

**Planning and Rights of Way Panel 10<sup>th</sup> July 2018**  
**Planning Application Report of the Service Lead – Infrastructure, Planning and Development.**

<b>Application address:</b> 182-184, Bitterne Road West, Southampton, SO18 1BE.			
<b>Proposed development:</b> Erection of a three storey building to provide a ground floor retail unit and two x two bed flats on upper floors with associated parking and cycle/refuse storage, following demolition of existing building.			
<b>Application number</b>	18/00358/FUL	<b>Application type</b>	Minor Dwellings
<b>Case officer</b>	Mat Pidgeon	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	3rd July 2018	<b>Ward</b>	Peartree
<b>Reason for Panel Referral:</b>	Request by Ward Member.	<b>Ward Councillors</b>	Cllr Bell Cllr Houghton Cllr Keogh
<b>Referred to panel by:</b>	Cllr Keogh	<b>Reason</b>	3 storey impact on neighbours, parking pressure.

<b>Applicant:</b> Mr Andrew Jones	<b>Agent:</b> Studio Four Architects
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<b>Recommendation Summary</b>	Delegate to service lead – Infrastructure, Planning and Development to grant planning permission subject to content listed in the report.
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<b>Community Infrastructure Levy Liable</b>	Yes
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**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 including impact on neighbouring amenity and on street car parking pressure 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, SDP4, SDP5, SDP7, SDP8, SDP9, SDP10, SDP13, SDP14, SDP15, SDP16, SDP22, H1, H2 and H7 of the City of Southampton Local Plan Review (Amended 2015) and CS3, CS4, CS5, CS13, CS16, CS18, CS19, CS20 and CS25 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

<b>Appendix attached</b>	
1	Development Plan Policies
2	10/00374/FUL - Reasons for refusal
3	10/00374/FUL - Refused plans

## **Recommendation in Full**

*Delegate to Service Lead – Planning, Infrastructure & Development to grant planning permission subject to receipt of a Solent Disturbance Mitigation Project payment/alternative provision. In the event that this issue is not resolved within 1 month from the date of the Planning Panel delegation also given to refuse the application for failure to accord with the Development Plan.*

## **Background**

The application was brought to the Planning and Rights of Way Panel meeting held on 19<sup>th</sup> June 2018 however the application was not determined at that meeting. The decision was taken by the Panel to defer the item because it was brought to their attention that a reconsultation period, following the receipt of amended plans (reducing car parking on site from two to one space), had not expired. This was due to a technical administration error associated with departmental IT changes. The letter produced and sent to residents informing them of the changes had given a closing date for comment of 25<sup>th</sup> June rather than 18<sup>th</sup> June as( required).

Since the previous Panel meeting 2 further letters of representation have been received as a consequence of the re-consultation exercise associated with the amended plans. The following is a summary of the relevant points raised:

Object to retail use owing to the vehicular traffic that the use would attract.

*RESPONSE: We must plan for reasonable behaviour including the use of and parking of private motor vehicles. Car travel would not be necessary in order to access the retail unit. The site currently has a use that would attract customers.*

Objection raised on the basis of the reduction from two to one car parking spaces.

*RESPONSE: The reduction from two to one car parking spaces will improve highways safety given that the proposed layout of the two spaces would not be satisfactory. The two spaces would not have conformed with the Council's parking standards and would not have been conveniently accessed from the public highway. The private rear access to properties fronting Bitterne Road West would also likely have need to be used to access one of the spaces in the event that the other was occupied. This application provides an opportunity to improve and control site parking in a way that is safer and visually more acceptable than the existing informal arrangement. No parking is still proposed for the 2 flats.*

The following report is largely unchanged to that presented to the previous Panel meeting.

### **1 The site and its context**

- 1.1 The application site is located on the corner of Bitterne Road West and Athelstan Road. The site is occupied by a single storey detached commercial unit operated most recently as a hairdressers under the A1 use class. The site is open and not bounded by boundary treatment at present adjacent to Bitterne Road West and Athelstan Road. Lack of boundary treatment allows members of the public to walk through the site from Bitterne Road West to Athelstan Road. Vehicles are also capable of using the side access between the application site and 186 Bitterne Road West although the route appears informal and seldom used. The proposed development would result in the loss of this access for vehicles.

- 1.2 To the rear of the site there is a vehicular access route allowing access to the backs of the properties 186 – 194 Bitterne Road West. The route is not a public highway and residents benefit from a right of access. Many residents of 186 – 194 use the space behind their properties for parking purposes.
- 1.3 The adjacent building to the east (186 Bitterne Road West) is a traditional two-storey design with a hipped roof. There is a commercial use at ground floor (A5) and residential above. To the rear of the site, along Athelstan Road, are two-storey residential dwellings, to the west is a terrace of two and a half storey buildings with commercial or residential uses at ground floor and flats above whilst to the north on the opposite side of Bitterne Road West are single storey retail units for bulky goods.
- 1.4 The site is not within a primary or secondary retail frontage area nor is it within a District or Local Centre. The site falls within a medium accessibility area and is also within an Air Quality Management Area (AQMA).
- 1.5 Parking on Bitterne Road West and Athelstan Road near to the site is controlled by Traffic Regulation Orders in the form of double yellow lines. The highway adjacent to the site is also controlled by 'no waiting at any time' restrictions.
- 1.6 The wider surrounding area is residential, comprising a mix of terraced houses, semi-detached houses and detached houses. There are commercial uses opposite and Bitterne Train Station is 0.1 mile away to the north west. The nearest defined commercial centres are Bitterne Triangle Local Centre which is half a mile to the north and Bitterne District Centre which is a little less than a mile to the east.

## **2 Proposal**

- 2.1 Erection of a three storey building to provide a ground floor retail unit and two x two bed flats on upper floors with associated parking and cycle/refuse storage, following demolition of existing building. The site is triangular in shape which is a constraint to development potential.

## **3 Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). 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 27<sup>th</sup> 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. Relevant Planning History**

- 4.1 Application 10/00374/FUL was refused in May 2010. The application sought planning permission for the redevelopment of the site following demolition of existing shop unit and erection of 5 flats comprising 1 x 1 bed and 4 x 2 bed (two storey with accommodation in roof) with detached single storey bike store and refuse enclosure and new site boundary wall/railings/gates. Five reasons for refusal were listed and can be

summarised as follows (full reasons are included as **Appendix 2** and the plans are included as **Appendix 3**):

1. Design; responds poorly and fails to integrate with its local surroundings by reason of its design, including flat roofed form, its relationship with the existing pattern of development along Bitterne Road West and the excessive site coverage. Overdevelopment of the site.
2. Residential Environment; insufficient amenity space, failure to detail adequate mitigation measures (noise, odour, air quality), poorly location refuse and cycle store, lack of defensible space in front of habitable room windows.
3. Highways Safety; doors and windows overhanging public highway when open.
4. Code for Sustainable Homes; no commitment or details submitted.
5. Section 106 – Financial obligations were required to offset the impact of the development.

4.2 07/02064/OUT- Redevelopment of the site. Demolition of the existing building and erection of a two-storey building to provide 12 one-bedroom flats (Outline application seeking approval for layout and scale of development) – Withdrawn.

4.3 05/00184/OUT - Redevelopment of the site by the erection of a two-storey building comprising four flats and a commercial retail unit (outline application for means of access and siting). Conditionally Approve.

4.4 930240/E – Erection of a first floor to form self-contained flat with ground floor extensions – Refused, April 1993, refusal reasons included: overdevelopment, coverage of site, lack of amenity space, out of character and insufficient parking.

## **5 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 and erecting a site notice (13/03/2018). At the time of writing the report **12 representations** (including the additional 2 cited at the start of this report) have been received from surrounding residents, including Cllr Keogh. The following is a summary of the relevant points raised:

5.2 Poor design/out of character with the surroundings. RESPONSE: The position of the dwelling on a corner and opposite three storey development on the south west side corner of the junction of Bitterne Road West and Athelstan Road provides scope for variety of design. The chosen design is acceptable within this varied context.

5.3 Overlooking/neighbouring privacy. RESPONSE: The layout of the flats means that habitable room windows will not face towards neighbouring residential properties or gardens. Privacy screens are proposed on the side of the raised terraces. Further details of measures required to ensure that the privacy of neighbours will be protected can be secured by planning condition.

5.4 Overshadowing neighbouring properties. RESPONSE: A shadow diagram has been provided which indicates that whilst the neighbouring site will be cast in shadow by the development after 4pm there will remain areas of the neighbouring site that will be unaffected. This is deemed acceptable.

5.5 Increased potential for vehicles to unlawfully park on and therefore block the rear access to 186 – 194 Bitterne Road West. RESPONSE: This is a civil matter to be resolved outside of the planning system. It would be unreasonable to penalise the applicant for the behaviour of other vehicle owners choosing to park illegally.

- 5.6 Highways danger/obstruction when servicing of the proposed commercial unit. RESPONSE: There is currently space at the rear of the site for a vehicle to park for servicing purposes. The proposal includes a space on site to ensure that servicing can still occur from the site.
- 5.7 Highways Safety – sightlines from vehicular access to rear of properties 186 – 194 Bitterne Road West. RESPONSE: No objection from the Highways Development Management Team has been raised on the basis of the amended plans which secure sightlines for the single proposed car parking space.
- 5.8 Increased traffic generally as a consequence of the development. Increased parking pressure, parking survey does not reflect problems that currently exist. RESPONSE: The proposal is fairly modest and is unlikely to result in a significant increase in road traffic. Occupants would have access to public transport and cycle storage. Reliance on private vehicles in this location is not necessary for access to public services, employment and amenities. The parking survey submitted by the applicant (undertaken Tuesday 27<sup>th</sup> June, 20.00 and Wednesday 28<sup>th</sup> June, 06.30) also demonstrates that locally (within 250m of the site) there is sufficient available capacity to accommodate parking that may be required as a consequence of the development.
- 5.9 Construction – Disturbance on the public highway (roads and footpath). RESPONSE: A construction environment management plan can be added to control parking of construction related traffic and location of construction compound.
- 5.10 Construction – Disturbance (noise). RESPONSE: Planning conditions can be used to prevent construction at unreasonable hours.
- 5.11 Construction – Damage to the highway and neighbouring properties. RESPONSE: The scale of the development is such that it is not anticipated that damage will occur thus it would be unreasonable/disproportionate to add a condition to monitor damage to the highway. Damage to private property is a civil matter. The Highways Act includes provisions for securing works to remedy damage by a third party.
- 5.12 Impact on the public sewer and increased potential for surface level flooding. RESPONSE: No objection received from Southern Water. The proposal also provides the potential to improve drainage locally and help to prevent flooding given that the site is currently 100% hardsurfaced and is unlikely to include soakaways for surface water drainage. Surface water drainage through the use of soakaways will be controlled through Building Regulations.

### **Consultation Responses**

- 5.13 **Southern Water** - No objection subject to conditions.
- 5.14 **CIL** – The development is CIL liable.
- 5.15 **SCC Environmental Health** – Reports submitted in relation to noise, odour and air quality have allayed previous concerns. No objection is raised subject to the recommendations/conclusions of the reports submitted and imposition of relevant conditions.
- 5.16 **SCC Archaeology** – No objection subject to conditions.
- 5.17 **SCC Sustainability Team** – No objection. Apply recommended conditions.

5.18 **SCC Highways** - No objection raised. Amended plans have been sought. It is deemed that there will be no significant change in terms of highways safety. Apply recommended conditions.

5.20 **SCC Ecology** – No objection is raised.

## 6. Planning Consideration Key Issues

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

- the principle of the development;
- the impact of the design of the building on the character of the area;
- the quality of the residential environment produced for prospective residents;
- the impact on the amenities of neighbouring and surrounding residents;
- highways safety, car parking and access for servicing.
- Habits regulations

### Principle of Development.

6.2 The scheme would make efficient use of previously developed land to provide a mixed use development that includes housing, thereby assisting the Council in meeting its housing requirements of 16,300 homes to 2026. The proposal incorporates two x two bedroom flats. Policy H2 of the Local Plan encourages the maximum use of derelict, vacant and underused land for residential development. Policy H8 of the Local Plan Review states that for medium accessibility areas net density levels should generally accord with the range for density of between 50 and 100 dwellings per hectare for new residential development. The area of the site proposed for development is 0.016 hectares. With two dwellings the density would be 120 units per hectare. The scheme therefore slightly exceeds the council's density requirements which is deemed acceptable in this location given the site constraints and access to public services and amenities, including Bitterne Train Station which is 0.1 mile to the north east.

6.3 The principle of the development is acceptable.

### The impact of the design of the building on the character of the area.

6.4 Since the previous scheme was refused in 2010 the building design has been amended. The proposal is now contemporary in form and is a significant improvement over the previously refused scheme. Officers are now of the opinion that the design more successfully responds to and integrates with the local surroundings for the following reasons:

- The amount of flat roof has been significantly reduced.
- The amount of site coverage has been reduced providing an improved setting to the building.
- The bulk and design responds better to the spatial characteristics of the pattern and proportions of buildings along the Bitterne Road West frontage.
- Given its corner location the building is no longer deemed to be excessive in depth.
- Also owing to its position on the corner and opposite three story buildings the height of the building and design, which includes rooms in the roof space, is not judged to be harmful to local character.
- Refuse and cycle storage can now be more successfully integrated into the design of the development.
- Residents will no longer have to exit the site and re-enter in order to access refuse and cycle storage.
- Amenity space has been provided in the form of private terraces for each flat

measuring 16 sq.m.

- The proposal is no longer considered to represent an overdevelopment of the site.

- 6.5 The unusual shape and corner position of the site allows for some flexibility in design terms and diversion from the building design type found locally.
- 6.6 Whilst the design is not typical of the buildings found locally it is also not considered by officers to be sufficiently harmful to local character to be opposed on this basis. Use of high quality modern materials will be needed in order to ensure the visual success of the scheme. Materials will be controlled by condition.

The quality of the residential environment produced for prospective residents.

- 6.7 The proposed residential development is within walking and cycling distance of a range of local facilities and services with good access to public transport. In particular there is a small parade of shops close to the application site on Bitterne Road West and there is a larger parade of shops on Bitterne Triangle which is approximately half a mile to the north. Bitterne District Centre is also less than a mile away to the east.
- 6.8 The proposal incorporates two private balconies (16sq.m each) for the occupants of the two flats to use. The amenity space provided therefore does not accord with the space requirements recommended in the residential design guide.
- 6.9 The deficiency of amenity space must be set against the advantages of living in a location that is within walking and cycling distance of local shops and services and public open space including Riverside Park which is half a mile to the north, and Chessel Bay Nature Reserve that is 0.2 miles to the south.
- 6.10 The privacy experienced by residents will be acceptable and natural surveillance of the street is achieved from habitable room windows. The ground floor entrance to the flats is also located so that it will be visible from the street.
- 6.11 Habitable rooms within the proposed buildings will all have good access to outlook, and daylight. The proposed flats are dual aspect and the room sizes and overall flat sizes provide sufficient space to result in sufficient quality of residential environment (82 sq.m floor space per flat).
- 6.12 The site is positioned within an Air Quality Management Area and therefore officers asked for an air quality assessment to accompany the application. The report (Air Quality and Odour Assessment) that was commissioned identifies that the impacts of local traffic on the air quality for residents living in the proposed development have been shown to be acceptable. The report author has reviewed nationally set standards for air quality and survey data provided by Southampton City Council for this location when compiling the report. The conclusion to the report does not therefore recommend any mitigation measures in respect of air quality and considers that there should be no constraints to residential occupation at the site, with regard to air quality. The Environmental Health Team agree.
- 6.13 In terms of odour the neighbouring hot food takeaway has a flue which is positioned adjacent to the application site. The impact of the flue on the occupiers of the unit has been mitigated by designing the building so that there are no windows within the flank wall of the building and next to the hot food take away unit. The Air Quality and Odour Assessment concludes that given that odour effects at the proposed development are likely to be negligible, the odour impacts are judged to be insignificant. The Environmental Health Team also agree to this approach.

- 6.14 With respect to both air quality and odour the Councils Environmental Health Team do not dispute the conclusions set out in the Air Quality and Odour Assessment and accordingly have not raised an objection to the proposed development.

The impact on the amenities of neighbouring and surrounding residents.

- 6.15 The proposed building is considerably larger than the existing building on the site and as a consequence a greater shadow will be cast by it. The shadow diagram provided by the applicant indicates that in the evening the neighbouring site will in part be cast in shadow. However in the summer months when the sun is higher in the sky the impact will be less than during winter months. The impact caused by shadowing is considered acceptable when assessed against recognised BRE guidance.
- 6.16 The proposal will not harm outlook from habitable room windows of neighbouring property.
- 6.17 Provided that the occupiers of the proposed development behave reasonably neighbours residential amenity in terms of noise and disturbance will not be significantly harmed.

Highways safety, car parking and access for servicing.

- 6.18 The proposal indicates one dedicated space for car parking. The proposal identifies that the space will be used for servicing of the shop unit so that servicing vehicles do not park on Althelstan Road, Bitterne Road West or on the pavement adjacent to the application site. It is noted that the Highways Team is supportive of this approach and have not opposed the scheme. The Highways Team and the case officer acknowledge that servicing occurs from the rear of the site at present with servicing vehicles also parking at the rear. Whilst the proposal does not include turning provision on site existing servicing vehicles are also unlikely to currently be turning on site before re-entering the public highway. It is therefore deemed acceptable to support the current proposal given that the changes are not judged to be significant in terms of highways safety.
- 6.19 The site is within a medium accessibility area. The location is well served by public transport and it is not considered that the occupiers of the residential units will require cars in order to access employment as well as public goods and services which are necessary for day to day living.
- 6.20 Therefore whilst the adopted maximum parking standards would allow up to two parking spaces per residential unit that figure is an absolute maximum and sometimes the site may not be capable of delivering more parking. A suitable balance is needed and SCC standards do allow for car free development. In this particular case zero parking for residents on site is considered acceptable. This conclusion has been made having also taken account of the submitted car parking survey which shows that there is sufficient available capacity within the local area to accommodate parking that may be required as a consequence of the development.
- 6.21 The results of the surveys demonstrate that a minimum of 24 spaces were available within 250m of the site. In addition, of the available spaces, a minimum of 11 spaces were available on either Garfield Road or Athelstan Road, which enable access to parking without the need to cross Bitterne Road West.
- 6.22 SCC's Parking Standards SPD (2011) demonstrates that, for this particular site, a maximum of 4 car parking spaces could be provided for the occupants of the flats (2 for each flat). For the commercial unit a total of 3 spaces could be provided. Whilst the development provides just one space (for servicing of the retail unit and the flats) the parking surveys demonstrate

that there is sufficient available capacity to accommodate a potential maximum demand of 7 vehicles. Accordingly the surrounding on street car parking survey demonstrates that the potential 7 spaces can be accommodated. As the parking standards SPD allows for this approach the scheme is not opposed by officers on this basis.

- 6.23 The historic or current arrangement whereby neighbours and visitors to the site and visitors to nearby commercial units park on the site is not a material planning consideration given that the current arrangement could be ended irrespective of planning permission being granted. This is again a civil matter.
- 6.24 Objectors to the scheme, in particular those who live within the row 186 – 194 Bitterne Road West and who have access over land to the rear of the site to access their properties (including by car), are concerned that as a direct result of the proposal current problems associated with gaining access to and from their properties will be exacerbated. Whilst Officers understand the frustration that may occur in the event of the access being blocked the point is immaterial to the determination of this planning application. The applicant should not be penalised for the unlawful parking of vehicles on the service route. Local parking pressure and illegal parking practices are acknowledged however they cannot be directly attributed to the proposed development. The application must be determined with reasonable behaviour in mind.
- 6.25 No objection has been raised to the proposal from the Highways Development Management Team. Refuse and cycle storage, as well as parking on site, can be achieved.

#### Habitat Regulations

- 6.26 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 has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. Once paid – see delegation above - this application will have complied with the requirements of the SDMP and meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

## **7 Summary**

- 7.1 The Council is committed to providing high quality residential environments for the citizens of the city and aim to work with developers to make efficient use of available land. Permission is sought for a well-designed mixed use scheme on previously developed land which is within close proximity to a train station. As such the scheme fulfils the requirements of the NPPF.

## **8 Conclusion**

- 8.1 The positive aspects of the scheme are not judged to be outweighed by the negative and as such the scheme is recommended for conditional 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), 4 (f) (g) (vv), 6 (a) (b), 7 (a).

**MP3 for 10/07/2018 PROW Panel**

**PLANNING CONDITIONS**

**1. Full Permission Timing Condition (Performance)**

The development hereby permitted shall begin no 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).

**2. 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.

**3. Cycle parking (Performance Condition)**

Before the development hereby approved first comes into occupation, the storage for bicycles shall be provided and made available for use in accordance with the plans hereby approved. The storage shall thereafter be retained as approved.

Reason: To encourage cycling as an alternative form of transport.

**4. Refuse & Recycling (Pre-Commencement)**

Prior to the commencement of development, details of storage for refuse and recycling, together with the access to it, shall be submitted to and approved in writing by the Local Planning Authority. The storage shall be provided in accordance with the agreed details before the development is first occupied and thereafter retained as approved. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the development hereby approved.

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.

*Note to applicant: In accordance with para 9.2.3 of the Residential Design Guide (September 2006): if this development involves new dwellings, the applicant is liable for the supply of refuse bins, and should contact SCC refuse team at [Waste.management@southampton.gov.uk](mailto:Waste.management@southampton.gov.uk) at least 8 weeks prior to occupation of the development to discuss requirements.*

**5. Details & samples of building materials to be used [Pre-Commencement Condition]**

Notwithstanding the approved plans no above ground works shall be carried out unless and until a detailed schedule of materials and finishes including samples (of bricks, roof tiles and cladding) to be used for external walls and the roof of the proposed buildings; and all boundary treatment, has been submitted to and approved in writing by the Local Planning Authority. Details shall include all new glazing, panel tints, drainage goods, and the ground surface treatments formed. Development shall be implemented only in accordance with the agreed details.

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.

**6. Balcony Access [Pre-Occupation Condition]**

The external balcony spaces serving the development hereby approved shall be carried out in accordance with the approved plans and made available prior to the first occupation of the development hereby permitted. The balcony spaces shall be retained with access to them at all times for the use of the occupants thereafter in perpetuity. The balconies allocated to the flats shall be private to the flats they serve.

REASON: To ensure the provision of adequate amenity space in association with the approved development.

7. 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 other than those expressly authorised by this permission shall be inserted at first and second floor level within the buildings hereby approved without further prior written consent of the Local Planning Authority.

Reason: To protect the amenities of the adjoining residential properties.

8. Details & samples of measures to secure neighbouring privacy. [Pre-Commencement Condition]

Notwithstanding the approved plans no above ground works shall be carried out unless and until detailed plans, including sections, of the rear balcony's and in particular the measures proposed to prevent the loss of neighbouring privacy (as potentially enjoyed from within the space on the neighbouring site that could become a residential garden in the future) has been submitted to and approved in writing by the Local Planning Authority. Details shall include all building materials. The development shall be implemented only in accordance with the agreed details and retained thereafter.

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.

9. Details of windows (sill and recess) [Pre-Commencement Condition]

No development works shall be carried out unless and until details of the proposed windows, in terms of sill materials and design, window reveal depth (recess/relief) in the construction of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented only in accordance with the agreed details and retained thereafter.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and privacy; and to achieve a building of visual quality.

10. Hours of work for Demolition / Clearance / Construction (Performance)

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 to 18:00 hours

Saturdays 09:00 to 13:00 hours

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.

11. Wheel Cleaning Facilities (Pre-commencement)

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 vehicle 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.

12. On site vehicular parking [Pre-Occupation Condition]

The approved vehicular parking space shall be constructed and laid out in accordance with the approved plans prior to the first occupation of the development hereby approved. The parking space as approved shall be permanently retained for servicing of the retail unit and to assist residents when moving into and out of the flats and/or when delivering furniture and similar bulky goods only. At no other time shall the parking space be used by occupants of the flats or their visitors.

Reason: To avoid congestion of the adjoining highway and in the interests of highways safety.

13. Archaeological structure-recording [Pre-Commencement Condition]

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

Reason: To ensure that the recording of a significant structure is initiated at an appropriate point in development procedure.

14. Archaeological watching brief investigation [Pre-Commencement Condition]

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.

Reason: To ensure that the archaeological investigation is initiated at an appropriate point in development procedure.

15. Archaeological watching brief work programme [Performance Condition]

The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

Reason: To ensure that the archaeological investigation is completed.

16. Land Contamination investigation and remediation (Pre-Commencement & Occupation)

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

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

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

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

#### 17. Use of uncontaminated soils and fill (Performance)

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.

#### 18. Unsuspected Contamination (Performance)

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. The development shall proceed in accordance with the agreed details unless otherwise agreed in writing by 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.

#### 19. Public Sewer protection (Performance)

Prior to the commencement of development, details of the measures to protect the public sewer from damage during the demolition and construction shall be submitted to and approved by the Local Planning Authority in writing. The measures shall be implemented as approved for the duration of demolition and construction works.

Reason: In order to safeguard the public sewer.

#### 20. Foul and surface water sewerage disposal – Pre-commencement Condition.

Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by the Local Planning Authority, in consultation with Southern Water. Once approved the development shall take place in accordance with the agreed details.

Reason: To ensure correct disposal of foul and surface water is achieved from the site.

#### 21. Energy & Water [Pre-Commencement Condition

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of a design stage SAP calculations and a water efficiency calculator 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 Adopted Core Strategy (Amended 2015).

#### 22. Energy & Water [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 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of final SAP calculations and water efficiency calculator and detailed documentary evidence confirming that the water appliances/fittings have been installed as specified 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 Adopted Core Strategy (Amended 2015).

### 23. Boundary treatment, hardsurfacing, lighting & landscaping detailed plan

[Pre-Commencement Condition]

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

- i. means of enclosure/boundary treatment;
- ii. hard surfacing materials;
- iii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- v. a landscape management scheme.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting. The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Reason: To 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

Note the landscaping plans should:

- Not include excessive amounts of concrete or tarmac surfacing, block pavements should be used to the rear to define the private space at the rear. Migratory materials will not be accepted where spillage onto the public highway is likely to result.
- Identify that no surface water from the site shall run onto the public highway. Details shall be included explaining how this will be prevented.
- Boundary treatment will be needed to define the rear of the site. A brick built wall should be used to do this.
- Boundary treatment shall not include timber fencing adjacent to the public highway.

### 24. Remove PD for retail unit (Performance Condition).

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order amending, revoking or re-enacting that Order, no changes of use permitted within Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order amending, revoking or re-enacting that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In order that the Local Planning Authority may exercise further control in this locality given that there is limited opportunity for amenity areas and the proximity of ground floor windows to the public highway resulting potentially unacceptable privacy for future occupants.

### 25. Hours of Use, A1 use. (Performance)

The A1 retail use hereby approved shall not operate outside the following hours:

Monday to Saturday - 07:00 – 19:00

Sunday and recognised public holidays – 07:00 – 13:00

Reason: To protect the amenities of the occupiers of existing nearby residential properties and occupiers of the upper floor flats.

## 26. Construction Management Plan (Pre-Commencement)

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Plan for the development. The Construction Management Plan shall include details of:

- (a) parking of vehicles of site personnel, operatives and visitors;
- (b) loading and unloading of plant and materials;
- (c) storage of plant and materials, including cement mixing and washings, used in constructing the development;
- (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary; and
- (e) measures to be used for the suppression of dust and dirt throughout the course of construction;

The approved Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

Reason: In the interest of health and safety, protecting the amenity of local land uses, neighbouring residents, the character of the area and highway safety.

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS3	Promoting Successful Places
CS4	Housing Delivery
CS5	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
CS22	Promoting Biodiversity and Protecting Habitats
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (as amended 2015)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
NE9	Protection / Improvement of Character
H2	Previously Developed Land
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

10/00374/FUL – Reasons for refusal.

## 1. REFUSAL REASON - Design

Whilst the principle of a flatted redevelopment scheme is accepted, the proposed development of this prominent corner site is considered to respond poorly and fails to integrate with its local surroundings by reason of its design, including flat roofed form, its relationship with the existing pattern of development along Bitterne Road West and the excessive site coverage (building and hard-standing) with a limited setting to the building. Furthermore:-

(a) The proposed building footprint and associated hard-standing results in an excessive site coverage that fails to respond to the spatial characteristics of the pattern and proportions of buildings along the Bitterne Road West frontage.

(b) The need to incorporate a flat roof form, due to the proposed proportions of the building ,including it's excessive depth , results in the design which is out keeping and character with the traditional ridged roof form of buildings in the surrounding area.

(c) Poorly located refuse and cycle storage facility; and amenity space is proposed in relation to the entrance to the residential units, whereby residents have to enter the public highway between the store/amenity space and the entrance to the flats. The poor functionality and accessibility of the arrangement is symptomatic of an overdevelopment.

In combination, these design issues result in a building that fails to respect the character of the area or the needs of its users and, as such, the proposed development is considered to be contrary to "saved" policies SDP1 (i) SDP7 (i) (iii) (iv) (v), SDP8 (i) (ii) and SDP9 (i) (iv) (v) of the adopted City of Southampton Local Plan Review (March 2006) and Policy CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006).

## 2. REFUSAL REASON - Residential Environment

The Local Planning Authority is not satisfied that the proposed residential accommodation provides an attractive and acceptable living environment for prospective residents, in particular:

(a) The proposal fails to provide adequate external space which is fit for its intended purpose to serve the on-site amenity space needs of prospective residents, including external seating and areas for drying clothes, as required by adopted City of Southampton Local Plan Review (2006) Policy SDP1 (i) and SDP7 (v) as supported by paragraph 2.3.14 and section 4.4 of the Council's approved Residential Design Guide SPD (2006);

(b) Failure to provide details concerning the impact of poor air quality and noise generated within close proximity to the site; and an investigation of potential mitigation measures results in a development which fails to prove that the environmental conditions for residents shall be acceptable. As such the development would be contrary to policies SDP1 (i), SP15 (ii), SDP16 (ii) and H2 (iv) of the adopted City of Southampton Local Plan Review (March 2006)

(c) Poorly located refuse and cycle storage facilities and amenity space are proposed in relation to the entrance to the residential units, whereby residents have to enter the public highway between

the cycle store and the entrance to the flats. Access to the amenity space is achieved via a gated entrance which is within the immediate proximity of a habitable room window of one of the ground floor flats. Accordingly the scheme does not comply with the Council's adopted Policy SDP1 (i) of the adopted City of Southampton Local Plan (March 2006) as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006).

(d) Lack of defensible space in front of habitable room windows and proposed entrances to the flats would unacceptably affect the amenity and sense of safety and security of the occupants of the proposed residential units, as a consequence the development would poorly integrate into the local community. Accordingly the scheme does not comply with the Council's adopted Policy SDP1 (i), SDP8 (ii) and SDP10 (iii) of the adopted City of Southampton Local Plan (March 2006) as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006).

### 3. REFUSAL REASON - Highway Safety

The proposed development by reason of its footprint and access arrangement, which includes door, window and gated openings which would overhang the public footpath which borders the site would give rise to highway safety concerns owing to the obstruction of the public highway. Accordingly the scheme fails to comply with "saved" policies SDP1 (i) and SDP7 (i), (iii) and (v) of the adopted City of Southampton Local Plan Review (March 2006) as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006).

### 4. REFUSAL REASON - Code for Sustainable Homes and Climate Change

In the absence of any commitment to the Code for Sustainable Homes, an improvement of energy and water efficiency, sustainable urban drainage and a low carbon development the application has failed to demonstrate that it can satisfy the requirements of the adopted LDF Core Strategy Policy CS20 as supported by Part 7 of the Council's approved Residential Design Guide SPD (2006) which seek to contribute towards tackling climate change as required by the Council's Climate Change Strategy (2004) and PPS1.

### 5. REFUSAL REASON - Section 106

In the absence of a completed S.106 Legal Agreement the proposals fail to mitigate against their direct impact and do not, therefore, satisfy the provisions of Policy CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010) as supported by the Council's Supplementary Planning Guidance on Planning Obligations (August 2005 as amended) in the following ways:-

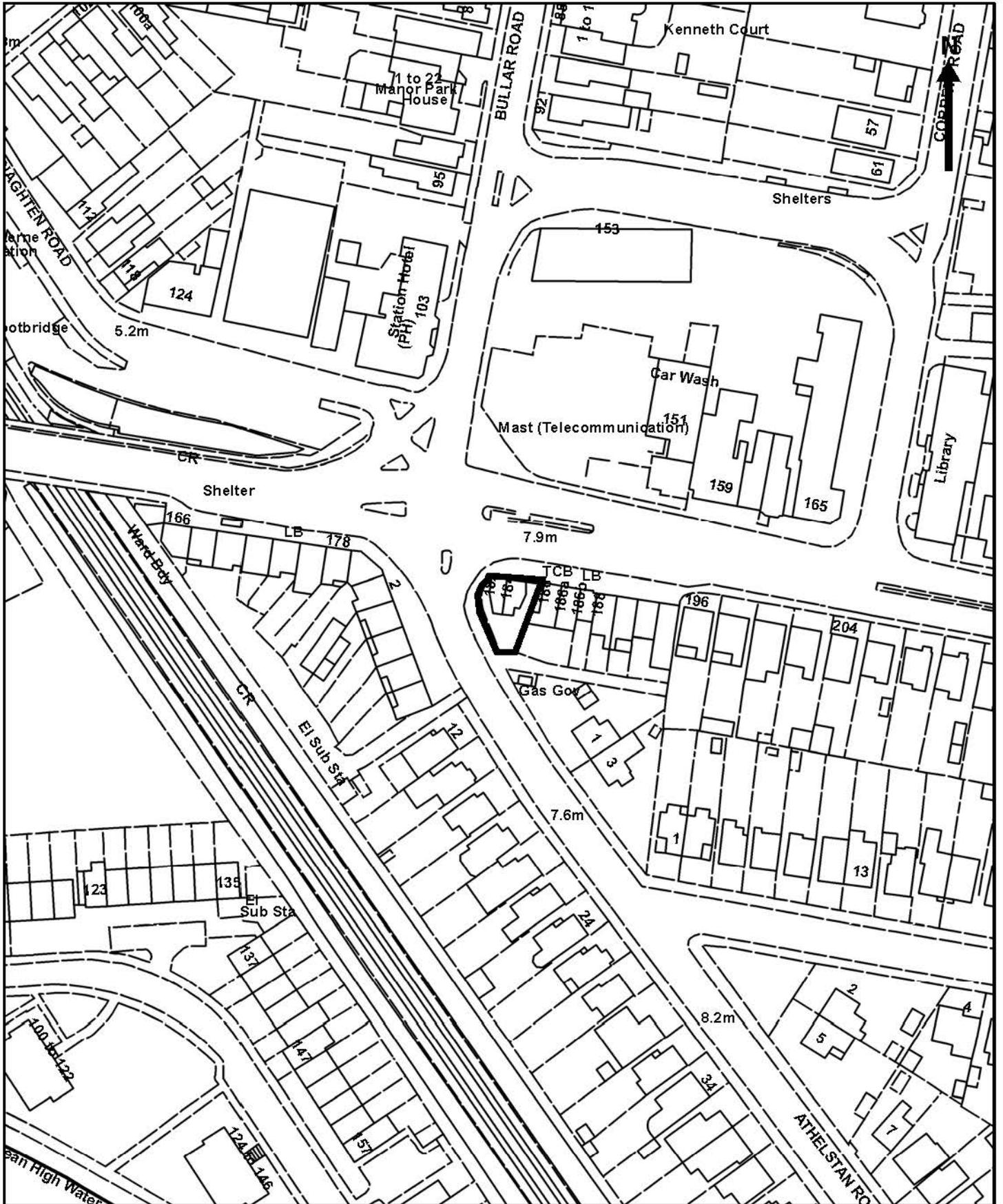
- A) Measures towards the relevant elements of public open space required by the development in accordance with Policies CS21 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010) and the adopted SPG relating to Planning Obligations (August 2005) in relation of amenity open space, play space and playing field. .
- B) Measures to support site specific transport contributions for highway improvements in the vicinity of the site in accordance with Policies CS18, CS19 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended)
- C) Measures to support strategic transport projects for transportation improvements in the wider area in accordance with Policies CS18 & CS25 of the Local Development Framework Core

Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);

D) The provision of affordable housing in accordance with Policies CS15, CS16 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);

(E) In the absence of a Highway Condition survey the application fails to demonstrate how the development will mitigate against its impacts during the construction phase;

# 18/00358/FUL



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