

Planning and Rights of Way Panel

Tuesday, 30th January,
2018

at 6.00 pm

PLEASE NOTE TIME OF MEETING

Conference Room 3 and 4 - Civic
Centre

This meeting is open to the public

Members

Councillor Denness (Chair)
Councillor Savage (Vice-Chair)
Councillor Barnes-Andrews
Councillor Claisse
Councillor Hecks
Councillor Murphy
Councillor Wilkinson

Contacts

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PUBLIC INFORMATION

ROLE OF THE PLANNING AND RIGHTS OF WAY PANEL

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

PUBLIC REPRESENTATIONS

Procedure / Public Representations

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

The Southampton City Council Strategy (2016-2020) is a key document and sets out the four key outcomes that make up our vision.

- Southampton has strong and sustainable economic growth
- Children and young people get a good start in life
- People in Southampton live safe, healthy, independent lives
- Southampton is an attractive modern City, where people are proud to live and work

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

MOBILE TELEPHONES:- Please switch your mobile telephones to silent whilst in the meeting

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Dates of Meetings: Municipal Year 2017/18

2017	
20 June	3 October
11 July	24 October
1 August	14 November
22 August	5 December
12 September	

2018	
9 January	13 March
30 January	3 April
20 February	24 April

CONDUCT OF MEETING

TERMS OF REFERENCE

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

BUSINESS TO BE DISCUSSED

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

RULES OF PROCEDURE

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

QUORUM

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

DISCLOSURE OF INTERESTS

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

DISCLOSABLE PECUNIARY INTERESTS

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

- (i) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) Sponsorship:
Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
- (iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.
- (iv) Any beneficial interest in land which is within the area of Southampton.
- (v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.
- (vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.
- (vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:
 - a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
 - b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

OTHER INTERESTS

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

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

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

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

PRINCIPLES OF DECISION MAKING

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

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

In exercising discretion, the decision maker must:

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

AGENDA

1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

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

2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

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

3 STATEMENT FROM THE CHAIR

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

To approve and sign as a correct record the Minutes of the meetings held on 9 January 2018 and to deal with any matters arising.

CONSIDERATION OF PLANNING APPLICATIONS

5 PLANNING APPLICATION - 17/01486/FUL - CHURCH ROAD (Pages 9 - 18)

Report of the Service Lead, Planning, Infrastructure and Development recommending that the Panel refuse to grant approval in respect of an application for a proposed development at the above address.

6 PLANNING APPLICATION - 17/01541/FUL - 171 OSBORNE ROAD NORTH (Pages 19 - 40)

Report of the Service Lead, Planning, Infrastructure and Development recommending that the Panel delegate approval in respect of an application for a proposed development at the above address.

7 PLANNING APPLICATION - 17/01840/FUL - 14 SPRING CRESCENT (Pages 41 - 50)

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

8 PLANNING APPLICATION - 17/02384/NMA - TEST LANE

(Pages 51 - 76)

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

Monday, 22 January 2018

SERVICE DIRECTOR, LEGAL AND GOVERNANCE

PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 9 JANUARY 2018

Present: Councillors Denness (Chair), Savage (Vice-Chair), Barnes-Andrews, Claisse, Hecks, Murphy and Houghton

Apologies: Councillors Wilkinson

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

It was noted that following receipt of the temporary resignation of Councillor Wilkinson from the Panel, the Service Director Legal and Governance acting under delegated powers, had appointed Councillor Houghton to replace them for the purposes of this meeting.

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

RESOLVED: that the minutes for the Panel meeting on 5th December 2017 be approved and signed as a correct record.

46. **PLANNING APPLICATION - 17/01570/FUL - CENTENARY QUAY, VICTORIA ROAD**

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

Re-development of the site to provide an industrial building for the manufacture and testing of prototype wind turbine composite blades (Class B1(b) and B2 - 24 hour operation) with ancillary office accommodation, storage, access and parking, landscaping and fencing; including replacement means of enclosure along Wharf Road (total floor space of 11,633 square metres) (Major Environmental Impact Assessment Development follows permissions 08/00629/FUL and 16/01108/FUL).

Clive Hillman, Annette McCall, Charles Pickering, James Burton, Hayley Burgess, Tony Luckhurst, Simon Reyner (local residents/ objecting), Mark Noonan, Robert Sanders, Harry Hutchinson (applicant), Simon Read (architect), Councillors Hammond and Payne (Ward Councillors/ objecting) and Councillor Letts were present and with the consent of the Chair, addressed the meeting.

The Panel noted the comments of Councillor Fitzhenry regarding the scale and massing of the development.

Upon being put to the vote the Panel confirmed the Habitats Regulation Assessment. The Panel then considered the recommendation to delegate authority to the Service Lead: Planning, Infrastructure and Development to grant planning permission. Upon being put to the vote the recommendation was carried.

RECORDED VOTE to grant planning permission
FOR: Councillors Denness, Hecks and Savage
AGAINST: Councillors Claisse and Houghton
ABSTAINED: Councillors Barnes-Andrews and Murphy

RESOLVED that the Panel:

- (i) confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.
- (ii) Delegated approval to the Service Lead – Planning, Infrastructure and Development Manager to grant planning permission subject to:
 - No objections being received from the Council’s Highways Officer, following consultation with Hampshire County Council, to the amended Transport Assessment (December 2017) with particular regard to the off-site abnormal loads and associated routing to the motorway;
 - Agreement of an alternative enforceable trigger for the delivery of pontoons and berths for historic ships and a possible water taxi (currently linked to buildings P3 and L, which would no longer form part of the scheme if this proposed layout is acceptable) secured through the s.106 associated with extant permission 08/00389/OUT;
 - The submission of a telecoms, wind and microclimate assessment and scheme of mitigation for dealing with any undue risks caused by this tall building; and
 - the completion of a S.106 Legal Agreement to secure:
 - i. Either a s.278 Agreement to undertake agreed works within the highway or a financial contribution and other highway obligations, including Traffic Regulation Orders (where necessary) towards site specific transport improvements in the vicinity of the site in line with policies SDP4 and TI2 of the City of Southampton Local Plan Review (as amended 2015), Policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013) linked to those works agreed under 08/00629/FUL with additional works to Wharf Road to accommodate larger vehicles;
 - ii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer;
 - iii. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, both during and post construction, in accordance with Policies CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - iv. The submission, approval and implementation of a Carbon Management Plan setting out how carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with Policy CS20 of

- v. Submission and implementation of a Construction Traffic Management Plan;
 - vi. Submission and implementation of an Operational Phase Lorry Routing Agreement to limit HGV traffic within residential streets;
 - vii. Submission and implementation of a Staff Travel Plan; and
 - viii. A public art scheme to comply with s.6.4 of the Council's adopted Developer Contributions SPD (April 2013)
- (iii) In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Service Lead- Planning Infrastructure and Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
- (iv) That the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

47. **PLANNING APPLICATION - 17/00750/FUL - 128-130 WEST END ROAD**

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

Redevelopment of the site. Erection of 10 x 3-bed, 2-storey dwellings with accommodation in roof space, in a terrace block of 5, a terrace block of 3 and 2 x semi-detached, with associated car port, parking and cycle/refuse storage, following demolition of existing public house (amended description).

Allan Lloyd, Michelle Baker, Andrea Fox (local residents/ objecting), David Bevan (agent), and Councillor Letts (objecting) were present and with the consent of the Chair, addressed the meeting.

The Panel considered the recommendation to delegate authority to the Service Lead: Planning, Infrastructure and Development to grant planning permission. Upon being put to the vote the recommendation was lost.

A further motion to refuse to delegate planning permission for the reasons set out below was then proposed by Councillor Denness and seconded by Councillor Hecks was carried unanimously.

RESOLVED to refuse planning permission for the reasons set out below:

Reasons for Refusal

1. Site Overdevelopment

The proposed redevelopment represents an overdevelopment of the site by reason of a residential layout and design that fails to respond to the established pattern of development within the locality, is reliant upon a significant amount of building and hardstanding (in excess of 50% of the site), fails to meet the Council's standards in respect of useable amenity space; particularly in respect of Units 1-3, but also in terms of usability for Units 8-10 given the boundary planting and subsequent shade, and which

proposes car parking in close proximity to the main living space of Units 8-10 to the detriment of these residents' amenity in terms of noise, disturbance and headlight glare. As such, the application is considered to fail the requirements of Local Plan Review (Amended 2015) policies SDP1(i) and SDP7 as supported by Policy CS13 of the adopted Local Development Framework Core Strategy (2015) and the relevant paragraphs from the Council's approved Residential Design Guide SPD (2006); with particular reference to sections 3.9 and 4.4 and paragraph 2.3.14.

2. Lack of Section 106 agreement to secure planning obligations.

In the absence of a Section 106 agreement the development fails to mitigate its impact in the following areas:

- i Contributions towards site specific transport improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015) Policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Developer Contributions (April 2013); and
- ii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer; and
- iii. Contributions or otherwise towards a scheme of measures that mitigate against the impacts of the development on the Solent Special Protection Area as required by LDF Core Strategy (Amended 2015) policies CS22 and CS25; and
- iv. An Employment Training and Skills Plan to secure local employment initiatives during the construction phase as required by LDF Core Strategy Policy CS24.

Agenda Annex

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 30th January 2018 - 6pm Conference Rooms 3 and 4, 1st Floor, Civic Centre

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
5	JF	REF	5	17/01486/FUL 81 Church Road
6	AG	DEL	5	17/01541/FUL 171 Osborne Road North
7	AC	CAP	5	17/01840/FUL 14 Spring Crescent
8	SH	CAP	5	17/02384/NMA Test Lane

PSA – Public Speaking Allowance (mins); CAP - Approve with Conditions: DEL - Delegate to Officers: PER - Approve without Conditions: REF – Refusal: TCON – Temporary Consent: NOBJ – No objection

Case Officers:

JF – John Fanning
AG – Andy Gregory
AC – Anna Coombes
SH – Stephen Harrison

Southampton City Council - Planning and Rights of Way Panel

Report of Planning & Development Manager

Local Government (Access to Information) Act 1985

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

Applications:

Background Papers

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

2. Statutory Plans
 - (a) Hampshire, Portsmouth, Southampton and New Forest National Park Minerals and Waste Plan (Adopted 2013)
 - (b) Amended City of Southampton Local Plan Review (Adopted March 2015)
 - (c) Local Transport Plan 2006 – 2011 (June 2006)
 - (d) Amended City of Southampton Local Development Framework – Core Strategy (inc. Partial Review) (adopted March 2015)
 - (e) Adopted City Centre Action Plan (2015)
 - (f) Community Infrastructure Levy Charging Schedule (2013)
 - (g) Bassett Neighbourhood Plan (Adopted 2016)

3. Statutory Plans in Preparation

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

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

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

5. Documents relating to Highways and Traffic

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

- (e) Institute of Highways and Transportation - Transport in the Urban Environment
- (f) I.H.T. - Traffic Impact Assessment Guidelines
- (g) Freight Transport Association - Design for deliveries
- (h) DETR Traffic Advisory Leaflets (various)

6. Government Policy Planning Advice

- (a) National Planning Policy Framework (27.3.2012)
- (b) National Planning Policy Guidance Suite

7. Other Published Documents

- (a) Planning for Daylight and Sunlight - DOE
- (b) Coast and Countryside Conservation Policy - HCC
- (c) The influence of trees on house foundations in clay soils - BREDK
- (d) Survey and Analysis - Landscape and Development HCC
- (e) Root Damage to Trees - siting of dwellings and special precautions – Practice Note 3 NHDC
- (f) Shopping Policies in South Hampshire - HCC
- (g) Buildings at Risk Register SCC (1998)
- (h) Southampton City Safety Audit (1998)
- (i) Urban Capacity Study 2005 – 2011 (March 2006)
- (j) Strategic Housing Land Availability Assessment (March 2013)

Agenda Item 5

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 30/01/18
Planning Application Report of the Planning and Development Service Lead**

Application address: 81 Church Road			
Proposed development: Erection of 2x 2-storey, 3-bed semi-detached houses with accommodation in roof space and front dormer windows, with associated cycle/refuse storage, following demolition of existing building.			
Application number	17/01486/FUL	Application type	FUL
Case officer	JF	Public speaking time	5 minutes
Last date for determination:	26.12.2017	Ward	Woolston
Reason for Panel Referral:	More than 5 letters contrary to officer recommendation	Ward Councillors	Cllr Blatchford Cllr Hammond Cllr Payne

Applicant: Lankester and Crook	Agent: Sherlock Boswell Architecture
Recommendation Summary	Refuse
Community Infrastructure Levy Liable	Yes

01. Reason for Refusal - Overdevelopment

The proposed residential development by reason of its siting, size, design, height, scale and density results in an overdevelopment of the plot that is not in keeping with the character and rhythm of the adjacent and surrounding properties and would appear prominent within the street scene causing material harm to the character and appearance of the area. As such the proposal is contrary to SDP1(i), SDP7(iii)(iv)(v) and SDP9(i)(v) of the adopted City of Southampton Local Plan Review (as amended 2015) and policies CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (as amended 2015) as supported by section 3.7.7-8 of the Residential Design Guide SPG (September 2006).

02. Reason for Refusal – Impact on neighbouring occupiers (overbearing)

The proposed development by reason of its scale and design represents an unneighbourly form of development through the increase in massing in immediate proximity to the common boundary and worsens the existing relationship through the creation of an overbearing form of development (with particular reference to 14 Obelisk Road). The proposal thereby proves contrary to saved policies SPD1(i), SDP7(iii)(iv) and SDP9(i)(v) of the adopted City of Southampton Local Plan Review (2015) and CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (2015), with particular reference to sections 2.2.7 and 2.2.21 of the Councils Residential Design Guide (2006).

03. Reason for Refusal – Poor quality residential environment

The proposed development results in the creation of a poor quality residential environment for the occupiers of neighbouring properties and occupiers of the proposed dwellings. The introduction of windows which directly overlook the existing private garden to the rear and overlooking of the proposed rear gardens of the properties on the application site are considered to have a harmful impact on the privacy and amenities of the relevant properties. The proposal thereby proves contrary to saved policies SPD1(i), SDP7(iii) and SDP9(v) of the adopted City of Southampton Local Plan Review (2015) and CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (2015), with particular reference to sections 2.2.1, 2.3.12-13 and 4.4.1-4 of the Councils Residential Design Guide (2006).

04. Reason for Refusal - Lack of Section 106 or unilateral undertaking to secure planning obligations.

In the absence of either a scheme of works or a completed Section 106 legal agreement or unilateral undertaking to support the development the application fails to mitigate against its wider direct impact with regards to the additional pressure that further residential development will place upon the Special Protection Areas of the Solent Coastline. Failure to secure mitigation towards the 'Solent Disturbance Mitigation Project' in order to mitigate the adverse impact of new residential development (within 5.6km of the Solent coastline) on internationally protected birds and habitat is contrary to Policy CS22 of the Council's adopted LDF Core Strategy as supported by the Habitats Regulations.

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Refuse

1.0 The site and its context

1.1 The site lies in proximity to (and surrounded by) the Old Woolston Conservation Area without itself falling within it. The site is currently occupied by a large industrial style building. There does not appear to be any definitive planning history associated with the existing building however there is some evidence to suggest that the site has historically been used for vehicle repairs and more recently for storage.

1.2 The existing building on the site is not characteristic for the area in terms of scale, design, materials or use, with the surrounding area being typified by semi-detached or detached brick residential dwellings.

2.0 Proposal

2.1 The application proposes the demolition of the existing building and its replacement with a semi-detached pair of 3-bed residential dwellings.

3.0 Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (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 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4.0 Relevant Planning History

4.1 There does not appear to be any definitive planning history associated with the existing unit on the site with regard to its existing lawful use. There is some evidence in the planning history of neighbouring sites to suggest that the unit has historically been used for car repair/spraying.

4.2 The unit was investigated by the Councils enforcement team in 2009 who were advised at the time that the site was being used for occasional vehicle repair but primarily for storage.

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice (10.11.2017). At the time of writing the report **9** representations have been received from surrounding residents (of which 5 were in support of the proposal). The following is a summary of the points raised:

5.2 Support

- Existing building detracts from character and appearance of the surrounding area and the proposed demolition would represent an improvement
- Provides family dwellings for which there is an identified need
- Existing property is rarely used and attracts litter/vermin

5.3 Objections

- Proposal has no on-site parking and would exacerbate existing parking issues in the surrounding area
- Proposal would overlook existing dwelling

5.4 Consultation Responses

5.5 **Cllr Payne** – Overall site represents an improvement to the surrounding street scene and would be more in keeping with the residential character of the surrounding area.

5.6 **Ecology** – Initial investigations show no ecology concerns with demolition and the applicant has proposed some ecological mitigation. No objection subject to suitable condition to secure these details.

5.7 **Sustainability** – No objection subject to suitable conditions for sustainable new build dwellings in line with CS20 (as updated by relevant government guidance).

5.8 **Trees** – No objection subject to suitable conditions to protect canopies of trees on neighbouring sites.

5.9 **Southern Water** – No objection. A formal application would be needed for a connection to the public sewer system.

5.10 **CIL** - The development is CIL liable as there is a net gain of residential units. The charge will be levied at £70 per sq. m (to be indexed) on the Gross Internal Area of the new development. If any existing floorspace is to be used as deductible floorspace the applicant will need to demonstrate that lawful use of the building has occurred for a continuous period of at least 6 months within the period of 3 years ending on the day that planning permission first permits the chargeable development.

5.11 **Highways** – No objection.

6.0 Planning Consideration Key Issues

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

6.2 Principle of Development

The site does not have an allocated use in the Local Plan. The existing structure is larger than neighbouring properties, taking up the entire footprint of the plot, and the commercial use itself is contrary to the wider residential character of the surrounding area. It is considered that the redevelopment of the plot to bring it more in line with neighbouring residential dwellings would be beneficial however this does not outweigh the need to consider the impacts of the proposed development on neighbouring properties and how it will integrate into the surrounding area.

6.4 Density

With reference to Policy CS5, the site is situated in an area of classified as being broadly appropriate for medium density development (Band 3) which would typically be expected to fall in the range of 50-100 dwellings per hectare. The proposed development would have a density of 91 dwellings per hectare.

6.5 Density should only ever be used as an indicative measure as specific circumstances of a site can justify higher or lower densities. In this case the proposal lies on the upper end of the suggested density for the area so it is important to carefully consider the density of development and how it impacts existing and proposed occupiers.

6.6 Character

The application proposes the replacement of the existing structure on the property with a semi-detached dwelling. Broadly no objection is raised to the general design of the proposal which is considered to be more in keeping with the surrounding area than the existing building on the site. However some concerns are raised about specific elements of the scheme, with particular reference to the overall scale of development and specific design elements.

6.7 The property is positioned right on the street frontage on the end of the row and is significantly larger than the neighbouring residential dwelling. The eaves height is set 0.5m higher and the ridge height 1.5m higher, while the building itself projects a further 3.8m to the rear when compared to the property at 79. The proposed building is also positioned with less than the 12.5m rear to side set back outlined in section 2.2.7 of the Councils RDG to the property at 14 Obelisk Road.

6.8 This raising of the roof form together with the gable sides facilitates the use of the roof space for residential accommodation and necessitates the dormer windows in the roof which further emphasises this massing in the street scene. The building would clearly have a different roof pitch and increased height and

massing when compared to other similar properties in its immediate surroundings. The proposed development fully occupies the plot and is positioned close to the street frontage meaning the building would appear dominant and overbearing within the street scene.

6.9 In view of the above it is considered that the proposed new dwellings will not successfully integrate into the surrounding street scene and would cause material harm to its existing character.

6.10 Amenity (occupants)

The proposed properties have a reasonable, if compact, internal living space with outlook for key habitable rooms, the additional roof height facilitating the provision of a third bedroom in the roof.

6.11 The properties have private gardens to the rear. In accordance with 2.3.12-13 of the Councils RDG a semi-detached property should have a minimum of 70m² garden space with a 10m depth. The development provides 41m² per unit with a 6.5m depth. As noted above, it is considered that the overall intensity of the proposed development is high in terms of number and size of proposed units which further emphasises the pressure on the quality of the proposed living environment.

6.12 This amenity space is in close proximity to other dwellings to the side and rear which overlook the area. While some properties in the area do have small gardens it is considered that the provision here is particularly small given the size and scale of the proposed dwellings. The proposal therefore fails to provide satisfactory private amenity space for the proposed occupiers.

6.13 Amenity (overlooking)

The internal layout of the property has been designed such that the furthest back windows at two-storey level serve a bathroom (and as such can be obscured) however there are still two bedroom windows which look out to the rear. These windows are set 8.25m off the boundary with the rear garden of the properties on Obelisk Road and are considered to represent a significant increase in harmful overlooking of this property.

6.14 The proposal would result in the majority of garden space of these properties being overlooked from the proposed application site and the proposal is unacceptable in this regard.

6.15 Amenity (overbearing)

There will be a number of impacts on neighbouring occupiers as a result of the proposed development. The initial impact will relate to the physical alterations on the site following the demolition of the existing building and replacement with the proposed structure. Both existing and proposed structures fail to comply with the 12.5m set back suggested for side to rear development in section 2.2.7 of the Councils Residential Design Guide, being set off ~10.5m.

6.16 Both structures use a gable roof design but the existing structure has the gable fronting onto the street while the proposed structure has the gable fronting onto the sides. This means that while the overall depth of development is being reduced the actual physical massing directly on the boundary with the neighbouring properties will be increased. This impact is somewhat mitigated to the south side of the site due to the relationship between the two buildings but to the northern side the change to a gable would significantly increase the massing of development when viewed from the neighbouring property. An existing outbuilding in this located somewhat mitigates the immediate impact but the

proposal still involves the erection of an 8.9m high structure in immediate proximity to the common boundary for a property with a relatively shallow garden. Whilst it is acknowledged there is an existing building on site, it is considered that the specific alterations in this regard would result in a worsening of the existing situation in terms of an overbearing impact on the neighbouring occupier.

6.17 Parking

Given the proximity to the Woolston District Centre, in accordance with the Councils Parking Standards SPD the site lies within an area defined as high accessibility. As such the maximum parking provision for 2x 3-bed dwellings would be 4 spaces. The proposal includes no on-site parking, which is the existing arrangement for the commercial use. The area immediately outside the site is currently covered by a yellow line. There are areas near the site with parking restrictions in place and other areas with no restrictions on on-road parking.

- 6.18 The application was submitted with a parking survey to justify the nil parking provision proposed. Notwithstanding the various parking restrictions in the vicinity of the site the survey did identify adequate on-road parking to deal with the hypothetical addition of 4 new cars (with a minimum of 46 spaces in the area investigated and 9 on Church Road itself). While this does only represent a snapshot in time, given the evidence provided and the proximity of the site to the Woolston centre (and associated facilities and public transport) it is not considered the proposal will result in significant harm to the surrounding area in terms of additional on-road parking pressure.

6.19 SDMP

The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution of £181 per unit has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. This application has not complied with the requirements of the SDMP and therefore does not meet the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

7.0 Summary

7.1 Whilst the overall principle of the redevelopment of the site for residential use could be supported, given the existing situation at the site, it is considered that the overall design and scale of the particular proposal put forward fails to respect the design and scale of other buildings in the street scene and otherwise provides a poor quality living environment for existing and proposed occupiers with reference to garden sizes, overlooking windows and the particular scale and relationship of the development with neighbouring properties.

8.0 Conclusion

8.1 The application is recommended for refusal for the reasons outlined above.

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)(f), 4(f)(g)(vv), 6(a)(b)

17/01486/FUL for 30/01/18 PROW Panel

01. Reason for Refusal - Overdevelopment

The proposed scale and density of residential development is excessive in terms of the character and rhythm of properties in the surrounding area. With particular reference to the sub-division of the site and amenity space in addition to the scale of the proposed dwelling, it is not considered that the proposal integrates into the character of the surrounding area or provides a good quality residential environment for the proposed occupiers. As such the proposal is contrary to SDP1(i), SDP7(iii)(iv)(v) and SDP9(i)(v) of the adopted City of Southampton Local Plan Review (as amended 2015) and policies CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (as amended 2015) as supported by section 3.7.7-8 of the Residential Design Guide SPG (September 2006).

02. Reason for Refusal – Impact on neighbouring occupiers (overbearing)

The proposed development by reason of its scale and design represents an unneighbourly form of development through the increase in massing in immediate proximity to the common boundary and worsens the existing relationship through the creation of an overbearing form of development. The proposal thereby proves contrary to saved policies SPD1(i), SDP7(iii)(iv) and SDP9(i)(v) of the adopted City of Southampton Local Plan Review (2015) and CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (2015), with particular reference to sections 2.2.7 and 2.2.21 of the Councils Residential Design Guide (2006).

03. Reason for Refusal - Overlooking

The proposal development results in the creation of a poor quality residential environment for the occupiers of neighbouring properties and occupiers of the proposed dwellings. The introduction of windows which directly overlook the existing private garden to the rear and overlooking of the proposed rear gardens of the properties on the application site are considered to have a harmful impact on the privacy and amenities of the relevant properties.

The proposal thereby proves contrary to saved policies SPD1(i), SDP7(iii) and SDP9(v) of the adopted City of Southampton Local Plan Review (2015) and CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (2015), with particular reference to sections 2.2.1, 2.3.12-13 and 4.4.1-4 of the Councils Residential Design Guide (2006).

04. Reason for Refusal - Lack of Section 106 or unilateral undertaking to secure planning obligations.

In the absence of either a scheme of works or a completed Section 106 legal agreement or unilateral undertaking to support the development the application fails to mitigate against its wider direct impact with regards to the additional pressure that further residential development will place upon the Special Protection Areas of the Solent Coastline. Failure to secure mitigation towards the 'Solent Disturbance Mitigation Project' in order to mitigate the adverse impact of new residential development (within 5.6km of the Solent coastline) on internationally protected birds and habitat is contrary to Policy CS22 of the Council's adopted LDF Core Strategy as supported by the Habitats Regulations.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
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
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

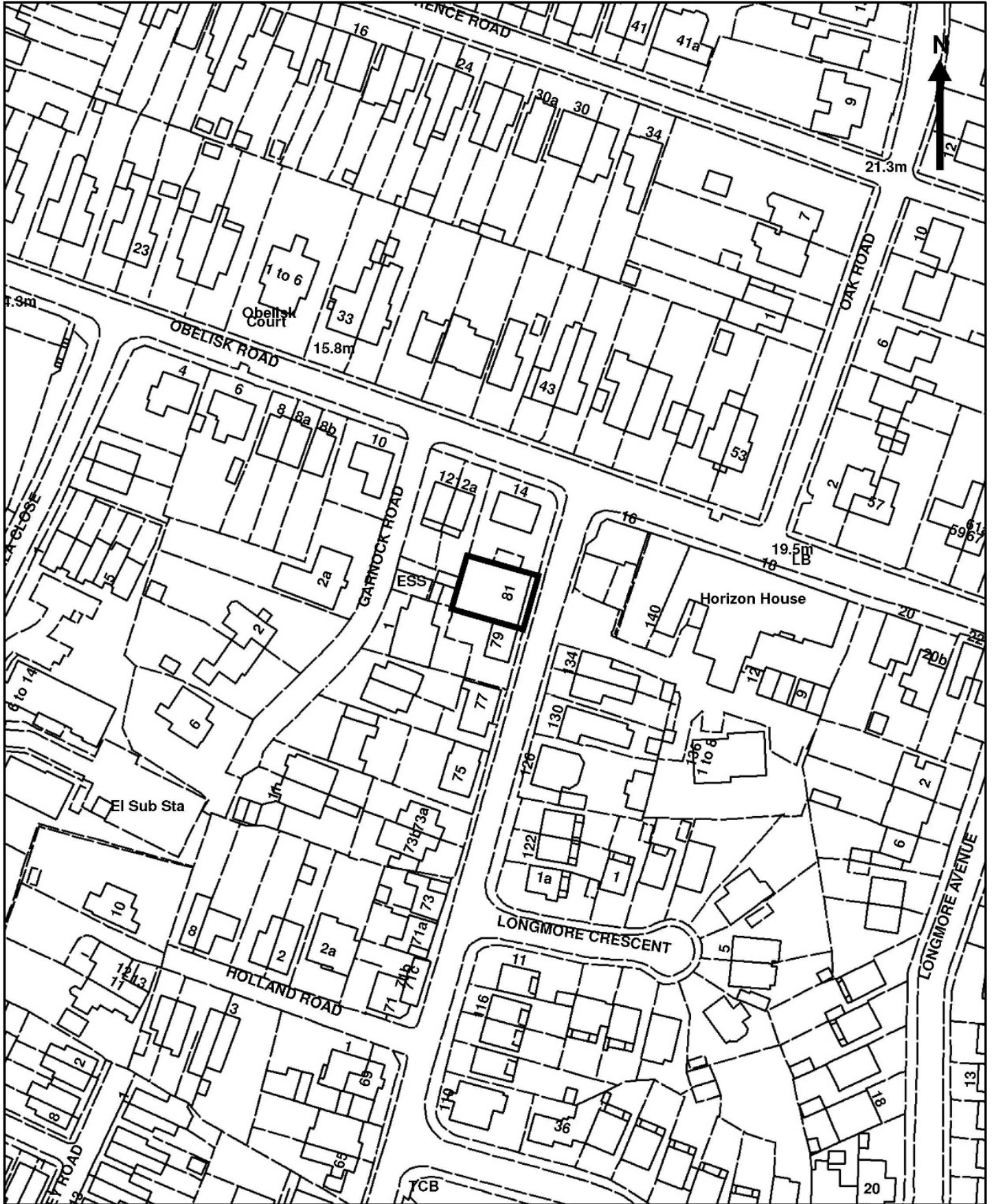
Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)



Scale: 1:1,250

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**Planning and Rights of Way Panel 30th January 2018
Planning Application Report of the Service Lead – Infrastructure, Planning and
Development.**

Application address: 171 Osborne Road North, Southampton SO17 2FH			
Proposed development: Erection of a two storey rear extension to facilitate conversion into 2 flats (1 x 1 bed and 1 x 2 bed) with associated bin and cycle storage (Resubmission of 17/00784/FUL).			
Application number	17/01541/FUL	Application type	Minor Dwellings
Case officer	Andrew Gregory	Public speaking time	5 minutes
Last date for determination:	13.12.17 Over	Ward	Portswood
Reason for Panel Referral:	Panel referral request from Cllr O'Neil concerning additional on-street car parking pressure.	Ward Councillors	Cllr O'Neil Cllr Claisse Cllr Savage

Applicant: Mr M Yeganegy	Agent: Concept Design & Planning
Recommendation Summary	Delegate conditional approval to the Service Lead – Infrastructure, Planning and Development.
Community Infrastructure Levy Liable	Yes

Reason for granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The design, scale, bulk and massing of the extension has already been approved under planning permission reference 17/00786/FUL. The conversion of the existing 2-bed house into 2 flats does not result in the net loss of a family dwelling (defined as 3-bed plus under policy CS16) and the net additional dwelling will assist towards meeting housing need in the City and will provide greater housing choice to meet the needs of the community. 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, SDP9, SDP12 and H1 of the City of Southampton Local Plan Review (2015) and CS4, CS5, CS13, CS16, CS19 and CS20 of the Local Development Framework Core Strategy Development Plan Document (2015)

Appendix attached			
1	Development Plan Policies	2	17/00786/FUL – Approved plans
3	Parking Survey		

Recommendation in Full

1. Delegate to the Service Lead to grant planning permission subject to the planning conditions recommended at the end of this report and to secure financial contribution towards Solent Disturbance Mitigation Project (SDMP) to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
2. That the Service Lead be given delegated powers to add, vary and /or delete relevant conditions as necessary.
3. In the event the SDMP is not resolved the service lead to be given delegated powers for failure to satisfy the requirements of the Conservation of Habitats and Species Regulations 2010.

1 The site and its context

- 1.1 The application site comprises a two-storey semi-detached dwelling house with part two-storey part single-storey rear projections. The adjoining property has a two-storey flat-roofed rear extension. The property has a small gated front garden with dropped kerb access onto Osborne Road North.
- 1.2 The surrounding area is residential in character predominantly comprising two-storey dwelling houses. There are no parking restrictions within the street.

2 Proposal

- 2.1 The proposal seeks permission for the erection of a two-storey rear extension and conversion of the existing 2-bedroom property into two flats (1 x 2-bed and 1 x 1-bed). The scheme provides nil parking. Refuse storage is provided within the front garden. The rear garden is proposed to be sub-divided with fencing and planting to provide separate garden areas and cycle storage for both flats. Access into the building is taken from the side. The internal layout provides lounge areas to the front of the building and bedrooms to the rear. The first-floor second bedroom is served by a roof light.
- 2.2 The proposed two-storey rear extension has a depth of 3m and has a pitched roof form. The application form indicates the extension will have painted brickwork to match the existing building. The proposed extension itself has planning permission.

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

4. Relevant Planning History

4.1 Planning application reference 17/00784/FUL for the erection of a 2-storey rear extension to facilitate conversion into 2 flats (1x 2-bed, 1x 1-bed) was refused on 31.08.2017 for the following reasons:

01. The proposal represents an un-neighbourly form of development because the first-floor kitchen/dining/lounge window within the rear elevation would lead to actual and perceived oblique overlooking and loss of privacy to the garden of no. 173 Osborne Road North. As such the proposal would be harmful to residential amenities of those neighbouring occupiers, contrary to policies - SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (Amended 2015) and CS13 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

02. Based on the information submitted, it has not been adequately demonstrated that the development would not have a harmful impact on the amenities of nearby residential occupiers through increased competition for on-street car parking. As such, it is not clear the level of car parking proposed is sufficient to meet the travel demands of the development, particularly since less spaces would be provided than the Council's maximum adopted standards. The development would, therefore, be contrary to the provisions of Policy SDP1 of the City of Southampton Local Plan Review (2015), Policy CS19 of the Southampton Core Strategy Development Plan Document (2015) and the adopted Parking Standards Supplementary Planning Document (2011).

4.2 The current application seeks to address these reasons for refusals and the following changes are proposed:

- Revised internal layout with the rear first-floor window now serving a bedroom to remove the concerns relating to actual and perceived overlooking;
- A car parking survey has been submitted indicates the availability of 18 spaces at 9pm on the 18th October 2017.

4.3 Planning permission was granted on 31.08.2017 for the erection of a two-storey rear extension (Reference 17/00786/FUL). The physical form of the extension is as currently proposed.

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 (24/10/2017). At the time of writing the report **02 representations** have been received from Portswood Central Residents Association and from Cllr O'Neil, including a Panel referral request. The following is a summary of the points raised:

5.2 **This application is a resubmission of application 17/00784/FUL that was refused on grounds of being un-neighbourly and the potential of the additional housing to cause parking problems. The same concerns still apply and the proposal represents an overdevelopment of the site.**

5.2.1 *Officer Response – The proposal is considered to address the previous reason for refusal because a parking survey shows available on-street parking capacity at a time of high demand (9pm). Furthermore the internal layout has been revised to place the lounge areas at the front and bedrooms to the rear in order to*

prevent actual and perceived harmful overlooking of the neighbouring garden from the first-floor rear window. The amount of physical development is the same as the two-storey rear extension approved under planning permission reference 17/00786/FUL. The proposal will not have an un-neighbouring impact having regard to the approved two-storey rear extension, internal layout and the provision of a velux window to prevent overlooking to the side. The proposal is not considered to represent an overdevelopment of the site because the scheme exceeds the minimum garden size standards of 20sqm per flat as set out within policy CS16 and the Residential Design Guide SPD and less than 50% of the site is covered by hardstanding and buildings.

5.3 This proposed development would create additional pressure on an already congested area for parking. A parking survey was carried out but at a time when most people were at work and so parking was not as bad as it can be

5.3.1 Officer Response – *The submitted parking survey indicates the availability of 18 spaces at 9pm on the 18th October 2017. The parking availability is also evidenced by photos provided with the survey. The width of the carriageway within Osborne Road North only allows for vehicles to park on one side of the road and therefore the number of available spaces may be slightly less than 18. Nevertheless the parking survey shows on-street availability at a time of high demand and outside of school/university holidays. The maximum number of spaces permissible for this development is 2 spaces under the Parking Standards SPD, however these standards are maximums and less than the maximum can be provided in sustainable location providing there is existing on-street parking capacity and providing any parking overspill does not prejudice highway safety.*

5.3.2 *No objections has been raised by Highways Development Management with existing TRO controls in place at the junction with Portswood Road. The site is located within a sustainable area, in close proximity to Portswood District Centre and regular bus services on Portswood Road. An additional on-street parking space will become available if the existing dropped kerb access is re-instated to a full height kerb.*

Consultation Responses

5.4 SCC Highways – No objection subject to the following conditions.

The front hardstanding is of inadequate dimensions to accommodate a car, therefore the gates should be removed and a fence erected to prevent this from happening, and the dropped kerb along the frontage raised to a full height kerb and the footway levels re-laid to suit (works to be carried out under licence with Balfour Beatty). Details of the bin stores are required which show adequate storage for 2 x 360ltr bins and 2 x glass boxes. Details of the secure cycle storage is also required.

5.5 Southern Water – No objection subject to an informative regarding connection to the public sewerage system.

5.6 Sustainability – No comments.

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
 - The impact on the amenities of neighbouring and surrounding residents;
 - Highways safety, car parking.
 - Habitat Regulations.

Principle of Development

- 6.2 The LDF Core Strategy identifies the Council's current housing need and this scheme would assist the Council in meeting its targets. The City has a housing need. As detailed in Policy CS4 an additional 16,300 homes need to be provided within the City between 2006 and 2026. The proposed conversion of the existing 2-bedroom house into 2 flats would result in the net gain of 1 x 1-bed dwelling and would assist in meeting housing need in the City.
- 6.3 The existing 2-bedroom house does not fall within the definition of family dwelling under policy CS16 which defines family housing as dwellings with 3-bedrooms or more. Furthermore there is no requirement to re-incorporate a family home as part of the conversion, having regard to the requirements of policy CS16 of the Core Strategy. The provision of a 1-bed and 2-bed unit would accord with national and local planning policy which requires a wide choice of homes to meet the needs of the community. Affordable Housing is not required on developments of 10 dwellings or less, as confirmed by a ministerial statement on 28 November 2014.
- 6.4 Policy CS5 of the Council's Core Strategy (2015) indicates that development will only be permitted which is of an appropriate density for its context. The site is located within an area of medium accessibility (PTAL 3) where net density levels of 50-100 dwellings per hectare will be sought, providing the character and appearance of the area is not compromised. The development achieves 74 dwellings per hectare which accords with policy CS5.
- 6.5 Therefore the principle of residential redevelopment is supported and no principle objection was previously raised for conversion of the property into 2 flats (Ref 17/00784/FUL).

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

- 6.6 Householder planning permission has been granted for the two-storey rear extension under application reference 17/00786/FUL. The proposed extension is relatively minor in scale and has a design which is in keeping with the character and appearance of the area. The 3m depth of extension will match the existing adjoining two-storey extension at 173 Osborne Road North and the proposed roof form and finishing materials will match the existing property. The extension has an eaves height to match the existing property and a lower subservient ridge height. Adequate rear garden space will be provided at the resultant building footprint to plot size ratio will remain in keeping with the spatial character of the area.

The quality of the residential environment produced for prospective residents.

- 6.7 The proposed living environment is considered acceptable with all habitable rooms receiving genuine outlook and day lighting. The revised layout provides improved stacking with lounge above lounge and bedroom above bedroom. The 2nd bedroom at first floor level is served by a velux window only to prevent sideways overlooking. The provision of a velux window to serve the bedroom is considered acceptable because there are other rooms within the first-floor flat with genuine outlook.
- 6.8 Both flats are provided with provided with acceptable private rear garden space with an area of 85sqm for Flat A and 55sqm for Flat B which exceeds the minimum requirement of 20sqm, as required under policy CS16 and the Residential Design Guide SPD. A condition is recommended to ensure low level fencing and planting is used to sub-divide the garden area to ensure the area is not corralled by 1.8m height fencing

The impact on the amenities of neighbouring and surrounding residents:

- 6.9 The proposed development will have no adverse impact on the residential amenities of neighbouring occupiers. The extension will not extend beyond the rear building line of no. 173 and 45-degree outlook has been demonstrated to the rear windows within no. 169. Furthermore the extension will not lead to unreasonable sense of enclosure or shadowing to the garden of no. 169 having regard to the building orientation (due north of no. 169), size of the neighbouring garden, limited depth of the extension, 1.5m separation distance from the boundary and existing planting along the southern boundary.
- 6.10 The first-floor kitchen windows in the side elevation can be obscured to a height of 1.7m above the finished floor level to prevent overlooking. Furthermore the 2nd bedroom in the upper floor flat is served by a velux window to prevent overlooking. The internal layout has been revised to address the previous reason for refusal concerning oblique overlooking from the rear first-floor kitchen/dining/lounge window by switching the lounge to the front at first floor level. The scheme now complies with Local Plan Review policy SDP1(i)

Highways safety and car parking

- 6.11 The scheme provides nil car parking and the maximum number of car parking spaces permissible for this development under the requirements of the Parking Standards SPD is 2 spaces. The raising of the existing dropped kerb at the front of the property will provide one additional on-street car parking space. It should be noted that the Council's parking standards are maximums and less than the maximum can be provided in sustainable locations and where it can be demonstrated that any additional on-street car parking demand will not prejudice highway safety or cause harmful on-street parking stress
- 6.12 The application is supported by a parking survey which shows the availability of 18 spaces at 9pm on the 18th October 2017. No objections has been raised by Highways Development Management with existing TRO controls in place at the junction with Portswood Road. The site is located within a sustainable area, in close proximity to Portswood District Centre and regular bus services on Portswood Road. Therefore having regard to the sustainable locality, limited size of the proposed residential units and parking evidence provided, the proposal is unlikely to cause harmful on-street parking stress and will not prejudice highway safety.
- 6.13 Bin and bike storage facilities are provided for each plot and should be secured

by condition.

Habitat Regulations

- 6.14 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution of £181 per unit has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. This will be secured through a S111 form or S106 agreement as part of the above recommendation.

7 Summary

- 7.1 The design, scale, bulk and massing of the extension has already been approved under planning permission reference 17/00786/FUL. The conversion of the existing 2-bed house into 2 flats does not result in the net loss of a family dwelling (defined as 3-bed plus under policy CS16) and the net additional dwelling will assist towards meeting housing need in the City and will provide greater housing choice to meet the needs of the community. 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 has addressed the previous reason for refusal.

8 Conclusion

- 8.1 Taking a balanced assessment of the details discussed above, this application is recommended for approval, following SDMP resolution, for the reasons set out above.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1a, b, c, d, 2b, d, g, 4f, 6a,

AG for 30/01/2018 PROW Panel

PLANNING CONDITIONS

01. 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).

02. Materials to match (Performance Condition)

The materials and finishes to be used for the external walls, windows (including recesses), drainage goods and roof in the construction of the building hereby permitted shall match in all respects the type, size, colour, texture, form, composition, manufacture and finish of those on the existing building.

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

03. 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.

04. Obscure Glazing (Performance Condition)

All windows in the side elevations, located at first floor level and above of the hereby approved development, other than the velux window in the side roof slope, shall be obscurely glazed and fixed shut up to a height of 1.7 metres from the internal floor level before the development is first occupied. The windows shall be thereafter retained in this manner.

Reason: To protect the amenity and privacy of the adjoining property.

05. APPROVAL CONDITION - First-floor rear bedroom (Performance Condition)

The first-floor rear bedroom, as shown on drawing C17/036.05 Rev B, shall not be occupied as a lounge/kitchen/dining area for the lifetime of the development.

REASON

To prevent harmful oblique overlooking of the neighbouring garden at 173 Osborne Road North.

06. APPROVAL CONDITION - Details of means of enclosure (Pre-Occupation)

Prior to first occupation of the flats hereby approved details of the front boundary wall and means of enclosure of the rear garden area shall be submitted to and agreed in writing by the Local Planning Authority. The means of enclosure to sub-divide the garden shall comprise low level fencing and planting and shall be installed and retained as agreed.

Reason: To secure a satisfactory form of development and to ensure the garden is not subdivided by 1.8m height fencing in the interests of the character and appearance of the area.

07. Refuse & Recycling (Pre-Commencement)

Prior to the commencement of development, details of storage for refuse and recycling which show adequate storage for 2 x 360ltr bins and 2 x glass boxes, 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.

08. 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.

09. Amenity Space Access (Pre-Occupation)

Before the development hereby approved first comes into occupation, the external amenity space and pedestrian access to it, shall be made available for use in accordance with the plans hereby approved. The amenity space and access to it shall be thereafter retained for the use of the dwellings.

Reason: To ensure the provision of adequate amenity space in association with the approved dwellings.

10. APPROVAL CONDITION - Existing dropped kerb [Pre-Occupation Condition]

Prior to the first occupation of the flats hereby approved, the redundant dropped kerb shall be raised, the footway reinstated and the new access formed under a S171 licence issued and agreed by Balfour Beatty, the Council's Highways partners.

Reason:

In the interests of highway safety and to increase on-street parking capacity.

11. 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.

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17/01541/FUL

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
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
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
H1	Housing Supply
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)

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DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

Town & Country Planning (Development Management Procedure) (England) Order 2015

Concept Design & Planning
Mr Rob Wiles
First Floor, Unit 7
Cross House Centre
Crosshouse Road
Southampton
SO145GZ

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

FULL APPLICATION - CONDITIONAL APPROVAL

Proposal: **Erection of a 2-storey rear extension**

Site Address: **171 Osborne Road North, Southampton, SO17 2FH**

Application No: **17/00786/FUL**

Subject to the following conditions.

01.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).

02.Materials to match (Performance Condition)

The materials and finishes to be used for the external walls, windows (including recesses), drainage goods and roof in the construction of the building hereby permitted shall match in all respects the type, size, colour, texture, form, composition, manufacture and finish of those on the existing building.

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

03.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.

04. Obscure Glazing (Performance Condition)

The first-floor bathroom window in the side elevation hereby approved shall be glazed in obscure glass before the development hereby permitted is first occupied and shall be permanently maintained in obscure glass

Reason: To protect the amenity and privacy of the adjoining property.

05. 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.

Reason for granting Planning Permission

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

Policies - SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (Amended 2015) and CS13 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).



Samuel Fox
Planning & Development Manager

31 August 2017

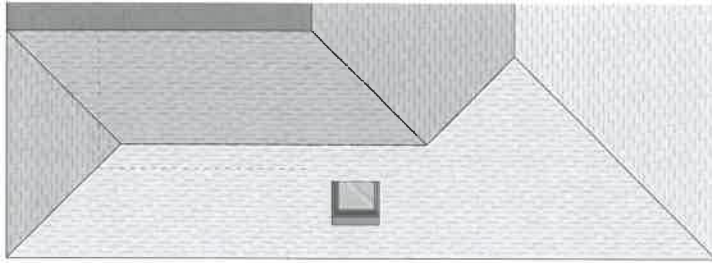
If you have any further enquiries please contact:

Andrew Gregory

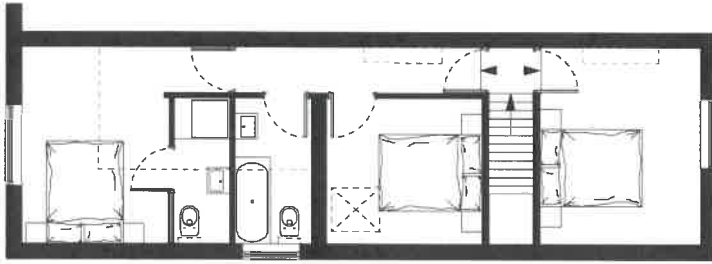
IMPORTANT NOTE TO APPLICANT

This decision has been made in accordance with the submitted application details and supporting documents and the development should be implemented in respect of the following plans and drawings:

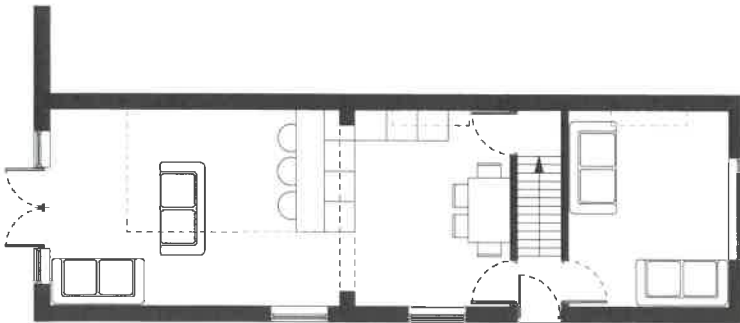
accommodation schedule
 existing
 2-bedroom house @ 70sq/m
 proposed
 3-bedroom house @ 102sq/m



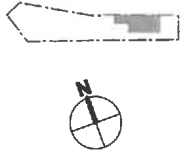
proposed roof plan



proposed first floor plan



proposed ground floor plan

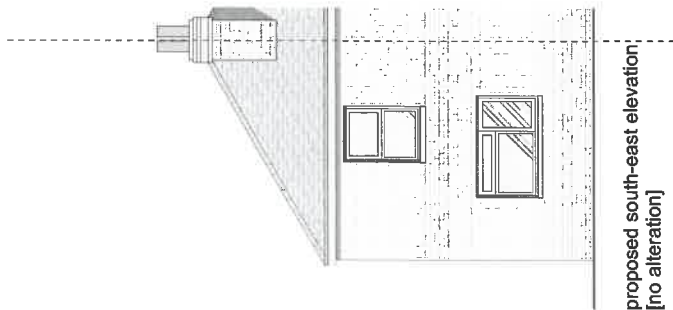


Project:	171 Osborne Rd North	Drawn by:	RW
Drawing:	Proposed Floor Plans	Checked by:	RW
Drawing No:	C:17/037.05	Revision:	A
Scale:	1:100 @ A3	Date:	May 2017

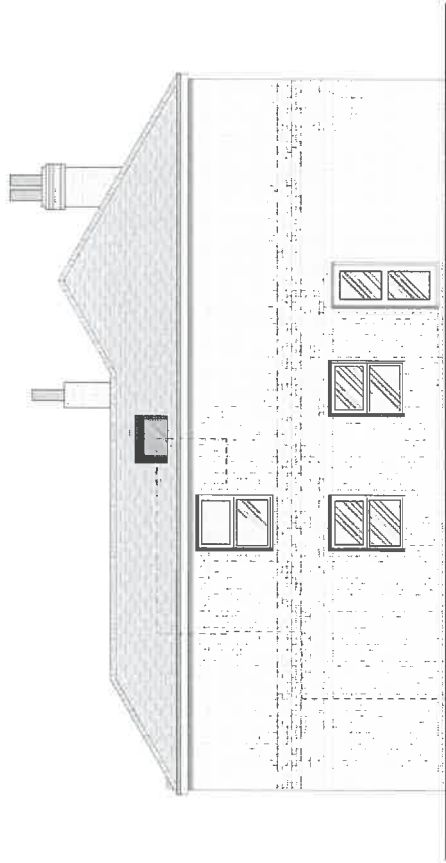
concept
 design & planning
 t. 023 8033 1010
 e. studio@conceptdp.co.uk
 www.conceptdp.co.uk

Notes:
 Do not scale from the drawing for other than planning purposes, all sizes to be confirmed on site before construction.
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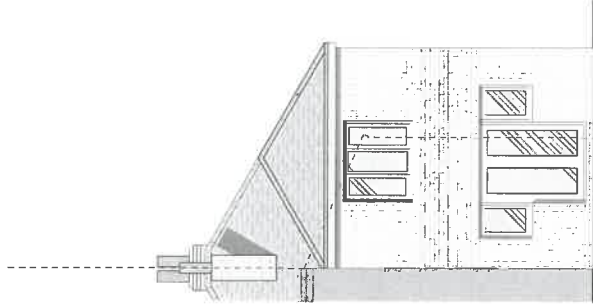
Rev:	Note:	Date:



proposed south-east elevation
[no alteration]



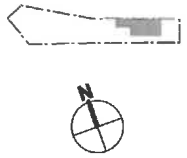
proposed south-west elevation



proposed north-west elevation

Rev:	Note:	Date:

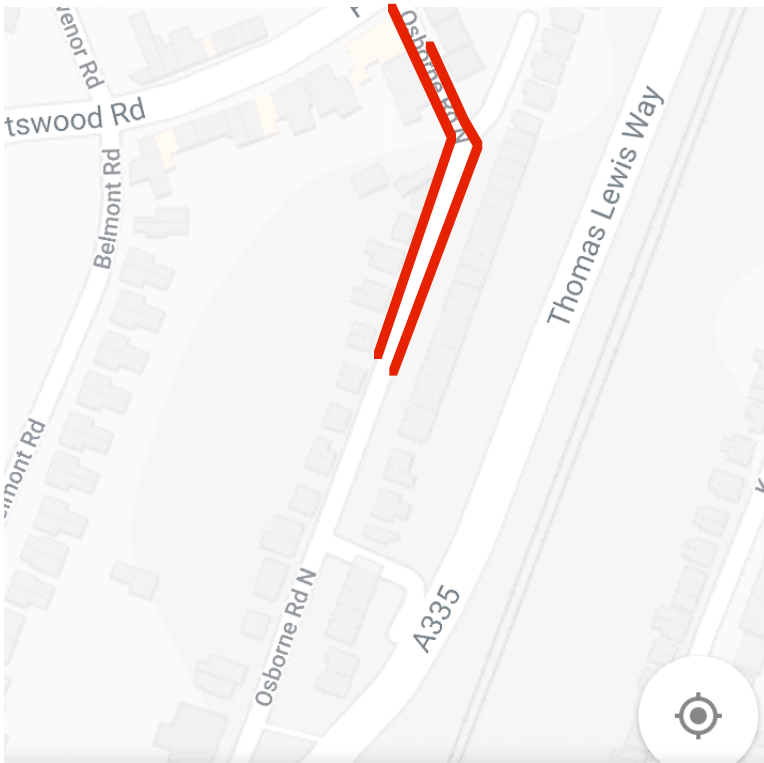
Notes:
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Project:	171 Osborne Rd North	Drawn by:	RW
Drawing:	Proposed Elevations	Checked by:	RW
Drawing No:	C17/037.06	Revision:	A
Scale:	1:100 @ A3	Date:	May 2017

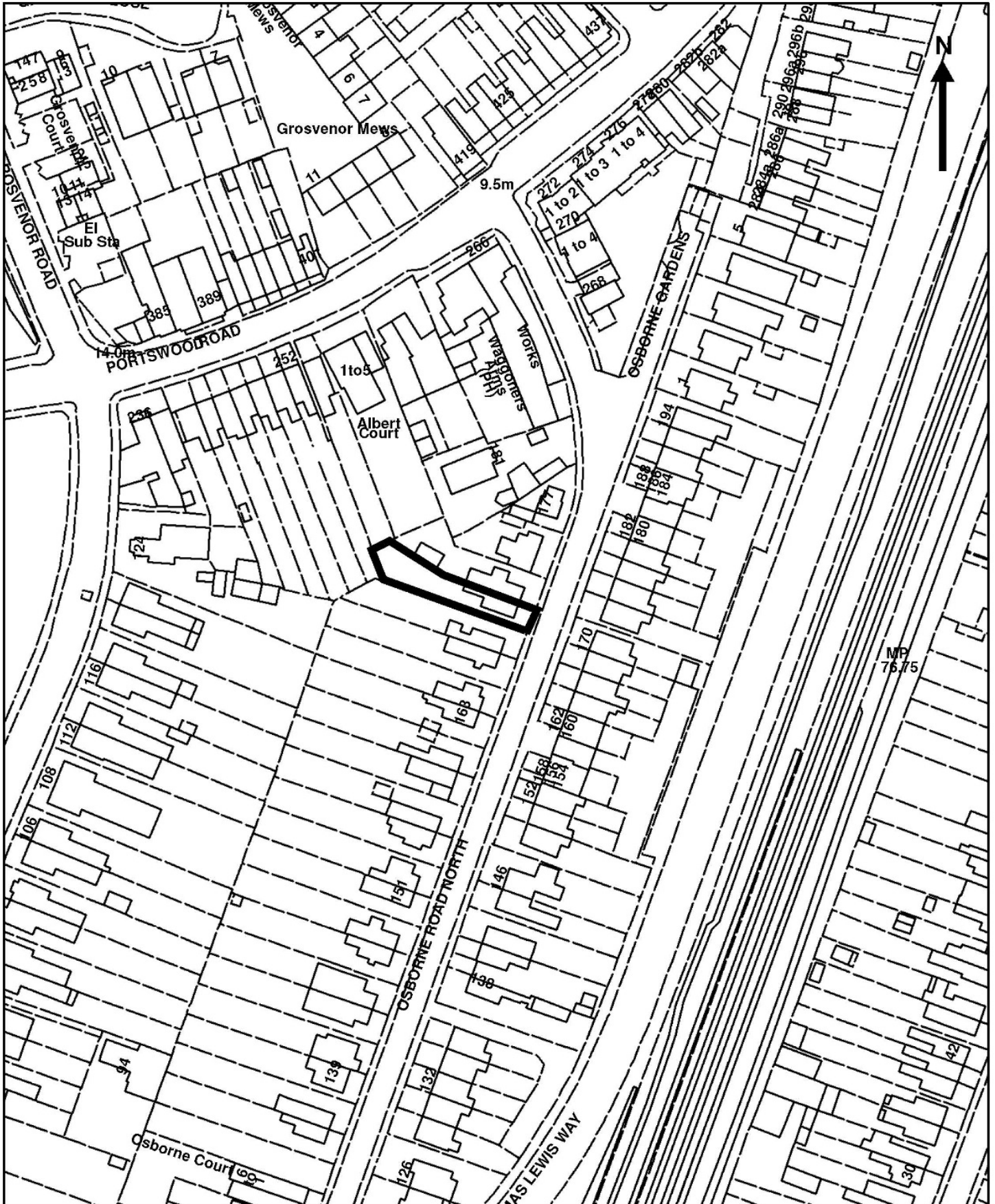
Agenda Item 6

18 on road spaces free at 9pm on 3
the 18th October Osborne Rd North



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17/01541/FUL



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Agenda Item 7

Planning and Rights of Way Panel 30th January 2018
Planning Application Report of the Service Lead - Infrastructure, Planning and Development

Application address: 14 Spring Crescent			
Proposed development: Erection of a first floor extension to the east elevation and associated changes to the front elevation (amended after validation to remove alterations to the west elevation and to include changes to front elevation).			
Application number	17/01840/FUL	Application type	FUL
Case officer	Anna Coombes	Public speaking time	5 minutes
Last date for determination:	19.12.2017	Ward	Portswood
Reason for Panel Referral:	More than 5 objections received.	Ward Councillors	Cllr J Savage Cllr M Claisse Cllr P O'Neill
Referred to Panel by:	N/A	Reason:	N/A

Applicant: Dr E Fogg	Agent: Mr Gary Bradford
Recommendation Summary	Conditionally approve
Community Infrastructure Levy Liable	Not applicable

Reason for granting Planning Permission

Reason for granting Planning Permission

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

Policies - SDP1, SDP5, SDP7, SDP9 and HE4 of the City of Southampton Local Plan Review (Amended 2015) and CS13, CS14 and CS19 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015), as supported by the Residential Design Guide SPD (2006), Parking Standards SPD (2011) and Houses in Multiple Occupation SPD (Amended 2016).

Appendix attached		
1	Development Plan Policies	

Recommendation in Full
Conditionally approve

1.0 The site and its context

- 1.1 The application site comprises a large two-storey detached dwelling house located on the southern side of Spring Crescent. There is a large garden and existing conservatory to the rear, with existing single-storey side extension to the East elevation and single-storey outbuilding, which contains a bedroom, and an enclosed car port / yard along the eastern boundary. There is an existing two-storey side extension with flat roof to the West elevation, which was built prior to 1946. The property sits well back from the road and the front driveway is enclosed with tall mature tree and hedge screening to the front and side boundaries.
- 1.2 The property is locally listed and described as 'a mid-19th Century villa, mainly intact worth considering for statutory listing. In use as a house.' The site is located within a predominantly residential area, with a mix of detached and semi-detached dwellings and purpose built flatted blocks.
- 1.3 The building is occupied as a Sui Generis large HMO for 8 persons, which has been authorised by previous planning permissions. The number of occupants is controlled by conditions on these previous applications.

2.0 Proposal

- 2.1 The application proposes a first floor side extension to the East elevation of the existing dwelling to provide a bathroom. Amended plans were received, following advice from the Historic Environment Team, which removed the proposed hipped roofs to both the proposed first floor extension and the existing two-storey extension on the west elevation. The existing two-storey side extension on the West elevation now remains unchanged in the amended scheme, and the proposed first floor extension on the east elevation is designed to mirror the width, height, placement and flat roof design of the west elevation.
- 2.2 The development also includes minor alterations to the design of the entrance to the enclosed car port / courtyard along the eastern boundary. The existing wooden double garage doors are to be replaced with a single pedestrian door and a surrounding facade wall, attaching to the existing single-storey wall, in order to hide the existing mono pitch roof shape behind. There is no change to the footprint of the building.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (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 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4.0 Relevant Planning History

- 4.1 16/02043/FUL - Conversion Of Garage Into A Studio Flat (Retrospective) – Refused 08.02.2017
- 4.2 15/01693/PAH – Erection Of A Single Storey Rear Extension (Max Depth 8M, Max Height 3.4M, Eaves Height 2.25M) – No objection 07.10.2015.
- 4.3 14/01219/FUL - Change of use from a 6-bedroom House of Multiple Occupation (C4) to an 8 bedroom HMO - Conditionally approved 30.09.2014.
- 4.4 14/00830/FUL - Change of use from a 6-bedroom HMO to a 7-bedroom HMO - Conditionally approved 18.07.2014.
- 4.5 12/00029/APFUL - Demolition of existing garage and conservatory to facilitate erection of two-storey side extensions and part two-storey, part-single storey rear extension in connection with use as 2x 5-bedroom houses (Class C3) or Homes in Multiple Occupation (Class C4) - Appeal dismissed 29.11.2012.
- 4.6 11/01874/FUL - Demolition of existing garage and conservatory to facilitate erection of two-storey side extensions and part two-storey, part-single storey rear extension in connection with use as 2x 5-bedroom houses (Class C3) or Homes in Multiple Occupation (Class C4) - Refused 23.03.2012.
- 4.7 1349/5 - Rebuild garage and erect new car port - Conditionally approved 30.04.1968.

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application, a publicity exercise in line with department procedures was undertaken, which included notifying adjoining and nearby landowners. At the time of writing this report **8** representations have been received, including objections from Portswood Central Residents' Association and Cllr John Savage. The following is a summary of the issues raised with responses from the Case Officer:

- 5.2
- Overdevelopment resulting in loss of amenity.

RESPONSE: The footprint of the existing building is not being increased. The design of the proposal and impacts on amenity of neighbouring residents and occupiers are discussed further in section 6, below.

- 5.3
- Too high proportion of HMOs in Spring Crescent. The City-wide threshold (cap) on HMOs has already been breached. Neighbouring property, No.16 Spring Crescent, is already sandwiched by large HMOs at No's 14 and 18.
 - Increase in number of occupants at No.14 Spring Crescent will have a harmful effect on local amenity and will increase existing parking pressures and anti-social behaviour.

RESPONSE: This application does not propose a new HMO use, nor an increase in the number of occupants or intensity of the existing HMO use. The proposal introduces a new bathroom only. Whilst the proposal removes the double garage doors to the enclosed yard, this area is not currently used for parking and the existing front driveway provides at least 5 car parking spaces, which already exceeds our maximum parking standard of 4 spaces for an HMO with 8 bedrooms.

- 5.4
- Increasing number of planning applications in Spring Crescent as a whole, and high approval rate.
 - The previous application for the conversion of the garage to a self-contained flat at No.14 Spring Crescent was refused.
 - Planning applications since 2014 at No.14 Spring Crescent have been seeking to increase occupancy rates.

RESPONSE: Each planning application is assessed on its own merits, and with reference to the relevant policies within the Local Development Plan. This application does not seek to increase the occupancy levels on site.

- 5.5
- The submitted drawing does not show a first floor extension to the east elevation and the hipped roof extensions shown on the block plan are not shown on roof plan or elevations.

RESPONSE: The proposed plan correctly shows a first floor extension to the east elevation. An amended plan, received since these comments were submitted, has removed the proposed hipped roof alterations from the proposal.

5.6 Historic Environment Team:

5.7 Original response 21/11/2017 – Objection due to the proposed two-storey extension dominating and spoiling the outline of the Locally Listed building.

5.8 Revised response 28/11/2017 (following clarification of the extent of the proposed works from the agent) – objection maintained to the originally submitted plans, due to the proposed pitched roof designs competing with the original building, however there would be no objection if the plans were amended to remove the hipped roof alteration to the existing two-storey extension on the west elevation and if the proposed first floor extension to the east elevation were designed with a flat roof and deep eaves overhang to match that of the west elevation and the main dwelling. No objection to proposals for the side car port.

6.0 Planning Considerations

The key issues for consideration are:

- 1) Principle of Development
- 2) Design
- 3) Amenity

6.1 Principle of Development

6.2 The application proposes a first floor extension and minor alterations to the front elevation of an existing dwelling, which is in lawful operation as an HMO for 8 persons. The current application does not seek a change of use of the property, nor an increase in the number of occupants, simply an extension to provide an additional bathroom. The application will be assessed on this basis. There are no policy implications for the introduction of an additional bathroom. The design and amenity considerations are discussed further below.

6.3 Any subsequent alteration of the proposed bathroom to an additional bedroom would require separate planning permission. The retention of the bathroom can also be secured by way of a suitable planning condition. If changes are made without planning permission, these would be subject to enforcement action. Any future application for use of the property by more than 8 tenants would be

considered on its own merits at the time of application.

6.4 Design

6.5 The application property is a large, locally listed, detached dwelling, set well back from the street and largely screened by the existing mature tree and shrub hedging along the front and side boundaries of the front driveway. Due to the surrounding mature vegetation, the property does not occupy a prominent position within the street scene.

6.6 The Council's Historic Environment Team have no objection to the amended scheme, now that the pitched roofs have been removed and the proposed first floor extension on the east elevation mirrors the existing two-storey side extension on the west elevation.

6.7 The proposed first floor extension is set 2m back from the front of the property and utilises a flat roof design to match that of the existing western side extension, helping to integrate with the overall style of the dwelling. The proposed alterations to the single-storey entrance of the enclosed car port / courtyard along the eastern boundary are minor in scale and will help to improve the appearance of the existing wooden garage doors and lean-to structure behind.

6.8 While the proposed first floor extension will be a noticeable addition to the property, it is considered that the design is sympathetic in its mirroring of the existing western side extension, providing a sense of balance to the front elevation, and integrating into the overall character and scale of the locally listed host dwelling, in accordance with the Council's Residential Design Guide SPD.

6.9 Amenity

6.10 The proposed first floor extension is modest in scale and will be approximately 3.2m from the side boundary of the host dwelling and 7m from the side elevation of neighbouring property No.16 Spring Crescent, which is separated from the application site by a driveway along the common boundary, leading to a parking area at the rear. Given this relationship between the two properties, the proposal is not considered to present an overbearing form of development when viewed from No.16, and would not cause overshadowing to this neighbouring property.

6.11 In addition, the proposal has no side-facing windows, so it would not introduce any new opportunities for overlooking of neighbouring properties, and there is no intensification of the existing HMO use. On this basis, whilst there will be an impact on the amenity of neighbouring residents, this impact is not considered to be harmful.

6.12 The proposal does not compromise the existing outlook of habitable rooms within the host dwelling and will not affect the existing amenity space, or parking and access arrangements for the host dwelling. Whilst the proposal does remove the double garage doors to the existing car port / courtyard, It is noted that this area is not currently used for parking and that the existing front driveway provides at least 5 car parking spaces, which already exceeds our maximum parking standard of 4 spaces for an HMO with 8 bedrooms, so the amenity of the residents of the host dwelling will not be harmed.

6.13 In addition, the proposal is not considered to result in increased over-spill car parking within Spring Crescent, as there is no change in the way the existing on-site parking is used and there is no increase in the number of occupants of the host dwelling. The impact on the parking amenity of neighbouring residents is

not, therefore, considered to be harmful.

7.0 Summary

7.1 For the reasons outlined above, it is considered that the proposed first floor side extension to the east elevation and the proposed alterations to the front elevation of the existing car port / courtyard would integrate into the overall character and style of the locally listed host dwelling and wider local area, whilst respecting the amenities of neighbouring residents and the existing and proposed occupiers of the host dwelling. The proposal will not increase the intensity of the existing HMO use on the site.

8.0 Conclusion

8.1 The application 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)(qq)(vv) 6(a)(b)

17/01840/FUL for 30/01/2018 PROW Panel

PLANNING CONDITIONS

01. 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).

02. Approved Plans (Performance Condition)

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.

03. Archaeological structure-recording (Pre-Commencement)

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.

04. Archaeological evaluation/watching brief work programme (Performance)

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

05. Materials to match (Performance Condition)

The materials and finishes to be used for the external walls, windows (including recesses), drainage goods and roof in the construction of the building hereby permitted shall match in all respects the type, size, colour, texture, form, composition, manufacture and finish of those on the existing building.

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

06. Room restrictions (Performance)

The new room created as a result of the proposed first floor side extension, labelled 'Bathroom' on the submitted plan, shall at no time be used as a bedroom, unless otherwise agreed upon in writing by the Local Planning Authority.

Reason: For the avoidance of doubt, to maintain sufficient residential environment for occupiers and to ensure that there is no intensification of use of the site.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13	Fundamentals of Design
CS14	Historic Environment
CS19	Car and Cycle Parking

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

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
HE4	Local List

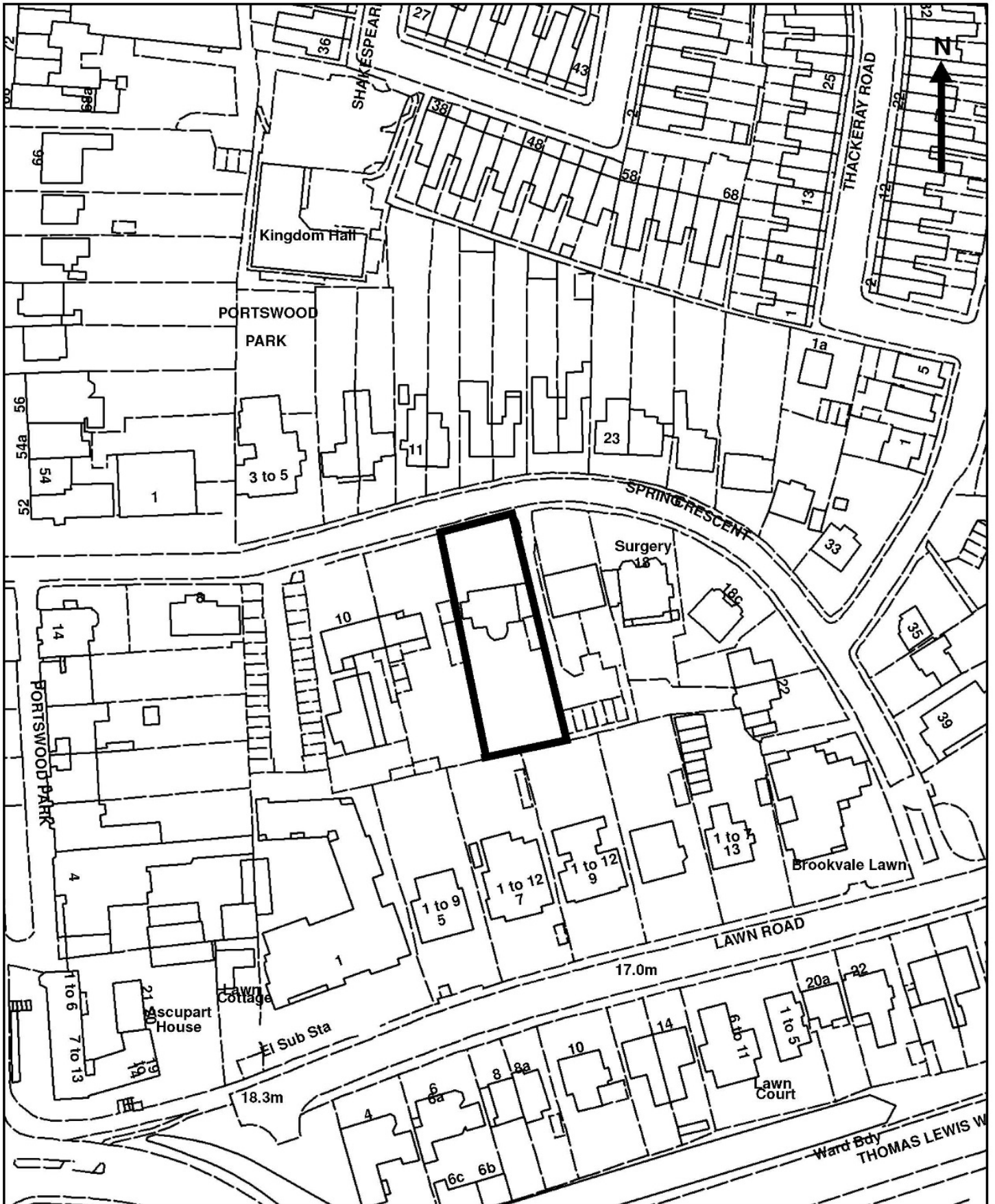
Supplementary Planning Guidance

Residential Design Guide (September 2006)
Parking Standards SPD (September 2011)
HMO SPD (As amended 2016)

Other Relevant Guidance

The National Planning Policy Framework (2012)

17/01840/FUL



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Agenda Item 8

Planning and Rights of Way Panel 30th January 2018 Planning Application Report of the Service Lead – Infrastructure, Planning & Development

Application address: Land at Test Lane, Southampton			
Proposed development: Non material amendment sought to planning permission ref: 14/01911/FUL comprising changes to the internal layout of unit 3 and external changes to units 1, 2 and 3 including a revised canopy design and provision of louvres and a level access door to unit 3			
Application number	17/02384/NMA	Application type	NMA
Case officer	Stephen Harrison	Public speaking time	5 minutes
Last date for determination:	22.12.17	Ward	Redbridge
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors	Cllr Mc Ewing Cllr Pope Cllr Whitbread
Referred to Panel by:	N/A	Reason:	N/A

Applicant: Evander Properties Ltd/Peel Logistics	Agent: Michael Sparks Associates
---	---

Recommendation Summary	Conditional Approval
-------------------------------	-----------------------------

Community Infrastructure Levy Liable	Not applicable
---	-----------------------

Reason for raising NO OBJECTION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The proposed changes, when taken in combination with the previous requests, remain non materials to the overall scheme for 19,132 square metres of employment floorspace in three buildings . Other material considerations, such as those listed in the report to the Council’s Planning and Rights of Way Panel on 30th January 2018, do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 another revision to planning permission 14/01911/FUL should therefore be granted.

Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP13, SDP14, SDP15, SDP16, SDP17, SDP22, NE4, NE5, CLT7 and MSA19 of the City of Southampton Local Plan Review (as amended 2015) and CS6, CS7, CS13, CS18, CS19, CS20, CS21, CS22, CS23, CS24 and CS25 of the Southampton City Council Local Development Framework Core Strategy – Adopted January 2010 (as amended 2015) as supported by the Council’s current adopted Supplementary Planning Guidance and the guidance contained with the evolving National Planning Practice Guidance.

Appendix attached			
1	Development Plan Policies	2	14/01911/FUL Decision Notice

Recommendation in Full

Conditionally Approve - The proposed changes sought by this request are considered to provide a Non-Material Amendment to the approved planning permission (as already amended). All planning conditions applicable to the approved planning permission remain in force.

1.0 The site and its context

- 1.1 The application site is some 6.5 hectares in area and is situated on the eastern side of Test Lane. The site is under construction following the grant of planning permission for 3 employment buildings. The site is allocated in the Local Plan for light industrial and warehousing development (Classes B1(c) and B8) under Policy MSA19 of the Local Plan and the planning permission was granted in June 2016 for a speculative development in accordance with this allocation (14/01911/FUL refers).
- 1.2 The surroundings are of mixed character with industrial development (including the Daily Echo headquarters) to the north; the M271 motorway to the east; the Lower Test Lane Nature Reserve to the West beyond the Southampton to Romsey railway line; and a residential area to the south comprising bungalows and two-storey houses in Gover Road, Coniston Road, Westover Road and Test Lane. The application site is close to the administrative boundary of the city with Test Valley Borough Council.

2.0 Proposal

- 2.1 Full planning permission was granted for the redevelopment of the site in June 2016 following consideration by the Planning and Rights of Way Panel (14/01911/FUL refers).
- 2.2 The permission gives approval for the redevelopment of the site to provide 19,132 square metres of employment floorspace in three buildings (Units 1 and 3 to be storage and distribution use (Class B8), Unit 2 to be Business use (Class B1c) and/or storage and distribution use (Class B8)) with an area of open space, associated landscaping, servicing areas and car parking with vehicular access from Test Lane. This permission is in the process of being implemented.
- 2.3 The scheme has already been amended, and a further set of revisions to the approved scheme are now sought. The applicants have applied for a Non Material Amendment (NMA) to their original permission but are not seeking a fresh planning permission. If the Panel accept that these changes are relatively minor (and not material to the original permission) then no objection will be raised by the Council to the principal planning permission being implemented in accordance with the agreed changes. The proposed alterations comprise:
- a) Changes to the internal layout of Unit 3 with a change to the entrance location;
 - b) An increase in the number of loading bays to unit 3 from 18 to 19;
 - c) The addition of louvres to western elevation of Unit 3; and,
 - d) The substitution of aluminium with glass to the approved canopies to the pedestrian entrances of all 3 units

- 2.4 Unit 3 is located in the south-east corner of the site and the loading bays face north into the site and away from the nearest residential neighbours.

3.0 Relevant Planning Policy & Guidance

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (Amended 2015) and the City of Southampton Core Strategy (Amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.

- 3.2 The application site is allocated for development under Policy MSA19 which reads as follows:

Test Lane South is safeguarded for B1 and B8 uses. Development will be permitted which:

- (i) provides a buffer of landscaped and planted open space on the southern boundary of the site; refer to CLT 7;*
- (ii) would not adversely affect the residential amenity of the occupiers of nearby properties on Gover Road and Coniston Road.*

Built development will not be permitted on the southern part of the site.

- 3.3 In 2009 the Government introduced a formal procedure for agreeing changes to an existing planning permission. Flexibility was offered for small changes to existing schemes without the need for applying again for the whole development. A nominal planning fee and a 28 day target date applies, and it is for the Local Planning Authority to determine whether or not the requested changes can be treated as ‘Non Material’. Further guidance on this relatively new process can be found within the ‘National Planning Practice Guidance’ (NPPG). The Council can either ‘object’ (where a refusal notice would be issued; the applicants would then need to make a planning application for either the revised scheme, the works themselves or to vary the relevant planning conditions) or raise ‘no objection’ and issue a supplemental notice to the principal planning permission. There is no right of appeal.

- 3.4 This procedure does not allow the Council, or the scheme’s objectors, to revisit the planning merits of the original scheme as the planning permission will remain regardless of the decision made on the NMA application. The NPPG advises that *‘the local planning authority must have regard to the effect of the change, together with any previous changes made under section 96A. They must also take into account any representations made by anyone notified, provided they are received within 14 days of notification. As this is not an application for planning permission, section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply’.*

4.0 Relevant Planning History

- 4.1 14/01911/FUL – Conditionally Approved 29.07.2016 – see **Appendix 2**
Redevelopment of the site to provide 19,132 square metres of employment floorspace in three buildings (Units 1 and 3 to be storage and distribution use (Class B8), Unit 2 to be Business use (Class B1c) and/or storage and distribution use (Class B8)) with an area of open space, associated landscaping, servicing areas and car parking with vehicular access from Test Lane.

- 4.2 **16/02201/NMA** – Conditionally Approved 22.02.2017 (by Planning Panel)

Non material amendment sought to planning permission ref 14/01911/FUL to reduce the height of the approved buildings and amend the approved drainage strategy - description amended following validation to remove reference to any external elevational changes.

- 4.3 **17/00154/NMA** – Conditionally Approved - 28.02.2017 (by Planning Panel)
Non material amendment sought to planning permission Ref: 14/01911/FUL to amend the number of dock loaders on unit 3 from 18 to 7 and pedestrian footpath extended to access unit 3.
- 4.4 **17/01260/NMA** – Conditionally Approved - 02.11.2017 (by Planning Panel)
Non material amendment sought to planning permission ref: 14/01911/FUL to amend the number of dock loaders on unit 3 from 7 to 18 (18 as originally approved ref: 14/01911/FUL) and to include concrete frames on units 1, 2 and 3.
- 4.5 This is the fourth request for a NMA to planning permission 14/01911/FUL and there is no limit set by the planning system as to how many NMAs an applicant can make. The NPPG advises that the cumulative impact of all NMAs is relevant, and the Council could decide (if members believe that the evidence warrants it) that the latest request, in combination with the 3 previous NMA applications, results in a significant change to the development and requires planning permission.

5.0 Consultation Responses and Notification Representations

- 5.1 The Government's National Planning Practice Guidance explains that '*as an application to make a non-material amendment is not an application for planning permission, the existing Town and Country Planning (Development Management Procedure) (England) Order 2015 provisions relating to statutory consultation and publicity do not apply. Therefore local planning authorities have discretion in whether and how they choose to inform other interested parties or seek their views*'.

Notification

- 5.2 Officers have agreed to notify residents of all submitted changes to this development. 101 letters have been sent and residents have been given 21 days to comment. A Site Notice was posted on 1st December 2017. A deadline for comments of the 22nd December 2017 was set.
- 5.3 At the time of writing the report **7 objections** have been received, including an objection from Ward Cllr Pope. A verbal update will be given should any further objections be received before the Panel meeting. The following is a summary of the planning related points made:
- 5.4 **Ward Cllr Pope** – Objection
I object to this claimed "Non-Material Amendment". The reasons are:
1. It IS material, just like the other ones. I have challenged the Planning Manager to provide Southampton City Council's definition of Non-Material Amendment. He hasn't provided one, instead relying on vague Government guidance. Other councils have their own definition, but SCC doesn't. Why? Not having one allows developers like this to get away with making residents' lives worse.

2. I agree and wish to support the comments from resident Mr Smith:

"The addition of doors to allow vehicles to enter the unit will mean more noise being generated by vehicles using this unit. Currently, certain companies have policies in place under health & safety guidelines for vehicles to sound their horns when entering & leaving buildings. This extra noise will have an impact on the residents whose homes border the development.

This is a direct intrusion on the resident's amenity, which the council stated in their sales literature when they marketed the land for sale SHOULD NOT be affected. Despite this planning was still granted by the SCC planning panel even though the developers stated in their documents that the resident's amenity WOULD be affected."
"

3. All of the NMAs put together ARE material.

4. Noise, light pollution, contaminants.

5. Destruction of wildlife habitat. Why have the developers been allowed to get away with it?

6. The increase to air pollution. More HGVs. More pollution. More illness and deaths because of this development.

This NMA should be refused, and therefore the entire planning application thrown out. Now we know that John Lewis are moving in, and that the jobs claims by Councillor Letts are a complete lie. John Lewis have stated publicly that this will not increase jobs in the move from the City Centre. Instead, local residents have this monstrosity that they didn't want, with the deal signed behind their backs, and behind my back as a ward councillor. It would be understandable if some residents felt that they were being ignored. Because the Council is ignoring them, repeatedly. I think the following comment from a resident is therefore telling of this:

"How much money and time are the Council wasting in asking for comments? The Council don't care and will agree to whatever the developers want, the developers can make as many changes to the approved plans, and they know it will be approved. None of the residents want this monstrosity on their doorstep. It's a complete farce asking the residents what they think."

5.5 *Note & Officer Response:*

The Cllr's comment also covers the planning related points raised by the other 6 objectors. In response, this report does not agree that the proposed changes, either on their own or in combination with the previous changes, result in a significant amendment requiring planning permission; and concludes that the resultant impacts upon residential amenity, pollution, noise and disturbance, wildlife habitat, highway safety and/or visual amenity are within acceptable tolerances.

Consultation Response

5.6 **SCC Environmental Health** – No objection

5.7 **SCC Highways** – No objection

The main changes are some internal alterations to the office space/plant room and the level access door. There are also other minor external changes which is not material consideration for highways. The office space is simply being relocated on

level down with the remaining space to be used for plant. This will have very limited impact if not will create less trips as plant does not generate as much as office or light industrial floor space.

5.8 The proposed level access door is to facilitate vehicles being able to enter the building to service the site. This will have limited impact on traffic and, as above, it could be argued that it may be less. In transport terms, we calculate trips based on floor space. As part of the proposal, the use will remain the same but it can also argued that the internal floor space will now have additional 'clear' or empty space for when the vehicle needs to enter the site rather than machinery/equipment/workspaces which would generate more staff/activity and, therefore, more trips. Regardless, the level of change is considered to be insignificant and will not have any notable impact on the approved existing scheme. For the reasons above, there will be no highway objections.

5.9 **SCC Flood** – No objection

6.0 Planning Consideration Key Issues

6.1 The key issues for consideration in the determination of this NMA application are the change to the number of loading bays to unit 3 and the amendment to the external appearance.

Non Material Amendments

6.2 In 2009 the Government set out a formal procedure and guidance (“Greater Flexibility for Planning Permissions”) to enable applicants to secure confirmation from the Local Planning Authority (LPA) that minor changes to a consented scheme are acceptable without the need to obtain a further planning permission. This was designed to be a light touch approval process and no limit was set on the number of NMAs that an applicant could apply for.

6.3 No definition of what constitutes a “Non-Material Amendment” is provided by the Government. The NPPG explains that *‘this is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another’*. The guidance explains that the LPA should be content that the proposed changes do not significantly, either by themselves or in combination with other NMAs, alter the permission.

6.4 In respect of each of the proposed changes officers comment as follows:

a) Changes to the internal layout of Unit 3 with a change to the entrance location; This change switches the office accommodation from the first floor (as approved) to the ground floor (as now proposed). This change results in less operational floorspace within the approved building envelope and will have no impact. The relocation of the pedestrian entrance by a couple of panels is also not significant to the overall assessment of this wider scheme. As such, the change is recommended as non-material.

b) An increase in the number of loading bays to unit 3 from 18 to 19;

The provision of a further loading bay is not significant to the overall assessment of this wider scheme. As such, the change is recommended as non-material.

c) The addition of louvres to western elevation of Unit 3;

The external alteration results in a louvre added above the entrance door. This change is not significant to the overall assessment of this wider scheme and, as such, is recommended as non-material.

d) The substitution of aluminium with glass to the approved canopies to the pedestrian entrances of all 3 units;

The replacement material for the approved entrance canopies is not significant to the overall assessment of this wider scheme and, as such, is recommended as non-material.

e) Cumulative Impact

The NPPG requires that the cumulative impact of the proposed NMA is considered in combination with the previous NMAs. The scheme, as now proposed, maintains 3 employment buildings within the footprint and quantum of development previously found to be acceptable.

f) Permitted Development Fallback

Schedule 2, Part 7 Class H of the Town and Country Planning (General Permitted Development) (England) Order 2015 allows employment warehouses to make alterations without the need for planning permission; and this would include the requested changes now sought. As permitted development is only gained following occupation it means that, if unsuccessful at Panel, the applicants would need to wait until first occupation and then would be free to make the proposed changes in any event. Alternatively they could make a discreet application for the proposed external changes once the building is largely complete. Both are material to this recommendation.

7.0 Summary

7.1 The proposed changes to the approved buildings are considered to maintain an acceptable scheme for the site and have been assessed as acceptable and within the spirit of the approved development. The proposals are still considered to meet the requirements of the development plan as detailed at **Appendix 1**. The changes listed are not regarded material enough to warrant the need for a fresh planning application for development, and have been assessed as non-material to the original planning permission. All previous planning conditions remain effective.

8.0 Conclusion

8.1 This application for a non-material amendment is acceptable and it is recommended that no objection is made.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

SH2 for 30.01.18 PROW Panel Condition to include:

29. Approved Plans (Amended)

The development hereby permitted shall be carried out in accordance with the approved plans listed in the original permission 14/01911/FUL as updated by the revised plans approved under 16/02201/NMA, 17/00154/NMA, 17/01260/NMA and 17/02384/NMA unless otherwise agreed in writing with the Local Planning Authority.

Reason:

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

Application 17/02384/NMA

APPENDIX 1

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS13	Fundamentals of Design
CS14	Historic Environment
CS18	Transport: Reduce-Manage-Invest
CS19	Car and Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk
CS24	Access to Jobs
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
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting
SDP22	Contaminated Land
NE4	Protected Species
NE5	Intertidal Mudflat Habitats
NE7	Rail Corridor
HE6	Archaeological Remains
CLT7	Provision of New Public Open Space
MSA19	Test Lane South

Supplementary Planning Guidance

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)

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DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

Town & Country Planning (Development Management Procedure) (England) Order 2015

Michael Sparks Associates - FAO Mr Ashley Chambers
11 Plato Place
St. Dionis Road
London
SW6 4TU

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

FULL APPLICATION - CONDITIONAL APPROVAL

Proposal: **Redevelopment of the site to provide 19,132 square metres of employment floorspace in three buildings (Units 1 and 3 to be storage and distribution use (Class B8), Unit 2 to be Business use (Class B1c) and/or storage and distribution use (Class B8)) with an area of open space, associated landscaping, servicing areas and car parking with vehicular access from Test Lane.**

Site Address: **Land at Test Lane, Southampton,**

Application No: **14/01911/FUL**

Subject to the following conditions.

01. Full Permission Timing Condition - Physical works

The development works hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

Reason:

To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

02. Details of building materials to be used [Pre-Commencement Condition]

Notwithstanding the information shown on the approved drawings and application form no development works shall be carried out unless and until a written schedule of external materials and finishes has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, doors and the roof of the proposed buildings. It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site.

Reason:

To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality.

03. Landscaping, lighting & means of enclosure 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. proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- ii. 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 including semi-mature tree planting;
- iii. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance);
- iv. details of any proposed boundary treatment, including retaining walls; and
- 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

04. Land Contamination investigation [Pre-Commencement]

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 report of the findings of the additional assessment/investigation, characterising the land gas and groundwater regime and allowing for potential risks (as identified in phase 1) to be assessed.
2. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

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.

05. Unsuspected Contamination [Performance Condition]

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority.

Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority.

Any changes to the agreed remediation actions will require the express written consent of the Local Planning Authority.

Reason:

To ensure any land contamination not previously identified is assessed and remediated so as not to present any significant risks to human health or, the wider environment.

06. Use of uncontaminated soils and fill [Performance Condition]

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

Reason:

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

07. Hours of work for Demolition / Clearance / Construction [Performance Condition]

All works relating to the demolition, clearance and construction of the development hereby granted shall only take place between the hours of;

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

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

And at no time on Sundays and recognised public holidays.

Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

08. Construction Environment Management Plan (Pre-Commencement Condition)

Prior to the commencement of any development a written construction environment management plan shall be submitted to and approved by the Local Planning Authority. The plan shall contain method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary. All specified measures shall be available and implemented during any processes for which those measures are required.

Reason:

To protect the amenities of the occupiers of existing nearby properties and to safeguard the special ecological value of the adjoining nature reserve.

09. Wheel Cleaning Facilities [Pre-Use Condition]

During the period of the preparation of the site, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on the site and no lorry shall leave the site until its wheels are sufficiently clean to prevent mud being carried onto the highway.

Reason:

In the interests of highway safety.

10. Piling [Pre-Commencement Condition]

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a piling and/or foundations design risk assessment and method statement for the preferred piling/foundation design/designs shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

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

Condition Informative 1

Guidance is provided in the Environment Agency's publication NC/00/73, Piling and Penetrative Ground Improvements Methods on Land affected by Contamination: Guidance on Pollution Prevention, section 6.5

Condition Informative 2

Guidance suggests maximum vibration of 1mm/sec Peak Particle Velocity (measured in any one direction) at the foundations of the nearest occupied residential building and a maximum vibration of 3mm/sec Peak Particle Velocity (measured in any one direction) at the foundations of an occupied commercial building.

11. Lighting Scheme (Pre-Occupation Condition)

A written lighting scheme including light scatter diagram with relevant contours shall be submitted to and approved in writing by the Local Planning Authority prior to implementation of the lighting scheme. The scheme must demonstrate compliance with table 1 "Obtrusive Light Limitations for Exterior Lighting Installations", by the Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light 2005. The installation must be maintained in accordance with the agreed written scheme.

Reason

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

12. Restricted Use [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent amending Order) the buildings hereby approved shall only be used for the purposes specified in the application, namely Storage and Distribution (Class B8) for Units 1 and 3 and either Business Use (Class B1(c)) or (Class B8) for Unit 2.

Reason:

For the avoidance of doubt and to enable the Local Planning Authority to retain control over the development in the interests of the amenities of the area and to comply with Policy MSA19 of the Local Plan.

13. Restriction on use (Performance Condition)

The maximum floorspace of the development hereby approved shall be 19,132 square metres gross and the buildings shall not be sub-divided into separate units without the approval of the Local Planning Authority.

Reason

To restrict the development to that set out in the application in the interests of the amenities of the area and local transport conditions.

14. Junction Details [Pre-Occupation Condition]

The junction between the proposed service road and the highway shall be constructed in accordance with the approved plans before the development is first occupied.

Reason:

To ensure a safe access to the site is achieved.

15. Cycle and changing facilities (Pre-Occupation Condition)

The buildings hereby approved shall not be first occupied until cycle storage, changing, washing and shower facilities for members of staff have been provided in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be retained thereafter.

Reason

To encourage cycling as an alternative sustainable means of transport in accordance with Council policy.

16. Storage / Removal of Refuse Material [Pre-Occupation Condition]

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

Reason:

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

17. Layout of Car Parking/ Servicing (Pre-Occupation Condition)

The whole of the car parking, cycle storage and servicing facilities for the uses hereby approved shown on the approved plans shall be laid out and made available before the building to which the facilities relate is first occupied and thereafter retained solely for the use of the occupants and visitors to the that building and for no other purpose.

REASON

To ensure adequate on-site parking and servicing facilities and to avoid congestion in the adjoining highway.

18. Surface / foul water drainage [Pre-commencement Condition]

No development approved by this permission shall commence until a scheme for the disposal of foul water and surface water drainage have been submitted to and approved in writing by the Local Planning Authority and no building shall be occupied unless and until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority and subsequently implemented and maintained for use for the life of the development.

Reason:

To ensure satisfactory drainage provision for the area.

19. BREEAM Standards (Pre-Occupation Condition)

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

REASON:

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

20. Ecological Mitigation Statement [Pre-Commencement Condition]

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, [as set out in the submitted Ecological Statement with the application] which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work, site clearance or hedgerow removal takes place.

Reason

To safeguard protected species under the Wildlife and Countryside Act 1981 (as amended) in the interests of preserving and enhancing biodiversity.

21. Protection of nesting birds [Performance Condition]

No clearance of vegetation likely to support nesting birds shall take place between 1 March and 31 August unless a method statement has been agreed in writing by the Local Planning Authority and works implemented in accordance with the agreed details.

REASON

For the safeguarding of species protected by The Wildlife & Countryside Act 1981 (as amended) and the conservation of biodiversity

22. No other windows or doors other than approved in specific location [Performance Condition]

Unless the Local Planning Authority agree otherwise in writing and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) in relation to the development hereby permitted, no alternative or additional windows (including roof windows or dormer windows), doors or openings other than those expressly authorised by this permission shall be constructed in the southern elevations of Units 1 or 3.

Reason:

To protect the amenities of the adjoining properties.

23. Sustainable Urban Drainage (Pre-Commencement Condition)

No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i. a timetable for its implementation, and
- ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason

To ensure the proposed SUDs arrangements are provided in a satisfactory manner.

24. Acoustic barriers (Pre-Occupation Condition)

The position and height of acoustic barriers (comprising bunds and fencing) along the site boundary shall be in accordance with the approved plans. Details of the construction of the acoustic screening (including fencing design, materials and surface density) shall be verified for effectiveness by a competent acoustician and approved by the Local Planning Authority both prior to their construction and prior to commencement of use, and thereafter those barriers shall be maintained in a good state of repair so as to remain fully effective.

Reason

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

25. Electric Car Charging Points (Pre-Occupation Condition)

No part of the development shall be occupied until a minimum of 11 electric car charging points have been provided in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of sustainability and air quality given the proximity to an Air Quality Management Area.

26. Noise Mitigation Measures (Pre-Occupation Condition)

No part of the development shall be occupied until detailed noise mitigation measures, to include canopies above the loading dock and a scheme of management measures to include details of reversing alarms of fork lift trucks and lorries have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before first occupation and retained thereafter.

Reason

To limit noise and disturbance and to protect the amenities of neighbours.

27. Refrigerated Vehicles (Performance Condition)

All refrigeration vehicles serving the site shall use electrical hook up facilities rather than diesel engines.

Reason

To limit noise and disturbance and to protect the amenities of neighbours.

28. Refrigeration Compressors (Performance Condition)

All refrigeration equipment within the buildings shall utilise electric compressors and not diesel.

Reason

To limit noise and disturbance and to protect the amenities of neighbours.

29. 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.

30. Night time operation (Pre-Occupation Condition)

Between 2300 and 0700 hours the development shall not operate or be used otherwise than in accordance with a Night Time Operation Plan, which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the occupiers of the building operate in a manner which would safeguard the amenities of adjoining residential occupiers.

31. Advertisement Restriction (Performance Condition)

Notwithstanding the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, or any subsequent amending regulations, no site marketing advertising shall be displayed on the site facing South so as to be visible from the residential properties in Gover Road.

Reason:

In the interests of the amenities of neighbouring residential properties.

32. Construction Phasing (Pre-Commencement Condition)

No development shall commence until a programme of construction work has been submitted to and approved in writing by the Local Planning Authority. The programme shall define the phasing of the development to include when the buildings and the bund along the boundary with the new park will be constructed. The development shall subsequently be carried out in accordance with the approved construction phase programme.

Reason:

To allow the Local Planning Authority to control the construction programme in the interests of the amenities of the area.

33. Construction Phasing (Performance Condition)

No occupation of Units 1 or 3 shall take place until both these buildings and the bund and acoustic fence between them have been constructed as shown on the approved plans or such alternative acoustic measures as may be approved in writing by the Local Planning Authority.

Reason:

To ensure that the noise mitigation measures are in place before these buildings are first occupied in the interests of the amenities of local residents.

34. No open storage of metal containers (Performance Condition)

No open storage of metal shipping containers shall take place within the service yards or car parking areas of this development.

Reason:

To mitigate potential noise problems in the interests of the amenities of residential neighbours.

Reason for granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The Council has considered the site allocation for industrial and warehousing development as set out in the Local Plan and the importance of the additional employment to be created by this development. The development would have an impact on the surrounding area in terms of character and appearance, traffic and noise but that the impact can be mitigated by Section 106 obligations and conditions. Ecology and flood risk issues have also been taken into account. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with the development plan as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 and 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, SDP9, SDP10, SDP13, SDP14, SDP15, SDP16, SDP17, SDP22, NE4, NE5, CLT7 and MSA19 of the City of Southampton Local Plan Review (as amended 2015) and CS6, CS7, CS13, CS18, CS19, CS20, CS21, CS22, CS23, CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document (as amended 2015) and guidance in the NPPF (2012).

Notes to Applicant

1. Water Main - The exact position of the public water distribution main on the site must be determined before the layout of the development is finalised. All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works. No excavation, mounding or tree planting should be carried out within 7 metres of the public water main without consent from Southern Water. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

2. Sewerage Infrastructure - The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

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

4. Public Sewer - Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

5. Network Rail - The applicant should contact Network Rail's Asset Protection team at AssetProtectionWessex@networkrail.co.uk and sign up to an asset protection agreement prior to proceeding with any design and construction works.

6. Pollution Prevention - All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention measures, the applicant should refer to the Environment Agency guidance, 'PPG1 - General Guide to the Prevention of Pollution. In the event of a pollution incident all works should cease immediately and the Environment Agency should be contacted via the Incident Hotline 0800 807060.

7. Noise Management Plan - The information to be submitted to discharge Condition 30 of this planning permission shall include the following matters:

- (a) Yard Surface Material and Maintenance.
- (b) Equipment Maintenance
- (c) Acoustic Barrier Maintenance
- (d) Site facilities including attenuation of external plant
- (e) Vehicle Management Arrangements
- (f) Staff Management Arrangements



Samuel Fox
Planning & Development Manager

29 July 2016

If you have any further enquiries please contact:

Richard Plume

IMPORTANT NOTE TO APPLICANT

This decision has been made in accordance with the submitted application details and supporting documents and the development should be implemented in respect of the following plans and drawings:

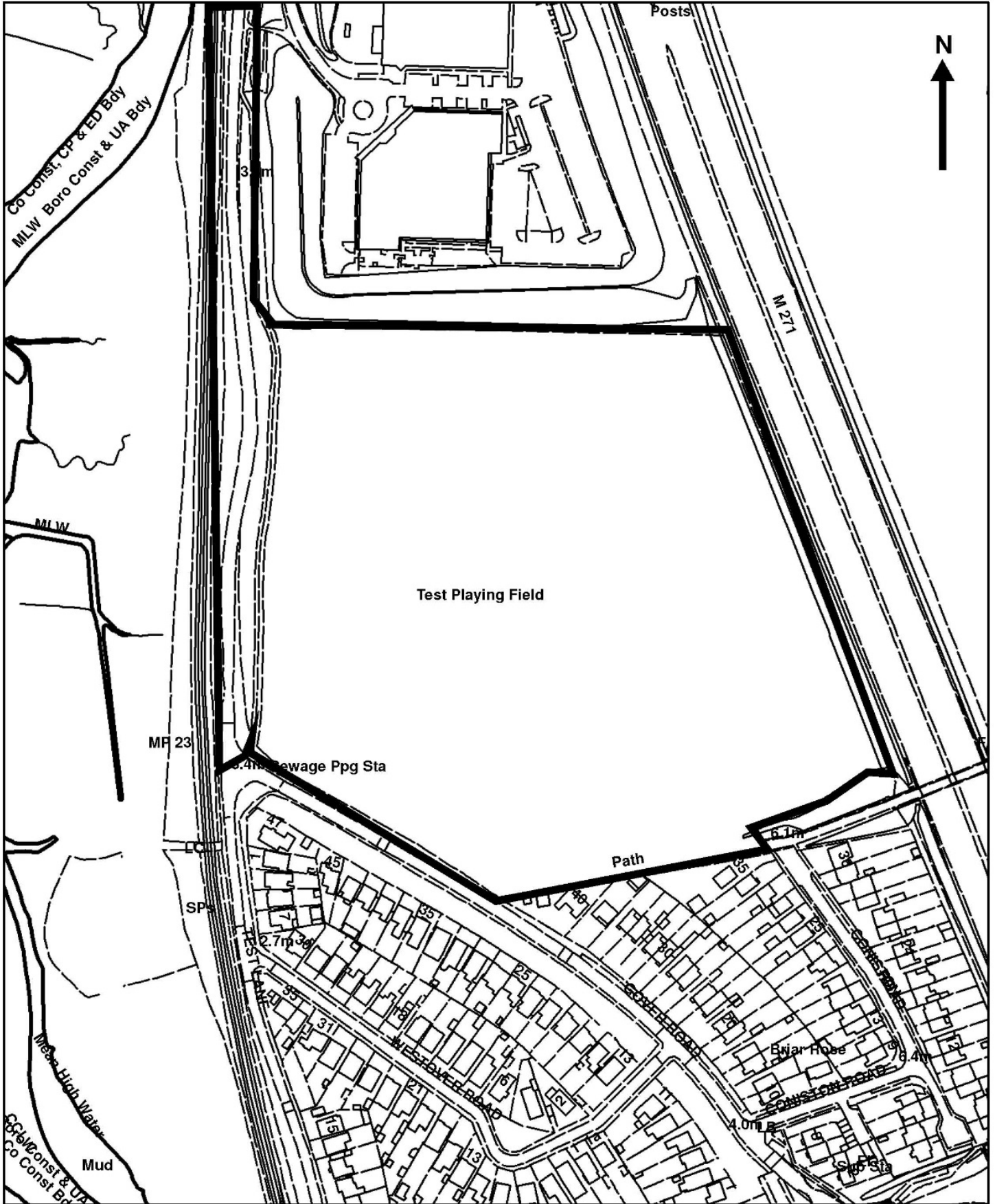
Drawing No:	Version:	Description:	Date Received:	Status:
30715-PL-100		Location Plan	09.12.2014	Approved
30715-PL-101	Rev D	Site Plan	18.09.2015	Approved
30715-PL-200	Rev B	Site Plan	18.09.2015	Approved
30715-PL-105	Rev A	Floor Plan	16.04.2015	Approved

30715-PL-106	Rev A	Floor Plan	16.04.2015	Approved
30715-PL-107	Rev A	Floor Plan	16.04.2015	Approved
30715-PL-102	Rev B	Elevational Plan	18.09.2015	Approved
30715-PL-201	Rev A	Elevational Plan	18.09.2015	Approved
30715-PL-103	Rev A	Elevational Plan	16.04.2015	Approved
30715-PL-202		Elevational Plan	16.04.2015	Approved
30715-PL-104	Rev A	Elevational Plan	18.09.2015	Approved
30715-PL-203	Rev A	Elevational Plan	18.09.2015	Approved
16089-04	Rev A	Other Plans	22.09.2015	Approved
2066-PL 006	Rev A	Other Plans	18.09.2015	Approved
2066-PL 002	Rev A	Other Plans	16.04.2015	Approved
2066-PL005	Rev A	Other Plans	18.09.2015	Approved
17798_0300	Rev B	Other Plans	18.09.2015	Approved
17798_0600	Rev C	Other Plans	18.09.2015	Approved

NOTES

1. This permission relates to Planning Control only. Approval under the Building Regulations may also be required and should you be in any doubt about this, please contact Building Control Services, Tel. 023 8083 2558. Any other necessary consent must be obtained from the appropriate authority. Special attention is drawn to the fact that this permission does not relate to the display of advertisements and separate consent is required under the Town and Country Planning (Control of Advertisements) England Regulations 2007. Development affecting buildings of special Architectural or Historical interest is also subject of separate Listed Building Consent. Any queries should be made to Development Control Service as indicated below.
2. This permission has been granted on the basis of all the information submitted by the applicant shown on the plans accompanying the application. Any material misstatement or wrong information may invalidate the permission.
3. If the applicant is aggrieved by the decision of the Local Planning Authority to approve the proposed development, subject to conditions, they may appeal to the Secretary of State in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of the date of decision. Appeals must be made using a form which you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or do it online at <https://acp.planninginspectorate.gov.uk/>
4. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
5. If permission to develop land is granted subject to conditions, whether by the Local Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Council a purchase notice requiring the Council to purchase their interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990.
6. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
7. Attention is drawn to the provisions of Section 12 of the Hampshire Act 1983 relating to access for the Fire Brigade, and you are advised to contact Building Control Services as set out in Note 1.
8. For those developments which are covered by the Disability Discrimination Act, the attention of developers is drawn to the relevant provisions of the Act and to the British Standard B300:2001 Design of buildings and their approaches to meet the needs of disabled people code of practice.
9. The applicant is recommended to retain this form with the title deeds of the property.
10. 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)
Please address any correspondence in connection with this form quoting the application number to: **Development Management, Southampton City Council, Lower Ground Floor, Civic Centre, Southampton, SO14 7LY.**

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