

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 23 November 2010
 Planning Application Report of the Planning and Development Manager

Application address: 74 Whitworth Crescent			
Proposed development: Redevelopment of the site. Erection of a part 3-storey part 2-storey building comprising 3x2-bed houses, 1x3-bed house and 3x2-bed flats with associated parking and cycle/refuse storage			
Application number	10/00965/Ful	Application type	Full
Case officer	Andy Amery	Public speaking time	5 minutes
Last date for determination:	06/10/2010 OUT OF TIME	Ward	Bitterne Park
Reason for Panel Referral	Ward Councillor Referral	Ward Councillors	CLlr White CLlr Baillie CLlr Williams

Applicant: Jorgensen Ltd	Agent: Luken Beck Ltd
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to the criteria listed in report
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Reason for Granting Planning Permission 10/00965/Ful

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations such as the scale and massing of the development, the impact on the character of the area and amenity of neighbours, the level of parking provision and the impact on protected trees 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 - SDP1, SDP4, SDP5, SDP7, SDP9, SP12, SDP19, H1, H2 and H7 of the City of Southampton Local Plan Review (March 2006) and CS4, CS5, CS13, CS15, CS16, CS18, CS19, CS20 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies	2	Appeal Decision dated 21.11.2007.

Recommendation in Full

Delegate the authority to the Planning & Development Manager to grant planning permission, subject to the applicant entering into a Section 106 planning agreement to secure:-

- i) a financial contribution towards the provision of public open space in accordance with Policy CS25 of the Core Strategy (January 2010), Policy CLT5 of the adopted City of Southampton Local Plan and applicable SPG;
- ii) a financial contribution towards the provision of a new children's play area and equipment in accordance with policy Policy CS25 of the Core Strategy (January 2010), Policy CLT6 of the adopted City of Southampton Local Plan and applicable SPG;
- iii) provision of affordable housing in accordance with LDF Core Strategy Policy CS15;
- iv) site specific transport obligation for highway improvements in the vicinity of the site in accordance with appropriate SPG to encourage sustainability in travel through the use of alternative modes of transport to the private car;
- v) a financial contribution towards strategic transport contributions for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG;
- vi) a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer; and

that the Planning and Development manager be authorised to refuse permission should the Section 106 Agreement not be completed within 2 months from the date of this Panel on the grounds of failure to secure the provisions of the Section 106 Agreement.

1.0 Background

1.1.1 The application has been submitted in following the refusal and dismissal on appeal of a scheme for 11 flats in November 2007. Since that time, the original building on the site was badly fire damaged and ultimately demolished approximately two years ago. The site is currently vacant and surrounded by security hoardings

1.2 It should be noted that the applicant has challenged the requirement for the s106 agreement on the grounds that the scheme is only a net increase of 3 units on that which formerly existed on the site prior to being fire damaged and demolished. The site has been vacant for some period of time and officers have assessed the proposals on the basis of a scheme for 7 units on a currently vacant site.

2.0 The Site and its Context

2.1 The site was until recently occupied by a large detached three storey building comprising 4 flats known as Harcourt Mansions. However, this property was extensively damaged by fire and subsequently demolished as outlined above. The site is prominently located at the junction of Whitworth Crescent and Harcourt Road on land which rises up from the Whitworth Crescent frontage along which remain protected trees.

2.2 The elevated nature of the site allows views across the relatively open and un-developed western side of the road and over the River Itchen. The Whitworth Crescent frontage is mainly characterised by circa late 19th and early 20th Century large detached and semi-detached houses, whilst the houses in Harcourt Road are more recent and smaller in scale. There are examples of modern three and four storey flatted development in the immediate area.

2.3 The site is located within a medium accessibility zone and within 100m of the Local Centre at Bitterne Triangle which in addition to providing a full range of services has public transport links to Portswood District Centre, the City Centre and the Hospital and University. Bitterne railway station with links to the City Centre and the wider region is approximately 300m away. The large area of open space at Riverside Park is within easy walking distance.

3.0 Proposal

3.1 The application proposes the erection of a part three part two storey development of 7 residential units comprising 1 x 3 bedroom house, 3 x 2 bedroom houses and 3 x 2 bedroom flats.

3.2 The Harcourt Road frontage consists of a terrace of 3 two storey dwellings each with a parking space to the frontage and 10m deep rear gardens which accommodate refuse and cycle storage facilities.

3.3 The Whitworth Crescent frontage comprises a three bedroom house and 3 flats, which address the junction of Whitworth Crescent and Harcourt Road. The house has a garden to the front and side and has been allocated two off-road parking spaces along this frontage accessed from an existing dropped kerb. The flats are not provided with parking on site. The flats benefit from a communal amenity space of 120sq m (40sq m per flat) in front of that part of the built form and also have integral cycle and refuse stores. Pedestrian access is gained from both Harcourt Road and Whitworth Crescent.

3.4 The protected trees on the site are to be retained whilst the site levels beyond the agreed root protection zone will be lowered to reduce the visual impact of the scheme and to enable parking and access along the Harcourt Road frontage to be provided without the need for steps and retaining walls.

4.0 Relevant Planning Policy

4.1 The Development Plan for Southampton currently comprises the saved policies of City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010) as set out in the attached **Appendix 1**.

5.0 Relevant Planning History

5.1 06/01643/FUL : Redevelopment of site for 12 flats: Refused
07/00208/FUL : Redevelopment of site for 11 flats: Refused
Appeal dismissed 21.11.07

Appeal decision notice of 21 November 2007 attached as **Appendix 2**

6.0 Consultation Responses and Notification Representations

6.1 A consultation exercise in line with department procedures was undertaken which included notifying adjoining and nearby residential occupiers and erecting a site notice. **6** representations including one from a ward councillor have been received all objecting to the proposals. The objections raise issues of scale, massing, character, overdevelopment, impact on amenity and privacy, additional traffic congestion, lack of parking, highway safety and impact on trees. These issues are all responded to in section 7 of the report.

6.2 **SCC Housing Development Team** – Identify that the proposals trigger the requirement for affordable housing which should be provided on site.

6.3 **Environment Agency** – Consider the site to be at low risk from flooding and therefore have no comments to make.

6.4 **Hampshire Police** – required the side paths to be properly secured (this is now shown on the plans) and commented that the amenity space for the flats and the three bedroom house are not secure or private due to being along the site frontages.

6.5 **Airport Safeguarding** - No objections but request a note be added about the use of cranes during construction.

6.6 **Southern Water** – No objections but highlight that the application will need to apply to Southern Water Services to secure a connection to the public sewer.

6.7 **SCC Highways** – No objection raised on highway grounds subject to conditions. The site is within a medium accessibility area. Five on site parking spaces to serve the houses with on-road parking for the three flats is acceptable in this location.

6.8 **Ecology** – No Objection.

6.9 **Tree Team** – No objection subject to conditions and no level changes within the root protection areas.

6.10 **Pollution and Safety** – No objection subject to conditions.

7.0 Planning Consideration Key Issues

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

- i) The principle of development;
- ii) Design, density and impact on established character, i.e. whether the original reasons for refusal have been addressed;
- iii) Residential amenity;
- iv) The quality of residential environment for future occupants; and
- v) On site parking levels given accessibility of site and levels of on-road parking.

7.2 Principle of Development

7.2.1 The proposed development of 4 houses and 3 flats seeks to replace what was formerly an attractive detached property converted into 4 flats, but has more recently been demolished following fire damage. The fact that the site formally contained a residential building means that at least part of the site was previously developed and therefore redevelopment for residential purposes is acceptable in principle. However, the increased footprint of the buildings on the site and the number of units proposed results in development on what was formally garden land and as such the recent amendments to PPS3 needs to be taken into account.

7.2.2 PPS3 continues to advocate the efficient use of land for housing delivery and advises that at least 60% of new housing nationwide should be on previously developed land. With the recent changes to the status of garden land there is clearly an increased focus on delivering the majority of new housing on previously developed land. However, it is still the case that national and local planning policy does not prevent the delivery of housing on undeveloped land, where appropriate, it is just that the balance has shifted to there being a presumption against such development unless material considerations dictate otherwise. Consideration must therefore be given to ensuring development still makes the best use of land but with greater emphasis on seeking a qualitative impact on the character and appearance of the area and the promotion of development in sustainable locations to reduce the pressure for development on green field sites and protected open spaces.

7.2.3 This proposed site is within a wholly residential area but is currently vacant and visually detracts from the character of the street. With the new

guidance in PPS3 it could be inferred that development beyond the footprint of the original building represents garden grab and could be resisted.

7.2.4 However, given the continuing aim of local and national policy to make most efficient use of land it is considered more appropriate to place greater emphasis on wider range of issues than just whether development represents 'garden-grab'. Material considerations such as how the development responds to its context, whether the development would have a positive impact on the appearance of the site and the street scene and whether other Council objectives such as the delivery of new housing and sustainable development would be achieved should all be considered in determining whether the principle of development is acceptable.

7.3 Design, Density & Impact on Established Character

7.3.1 The original application was refused on appeal with the Inspector stating:-

The building's footprint would be considerably greater than that of the existing flats and, being 2-4 storeys in height and partly flat-roofed, its bulk would appear substantially greater.

Furthermore, both street elevations would stand closer to their respective roads. While the Whitworth Crescent elevation would be set back more than the houses to the south, it would stand forward of its neighbours to the north. More pronounced would be the position of the Harcourt Road elevation, with 3 storeys less than 2m from the footway and balconies closer to the street.

Such a large building in such proximity to the road frontages would be unduly dominant in the street scene of this mostly traditional residential area and result in the loss of the current spacious appearance arising from the low proportion of the site occupied by buildings, opposite a largely open river frontage. Although taller buildings may be appropriate in principle at junctions to provide a visual focus, in this location a building to such mass and prominence would not adequately respect its context.

7.3.2 The current proposal has sought to overcome these reasons for refusal by introducing a more traditional form of design and a mix of houses and flats rather than a single flatted block. In this way the applicant has been able to break up the components of the building to respond to the character and context of the two disparate street frontages which the site addresses.

7.3.3 In addition, the fourth storey element of the original scheme has been deleted, the houses in Harcourt Road are two storey only and have been set further back on the site to 6m from the back edge of pavement and the balconies and French windows have been deleted from the flatted block to provide the principle elevation on what is a prominent corner a more traditional appearance in keeping with the street scene.

7.3.4 The existing alignment of the building frontages has been more closely followed with only the flatted block sitting forward of the 'building-line' to address the junction.

7.3.5 The overall development remains significantly larger than was previously present on the site but the massing has been broken up and its height/scale and visual impact has been accordingly reduced. The building, as previously refused, still comes much closer to the junction of Whitworth Crescent and Harcourt Road than did the original building and given the raised nature of the site will appear more dominant in the street scene and the original spaciousness around this junction will be eroded somewhat.

7.3.6 It is therefore, a balance judgement but it is considered that the more traditional design, the mix of units proposed, including four houses and the reduced height, scale and massing has resulted in a scheme that does respect and respond to its context and will make a positive impact as part of the street and wider area.

7.4 Residential Amenity and Quality of Residential Environment

7.4.1 All new residential development is expected to provide prospective residents with a good living environment. The internal layout is compatible with modern living standards. All habitable rooms will receive adequate outlook, ventilation and day lighting. The terrace of houses front Harcourt Road benefit from rear gardens of 9 and 10m depth. These amenity spaces have the qualities of privacy, accessibility and functionality. Due to the layout of the site there would be limited direct sunlight, particularly during the winter months but this is not considered to diminish their usability to an unacceptable degree.

7.4.2 The flatted block and the 3 bedroom houses to Whitworth Crescent would have amenity space to the site frontage. Given the raised nature of the site and the existing and proposed landscaping / boundary treatment this space would be effectively private and therefore likely to be used particularly given the relatively open aspect over the river.

7.4.3 The buildings have been designed to ensure overlooking and privacy distances are achieved to adjoining properties. The internal layout has been designed to avoid the need for windows on the upper floors of the east facing elevation to avoid inter-looking between units on the site itself.

7.5 On site parking levels given accessibility of site and levels of on-road parking

7.5.1 The application site is within an area, which is defined as a 'medium' accessibility zone in the Local Plan Review. The level of parking provision proposed needs to be assessed against the maximum parking standards of that Review. The development proposes 5 car parking spaces, which accords with the Council's maximum parking standards. The level of parking provision and access arrangement will not prejudice highways safety and the

existing off-road parking levels do not justify parking provision above the maximum. This is consistent with the findings of the Planning Inspector who considered this issue previously when considering local residents' concerns about high levels of on-street parking and the likely generation of some additional parking on nearby roads.

I saw that Whitworth Crescent northwards from about Harcourt Road, Harcourt Road and the nearer end of Macnaghten Road were all well used for car parking, and I would expect more cars to be parked overnight and at weekends (the appellant's parking survey results are of little assistance as they covered only one evening and do not present a clear picture of where cars were parked).

Nevertheless, there are no nearby waiting restrictions and there was ample space to park along Whitworth Crescent south of the Harcourt Road junction. Planning Policy Guidance note (PPG) 13: Transport points out that developers should not be required to provide more spaces than they themselves wish, other than in exceptional circumstances where there are significant implications for road safety.

Consequently, although any additional on-street parking could cause some residents to park less conveniently close to their own homes, my conclusion is that the proposed development would accord with the aims of Local Plan Policy SDP 3 and not have an unacceptable effect on on-street car parking.

8.0 Summary

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

9.0 Conclusion

9.1 By securing the matters set out in the recommendations section of this report, the proposal would be acceptable. The application is therefore recommended for delegated approval to the Planning & Development Manager.

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

1(a), 1(b), 1(c), 2 (c), 2 (d), 2 (e), 4(s), 5 (e), 6(a), 6(c), 6 (f), 6(h), 7 (a), 7(c), 7 (d), 7 (m), 7 (q), 7 (x), 7 (y), 8(a), 9(a) and 9(b)

AA for 23/11/10 PROW Panel

PLANNING CONDITIONS

CONDITIONS for 10/00965/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 - 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.

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

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

why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site.

Reason:

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

04. APPROVAL CONDITION - Landscaping, lighting & means of enclosure detailed plan [Pre-Commencement Condition]

Notwithstanding the submitted details, before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted, which includes:

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

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

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Reason:

To ensure an appropriate landscaped setting for the development, to safeguard preserved trees on the site, in the interests of crime prevention and to safeguard pilot safety for aircraft approaching and departing Southampton airport.

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

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

Reason:

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

06. APPROVAL CONDITION - no storage under tree canopy [Performance Condition]

No storage of goods including building materials, machinery and soil, shall take place underneath the crown spread of the trees to be retained on the site. There will be no change in soil levels or routing of services through tree protection zones or within canopy spreads, whichever is greater. There will be no fires on site.

Reason:

To preserve the said trees in the interests of the visual amenities and character of the locality.

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

Written documentary evidence demonstrating that the development will achieve at minimum Level 3 of the Code for Sustainable Homes shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted, unless an otherwise agreed timeframe is agreed in writing by the LPA. The evidence shall take the form of a post construction certificate as issued by a qualified Code for Sustainable Homes certification body.

REASON:

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

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

An assessment of the development's total energy demand and a feasibility study for the inclusion of renewable energy technologies on the site, that will achieve a reduction in CO₂ emissions [as required in core strategy policy CS20] must be conducted. Plans for the incorporation of renewable energy technologies to the scale that is demonstrated to be feasible by the study, and that will reduce the CO₂ emissions of the development [as required in core strategy policy CS20] must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent. Renewable technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

REASON:

To reduce the impact of the development on climate change and finite energy resources and to comply with adopted policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

09. APPROVAL CONDITION - No other windows or doors other than approved [Performance Condition]

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

Reason:

To protect the amenities of the adjoining residential properties.

10. 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.

11. 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.

12. 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.