

**Planning, Transport & Sustainability Division  
 Planning and Rights of Way Panel  
 - 10 February 2015**

**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Land Adjacent 224 Portswood Road (part of Former Portswood Bus Depot)			
<b>Proposed development:</b> 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)			
<b>Application number</b>	14/01783/OUT	<b>Application type</b>	OUT
<b>Case officer</b>	Andy Amery	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	23.01.2015	<b>Ward</b>	Portswood
<b>Reason for Panel Referral:</b>	Major planning application subject to objection	<b>Ward Councillors</b>	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**

<b>Recommendation Summary</b>	
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<b>Community Infrastructure Levy Liable</b>	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).

<b>Appendix attached</b>			
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.

### **Consultation Responses**

- 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]

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.

#### 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.