

**Application 10/01814/NMA  
APPENDIX 2**

Decision Notice for 08/01033/FUL



**DETERMINATION OF APPLICATION**

**TOWN AND COUNTRY PLANNING ACT 1990**

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

Mr Alan Maclean  
12 High Street  
Lyndhurst  
Southampton  
Hants  
SO43 7BD  
UK

In pursuance of its powers under the above Act and Regulations, Southampton City Council, as the Local Planning Authority, hereby gives notice that the application described below has been granted:

**CONDITIONALLY APPROVED**

**Proposal:**                    **Erection of 5 flats (4x2 bedroom and 1x1 bedroom) in a two-storey block including living accommodation in the roof with associated car/cycle parking and refuse store (resubmission) (amended description).**

**Site Address:**            **58 Wilton Road Shirley Southampton S015 5SZ**

**Application No:**        **08/01033/FUL**

In accordance with the plans and application submitted with the above Full Application, subject to the following condition(s):

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 [Pre-Commencement Condition]

Full details of the manufacturers, types and colours of the external materials to be used, including samples if required, shall be submitted to and approved by the local Planning Authority before development commences.

Reason:

In order to control the appearance of the development in the interests of visual amenity.

03.

APPROVAL CONDITION - Hours of work for Demolition / Clearance / Construction [Performance Condition]

All works relating to the demolition, clearance and construction of the development hereby granted

shall only take place between the hours of;

Monday to Friday 08:00 hours to 18:00 hours (8.00am to 6.00pm)

Saturdays 09:00 hours to 13:00 hours (9.00am to 1.00pm)

And at no time on Sundays and recognised public holidays.

Any works outside the permitted hours shall be confined to the internal preparations of the

buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect the amenities of the occupiers of existing nearby residential properties

04.

APPROVAL CONDITION -Bonfires [Performance Condition]

No bonfires are to be allowed on site during the period of demolition, clearance and construction.

Reason:

To protect the amenities of the occupiers of existing nearby properties

05.

Approval Condition - Land Contamination investigation and remediation [Pre-Commencement & Occupation Condition]

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. That scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

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

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

Reason:

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

06.

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

07.

APPROVAL CONDITION - Unsuspected Contamination

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

08.

APPROVAL CONDITION - Glazing specification

The velux windows in the north-west facing roof slope serving the bedroom of unit 5 shall be fixed and permanently retained at a minimum height of 1.6m above the finished floor level and the first floor window within the rear elevation serving bedroom 2 of Unit 3 shall be fitted and permanently retained with obscure glazing to a minimum height of 1.6m above the finished floor level.

REASON

To protect the privacy and amenity of the adjoining property.

09.

APPROVAL CONDITION - Stopping up existing access [Pre-Commencement Condition]

Any redundant access to the site shall be stopped up and abandoned and the footway, and verge crossings and kerbs shall be reinstated before the development is brought into use.

Reason

To provide safe access to the development and to prevent congestion on the highway

10.

APPROVAL CONDITION -Storage / Removal of Refuse Material [Pre-Occupation Condition]

Before the building is first occupied full details of facilities to be provided for the storage and removal of refuse from the premises together with the provision of suitable bins accessible with a level approach shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall include accommodation and the provision of separate bins for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained whilst the building is used for residential/commercial purposes.

Reason:

In the interests of visual amenity, the amenities of future occupiers of the development and the amenities of occupiers of nearby properties

11.

APPROVAL CONDITION - Bicycle storage

The building shall not be occupied in full or in part until secure, covered space has been laid out within the site for a minimum of 5 bicycles to be stored for the benefit of the occupants in

accordance with the approved plans. The store should be secured by solid wooden doors, hung within hardwood framing on captive pin security hinges with hinge bolts and locked by 5 lever security mortice deadlocks to BS 3621 :2004 or better. The cycle storage hereby approved shall thereafter be retained on site for that purpose.

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

12.

APPROVAL CONDITION -Sightlines specification [Pre-Commencement Condition]  
Notwithstanding the provisions of the Town and Country Planning General Development Order 1988, with the exception of railings, no fences walls or other means of enclosure shall be erected above a height of 0.6m above carriageway level, a minimum distance of 2 metres either side of the site access.

Reason

To provide safe access to the development and to prevent congestion on the highway

13.

APPROVAL CONDITION - Means of enclosure

No development shall be commenced until details of all means of enclosure on the site have been submitted to and approved by the Local Planning Authority. Such detailed scheme shall be implemented before the development is brought into use. The means of enclosure shall subsequently be retained to the satisfaction of the Local Planning Authority.

REASON: In the interests of the visual amenities of the area and to protect the amenities and privacy of occupiers of neighbouring properties.

14.

APPROVAL CONDITION -Lighting specification

The illumination of the communal doorsets, parking, cycle and bin stores should be by facade mounted, anti-vandal, low energy down lighter luminaries operated by photoelectric sensors. Low level lighting bollards should not be used.

REASON

In the interests of safety and security

15.

APPROVAL CONDITION - Specification of ground floor windows and communal doorsets

The two communal doorsets and the flat access doorsets should be to BS PAS 23-1 1999/BS PAS 24-1 1999; Doors of Enhanced Security. Additionally, any integral glazing within these doors should be laminated on the inner pane. The ground floor windows within the development should be to BS 7950 1997; Windows of Enhanced Security.

REASON

In the interests of safety and security

16.

**APPROVAL CONDITION - Sustainable measures [Pre-Commencement Condition]**  
No development shall take place until the applicant has provided to the Local Planning Authority for approval in writing a report assessing the feasibility of incorporating the following sustainable design measures into the development:

- Energy minimisation and renewable energy or low carbon technologies
- Water efficiency measures
- Urban Drainage Systems
- Waste management and recycling
- Sustainable construction materials

The report shall include an action plan detailing how these measures will be integrated into the development. The approved scheme shall then be provided in accordance with these details prior to the first occupation of the development hereby granted consent.

#### Reason

To ensure the development minimises overall demand for resources and is compliant with the City of Southampton Local Plan (March 2006) policies SDP13 and SDP6.

#### Reason for Granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 Planning Permission should therefore be granted.

Policies SDP1, SDP4, SDP5, SDP6, SDP?, SDP9, CLT5, H1, H2, H?, H8 and IMP1 of the City of Southampton Local Plan Review -Adopted March 2006.

#### Note To Applicant

#### Approved Plans

The development hereby approved shall be implemented in accordance with the drawings received by the Local Planning Authority on 05.11.08 numbered 301 Rev C and 302 Rev C and any details required pursuant to a condition of this consent or as may be amended and accepted in writing by the Local Planning Authority.

**David Rothery**  
**Development Manager**

25 November 2008

If you have any further enquiries please contact:

**Andrew Gregory**

APPLICATION TYPE: Full Application  
APPLICATION NO: 08/01033/FUL  
APPLICANT: Elmgreen Properties (Mr Stuart Ainsley)  
AGENT: Alan Maclean Associates  
SITE ADDRESS: 58 Wilton Road, Shirley, Southampton  
PROPOSAL: Erection of 5 two-bedroom flats in a two-storey block including living accommodation in the roof with associated car/cycle parking and refuse store (resubmission) (2 car parking spaces).

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**RECOMMENDATION:**

Delegate the Development Control Manager to grant planning approval subject to:-

1. The applicant entering into a Section 106 Legal Agreement to secure:
  - i. A financial contribution towards the provision and maintenance of open space in accordance with policy CLT5 of the City of Southampton Local Plan.
  - ii. a financial contribution towards site specific transport contributions for highway and street scene improvements in the vicinity of the site
  - iii. a financial contribution towards strategic transport contributions for highway network improvements in the wider area as set out in the Local Transport Plan
  - v. repairs to any damage to the public highway arising from the build process.

Or

2. That the D C Manager be authorised to refuse permission if the Section 106 Agreement has not been completed within a reasonable timeframe on the ground of failure to secure the provisions of the Section 106 Agreement.
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**REPORT**

**BACKGROUND**

This application has been brought before the panel at the request of a Ward Councillor following the receipt of more than 5 local objection letters.

**THE SITE & SURROUNDINGS**

The application site has an area of 0.03 hectares and comprises a group of vacant single-storey buildings. The premises was historically occupied as a print works. The site is enclosed by a 1.5m high brick wall along the Wilton Road frontage, with gated pedestrian and vehicular access.

The surrounding area is predominantly residential in nature, primarily comprising traditional two-storey semi-detached and detached properties. The adjacent property

at the corner of Wilton Road and Bellemoor Road (35 Wilton Road) is occupied by a hairdressing salon on the ground floor with a flat over. A large outbuilding to the rear of 37 Wilton Road abuts the rear boundary of the application site. Bellemoor Junior School is located to the north-west.

## **APPLICATION DETAILS**

The application proposes residential redevelopment following the demolition/removal of the existing single-storey building on site. The proposal is for the construction of a two-storey building with living accommodation within the roof, to provide 5 flats (4 two-bedroom and 1 one-bedroom). The proposed building picks up the front and rear building lines of established properties within Wilton Road. The front of the site would be occupied by 2 car parking spaces interspersed amongst hard and soft landscaping, enclosed by the existing wall with vehicular and pedestrian access. A bin store is also located within the front of the site. Communal amenity space and bicycle storage is located to the rear. A pathway running adjacent to the south-eastern boundary provides external access to the rear of the site.

The proposed building is two-storey in height to eaves level with the third floor accommodation contained within a pitched roof. The building incorporates double bay windows with forward projecting gables and a recessed link with a canopy over. Glazing is contained within the forward projecting gables and velux windows are proposed within the side and rear roof slopes.

## **KEY ISSUES**

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

- i. Principle of development, residential design, density and impact on the established character;
- ii. The impact on existing residential amenity;
- iii. The quality of residential environment for future occupants
- iv. Whether the travel demands of the development be met.

## **RELEVANT PLANNING HISTORY**

06/00152/FUL Conditionally Approved 16.5.06  
Redevelopment of the site by the erection of a two-storey block comprising 2 x one bed and 1 x two-bed flats.

08/00606/FUL Refused 23.6.08  
Erection of 5 x two bedroom flats in a two-storey block with living accommodation in the roof with associated car/cycle parking and refuse store.

A copy of the decision notices relating to applications 06/00152/FUL and 08/00606/FUL are attached as **Appendix 1**

## **PLANNING POLICY**

City of Southampton Local Plan Review (March 2006)

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

A schedule of relevant policies are provided in **Appendix 2** to this report.



### Policy Assessment

Residential re-development is compliant with neighbouring land uses and has been established with a planning approval for 3 flats on the site (Reference – 06/00152/FUL). Intensified use of the site for housing delivery is compliant with central government advice and local plan policies H1 and H2.

The development has a density of 166 dwellings per hectare which is considered acceptable given that the proposed development respects the form of established development within Wilton Road. There is no maximum density level defined by Local Plan Policy.

The site is located within a low accessibility zone. A maximum of 7 spaces are allowed under the Council's Maximum Car Parking Standards as set out within the local plan review – adopted version. The application proposes 2 car parking spaces and 5 long stay cycle parking spaces which accords with policy SDP5.

The level of amenity space provision broadly satisfies the minimum standard of 20 square metres per unit. Contributions will be sought for open space in line with the SPG on Planning Obligations (2005) and policy IMP1.

### Sustainability Assessment

The redevelopment of this site with a higher density complies with the principles of local and national planning policy. Planning conditions are recommended to secure development that complies with policy SDP13.

## **CONSULTATION AND NOTIFICATION**

A publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement and erecting a site notice. At the time of writing the report, 8 representations had been received from surrounding residents.

The application was subsequently amended with revision to the design, massing and external appearance of the building. Due re-consultation has been carried out. Any additional representations will be provided as a verbal update at the panel meeting.

### Representations

**Displaced parking would use Wilton Road leading to increased congestion and prejudice highway and pedestrian safety, particularly during peak school times**

#### Response

The level of car parking is compliant with the council's maximum car parking standards, as set out within Appendix 1 of the Local Plan. There is no minimum standard and the Councils Highway Engineers have raised no objection on highway safety grounds.

**The style of property is out of character with the Upper Shirley area.**

#### Response

The design, massing and external appearance of the building has been amended to reflect the scale and character of established housing within the area. The scheme incorporates double bay windows with gables over and a hipped roof form. The link has been recessed to allow the building to read as a pair of detached dwellings within the street. The third floor of accommodation is concealed within the roof. The design

The design approach reflects and responds to the established pattern of development, particularly the rhythm / spacing between the detached properties to the south-east (60-66 Wilton Road)

### **Family housing should be provided**

#### Response

Planning Policy Statement 3 (PPS3) calls for a greater emphasis on housing mix, particularly in terms of tenure and price, and a mix of different households such as families with children, single person households and older people. The proposal incorporates 4 two-bedroom and 1 one-bedroom flats and will therefore increase and improve the choice of housing within the community. The application assists in creating a 'mixed and balanced community'.

### **The proposal represents an overdevelopment**

The proposal has a scale, density and layout which makes efficient and effective use of previously developed land without compromising the established character of the area.

### **The scale and massing of the building is out of keeping**

#### Response

The design and massing of the building has been amended to reflect the height and proportions of existing properties within the street. The third floor of accommodation is concealed within the roof. Policy H8 seeks to maximise density in the City and is stated as a minimum rather than a maximum. Moreover, density figures alone do not indicate the scale of development appropriate for a site. Regard also has to be had to the other factors mentioned above.

### **The development does not provide any space for a garden**

#### Response

The development seeks to provide 90sqm of communal amenity space to the rear of the building which is considered appropriate in terms of its quality and usability. The Councils Residential Design Guide, which is approved supplementary planning guidance, advises that 20sqm of amenity space should be provided per unit within suburban locations. Whilst the proposal is 10sqm of the recommended guidance, this shortfall is considered acceptable given the proposal incorporates a 1-bedroom unit, having regard to recent appeal decisions which have allowed a level of provision below the standards within the Residential Design Guide, particularly for 1-bedroom properties is deemed acceptable. Furthermore residents are a short walk from St James Park and the Common

### **The development will devalue properties within the area**

#### Response

This is not a material planning consideration and is not supported with any quantifiable evidence.

### **The windows are unusually small and a kitchen window is obscure glazed which constitutes poor design and would lead to an unacceptable residential environment for future occupiers.**

#### Response

The proposed internal layout is compatible with modern living standards. Modern kitchen and bathrooms can be artificially vented and illuminated. The kitchen window has been obscured to prevent overlooking. The size and design of the window

openings are in keeping with the design of the host property and will not be harmful to the character and appearance of the surrounding street scene.

### **Additional noise generation from occupiers/tenants**

#### Response

The building will be soundproofed, in line with current building regulations. Any public order and nuisance problems arising from future occupiers of the flatted accommodation can be controlled under separate legislation by Environmental Health Officers and/or the Police.

### **The proposed site access has a bus stop and double yellow lines in front of it**

#### Response

There are two existing vehicular access points into the site. The proposed development would provide an access which is outside of the demarcated bus stop area. No objection has been raised by the Councils Highway Engineers.

### **There will be overlooking / overshadowing of 37 Bellemoor Road**

#### Response

The first floor windows adjacent to the boundary with 37 Bellemoor Road have been obscured to prevent any unreasonable overlooking. A shadow analysis has been undertaken to demonstrate that the proposal will not lead to a harmful increase in shadowing of 37 Bellemoor Road, particularly as there is a large outbuilding within the rear garden of this property that already creates afternoon shade.

### **Concern as to the stability of the detached rear garage at 37 Bellemoor Road**

#### Response

This is a party wall/private civil matter and not a material planning consideration.

### **The development would require scaffolding on neighbouring land.**

#### Response

Right of access onto neighbouring land is a private civil matter and can be resolved through party wall legislation.

### Consultation comments

**Highway Development Control** – The number of parking spaces proposed accords with the authority's maximum standard and the level of provision will not compromise highway safety; however careful consideration should be given to measures to encourage alternative modes of transport to the private car. Appropriate site lines will need to be demonstrated and retained at the proposed access. To meet the aims of PPG13, contributions are sought via a S106 Agreement from the developer to reduce dependence on the private car.

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

**Environmental Health (Pollution and Safety)** – The hours of works should be restricted through condition and no bonfires should be allowed.

**Police (Crime Prevention Design Officer)** – advises that details of the cycle store should be reserved through condition. Means of site enclosure to the sides and rear should be a minimum of 1.8m in height and be topped by 450mm of substantial

trellis. The specification of the two communal doorsets and ground floor windows should be secured through condition. The illumination of the communal doorsets, parking, cycle and bin stores should be by façade mounted, anti-vandal, low energy down lighter luminaries operated by photoelectric sensors. Low level lighting bollards should not be used.

**Southern Water** – raise no objection.

## **PLANNING CONSIDERATIONS**

The development proposal needs to be assessed in terms of its design, scale and massing within the Wilton Road street scene; 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 re-development of the site for residential purposes is acceptable and accords with policies contained within the development plan. The level of development fits within the density parameters for the site and is in accordance with central government's wishes for more intensive use of brownfield sites. The provision of 5 flats (4 two-bedroom and 1 one-bedroom) will provide a greater choice and mix of accommodation within this community, in accordance with central government planning guidance on housing development (PPS3).

### 2. Scale, Design and Appearance

A design statement has been submitted in accordance with the requirements of Policy SDP6 of the Local Plan identifying measures to be taken in contributing towards maintaining the character of the area and achieving high standards of design.

The Wilton Road street scene is characterised by a mix of traditional two-storey semi-detached and detached properties. A strong eaves and ridgeline is evident and buildings are set back to a defined building line. The proposed building responds to this defined character with a comparable eaves height, roof form and overall build height. The design and massing of the building has been revised to better respond to height and proportions of the existing detached properties. The central entrance and corridor has been recessed to allow the block to read as two detached properties within the street scene. The building incorporates traditional double bay windows with gables over and sash windows to reflect the established architectural detailing within the street

### 3. Impact on Residential Amenity

The proposed development will not have any adverse impact upon neighbouring residential amenity. The windows at first-floor level and within the roof will not give rise to unreasonable overlooking; the first-floor windows adjacent to the boundary with 37 Bellemoor Road are obstructed by the existing garage within the rear of that property, however for the avoidance of doubt the bathroom window has been fully obscured and the bedroom obscured up to 1.6m above the finished floor level. The remaining first floor windows and roof lights within the rear elevation will have a typical rear aspect, across the communal amenity area. The velux windows within the north facing roof slope are proposed to be set 1.6m above the finished floor level and the velux window within the south facing roof slope is fixed shut and obscure glazed. A planning condition is recommended regarding details of the glazing.

The proposed building will not lead to unreasonable overshadowing or enclosure of 37 Bellemoor Road. A shadow analysis has been submitted which indicates that the impact from the proposed development will be negligible when considered against the existing level of shadowing from the garage within the rear of 37 Bellemoor Road. Moreover the aforementioned garage mitigates against unreasonable enclosure, providing a 3.5m buffer from the garden of 37 Bellemoor Road and the proposed two-storey block.

In amenity terms the residential environment proposed for the potential occupants is acceptable. The internal layout is compatible with modern living standards and all habitable rooms are served by natural lighting and ventilation. The proposal seeks to provide accommodation in the roof space which is an efficient use of space and symptomatic of modern housing. The loft space offers genuine usable accommodation, with all lounge and bedrooms provided with an acceptable outlook. The amenity space provision is acceptable in terms of its quality and usability; moreover the level of provision of 90 square metres is acceptable for the proposed residential type and mix. The scheme is considered to comply with Local Plan policies SDP1, SDP7 and SDP9.

#### 4. Highways

The application site is within an area, which is defined as a low accessibility zone in the in the Adopted Version of the Local Plan Review. However the site is located immediately adjacent to a bus stop on Wilton Road and is located within close proximity to services within Winchester Road and Shirley High Street which is a 10 minute walk. The level of parking provision proposed needs to be assessed against the maximum parking standards set out in the adopted Local Plan. The scheme proposes 2 parking spaces. This level of provision accords with the level of provision that would be acceptable for this type and scale of development in this locality.

Adequate provision has been for the storage of bicycles and facilities for the storage and collection of refuse.

#### Summary

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.

### **CORPORATE AWARENESS CONSIDERATIONS**

The planning assessment made on this planning application proposal has taken into account the relative importance of Council initiatives and corporate aims as considered appropriate to the formulation of the recommendation reached. For this scheme there has been no significant corporate issue identified.

### **CONCLUSION**

By securing the matters set out in the recommendations section of this report by the completion of a Section 106 Legal Agreement, the proposal would be acceptable. The application is therefore recommended for delegated approval to the Development Control Manager.

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

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

1(a), 1(b), 1(c), 3(a), 4(s), 6(a), 6(c), 6(f), 6(h), 7(c), 8(a), 9(a), 9(b) and City Plan Review (Adopted Version) (AG 13.10.08 for 28.10.08 PROW Panel

