

Original Report to Panel dated 13 April 2010
 Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 13 April 2010
 Planning Application Report of the Head of Division

Application address	Millbrook Clinic Helvellyn Road SO16 4AS		
Proposed development	Redevelopment of the site. Erection of 2-Storey and 3-storey buildings to provide 12 flats (11 X 2-bedroom and 1 X 1-bedroom) and 4 X 3 bedroom houses with associated access, parking and landscaping, following demolition of the existing buildings.		
Applicant	The Swaythling Housing Society Ltd	Agent	Mr Harry Groucott Bicentennial Building, Southern Gate, Chichester,

Application number	09/01305/FUL	Application type	FUL
Case officer	Andy Amery	Application category	Q 07 - Small scale major dwellings

Recommendation Summary	Planning permission be granted subject to receipt of a undertaking from the Director of Neighbourhoods that contributions are put aside from the housing revenue account into the general fund to secure financial contributions towards public open space, site specific highway works and strategic transport projects. The undertaking shall also secure a highway condition survey.
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Reason for Panel consideration	Major development on Council owned land
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Date of receipt	22/12/2009	City Ward	Millbrook
Date of registration	22/12/2009	Ward Members	Cllr Wells
Publicity expiry date	08/04/2010		Cllr Norris
Date to determine by	23 March 2010 OVER		Cllr Davis
Site area	1 652sq m (0.165ha)	Useable amenity area	45 sq m per house and 10 sq m per flat (including private balcony space)
Density - whole site	97d.p.h		

Site coverage (developed area)	70%	Site coverage	
Residential mix	numbers	unit size	
Studio / 1-bedroom	1	51 sq m	
2-bedroom	11	68sq m	
3-bedroom	4	87sq m	
Accessibility zone	Medium		
Car parking provision	Proposed: 14	Existing: n/a	Policy maximum: 14
Bicycles	Proposed: 12		
Key submitted documents supporting application			
Design and Access Statement			
Sustainability Report			
Ecology Report			
Tree Survey			
Appendix attached			
1	Local Plan Policy schedule		

Recommendation in full

1. Delegate the Head of Planning and Sustainability to grant planning permission subject to receipt of a undertaking from the Director of Neighbourhoods that contributions are put aside from the housing revenue account into the general fund to secure financial contributions towards public open space, site specific highway works and strategic transport projects. The undertaking shall also secure a highway condition survey.
2. Authorisation of the Panel be given to the Head of Planning and Sustainability to enter into a footpath diversion order under s257 of the Planning Act should this be necessary during the demolition and construction phase of the development.

BACKGROUND

The development proposals form part of the Council's major estates regeneration programme which is intended to transform established communities and provide a mix of new homes for the people of Southampton.

The site area subject to this application is owned by the City Council and is intended to remain in Council ownership following re-development.

Proposed Development & Surrounding Context

The application represents just the first phase of a larger proposed redevelopment of the Cumbrian Way Parade - a 0.83 hectare site which currently comprises: a parade of 8 ground floor retail units with 10 maisonettes above at first and second floor level, a local housing office, a vacant two storey former clinic and a pedestrian route which runs roughly north-south through the centre of the site and allows access to the Mason Moor Primary School immediately to the north of the site.

The site is part of a defined local shopping centre on the Local Plan Review Proposals Map (March 2006).

This application represents approximately 25% of the larger re-development site and comprises the two storey former clinic building in the north east corner of that site, the access route serving the housing office on the east side of Hellvellyn Road and a small area of amenity grassland.

The development proposals consist of a total of 16 units. 12 flats in a 3 storey block along the northern boundary of the site and 4 three bedroom houses (two storey).

The proposals have been amended from the initial submission. The car parking has been largely removed from the centre of the development to the outer perimeter of Hellvellyn Road which combined with works to be undertaken to Hellvellyn Road is intended to create a 'home-zone' type environment focused on pedestrian safety. By removing the car parking from the centre of the site a greater amount of amenity space is able to be provided both for the flats and the houses and greater space for landscaping including tree planting. In addition the buildings have been re-designed to maximise the number of flats with private west facing balconies to augment the improved amenity space provision. The layout of the units has also been amended to ensure that both houses and flats directly front onto the central pedestrian route to ensure the creation of a street frontage with activity and surveillance rather than flank elevations and close boarded fencing.

Relevant Planning Policy

The planning policy to be considered as part of this proposal is scheduled in **Appendix 1** to this report.

Relevant Planning History

No relevant History.

Consultation Responses & Notification Representations

A consultation exercise in line with department procedures was undertaken which included notifying 44 adjoining and nearby landowners, including local residents and businesses and the Mason Moor Primary School.

Additionally an advertisement was placed in the local press and site notices were erected.

No representations had been received from surrounding residents, businesses or the school.

It should also be noted that prior to the application being submitted a detailed community involvement exercise was undertaken by the applicant including written consultation, public meetings and exhibitions.

Summary of Representations made

None

Summary of Consultation comments

The proposals have been significantly amended following negotiations with a number of consultees, most notably the highways development control officer and the landscape officer. Advice has also been sought from the City Design Team and the Tree officers as part of the assessment of the scheme.

Highways Development Control support the proposals subject to conditions requiring the agreement of the final surface treatment and detailing of the access routes and parking areas.

The Regeneration Team fully support the proposals.

Southern Water has identified that an existing sewer will need to be diverted. The applicant was aware of this and the site layout takes this into account.

The Policy team have confirmed that the proposals are in accordance with the relevant policies of the Core Strategy and the saved policies of the City of Southampton Local Plan Review 2006. It is also stated that the proposals have closely followed the development brief established at pre-application stage for the whole Cumbrian Way site area.

Environmental Health have raised no objections and indicate that the historic uses of the site make it unlikely for contamination to be present.

The Sustainability Team are fully supportive of the proposals which will be designed to achieve Code Level 4.

The Housing Team are fully supportive of the proposals.

The Landscape officer has negotiated the revised soft landscaping areas which enable additional tree planting to be undertaken and for additional private amenity space to be provided.

The Trees team are concerned about the loss of a silver birch tree on the existing Clinic site but do not object to the proposals which include new and replacement planting proposals.

Planning Consideration Key Issues

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

That the design, scale and character of the buildings are appropriate to their context;

That highway and pedestrian safety is not prejudiced and that car parking is provided at an appropriate level for the sites location;

That the proposals ensure delivery of an appropriate mix of new homes including family housing; and,

That the proposals are designed to meet at the very least the minimum sustainability requirements of the Core Strategy

The development proposal also needs to be assessed in terms of its impact on neighbouring residential amenities; whether or not adequate amenity space is provided and if it is acceptable in terms of highway matters including cycle and refuse storage.

1. Principle of development

The principle of demolishing a vacant and deteriorating former clinic – vacant for a considerable period, other health provision exists and therefore not considered contrary to Local Plan Review Policy CLT2 - with a residential scheme comprising a mix of family houses and smaller units is fully supported by the adopted policies of the Core Strategy and the saved policies of the Local Plan Review. The proposals will deliver the first element of one of the Council's major estates regeneration projects at the Cumbrian Way site.

2. That the design, scale and character of the buildings are appropriate to their context

The wider area comprises a mix of two and three storey buildings, predominantly residential but, in the case of this site, a mix of uses which characterise a local centre. Proposals at two and three storey are therefore very much in keeping with the immediate context and in this regard Core Strategy policy CS13 and Local Plan Review policies SPP 7 and SDP 9 are considered to have been satisfied.

The design is modern and consistent with the scale, form and use of materials approved on other estates regeneration sites. It is intended that the architecture will create a strong sense of place and enhance the visual amenity of an area which is currently dominated by hardsurfacing and tired buildings of little architectural merit.

3. That highway and pedestrian safety is not prejudiced and that car parking is provided at an appropriate level for the site's location.

The scheme has been re-designed in close consultation with the highways officer. The revised layout offers the opportunity for a 'home-zone' type layout with the use of shared surfaces along which surface treatments, landscaping and street furniture will be designed to prioritise pedestrian movements.

The re-location of the parking bays from the centre of the site creates greater amenity space and landscaping within the setting of the buildings to the benefit of future occupiers and the visual qualities of the overall development. The re-orientation of the units to address the central pedestrian route creates a street with natural surveillance and an active frontage which is expected to be mirrored in the next phase of development. In highway safety terms therefore the proposals are considered to be acceptable.

14 parking spaces to serve the units is the maximum permissible given the mix of units proposed and the medium accessibility of the location. The proposals also provide for 16 covered and secure cycle spaces for residents.

4. That the proposals ensure delivery of an appropriate mix of new homes including family housing

The proposals provide 25% family housing which is below the 30% required by the Core Strategy. However, it should be noted that the approved development brief for the whole site indicated that development proposals on the area occupied by the vacant clinic would be predominately flatted.

The remainder of the site area is shown as intended to deliver a mix of commercial units to strengthen the role of the site as a local centre and also a higher percentage of family housing. A separate application for the remainder of the Cumbrian Way site is expected in early 2011. It is considered that delivery of family housing across the whole site should be considered comprehensively and ultimately the re-development of the Cumbrian Way site will deliver at least 30% family housing.

5. That the proposals are designed to meet at the very least the minimum sustainability requirements of the Core Strategy

The Core Strategy requires all new residential development to achieve Code Level 3 and a minimum of energy consumption from renewables of 20%. The proposals exceed these requirements and are designed to achieve Code Level 4.

Summary

The proposals will deliver much needed new homes including family housing on a key site for the council's estates regeneration project. The visual quality of the area will be lifted by a combination of modern architecture, good quality materials, increased landscaping and tree planting and improved surface treatments to roads, parking areas and pedestrian routes. The layout provides for refuse and cycle storage in accordance with the adopted standards and good quality and useable areas of both private and communal amenity space.

The density of development, at 97 d.p.h, is at the higher range of densities expected in medium accessibility areas (50 -100 dph) but the scheme does not exhibit feature normally associated with over-development. The scale, height and massing of the buildings is appropriate for its context.

CONCLUSION

The proposals are acceptable and in accordance with the Council's adopted planning policies.

Local Government (Access to Information) Act 1985
Documents used in the preparation of this report Background Papers

1(a), 1(b), 1(c), 1 (d), 2 (a), 2 (c), 2 (d), 3(a), 4 (c), 4 (e), 4 (g), 5 (e), 6(a), 6(c), 6(e), 6(k), 7(a), 7(g), 7 (i), 7(k), 7 (n), 7 (o), 7(u), 7 (v),7 (w), 7 (x), 8(a), 9(a), 9(b), Draft South East Plan, City Plan Review (Adopted Version) as saved by the adopted Core Strategy (2010)

(AA 25 March 2010 for 13.4.2010 PRoW Panel)

RECOMMENDATION: CAP

CONDITIONS for 09/01305/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 - Details & samples of building materials to be used [Performance Condition]

The external materials to be used on the development shall be as those stated on the approved schedule of materials unless otherwise submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of amenity by endeavouring to achieve built form of visual quality.

03. APPROVAL CONDITION – Code for Sustainable Homes (residential development) [Pre-Commencement Condition]

Written documentary evidence demonstrating that the development shall achieve at minimum Code Level 3 against the Code for Sustainable Homes standard shall be submitted to the Local Planning Authority and verified in writing prior to the commencement of the development hereby granted consent unless otherwise agreed in writing by the Local Planning Authority. The evidence shall take the form of an interim certificate as issued by a qualified BRE Assessor. Full compliance with the condition shall only be achieved once the Local Planning Authority has received and verified in writing, written documentary evidence demonstrating that the scheme achieves at minimum a rating of Level 3 against the Code for Sustainable Home standard prior to the occupation of the development (unless a different time frame is agreed in writing). The evidence shall take the form of a post construction certificate as issued by a qualified BRE Assessor.

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).

04. APPROVAL CONDITION - Renewable Energy - Micro-Renewables

An assessment of the developments total energy demand and feasibility study for the inclusion of renewable energy technologies on the site, that will achieve a reduction in CO2 emissions of at least 20% 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 by at least 20% must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved. Renewable technologies that meet the agreed specifications must be installed and made fully operational prior to first occupation of the any of the units and thereafter retained and maintained in that condition.

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 January 2010 and Policy NRM11 of the Regional Spatial Strategy for the South East of England May 2009.

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

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

REASON:

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

06. 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.

07. 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.

08. APPROVAL CONDITION - Refuse and Cycle store details - Performance Condition

The refuse and cycle stores shown on the approved plans shall be provided prior to first occupation of any unit hereby approved and thereafter retained and maintained for that purpose.

Reason:

To ensure appropriate facilities are provided to serve future occupiers of the development.

09. 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.

10. 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.

11. APPROVAL CONDITION - Ecology notification [Pre-Commencement Condition]

A minimum of 14 days notice of the commencement date of the development works , including any works of demolition and clearance, shall be given in writing to the Local Planning Authority.

Reason:

To enable the nominated ecologist to be notified in advance of the start of the development.

12. APPROVAL CONDITION - Construction traffic access/ egress arrangements (Pre-Commencement Condition)

Prior to works commencing on the site details of the means of access for vehicles associated with construction (and demolition) of the structures on the site shall be submitted to and agreed with the Local Planning Authority. Such details shall indicate any areas of equipment and material storage during the work period, site offices and parking for construction vehicles together with any measures to limit the possible nuisance effects on surrounding and neighbouring residential properties.

Reason:

In order to protect the residential amenity of nearby properties and the safety of children and other visitors to the adjacent school.

13. APPROVAL CONDITION - Road Construction [Pre-Commencement Condition]

No development hereby permitted shall be commenced until the Local Planning Authority have approved in writing:-

A specification of the type of construction proposed for the roads, cycleways and footpaths and parking areas including :

- i. details all surface materials to used for the parking spaces, vehicle and pedestrian routes,
- ii. cross-sections and longitudinal sections showing existing and proposed levels;
- iii details of any street furniture to be provided within these areas including, bollards, landscape features, lighting, signage and the method of demarcation of routes and parking spaces
- iv details of the method of disposing of surface water.
- v a programme for the making up of the roads and footpaths to a standard suitable for adoption by the Highway Authority.

The parking areas and access to them shall be provided in accordance with the approve plans prior to first occupation of any of the units and thereafter retained and maintained for that purpose unless otherwise agreed in writing by the local planning authority or as may be superseded by any subsequent planning application.

Reason:

To ensure that the roads, cycleways, and footpaths are constructed in accordance with standards required by the Highway Authority.

14. APPROVAL CONDITION - Wheel Cleaning Facilities [Performance Condition]

During the period of the preparation of the site, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on the site and no lorry shall leave the site until its wheels are sufficiently clean to prevent mud being carried onto the highway.

Reason:

In the interests of highway safety.

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

The development to which this consent relates shall not be first occupied until such time as the design and location of secure and covered visitor cycle stands to accommodate 3 cycles has been agreed in writing with the Local Planning Authority and those facilities have been provided on the site. Thereafter the visitor cycle stands shall be retained and maintained and made permanently available for that purpose.

Reason:

To encourage cycling as an alternative form of transport.

16. APPROVAL CONDITION - Landscaping detailed plan [Pre-Commencement Condition]

Before the commencement of any site works a fully 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 shall be submitted to and approved in writing by the Local Planning Authority.

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 any of the or during the first planting season following the full completion of building works, whichever is sooner and 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.

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

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending, revoking or re-enacting that Order, no 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 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.

Reason for granting Planning 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 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - CS3, CS4, CS5, CS13, CS15, CS16, CS18, CS19, CS20 and CS25 of the Core Strategy (January 2010).

Policies - SDP1, SDP2, SDP3, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP16, SDP17, SDP21, SDP22, NE4, CLT2, CLT5, CLT6, REI6, H1, H2, H7, H9 and H12 of the City of Southampton Local Plan Review (March 2006).

Notes to Applicant:

1. Your attention is drawn to the pre-commencement conditions above which require the full terms of the condition to be satisfied before development commences. In order to discharge these conditions you are advised that a formal application for condition discharge is required. You should allow approximately 8 weeks, following validation, for a decision to be made on such an application. It is important that you note that if development commences in without the condition having been formally discharged by the Council in writing, any development taking place will be unauthorised in planning terms, invalidating the Planning Permission issued. Furthermore this may result in the Council taking enforcement action against the unauthorised development. If you are in any doubt please contact the Council's Development Control Service.

2. Your attention is drawn to the performance conditions above which relate to the development approved in perpetuity. Such conditions are designed to run for the whole life of the development and are therefore not suitable to be sought for discharge. If you are in any doubt please contact the Council's Development Control Service.

Relevant Planning Policy

Local Development Framework Core Strategy Development Plan Document (January 2010)

CS3	Local Centres
CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: reduce – manage – invest
CS19	Car and cycle parking
CS20	Tackling and Adapting to Climate Change
CS25	Infrastructure Contributions

Saved Policies of the City of Southampton Local Plan Review (March 2006)

SDP1	Quality of Development
SDP2	Integrating Transport and development
SDP3	Travel demands
SDP4	Development access
SDP5	Car Parking
SDP6	Urban design principles
SDP7	Context
SDP8	Urban form and public space
SDP9	Scale, Massing and Appearance
SDP10	Safety and security
SDP11	Accessibility and movement
SDP12	Landscape and Bio-diversity
SDP13	Resource conservation
SDP16	Noise
SDP17	Lighting
SDP21	Water quality and drainage
SDP22	Contaminated land
NE4	Protected species
CLT 2	Community buildings
CLT5	Open space in new residential developments
CLT6	Provision of children's play areas
REI 6	Local centres
H1	Housing Supply
H2	Previously Developed Land
H7	Residential Environment
H9	Affordable housing
H12	Housing type and design

Residential Design Guide (September 2006)