

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel - 7 June 2016
Planning Application Report of the Planning and Development Manager

Application address: 174 Manor Road North, Southampton, SO19 2DY.			
Proposed development: Erection of a two-storey building containing 2 x one bed flats with associated parking, amenity space and cycle and bin stores following demolition of existing work shop (resubmission 15/00111/FUL).			
Application number	16/00132/FUL	Application type	FUL
Case officer	Laura Grimason	Public speaking time	5 minutes
Last date for determination:	29/03/2016	Ward	Peartree
Reason for Panel Referral:	Request by Ward Member and five or more letters of objection have been received	Ward Councillors	Cllr Keogh Cllr Houghton Cllr Lewzey
Referred to Panel by:	Cllr Keogh Cllr Lewzey	Reason:	(a) Out of character with the surrounding area. (b) Precedent. (c) Impact on parking pressure. (d) Adverse impact on residential amenity.

Applicant: Mr B Watts	Agent: MDT Design
------------------------------	--------------------------

Recommendation Summary	Conditionally approve
-------------------------------	------------------------------

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. This scheme has fully satisfied the previous reason for refusal for the reasons given by the Inspector during the previous appeal. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. 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, SDP4, SDP5, SDP7, SDP8, SDP9, SDP10, H1, H2, and H7 of the City of Southampton Local Plan Review (Amended 2015) and CS4, CS5, CS13, CS16, CS19 and CS20 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Appendix attached			
1	Appeal Decision for 15/00111/FUL	2	Development Plan Policies

Recommendation in Full

Conditionally approve

1.0 Background

1.1 This application follows a previous refusal for the same scheme under application ref.15/00111/FUL. An appeal against this decision was dismissed on a technicality regarding the Solent Disturbance Mitigation Project (SDMP) and the Inspector found the proposed built development and use to be acceptable. This second application has now addressed the SDMP concerns.

2.0 The site and its context

2.1 The application site comprises land to the rear of 174 Manor Road North which is occupied by a single-storey workshop building and forecourt fronting Wodehouse Road. The building is of masonry construction with a flat roof. The site is situated adjacent to a service road running between properties fronting Manor Road North and Ludlow Road. The site abuts the gardens of 174 and 176 Manor Road North. A narrow access footpath is located to the side of the site, providing access to the rear gardens of several properties along Manor Road North.

2.2 The surrounding area is predominantly residential in character. Recent housing development is noted on land at the rear of 157 Ludlow Road. It is also noted that 155 Ludlow Road has been extended and converted into flats (07/00146/FUL).

3.0 Proposal

3.1 Permission is sought for the construction of a 2 storey building on land to the rear of no.174 Manor Road North. At present, there is a single storey garage on this site positioned adjacent to a rear access (unadopted highway) serving the properties along Manor Road North and Ludlow Road. The proposed building would have a total height of approximately 6.6m with an eaves height of approximately 4m. The proposed block would have a dual pitched dormer window at roof level within the front elevation in addition to a porch canopy at ground floor level.

3.2 The first proposed unit would be located at ground floor level and would comprise a lounge / kitchen / dining area, bedroom and bathroom. It would have a floorspace of approximately 54 sq m. This unit would have access to its own private amenity space of approximately 15 sq m.

- 3.3 The second proposed unit would be located at first floor level and would comprise a lounge / kitchen / dining area, bedroom and bathroom. It would have a floorspace of approximately 55 sq m. This unit would have access to its own private amenity space of approximately 16 sq m.
- 3.4 Two parking spaces would be provided to the front of the property along Wodehouse Road (one for each flat). Each of these would measure approximately 5m x 4.7m. The length of the spaces has increased from 4.7m in the previous scheme. A bin storage area and bike store would also be provided to the front of the property in addition to a private bin store within the amenity area for the first floor unit only.
- 3.5 This scheme is identical to the previously refused scheme under application ref.15/00111/FUL. A copy of the PINS decision is attached at Appendix 1.

4.0 Relevant Planning Policy

- 4.1 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 2**.
- 4.2 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.

5.0 Relevant Planning History

- 5.1 This scheme is identical to the previously refused scheme under application ref.15/00111/FUL. This scheme sought permission for the erection of a two-storey building containing 2 x one bed flats with associated parking, amenity space and cycle and bin stores following demolition of an existing work shop. It was refused under delegated powers on the following grounds:

1. REFUSAL REASON - Un-neighbourly form of development

The proposed two-storey building, by reason of its height, scale and massing and proximity/relationship to the gardens of 174, 176 and 178 Manor Road North would represent an unduly dominant form of development that would appear oppressive when viewed from the aforementioned neighbouring gardens. This effect would likely be exacerbated by shadowing of those gardens during the morning, taking March 21st as an average circumstance during the year, and the application is not supported by shadow diagrams to demonstrate otherwise. The small size of the gardens of 174, 176 and 178 Manor Road North would mean that those neighbouring residents would be unable to avoid the harmful impact and the relationship is materially different to the building orientation and garden sizes relating to nearby development at 155 and 157 Ludlow Road (which have been approved since previous refusals on this application site). As such the development would be harmful to the residential amenities of neighbouring occupiers and has been assessed as contrary to policies SDP1(i), SDP7(iii)/(iv),

SDP9 (v) of the City of Southampton Local Plan Review (Amended 2015), policy CS13 (1)/(11) of the Core Strategy (Amended 2015) and Section 2 of the approved Residential Design Guide SPD (September 2006).

2. REFUSAL REASON - Parking Layout

The proposed layout provides insufficient car parking sizes which are short of the minimum size standard of 2.4m x 5m as set out within the Council's Car Parking Standards SPD (Adopted 2011) and therefore it is likely that larger parked vehicles may straddle and cause obstruction to the public footway.

Furthermore the development would prejudice pedestrian safety by failing to provide adequate pedestrian sight lines of 2m x 2m to the parking space adjacent to the north-western boundary. The development proposal is therefore contrary to policy SDP1(i) of the City of Southampton Local Plan Review (Amended 2015) and Section 2 of the Council's Car Parking Standards SPD.

3. REASON FOR REFUSAL - Lack of Section 106 or unilateral undertaking to secure planning obligations.

In the absence of either a scheme of works or a completed Section 106 legal agreement or unilateral undertaking to support the development the application fails to mitigate against its wider direct impact with regards to the additional pressure that further residential development will place upon the Special Protection Areas of the Solent Coastline. Failure to secure mitigation towards the 'Solent Disturbance Mitigation Project' in order to mitigate the adverse impact of new residential development (within 5.6km of the Solent coastline) on internationally protected birds and habitat is contrary to Policy CS22 of the Council's adopted LDF Core Strategy as supported by the Habitats Regulations.

5.2 Significant weight must be afforded to the recent appeal decision (02/02/2016) against the refusal of the previous scheme (ref.15/00111/FUL) in the determination of this application. This appeal was dismissed but only on the grounds that a contribution to the Solent Disturbance Mitigation Project (SDMP) had not been provided. No other issues were identified and, as such, the Inspector was satisfied with the impact of the scheme in terms of residential amenity and highways safety. A copy of this appeal decision can be found in **Appendix 1.**

5.3 In 1997, conditional approval (ref.971144/E) was granted for the use of the premises as a private dwellinghouse.

6.0 Consultation Responses and Notification Representations

6.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice (08/02/2016). At the time of writing the report 7 representations have been received from surrounding residents and from Councillor Keogh and Councillor Lewzey. The following is a summary of the points raised:

6.1.1 The proposed building would have an overbearing impact on the back gardens of no.174, 176 and 178 Manor Road North due to its excessive scale and proximity to these properties.

Response: Residential amenity did form a reason for refusal for the previous scheme. However, at the appeal stage, the Inspector concluded that the scheme would not be detrimental to the residential amenities of the occupiers of these neighbouring properties (paragraph 4, 5, 6 and 7 of the PINS decision attached at Appendix 1). As this appeal decision forms a significant material consideration in the determination of this scheme, residential amenity should not form a reason for refusal in this instance.

- 6.1.2 The proposed parking layout would be detrimental to highways safety.

Response: Highways safety also formed a reason for refusal for the previous scheme. However, at the appeal stage, the Inspector concluded that the scheme would not be detrimental to highways safety (paragraph 8, 9, 10, 11 and 12 of the PINS decision attached at Appendix 1). This appeal decision forms a material consideration in the determination of this scheme. Notwithstanding this, this scheme has been amended to extend the proposed car parking spaces to a length of 5m in accordance with paragraph 4.2.2 (8) of the Parking Standards SPD which advises that: 'Square and angled parking bay sizes must not be less than 5m x 2.4m'. Furthermore, adequate sightlines have been provided, improving the highways safety impact of the scheme. The scheme is now considered to be acceptable in terms of highways safety, overcoming the previous reason for refusal.

- 6.1.3 The proposed scheme would increase parking demand in the surrounding area to the detriment of the residential amenities of neighbouring residents.

Response: The maximum car parking standards outlined in the Parking Standards SPD advise that 1 space per flat is required. This scheme provides a total of 2 car parking spaces, subsequently meeting this maximum requirement. It is therefore, considered that adequate parking would be provided. This issue did not previously form a reason for refusal and it would be unreasonable to add it now.

- 6.1.4 The proposed development would be at odds with the prevailing character of the surrounding area.

Response: The design of the proposed development was deemed to be appropriate during the previous planning application. None of the reasons for refusal related to 'inappropriate design'. As the scheme being considered under this application is identical to this previous scheme, it is considered that the design is still appropriate and adding a fresh reason for refusal now would be regarded as unreasonable behaviour on the part of the Local Planning Authority.

- 6.1.5 The ownership of the rear alleyway is uncertain and needs to be taken into account.

Response: All built elements of the scheme are contained within the red line for the site and the applicant has completed a form to suggest the scheme can progress on land wholly within their ownership. Should evidence arise that a third party owns part of the land this would be a civil matter and shouldn't affect the determination of this planning application.

6.2 Consultation Responses

6.2.1 SCC Highways - No objection subject to conditions.

Sightlines should be secured through a planning condition:

'The 2m x 2m pedestrian sightlines as shown in the site plan (job no: 1693/09; drawing no: 02_; rev: B) must be retained and any physical obstructions within them must not exceed 600mm in height'.

The bin and cycle storage for the ground floor should be amended to ensure it is usable.

6.2.2 SCC Conservation Heritage: No objection.

6.2.3 SCC Sustainability Team: No objection. Subject to conditions relating to water and energy usage.

6.2.4 SCC Environmental Health (Pollution & Safety): No objection. Subject to conditions relating to demolition dust suppression, no bonfires on site and construction working hours.

6.2.5 SCC Environmental Health (Contaminated Land): No objection subject to conditions.

This department considers the proposed land use as being sensitive to the effects of land contamination.

Records maintained by SCC - Regulatory Services do not indicate that any potentially contaminating land uses have existed on or, in the vicinity of the subject site. However, these records are not authoritative and reference to them alone is not sufficient to confidently determine the presence of any risk. In view of the sensitive nature of the proposal a more thorough assessment of the potential land contamination hazards would be prudent

Therefore, to ensure compliance with Para 121 of the National Planning Policy Framework - March 2012 and policies SDP1 and SDP22 of the City of Southampton Local Plan Review (adopted version, March 2006) this department would recommend that the site be assessed for land contamination risks and, where appropriate, remediated to ensure the long term safety of the site.

6.2.6 SCC Ecology: No objection.

6.2.7 CIL Officer: No objection.

The development is CIL liable as the proposal creates a self contained residential unit. The charge will be levied at £70 per sq m on Gross Internal Area on the new unit. If any existing floorspace is to be used as deductible floorspace the applicant will need to demonstrate that lawful use of the building has occurred for a continuous period of at least 6 months within the period of 3 years ending on the day that planning permission first permits the chargeable development.

6.2.8 Southern Water: No objection subject to informatives advising the applicant that

a formal application for connection to the public foul sewer will be required.

7.0 Planning Consideration Key Issues

7.1 Introduction

7.1.1 With the exception of a number of minor alterations relating to the size of the car parking spaces and refuse storage for the ground floor flat, this scheme is identical to the previously refused scheme under ref.15/00111/FUL. Significant weight must be afforded to the recent appeal decision against the refusal of the previous scheme (ref.15/00111/FUL). This forms a material consideration during the determination of this application. This appeal was dismissed but only on the grounds that a contribution to the SDMP had not been provided. All other considerations were deemed acceptable by the Inspector. In addition to this recent appeal decision, the determining issues which require consideration are as follows:

- (a) The principle of development;
- (b) The quality of the residential environment;
- (c) Design;
- (d) Residential amenity;
- (e) Highways safety, car and cycle parking and;
- (f) Solent Disturbance.

7.2 Principle of Development

7.2.1 Core Strategy Policy CS4 (Housing Delivery) states that: 'An additional 16,000 homes will be provided within the City of Southampton between 2006 and 2026. This proposal would make good use of previously developed land on the edge of the city centre to provide 6 much needed additional homes and is, therefore, considered to be acceptable in principle.

7.2.2 Saved Local Plan policy H2 advises that: 'The maximum use of derelict, vacant and underused land for residential development will be made provided that: (ii) the land is not safeguarded as being for non-residential use; (iii) the location of any development would not have a significantly detrimental effect on the amenity of occupiers of adjoining land; (iv) the site is not unfit for development by reason of its location close to dust, fumes, hazards or nuisance created by nearby industrial or commercial activity; (v) the land has not been subject to tipping, and is therefore not capable of redevelopment in the short term; and (vii) the land does not support significant wildlife / nature conservation interests. Significant wildlife / nature conservation interests are defined as those sites which meet SINC criteria or sites supporting habitats or species identified in national or local biodiversity action plans'. This scheme would make effective use of previously developed land and would therefore, comply with this policy.

7.2.3 Core Strategy Policy CS5 (Housing Density) outlines density levels for new residential development which will be acceptable in different parts of the city. This property is located within an area of moderate accessibility (Band 3) to Public Transport where density levels between 50 and 100 dph are considered to be acceptable. The site area is approximately 0.0125 ha and the creation of two new dwellings on this site would result in a density of approximately 160 dph. This is significantly greater than the recommended density levels for this area but the

previous reasons for refusal which were based on the symptoms of over-intensive use were not supported by PINS.

7.2.4 The principle of new residential development within the city is considered to be acceptable in accordance with Core Strategy Policy CS4.

7.3 Quality of the Residential Environment

7.3.1 Saved policy SDP1 of the City of Southampton Local Plan Review 2010 states that: 'Planning permission will only be granted for development which: (i) does not unacceptably affect the health, safety and amenity of the City and its citizens'.

7.3.2 Saved policy H7 of the City of Southampton Local Plan Review 2010 states that: 'Planning permission will only be granted for residential development provided that the highest standards of quality and design are applied'.

7.3.3 Section 2.2 of the Residential Design Guide SPD expands upon this. Paragraph 2.2.1 states that: 'New housing development, extensions and modifications to existing homes should ensure that access to natural light, outlook and privacy is maintained for existing occupants and their neighbours in their homes and private gardens as well as for the intended occupants of new habitable rooms'. Paragraph 2.2.10 goes on to state that: 'The design, layout and detail of new housing development should also aim to minimise problems such as noise, fumes and vibration from neighbouring roads and sites that can spoil the enjoyment and privacy of housing and garden areas'.

7.3.4 No issues relating to the quality of the residential environment were raised during the determination of the previous scheme by the Local Planning Authority. Furthermore, the Inspector was satisfied with the quality of the residential environment for the proposed flats at the appeal stage. As such, it is considered that an adequate residential environment would be provided for future residents in accordance with the policies outlined above.

7.3.5 Paragraph 4.4.1 of the Residential Design Guide SPD states that: 'All developments should provide an appropriate amount of amenity space for each dwelling to use'. Approximately 15 sq m of private amenity space would be provided for the ground floor flat whilst approximately 16 sq m would be provided for the first floor flat. These amenity areas are both marginally smaller than the 20 sq m requirement which applies for amenity areas serving flats in suburban areas of the city. It is however, acknowledged that the amenity areas proposed would be sufficiently private and usable given their regular square shape. Concern about the size of the proposed amenity areas was not raised during the lifetime of the previously refused scheme and previous Inspectors have commented that reduced garden sizes may be appropriate for smaller (single bedroom) flats. Having regard to this and the appeal decision which raised no objection regarding the quality or quantity of amenity space proposed, it is considered that the amenity areas would be sufficient to meet the needs of future occupiers.

7.3.6 It is considered that the proposed units would provide an acceptable residential accommodation for future occupiers.

7.4 Design

7.4.1 The surrounding area is characterised by two storey, terraced dwellinghouses. Roofslopes are predominantly hipped and properties are typically constructed of brick with tiled roofs. Windows tend to comprise UPVC frames and there are a number of bay windows at ground floor level. Properties within the surrounding area have small front forecourts, many of which have been converted to driveways to provide off road parking. A number of similar sites within the surrounding area have previously been redeveloped.

7.4.2 It is noted that inappropriate design did not form a reason for refusal for the previous scheme when it was determined by the Local Planning Authority. Furthermore, the design of the previous scheme was also considered to be appropriate by the Planning Inspector during the determination of the appeal. As the design has not changed, it is considered to be acceptable for its context.

7.5 Residential Amenity

7.5.1 The previous scheme was refused by the Local Planning Authority because of its impact on the neighbouring properties of no.174, 176 and 178 Manor Road North. The subsequent appeal Inspector did not however, raise this as an issue, resolving that residential amenity was not harmed.

7.5.2 Paragraph 2.2.1 of the Residential Design Guide states that: 'New housing development, extensions and modifications to existing homes should ensure that access to natural light, outlook and privacy is maintained for existing occupants and their neighbours in their homes and private gardens as well as for the intended occupants of new habitable rooms'.

7.5.3 The application site is positioned to the rear of the residential properties along Manor Road North. The properties closest to the site are no.174, 176 and 178 Manor Road North.

7.5.4 The following separation distances between the proposed building and neighbouring gardens would be retained:

- Approximately 5m between the proposed building and the rear boundary of the garden at no.174.
- Approximately 1.5m between the proposed building and the rear boundary of the garden at no.176.
- Approximately 1.5m between the proposed building and the rear boundary of the garden at no.178.

7.5.5 The existing building has a flat roof of approximately 3m in height and is considered to be relatively modest in scale. The eaves of the roofslope facing the rear of the residential properties along Manor Road North would measure approximately 4m in height whilst the ridge would have a height of approximately 6.6m in height. The recent appeal decision resolved that the impact of the scheme in terms of residential amenity was acceptable and due regard in relation to this planning application must be afforded to this. Paragraph 5 of the Inspectors decision states that:

'While some of the existing terraced houses may lose some sunshine during the morning, I am satisfied that the additional building bulk would not have a significantly harmful effect on the living conditions of these houses and their gardens by causing undue loss of natural light or outlook. In terms of the gardens, the plan and cross-section show the difference in visual terms between the existing single storey form of the workshop building and the top of the two storey pitched roof and I judge the difference not to be a material one'.

7.5.6 As such, the impact of the scheme on residential amenity should not constitute a reason for the refusal in this case.

7.6 Highways Safety, Car and Cycle Parking and Refuse Storage

7.6.1 The previous scheme was refused by the Local Planning Authority because of its impact on highway safety. Specifically, this related to the insufficient size of the parking spaces proposed and the failure to provide adequate sightlines. The subsequent appeal Inspector did not however, raise this as an issue, resolving that highways safety was not harmed.

7.6.2 The Parking Standards SPD outlines maximum car parking standards for new residential development within Southampton. In accordance with these standards, 1 space per new dwelling is required. This scheme provides 2 spaces, 1 for each flat and is therefore, considered to comply with the Parking Standards SPD.

7.6.3 Paragraph 9 of the appeal decision states that:

'The two parking spaces shown on the submitted layout plan do not have a dimension of their length specified but appear marginally short of the recommended standard. Nevertheless, I should also take into consideration that the present workshop building appears to have a parking and/or loading facility in the same space and enclosed by walls, together with a dropped kerb. Therefore, users of the footpath are likely to have had restricted visibility of vehicles leaving the existing workshop premises'.

Paragraph 10 continues:

'The submitted layout plan also shows the 2m splays and although these are not within the application site, on the one side the splay utilises the rear access track which is an open area and likely to remain so. On the other side, much of the splay is formed by the open pedestrian rear access to the adjacent houses. As such, although the Council supplementary guidance does not require such splays, in practice the movements of vehicles into and out of the spaces would be visible to most users of the pavement'.

Paragraph 12 is also relevant:

'Overall, on this issue, given that the proposal is for the replacement of an existing workshop building, I do not consider that the slight shortfall in the length of the parking spaces necessitates the rejection of the scheme, and I am satisfied that the circumstances of the site mean that the proposal would not be harmful to pedestrian safety'.

7.6.4 Having regard to the appeal decision, the inclusion of appropriate sightlines and

the increased length of the car parking spaces, this scheme is now considered to be acceptable in terms of highways safety, overcoming the previous reason for refusal.

7.6.5 The Parking Standards SPD also outlines minimum cycle parking standards for new residential development within Southampton. In accordance with these standards, 1 long stay cycle parking space would be required for each flat. The submitted documents indicate that a total of 4 cycle spaces would be provided, 2 in a cycle enclosure to the front of the property and 2 within a cycle enclosure within the amenity area of the first floor flat. The proposed scheme would therefore, satisfy the requirements of the Parking Standards SPD.

7.6.6 Paragraph 9.2.2 of the Residential Design Guide advises that for households with less than 6 residents, 2 x 240 litre wheeled bins should be provided. The submitted plans indicate that the ground floor flat would have an open bin storage area to the front of the property whilst an enclosed bin store would be provided for the first floor unit to the side of the property. Refuse storage for the ground floor unit has been amended in response to comments from the Highways Team. This is considered to be sufficient to meet the requirements of the Residential Design Guide SPD.

7.7 Solent Disturbance

7.7.1 The previous scheme was refused by the Local Planning Authority for its failure to provide a scheme of mitigation for the Solent Disturbance Mitigation Project (SDMP).

7.7.2 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 £176 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 the payment has been made. It meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

7.7.3 The reason for refusal relating to SDMP has now been overcome.

8.0 Summary

8.1 A material consideration for this scheme is the outcome of the appeal against the refusal of application ref.15/00111/FUL for an identical scheme. This appeal was dismissed solely on the grounds that no contribution to the SDMP had been

provided. Paragraph 16 of the appeal decision advises that:

'...while I have found that the local impact of the development on the environment of the site is acceptable, the proposal does not properly mitigate the wider effects of additional development on the sensitive habitats around the Solent. This conflicts with the specific policy of the development plan'.

8.2 In paragraph 15 of this appeal decision, the Inspector advises that:

'Bringing together my conclusions on the main issues, I have found that the redevelopment of the existing warehouse with a two storey building comprising two small flats would not materially harm the living conditions of the occupiers of adjacent terraced properties by loss of natural daylight and outlook including the use of the their gardens. The proposal would also improve the appearance of the area by the demolition of a building which is vacant and in decay. As such I have found that the nature of the proposed development reasonably meets the requirement of the relevant policies in the development plan. Although the parking spaces are slightly below standard, with conditions regulating the enclosure of these spaces, I am satisfied that their use would be unlikely to be harmful to highway safety and especially the safety of pedestrians on the pavement'.

8.4 The issues relating to residential amenity and highways safety in the reason for refusal by the Local Planning Authority were not deemed to be appropriate by the Inspector. The only reason for the dismissal of the appeal related to the lack of an contribution to the SDMP. This has now been provided and it is considered that this reason for dismissing the appeal imposed by the Inspector has now been overcome.

9.0 Conclusion

9.1 This application is recommended for conditional 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)/(f); 4(f); and 6(a)/(b).

LAUGRI for 07/06/16 PROW Panel

PLANNING CONDITIONS

1. Full Permission Timing Condition (Performance)

The development hereby permitted shall begin no 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. 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.

3. Details of building materials to be used (Pre-Commencement Condition)

Notwithstanding the information shown on the approved drawings and application form, with the exception of site clearance, demolition and preparation works, no development works shall be carried out until a written schedule of external materials and finishes, including samples and sample panels where necessary, has been submitted to and approved in writing by the Local Planning Authority. These shall include full details of the manufacturer's composition, types and colours of the external materials to be used for external walls, windows, doors, rainwater goods, 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. 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 interests of amenity by endeavouring to achieve a building of visual quality.

4. APPROVAL CONDITION - Sightlines

The sightlines shown on the approved plans (ref.02 E) shall be provided prior to first occupation and retained thereafter for the lifetime of the development. Any physical obstructions within the approved sightlines must not exceed 600mm in height at any time.

Reason:

In the interests of highways safety.

5. Parking

The parking and access shall be provided in accordance with the approved plans (ref.02 E) and shall be surfaced using a non-migratory material before the development first comes into occupation. The parking area shall thereafter be retained for the lifetime of the development.

Reason:

In the interests of highway safety.

6. Refuse and Recycling

Prior to the commencement of development, details of storage for refuse and recycling, together with the access to it, shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of a pedestrian access gate along the eastern boundary (adjacent to the rear access road) to enable bins to be moved to and from the storage area when the parking spaces are in use. The storage shall be provided in accordance with the agreed details before the development is first occupied and 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.

7. Cycle storage facilities (Pre-Commencement Condition)

Before the development hereby approved first comes into occupation, secure and covered storage for bicycles shall be provided in accordance with details to be first submitted to and 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.

8. Demolition - Dust Suppression (Pre-Commencement)

Measures to provide satisfactory suppression of dust during the demolition works to be carried out on the site shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The agreed suppression methodology shall then be implemented during the demolition period.

Reason:

To protect the amenities of users of the surrounding area.

9. Hours of work for Demolition / Clearance / Construction (Performance)

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 to 18:00 hours
Saturdays	09:00 to 13:00 hours

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.

10. 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.

11. Land Contamination investigation and remediation (Pre-Commencement & Occupation)

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.

12. Use of uncontaminated soils and fill (Performance)

Only 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 shall 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.

13. Unsuspected Contamination (Performance)

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. The development shall proceed in accordance with the agreed details unless otherwise agreed in writing by 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.

14. Energy & Water (Pre-Commencement)

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. 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: Obscure Glazing.

The windows within the eastern elevation as shown on approved plan ref.02C shall remain obscure glazed and non opening up to 1.8m at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of residential amenity.

17. 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),

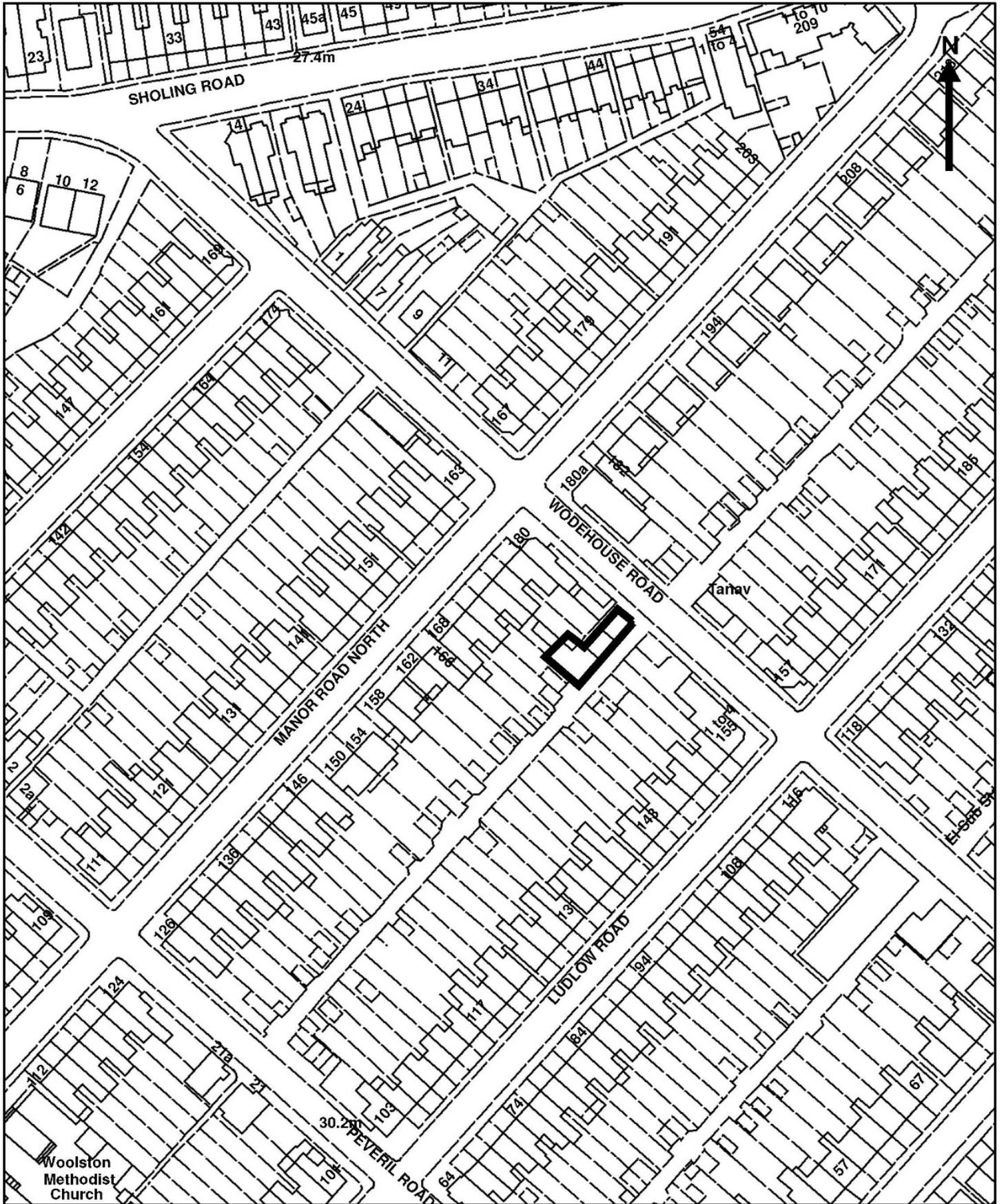
Class E (curtilage structures), including a garage, shed, greenhouse, etc.,

Class F (hard surface area)

Reason:

In order that the Local Planning Authority may exercise further control in this locality given the specific circumstances of the application site and in the interests of the comprehensive development and visual amenities of the area.

16/00132/FUL



Scale: 1:1,250

©Crown copyright and database rights 2014 Ordnance Survey 100019679

