or community sector; the applicant has indicated that this can be demonstrated and is currently undertaking this work. An update will be provided at the panel meeting. It should be noted that the adjacent community facility / scout hut – outside the application site - is to be retained.

The plans have been amended to include windows in the first-floor of the north elevation of Terrace B, therefore providing surveillance of the northern car parking spaces and accordingly addressing reason for refusal 04 of the previous decision. Finally, the applicant has entered into a S106 agreement as part of this application.

### **Summary**

The previous reasons for refusal (ref –09/01271/FUL) have been addressed. Overall the scheme is acceptable and the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area. On balance the residential environment for

future occupiers is acceptable.

The proposal is consistent with adopted local planning policies. A suitable balance has been achieved between securing additional housing, parking, on-site amenity space and landscaping, whilst ensuring that existing residential amenity is protected.

## **Conclusion**

By securing the matters set out in the recommendations section of this report and the completion of a Section 106 agreement, the proposal would be acceptable. The application is therefore recommended for delegated approval to the Head of Planning & Sustainability.

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

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

1(a), 1(b), 1(c), 3(a), 4(s), 6(a), 6(c), 6(f), 6(h), 7(c), 8(a), 9(a), 9(b), 2(c),  
LDF Core Strategy and saved policies from Local Plan (Review)

**AG 09.06.10 for 22.06.10 PRow Panel**



## **CONDITIONS for 10/00354/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 - Samples details of building materials to be used [Pre-Commencement Condition]

No work for the construction of the buildings hereby permitted shall commence unless and until details and samples of the materials and finishes to be used for the external walls, windows, doors and roof of the building have been submitted to and approved in writing by the Local Planning Authority. 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.

### 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 - 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.

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

Prior to the commencement of any development a written construction environment management plan shall be submitted to and approved by the LPA. The plan shall

contain method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to

monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary. 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.

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

Written documentary evidence demonstrating that the development will achieve at minimum Level 3 of the Code for Sustainable Homes shall be submitted to the Local Planning Authority and verified in writing prior to 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 Code For Sustainable Homes 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). Also to comply with policy NRM11 of the Regional Spatial Strategy for the South East of England adopted version (May 2009) – CSH has since replaced Eco Homes for new build developments.

#### 07. APPROVAL CONDITION - Renewable Energy - Micro-Renewables (Pre-Commencement Condition)

An assessment of the development's total energy demand and a feasibility study for the inclusion of renewable energy technologies on the site, that will achieve a reduction in CO2 emissions [as required in core strategy policy CS20] must be conducted. Plans for the incorporation of renewable energy technologies to the scale that is demonstrated to be feasible by the study, and that will reduce the CO2 emissions of the development [as required in core strategy policy CS20] must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent. Renewable 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). Also to comply with policy NRM11 of the Regional Spatial Strategy for the South East of England adopted version (May 2009)

#### 08. APPROVAL CONDITION - Tree Retention and Safeguarding [Pre-Commencement Condition]

All trees to be retained pursuant to any other condition of this decision notice shall be fully safeguarded during the course of all site works including preparation,

demolition, excavation, construction and building operations. No operation in connection with the development hereby permitted shall commence on site until the tree protection as agreed by the Local Planning Authority has been erected. Details of the specification and position of all protective fencing shall be indicated on a site plan and agreed with the Local Planning Authority in writing before any site works commence. The fencing shall be maintained in the agreed position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority following which it shall be removed from the site.

Reason:

To ensure that trees to be retained will be adequately protected from damage throughout the construction period.

#### 09. 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.

#### 10. 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.

#### 11. 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, means of enclosure, lighting 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.

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

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

Reason:

To ensure satisfactory drainage provision for the area.

#### 13. APPROVAL CONDITION - Residential - Permitted Development Restriction [Permanent 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 building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

Class A (enlargement of a dwelling house), including a garage or extensions,  
Class B (roof alteration),  
Class C (other alteration to the roof),  
Class D (porch),  
Class E (curtilage structures), including a garage, shed, greenhouse, etc.,  
Class F (hard surface area).

REASON:

In order that the Local Planning Authority may exercise further control in this locality given the small private garden and amenity areas provided as part of this development in the interests of the comprehensive development and visual amenities of the area.

14. APPROVAL CONDITION - No other windows or doors other than approved [Permanent 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 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.

15. APPROVAL CONDITION - Refuse & Recycling Bin Storage – [Pre Occupation Condition]

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 plans. The facilities shall include accommodation for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained whilst the development is used for residential purposes.

REASON:

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

16. APPROVAL CONDITION - Car Parking

Before any dwelling unit hereby approved is occupied, both the on-site car parking and a proper vehicular access relating to it shall be provided to the satisfaction of the Local Planning Authority. The car parking shall thereafter be retained and not used for any trade, business or industrial use.

REASON: To ensure provision of vehicular access and car parking, to avoid congestion in the adjoining area and to protect the amenities of the area.

17. APPROVAL CONDITION - Access stopped up.

Any existing access to the site shall be stopped up and abandoned and footway and verge crossings shall be reinstated immediately after completion of the new access.

REASON: In the interests of highway safety.

18. APPROVAL CONDITION - Wheel cleaning

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 have been cleaned sufficiently to prevent mud being carried onto the highway.

REASON: In the interests of highway safety.

19. APPROVAL CONDITION - Cycle storage

The buildings shall not be occupied in full or in part until secure, covered space has been laid out within the site for a minimum of 1 bicycles to be stored for the benefit of each dwelling in accordance with the plans hereby approved. The cycle storage hereby approved shall thereafter be retained on site for that purpose.

REASON: To encourage cycling as a sustainable form of transport.

## 20. 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:

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

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

Reason:

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

## 21. 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.

## 22. 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.

### **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 proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area. On balance the residential environment for future occupiers is acceptable. The proposal is consistent with adopted local planning policies. A suitable balance has been achieved between securing additional housing, parking, on-site amenity space and landscaping, whilst ensuring that existing residential amenity is protected. 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.

Policies CS3, CS4, CS5, CS13, CS15, CS16, CS19, CS20, CS22 and CS25 of the Local Development Framework Core Strategy (January 2010)

Saved Policies SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP12, SDP13, H1, H2 and H7 of the City of Southampton Local Plan Review (March 2006).

Notes to Applicant:

01. Any works that encroach onto or across the footpaths will require a temporary Traffic Regulation Order to close the route so that use is unavailable on the grounds of safety for the duration of the works.

02. The applicant is reminded that no works to the public highway should be undertaken without first obtaining a road opening permit and agreement of the specification of the works. The applicant should contact the Council's Engineering Policy Division of the Directorate of Community Services in this respect.



**POLICY CONTEXT**LDF Core Strategy - Planning Southampton to 2026 – Adopted January 2010

The LDF Core Strategy now forms part of adopted development plan against which this application should be determined. The following policies are relevant:

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
CS22	Promoting Biodiversity and Protecting Habitats
CS25	The Delivery of Infrastructure and Developer Contributions

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

Whilst there are no site-specific policies relating to this site within the City of Southampton Local Plan Review - Adopted Version March 2006, the plan contains general policies applicable to this development. This application needs to be assessed in the light of the following local planning “saved” policies:

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Safety & Security
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

Supplementary Planning Guidance

The following SPD/G also forms a material consideration in the determination of this planning application:

Residential Design Guide (Approved - September 2006)  
 Planning Obligations (Adopted - August 2005 and amended November 2006)

Other Relevant Guidance

PPS1	Delivering Sustainable Development (2004)
PPS3	Housing (2006)



**DETERMINATION OF APPLICATION**

**TOWN AND COUNTRY PLANNING ACT 1990**

**Town and Country Planning (General Development Procedure) Order 1995**

Tony Oldfield Architects Attn Mr Tony Oldfield  
5 Freemantle Business Centre  
Southampton  
Hampshire  
SO15 1JR  
United Kingdom

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:** Re-development of the site following demolition of the church and rectory buildings. Erection of 10 two and three storey houses ( 5 x three bedroom, 5 x four bedroom) with associated access and parking (affects a public right of way)

**Site Address:** St Francis Of Assisi Church Montague Avenue Southampton

**Application No:** 09/01271/FUL

For the following reasons:

01. REFUSAL REASON - Out of character / Overdevelopment / Un-neighbourly

The proposed development would by reason of the level of site coverage, in particular the proximity of Terrace A / Three-storey development immediately adjacent to the back edge of pavement along the northern boundary, fails to provide an appropriate setting for the development and would be out of keeping with the character and appearance of the surrounding area. This is symptomatic of an overdevelopment of the site. Furthermore, the proposal represents an un-neighbourly form of development by reason of the close proximity of Terrace A to habitable room windows within 77-79 Montague Avenue (Spur Road) leading to loss of light and outlook to 77-79 Montague Avenue to the detriment of the residential amenities those occupiers currently enjoy within the south elevation of the position of Terrace A in relation. The proposed development is thereby contrary to saved policies SDP1, SDP7, SDP9, H2 and H7 of the City of Southampton Local Plan Review (March 2006) and policy CS13 of Local Development Framework Core Strategy Development Plan Document (January 2010) and the relevant sections of the Residential Design Guide SPD (September 2006).

## 02. REFUSAL REASON - Protected species

Insufficient information has been provided to demonstrate that species protected by law, namely bats and slow worms, will not be adversely harmed by the proposal because a bat survey has not been carried out and further surveys are needed to establish if reptiles are present on site. The existing buildings on site have bat roost potential, particularly because the garden of the rectory contains trees and other vegetation which provide suitable foraging habitat whilst the development site lies within 300m of extensive foraging habitat to the south of Botley Road. In addition, the habitat in the garden of the rectory is suitable for slow worm. As such the development is contrary to saved policy NE4 of the City of Southampton Local Plan Review (March 2006), the Wildlife and Countryside Act 1981 and the Conservation Natural Habitats, &c. Regulations 1994.

## 03. REFUSAL REASON - Loss of community facility

The proposal has failed to demonstrate that the existing church is no longer viable and there are no alternatives within the same neighbourhood. As such the development has failed to demonstrate that loss of this existing community facility should be supported, contrary to policy CS3 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

## 04. REFUSAL REASON - Safety and Security

The development proposal fails to provide natural surveillance of the associated car parking spaces at the south of the site. As such the design and layout of the proposal fails to reduce the opportunity for crime to occur and people's fear of crime, contrary to saved policy SDP10 of the City of Southampton Local Plan Review (March 2006)

## 05. REFUSAL REASON - Failure to enter into a Section 106 Agreement

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 Local Development Framework Core Strategy Development Plan Document (January 2010) as supported by the Council's Supplementary Planning Guidance on Planning Obligations (August 2005 as amended) in the following ways:-

A) Measures to satisfy the public open space requirements of the development have not been secured. As such the development is also contrary to the City of Southampton Local Plan Review Adopted Version March 2006 saved Policy CLT7.

B) Measures to satisfy the play space requirements of the development have not been secured. As such the development is also contrary to the City of Southampton Local Plan Review Adopted Version March 2006 saved Policy CLT6.

C) Measures to support sustainable modes of transport such as necessary improvements to public transport facilities and pavements in the vicinity of the site, the provision of sustainable travel vouchers and a travel plan have not been secured contrary to the City of Southampton Local Plan Review Adopted Version March 2006 saved policies SDP1 and SDP3 and the Local Development Framework Core Strategy Development Plan Document (January 2010) policy CS18

D) Measures to support strategic transportation initiatives have not been secured. As such the development is also contrary to the City of Southampton Local Plan Review Adopted Version March 2006 saved policies SDP1 and SDP3 and the Local Development Framework Core Strategy Development Plan Document (January 2010) policy CS18

(E) In the absence of a Highway Condition survey the application fails to demonstrate how the development will mitigate against its impacts during the construction phase;

(F) Measures to support improvements to the public realm contrary to policy SDP8 of the Local Plan Review and CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010) and;

(G) In the absence of a Waste Management plan to address the arrangements for the removal of refuse and recycling containers to a collection point contrary to policy SDP1 and H7 of the Local Plan.



**Paul Nichols**  
**Head of Planning & Sustainability**

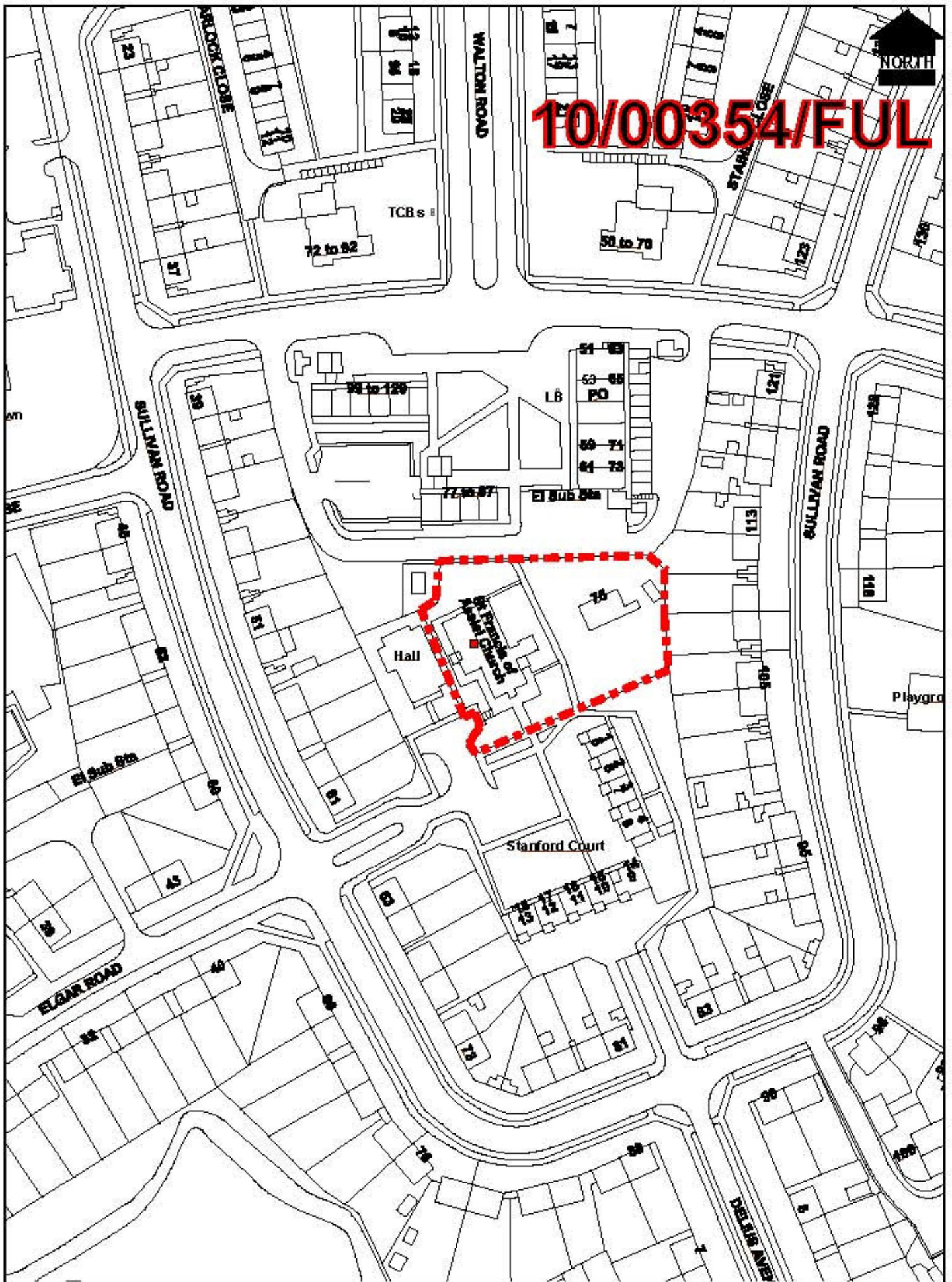
5 February 2010

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.

<b>Drawing No:</b>	<b>Version:</b>	<b>Description:</b>	<b>Date Received:</b>	<b>Status:</b>
P04		Elevational Plan		Refused
P02		Site Plan		Refused
P03		Floor Plan		Refused
P05		General Plan		Refused
P06		Elevational Plan		Refused
P08		Site Plan		Refused
P09		Other Plans		Refused
P010		Landscaping Plan		Refused



Scale : 1:1250

Date : 09 June 2010

© Crown copyright. All rights reserved. Southampton City Council 100019679 2004.

