

Planning and Rights of Way Panel (EAST)

Tuesday, 10th February 2015
at 6.00 pm

PLEASE NOTE TIME OF MEETING

Conference Room 3 and 4
- Civic Centre

This meeting is open to the public

Members

Councillor Lewzey (Chair)
Councillor Denness (Vice-Chair)
Councillor Fitzhenry
Councillor Hecks
Councillor Tucker

Contacts

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Planning and Development Manager
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PUBLIC INFORMATION

Role of the Planning and Rights of Way Panel

The Panel deals with various planning and rights of way functions. It determines planning applications and is consulted on proposals for the draft development plan.

Public Representations

Procedure / Public Representations

At the discretion of the Chair, members of the public may address the meeting on any report included on the agenda in which they have a relevant interest. Any member of the public wishing to address the meeting should advise the Democratic Support Officer (DSO) whose contact details are on the front sheet of the agenda.

Southampton City Council's Priorities

- Jobs for local people
- Prevention and early intervention
- Protecting vulnerable people
- Affordable housing
- Services for all
- City pride
- A sustainable Council

Smoking policy – The Council operates a no-smoking policy in all civic buildings

Mobile Telephones:- Please switch your mobile telephones to silent whilst in the meeting

Use of Social Media:- The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave the meeting

Fire Procedure – In the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

Access – Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

Dates of Meetings: Municipal Year 2014/15

Planning and Rights of Way - EAST	
2014	2015
8 July 2014	13 January 2015
5 August	10 February
2 September	10 March
30 September	7 April
28 October	5 May
25 November	

Planning and Rights of Way - WEST	
2014	2015
24 June 2014	27 January 2015
22 July	24 February
19 August	24 March
16 September	21 April
Wednesday 15 October	
11 November	
9 December	

CONDUCT OF MEETING

Terms of Reference

The terms of reference of the Planning and Rights of Way Panel are contained in Part 3 (Schedule 2) of the Council's Constitution

Business to be discussed

Only those items listed on the attached agenda may be considered at this meeting.

Rules of Procedure

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

Quorum

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

DISCLOSURE OF INTERESTS

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

DISCLOSABLE PECUNIARY INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

(i) Any employment, office, trade, profession or vocation carried on for profit or gain.

(ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

(iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

(iv) Any beneficial interest in land which is within the area of Southampton.

(v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

(vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.

(vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

a) the total nominal value fo the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or

b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

Other Interests

A Member must regard himself or herself as having an, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

Agendas and papers are available via the Council's Website

1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

To note any changes in membership of the Panel made in accordance with Council Procedure Rule 4.3.

2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

3 STATEMENT FROM THE CHAIR

4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING) (Pages 1 - 4)

To approve and sign as a correct record the Minutes of the meeting held on 13 January 2015 and to deal with any matters arising, attached.

CONSIDERATION OF PLANNING APPLICATIONS

5 LAND ADJACENT TO 224 PORTSWOOD ROAD (PART OF FORMER PORTSWOOD BUS DEPOT) (Pages 9 - 60)

Report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address, attached.

6 FAIRCHILD HOUSE, 21 SOUTHAMPTON STREET (Pages 61 - 84)

Report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address, attached.

7 19 MAYFIELD ROAD SO17 3SW (Pages 85 - 92)

Report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address, attached.

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PLANNING AND RIGHTS OF WAY PANEL (EAST)
MINUTES OF THE MEETING HELD ON 13 JANUARY 2015

Present: Councillors Lewzey (Chair), Denness (Vice-Chair), Fitzhenry, Hecks and Lloyd

39. **APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)**

It was noted that following receipt of the temporary resignation of Councillor Tucker from the Panel; the Head of Legal and Democratic Services, acting under delegated powers, had appointed Councillor Lloyd to replace them for the purposes of this meeting.

40. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED that the minutes of the meeting held on 25th November 2014 be approved and signed as a correct record.

41. **TREE FELLING IN RIVER WALK**

The Panel considered the report of the Head of Regulatory and City Services regarding a request from local residents for the removal of alternate trees to allow for light to the properties on River Walk.

Stephen Horrocks and David Houghton (local residents / objecting) and Councillors Baillie and White (ward councillors / objecting) were present and with the consent of the Chair, addressed the meeting.

The Panel noted that discussion was taking place between the Council's Highways team and the Townhill Park Residents' Association regarding the issues of street lighting and drainage. It was also noted that SSE Enterprise Lighting Services had deemed the street lighting as "adequate" for purpose.

RESOLVED that all of the trees along River Walk be retained and continue to be managed in accordance with Southampton's Tree Operational Risk Management System (STORMS).

RECORDED VOTE to retain and manage all of the trees along River Walk:

FOR: Councillors Denness, Fitzhenry, Hecks and Lewzey

AGAINST: Councillor Lloyd

42. **1 SQUIRES WALK 14/01651/FUL**

The Panel considered the report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address.

Change of use from Residential (Class C3) to a Dental Practice (Class D1) (Departure from the Local Plan).

Steph McCormick (applicant), Emma Brown (local resident / objecting) and Councillors Payne and Hammond (ward councillors / objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported a correction to paragraph 6.4.2 of the report so that "validated" be amended to read "invalidated" - sentence to read: "whereby the permission would be invalidated if the change of use was implemented prior to the TRO being in place".

RESOLVED that planning permission be granted subject to the conditions in the report and the additional conditions set out below.

Additional Conditions

7. APPROVAL CONDITION - Noise - plant and machinery [Pre-Commencement Condition]

Prior to the first operational use of plant and machinery associated with the proposed development, an acoustic report and written scheme to minimise noise from plant and machinery associated with the proposed development, including details of location, orientation and acoustic enclosure, is to be submitted to and approved in writing by the Local Planning Authority. The plant and machinery thereafter to be installed in accordance with the agreed details before first operational use.

Reason:

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

8. APPROVAL CONDITION - Approved Plans

The development to be carried out in accordance with the approved plans listed in the schedule attached, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

For the avoidance of doubt and in the interests of proper planning.

RECORDED VOTE to grant conditional planning permission:

FOR: Councillors Fitzhenry, Lewzey and Lloyd

AGAINST: Councillors Denness and Hecks

43. **BURLINGTON MANSIONS, 333-347 SHIRLEY ROAD 14/01588/FUL**

The Panel considered the report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Formation of an additional storey to the building to provide 10 x two bedroom flats and erection of a cycle and bin storage building at the rear.

Chris Edmonds (agent); Louise Costelli and Michaela Lawler-Levene (local residents / objecting) and Councillor Moulton (objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that:

- since the report had been written there had been a ministerial statement (28 November 2014) that contributions for affordable housing not be sought from small scale developments and therefore clause (ii) of the S106 Agreement relating to affordable housing had been removed; and
- that paragraph 4.3 of report should include the additional reason for refusal for the planning application refused in 2000 of insufficient parking provision.

RESOLVED

- i. to delegate to the Planning and Development Manager to grant planning permission subject to the completion of the amended S106 Legal Agreement and the conditions listed in the report;
- ii. that in the event that the legal agreement is not completed by 13/03/2015 the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement; and
- iii. that the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

RECORDED VOTE to grant planning permission:

FOR: Councillors Fitzhenry, Hecks, Lewzey and Lloyd
AGAINST: Councillor Denness

44. **BEDFORD HOUSE, AMOY STREET 14/01778/FUL**

The Panel considered the report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Redevelopment of the site to provide 18 x two-storey houses (14 x three bedroom, four x two bedroom) with associated access and parking.

Adi Puplampu (architect), Tom Bradbury, Katharine Palmer and Jane Stephens (local residents / objecting) and Councillor Tucker (ward councillor / objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported:

- the receipt of further late correspondence, however this raised no further material planning considerations; and
- correction to paragraph 5.9 of the report to read “No on-road car parking spaces would be removed as a result of this planning application.”

The Panel noted that a decision regarding the acceptability of materials proposed would need to be made by the Planning and Rights of Way Panel at the discharge of conditions stage.

RESOLVED

- (i) that authority be delegated to the Planning and Development Manager to grant planning permission subject to the completion of a S106 Legal Agreement and the conditions listed in the report;
- (ii) that in the event that the legal agreement is not completed by 28.01.2015 the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement; and
- (iii) that the Planning and Development Manager be given delegated powers to add, vary and/or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

RECORDED VOTE to grant planning permission:

FOR: Councillors Fitzhenry, Hecks and Lewzey

AGAINST: Councillor Denness and Lloyd

45. **33 SWANMORE AVENUE 14/01585/FUL**

The Panel considered the report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address.

Installation of Velux window to north elevation, and opening windows 1.7m above finished floor level within side Dormer.

The Panel noted that the application had been deferred from a previous Panel meeting (25.11.14) to allow for further public consultation following the receipt of amended plans.

Karen Fancett (applicant) was present and with the consent of the Chair, addressed the meeting.

RESOLVED that planning permission be granted subject to the conditions in the report.

Agenda Annex

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 10th February 2015 - 6pm Conference Rooms 3 and 4, 1st Floor, Civic Centre

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
5	AA	DEL	15	14/01783/OUT : Land Adjacent to 224 Portswood Road (part of former Portswood Bus Depot)
6	AL	DEL	15	14/01748/FUL : Fairchild House, 21 Southampton Street
7	NP	CAP	5	14/01989/FUL : 19 Mayfield Road SO17 3SW

PSA – Public Speaking Allowance (mins); CAP - Approve with Conditions: DEL - Delegate to Officers:
PER - Approve without Conditions: REF – Refusal: TCON – Temporary Consent

AA – Andy Amery
AL - Anna Lee
SB – Stuart Brooks
NP – Nathan Pearce

Southampton City Council - Planning and Rights of Way Panel

Report of Executive Director of Environment

Local Government (Access to Information) Act 1985

Index of Documents referred to in the preparation of reports on Planning

Applications:

Background Papers

1. Documents specifically related to the application
 - (a) Application forms, plans, supporting documents, reports and covering letters
 - (b) Relevant planning history
 - (c) Response to consultation requests
 - (d) Representations made by interested parties

2. Statutory Plans
 - (a) Hampshire, Portsmouth, Southampton and New Forest National Park Minerals and Waste Core Strategy (Adopted 2007)
 - (b) City of Southampton Local Plan Review (Adopted March 2006) saved policies
 - (c) Local Transport Plan 2006 – 2011 (June 2006)
 - (d) City of Southampton Local Development Framework – Core Strategy (adopted January 2010)

3. Statutory Plans in Preparation
 - (a) City of Southampton Local Development Framework – City Centre Action Plan City Centre Action Plan Issues & Options Paper (2007)

4. Policies and Briefs published and adopted by Southampton City Council
 - (a) Old Town Development Strategy (2004)
 - (b) Public Art Strategy
 - (c) North South Spine Strategy (2004)
 - (d) Southampton City Centre Development Design Guide (2004)
 - (e) Streetscape Manual (2005)
 - (f) Residential Design Guide (2006)
 - (g) Developer Contributions SPD (September 2013)
 - (h) Greening the City - (Shoreburs; Lordsdale; Weston; Rollesbrook Valley; Bassett Wood and Lordswood Greenways) - 1985-1995.
 - (i) Women in the Planned Environment (1994)
 - (j) Advertisement Control Brief and Strategy (1991)
 - (k) Biodiversity Action Plan (2009)
 - (l) Economic Development Strategy (1996)
 - (m) Test Lane (1984)
 - (n) Itchen Valley Strategy (1993)

- (o) Portswood Residents' Gardens Conservation Area Character Appraisal (1999)
- (p) Land between Aldermoor Road and Worston Road Development Brief Character Appraisal(1997)
- (q) The Bevois Corridor Urban Design Framework (1998)
- (r) Southampton City Centre Urban Design Strategy (2000)
- (s) St Mary's Place Development Brief (2001)
- (t) Ascupart Street Development Brief (2001)
- (u) Woolston Riverside Development Brief (2004)
- (v) West Quay Phase 3 Development Brief (2001)
- (w) Northern Above Bar Development Brief (2002)
- (x) Design Guidance for the Uplands Estate (Highfield) Conservation Area (1993)
- (y) Design Guidance for the Ethelburt Avenue (Bassett Green Estate) Conservation Area (1993)
- (z) Canute Road Conservation Area Character Appraisal (1996)
- (aa) The Avenue Conservation Area Character Appraisal (1997)
- (bb) St James Road Conservation Area Character Appraisal (1996)
- (cc) Banister Park Character Appraisal (1991)*
- (dd) Bassett Avenue Character Appraisal (1982)*
- (ee) Howard Road Character Appraisal (1991) *
- (ff) Lower Freemantle Character Appraisal (1981) *
- (gg) Mid Freemantle Character Appraisal (1982)*
- (hh) Westridge Road Character Appraisal (1989) *
- (ii) Westwood Park Character Appraisal (1981) *
- (jj) Cranbury Place Character Appraisal (1988) *
- (kk) Carlton Crescent Character Appraisal (1988) *
- (ll) Old Town Conservation Area Character Appraisal (1974) *
- (mm) Oxford Street Conservation Area Character Appraisal (1982) *
- (nn) Bassett Green Village Character Appraisal (1987)
- (oo) Old Woolston and St Annes Road Character Appraisal (1988)
- (pp) Northam Road Area Improvement Strategy (1987)*
- (qq) Houses in Multiple Occupation (2012)
- (rr) Vyse Lane/ 58 French Street (1990)*
- (ss) Tauntons College Highfield Road Development Guidelines (1993)*
- (tt) Old Woolston Development Control Brief (1974)*
- (uu) City Centre Characterisation Appraisal (2009)
- (vv) Parking standards (2011)

* NB – Policies in these documents superseded by the Residential Design Guide (September 2006, page 10), albeit character appraisal sections still to be had regard to.

5. Documents relating to Highways and Traffic

- (a) Hampshire C.C. - Movement and Access in Residential Areas
- (b) Hampshire C.C. - Safety Audit Handbook
- (c) Southampton C.C. - Cycling Plan (June 2000)
- (d) Southampton C.C. - Access for All (March 1995)

- (e) Institute of Highways and Transportation - Transport in the Urban Environment
 - (f) I.H.T. - Traffic Impact Assessment Guidelines
 - (g) Freight Transport Association - Design for deliveries
 - (h) DETR Traffic Advisory Leaflets (various)
6. Planning related Government Circulars in most common use
- (a) Planning Obligations 05/05 (As adjusted by Community Infrastructure Levy Regulations 2010)
 - (b) Environmental Impact Assessment 2/99
 - (c) Planning Controls over Demolition 10/95
 - (d) Planning and Affordable Housing 6/98
 - (e) Prevention of Dereliction through the Planning System 2/98
 - (f) Air Quality and Land Use Planning 10/97
 - (g) Town and Country Planning General Regulations 19/92
7. Government Policy Planning Advice
- (a) National Planning Policy Framework (27.3.2012)
 - (b) National Planning Policy Guidance Suite
8. Other Published Documents
- (a) Planning for Daylight and Sunlight - DOE
 - (b) Coast and Countryside Conservation Policy - HCC
 - (c) The influence of trees on house foundations in clay soils - BREDK
 - (d) Survey and Analysis - Landscape and Development HCC
 - (e) Root Damage to Trees - siting of dwellings and special precautions – Practice Note 3 NHDC
 - (f) Shopping Policies in South Hampshire - HCC
 - (g) Buildings at Risk Register SCC (1998)
 - (h) Southampton City Safety Audit (1998)
 - (i) Urban Capacity Study 2005 – 2011 (March 2006)
 - (j) Strategic Housing Land Availability Assessment (March 2013)
9. Other Statutes
- a) Crime and Disorder Act 1998
 - b) Human Rights Act 1998

Agenda Item 5

Planning, Transport & Sustainability Division

Planning and Rights of Way Panel

- 10 February 2015

Planning Application Report of the Planning and Development Manager

Application address: Land Adjacent 224 Portswood Road (part of Former Portswood Bus Depot)			
Proposed development: Redevelopment of the site to provide 59 Dwellings (29 houses and 30 flats) with associated access and parking (Outline Application seeking approval for access, layout and scale)			
Application number	14/01783/OUT	Application type	OUT
Case officer	Andy Amery	Public speaking time	15 minutes
Last date for determination:	23.01.2015	Ward	Portswood
Reason for Panel Referral:	Major planning application subject to objection	Ward Councillors	Cllr O'Neill Cllr Claisse Cllr Norris

Applicant:

Agent:

Orchard Homes & Developments (Portswood) Ltd	Paris Smith Llp
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Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report

Recommendation Summary	
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Community Infrastructure Levy Liable	Yes
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered including the impact on the local residents including parking demands in Belmont Road and the character of the area 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 Local Authority is also satisfied that the character and appearance of the area would be preserved. 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 be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). Accordingly the proposal complies with policies CS4, CS6, CS13, , CS15, CS16, CS18, CS19, CS20 and CS25 of the Core Strategy (2010) saved policies SDP1, SDP4, SDP5, SDP6, SDP7, SDP9, SDP10, SDP11, SDP13, SDP14, SDP16, CLT14, H1, H2, H7 and H13 of the Local Plan (2006), Policies AP8, AP9 and AP11 of the City Centre Action Plan (Draft January 2015 Emerging), Supplementary Planning Document 'Residential Design Guide' (2006), 'Developer Contributions' (2013) and 'Parking Standards' (2011) and the National Planning Policy Framework (2012).

Appendix attached			
1	Development Plan Policies	2	Panel report for 10/01399/Out

Recommendation in Full

1. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:
 - i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPD relating to Planning Obligations (September 2013);
 - ii. Provision of affordable housing in accordance with Policies CS15, CS16 and CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPD relating to Planning Obligations (September 2013).
 - iii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.

- iv. Submission of a Training and Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPD relating to Planning Obligations (September 2013).
 - v. The submission, approval and implementation of a construction vehicle management and routing plan.
2. In the event that the legal agreement is not completed by 10 May 2015 the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
 3. That the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

1.0 The site and its context

- 1.1 The site comprises the residential phase of the comprehensive redevelopment of the former Portswood Bus Depot.
- 1.2 It has three frontages, with buildings facing onto Belmont, St Deny's and Portswood Roads but with vehicular access from Belmont Road only. The site is immediately adjacent to the Portswood district centre with its immediate access to all services together with good public transport links including buses and trains, to the city centre and the wider region.

2.1 Proposal

- 2.1 The proposal is a renewal of the outline application 10/01399/Out approved in November 2011. The originally approved drawings and supporting documents have been submitted for consideration. The residential proposals are identical to those previously approved.

All matters other than details of external appearance and hard and soft landscaping are to be considered. These are specifically, layout, means of access and scale.
- 2.3 During the construction of the superstore some temporary level changes on the residential site were required to enable construction compounds and access to be achieved for that phase of the development. For the purposes of this application the original levels are to be taken and regrading the existing levels back to those originally on the site is not considered to require any further planning consent than already given.
- 2.4 The original report approving the comprehensive redevelopment of the site is attached as Appendix 2 and should be read in conjunction with this report.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**. There have been no significant changes to local policies since the approval of the outline application in November 2011 with the exception of the introduction of the Article 4 direction on HMO’s and the adoption of the new parking standards.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 Since the original consent was issued the Government has published The National Planning Policy Framework (NPPF) which came into force on 27th March 2012 and replaced the previous set of national planning policy guidance notes and statements which were originally taken into account when considering the scheme. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4.0 Relevant Planning History

- 4.1 The full planning history for the site is set out in the attached original report for 10/01399/Out (Appendix 2).
- 4.2 10/01399/Out approved the comprehensive redevelopment of the site for a superstore and a residential phase comprising 59 units (29 houses and 30 flats) the details of which are identical to the current submission.

5.0 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (14.11.2014) and erecting a site notice (10.11.2014). At the time of writing the report 1 representation has been received from surrounding residents. The following is a summary of the points raised:

Comment

Belmont Road is already heavily parked and there will not be enough space to accommodate the additional cars associated with the development.

Response: The layout, including parking, is identical to that previously approved. The site is located within an area with excellent public transport links and access to cycle routes. Whilst the Council have adopted new parking standards since the time of the original submission the policy of maximum parking standards still applies.

- 5.2 **SCC Highways** - No objections raised.
- 5.3 **SCC Housing** – Support the proposals which will deliver much needed housing in an appropriate location.
- 5.4 **SCC Sustainability Team** – The pre-assessment indicates Code will be achieved therefore no objections subject to a condition requiring Code Level 4 to be achieved not Code Level 3 as originally approved to ensure compliance with the Core Strategy.
- 5.5 **Environment Agency** – The site is not within a recognized flood zone but as the site area is 1ha for a major development a flood risk assessment is required. This must identify current and future surface water run-off, the use of SUDs within the scheme, the ability of on-site drainage systems to manage any future extreme flood event.
- 5.6 **SCC Environmental Health (Pollution and Safety)** - No objections subject to conditions.
- 5.7 **SCC Environmental Health (Food Safety)** – Not consulted.
- 5.8 **SCC Environmental Health (Contaminated Land)** - No objections subject to conditions.
- 5.9 **SCC Ecology** – No objections raised.
- 5.10 **BAA** – Not consulted on the residential phase of development but a condition added as previously regarding heights of cranes during construction.
- 5.11 **Hampshire Constabulary** – No comments received.
- 5.12 **Southern Water** – No Objections subject to conditions.
- 6.0 Planning Consideration Key Issues**
- 6.1 The key issues for consideration in the determination of this planning application are:
- 6.2 Principle of Development
Accordance with local and national policies. It will deliver much needed additional family and smaller homes within a sustainable location as originally approved by the identical outline application 10/01399/OUT.

- 6.3.1 The proposal provides a mix of unit types and sizes at a density of 59 dwelling per hectare. This is modest taking into account its edge of centre location but realistic given the constraints of level changes, trees and parking demands associated with the development and the surrounding pattern of development, particularly along Belmont Road. The scale of buildings has been designed so as to respond to the housing in Belmont Road. Further details of the design and appearance would be the subject of a further planning application.
- 6.3.2 The site would have two distinct areas of residential development each benefitting from separate vehicle access points in Belmont Road (80m apart) with a small wooded area with pedestrian path and informal play in between. Retention of existing trees where possible (some trees on site whilst of visual amenity value are very poor in health) and additional planting is an important component of the scheme. The layout also provides a new pedestrian and cycle connection between Belmont Road and Portswood Road but would not have vehicle access from Portswood Road. Forty nine parking spaces are proposed to serve the development which although below the maximum which could be required given the number and mix of units in this location, continues to be in accordance with the Council's adopted maximum parking standards.
- 6.3.3 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution of £172 per unit has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. This application has complied with the requirements of the SDMP and meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

7.0 Summary

- 7.1 There has been no significant change to planning policies or guidance since the original approval in 2011 which would result in the need for a change in approach to the development of the residential phase of the former bus depot.

8.0 Conclusion

The scheme is identical to that previously approved and continues to be in Units in a highly sustainable location and bring a currently redundant site on the edge of the district centre back into an appropriate use.

Documents used in the preparation of this report Background Papers

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 4(f), 4(qq), 6(c), 7(a), 9(a), 9(b).

AA for 10/02/15 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Outline Permission Timing Condition

Outline Planning Permission for the principle of the development proposed and the following matters sought for consideration:

For the purposes of that area of the site comprising the residential development namely the layout of buildings and other external ancillary areas, the means of access (vehicular and pedestrian) into the site and the buildings, the scale, massing and bulk of the structure, and the principles of the landscaping areas (both hard, soft and including enclosure details) of the site is approved subject to the following:

- (i) Written approval of the details of the following awaited reserved matters shall be obtained from the Local Planning Authority prior to any works taking place on the site the appearance and architectural design specifying the external materials to be used, and the detailed landscaping of the site specifying both the hard, soft treatments, including tree planting, means of enclosures and the layout and specification for the public open space fronting Belmont Road.
- (ii) An application for the approval of the outstanding reserved matters shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission
- (iii) The development hereby permitted shall be begun [either before the expiration of five years from the date of this Outline permission, or] before the expiration of two years from the date of approval of the last application of the reserved matters to be approved [whichever is the latter].

02. APPROVAL CONDITION - Details 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 in writing by the Local Planning Authority before development commences.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality.

03. APPROVAL CONDITION - Details of Piling Method [Pre-Commencement Condition]

The method of piling foundations for the development shall be carried out in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before any piling begins. No percussion or impact driven piling operations shall take place unless agreed.

Reason: To ensure the selected piling method can be justified on the grounds of structural, geotechnical, contamination, noise, vibration and practicability and ensure any adverse environmental impacts are identified and appropriate mitigation measures are proposed.

04. APPROVAL CONDITION - Landscaping scheme [Pre-Commencement Condition]

The approved detailed landscaping scheme required to be submitted as reserved matters by Condition 1, shall be carried out in accordance with a programme to be agreed in writing by the Local Planning Authority before the residential development commences. Any trees, shrubs, seeded or turfed areas which, within a period of 5 years from the date of planting (including any replanting) die, fail to establish, are removed or become damaged or diseased, shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

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.

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

All trees and shrubs to be retained shall be fully safeguarded during the course of all site works including excavation, construction and building operations. Before any work is commenced on site, trees or other features which are to be retained shall be fenced off from the working area with 1.2 metre high chestnut fencing to B.S. 1722, Part 4 as follows:

- (a) For trees and shrubs, the fencing shall follow a line 1 metre outside the furthest extent of the canopy, unless otherwise agreed in writing by the Local Planning Authority.

Details of the position of all protective fencing pursuant to this condition shall be indicated on a site plan and agreed in writing by the Local Planning Authority before any site works commence. The fencing shall be maintained in 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. No goods, materials, soil, etc., shall be stacked or stored inside the fenced off area.

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

06. APPROVAL CONDITION - Protective fencing [Pre - Commencement Condition]

Details of the position of all protective fencing pursuant to Condition 5, full details of the tree protection zone for the planting undertaken in association with the development of the adjacent superstore, shall be indicated on a site plan and agreed in writing by the Local Planning Authority before any site works commence. The fencing shall be maintained in 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. No goods, materials, soil, etc., shall be stacked or stored inside the fenced off area.

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

07. APPROVAL CONDITION - No burning of materials

No burning of demolition or construction materials shall take place on the site.

Reason:

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

08. APPROVAL CONDITION - Hours of Construction

Unless otherwise agreed in writing by the Local Planning Authority all works relating to the construction of the development hereby permitted, including the works to form the basement to the site, demolition and ground preparation prior to construction, shall only take place between the hours of 0800 and 1800 Monday to Friday (excluding Public Holidays) and 0800 to 1300 Saturdays and at no time on Sundays or Public Holidays.

Reason:

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

09. APPROVAL CONDITION - Wheel Cleaning

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 have been cleaned sufficiently to prevent mud being carried onto the highway.

Reason:

In the interests of highway safety.

10. APPROVAL CONDITION - Soundproofing [Residential Pre-Commencement Condition]

The residential element of the development hereby approved must make provision for soundproofing so as to protect the occupants of the residential units from traffic noise from the adjoining highway and from noise generated by the shop and basement car park. Details must be submitted to and agreed in writing by the Local Planning Authority before any development of the residential phase of development commences. The soundproofing agreed by the Local Planning Authority pursuant to this condition must be implemented before any of the dwelling units are first occupied.

Reason:

In order to protect occupiers of the flats from traffic noise and noise generated by the shop and basement car park.

11. APPROVAL CONDITION - Contractors Compound [Residential Pre-Commencement Condition]

Detailed plans specifying the areas to be used for building operatives' and contractors' vehicle parking and plant, storage of building materials and any excavated material, huts, and all working areas required for the construction of the residential phase of development hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The development shall then be implemented in accordance with the approved details and the areas identified for the above purposes shall be retained and kept available for those purposes.

Reason:

In the interests of highway safety and the amenities of the area.

12. APPROVAL CONDITION - Archaeological works (Residential Pre-commencement condition)

No development shall take place within the residential area site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the archaeological investigation is properly investigated and complete.

13. APPROVAL CONDITION - Means of Enclosure [Residential Pre-Commencement Condition]

No development shall be commenced on the residential phase of development until details of all means of enclosure on the site have been submitted to and approved in writing by the Local Planning Authority. The approved 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 the occupiers of adjoining property.

14. APPROVAL CONDITION - Cycle and Refuse storage details [Residential Pre-Commencement Condition]

Before the development commences on the residential units, details of satisfactory facilities to be provided for the storage of cycles and for the storage and removal of refuse from the residential units shall be submitted to and agreed in writing by the Local Planning Authority. They shall be provided before any residential unit is first occupied and retained thereafter. The submitted details of the facilities shall include accommodation for the separation of waste to enable recycling.

Reason:

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

15. APPROVAL CONDITION - Residential Drainage - Performance Condition

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstanding shall be passed through an oil separator designed and constructed to have a capacity and operation compatible with the site being drained. Roof water shall not pass through the separator.

Reason.

To avoid ground pollution.

16. APPROVAL CONDITION: Residential site area - No further development if contamination found - Performance Condition

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To protect the minor aquifer beneath the site and the surface waters surrounding the site. There may be areas of the site which cannot be fully characterised by a site investigation and unexpected contamination may be identified.

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

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.

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

Written documentary evidence demonstrating that the development will achieve at minimum Level 4 of the Code for Sustainable Homes, including at least [the percentage required by core strategy policy CS20] in category Ene1, 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 assessment and certificate as issued by a legitimate 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).

19. APPROVAL CONDITION - Residential 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).

20. APPROVAL CONDITION - Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the

Local Planning Authority.

Reason:

For the avoidance of doubt and in the interests of proper planning.

21. APPROVAL CONDITION - Lorry Routing for construction traffic - Performance condition

All traffic related to the construction of the residential phases of development shall enter and leave the site via Thomas Lewis Way and at no time from Portswood Road or Highfield Lane in accordance with the lorry routing plan which forms part of the s106 agreement.

Reason:

In the interests of highway safety and the amenity of nearby residential areas.

22. APPROVAL CONDITION - Provision of access and parking for residential scheme - Residential pre-occupation condition.

Prior to first occupation of any of the residential units hereby approved a minimum of 49 car parking spaces, including garages, to serve the units shall be provided in accordance with the approved plans with proper access. The parking spaces and garages shall thereafter be retained and maintained in a manner to enable the parking of private cars associated with the residential units only.

Reason:

To ensure the car parking to be provided to serve the development is retained and maintained for that purpose in the interests of highway safety and the character and amenity of the area.

APPENDIX 1

10/01399/OUT

City of Southampton Local Plan Review (March 2006) 'saved' policies:-

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP8	Urban Form & Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility and movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting
SDP19	Aerodrome safeguarding
SDP21	Water quality and drainage
SDP22	Contaminated Land
HE6	Archaeological Remains
CLT5	Open Space
CLT6	Children's play space
H1	Housing Supply
H2	Previously developed land
H3	Special housing need
H7	Residential Density
REI7	Food and drink uses
REI8	Shopfronts
TI2	Vehicle Access

City of Southampton Core Strategy (January 2010) policies:-

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
CS21	Protecting and Enhancing Open Space
CS22	Promoting Bio-diversity and Protecting Habitats
CS23	Flood Risk
CS24	Access to Jobs
CS25	The Delivery of Infrastructure and Developer Contributions

Agenda Item 5

Appendix 2

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 18 January 2011
Planning Application Report of the Planning and Development Manager

Application address: City Bus Co Ltd 224 Portswood Road SO17 2AD			
Proposed development: Redevelopment of the site to provide a new supermarket (Class A1 retail 9,730 square metres gross floorspace with associated 344 space car park, new community use (Class D1 1,166 square metres gross floorspace) and public play area (no matters reserved for later approval) and 59 residential units (29 houses and 30 flats) with 49 associated car parking spaces (details of appearance reserved for later approval)			
Application number	10/01399/OUT	Application type	OUT
Case officer	Andy Amery	Public speaking time	15 minutes
Last date for determination:	23 January 2011	Ward	Portswood
Reason for Panel Referral	Major Development	Ward Councillors	Cllr Vinson Cllr Sollitt Cllr Capozzoli

Applicant: Sainsbury's Supermarkets Ltd	Agent: Wyg Planning And Design
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report and referral to the Secretary of State
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Appendix attached			
1	Development Plan Policies		

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 including

traffic generation and highway safety, the size of the store, the impact on the local centre, the impact on the surrounding area including nearby conservations areas, the level of car-parking, the loss of trees the provision of open space and play space, protected species, the proposed mix of uses, the impact of the development on the character of the area and the nearby residential occupiers as well as the call - in inquiry (for application 05/01407/FUL) and the more recent approvals (08/00336/OUT and 09/00513/OUT) 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.

City of Southampton Local Plan Review (March 2006) 'saved' policies:-

SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP15, SDP16, SDP17, SDP19, SDP21, SDP22, HE6, CLT5, CLT6, H1, H2, H3, H7, REI7, REI8 and TI2.

City of Southampton Core Strategy (January 2010) policies:-

CS4, CS5, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS22, CS23, CS24 and CS25.

Recommendation in Full

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

1. The Secretary of State for the Environment not requiring the decision to be referred to him under the terms of the Town and Country Planning Shopping Direction.
2. The applicant entering into a Section 106 Legal Agreement to secure:
 - i. Either
 - a financial contribution towards site specific transport contributions for highway and pedestrian facility improvements in the vicinity of the site
 - or
 - provision to implement an agreed series of works under S.278 of the Highways Act in line with policies SDP4 of the City of Southampton Local Plan Review (March 2006), CS18 and CS25 of the City of Southampton Core Strategy (January 2010) and the adopted SPG

relating to Planning Obligations (August 2005 as amended);

- ii. The provision of an on-site equipped children's play area prior to first occupation of the retail unit;
- iii. The submission, approval and implementation of public art that is consistent with the Council's Public Art 'Art People Places' Strategy.
- iv. The submission, approval and implementation of a Green Travel Plan (GTP) to address the impact of the parking provision so that it can be assessed along with the transport needs of the development;
- v. A commitment to local labour and employment initiatives both during the construction phase and post completion;
- vi. The submission of a highway condition survey.
- vii. The funding of any Traffic Regulation Orders required for the above measures and to enable the development to be implemented.
- viii. The provision of an unencumbered access for cyclists and pedestrians linking Belmont Road and Portswood Road prior to first occupation of the retail unit.
- ix. Improvements to the public realm in the vicinity of the site
- x. The provision of affordable housing in accordance with policy CS15 of the City of Southampton Core Strategy (January 2010).
- xi. Contributions towards the provision of or improvements to public open space.
- xii. Management of the car-park to ensure its' availability to serve the Portswood District Centre
- xiii. Lorry routing for construction and servicing vehicles
- xiv. Arrangements to limit noise generated by refrigerated delivery vehicles
- xv. CCTV provision.
- xvi. The provision and level of fit-out including timescales for delivery of the community use building

And that the DC Manager be authorised to refuse permission if the Section 106 Agreement has not been completed within a reasonable time period of the

resolution to grant permission on the grounds of failure to secure the provisions of the Section 106 Agreement.

1.0 Background

1.1 Planning permission was originally granted on the site for a 6 578 sq m (gross floorspace) retail store, health centre, 140 residential units and new children's play area on 11 December 2008 following consideration by the Planning Panel on 22nd July 2008. The subsequent confirmation from the Secretary of State had confirmed that the application was not to be 'called in' but could instead be determined at local level (08/00386/OUT).

1.2 A revised scheme (09/00513/OUT) was submitted on 16 May 2009. It included amendments to the design and size of the retail unit, increasing its height along the Portswood Road frontage and increasing the gross floorspace from 6 578sq m to 7 492sq m (although the net sales area remained unchanged at 3 716sq m. The revisions also included:-

- a re-designed vehicular access from Portswood Road including a mini-roundabout and two lanes for exiting the site,
- a cafe at mezzanine level above the store, and
- a re-orientation of the store entrance to face southward thus addressing the Portswood District Centre.

1.3 All other matters, including the provision of the health centre, the children's play area, the pedestrian link between Belmont Road and Portswood Road and 140 residential units (22 houses and 118 flats) remained unchanged.

1.4 The scheme was considered and approved by the Planning and Rights of Way Panel on 29 September 2009 and following the decision of the Secretary of State to again leave the decision making to the Local Authority.

1.5 Soon after the granting of planning permission for 09/00513/OUT it was identified by the Primary Care Trust that funding for the health centre would not be forthcoming and that the independent structure would not be constructed. The lack of delivery of the building and the loss of the community use element of the proposals was considered to be detrimental to the overall development of the site in terms of delivering a mixed use development across the whole site but also in urban design terms. The health centre building provided an important element of the active frontage along Portswood Road and also formed part of the 'pedestrian street' which integrated the housing area with the commercial development.

1.6 The current application has therefore been submitted to address this problem. The significant changes to the earlier approved scheme can be summarised as follows:

(i) The store has been extended into the ground floor area that would have originally formed the health centre building increasing the gross floor area from 7 492sq m to 9 730sq m and the net sales area from 3 716sq m to 4 645sq m.

(ii) A new community facility of 1 660 sq m is provided at upper floor level above the northern end of the store with street level entrance lobby accessed directly off Portswood Road and comprising lift and stair access.

(iii) The vehicular access serving the store has been moved northward in Portswood Road.

(iv) The pedestrian street linking Belmont Road and Portswood Road has been re-provided but is now wholly within the residential scheme.

(v) The children's play area (LEAP) has been relocated closer to the entrance of the store in St Deny's Road.

(vi) An additional area of open space/informal play has been included within the residential layout.

(vii) Additional tree planting has been provided in the form of a treed and landscaped belt between the retail and residential areas at the rear of the covered service area and also along the northern edge of the store access road.

(viii) The area of the residential development remains similar to that previously approved but the number of residential units has been reduced from 140 to 59 as a result of a significant reduction in the number of flatted units and an increase in the provision of family housing.

(ix) The external appearance of the store has been revised to provide greater activity along the Portswood Road and St Deny's Road frontages, including a full height glazing element at the junction of St Deny's Road. The height of the store on back edge of pavement has been slightly reduced.

(x) The amount of car-parking to serve the store has increased from 325 to 344 spaces.

2.0 The site and its context

2.1 The 2.5ha site was until recently occupied by First Bus and is still known as Portswood Bus Depot. The site is currently being cleared of the bus depot buildings and associated hardstandings in accordance with the conditions imposed on planning permission 09/00513/OUT . It is currently surrounded by 2m high security fencing. The applicant can build out retail store and play area under the 09/00513/OUT consent without the requirement to construct the health centre building.

2.2 Located immediately to the north of the Portswood District Centre it is bounded by Portswood Road to the west, St Deny's Road to the south and Belmont Road to the east. The Belmont Road frontage comprises an almost continuous tree belt which was planted to screen the utilitarian bus depot buildings. It is a 'one-sided' street with wholly residential development, mainly comprising family houses on its eastern side. St Deny's Road to its junction with Belmont Road benefits from a mix of commercial and residential properties and also includes the local Police station which is located opposite the children's play area. The section of Portswood Road opposite the site and north of the traffic light junction comprises a short section of commercial units but is predominantly a mix of residential houses and flats.

2.3 The site has significant level changes sloping down to the north and east from a high point at the junction of Portswood Road and St Deny's Road at the point where the store entrance is located. The changes in levels help facilitate the provision of underground parking serving the store but means that the internal floor level of the store will gradually become raised above street level Portswood Road as you move north along the elevation (as was the case with previously permitted schemes) but also that the store will be at a higher level than the proposed residential development to the north and east. The level changes are utilised in a creative way to form the children's play area, using gradients to inform the siting of play equipment.

2.4 The site benefits from mature tree planting, although much of this is in poor condition due to lack of maintenance over a number of years. The tree belt on raised land at the northern point of the site where Portswood Road and Belmont Road join will remain as will the tree belt in the central section of Belmont Road which will form an area of open space/informal play within the residential scheme. Additionally the tree belt along the southern section of Belmont Road will also be retained.

3.0 Proposal

3.1 The application has been submitted in 'Outline' form but as previously the proposals comprise a 'hybrid' of two distinct phases.

3.2 Phase 1 is represented by the retail store and access to it, the community facility, the children's play area (LEAP) and the tree belt sited between the commercial and residential elements of the scheme. For this element of the scheme all matters are requested to be considered and as such it is effectively a 'full' application although some matters of landscape detail have been reserved by condition.

3.3 Phase 2 is represented by the 59 residential units which comprise 29 family houses and 30 flats (previous scheme comprised 22 houses and 118

flats). Matters of appearance and landscaping are to be reserved but siting, access and scale are all to be considered

3.4 The retail store has increased in size from a net sales area of 3 716sq m to 4 645sq m, a 25% increase on the scheme currently permitted. Parking provision has increased from the currently approved 325 to 344 spaces. The vehicular access to the store has been relocated further north along Portswood Road than the currently approved location but remains designed as a mini-roundabout. Vehicular access into the store is by a single lane but there is a two lane exit to avoid backing-up when leaving the site. The external appearance of the store has been revised to ensure greater activity along both the Portswood and St Deny's Road frontages.

3.5 The increase in the size of the store is due to the loss of the stand-alone health facility which was intended to be operated by the Primary Care Trust. As a consequence a community facility of 1160 sq m is to be located at upper floor level but benefiting from street level access from Portswood Road and with secure lift and stair access from a ground floor lobby. The use will be restricted to uses falling within D1 of the Use Classes Order which includes libraries and early years facilities.

3.6 The children's play area (LEAP) has been relocated, in consultation and agreement with the Council's play space team, closer to the entrance of the store where it is considered to be better related to the district centre and is also overlooked by the re-designed cafe on the upper floor of the south elevation of the store. It remains opposite the Portswood Police Station.

3.7 As part of the store development, the applicant will provide a new tree belt which wraps around the eastern and northern perimeter of the sites in addition to additional tree and landscape planting already proposed along the St Deny's and Portswood Road frontages.

3.8 The Phase 2 residential development remains similar in terms of site area, but now proposes a much reduced scale and density of development with the number of units being reduced from 140 to 59 with the proportion of family houses to flats at almost 50% compared to 14% as previously approved. The units are predominantly 3 storey rather than 4 storey as currently approved.

3.9 Three storey family town-houses are provided along the Belmont Road frontage to respect and maintain the family house character of the road. The pedestrian street linking Belmont Road to Portswood Road is re-created wholly within the residential scheme with a terrace of two storey mews style houses on the southern side backing onto the tree planting belt which separates the site from the access road to the store. This route would be used by cars for the occupiers of houses within the scheme but would only be a through route for pedestrians.

3.10 Flats are largely restricted to the Portswood Road frontage and at four but mainly three storey height are similar in height and scale to a number of modern flatted blocks recently constructed along the section of Portswood Road between Portswood and Swaythling. Three storey flats are also proposed at the northern tip of the site where land levels, tree planting and the shape of the site constrain the ability to achieve houses.

3.11 The residential layout falls into two distinct sections as previously. However, unlike the previous scheme, which incorporated a vehicle access and servicing area for the health centre from Belmont Road between the two residential areas, this scheme knits the residential areas together utilising existing tree planting and the opportunity to create an informal open space/play zone.

4.0 Relevant Planning Policy

4.1 The Development Plan for Southampton currently comprises the South East Plan Regional Spatial Strategy (May 2009), the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies (subject to the comment in 4.2 below) to these proposals are set out at **Appendix 1**.

4.2 The policies of the South East Plan, Southampton’s Core Strategy and Local Plan Review have been taken into account in the consideration of this application. The Core Strategy is in general conformity with the South East Plan, and it is not considered that the policies in the South East Plan either conflict with or add particular weight to the policies in the Core Strategy for this application. Consequently only the local statutory development plan policies (Core Strategy and Local Plan Review) have been cited in this report.

4.3 Major developments are expected to meet high sustainable construction standards in accordance with the City Council’s adopted and emerging policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.

5.0 Relevant Planning History

5.1 There have been a number of applications seeking to re-develop the site for mix use comprising primarily a retail store and residential development. Two planning consents have been issued, the most recent of which the site is currently being prepared to build out but without the approved stand-alone health centre. The original applications seeking to re-develop the site date back to 2005.

5.2 05/01407/FUL. Initially the applicant applied for a full permission for the redevelopment of the site to provide a supermarket of 6907 sq.m gross floor

space (Class A1 retail) provision of 14 residential units, vehicular access from Portswood Road and St Denys Road with 398 car parking spaces following the demolition of existing buildings. This application covered only that area of the site currently subject of the store and community facility.

5.3 05/01409/OUT. At the same time the applicant submitted an Outline application (05/01409/OUT) covering the whole site for the redevelopment of the site to provide a supermarket of 6907 sq.m gross floor space (Class A1 retail), provision of 73 residential units, vehicular access from Portswood Road, St Denys Road and Belmont Road with a total of 441 car parking spaces and a primary care health facility following demolition of existing buildings. (Outline application for the whole site seeking approval for siting of buildings and means of access)

5.4 Both applications were recommended for approval and supported by the (then) Planning Committee. However, the final decision was referred to the Secretary of State who decided the applications should be the subject of a call-in Inquiry. The Inspector's report to the Secretary of State dated 10 August 2007 considered all aspects of the development including retail need, traffic generation, car-parking, design and layout, trees and living environment for future occupiers on the site. The report formed the basis upon which the Secretary of State issued her decision on 13 November 2007. The conclusions of the Secretary of State were supportive, with regard to qualitative and quantitative need, the scale of the store, the impact of a store on the district centre and transport issues including car-parking. The Secretary of State was also supportive of the mixed use re-development of the whole site, and the affordable housing need. The Secretary of State raised concerns about the loss of trees on the site and identified an opportunity for more to be retained and additional planting undertaken. However, the tree issues did not translate into the reasons for dismissing the applications.

5.5 The two issues stated by the Secretary of State for refusing the applications were design related. These were specifically, 'the configuration of both the key worker housing and the car park' which were deemed to be unacceptable '*because of the effect on living conditions and the character of the area*'.

5.6 08/00386/OUT - Redevelopment of the site to provide a new supermarket (Class A1 retail - 6,578 square metres gross floorspace) with associated 325 space car park, medical centre (Class D1), with associated 40 space car park and public play area (no matters reserved for later approval) and 140 residential units (22 houses, 118 flats) with 119 associated car parking spaces following demolition of the existing buildings (details of appearance reserved for later approval).

5.7 The application was similar in form to the current application in that it was

a 'hybrid' application in 'outline' form seeking all matters to be agreed for the store and medical centre but reserving matters of detail to be agreed at a later date for the residential development. It was this scheme that introduced the underground car-parking and the pedestrian link through between Belmont and Portswood Roads. The application was approved 11.12.2008.

5.8 09/00513/OUT - Redevelopment of the site to provide a new supermarket (class A1 retail - 7,492sqm gross floorspace) with associated 325 space car park, medical centre (class D1) with associated 40 space car park and 140 residential units with 119 parking provision following demolition of the existing buildings. This is the currently approved scheme for which clearance works have begun on-site. The planning application was submitted following a review by the applicant of the 08/00386/OUT scheme.

5.9 The applicant made a number of changes to the proposals which included, a redesign of the elevational treatment to the scheme along the Portswood and St Denys' Road frontages including:-

- an increase in height of the building where it fronts onto Portswood Road,
- an increase in the gross floor area of the building from 6,578sq m to 7,492sqm,
- the re-orientation of the main pedestrian entrance of the store at the junction of Portswood Road and St Denys Road so that it addressed and faced towards the existing district centre,
- the widening of the store vehicular access to allow two lane exit and single lane entrance from Portswood Road,
- a re-organisation of the layout of the service yard area accessed from St Denys Road,
- a re-organisation of the internal floor layout including siting of the cafe at mezzanine level, and
- the addition of sustainability measures which include a bio-mass boiler.

6.0 Consultation Responses and Notification Representations

6.1 Representations

6.1.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement and erecting a site notices. The amended plans received on 21 December 2010 were also the subject of a re-consultation with local residents. At the time of writing the report **40** representations have been received from surrounding residents. However, given the 14 day re-consultation period took place over the Christmas and New Year period the official closing date for representations of 3 January 2011 was agreed to be kept open until 14 January to enable sufficient time for local residents to view the plans and make comments. Therefore any additional

representations received after 3 January will be verbally updated to the Panel. Of the representations received 39 were objections and 1 was of support.

6.1.2 Summary of Representations made: The objections to the scheme were largely founded on similar issues to those previously raised on earlier applications:-

- Significant concern has been raised by all objectors to the 25% increase in the size of the store and the retail impact it would have on existing district and local centres (especially taking into account the recession);
- The clear and over-riding concern of local residents however is the fear of the potential problems caused by traffic generation including potential gridlock in the area around the site;
- Potential for significant increases in traffic rat-running through nearby residential areas, due to the lack of a right hand turn into Highfield Lane at the junction with Portswood Road for traffic turning left out of the store but heading towards the west or northwest of the City;
- The majority of objectors consider that an increase of 19 parking spaces is wholly an inadequate amount of additional parking to serve the bigger store;
- The size of the building being massively out of scale and proportion with the area;
- The loss of the health facility;
- Increased noise and disturbance: and,
- Loss of trees.

6.1.3 A number of objectors were concerned about the combined impact of traffic from this scheme and the proposed petrol filling station submitted by the same applicant for the nearby car-sales site in St Deny's Road. However, that scheme has been refused under officer's delegated powers.

6.1.4 The letter of support welcomed the opportunity to create jobs in the area, the creation of better shopping opportunities for the area and the provision of the children's play space.

6.2 Consultation responses

6.2.1 **SCC Highways** - The increase in the store footprint will not result in a similarly linked increase in vehicular journeys to the site. The level of car parking which is increased from 325 to 344 spaces is satisfactory. The service yard is well laid out and is acceptable.

6.2.2 The movement of the access roundabout to the store car park further away from the St Deny's Road junction is better in highway terms than the previously approved scheme and should make traffic flows slightly better.

6.2.3 It is recommended that the staff parking bays along the access road be clearly marked and managed to prevent use by customers, which would cause problems at peak flow periods. Additionally, it is recommended that one of the staff parking bays, immediately adjacent to the stair core, needs to be removed.

6.2.4 With regard to the residential layout there are some concerns about the refuse collection from Portswood Road which need to be addressed to avoid obstruction of the carriageway and four of the parking spaces served off the street linking Belmont Road and Portswood Road must demonstrate that forward visibility of pedestrians can be achieved.

6.3.0 **SCC Policy** - The site is located to the north of Portswood District centre immediately adjacent to that centre. In terms of detailed layout it creates a good relationship with the centre in that the store directly faces it. With the access point at the junction of Portswood Road and improved crossing facilities at the junction it will be easily accessible.

6.3.1 Retail impact - introduction: The immediate catchment area has a population of nearly 60 000 which is the equivalent of a medium sized town. At present, only one supermarket (Waitrose) and one medium sized supermarket (Co-op) serve this population resulting in the existing Waitrose Store trading significantly above the company average. There are also significant levels of 'out-flows' of expenditure from the catchment area to the large out town superstores, in particular Chandlers Ford and Hedge End.

6.3.2 It is recognised that since the original consents economic circumstances have changed as the country entered recession. It is noted that the health of the Portswood Centre has remained reasonably good during this period with low vacancy rates. The economic recovery has begun but it is accepted that there are still doubts about the strength of the recovery.

6.3.3 The proposed store seeks a net sales area of 4 645 sq m, a 25% increase on that currently approved. The applicant has submitted a revised retail impact which takes into account a number of assumptions are reasonable as one potential scenario.

6.3.4 However, forecasting future impact is not a precise science and so it is important to test other potential scenarios as a way of assessing the robustness of the applicant's case. In assessing retail impact therefore a number of variations have been made to the applicants submitted data. This includes an increased catchment area population as local data indicates a higher figure than used by the applicant, reduced levels of expenditure taking into account the recession, a 10% greater trade draw from existing Portswood stores than predicted by the applicants, a 10% greater turn-over by Sainsbury than predicted by the applicants. These variations have been done for both food and non-food items.

6.3.5 Impact on food sector: It is considered that there is scope for a major superstore in this location and of this larger size due to the combination of the large catchment population, the significant level of clawback trade from out of town sites and also the Waitrose store which is significantly over-trading. It is considered that a significant number of customers using the store will also utilise other services within the district centre and as a high percentage of these will be additional customers 'clawed-back' from out of town sites, this will reduce the impact on trading in the existing centre.

6.3.6 However, the exact impact on the smaller stores is more difficult to predict. Some stores provide a specialist, niche role and these are less likely to be affected. However, other food stores could close as a result of the direct competition and convenience of the larger store. On balance it is considered that the centre is likely to undergo a degree of change over time rather than decline, with new uses replacing some of the existing shops to attract the additional customers coming into the centre as a result of the store. It is therefore considered that the likely retail impact in the food sector will not be harmful.

6.3.7 Impact on comparison goods sector: The comparison element of the superstore will draw from a range of locations including the city centre, out of centre locations and Portswood district centre. The proposed sale comparison goods include clothing, homeware, limited electrical goods, toys and seasonal goods and the floor area proposed for such items has increased by 406 sq m or 38% compared to the existing consent.

6.3.8 Again, the assessment of impact is not a precise science and an accurate level of trade taken from existing Portswood stores for comparison goods is difficult to estimate. However, the range of goods identified to be sold is normally associated with superstores.

6.3.9 Part of the rationale for the proposal is that it will attract more people into the centre to undertake particularly non-food shopping in the centre itself not just the new store, and this to some extent counteracts the impact.

6.3.10 However, given the increase size of the store and in particular the comparison goods element of it, coupled with the uncertainty of the strength of the recovery, additional conditions should be imposed to help protect the existing centre.

6.3.11 Suggested Policy led conditions: Similar conditions are recommended to those previously imposed, but conditions requiring clear signage on the car park are required to inform customers using the district centre not just the store can stay for up a two hour period to be able to undertake linked trips.

6.3.12 The net sales floorspace should be limited to 4 645sq m and maximum floorspace restrictions of 3 539sq m for convenience goods and 1 106 sq m for comparison goods should also be imposed.

6.3.13 The sub-division of the store into more than one unit and the provision of services such as a Post Office, dry cleaners, pharmacy, photoshop or key cutting should be prevented. The sale of Comparison goods should also be restricted to the sale of the following goods only; clothes, homeware, electricals, toys and seasonal items (e.g. Christmas and Halloween). Additionally, clothing should not take up more than one third of the comparison goods floorspace.

6.4 **SCC Housing** – Welcome the increased number and mix of family housing. No objection is raised to the reduced number of units being proposed.

6.5 **SCC Sustainability Team** - Supportive of the provision of the on-site bio-mass boiler system which will generate 24% of the total energy consumption of the store on site. Conditions are required to ensure the store and residential development achieve the appropriate levels of sustainability which for the store is BREEAM Very Good and for the housing a minimum of Code Level 3 as required by policy CS20.

6.6 **SCC Architect's Panel** – Consider the design of the store and community facility to represent good modern design. Initially very concerned about the proposed residential layout but the revised plans reducing the numbers to 59 and re-introducing the link street and areas of open space within the scheme are to be welcomed and supported.

6.7 **SCC Environmental Health (Pollution & Safety)** – No objections subject to similar conditions being imposed.

6.8 **SCC Environmental Health (Food Safety)** – No comments.

6.9 **SCC Environmental Health (Contaminated Land)** - No objections but require similar conditions to those previously imposed.

6.10 **SCC Ecology** – Welcomes the additional tree belt planting compared to the original proposals.

6.11 **BAA** - No objections but require similar bird hazard management conditions to be imposed.

6.12 **Hampshire Constabulary** - Still awaiting comments to the revised layout. These will be verbally updated to Panel.

6.13 **Southern Water** – Raise no objections and identify that the discharge of

foul water from the site to the existing sewerage system can take place subject to the applicant demonstrating no net increase compared to existing flows. Any SUDS system must be the subject of a condition detailing future management of such a system.

6.14 Environment Agency - Raise no objections but highlight that SUDS systems may not always be suitable in high risk areas such as loading bays and large areas of car parking. Details of the surface and foul water drainage systems to be installed are therefore requested to be conditioned.

6.15 City Design - The scheme has been amended following meetings and negotiations with the City Design Team following initial concerns relating to the layout of the residential element of the proposals and the lack of active frontage along Portswood Road shown on the store elevations. The re-introduction of a linked street is welcomed and the general layout of the residential element has been greatly improved. The overall numbers and scale of the residential element is more sympathetic to its surroundings than the approved scheme. The additional tree planting and provision of open space is welcomed. The additional glazing to both the Portswood Road and Belmont Road frontages adds to the active frontages which need to be created and maintained. The design of the store and community facility is acceptable.

6.16 SCC Play Space Officer - Welcomes the provision of the play area and supports its re-location closer to the entrance of the store and the district centre.

7.0 Planning Consideration Key Issues

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

7.2 Principle of Development

7.2.1 The principle of re-developing the site for a mix of uses primarily comprising a retail store and residential development has already been agreed and work is progressing on preparing the site in order to implement the 09/00513/OUT consent.

7.2.2 The main issue therefore is whether the increased size of the store is acceptable in planning terms, in particular in terms of retail and traffic impact.

7.2.3 Other issues include whether the reduced housing numbers and density is acceptable in terms of housing delivery and the impact on the character of the area, the re-siting of the children's play area and the loss of trees.

7.3 The increased size of the store and its retail impact on the district centre and other local centres

7.3.1 This has been carefully assessed as set out in the Policy comments of sections 6.3.0-6.3.13 of this report. It is acknowledged that there will be some on the existing district centre, potentially more so than previously due to the increased floorspace for comparison goods. The overall assessment is that the positive impacts from the clawback of trade from out of town stores will have an overall benefit to the local centre but conditions are recommended to restrict the way in which the store is able to trade and operate to minimise the negative impacts of the development.

7.3.2 A retail policy planner will be present at the Panel to facilitate the discussion on retail impact.

7.4 The increased size of the store and its impact due to additional traffic generation

7.4.1 The traffic assessment for the scheme suggests that the 25% increase in the floorspace provided for the store will not translate into a similar increase in traffic generation. The increase in parking spaces to serve the development of 19 from 325 to 344 spaces is considered acceptable.

7.4.2 The relocation of the access point further north in Portswood Road is welcomed from a highways perspective, as it increases the capacity of the right-turn filter lane for vehicles heading from south of the site and is likely to help ease possible traffic flow congestion at peak times.

7.4.3 Some minor revisions are suggested to the layout of the parking area and refuse storage area for the residential scheme but otherwise no objections are raised on highways grounds.

7.4.4 A highways officer will be present at the Panel to facilitate the discussion on highways impact.

7.5 The increased size of the store and its impact on local character and amenity

7.5.1 The store and community facility cover a similar footprint to that approved by the combined store and separate health centre building. Therefore the scale and massing of the overall building form on the commercial side of the site is not significantly different to that already approved and is not considered to have a materially greater visual impact or result in loss of light/overshadowing compared to the approved scheme. One advantage of the extended store is that the access to the community building on the Portswood Road frontage is on the district centre side of the access road rather than being separated from it by the access road to the store car park as was the case with the health centre. The revised design of the store and community facility also includes greater amounts

of active frontage to both Portswood and St Deny's Roads which is supported in urban design terms.

7.6 Housing Layout and Density

7.6.1 The area allocated for housing is similar to that approved on earlier schemes. Potentially the most material change to the proposals compared to previous approvals is the significant reduction in the total number of residential units proposed and the increased proportion of family housing. The total number of units has been reduced by over 50% from 140 to 59. The residential area of the site is approximately 1 hectare giving a residential density of 59 units per hectare which is within the lower range expected to be found within a medium accessibility area.

7.6.2 The layout and density is considered to respond more sympathetically to the surrounding residential development than did the approved, mainly flatted scheme and creates, along the Belmont Road frontage, two distinct sections of terraced family housing separated by a landscaped area of open space and informal play where on the approved scheme there was an access and service area for the health centre. The parking to serve the residential units is all at surface level removing the need to engineer underground parking served from Belmont Road. The overall scale and massing of the proposed residential layout has also been reduced with a mix of two, mainly three and a small amount of four storey development, whereas the approved scheme was a mix of three and four storey flatted blocks and town houses.

7.6.3 Visually the residential scheme is considered to be more responsive to the local area. The additional tree planting and areas of open space, private gardens and private communal space give a more spacious feel to the scheme and are considered to represent an improvement to the character and sense of place achieved. The provision of more, family housing units is supported and in accordance with the Councils adopted policies.

7.7 Children's play area

7.7.1 The re-siting of the children's play area is fully supported by the Council's play space team. It's location closer to the entrance of the store and the district centre means access to it is easier and prevents the need for crossing the service access road to get to it. Casual surveillance is achieved from the first floor cafe in the store and the adjacent footpath. The site is also located opposite the Portswood Police station. The creation of a second area of informal play within the landscaped open space zone as part of the residential proposals is particularly welcomed.

7.8 Loss of trees

7.8.1 The proposals do not result in any additional tree loss than the currently approved scheme does. However, the revised layout creates an additional tree belt to be planted between the store and the residential elements of the scheme significantly increasing the amount of tree planting on the site. Additionally there is an increase in the provision of soft landscaping areas across the site in the form of private and communal garden areas and landscaped areas of open space.

7.9 Sustainability

7.9.1 The store includes a bio-mass boiler facility within the covered service area of the site which will generate up to 24% of the energy needs of the store. Conditions have been imposed with regard to the need to achieve a minimum of Code Level 3 for the housing development.

8.0 Summary

8.1 The increased size of the store will have some additional impact on the trading levels of existing stores in both the district and nearby local centres but the benefits of clawback from out of centre locations is considered likely to outweigh this impact.

8.2 The impact on the local highway network is considered to be manageable without causing significant levels of additional congestion or harmfully changing the character of some of the local residential areas. The overall number of strategic journeys may be reduced as people use Portswood rather than driving out to existing sites on the periphery of or beyond the city boundary.

8.3 The scheme delivers the opportunity to provide new community facilities which are easily accessible from the district centre and by public transport. The provision of the children's play facilities of which there is currently a shortfall serving the local community and the additional tree planting are supported.

8.4 The residential development delivers a greater amount of family housing than previously approved within a layout and at a density which is more compatible to the character of the local area than currently approved.

9.0 Conclusion

9.1 The application is recommended for delegated approval to the Development Control Manager, subject to the Secretary of State not wishing the application to be called-in for consideration and subject to the completion of a Section 106 legal agreement as detailed above.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1a, 1b, 1c, 1d, 2b, 2d, South East Plan Regional Spatial Strategy (May 2009), 4f, 5a, 5e, 6a, 6c, 6f, 7a, 7b, 7e, 7f, 7g, 7j, 7l, 7n, 7p, 7t, 7u, 7v, 7w, 9a, 9b.

AA for 18/01/11 PROW Panel

PLANNING CONDITIONS

CONDITIONS for 10/01399/OUT

01. APPROVAL CONDITION - Outline Permission Timing Condition

Outline Planning Permission for the principle of the development proposed and the following matters sought for consideration:

a. For the purposes of that area of the site comprising the retail store, the community facility, the new tree planting belt and the Local Equipped Area of Play and the emergency exit routes from the underground car park namely the layout of buildings and other external ancillary areas, the means of access (vehicular and pedestrian) into the site and the buildings, the appearance and design of the structure, the scale, massing and bulk of the structure, and the principles of the landscaping areas (both hard, soft and including enclosure details) of the site is approved subject to the following:

- (i) Written approval of the details of the following awaited reserved matters shall be obtained from the Local Planning Authority within 3 months of the date of this consent.
Landscaping: Tree pit design and planting specification should be supplied for all of the tree and shrub planting. In relation to sections of soft landscape fronting St Deny's Road, including the play area, further full details of the tree and shrub planting design should be submitted for these elements. (See Note to applicant below).
- (ii) An application for the approval of the outstanding reserved matters shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission
- (iii) The development hereby permitted shall be begun [either before the expiration of five years from the date of this Outline permission, or] before the expiration of two years from the date of approval of the last application of the reserved matters to be approved [whichever is the latter].

b. For the purposes of that area of the site comprising the residential development namely the layout of buildings and other external ancillary areas, the means of access (vehicular and pedestrian) into the site and the buildings, the scale, massing and bulk of the structure, and the principles of the landscaping areas (both hard, soft and including enclosure details) of the site is approved subject to the following:

- (i) Written approval of the details of the following awaited reserved matters shall be obtained from the Local Planning Authority prior to any works taking place on the site the appearance and architectural design specifying the external materials to be used, and the detailed landscaping of the site specifying both the hard, soft

- treatments, including tree planting, means of enclosures and the layout and specification for the public open space fronting Belmont Road.
- (ii) An application for the approval of the outstanding reserved matters shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission
 - (iii) The development hereby permitted shall be begun [either before the expiration of five years from the date of this Outline permission, or] before the expiration of two years from the date of approval of the last application of the reserved matters to be approved [whichever is the latter].

Reason:

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

02. APPROVAL CONDITION - Details of building materials to be use [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 in writing by the Local Planning Authority before development commences.

Reason

To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality.

03. APPROVAL CONDITION - Anti-social behaviour [Pre-Commencement Condition]

Unless otherwise agreed in writing, prior to first use of the retail store or parking area details of measures shall be submitted to and approved by the Local Planning Authority demonstrating how the development will be designed, implemented and operated or managed in such a way as to discourage the antisocial use of the public areas including the underground car-parks, surface parking areas , ramps, travelators and landscaped areas by skateboarders, cyclists and rollerbladers.

Reason

In the interest of residential amenity.

04. APPROVAL CONDITION - Details of Piling Method [Pre-Commencement Condition]

The method of piling foundations for the development shall be carried out in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before any piling begins. No percussion or impact driven piling operations shall take place unless agreed.

Reason:

To ensure the selected piling method can be justified on the grounds of structural, geotechnical, contamination, noise, vibration and practicability and ensure any adverse environmental impacts are identified and appropriate mitigation measures are proposed.

05. APPROVAL CONDITION - Shop Frontage [Performance Condition]

The proposed retail store shall incorporate and maintain the active frontage along the Portswood Road and St Deny's frontage as shown on the approved plans. All glazing to the shopfronts shall be of laminated glass.

Reason

To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality.

06. APPROVAL CONDITION - Landscaping scheme [Pre-Commencement Condition]

The approved detailed landscaping scheme required to be submitted by Condition 1a, including the new tree belt between the store and the residential site shall be implemented prior to the first opening of the store. The approved scheme shall be carried out in accordance with a programme to be agreed in writing by the Local Planning Authority before the development commences. Any trees, shrubs, seeded or turfed areas which, within a period of 5 years from the date of planting (including any replanting) die, fail to establish, are removed or become damaged or diseased, shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

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.

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

All trees and shrubs to be retained shall be fully safeguarded during the course of all site works including excavation, construction and building operations. Before any work is commenced on site, trees or other features which are to be retained shall be fenced off from the working area with 1.2 metre high chestnut fencing to

B.S. 1722, Part 4 as follows:

(a) For trees and shrubs, the fencing shall follow a line 1 metre outside the furthest extent of the canopy, unless otherwise agreed in writing by the Local Planning Authority.

Details of the position of all protective fencing pursuant to this condition shall be indicated on a site plan and agreed in writing by the Local Planning Authority before any site works commence. The fencing shall be maintained in 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. No goods, materials, soil, etc., shall be stacked or stored inside the fenced off area.

Reason:

To ensure that trees to be retained will be adequately protected from damage throughout

the construction period.

08. APPROVAL CONDITION - Protective fencing [Pre - Commencement Condition]

Details of the position of all protective fencing pursuant to Condition 7 shall be indicated on a site plan and agreed in writing by the Local Planning Authority before any site works commence. The fencing shall be maintained in 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. No goods, materials, soil, etc., shall be stacked or stored inside the fenced off area.

Reason:

In the interests of the visual amenities of the adjoining residents and the character of the area.

09. APPROVAL CONDITION - No burning of materials

No burning of demolition or construction materials shall take place on the site.

Reason:

To protect the amenities of the occupiers of existing nearby properties

10. APPROVAL CONDITION - Hours of Construction

Unless otherwise agreed in writing by the Local Planning Authority all works relating to the construction of the development hereby permitted, including the works to form the basement to the site, demolition and ground preparation prior to construction, shall only take place between the hours of 0800 and 1800 Monday to Friday (excluding Public Holidays) and 0800 to 1300 Saturdays and at no time on Sundays or Public Holidays.

Reason:

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

11. APPROVAL CONDITION - Dust Control [Pre-Commencement Condition]

Measures to control dust generated by construction activities shall be implemented in accordance with details (including a method statement) agreed in writing by the Local Planning Authority before the development commences.

Reason:

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

12. APPROVAL CONDITION - Wheel Cleaning

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 have been cleaned sufficiently to prevent mud being carried onto the highway.

Reason:

In the interests of highway safety.

13. APPROVAL CONDITION - Soundproofing [Residential Pre-Commencement Condition]

The residential element of the development hereby approved must make provision for soundproofing so as to protect the occupants of the residential units from traffic noise from the adjoining highway and from noise generated by the shop and basement car park. Details must be submitted to and agreed in writing by the Local Planning Authority before any development of the residential phase of development commences. The soundproofing agreed by the Local Planning Authority pursuant to this condition must be implemented before any of the dwelling units are first occupied.

Reason:

In order to protect occupiers of the flats from traffic noise and noise generated by the shop and basement car park.

14. APPROVAL CONDITION - Contractors Compound [Residential Pre-Commencement Condition]

Detailed plans specifying the areas to be used for building operatives' and contractors' vehicle parking and plant, storage of building materials and any excavated material, huts, and all working areas required for the construction of the residential phase of development hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The development shall then be implemented in accordance with the approved details and the areas identified for the above purposes shall be retained and kept available for those purposes.

Reason:

In the interests of highway safety and the amenities of the area.

15. APPROVAL CONDITION - Restriction

No building, structure or crane exceeding 54.3m AOD shall be constructed within the application boundary.

Reason:

So that it does not breach the Obstacle Limitation Surfaces detailed in CAA Publication CAP168 Licensing of Aerodromes.

16. APPROVAL CONDITION - Lighting scheme [Pre-Commencement Condition]

The development shall be undertaken in accordance with details already approved under 09/00513/Out for the of the scheme of lighting required to be provided during construction of the retail and be operated so as to comply with Advice Note 2, Lighting Near Aerodromes, (also available at www.caa.co.uk/srg/aerodrome).

Reason:

To avoid endangering the safe operation of aircraft and in the interests of protect residential amenity.

17. APPROVAL CONDITION - Archaeological works (Residential Pre-commencement

condition)

No development shall take place within the residential area site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the archaeological investigation is properly investigated and complete.

18. APPROVAL CONDITION - Retail floorspace restrictions

The retail building shall comprise not more than 9 730 square metres gross retail floorspace and 4,465 square metres net retail sales floorspace of which not more than 800 square metres net sales area shall be used for the sale of comparison goods unless otherwise agreed in writing by the Local Planning Authority

Reason:

To ensure compliance with local and national retail policies.

19. APPROVAL CONDITION - No subdivision of the retail unit

The retail building provided as part of the development shall not be subdivided into two or more retail units unless otherwise agreed in writing by the Local Planning Authority

Reason:

For the avoidance of doubt and to enable the Local Planning Authority to retain control over the development in the interests of the amenities of the area

20. APPROVAL CONDITION - Operating Hours

Unless otherwise agreed in writing by the Local Planning Authority, the retail building, its car park and associated travelators shall not be open for business outside of the hours of 0800 to 2300 Monday to Saturday and 0900 to 1700 on Sundays.

Reason:

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

21. APPROVAL CONDITION - Extract Ventilation System [Pre-Commencement Condition]

Before the use of the retail building hereby approved is commenced a scheme for the provision of an adequate extract ventilation system, including details of the external appearance of the equipment to be installed and its intended position on the premises, shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed as approved and shall be in full working order prior to the commencement of the use; as long as the use continues shall be operated and maintained in such a manner as to effectively suppress the emission of fumes and smells; and shall include such equipment (including grease filters and odour neutralising plant) as may be specified to meet this requirement.

Reason:

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

22. APPROVAL CONDITION - Play area

Before the retail store is first opened for use the children's play area shall be fully implemented and equipped and made available for use by the public.

Reason

To ensure adequate provision of open space.

23. APPROVAL CONDITION - Provision of Tree Belt - Pre-occupation condition

Before the retail store is first open for use the new landscaped tree belt between store and the residential area shall be fully implemented in accordance with the approved landscaping details.

Reason

In the interests of local amenity, bio-diversity, sustainability and to achieve a satisfactory form of development.

24. APPROVAL CONDITION - Gate [Pre-Occupation Condition]

Access to the retail building delivery or service area shall be controlled by a gate. Details of the gate shall be submitted to and approved in writing by the Local Planning Authority before the store or service area is first used.

Reason:

In the interests of highway safety and to achieve a satisfactory form of development.

25. APPROVAL CONDITION - Means of Enclosure [Residential Pre-Commencement Condition]

No development shall be commenced on the residential phase of development until details of all means of enclosure on the site have been submitted to and approved in writing by the Local Planning Authority. The approved 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 the occupiers of adjoining property

26. APPROVAL CONDITION - Refuse storage details [Residential Pre-Commencement Condition]

Before the development commences on the residential units, details of satisfactory facilities to be provided for the storage and removal of refuse from the residential units shall be submitted to and agreed in writing by the Local Planning Authority. They shall be provided before any residential unit is first occupied and retained thereafter. The submitted details of the facilities shall include accommodation for the separation of

waste to enable recycling.

Reason:

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

27. APPROVAL CONDITION - Refuse facilities for retail store [Performance Condition]

The refuse storage facilities for the retail building shall incorporate suitable drainage gulleys around any compactors to enable cleaning and washing down of the facility.

Reason:

In the interests of health and safety

28. APPROVAL CONDITION - Rubbish bins - Retail store [Performance Condition]

Self-closing rubbish bins must be provided for the disposal of putrescible waste and must be emptied on a regular basis to prevent the build up of exposed putrescible waste across the development.

Reason:

To avoid endangering the safe operation of aircraft through the attraction of birds.

29. APPROVAL CONDITION - Public recycling facilities [Pre-Commencement Condition]

Provision shall be made on the retail area of the site prior to first opening of the store for public recycling facilities in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.

Reason:

To encourage sustainable initiatives.

30. APPROVAL CONDITION - Car Park [Pre-occupation Condition]

The car park shall be used as a public car park for short-stay purposes for a maximum period of 2 hours or such other period as may be agreed in writing by the Local Planning Authority and operated in accordance with a scheme of management to be approved in writing by the Local Planning Authority before the retail store is first opened for business. The scheme shall include the following:

- (a) The hours during which the car park is to be available for use
- (b) The method and means of controlling access to the car park

Reason:

In the interests of highway safety.

31. APPROVAL CONDITION - Management of Trolleys [Pre-Commencement Condition]

A scheme for the storage and management of supermarket trolleys shall be submitted to and approved in writing by the Local Planning Authority before the retail store first opens for business. The scheme shall include measures to ensure that trolleys are returned to appropriate collection points and storage positions and not otherwise left or abandoned. The approved scheme shall operate from the first opening of the store. The effectiveness of the scheme shall be reviewed in accordance with a programme to be included in the scheme and such changes to the scheme as are necessary and approved by the Local Planning Authority shall be introduced in accordance with an agreed timescale.

Reason:

To protect the character of the area and to avoid circulation problems which might otherwise be caused by abandoned trolleys.

32. APPROVAL CONDITION - Availability of Parking [Pre-Occupation Condition]

The retail building hereby permitted shall not be first opened for business until the area shown on the submitted plans for parking, loading and unloading of vehicles has been made available and surfaced. Such areas shall be subsequently retained and reserved for those purposes at all times.

Reason:

In the interests of highway safety.

33. APPROVAL CONDITION - Disabled Parking [Pre Commencement Condition]

The development shall incorporate parking spaces for a minimum of 20 disabled persons to serve the store and district centre in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The spaces shall be marked for this purpose and thereafter retained.

Reason:

In the interests of highway safety

34. APPROVAL CONDITION - Parent and Toddler Parking [Pre-Occupation Condition]

The parent and toddler parking illustrated on the submitted plans shall be provided in accordance with a programme to be agreed in writing by the Local Planning Authority prior to first opening of the retail store. The spaces shall be marked for this purpose and thereafter retained.

Reason:

In the interests of highway safety.

35. APPROVAL CONDITION - Motorcycle Parking [Pre-Occupation Condition]

The retail building shall incorporate parking for a minimum of 17 motorcycles in accordance with details to be submitted to and agreed in writing by the Local Planning Authority before the retail store first opens for business.

Reason:

In interests of highway safety.

36. APPROVAL CONDITION - Bicycle Storage [Pre-Occupation Condition]

The retail building shall not be occupied until secure, covered and enclosed space has been laid out within the site for a minimum of 30 cycles to be stored for the benefit of staff employed at the retail building in accordance with plans to be submitted to and approved in writing by the Local Planning Authority. The approved cycle storage arrangement shall thereafter be retained on site for that purpose.

Reason:

To encourage cycling as an alternative form of transport

37. APPROVAL CONDITION - Visitor Bicycle Storage [Pre-Occupation Condition]

The retail building shall not be occupied until a minimum of 68 cycle stands have been made available for customers in accordance with plans to be submitted to and approved in writing by the Local Planning Authority. The approved cycle stand arrangement shall thereafter be retained on site for that purpose.

Reason:

To encourage cycling as an alternative form of transport

38. APPROVAL CONDITION - Bicycle provision for Community (D1) Use [Pre-Occupation Condition]

No part of the community (D1 Use) element of the development shall be occupied until a secure, covered and enclosed space has been laid out within the site for a minimum of 20 cycles to be stored for the benefit of the staff and visitors in accordance with plans to be submitted to and approved in writing by the Local Planning Authority. The approved cycle storage arrangement shall thereafter be retained on site for that purpose.

Reason:

To encourage cycling as an alternative form of transport

39. APPROVAL CONDITION - Staff Parking Provision

Unless otherwise agreed in writing by the Local Planning Authority, a minimum of 12 parking spaces shall be made available for parking by staff employed at the retail building.

Reason:

In the interests of highway safety

40. APPROVAL CONDITION - Use of ATM - Performance Condition

Unless otherwise agreed in writing by the Local Planning Authority, automatic teller machines, wherever located, shall only be available during store opening hours.

Reason:

To ensure that the use of such machines does not result in any harm to residential

amenities or threat to highway safety.

41. APPROVAL CONDITION - Retail Store Delivery Times - Performance Condition

Unless otherwise agreed in writing by the Local Planning Authority no deliveries shall be received or items despatched from the retail building outside the hours of 0700 to 2300 Mondays to Saturdays and 0800 to 1800 Sundays and Public Holidays.

Reason:

To protect the amenity of neighbouring residential dwellings.

42. APPROVAL CONDITION - Drainage

No sewage or trade effluent (including vehicle wash or vehicle steam cleaning effluent), except site drainage shall be discharged to any surface water drainage system.

Reason:

To prevent land contamination

43. APPROVAL CONDITION - Soakaway - Performance Condition

No soakaway shall be constructed in contaminated ground.

Reason:

To prevent land contamination

44. APPROVAL CONDITION – Residential : Details of water disposal [Pre-Commencement Condition]

No development shall commence on the residential phase of development until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior any occupation of the development.

Reason:

To prevent the increase of flooding and to improve water quality.

45. APPROVAL CONDITION - Retail Drainage – Performance Condition

Drainage from loading bays shall not be discharged to any watercourse, surface water sewer or soakaway.

Reason:

To prevent ground contamination.

46. APPROVAL CONDITION – Retail and Residential Drainage – Performance Condition

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstanding shall be passed through an oil separator designed and constructed to have a capacity and operation

compatible with the site being drained. Roof water shall not pass through the separator

Reason.

To avoid ground pollution.

47. APPROVAL CONDITION: Submission of a Bird Hazard Management Plan

The retail store shall not be first opened for business until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of:

Management of any flat/shallow pitched roofs on buildings within the site which may be attractive to nesting, roosting and 'loafing' birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design'.

The Bird Hazard Management plan shall be implemented as approved, upon completion of the roofs and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

REASON

It is necessary to manage the roofs in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Southampton Airport.

For Information: The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs ladders or similar. The owner/occupier must not allow gulls to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when required by BAA Airside Operations staff. In some instances it may be necessary to contact BAA Airside Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof.

The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences where applicable from Natural England before the removal of nests and eggs.

48. APPROVAL CONDITION: Retail Store site area -No further development if contamination found - Performance Condition

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To protect the minor aquifer beneath the site and the surface waters surrounding the site. There may be areas of the site which cannot be fully characterised by a site investigation and unexpected contamination may be identified.

49. APPROVAL CONDITION: Residential site area - No further development if contamination found - Performance Condition

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To protect the minor aquifer beneath the site and the surface waters surrounding the site. There may be areas of the site which cannot be fully characterised by a site investigation and unexpected contamination may be identified.

50. 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.

51. APPROVAL CONDITION - Community facility - Scope and Limitation within same Class (D1) - Performance Condition

Permission is hereby granted for the use of the second floor area and ground floor access to it for Community related uses falling within Use Class [D1 of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking, amending, or re-enacting that Order) and shall not be used for any other use within that Use Class.

Reason:

To ensure the re-development of the site includes a mix of uses which benefits the local community.

52. APPROVAL CONDITION - BREEAM Standards (commercial development) [Pre-Occupation Condition]

Written documentary evidence demonstrating that the development has achieved at minimum a rating of Very Good against the BREEAM standard 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 BREEAM 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).

53. 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).

54. APPROVAL CONDITION - Residential 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).

55. APPROVAL CONDITION - Loafing Birds on Retail Store [Performance Condition]

Any flat/shallow pitched roofs including the store, community element and shall be constructed to allow access to all areas by foot using permanent fixed access stairs, ladders or similar. The owner/occupier shall not allow gulls to nest, roost or loaf on the building or the decked car park. Checks shall be made weekly during the breeding season. Outside of the breeding season gull activity shall be monitored and the roof and decked car park shall be checked regularly to ensure that gulls do not use them. Any gulls found nesting, roosting or loafing shall be dispersed by the owner/occupier when

detected or when requested by BAA Airfield Operations staff. The owner/occupier shall remove any nests or eggs found on the roof or decked car park.

Reason:

To avoid endangering the safe operation of aircraft through the attraction of birds.

56. APPROVAL CONDITION - Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

For the avoidance of doubt and in the interests of proper planning.

Notes To Applicant

1. Development in accordance: The applicant is advised that all works to which this permission relates must be carried out strictly in accordance with the plans, drawings and other relevant supporting material submitted as part of this application and hereby approved. The local planning authority must be immediately advised of any proposed variation from the approved documents and the prior approval in writing of the Council must be obtained before any such works are carried out on the site. Failure to comply with this advice may render those responsible liable to enforcement proceedings which may involve alterations and/or demolition of any unauthorised building or structures and may also lead to prosecution.

2. Pre-commencement Conditions: Notwithstanding the requirement of the submission of a further application(s) for the reserved matters for the residential area of the site your attention is drawn to the pre-commencement conditions above which require the terms of the conditions to be satisfied before development commences. If development commences in contravention of that these conditions, the development taking place will be made unauthorised in planning terms. This may result in the Council taking enforcement action against the unauthorised development. If you are in any doubt please contact the Council.

3. S.106 Legal Agreement: A Section 106 agreement relates to this site which includes a requirement for contributions towards: affordable housing, public art, public realm, open space, play space, cctv, site specific and strategic highways. A full copy of the S106 legal agreement is available on the Public Register held at Southampton City Council.

4. Southern Water/Water Supply: A formal application for connection to the water supply is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39a Southgate Street, Winchester (Tel. 01962 858600).

5. Southern Water/Sewers: The applicant should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Atkins Ltd, Anglo St James House, 39a Southgate Street, Winchester, SO23 9EH (tel. 01962 858600).

6. External Vents/Air Conditioning Units: Other than those shown on the approved drawings no external vents, ducting, air conditioning units or plant shall be installed without the prior written approval of the Local Planning Authority upon submission of a formal planning application.

7. Cranes: The applicants attention is drawn to the requirement within the British Standard Code of Practice for the safe use of cranes for operators to first consult the aerodrome as suggested by BAA in their response to this planning application.

8. For Information: The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs ladders or similar. The owner/occupier must not allow gulls to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when required by BAA Airside Operations staff. In some instances it may be necessary to contact BAA Airside Operations staff before bird dispersal takes place.

9. The owner/occupier must remove any nests or eggs found on the roof. The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences where applicable from Natural England before the removal of nests and eggs.

City of Southampton Local Plan Review (March 2006) 'saved' policies:-

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP8	Urban Form & Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility and movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting
SDP19	Aerodrome safeguarding
SDP21	Water quality and drainage
SDP22	Contaminated Land
HE6	Archaeological Remains
CLT5	Open Space
CLT6	Children's play space
H1	Housing Supply
H2	Previously developed land
H3	Special housing need
H7	Residential Density
REI7	Food and drink uses
REI8	Shopfronts
TI2	Vehicle Access

City of Southampton Core Strategy (January 2010) policies:-

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
CS21	Protecting and Enhancing Open Space
CS22	Promoting Bio-diversity and Protecting Habitats
CS23	Flood Risk
CS24	Access to Jobs
CS25	The Delivery of Infrastructure and Developer Contributions

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Agenda Item 5 14/01783/OUT



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Agenda Item 6

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 10th February 2015
Planning Application Report of the Planning and Development Manager**

Application address: Fairchild House, 21 Southampton Street			
Proposed development: Alterations and extensions to the existing building including two additional storeys to provide 30 studio flats for student accommodation above the existing building.			
Application number	14/01748/FUL	Application type	FUL
Case officer	Anna Lee	Public speaking time	15 minutes
Last date for determination:	27.01.2015	Ward	Bevois
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors	Cllr Burke Cllr Rayment Cllr Barnes-Andrews

Applicant: Millbank Southern LLP	Agent: Goadsby Planning & Environment
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	Yes
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered including the impact on the Carlton Crescent Conservation Area and the character of the area 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 Local Authority is also satisfied that the character and appearance of the area would be preserved. 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 be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). Accordingly the proposal complies with policies CS4, CS6, CS13, CS14, CS15, CS16, CS18, CS19, CS20 and CS25 of the Core Strategy (2010) saved policies SDP1, SDP4, SDP5, SDP6, SDP7, SDP9, SDP10, SDP11, SDP13, SDP14, SDP16, HE1, HE3, HE6, CLT14, H1, H2, H7 and H13 of the Local Plan (2006), Policies AP8, AP9 and AP11 of the City Centre Action Plan (Draft January 2015 Emerging), Supplementary Planning

Document 'Residential Design Guide' (2006), 'Developer Contributions' (2013) and 'Parking Standards' (2011) and the National Planning Policy Framework (2012).

Appendix attached			
1	Adjacent Appeal Decision (16-18 Upper Banister Street)	2	Development Plan Policies

Recommendation in Full

1. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:
 - i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPD relating to Planning Obligations (September 2013);
 - ii. Provision of affordable housing in accordance with Policies CS15, CS16 and CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPD relating to Planning Obligations (September 2013) or an occupation restriction to ensure that all residents are in full time higher education and that the provider is a member of the Southampton Accreditation Scheme for Student Housing (SASSH) (or equivalent) in accordance with Local Plan Policy H13(v);
 - iii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer;
 - iv. The submission and implementation of a Student Drop Off/Collection Management Plan committing to an ongoing review of the site;
 - v. An obligation to preclude future residents being issued with car parking permits;
 - vi. A Site Waste Management Plan;
 - vii. Provision of on-site CCTV coverage and monitoring in line with Policy SDP10 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS13 and CS25;
 - viii. The submission of a construction management plan to include off-site vehicles routes; and
 - ix. Student Travel Plan.
2. In the event that the legal agreement is not completed within two months of the Planning and Rights of Way Panel the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

3. That the Planning and Development Manager be given delegated powers to add, vary and/or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

1.0 Background

- 1.1 In December 2014 a prior approval application (LPA ref 14/01756/PA56) was granted to convert the existing office floorspace into 11 studio units under the allowances made within the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013. This prior approval only related to the ground floor and not the first floor. This application for planning permission seeks to convert the first floor with the addition of additional floors.

2.0 The site and its context

- 2.1 The application site lies on the corner of Handford Place and Southampton Street and lies within the City Centre as defined by the current development plan and the emerging City Centre Area Action Plan (2015). It is located within the Carlton Crescent Conservation Area and the adjoining property to the south, No 32 Carlton Place, is a Grade II Listed Building. The immediate vicinity comprises a mix of both residential and commercial uses. A recent permission was granted (LPA ref: 14/01016/FUL) for the redevelopment of the site adjacent to this site, fronting Upper Bannister Street. The neighbouring planning permission for a four-storey building provides a ground floor commercial unit with 12 flats above and followed an unsuccessful appeal for a five storey building. A copy of the neighbouring appeal decision is appended to this report at **Appendix 1** as it gives a useful steer as to a suitable scale, given the local context.
- 2.2 The existing property is a two-storey red brick building which has previously been used for storage/workshop space on the ground floor (Use Class B8 and B1) with associated office space on the upper floor. A yard area with gated access onto Southampton Street is located to the side of the building.

3.0 Proposal

- 3.1 Full planning permission is sought to convert the first floor into residential accommodation and provide a two-storey extension with one floor within a mansard roof to provide further residential accommodation. In total 30 studio units are proposed (this does not include the units approved under the prior approval as they do not form part of this application). All floors are accessed via a central core within a secondary fire escape. It is proposed that the upper two floors are stepped in to provide a gap between this property and 16-18 Upper Banister Street next door.
- 3.2 A service area to the side of the building with access onto Southampton Street will provide two car parking spaces, a bin storage area and a secure cycle store. No private enclosed amenity area is provided for this development.
- 3.3 The proposal would be built in matching brickwork and dormer windows would be inserted in the slate mansard roof in order to optimise accommodation space within the building. The units are self-contained studio flats and shall be treated as such for planning purposes, albeit for a student use. A legal agreement will be

used to restrict open market occupation.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 2**.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4.0 Relevant Planning History

4.1 Application site

04/01387/FUL
15.08.05

Conditionally Approved

Conversion of the existing building to provide 21 no. residential units by the erection of a two storey extension to the south elevation and the addition of a fourth storey to the existing building.

06/00781/FUL
31.08.06

Conditionally Approved

-Conversion of 1st and 2nd floors to residential and erection of fourth storey to provide 14 units of accommodation.

14/01143/PA56

NO OBJECTION 05.09.2014

Application for Prior Approval for change of use of the ground floor from Offices (Class B1) to 6 x flats (Class C3)

14/01756/PA56

NO OBJECTION 12.12.2014

Application for Prior Approval for change of use of the ground floor from Offices (Class B1) to 11 x studio flats (Class C3)

4.2 As part of a wider site with 16-18 Upper Bannister Street

07/01692/FUL

Refused 21.01.2008

Redevelopment of the site. Demolition of the existing buildings and erection of a part five-storey and part six-storey building to provide ground floor offices and 60 flats.

08/00450/FUL
dismissed

Refused 04.07.2008 and appeal

Redevelopment of the site. Demolition of the existing buildings and erection of a part five-storey and part six-storey building to provide ground floor offices and 60 flats (Resubmission).

**08/00512/CAC
dismissed**

Refused 04.07.2008 and appeal

Demolition of 16-18 Upper Banister Street and 21 Southampton Street.

**13/00189/FUL
dismissed**

Refused 20.06.2013 and appeal

2, A3, B1, D1/D2) with 14 flats above (3 x 1-bed, 9 x 2-bed and 2 x 3-bed).
(Submitted in conjunction with 13/00190/CAC)

**13/00190/CAC
dismissed**

Refused 26.06.2013 appeal

Partial demolition of existing building in connection with alterations and extensions to provide a five-storey building with a ground floor commercial unit and 14 flats above (submitted in conjunction with planning application reference 13/00189/FUL).

4.3 16-18 Upper Bannister Street (next door)

**14/01016/FUL
02.12.2014**

Conditionally Approved

Alterations and additions to the existing building to provide a four-storey building with a ground floor commercial unit (Use Classes A1/A2/A3/B1/D1/D2) and 12 flats above (3 x 1 bed and 9 x 2 bed).

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (07.11.2014) and erecting a site notice (04.11.2014). At the time of writing the report 6 representations have been received from surrounding residents. The following is a summary of the points raised:

5.2 **Noise and disturbance and intensification of students**

Response

Every application does have an impact on the neighbouring properties to some degree but no objection has been raised from Environmental Health Officers on these amenity grounds. It is a city centre location where there is an established mix of uses with the necessary infrastructure to support them. The site is within an identified late night zone where existing student accommodation has already been approved (see the 64 bed spaces approved and built at Carlton House for example – LPA ref: 12/00520/FUL) . It could also be argued that having students living close to the late night economy may reduce late night disturbance caused by people dispersing from the area after a night out. The principle of the proposed use is acceptable in those terms.

5.3 **Height of the proposed development**

Response

The adjoining property has planning permission for a four storey building and this proposal would be similar in height. It is judged to be an acceptable height for this part of the city as agreed by officers in the Historic Environment team.

5.4 **The proposal results in insufficient car parking to serve the development and highway safety issues**

Response

The proposal provides two car parking spaces (which will assist with the building's servicing and at the start and end of term. The proposed S.106 legal agreement will be used to restrict any car parking permits being issued so students will be unable to park within the vicinity. As the site's car parking provision is low the chances of the proposal having an impact on highway safety is unlikely. Highway Officers have not objected to this scheme.

Consultation Responses

5.5 **SCC Highways** - No objection Raised

This advice has been given on the basis that a legal agreement will secure a student arrival/departure management plan and refuse management plan. Conditions are suggested to include details of cycle storage, wheel cleaning and a construction management plan.

Officer comments

These conditions have been recommended as part of this report and the student management plan and waste management plan are included in the S106 heads of terms.

5.6 **SCC Historic Environment/Archaeology** – No objection Raised

The only issue to comment on is the potential impact on any archaeological deposits. Details of new services and any groundworks are required and therefore a condition is recommended to secure this.

5.7 **SCC Sustainability Team** – No objection. Suggests conditions to secure code level 4 and the provision of a green roof.

5.8 **SCC Environmental Health (Contaminated Land)** No objections at this stage subject to conditions restricting the risk of land contamination being imposed.

5.9 **SCC Ecology** – No objection Raised

The application site consists of a building and area of hard standing which have negligible biodiversity value. The building is relatively modern and appears to be in good condition with very limited opportunities for bat access. In addition, the surrounding area has little suitable foraging habitat and high levels of night time illumination. The likelihood of bat roosts being present is therefore negligible. No objection is raised to this planning application.

5.11 **Southern Water** – No objection subject to an informative requiring connection to the public sewerage system.

6.0 Planning Consideration Key Issues

- 6.1
- Principle of Development and Density
 - Design and Amenity
 - Highway Issues
 - Development mitigation

6.2 Principle of Development and Density

The application site is not an allocated site within the Council's Development

Plan, but it is located within an area with other residential and commercial premises. The proposal provides student units and the proposed residential density of the development is 617 dwellings per hectare which, although high, complies with the density set out in policy CS5 for the city centre and is provided within a building that is consistent with the character of the area. The NPPF introduces a presumption in favour of sustainable housing development. The site footprint is not going to increase, having regard to the planning history of the site, and the principle of residential development is considered to be acceptable. Furthermore, the introduction of additional student accommodation assists in meeting a need generated by the City's universities and, in theory, reduces the burden on the city's family housing stock as fewer HMOs are required.

6.3 Design and Amenity

The proposed development needs to be assessed in terms of its design, particularly the impact that the proposed mansard roof addition and external alterations will have on the Southampton Road and Upper Bannister Road street scene and the wider Carlton Crescent Conservation Area in which the site is located. The mansard roof addition and finishing details are similar to approved schemes within Upper Bannister Street. The introduction of the proposed four-storey building instead of the existing two-storey building will not adversely affect the character of the street scene and the Carlton Crescent Conservation Area. The scale and massing of development is similar to the adjacent approved development at 16-18 Upper Bannister Street and generally respects the scale, character and appearance of established development within the immediate and surrounding street scene. The external palette of materials will be contrasting buff brick and hung slate tiles to the mansard to mimic nearby development. As such the development is considered to preserve the character of the conservation area and is consistent of the requirements of Policy CS14.

- 6.3.1 The current building is an unattractive 1970's red brick building. By developing this property and bringing it back into beneficial use, the proposal will directly add to and improve the residential environment in the immediate vicinity. The upper floors of the proposed building have been set back from a distance of approximately 4.4m from the party wall with 16-18 Upper Bannister Street, in order to provide light into corridors at the second and third floors. This is considered an acceptable design solution in order to prevent loss of amenity to future occupiers of the adjoining property. There are windows at the third floor level at 16-18 upper Bannister Street which are proposed to be obscured glazed within the approved scheme so loss of privacy is not an issue.
- 6.3.2 Adjacent is 32 Carlton Place (historically a riding school), which is a listed building that is set further forward than the application building. The impact on this property has formed part of the Inspector's decision into the considerations of an earlier scheme on the adjacent site, when a comprehensive scheme comprising both sites was dismissed due to the proposed increase in height adjacent to the building. However, this was for a tall scheme to a height of five storeys (with rooms in the roof at the fifth floor) and it is important to note that the proposed height is of four storeys, which is similar to the approved scheme on the next door site. Due to the planning history of the site in terms of the approval and the design mitigation offered by the next door scheme the impact on the listed

building is not detrimental enough to warrant a reason for refusal.

- 6.3.3 Overall, it is considered that the proposal will not have any adverse impact upon neighbouring amenity or the amenity of the surrounding businesses, and the character and appearance of the Carlton Crescent Conservation Area will be preserved.
- 6.3.4 There is no requirement for external amenity space for student accommodation but it is important to provide a break out area and as none is provided internally, the yard area to the front does provide some space albeit small. It is not an ideal location but the site is located within the city centre and is in close proximity to the local parks. With respect to the accommodation provided it is acceptable as all rooms have an outlook and adequate light. The main access to the accommodation is in the same location for an area of this nature. It is a shame there is no defensible space at the entrance as it is back of pavement but that is due to it maintaining the existing footprint and the prior approval regime which allows for existing offices to be converted. The site is located within the London Road, Bedford Place night time zone as defined in the adopted Local Plan and repeated within the draft City Centre Action Plan. However it does not front a major pedestrian route and is not located in close proximity to any late night uses. The provision of residential accommodation is compatible with nearby residential accommodation notably at 19-22 Upper Bannister Street, 30 Carlton Place and the approved scheme at 16-18 Upper Bannister Street.

6.4 Highway issues

The site lies within an area of a controlled car parking zone and a S106 legal agreement can be used to restrict future occupiers from being granted parking permits. The applicant has submitted a parking survey, although the survey does not provide all the information necessary it is clear that spaces are available within the vicinity. It is unlikely that any overspill from visitors will detrimentally alter the character of the area as the parking in the area is restricted via varying parking restrictions and residents are less likely to bring a car to the city if they know they will have difficulty parking it and when they find a space it is remote from their flat and less secure than would otherwise be the case.

- 6.4.1 With respect to the cycle and refuse storage this has been provided within the yard area fronting Southampton Street, these facilities are to be secured by suggested conditions. No Highways objection has been raised to the proposal on parking or highway safety grounds. As shown the gates to the parking area open across the spaces and need further though; a planning condition is suggested.

6.5 Development Mitigation

- 6.5.1 As with all major development the application needs to address and mitigate the additional pressure on the social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted Planning Obligations SPD (2013). Given the wide ranging impacts associated with a development of this scale, an extensive package of contributions and obligations is proposed as part of the application. In addition the scheme triggers the Community Infrastructure Levy (CIL).

6.5.2 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution of £172 per unit has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. This application seeks car free student accommodation of single person occupation where the impacts on the SPAs will be negligible and, as such, no SDMP contribution is necessary and the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended) have been met.

7.0 Summary

7.1 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, the nearby commercial activity or to the character and appearance of the area. The proposals are consistent with adopted local planning policies.

8.0 Conclusion

8.1 By securing the matters set out in the recommendations section of this report by the completion of a Section 106 Legal the application is therefore recommended for approval subject to appropriate conditions.

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(b), 2(d),4(f), 4(qq), 6(c), 7(a), 9(a), 9(b).

ARL for 10/02/15 PROW Panel

PLANNING CONDITIONS

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 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.

03. 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.

04. APPROVAL CONDITION - Cycle storage facilities [Pre-Commencement Condition]

Adequate cycle storage facilities to conform to the Local Planning Authorities standards shall be submitted to and be approved in writing by the Local Planning Authority and be provided within the site before the development hereby permitted commences and such storage shall be permanently maintained for that purpose.

Reason:

To prevent obstruction to traffic in neighbouring roads and to encourage cycling as an alternative form of transport.

05. APPROVAL CONDITION - Archaeological Works [Pre-Commencement Condition]

If the development involves any ground works/works below the existing slab, no development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority. In any event the developer shall provide written confirmation on this issue prior to the commencement of any site works.

Reason:

To ensure that the archaeology of the site is properly investigated.

06. APPROVAL CONDITION - Dormer Window Detail [Pre-commencement Condition]

Detailed drawings of the dormer windows at a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The approved scheme shall be implemented in accordance with the approved plan.

Reason:

To secure a satisfactory form of development.

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

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum Level 4 of the Code for Sustainable Homes in the form of a design stage assessment, shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

Reason:

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

08. APPROVAL CONDITION - Code for Sustainable Homes [Performance Condition]

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Level 4 of the Code for Sustainable Homes in the form of post construction assessment and certificate as issued by a legitimate Code for Sustainable Homes certification body, shall be submitted to the Local Planning Authority for its approval.

Reason:

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

09. APPROVAL CONDITION - Green Roof Scheme [Pre-Commencement Condition]

A detailed feasibility study, including a specification, for a green roof must be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the development hereby granted consent. The green roof to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained and maintained thereafter.

Reason:

To reduce flood risk and manage surface water run-off in accordance with core strategy policy CS20 (Tackling and Adapting to Climate Change) and CS23 (Flood risk), combat the effects of climate change through mitigating the heat island effect in accordance with policy CS20, enhance energy efficiency through improved insulation in accordance with core strategy policy CS20, promote biodiversity in accordance with core strategy policy CS22 (Promoting Biodiversity and Protecting Habitats), contribute to a high quality environment and 'greening the city' in accordance with core strategy policy CS13 (Design Fundamentals), and improve air quality in accordance with saved Local Plan policy SDP13.

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 - Use of uncontaminated soils and fill [Performance Condition]

Clean, uncontaminated soil, subsoil, rock, aggregate, brick rubble, crushed concrete and ceramic shall only be permitted for infilling and landscaping on the site. Any such materials imported on to the site must be accompanied by documentation to validate their quality and be submitted to the Local Planning Authority for approval prior to the occupancy of the site.

Reason:

To ensure imported materials are suitable and do not introduce any land contamination risks onto the development.

12. APPROVAL CONDITION - Material Storage (Pre-Commencement Condition)

No work shall be carried out on site unless and until provision is available within the site, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, for all temporary contractors buildings, plant and stacks of materials and equipment associated with the development and such provision shall be retained for these purposes throughout the period of work on the site. At no time shall any material or equipment be stored or operated from the public highway.

Reason:

To avoid undue congestion on the site and consequent obstruction to access.

13. APPROVAL CONDITION - Wheel Cleaning Facilities [Pre-Use 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.

14. 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.

15. APPROVAL CONDITION – Parking area

The parking area shown on d.design plan ref: 03A shall be amended, submitted and approved prior to the commencement of development so that the external gate does not open across the proposed parking spaces. The security gate is to be reprovided in a more practical location and implemented in accordance with the amended plans ahead of first occupation of the development hereby approved, after which it shall be retained as agreed. Furthermore, the 2 parking spaces shown on the approved drawing shall not be

for used on a day to day basis by residents and shall, instead, be used to service the building and to support the student arrivals and collections at the start and end of term.

Reason:

To secure a workable parking area, a secure site and to discourage students from bringing their cars to university and parking on the site.

16. APPROVAL CONDITION - Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

For the avoidance of doubt and in the interests of proper planning.

Note to applicant - PUBLIC SEWERAGE SYSTEM

A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

Note to Applicant - Community Infrastructure Liability (Approval)

You are advised that the development appears liable to pay the Community Infrastructure Levy (CIL). Please ensure that you assume CIL liability prior to the commencement of the development (including any demolition works) otherwise a number of consequences could arise. For further information please refer to the CIL pages on the Council's website at: <http://www.southampton.gov.uk/s-environment/policy/community-infrastructure-levy-guidance.aspx> or contact the Council's CIL Officer.

Note to Applicant - Pre-Commencement Conditions

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. If the Decision Notice includes a contaminated land condition you should contact the Council's Environmental Health Department, and allow sufficient time in the process to resolve any issues prior to the commencement of development. It is important that you note that if development commences without the conditions having been formally discharged by the Council in writing, any development taking place will be unauthorised in planning terms and this may invalidate 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 Management Service.

Note to Applicant - Performance Conditions

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.

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Appeals Decisions

Site visit made on 24 March 2014

by C A Thompson DiplArch DipTP Reg Arch RIBA MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 May 2014

Appeal (A) Ref: APP/D1780/A/13/2202577

16-18 Upper Banister Street, SOUTHAMPTON SO15 2ED

- The appeal is under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission.
 - The appeal is by Lance Properties Ltd against the decision of Southampton City Council.
 - The application Ref 13/00189/FUL/1152, dated 1/2/2013, was refused by notice dated 20/6/2013
 - The development proposed is alterations to the existing building to provide a 5 storey building with ground floor commercial unit (allowing for uses with use classes A1 /A2 /A3 /B1 /D1+D2) and 14 flats above (3x1 bed, 9x2 bed and 2x3 bed).
-

Appeal (B) Ref: APP/D1780/E/13/2202582

16-18 Upper Banister Street, SOUTHAMPTON SO15 2ED

- The appeal is under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLB+CA Act) against a refusal to grant conservation area consent.
 - The appeal is by Lance Properties Ltd against the decision of Southampton City Council.
 - The application Ref 13/00190/CAC/1152, dated 1/2/2013, was refused by notice dated 26/6/2013.
 - The development proposed is alterations to the existing building to provide a 5 storey building with ground floor commercial unit (allowing for uses with use classes A1 /A2 /A3 /B1 /D1+D2) and 14 flats above (3x1 bed, 9x2 bed and 2x3 bed).
-

Decisions

Appeal (A)

1. The appeal is dismissed and planning permission (PP) is refused.

Appeal (B)

2. The appeal is dismissed and conservation area consent (CAC) is refused.

Application for costs

3. Three applications for costs were made. The first by the Council against the appellant. The second, a counter application, by the Appellant against the Council and the third, also by the Appellant, is in respect of a failure by the Local Planning Authority (LPA) to attend the arranged accompanied site visit (ASV). These applications are the subject of separate decisions.

Preliminary Matters

4. The failure of the Council to attend the ASV resulted in the need for me to write to the main parties to clarify certain factual matters that I was not able to do at the site visit. This has delayed the determination of these appeals.
5. The Appellant's representatives, who attended the ASV at the appointed time, accepted that I could carry out the site inspection unaccompanied and the Council has not objected to me doing this. In the light of what I could see at the unaccompanied site visit (USV) I have decided that I have sufficient information to be able to determine these appeals fairly.
6. The Council's report of its officers for Appeal (A), and some of the appeal papers, refers to 3 reasons for refusal (RR) but my copy of the decision notice, dated 20 June 2013, has only two. In post site visit correspondence the Council confirms that there are just 2 RRs. It is on the latter basis that I have determined these appeals.
7. The site lies in the Carlton Crescent Conservation Area. The character or appearance of such areas should be preserved or enhanced (section 72(1) of the PLB+CA Act). Conservation Area Consent (CAC) is required for the demolition of any buildings within conservation areas (section 74 of the PLB+CA Act) because of the potential damage to such areas that unrestricted demolition could bring. From the information submitted to me there are no listed buildings in Upper Banister Street itself. But the backs of some Carlton Crescent properties, close to the appeals site, are listed and there is at least one other such building along the relevant part of Bedford Place. Section 66(1) of the PLB+CA Act requires special regard to be given to the protection of the setting of such buildings.
8. The development plan (DP), which includes the 2006 City of Southampton Local Plan Review, and its 2010 Core Strategy, is supported by supplementary planning guidance including; a Residential Design Guide (RDG) and a Carlton Crescent Conservation Area Appraisal Management Plan (CCAAMP). These documents give design and heritage conservation advice.
9. Statute and the relevant local policies are augmented by the National Planning Policy Framework (NPPF) which highlights the importance of heritage conservation and good design. The Government's recent Planning Practice Guidance (PPG) replaces a lot of earlier documents and is also germane to these cases.
10. The Council has confirmed, in the post USV correspondence, that the relevant application plans were UBS/P: 12/01; 12/02; 12/03; 12/04; 12/05; 12/06; 12/07; 12/08; 12/09; 12/10; 12/11; 12/12; 12/13; 12/20; 12/21; 12/22; 12/32; 12/33A; 12/34A; 12/35, and; 12/36A. The Appellant's list (see its letter to PINs dated 19 March 2014) added UBS/: 12/30, and; 13/31 (existing Ground Floor and First Floor Plans). These 2 extra plans were in my main bundle provided with the written representations and were probably missed by the Council in error. The Appellant confirmed that all these plans were submitted with the original planning application in its 19 March 2014 letter. With all this in mind, and accepting some 14/3/2014 minor amendments showing the correct position of the red line (site boundary) which are just undisputed factual corrections, I will determine the appeals on the basis of these numbered plans.

My Reasoning

Appeal (A)

11. There is one main issue for this appeal. This is whether the reconfiguration and enlargement of the existing buildings, for the proposed mixed use, is a good design which would preserve the character or appearance of both the conservation area and /or the setting of any affected listed buildings.
12. This is a city centre, and highly sustainable, site. Not only are there jobs and shops nearby but also buses and a main line railway station (the latter with regular services to London) are within easy walking distance.
13. The appeal proposals would replace a non-descript and vacant 3 storey, late 20th, building which has little intrinsic merit. There can be no objection to the principle of this building's replacement with a mixed commercial /residential scheme as long as what is proposed would be a good design. In this latter respect I note that the CCAAMP identifies the site as being in an area where there is an opportunity for gradual re-development to make better use of the land and improve its appearance.
14. Although this part of the conservation area does not have any fine Classical stuccoed buildings, such as those found along Carlton Crescent and parts of Carlton Place, it has some positive attributes. One side of the street is quite attractive with a small, almost domestic, scale. It is formed by the backs of buildings fronting Bedford Place and Carlton Crescent some of which are listed. Additionally, the built frontages along the central block, along the eastern side of Upper Banister Street and including the appeals site, although having an eclectic mix of styles, types, ages and heights, give important visual closure to the street picture.
15. The appeals site is an important corner one. Its redevelopment takes on particular significance because it would be likely to set the benchmark for any future redevelopment in the area.
16. The proposed scheme would build upon almost the whole of the available site; including the present small gap between the existing 3 storey block and a 2 storey Victorian building at N^o 18a. It would replace a relatively modest 3 storey structure with a much taller, 5 storey, one which would dominate this part of the street picture and would to my mind look unacceptably assertive. The fact that the scheme's topmost storey would be set back from the main frontage would not materially lessen the resulting oppressive visual disharmony. In short the appeals scheme would appear to me to be excessively large and bulky.
17. In forming this opinion I have taken into account the big and somewhat domineering appearance of the modern 4 storey replacement block at 19-22 Upper Banister Street. But the existence of one inappropriate design in the conservation area is not a good reason to allow another.
18. In regard to more detailed matters, I acknowledge that the proposed altered and enlarged block would, in the main, have appropriate tall windows echoing, at least to some extent, the proportions of some more "classical" fenestration within the wider conservation area. But the proposed pattern of the windows is inappropriately random in places particularly on the angled corner section of the front façade. And the facing materials, an arbitrary looking mixture of fair

faced brickwork, painted and self coloured render, does not appear to have much logic or discipline. Some proposed areas of fibre cement cladding would have an alien appearance not representative of the rest of the conservation area. And the horizontally proportioned, projecting, balconies would clash with the verticality of the proposed windows and would appear to be especially inappropriate and jarring features.

19. In summary the proposed new scheme would look too big and clumsy for this prominent site. It would not be a good design and would not preserve the character or appearance of the Carlton Crescent Conservation Area and could damage the setting of some nearby listed buildings. As such these proposals would not satisfy the relevant parts the NPPF, PPG, DP, or CCAAMP, and is sufficient reason to refuse planning permission.

Other Material Considerations

20. In reaching this conclusion I accept that the design changes, shown in some "revision A" plans, represent an improvement over the scheme's original design. But these alternatives, which omit the projecting balconies and indicate a more restrained pattern and pallet of external materials, are not before me. These amendments are not included in the list of plans submitted with the original planning application and it is unlikely that they were part of the scheme determined by the LPA (the relevant Committee meeting appears to have taken place on 19 June 2013 (the same day as the revised drawings were submitted) and the Officers' report tabled at that meeting was dated 17 June, 2 days earlier, and makes reference to the "original" projecting balconies not the altered flush ones). But even if I could consider the amendments formally, as part of these appeals, any improvements they would bring would be insufficient to address what I consider to be the scheme's unacceptable, and unattractive, bulk.
21. The second reason for refusal concerns such matters as the appropriateness of affordable housing (AH) provision and the need for financial contributions to certain offsite infrastructure works. Such matters now seem to be resolved by the introduction of the Council's Community Infrastructure Levy (CIL) and the Unilateral Undertaking (UU) given by the Appellant under section 106 of the Act. But their successful resolution would not be sufficient to overcome the outstanding design and conservation issues highlighted above.
22. Although I have noted the site's planning history I have determined these appeals on their own merits as I am required to do. None of these other material considerations are sufficient to alter my conclusions on this appeal.

Appeal (B)

23. Although not involving any new building works this appeal has a similar main issue to Appeal (A); that is the likely impact of the proposed demolitions on the character or appearance of the conservation area and setting of any affected listed buildings.
24. As already noted there is no objection to the principle of part demolishing, and redeveloping, the existing building on the appeals site. But in the absence of an acceptable new scheme it would not be appropriate to grant CAC at this time. This is because partial demolition, especially if the site were to be left in

a derelict state for any length of time, would look very unattractive and be most damaging visually.

25. Such a situation would be unlikely to preserve the character or appearance of the Carlton Crescent Conservation Area or the setting of any affected nearby listed buildings. This too would not comply with statute nor would it satisfy the relevant parts the NPPF, PPG, DP, or CCAAMP and is sufficient reason to dismiss the appeal and refuse the grant of CAC.

Colin A Thompson

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Application 14/01748/FUL

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
HE1	New Development in Conservation Areas
HE3	Listed Buildings
HE6	Archaeological Remains
CLT14	City Centre Night Time Zones and Hubs
H1	Housing Supply
H2	Previously Developed Land
H5	Conversion to residential Use
H7	The Residential Environment
H13	New Student Accommodation

City Centre Action Plan - Draft January 2015 (Emerging)

AP8	The Night Time Economy
AP9	Housing Supply
AP11	Supporting Higher and Further Education Facilities

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Carlton Crescent Conservation Area- Conservation Area Appraisal and Management Plan – May 2013

Other Relevant Guidance

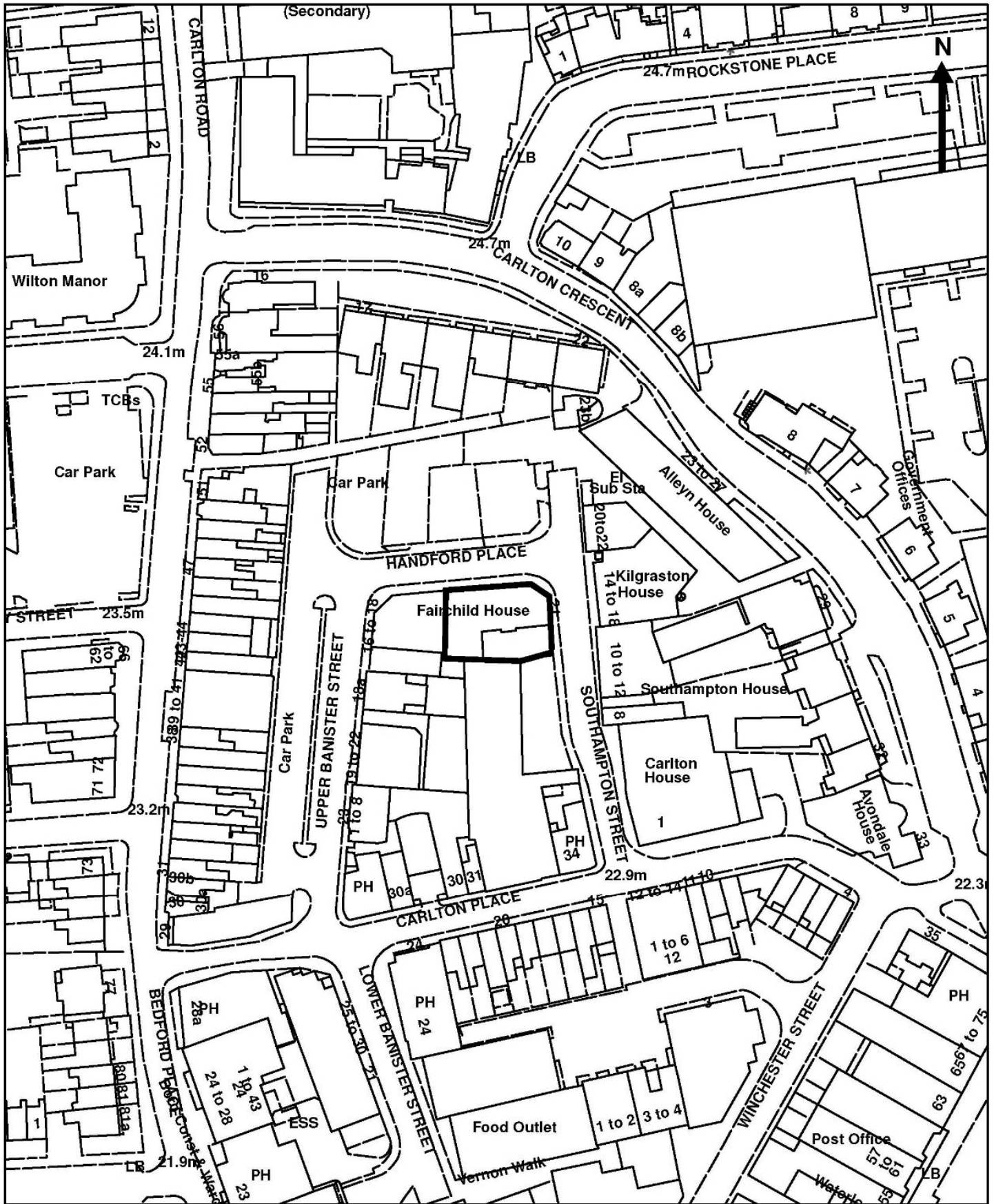
The National Planning Policy Framework 2012

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

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Agenda Item 6 14/01748/FUL

Appendix 3



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Agenda Item 7

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel - 10th February 2015
Planning Application Report of the Planning and Development Manager**

Application address: 19 Mayfield Road SO17 3SW			
Proposed development: Erection of a single storey outbuilding in rear garden			
Application number	14/01989/FUL	Application type	FUL
Case officer	Nathan Pearce	Public speaking time	5 minutes
Last date for determination:	28/01/2015	Ward	Swaythling
Reason for Panel Referral:	Request by Ward Member – Councillor Mintoff.	Ward Councillors	Cllr Painton Cllr Mintoff Cllr Vassiliou

Applicant: Mr and Mrs N Sultan	Agent: Jenkins Architecture
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	No
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (March 2006) and CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History

Recommendation in Full

Conditionally Approve

1.0 The site and its context

1.1 This application site is located within the Swaythling ward. Mayfield Road is mainly characterised by two storey semi-detached dwellings, which are uniformly spaced in a similar style. The site benefits from a 26m long rear garden, where the proposed outbuilding, which is nearly complete, is located at the southernmost end, adjacent to a service track.

1.2 56 square metres of private amenity space is retained in the rear garden. The garden is surrounded by a 1.7m wooden fence.

2.0 Proposal

2.1 The proposal is for a detached outbuilding in the rear garden that is currently under construction. It is situated at the south-west end of the garden, next to the rear access lane. It is 7.5m long, 6m wide with a pitched roof height of 3.8m and eaves height of 2.2m. The construction materials of red bricks and black interlocking tiles are similar in appearance to those of the existing house. The building is proposed to be used as a store/gym and have two windows facing into the garden, a side access door on the west side and a rear window facing onto the rear boundary wall. There is a 14m separation between the outbuilding and the rear wall of the dwellinghouse.

2.2 The agent has confirmed that the main dwelling is currently in use as a C3 family dwellinghouse and that the outbuilding is under construction but not fully completed or used/occupied.

3.0 Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.

3.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4.0 Relevant Planning History

4.1 There have been two planning applications on this site in recent years, both have been for rear extensions. A single storey rear extension has been built following a Prior Approval application in 2013. There have been no applications for outbuildings.

4.2 Full site history is shown in **Appendix 2**

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners. At the time of writing the report 0 representations have been received from surrounding residents.

5.2 Consultation Responses

5.3 **Cllr Sharon Mintoff** - Would like the application to be determined by the Planning and Rights Of Way Panel.

6.0 Planning Consideration Key Issues

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

- Principle of Development
- Design, scale, and character

6.2 Principle of Development

6.2.1 There are various sizes of outbuildings in many of the rear gardens of Mayfield Road and Broadlands Road, some with similar dual pitched roofs. An outbuilding of this scale, whilst having some visual impact on neighbours would not be out of character for the area. The siting of the structure is also typical of outbuildings in the surrounding area. Conditions should be imposed to restrict its use for the sake of clarity and to ensure the future amenity of neighbours is protected.

6.3 Design, scale, and character

6.3.1 The design of the outbuilding is acceptable in terms of its size, physical form and construction materials. The rear garden measures approximately 200 square metres, the outbuilding will remove 40 square metres of the usable space, which would leave an adequate amount of space for a semi-detached dwelling. The boundary treatment consists of a 1.7m high wooden fence that surrounds the rear garden. The rear windows of number 17 are approximately 15m away and most of the sight will be blocked by the fence.

7.0 Summary

7.1 In summary, the proposed outbuilding does is not considered to materially harm the amenity or character of the local area.

8.0 Conclusion

8.1 In conclusion, subject to conditions, the application can be recommended for approval.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

PLANNING CONDITIONS

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. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

POLICIES - SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (March 2006) and CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

01 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 or dormer 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.

02. APPROVAL CONDITION - Limitation of use of outbuilding [Performance Condition]

The proposed outbuilding shall only be used as a store/gym that is incidental to the existing dwelling and at no time shall be used for habitable accommodation or be fitted out in such a way as to be capable of being used for habitable accommodation unless otherwise agreed in writing with the Local Planning Authority.

REASON:

To protect the character of the dwelling and surrounding area and the amenities of surrounding properties.

03. APPROVAL CONDITION - Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

REASON:

For the avoidance of doubt and in the interests of proper planning.

POLICY CONTEXT

Core Strategy - (January 2010)

CS13 Fundamentals of Design

City of Southampton Local Plan Review – (March 2006)

SDP1 Quality of Development
SDP7 Urban Design Context
SDP9 Scale, Massing & Appearance

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

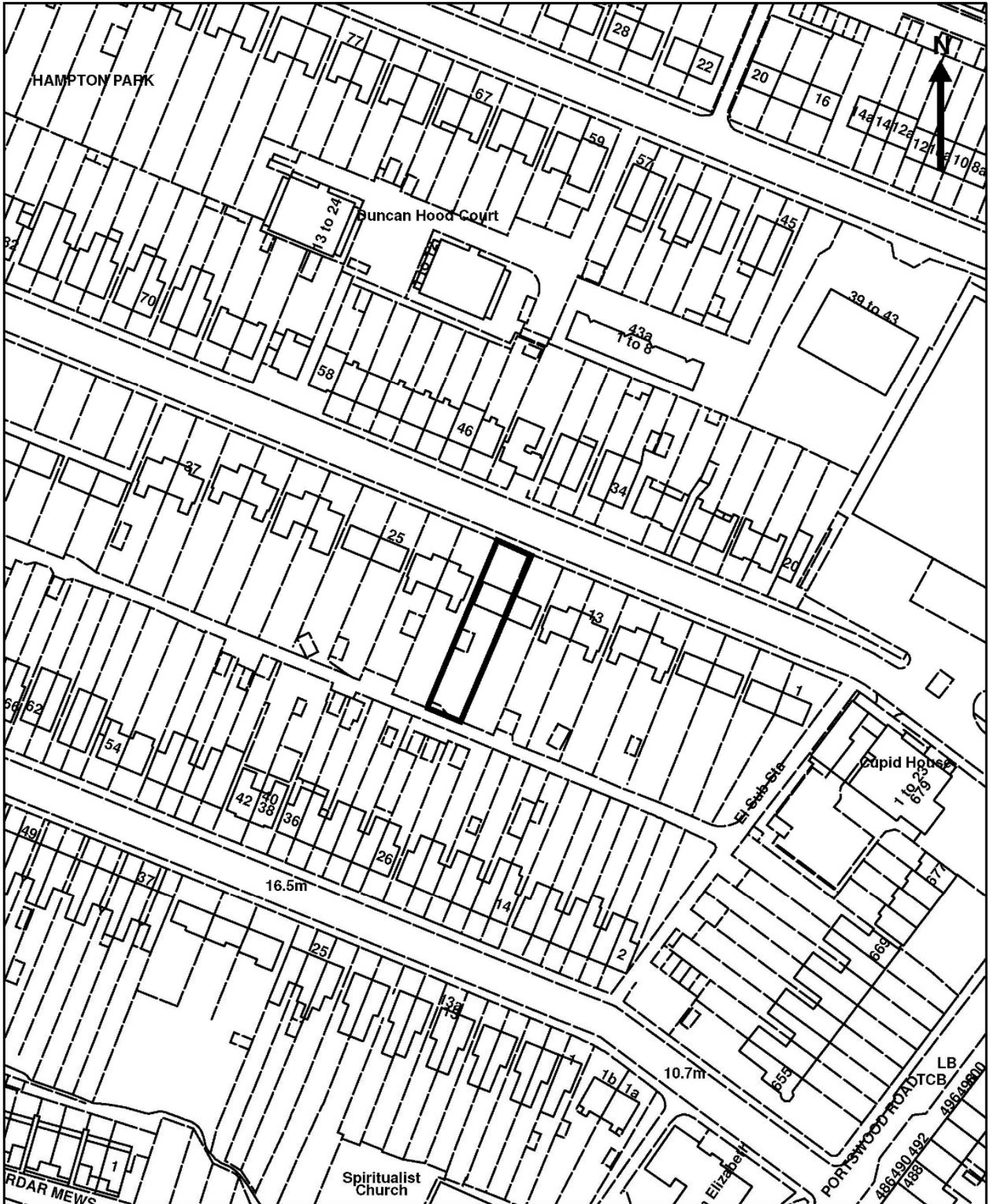
Other Relevant Guidance

The National Planning Policy Framework 2012

Relevant Planning History

13/00770/FUL - Erection of a part 2 storey, part single storey rear extension. -
Conditionally Approved 23.09.2013

13/01232/PAH - Erection of a single storey rear extension (max depth 5m, max height
2.7m, eaves height 2.7m) - Prior Approval Not Required 27.08.2013



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