

Planning and Rights of Way Panel 12th March 2019
Planning Application Report of the Service Lead – Infrastructure, Planning and Development.

Application address: 182-184, Bitterne Road West, Southampton.			
Proposed development: Erect three storey building (with basement) to provide replacement commercial space at basement/ground floor, either within Class A1 or dental surgery only within Class D1, with 1 No. three bedroom maisonette over, either within Class C3 or Class C4. Associated single vehicle servicing bay accessed from new dropped kerb to Athelstan Road. Integral bicycle parking and refuse storage, following demolition of existing retail premises (Resubmission of planning application 18/00358/FUL).			
Application number	18/02272/FUL	Application type	Minor Dwellings
Case officer	Mat Pidgeon	Public speaking time	5 minutes
Last date for determination:	12th Feb 2019	Ward	Peartree
Reason for Panel Referral:	Request by Ward Member and 5 or more representations	Ward Councillors	Cllr Bell Cllr Houghton Cllr Keogh
Referred to panel by:	Cllr Keogh	Reason	Design, overdevelopment, parking pressure.

Applicant: Mr Andrew Jones	Agent: ACHIEVE - Town Planning and Urban Design Ltd
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Recommendation Summary	Delegate to service Lead Infrastructure, Planning and Development.
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Community Infrastructure Levy Liable	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 the design, 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 (2019).

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).

Appendix attached	
1	Development Plan Policies
2	10/00374/FUL - Reasons for refusal and refused plans
3	18/00358/FUL - Reasons for refusal and refused plans
4	18/00358/FUL – Planning and Rights of Way Panel Minutes of the Meeting Held on 10 th July 2018
5	Habitats Regulations Assessment
6	Parking Survey
7	HMO Threshold test results

Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment in **Appendix 5** of this report.
2. Delegate to service Lead Infrastructure, Planning and Development to grant conditional approval subject to no fresh planning related issues being received in connection with the updated car parking survey by Wednesday 13th March 2019.
3. That the Service Lead – Infrastructure, Planning & Development be given delegated powers to add, vary and /or conditions as necessary.

Background

A previous planning application for a similar scheme was brought to the Planning and Rights of Way Panel meeting held on 10th July 2018 where the application was refused for three separate reasons. This current application seeks to address the concerns raised within that decision.

The scheme differs to the previously refused scheme in the following ways:

- A single flat is proposed on the upper floors containing three bedrooms rather than seeking to provide two x two bed flats on the upper floors.
- A balcony/terrace has been removed from second floor level.
- Reduced building footprint.
- The scheme now includes a flat roof rather than mansard design.
- Facing materials retain brickwork previously shown but also now include render.
- A complete parking survey has been provided.
- The proposal now includes a basement to compensate for the loss of commercial floorspace previously proposed.

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 with basement to provide a ground floor retail unit (with ancillary basement) and one x three bed flat on the 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. This scheme seeks to address the previous reasons for refusal on an earlier proposal.

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 Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF (as amended 2019) 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 18/00358/FUL was recommended to panel for approval but was subsequently refused at Planning Panel 10th July 2018. The application sought the 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. Three reasons for refusal were listed and are summarised below (full reasons and plans are included as **Appendix 3**):
 1. Design: Responds poorly and fails to integrate with its local surroundings by reason of its cramped design, its relationship with the existing pattern of development along Bitterne Road West and excessive site coverage leading to an overdevelopment of the site.
 2. Incomplete Car Parking Survey
 3. Lack of Section 106 or unilateral undertaking to secure planning obligations - failure to secure mitigation towards the 'Solent Disturbance Mitigation Project'

- 4.2 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 and plans are included as **Appendix 2**):
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 located 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.
- 4.3 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.
- 4.4 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.
- 4.5 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 (15/01/2019). At the time of writing the report **7 representations** have been received from surrounding residents, including a Panel referral by Cllr Keogh. The following is a summary of the relevant points raised:
- 5.2 **Poor design/out of character with the surroundings – design has not sufficiently improved.**
Response: The position of the building on a corner and opposite three storey development on the south west side 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. A privacy screen is proposed on the side of the raised terrace. Further details of measures required to ensure that the privacy of neighbours will be protected can be secured by planning condition.
- 5.4 **Greater intensity of use than existing.**
Response: It would be unreasonable to oppose the scheme on this basis. Planning policies seek the maximum use of derelict, vacant and underused land for residential

development and intensification is not in itself harmful. The applicants are keen to maximise the site's potential and contribute towards meeting a housing need.

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 and addition of new dropped kerb.

Response: No objection raised by Highways Development Management on the basis of the 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 and poor survey work.

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 Sunday 3rd and Tuesday 5th February 2019 [both at 22:00]) 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, the total number being 2 spaces (Maximum provision for 3 bed residential dwellings in accordance with 4.2.2 of the Council's adopted Parking Standards SPD). This accords sufficiently with the Lambeth model and neighbours have been re-consulted on its conclusions. Any comments received will be verbally updated at Panel. Survey attached at **Appendix 6**.

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 (in particular owing the new proposal for basement accommodation).

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 received to bin and cycle storage. 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.
 - Habitats 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 one x three bedroom flat proposed to be occupied as a house in multiple occupation. 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 one dwelling the density would be 62 units per hectare. The scheme therefore complies with 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 In terms of the houses in multiple occupation (HMO) assessment officers conclude that the assessment area contains only one dwelling that is capable of accommodating a family (three or more bedrooms) (Refer to **Appendix 7**). Therefore with all of the other properties in the area discounted from the calculation, strictly speaking, 50% of the dwellings capable of accommodating a family in the assessment site would be HMO's which exceeds the threshold (10%) as set out in the HMO Supplementary Planning Document. Officers have not however opposed the proposal on this basis as the development is not considered conducive to family living. Consideration has been given to the position of the site on a busy junction, the raised terrace as an amenity space (as opposed to a garden area) and lack of available onsite car parking. Accordingly the development is considered more suitable for occupation as an HMO rather than as a family dwelling house.

6.4 The scheme seeks permission for a retail unit or a dental surgery. Neither uses are opposed in principle having taken into account the land use designation for the site and relevant planning policies.

6.5 The principle of the development is acceptable.

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

6.6 Since the previous schemes were refused in 2010 and 2018 the building design has been amended. The proposal is contemporary in form and has similarities to the 2018 scheme. The proposal is a significant improvement over the previously refused 2010 scheme.

6.7 Since the refused scheme in 2018 the design has been amended and successfully responds to and integrates with the local surroundings in the following ways:

- The mass and bulk of the proposal has been reduced by changing the form of the roof with the mansard now being removed and instead a flat roof form has been chosen.
- The reduced building height by 0.8 metres (caused by the change of roof form) responds better to the height of neighbouring buildings fronting Bitterne Road West.
- The amount of site coverage by building footprint (notwithstanding the overhang caused by the first floor roof terrace).
- Ground floor footprint no longer exceeds 50% of the site.

6.8 The unusual shape and corner position of the site makes it difficult to directly reflect the appearance of properties on Bitterne Road West and therefore the Council considers that this allows for some flexibility in design terms.

6.9 Whilst the amended design (following application 18/00358/FUL) is still not typical of the buildings found locally it is also not considered 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; should it be deemed necessary brick could be required for the whole building.

6.10 A diversion from the building design type found locally is not in itself considered harmful. The building broadly reflects local buildings in terms of its proportions and contemporarily designed buildings are not necessary harmful when inserted into areas of traditional built form and whilst design tastes may vary in this instance Officers cannot recommend refusal on design grounds following the amendments that have been made. The scheme is considered to have addressed the first reason for refusal relating to design and context.

The quality of the residential environment produced for prospective residents.

6.11 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.

- 6.12 The proposal incorporates one private balcony (26sq.m) for the occupants of the three bedroom flat to use. The amenity space provided therefore does accord with the space requirements recommended in the residential design guide.
- 6.13 It is also noteworthy that public open space is available nearby and includes Riverside Park, which is half a mile to the north.
- 6.14 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.
- 6.15 Habitable rooms within the proposed buildings will all have good access to outlook, and daylight. The proposed flat is dual aspect and the room sizes and overall flat size, in excess of 100sq.m, provide sufficient space to result in sufficient quality of residential environment.
- 6.16 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.
- 6.17 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.
- 6.18 With respect to both air quality and odour the Council's 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.

- 6.19 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 (submitted in relation to application 18/00358/FUL) 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 previous scheme was considered against recognised BRE guidance and was not previously considered a concern. It is judged that the proposed scheme would not have a significantly different impact and therefore is also not opposed on this basis.
- 6.20 The proposal will not harm outlook from habitable room windows of the neighbouring property.
- 6.21 Provided that the occupiers of the proposed development behave reasonably neighbours residential amenity in terms of noise and disturbance will not be significantly harmed.

- 6.22 A privacy screen will be used to ensure that neighbouring privacy is not harmed as a consequence of the raised balcony.

Highways safety, car parking and access for servicing.

- 6.23 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 Athelstan Road, Bitterne Road West or on the pavement adjacent to the application site. It is noted that the Highways Team are 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 and represents improvements over the current situation.
- 6.24 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.
- 6.25 Therefore whilst the adopted maximum parking standards would allow up to two parking spaces per residential unit, 1 per 20sq.m of retail floorspace (A1 use) and 3 parking spaces per consulting room (in the case of a dental surgery [D1 use]) those figures are absolute maximums and sites may not always 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 and one space to serve the commercial unit on site (and to be used when residents are moving in and out) 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 (6 spaces [see appendix 6]) within the local area to accommodate parking that may be required as a consequence of the residential element of the development. Customers of the commercial element of the proposal will not need to rely upon private vehicles to access the site.

Turning to parking proposed to serve the commercial element of the proposal

- 6.26 The Parking Technical Note that accompanies the application has been prepared by Paul Basham Associates. Parking surveys were undertaken within a 250m radius of the site on Sunday 3rd February 2019 at 22:00 and Tuesday 5th February 2019 at 22:00, in accordance with the Lambeth Methodology and Southampton City Council's adjusted Parking Survey requirements in consultation with the Councils Highways Team. The results of the surveys demonstrate that a minimum of 6 spaces were available within 250m of the site.
- 6.27 SCC's Parking Standards SPD (2011) demonstrates that, for this particular site, a maximum of 2 car parking spaces could be provided for the occupants of the 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/medical unit and the flats) the parking surveys demonstrate that there is sufficient available capacity to accommodate a potential maximum demand of 5 vehicles. As the parking standards SPD allows for this approach the scheme is not opposed by officers on this basis. The Panel will note that the existing hairdressers has limited parking also.
- 6.28 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.

- 6.29 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 the rear of 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 a privately owned 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.
- 6.30 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 and the previous reason for refusal has been addressed relating to parking.

Habitat Regulations

- 6.31 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. 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) and the Panel need to agree that the impacts caused from the new dwelling can be mitigated as discussed in the attached Habitats Regulations Assessment and the final reason for refusal has been addressed.

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. In considering the application the Council have taken account of the previously refused scheme. The scheme is recommended for conditional approval.

1 (a) (b) (c) (d), 2 (b) (d), 4 (f) (g) (vv), 6 (a) (b), 7 (a).

MP3 for 12/03/2019 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. Remove Permitted Development (A1 and D1 use) (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. The ground and basement A1/D1 use unit shall also not be used as a place of worship
Reason: In order that the Local Planning Authority may exercise further control in this locality given that there is limited opportunity for parking, amenity areas and the proximity of ground floor windows to the public highway resulting potentially unacceptable privacy for future occupants.

4. Hours of Use. (Performance)

The A1 / D1 use unit 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.

5. Cycle storage facilities (Pre-Commencement Condition)

Before the development hereby approved first comes into occupation, secure and covered storage for bicycles shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The storage shall be thereafter retained as approved.

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

6. 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 at least 8 weeks prior to occupation of the development to discuss requirements.

7. Details & samples of building materials to be used [Pre-above ground work 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, window reveal depth, window sill details, 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.

8. Balcony Access [Pre-Occupation Condition]

The external balcony 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 space shall be retained with access to it at all times for the use of the occupants thereafter in perpetuity.

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

9. Balcony Privacy Screen [Pre-Occupation Condition]

Before occupation of the development hereby approved full details of the privacy screen proposed for to be added to the raised terrace, used to prevent overlooking of neighbouring properties to the east, shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be erected prior to the occupation of the building and subsequently shall be retained.

Reason: To protect the amenities and privacy of occupiers of the adjoining property

10. Restricted use of flat roof area [Performance Condition]

The roof area of the building hereby approved which incorporates a flat roof surface shall not be used for storage purposes, as a balcony, terrace, roof garden or similar amenity area without the grant of further specific permission from the Local Planning authority.

Reason: In order to protect the privacy of adjoining occupiers.

11. Doors opening inwards and not to overhang public highway [Performance Condition]

The doors providing access to the ground floor unit and the upper floor residential unit hereby approved shall open into the building and shall at no time encroach onto or overhang the public highway.

Reason: In the interests of highway safety

12. No other windows or doors other than approved [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 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.

13. 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.

14. 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 demolition and 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.

15. 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.

16. On site vehicular parking [Performance 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 approved shall be permanently retained to manage 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.

17. Measures to prevent additional parking (Pre-Occupation Condition)

Prior to occupation measures to prevent vehicle parking outside of the defined parking space provided and agreed on site shall be submitted to and approved in writing by the local planning authority. Once approved the measures shall be implemented prior to occupation of the building.

Reason: In the interests of highways safety.

18. 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.

19. Archaeological structure-recording 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.

20. 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.

21. 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.

22. 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 scene of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development. Any changes to these agreed elements require the express consent of the local planning authority.

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

23. 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.

24. 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.

25. 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.

26. 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.

27. 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).

28. 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).

29. 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 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; 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. 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 low brick built wall should be used to do this.
- Boundary treatment shall not include timber fencing adjacent to the public highway.

30. Noise & Vibration (internal noise source) (Pre-Commencement)

The use hereby approved shall not commence until sound insulation measures against internally generated noise and vibration have been provided in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. The measures shall be thereafter retained as approved.

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

31. Noise & Vibration (external noise sources) (Pre-Commencement)

Prior to the commencement of the development hereby approved, a scheme of measures to protect the occupiers of the development from external noise and vibration sources, shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented as approved before the development first comes into occupation and thereafter retained as approved.

Reason: To protect the occupiers of the development from excessive external noise.

32. Sightlines [Performance Condition]

The boundary treatment of the site adjacent to Athelstan Road and the boundary treatment within 2m of Athelstan Road, measured along the southern boundary, shall not exceed 600mm in height. The approved sightlines shall be provided before the occupation of the building and maintained in perpetuity.

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

33. Waste Management [Pre Occupation Condition]

Prior to the occupation of the development hereby approved a waste management plan shall be submitted to and approved in writing by the local planning authority. Once approved the occupation of the building shall be implemented in accordance with the approved waste management plan. The waste management plan shall detail the arrangements made to ensure that refuse is moved from the refuse store to the highway for collection purposes on a weekly or two weekly basis. At no time other than collection day shall refuse be stored on the public highway.

Reason: In the interest of visual and residential amenity.