

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel (EAST) - 8 December 2015
Planning Application Report of the Planning and Development Manager

Application address: 53 Victoria Road, SO19 9DZ			
Proposed development: Redevelopment of site and the stopping up of a public footpath. Erection of 4 dwellings (4 x 3 bed) (1 x 3 storey and 3 x part 3 storey with rooms in the roof) with associated parking and amenity space. (Outline application seeking approval for access, layout and scale)			
Application number	15/00157/OUT	Application type	OUT
Case officer	Stuart Brooks	Public speaking time	5 minutes
Last date for determination:	14.12.15	Ward	Woolston
Reason for Panel Referral:	More than five letters of objection have been received	Ward Councillors	Cllr Chamberlain Cllr Hammond Cllr Payne
Applicant: Omega Phi Ltd		Agent: n/a	
Recommendation Summary		Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report	
Community Infrastructure Levy Liable		Yes	

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with the development plan as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). Policies - SDP1, SDP5, SDP7, SDP9, SDP10, SDP12, H1, H2, H7 of the City of Southampton Local Plan Review (as amended 2015) and CS4, CS5, CS13, CS16, CS18, CS19, CS20, CS22, CS25 of the Local Development Framework Core Strategy Development Plan Document (as amended 2015).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.111 Agreement to secure contributions towards the Solent Development Mitigation Plan.

1. The site and its context

- 1.1 This application site is located within Woolston, to the south of the district centre. The location is well connected by walking to city wide public transport links. The surrounding area is mainly characterised by a mix of housing and flatted development including the high density modern Centenary Quay development. The east side of Victoria Road adjacent to the site is characterised by 2-storey dwellings in a terraced row.
- 1.2 The site itself previously formed part of the 2-storey terraced row, comprising of commercial units (cafe and newsagents) on the ground floor with residential above. The site has been derelict for the previous 2 years which has a harmful impact on the appearance and vitality of Victoria Road.
- 1.3 The site is accessed from both Victoria Road and Thornycroft Avenue. There is a change in levels across the site, with Thornycroft Avenue being approximately 1-storey lower than Victoria Road. A footpath links Victoria Road to Thornycroft Road from west to east along the northern edge of the site. The access to the footpath from both ends has been historically closed off to the public by fencing.

2. Proposal

- 2.1 The current proposal to erect 4x3 bed houses supersedes the original submission to erect a 4/5 storey building containing 8 flats. The changes to the development also include the incorporation of the footpath along the northern edge of the site, where the footpath would be stopped up in order to facilitate more efficient and effective development of the site.
- 2.2 The proposal will consist of 4 dwellings at 2 storey level fronting Victoria Road and 3 storeys backing onto Thornycroft Avenue, taking into account the split levels of the site. Three of the properties will have accommodation in the roofspace and access to a rear facing balcony and its own garden space, whilst the fourth property will have access to a smaller external garden space at the rear. There are 2 on-site parking spaces being provided with access to bin collection from Thornycroft Avenue.
- 2.3 This application is being considered for outline permission where the design and appearance and landscaping (planting and surface treatment) of the development will be determined at a later stage under reserved matters.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. 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.

- 3.3 Saved Policy SDP1 (Quality of development) of the Local Plan Review allows development, providing that it does not unacceptably affect the health, safety and amenity of the city and its citizens. Policy SDP7 (Context) and SDP9 (Scale, Massing, and Appearance) allows development which will not harm the character and appearance of the local area, and the building design in terms of scale and massing should be high quality which respects the surrounding area. Policy CS13 (Fundamentals of Design) assesses the development against the principles of good design.
- 3.4 Policy CS4 acknowledges that new homes will generally need to be built at higher densities. New dwellings coming forward on suitable windfall sites will contribute towards delivering the Council's strategic target for housing supply.
- 3.5 Policy CS5 (Housing Density) of the Core Strategy acknowledges that whilst there is continuing pressure for higher densities in order to deliver development in Southampton, making efficient and effective use of land, however, the development should be an appropriate density for its context, and protect and enhance the character of existing neighbourhoods.
- 3.6 Policy CS19 of the Core Strategy (Car and Cycle Parking) of the Core Strategy sets out the Council's approach to car and cycle parking standards for new developments in the city, as supported by the guidance and standards set out in section 4.2 of the Parking Standards Supplementary Planning Document (formally adopted September 2012).

4. Relevant Planning History

- 4.1 There is no relevant planning history on this site.

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the amended plans a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, and erecting a site notice (10.11.15). At the time of writing the report **5** representations have been received from surrounding residents. The following is a summary of the points raised:

- 5.1.1 Comments
Loss of a public right of way.

Response

The Highway Officer has raised no objection to stopping up the footway. They have commented that the route is not desirable as it is not the safest given the dead frontages along the route, and the route has low level of demand given that it has been historically blocked from public use.

5.1.2 Comments

Pressure on on-street parking.

Response

With good public transport facilities nearby (approximately 400m walk), it is considered that less parking than the maximum standard is acceptable for this development.

5.1.3 Comments

The flatted scheme represent an overdevelopment.

Response

The amount of development has been significantly reduced following the submission of amended plans and is no longer for flats.

5.1.4 Comments

Out of keeping with appearance of adjoining properties.

Response

The scale and form of the buildings relate well to the adjoining terraced row. The plans show basic detail of the overall appearance which can be shown in more detail once a reserved matters application has been submitted.

Consultation Responses

5.2 **SCC Highways** - No objection.

5.3 **SCC Housing** – Supports regeneration of the derelict site.

5.4 **SCC Sustainability Team** – No objection.

5.5 **SCC Design Team** – No objection, the reduced scale and form of the development is much improved.

5.6 **SCC Environmental Health (Pollution & Safety)** - No objection.

5.7 **SCC Environmental Health (Contaminated Land)** - No objection, subject to carrying out land contamination risk assessment.

5.8 **SCC Ecology** – No objection, subject to protecting nesting bird sites.

5.9 **Southern Water** – No objection, subject agreeing details of means of foul and surface water sewerage disposal.

6. Planning Consideration Key Issues

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

- Principle of Development;
- Impact on Character and Amenity;
- Impact on Highway Safety and;
- Effect on protected habitats.

6.2 Principle of Development

- 6.2.1 The redevelopment of this previously developed land for further residential use is considered to be acceptable in principle. The proposal would make more efficient use of the derelict land whilst contributing towards the city's family housing needs. The proposal is subject to an assessment of the material considerations as set out below.

6.3 Impact on Character and Amenity

- 6.3.1 The site is currently in a state of dereliction and is causing a negative impact on Victoria Road. The applicant is seeking permission to redevelop the site to provide family dwellings.
- 6.3.2 The applicant has worked with officers to modestly scale down the level of development. The scale and form of the development relates well to the plot widths and scale of the adjoining terraced row on the east side of Victoria Road. The detailed design of the overall appearance of the proposed dwellings with regards to window and door openings would be agreed with the submission of an application to agree reserved matters. It is considered that a modern interpretation to the appearance of the buildings would not be out of character, especially given the modern style of housing built within the nearby Centenary Quay development.
- 6.3.3 The internal and external layout of the proposed dwellings is considered to provide a good quality living environment for future occupiers.
- 6.3.4 The replacement buildings, which would have a similar scale and footprint to the existing, will ensure that there would be no further noticeable impact on the amenities of the neighbouring occupiers in terms of access to privacy, outlook and light.

6.4 Impact on Highway Safety

- 6.4.1 The Highway Officer has raised no objection to stopping up of the footway. They have commented that the route is not desirable as it is not the safest given the dead frontages along the route, and the route has small level of demand given that it has been historically blocked for public use.
- 6.4.2 The Highway Officer has raised no concerns regarding the impact to highway safety and on-street parking pressure from the traffic and parking generated by the new housing. In particular, they have commented that with good public transport facilities nearby (approximately 400m walk), it is considered that less parking than the maximum standard is acceptable for this development.

6.5 Other Matters

- 6.5.1 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these

designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution of £174 per unit has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. This application has complied with the requirements of the SDMP and meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

6.5.2 The payment for the SDMP can be secured under delegated powers.

7. Summary

7.1 The proposal is considered to positively contribute to the local area by providing good quality family housing whilst regenerating the derelict site. The proposal is considered not to adversely affect the amenities of the neighbouring occupiers and highway safety. Therefore, the proposal can be supported.

8. Conclusion

8.1 In conclusion, the proposal is considered to have an acceptable impact. This will be in accordance with the Council's policies and guidance and therefore is recommended for approval.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1 (a), (b), (c), (d), 2 (b), (d) 6 (c), 7 (a), 9 (a) and (b)

SB for 08/12/15 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Outline Permission Timing Condition

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

- (i) Written approval of the details of the reserved matters of appearance and landscaping shall be obtained from the Local Planning Authority prior to any works taking place on the site. Details shall include the appearance and architectural design specifying the external materials to be used, and the landscaping of the site specifying both the hard, soft treatments and means of enclosures.
- (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 before the expiration of two years from the date of approval of the last application of the reserved matters to be approved.

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

02. APPROVAL CONDITION- 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 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.

03. APPROVAL CONDITION - Use of uncontaminated soils and fill [Performance 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.

04. 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.

05. APPROVAL CONDITION - Protection of nesting birds [Performance Condition]

No clearance of vegetation likely to support nesting birds shall take place between 1 March and 31 August unless a method statement has been agreed in writing by the Local Planning Authority and works implemented in accordance with the agreed details.

Reason: For the safeguarding of species protected by The Wildlife & Countryside Act 1981 (as amended) and the conservation of biodiversity

06. APPROVAL CONDITION - Refuse & Recycling [Pre-Occupation Condition]

Before the dwellings hereby approved first come into occupation storage for refuse and recycling shall be provided in accordance with details to be first approved in writing by the Local Planning Authority. The storage shall be thereafter retained as approved.

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

07. APPROVAL CONDITION - Cycle storage [Pre-Occupation Condition]

Before the dwellings hereby approved first come into occupation storage for bicycles shall be provided in accordance with details to be first approved in writing by the Local Planning Authority. The storage shall be thereafter retained as approved.

Reason: To encourage cycling as an alternative form of transport.

08. 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.

09. 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.

10. 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.

11. APPROVAL CONDITION - Amenity Space Access [Pre-Occupation Condition]

The external amenity space serving the dwellings hereby approved, and pedestrian access to it, shall be made available prior to the first occupation of the development hereby permitted and shall be retained with access to it at all times.

Reason: To ensure the provision of adequate amenity space in association with the approved dwellings.

12. APPROVAL CONDITION - Residential - Permitted Development Restriction [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, 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)

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 and the neighbouring occupiers.

13. APPROVAL CONDITION - Parking [Pre-Occupation Condition]

The development to which this consent relates shall not be occupied in full or in part until space has been laid out within the site in accordance with the plan number SITE PLAN REV. 6 for 2 vehicles to be parked and for vehicles.

Reason: To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety.

14. APPROVAL CONDITION - Energy & Water [Pre-Commencement Condition]

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of a design stage SAP calculations and a water efficiency calculator 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).

15. APPROVAL CONDITION - Energy & Water [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 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of final SAP calculations and water efficiency calculator and detailed documentary evidence confirming that the water appliances/fittings have been installed as specified 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).

16. APPROVAL CONDITION - No other windows or doors other than approved in specific location [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 2015 (or any order amending, revoking or re-enacting that Order) in relation to the development hereby permitted, no alternative or additional windows (including roof windows or dormer windows), doors or other openings other than those expressly authorised by this permission shall be constructed on the northern elevations/roof covering of unit 1 other than those illustrated on the drawings hereby granted consent without the prior written consent of the Local Planning Authority.

Reason: To protect the amenity and privacy of the adjacent property.

17. 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.

Informative:

After obtaining planning permission the applicant should contact the Council's Legal Services team to enter the legal process to formally close the footpath.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS19	Car and Cycle parking
CS20	Sustainability
CS22	Biodiversity
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (as amended 2015)

SDP1	Quality of Development
SDP5	Parking
SDP7	Context
SDP9	Scale, Massing & Appearance
SDP10	Safety and Security
SDP12	Landscaping
H1	Housing supply
H2	Previously developed land
H7	Residential environment

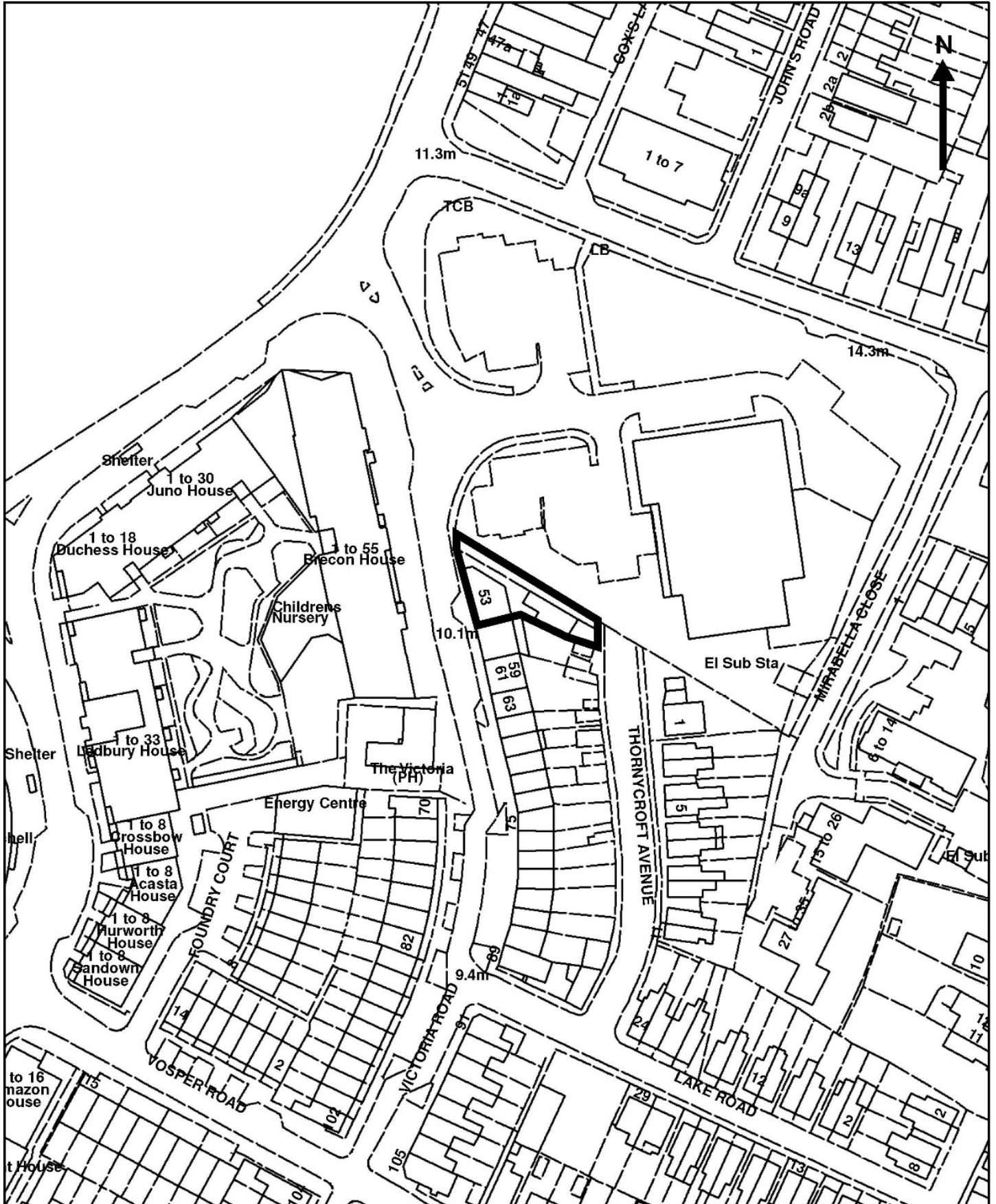
Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - September 2013)
Parking Standards SPD (September 2011)

Other Relevant Guidance

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

15/00157/OUT



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