

# PLANNING AND RIGHTS OF WAY PANEL

Tuesday, 26th February,  
2019

at 6.00 pm

**PLEASE NOTE TIME OF MEETING**

## **CONFERENCE ROOMS 3 & 4 - CIVIC CENTRE**

This meeting is open to the public

### **Members**

Councillor Savage (Chair)  
Councillor Coombs (Vice-Chair)  
Councillor Claisse  
Councillor L Harris  
Councillor Mitchell  
Councillor Murphy  
Councillor Wilkinson

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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

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

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

### **Dates of Meetings: Municipal Year 2017/18**

| <b>2018</b> |              |
|-------------|--------------|
| 29 May      | 11 September |
| 19 June     | 9 October    |
| 10 July     | 13 November  |
| 31 July     | 11 December  |
| 21 August   |              |

| <b>2019</b> |          |
|-------------|----------|
| 8 January   | 12 March |
| 29 January  | 2 April  |
| 26 February | 23 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 - 8)

To approve and sign as a correct record the Minutes of the meetings held on 29 January 2019 and to deal with any matters arising.

## **CONSIDERATION OF PLANNING APPLICATIONS**

### **5 PLANNING APPLICATION - 18/01820/FUL - FIRE HOUSE, VINCENTS WALK** (Pages 9 - 54)

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.

### **6 PLANNING APPLICATION - 18/02235/FUL - 64A WHITES ROAD** (Pages 55 - 74)

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.

### **7 PLANNING APPLICATION - 18/02261/FUL - RIDGEMOUNT AVENUE** (Pages 75 - 86)

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 - 18/02188/FUL - 194 BASSETT GREEN ROAD**  
(Pages 87 - 96)

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, 18 February 2019

Director of Legal and Governance

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PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 29 JANUARY 2019

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Present: Councillors Savage (Chair), Coombs (Vice-Chair), Claisse, L Harris, Mitchell, Murphy and Wilkinson

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

**RESOLVED:** that the minutes for the Panel meeting on 8 January 2019 be approved and signed as a correct record.

51. **PLANNING APPLICATION - 18/01657/FUL - 59 OXFORD STREET**

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.

Erection of a two storey rear extension to facilitate change of use from restaurant (class A3) to residential (class C3) to provide 4 flats (3x 1-bed, 1x studio) with associated cycle/refuse storage (resubmission 18/01095/FUL).

Simon Reynier (City of Southampton Society) and Adi Puplampu (agent), were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported the need to amend the conditions relating to bicycle storage and that an additional consideration to the waste storage and management plan would be required, as set out below.

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 unanimously.

**RESOLVED** that the Panel:

- (i) confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.
- (ii) Delegate to the Service Lead – Infrastructure, Planning and Development to grant planning permission subject to the planning conditions recommended at the end of this report and any additional or amended conditions, either a scheme of measures or a financial contribution 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.
- (iii) That the Service Lead – Infrastructure, Planning and Development be given delegated powers to add, vary and/or delete conditions as necessary. In the event that the scheme of measures or financial contribution is not completed within a reasonable period following the Panel meeting, the Service Lead-Infrastructure, Planning & Development be authorised to refuse permission.

## AMENDED CONDITIONS

### 11. REFUSE & RECYCLING (PERFORMANCE)

Before the development hereby approved first comes into occupation the storage for refuse and recycling shall be provided in accordance with the plans hereby approved and thereafter retained as approved. The refuse store shall include a tap and wash down gully with suitable falls to the floor; and internal doors/walls/pipework/tap/conduits must be suitably protected to avoid damage caused by bin movements. The refuse store must also be ventilated on a permanent basis. The site management must contact SCC refuse team 8 weeks prior to occupation of the development to inspect the new stores and discuss bin requirements, which are supplied at the developer's expense (Email: [waste.management@southampton.gov.uk](mailto:waste.management@southampton.gov.uk)). Furthermore unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored on the public highway.

REASON: In the interest of visual and residential amenity.

### 12. CYCLE STORAGE FACILITIES (PRE-COMMENCEMENT CONDITION)

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

REASON: To improve upon the proposed cycle storage facility and to encourage cycling as an alternative form of transport.

## ADDITIONAL CONDITION

### WASTE MANAGEMENT. (PRE OCCUPATION CONDITION)

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

REASON: In the interest of visual and residential amenity.

## 52. PLANNING APPLICATION - 18/01858/FUL - NANITAL, HAWTHORN 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.

Erection of a replacement single storey extension and the conversion of an existing bungalow to create 2 x 2 bed chalet bungalows with associated car parking, bin and cycle storage.



Isobel Armstrong (local resident objecting) was present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that an additional objection had been received since the publication of the report. In addition a number of small corrections to the report were highlighted to the Panel. It was noted that there should be a change to paragraph 1.1 of the report detailing the number of properties within Hawthorn Road and change to paragraph 6.1 of the report that removed reference to landscaping as a key issue for planning consideration. In addition the Panel received the corrected version of the third appendix noting that an incorrect version had been attached to the meeting paper bundle.

The presenting officer also updated the Panel in regard to parking permits. Members were told that the property currently has permission for two permits and following the conversion into two properties it was noted that each property would be entitled to just one permit per property.

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 unanimously.

**RESOLVED** that the Panel:

- (i) confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.
- (ii) Delegated to the Service Lead to grant planning permission subject to the planning conditions set out in the report and any additional or amended conditions, set out below, and the receipt of
  - a. financial contributions 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, and
  - b. An amended parking layout to satisfy SCC Highways
- (iii) That the Service Lead be given delegated powers to add, vary and /or delete relevant conditions as necessary. In the event the SDMP is not resolved the Service Lead will be authorised to refuse permission on the ground of failure to satisfy the requirements of the Conservation of Habitats and Species Regulations 2010 as required by LDF Policy CS22. Further delegation be given to refuse the application in the event that amended plans are not received to satisfy the highway concerns raised in relation to parking.

#### Additional Condition

##### CONSTRUCTION DELIVERY TIMES (PERFORMANCE CONDITION)

There shall be no deliveries to or collections from the site of materials, plant, machinery, equipment, spoil or skips except between the hours of 0930 - 1445 and 1600 - 1800, Monday to Friday during the construction phase unless otherwise agreed in writing by the Local Planning Authority.

REASON: To prevent congestion and in the interests of highway and pedestrian safety and to avoid conflict with the school opposite

53. **PLANNING APPLICATION - 18/01987/FUL - 21 LOWER BANISTER STREET**

The Panel considered the report of the Service Lead, Planning, Infrastructure and Development recommending that conditional planning permission be refused in respect of an application for a proposed development at the above address.

Variation of Condition 2 of planning permission ref 09/00336/FUL and Condition 1 of planning permission ref 13/01840/FUL to allow opening hours of 08:30am to 03:00am 7 days a week.

Mark Sennitt (agent), Lorraine Barter, and David Rogers (supporters) were present and with the consent of the Chair, addressed the meeting.

The Panel then considered the recommendation to refuse conditional planning permission. Upon being put to the vote the recommendation was carried.

RECORDED VOTE to refuse planning permission  
FOR: Councillors Savage, Coombs, Claisse, Mitchell, and Wilkinson  
AGAINST: Councillors L Harris and Murphy

**RESOLVED** that the Panel refused to grant conditional planning permission for the reasons set out within the report.

54. **PLANNING APPLICATION - 18/01595/FUL - WOODLANDS WAY**

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

Conversion and extension of an existing two-storey semi-detached dwelling to create 2 dwellings (1 x 2-bed and 1 x 3-bed) including additional floor of accommodation (resubmission of 15/01846/FUL).

Linda Long and Christine Stiling (local residents objecting) and David Carden-Jones (applicant) were present and with the consent of the Chair, addressed the meeting.

The presenting officer clarified that the application was identical to the previous application. In response to the residents' concerns regarding access to the site any legal covenants were matters that outside the concern of Planning law. Upon being put to the vote the Panel confirmed the Habitats Regulation Assessment.

The Panel then considered the recommendation to grant conditional planning permission. Upon being put to the vote the recommendation was carried.

RECORDED VOTE to grant planning permission  
FOR: Councillors Savage, Coombs, Mitchell and Murphy  
AGAINST: Councillors Claisse, L Harris and Wilkinson

**RESOLVED** that

- (i) That the Panel confirm the Habitats Regulation Assessment in Appendix 4 of this report.
- (ii) planning permission be approved subject to the conditions set out within the report.

55. **PLANNING APPLICATION - 18/02007/FUL - UNITED REFORM CHURCH**

The Panel considered the report of the Service Lead, Planning, Infrastructure and Development recommending that conditional planning permission be refused in respect of an application for a proposed development at the above address.

Installation of solar panels to the south slope of the Church Hall.

Fiona Hudd (agent) and Mark Hancock (applicant) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that since publication of the report further correspondence had been received which had been circulated to the Panel. It was noted that the applicant had submitted a different configuration of the solar tiles. It was explained that no consultation had been carried out on the new arrangement and that therefore the application would be considered on the original pattern of the solar tiles.

The Panel then considered the recommendation to refuse conditional planning permission. Upon being put to the vote the recommendation was lost.

A further motion to delegate authority to approve planning permission for the reasons set out below was then proposed by Councillor Savage and seconded by Councillor Wilkinson.

RECORDED VOTE to grant planning permission

FOR: Councillors Savage, Coombs, L Harris, Mitchell, Murphy and Wilkinson

ABSTAIN: Councillor Claisse

**RESOLVED** That Planning Permission be granted subject to the imposition of the following conditions:

1. FULL PERMISSION TIMING CONDITION (PERFORMANCE)

The development hereby permitted shall begin no later than three years from the date on which this planning permission was granted.

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

2. INSTALLATION, REPAIR AND REMOVAL METHODOLOGY STATEMENT (PERFORMANCE CONDITION)

The solar Panels shall be installed strictly in accordance with the approved methodology statement.

REASON: To ensure the fixing (and any future removal or repair) of the solar panels causes minimal impact on the fabric and structure of the listed building and that the works to install the solar panels are reversible. To protect the integrity and character of the listed building in accordance with policy HE3 of the City of Southampton Local Plan Review (as amended 2015) and policy CS14 of the Core Strategy (2015).

### 3. DAMAGE AND REPAIR

Any damage caused to the fabric or structure of the listed building requiring 'repair' shall be repaired in a manner so as to replicate in all details the original structure within 3 months of the damage first being caused.

REASON. To protect the integrity and character of the listed building in accordance with policy HE3 of the City of Southampton Local Plan Review (as amended 2015) and policy CS14 of the Core Strategy (2015)

Note to Applicant.

Any damaged caused that exceeds to definition of repairs not requiring listed building consent will require the submission of a full planning application to the Local Planning Authority.

### 4. 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 including the identified harm to the listed building have been considered and are not judged to have sufficient weight to justify a refusal of the application. In this instance, the level of harm identified was 'less than substantial' and where 'less than substantial' harm is caused the public benefits resulting from the works can be balanced against the harm. The public benefits include the reduction in energy consumption from non-renewable sources and a long term reduction in the costs of operating what is a well-used and important community facility. The combination of the continued viability of running the community centre and the increased sustainability of the building, which are both key Council objectives, is considered to outweigh the harm caused by installing the solar panels. Conditions have been applied in order to works are undertaken in a manner which minimises the impact on the fabric of the listed building and to ensure the works are reversible. 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, SDP9 and HE3 of the City of Southampton Local Plan Review (Amended 2015) and CS13 and CS14 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

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**Planning and Rights of Way Panel 26th February 2019  
Planning Application Report of the Service Lead – Infrastructure, Planning and  
Development.**

|  |                               |                             |  |
|--|-------------------------------|-----------------------------|--|
| <b>Application address:</b><br>The Fire House, Vincents Walk, Southampton  |                               |                             |  |
| <b>Proposed development:</b><br>Redevelopment of the site. Demolition of the existing building and the erection of a 9-13 storey building comprising 39 flats (11 x 2-bedroom and 28 x 1-bedroom) together with 160 sq.m of commercial floorspace (Use Class A1) |                               |                             |  |
| <b>Application number</b>  | 18/01820/FUL                  | <b>Application type</b>     | Major Dwellings  |
| <b>Case officer</b>  | Andrew Gregory                | <b>Public speaking time</b> | 15 minutes   |
| <b>Last date for determination:</b>  | 28.02.2019 (ETA)              | <b>Ward</b>                 | Bargate  |
| <b>Reason for Panel Referral:</b>  | 5 or more objections received | <b>Ward Councillors</b>     | Cllr Sarah Bogle<br>Cllr John Noon<br>Cllr Darren Paffey |

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| <b>Applicant:</b> Terramek Developments Ltd | <b>Agent:</b> ArchitecturePLB |
|---|-------------------------------|

|                               |   |
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| <b>Recommendation Summary</b> | Delegate conditional approval to the Service Lead – Infrastructure, Planning and Development. |
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| <b>Community Infrastructure Levy Liable</b> | <b>Yes</b> |
|---|------------|

|                          |                                    |   |                                 |
|--------------------------|------------------------------------|---|---------------------------------|
| <b>Appendix attached</b> |                                    |   |                                 |
| 1                        | Development Plan Policies          | 2 | Habitats Regulations Assessment |
| 3                        | DVS Viability Review dated 22.1.19 |   |                                 |

## Recommendation in Full

### 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 39 - 42 and 46 of the National Planning Policy Framework (2018).

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, CLT3, CLT6, H2, H7 and REI4 of the City of Southampton Local Plan Review (Amended 2015) Policies CS3, CS4, CS5, CS7, CS13, CS15, CS16, CS18, CS19, CS20 and CS25 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015) and AP5, AP9, AP16 and AP17 of the City Centre Action Plan (2015) and the National Planning Policy Framework (2018).

### **Recommendation in Full**

1. That the Panel confirm the Habitats Regulation Assessment in Appendix 1 of this report.
2. Delegate to the Service Lead – Infrastructure, Planning & Development to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure:
  - i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (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);
  - 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. Either a scheme of measures or a financial contribution towards Solent Disturbance Mitigation Project 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.
  - iv. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & 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);
  - v. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013);
  - vi. Affordable housing viability clause;
2. In the event that the legal agreement is not completed or progressing within a reasonable timeframe after the Planning and Rights of Way Panel, the Service Lead – Infrastructure, Planning and Development will be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement, unless an extension of time agreement has been entered into.



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

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

- 1.1 The Fire House is a three-storey premises located at the corner of Pound Tree Road and Vincent's Walk. The building comprises a public house with ancillary accommodation on the upper floors. The building has a flat roof design and is finished in red face brick, which is typical of buildings to the rear of Above Bar Street. A rear service yard is accessed to the side of the building. The site has an area of 412 square metres and fronts the central bus interchange with a small green located adjacent to the site and listed Houndwell Park beyond.
- 1.2 Given the city-centre location of the site, the surrounding uses are predominantly commercial and varied in character. The adjoining Above Bar Street buildings are locally listed and to the west of the site, Portland Street contains a number of listed buildings. A retail unit and betting office with residential over adjoin the building to the west. The rear of existing retail premises adjoin the site to the south. An 11-storey residential student block (Vincent Place) is located further south. Existing TRO parking controls are in force within Vincent's Walk and adjoining city centre streets.

## **2 Proposal**

- 2.1 The proposal seeks redevelopment of the site with the erection of 9-13 storey building comprising 39 flats (11 x 2-bedroom and 28 x 1-bedroom) together with a retail unit at ground and first floor (160sqm). Separate residential and retail access is proposed from Vincents Walk with the existing service yard access arrangement retained. The proposed retail unit has an area of 160 square metres with a glazed shopfront to Pound Tree Road and Vincent's Walk. The upper floors comprise a mix of 1-bed, 2-bed and studio units. The 1 and 2-bed units are provided with external balconies with areas ranging from 2.8sqm to 5sqm. Bin and bike storage is provided at basement level with both stair and lift access.
- 2.2 The proposed tower has a contemporary external appearance and has been designed with a vertical emphasis. The elevations are finished in a mix of face brickwork, reconstituted stone cladding and a polycarbonate cladding at roof level. The design also includes window shutters and black painted glass panels with curtain wall.

## **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), the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (March 2015). The most relevant policies to these proposals are set out at **Appendix 1**.

- 3.2 The updated National Planning Policy Framework (NPPF) came into force on 24th July 2018 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 permission was granted in 1951 for a licensed premises and accommodation (Ref 984/18).

#### **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, placing a press advertisement (26.10.2018) and erecting site notices (26.10.2018). At the time of writing the report **5** representations have been received (including objections from City of Southampton Society, Southampton Commons and Parks Protection Society.

##### **Loss of public house and music venue**

- 5.2 *Officer Response – This venue has not been nominated or listed as an Asset of Community Value. Pubs are not safeguarded in the city centre because there are alternative venues to meet the day to day needs of the community, including live music venues. The applicants have confirmed that the tenancy can be terminated at any point with sufficient notice, however in parallel with this, they have in fact been looking for an alternative venue for 'The Firehouse' for around 18 months. As part of this, they have drawn up a wish list of alternative (existing) pubs with the management company and the current pub manager. Local agents have been instructed to establish the feasibility of these sites. The applicants have indicated that they wish to find a new venue for The Firehouse before the site is redeveloped. The applicants have indicated that it is not practical to re-incorporate the venue into the redevelopment for noise impact reasons. It is not appropriate for planning to intervene to secure an alternative venue.*

- 5.3 **No details of car parking, bin and cycle storage has been provided**  
*Officer Response – This is a car free development which can be supported in the city centre having regard to site accessibility and existing parking controls to prevent increased on-street parking pressure. Bin and cycle storage is provided within the basement area with lift access provided. The site is next to a bus interchange with excellent links across the city and cannot secure parking without significantly reducing the development potential.*

## Consultation Responses

### 5.4 **SCC Highways** – No objection

The site is situated within a city centre location and therefore a car-free scheme for the residential development with commercial on ground floor is considered to be acceptable. A servicing management plan will need to be secured so that refuse bins are not stored on the public highway and to ensure that servicing vehicles do not prejudice pedestrian and highway safety. Any footway works will need to be carried out to an adoptable standard.

### 5.5 **Historic England** – No objection on heritage grounds.

The new building has the potential to impact on various heritage assets; principally the Central Parks (grade II\* Registered Park and Garden), The Bargate (Scheduled Monument), and 1-11 and 12 and 13 Portland Street and 23 and 25 Portland Terrace (grade II listed buildings).

5.6 All of these heritage assets exist in an urban environment which has evolved over time and which generally makes only a limited contribution to their significance. The appearance of this building in views of the Bargate from the High Street and along Portland Street has been raised as a potential concern at the pre application stage and as a consequence the application is supported by very helpful visualisations to assist in assessing impact on these heritage assets. With regard to the Bargate there would be a glimpsed view of this building in the backdrop to the right hand side of the Bargate itself as viewed from the High Street (from some positions only). However, the building is set back by some distance and is set behind modern development in the foreground (the top of the building only being visible) and when coupled with the proposed light-coloured materials this would all mean that it would have limited presence in these views. I consider the impact on the Bargate to be minimal.

5.7 The environs of Portland Street have changed considerably in the latter part of the 20th century. A key view of the listed buildings is from the west end of the street looking obliquely across the front façade of the elegant terrace. While the new building would appear in this view it would be some distance away so its presence would not be overly dominating in relation to the scale of the listed buildings. Therefore I conclude that the proposal would have minimal impact on the significance of these listed buildings.

5.8 The significance of the registered park would not be adversely affected by a tall building in this location and the principle of some taller buildings on the perimeter of the park is accepted. However, several have now been built and others are consented so it is timely to raise a concern for the future in that too many tall buildings around the park would have an adverse impact as they would create a 'walled' affect, restricting views out and undermining the visual connectivity between the parks and the wider townscape. This is a consideration for the future and is not raised as an objection to this scheme.

5.9 While height and massing has been a main consideration materials would also be important in relation to potential impact on the heritage assets. As mentioned above the use of light-coloured materials for the upper storeys would reduce visual impact in longer views. I note that a concern has been raised by others in regard to the weathering of the proposed materials and the risk of staining. It is important that the appearance is of a high quality building so as not to detract from the setting of the park and generally degrade the area. This is therefore a legitimate concern which needs to be carefully considered with your urban designer.

#### 5.10 **Urban Design Manager – No objection**

Generally happy with the proposals as the ground floor shop unit now has glazing on two sides. Roof drainage design needs to be considered in relation to the reconstituted stone cladding to ensure that in a few years the building won't look like the Police Station with black staining and streaking disfiguring the façade. Like the Police Station this building has no projecting top to effectively help to protect the top of the façade from the elements. Also in the light of a number of good buildings in the city centre being ruined by the later introduction of a galvanised metal safety rail to meet Building Regs, the top needs to be lifted as a parapet to negate the need to provide a safety rail. The only comment I have on layout is that two bed units on the north side of the building have no windows for the second bedroom from the 1st to 5th floor.

Given the huge increase in scale over the existing, we should expect the old worn out paving around the building and along the street to the precinct to be replaced.

*Officer Response - A condition is recommended to secure roof drainage design details to reduce the potential for staining of the stone cladding. An alternative roof safety system is proposed (man fix) and therefore galvanised railings at roof level will not be required. The plans have been amended to ensure that all bedrooms have windows. Improvements to the pavement adjacent to the site can be secured through the S106 agreement.*

#### 5.11 **Design Advisory Panel – No objection**

- Revised treatment to Park frontage is acceptable, but still unsure regarding the view along Portland Terrace as the image provided seems to have been taken from a very odd position
- The use of reconstituted ribbed stone cladding should be avoided as it will deteriorate rapidly at high level in Southampton's maritime climate. See Police Station building which has deteriorated very badly in a short space of time, ruining an otherwise good building. If metal cladding is used it will be important to create texture in the façade, not smooth and flat.

*Officer Response – No objection has been raised by Historic England in respect of the impact on the view along Portland Terrace. The stone and metal cladding type can be reserved by condition.*

- 5.12 **Ecology Officer – No Objection** subject to conditions to secure ecological mitigation, protection of nesting birds and lighting design.

The ecological appraisal accompanying the planning application confirms that the site has limited biodiversity value although the vegetation and roof could provide nesting habitat for birds. A bat emergence survey was also undertaken however, no bats were recorded roosting in the building and only low numbers of bats were recording foraging in the adjacent park. I therefore have no objection to the principal of re-development. I do, however, have concerns about the height of the building which is substantially higher than the surrounding structures and could pose a collision risk to birds using the park. Measures to minimise collision risk e.g. low reflectivity of surfaces, offsetting windows to avoid views through the building, low levels of exterior lighting at the top etc. should be secured through a planning condition. The ecological appraisal made a number of recommendations for biodiversity mitigation and enhancement measures, including a sensitive external lighting scheme to avoid impacts on bat foraging, swift and bat roosting boxes and wildlife friendly planting such as a green roof, which need to be secured via a planning condition.

- 5.13 **Archaeology** – No objection subject to conditions to secure archaeological investigation

- 5.14 **Environmental Health** – No comments received

- 5.15 **SCC Land Contamination** - No objection. Suggest a condition to secure a full land contamination assessment and any necessary remediation measures.

- 5.16 **SCC Flood** – No objection subject to a condition to secure sustainable drainage.

- 5.17 **Employment and Skills** - An Employment and Skills Plan Obligation will be sought via the Section 106 Agreement.

- 5.18 **Sustainability - No objection** subject to conditions to secure 15% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use. Green roof feasibility should also be investigated.

- 5.19 **SCC Housing** – As the scheme comprises of 38 dwellings net (39 proposed ' 1 existing) the affordable housing requirement from the proposed development is 35% (CS15- sites of 15+ units = 35%). The affordable housing requirement is therefore 13 dwellings (13.3 rounded down).

Policy CS 15 of the adopted Core Strategy sets a hierarchy for the provision of affordable housing as:

1. On-site as part of the development and dispersed amongst the private element of the scheme.
2. On an alternative site, where provision would result in more enhanced affordable units, through effective use of available resources, or meeting a more identified housing need such as better social mix and wider choice

3. Commuted financial payment to be utilised in providing affordable housing on an alternative site

In this case I await the findings of the independent report into the proposed scheme's financial viability and its ability to provide affordable housing.

*Officer Response – SCC Housing have accepted the findings of the DVS viability review which found the scheme is not viable and cannot provide any contribution towards affordable housing*

5.20 **Southern Water:** No objection subject to a conditions regarding sewer diversion, network capacity and foul and surface water disposal. Informatives also requested regarding connection to the public sewer and drainage design to take into account the possibility of surcharging.

5.21 **University Hospital Southampton National Health Service Foundation Trust (NHS Trust) – Holding Objection**

The NHS Trust has submitted a representation and Regulation 122 CIL compliance statement in respect of this planning application. The Trust has an obligation to provide healthcare services. Although run independently, NHS Foundation Trusts remain fully part of the NHS, with the primary obligation to provide NHS services to NHS patients and users according to NHS principles and standards - free care, based on need and not ability to pay. The Trust is a secondary care and community services provider delivering a range of planned and emergency hospital services to residents of the area. The Trust is currently operating at full capacity in the provision of acute and planned healthcare. It is further demonstrated that although the Trust has plans to cater for the known population growth, it cannot plan for unanticipated additional growth in the short to medium term. The Trust are seeking a financial contribution to provide services needed by the occupants of the new development, and the funding for which cannot be sourced from elsewhere. The Trust suggest that the development directly affects the ability to provide the health service required to those who live in the development and the community at large. The population increase associated with this proposed development will, in their opinion, significantly impact on the service delivery and performance of the Trust. Without the contribution requested for this proposed development of £50,611 the development is not, in their opinion, sustainable and should be refused. The Trust have confirmed that they would attend any subsequent appeal to defend their position.

*Officer Response - A full response is provided within the Planning Considerations section of this report.*

**City of Southampton Society – Objection**

5.22 The proposed development of a 13 storey tower block on the edge of Houndwell and Palmerston parks goes against the council's commitment not to approve tall buildings overlooking the central parks. This is particularly important in this case because of the amount of shadowing created by not only the height but also the positioning (to the West and South) of the building.

In addition the flats on the south-west corner on the lower three levels only have an outlook onto the enclosed service yard. This is unsatisfactory as there will be insufficient light not to mention the outlook.

*Officer Response – A shadowing analysis has been provided which shows a negligible impact on the parks with a limited increase in shading in the margins of*

*Houndwell Park, adjacent to Pound Tree Road during late afternoon. The Council's Ecologist has raised no objection regarding increased shadowing. It is agreed that the studio units on floors 01-03 will have limited outlook towards the rear servicing however on balance this is not considered to outweigh the merits of housing delivery having regard to the constraints of the site and given that a 12m separation distance from the nearest gable wall accords with the daylighting and outlook requirements set out within the Residential Design Guide SPD (section 2.2 refers).*

**5.23 Southampton Commons and Parks Protection Society - Objection**

The proposed development has a seriously detrimental impact on the II\* registered Central Parks because it is too high and of a design which fails to respect and enhance the setting of the Parks. It is a small site; the scale of development, the number of residential units proposed, represents over-development of a small site in a visually sensitive location. Policies AP17 and SDP9 support tall buildings adjacent to City Parks.

5.24 SCAPPS has fought long and hard to protect the character of the Central Parks and their setting. The City Centre Action Plan (CCAP), the statutorily prepared and adopted planning policy to be taken into account in determining this application, in several places sets out the requirement that development should respect and enhance the setting of the Parks. During preparation of the CCAP SCAPPS objected to the wording permitting tall buildings affecting the setting of the Central Parks. As recognised in supporting material to this application (Design and Access Statement 3.3), until recent years the Parks were fronted by buildings of generally 3 to 5 storeys (3 storeys on this and neighbouring sites) with harmonious design giving emphasis to continuity of street frontage appearance, reinforced by use of similar materials and design style. The wording of CCAP policy AP17 was the City Council's compromise intended to allow for a limited number of tall buildings adjacent to the Parks but to prevent tall buildings in close proximity on the same frontage.

5.25 Drawings submitted with this application show the large number of tall buildings permitted in recent years adjacent to the Parks which inevitably can be seen rising above the prevailing tree line and so visible from many viewpoints within the Parks. It is that visual intrusion of tall buildings, often of assertively eye-catching design and materials, which is eroding the character of these nationally important Victorian public parks. Instead of giving a sense of separation from the surrounding city centre, the intrusion of these buildings into views from within the Parks is a constant and unwanted reminder of surrounding urban bustle and activity. SCAPPS objects to demolition of the present unassuming 3 storey building at this extremely prominent site which 'fits' harmoniously into the street scene and gives an appropriately low-key setting to the neighbouring Houndwell and Palmerston Parks and its replacement with a 13 storey building of visually assertive design so close to the recently completed 11 storey Vincent's Place building. To permit another tall building in such close proximity to Vincent's Place and in a completely different design style would be contrary to the intentions of CCAP policy AP17.

5.26 In addition to this objection to height, SCAPPS objects to design and appearance of the proposed development. CCAP policies require a design which respects and enhances the setting of the Parks. The CCAP contains no reference to, or policy for, tall buildings giving 'emphasis' to entry points to the Parks. Photomontage

images submitted with the application demonstrate just how intrusive the proposed building would be in views from Palmerston Park and Houndwell Park. It would appear rising above the trees in views from almost any viewpoint in these Parks. Its siting means it would be a jarringly obtrusive end-point in views from the diagonal path in Palmerston Park. It is a corner site (Pound Tree Road and Vincent's Walk) but only at ground and first floor level does the design acknowledge that there are two street frontages. Above that level, and so dominant in views from Palmerston Park, the design provides an austere, unrelieved grey-clad north flank wall on the Pound Tree Road frontage. The east elevation facing Houndwell Park is a restless design and a confused mix of materials, with little if any visual relationship with or sympathy for the existing nearby Vincent's Place building or the 1950s neighbouring properties in Pound Tree Road. The design emphasis is on verticality, not on giving a harmonious continuity in street-level views. The south elevation is visible from Houndwell Park (not 'hidden' as claimed by the applicant) and is an austere and unsatisfactory slab of brick surmounted by a further 6 storeys of unrelieved grey cladding.

- 5.27 SCAPPS objects to lack of provision of on-site outdoor amenity space and failure to include any form of 'greening' or landscaping. Planning policy requires provision of outdoor amenity space or contribution to off-site provision. The site is adjacent to public open space which is already heavily used and showing signs of wear from that level of use. Any permission should be subject to section 106 agreement to contribute to cost of works to improve the Central Parks.
- 5.28 It is unfortunate that the applicant chose not to extend pre-app consultation to representative bodies like SCAPPS and City of Southampton Society, and, given proximity to and undoubted impact on the registered Parks, not to include The Gardens Trust, a statutory consultee, in the pre-app consultation. SCAPPS is particularly concerned by the applicant's assertion (Design and Access Statement page 21, section 3.0 Park Analysis) 'The application proposes a building of 13 storeys. This height has been approved through a pre-app consultation process with SCC and Historic England ...'. No such approval can be given by a LPA in a pre-app consultation. SCAPPS requests firm rejection of this assertion; that there has been no pre-empting of decisions to be taken in considering and determining the current application.
- 5.29 At the examination in public (public inquiry) into the CCAP, the Inspector supported SCAPPS request that the CCAP should require preparation and adoption of design guidance/planning policy for the Central Parks and their surroundings. The City Council accepted the principle but delayed action because of 'lack of resources', that is relevant professional skills. If that guidance had been prepared, this application would almost certainly have been very different. SCAPPS still seeks careful guidance for those frontages to the Parks at present dominated by back-servicing rather than contributing to the setting, and therefore public enjoyment, of the Parks. We are ending up with piecemeal redevelopment of these visually significant sites facing the Parks as-and-when developers gain control of individual sites rather than having a coordinated and harmonious vision for how frontages to the Parks could and should look.
- Officer Response – Policy AP17 of the City Centre Action Plan supports individually designed tall buildings adjoining the Central Parks that contribute positively to their setting and respond to the scale of the parks. The proposal represents an individually designed tall building and no objection has been raised by the Design Advisory Panel or Historic England.*



*The scale was reduced from 15 storey to 9/13-storey and the design revised through the pre-application process to better respond to the setting of the Central Parks.*

5.30 **The Gardens Trust – Objection**

Increased shadowing and impact on the setting of the central parks

Officer Response – *As per response to the City of Southampton Society above.*

**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
- design and heritage impact;
- residential environment
- highways;
- habitats regulations;
- affordable housing and viability; and
- NHS request for S106 financial contributions

**Principle of Development**

6.1 The site is located within a defined secondary retail frontage under policies REI4 of the Local Plan and AP5 of the City Centre Action Plan, which support ground floor retail use and residential on the upper floors. The proposal would represent windfall housing delivery on previously developed land, thereby assisting the Council in meeting its housing requirements of 16,300 homes to 2026. Policy AP9 of the City Centre Action Plan indicates that city centre windfalls contribute towards housing supply in the city centre.

6.2 The proposed site redevelopment would result in the loss of a public house. National planning policy indicates that pubs can be considered as community facilities and that planning decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs (see paragraph 92 of the National Planning Policy Framework). However it is often difficult to resist planning applications for the loss of pubs in the city centre because there remains a choice of alternative facilities available in the city centre, including live music venues, to meet the day to day needs of the community.

6.4 This venue has not been nominated or listed as an asset of community value. Pubs are not safeguarded in the city centre because there are alternative venues to meet the day to day needs of the community. The applicants have confirmed that they have been looking for an alternative venue for 'The Firehouse' for around 18 months. As part of this, they have drawn up a wish list of alternative (existing) pubs with the management company and the current pub manager. Local agents have been instructed to establish the feasibility of these sites.

The applicants have indicated that they wish to find a new venue for The Firehouse before the site is redeveloped. The applicants have indicated that it is not practical to re-incorporate the venue into the redevelopment for noise impact reasons. The existing Bar owner has raised no objection and is in discussions with the applicant.

- 6.5 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 high density where net density levels of over 100 dwellings per hectare can be supported. The proposal has a density of 926 dwellings per hectare. The proposed housing mix of 11 x 2-bedroom and 28 x 1-bedroom flats is appropriate for the city centre having regard to the character of the neighbourhood and the requirements of policy CS16 of the Core Strategy. It is accepted that the site doesn't easily lend itself to family housing.

### **Design & Heritage Impact**

- 6.6 The proposed design approach has evolved following thorough pre-application discussions and an assessment of the building's relationship with nearby heritage assets, which include the Grade II\* Registered Parks, the adjoining Locally Listed Buildings on Above Bar Street, Listed Buildings on Portland Street as well as the Bargate Scheduled Ancient Monument. In addition to this, the applicant has engaged with the Southampton Design Review Panel and Historic England and the chosen design has been revised accordingly.
- 6.7 Policy AP17 of the City Centre Action Plan indicates that tall buildings of 5-storeys or more can be permitted as individually tall buildings to provide variety adjoining the central parks with active frontages that contribute positively to their setting and respond to the scale of the parks. The architecture has been designed to give the building verticality and relief within the elevations. The materiality of the scheme would respect nearby heritage assets with the use of reconstituted stone cladding (light grey). A condition is recommended to secure roof drainage details to reduce the likelihood of water staining to the stone cladding. The proposed ground floor retail unit provides active frontage to Pound Tree Road and Vincents Walk.
- 6.8 The application is supported by a visual impact assessment to demonstrate the proposed tall building will not impact on key strategic views, the setting of nearby heritage assets which include the central parks, the Bargate Scheduled Ancient Monument, Portland Street Listed Buildings and Above Bar Locally listed buildings. Pre-application consultation was undertaken with Historic England and they have raised no objection to this planning application. As such the scheme is not considered to harm the setting of heritage assets and therefore accords with the requirements of the National Planning Policy Framework (2018).
- 6.9 The application is supported by evidence to demonstrate the scale and layout of development will not prejudice the future development of adjoining sites. It is unlikely that further clustering/ excessive massing of tall buildings would be supported in this area in order to protect the skyline, key views and setting of the parks. It has been demonstrated that adjoining sites could be developed to a height of 5-storeys with a full blank gable provided on the south elevation and a blank gabled to a height of 5-storey on the west elevation.

The neighbouring buildings on the eastern side of Above Bar Precinct are locally listed and in the event they are subject to future redevelopment the height of any replacement buildings would likely be restricted to 4/5-storeys to protect the setting of the Grade I Bargate Scheduled Ancient Monument.

- 6.10 The proposal is supported by a Daylight and Sunlight assessment which demonstrates this tall building will not lead to adverse shadowing of the parks and surrounding streets, taking 21<sup>st</sup> March as the average circumstance. The shadowing analysis shows minor increased shadowing around the margins of the park between the hours of 2-5pm. Unfortunately the size of the plot does not allow for any landscape enhancements along the site frontage. However a condition will be applied to secure a feasibility study to look at the potential for a Green Roof.

### **Residential Environment**

- 6.11 The proposed living environment is considered acceptable for city centre living with all habitable rooms receiving genuine outlook and day lighting. The building has east, west or north facing windows and there are no single aspect north facing flats. All 1 & 2-bed units are provided with small external balconies ranging from 2.8sqm to 5sqm in area. Less than 20sqm of private amenity space per unit can be supported in the city having regard to the character and density of the neighbourhood and the proximity to central parks.
- 6.12 The Council does not have adopted policy requiring minimum room size standards however the proposed flats are broadly compliant with the Nationally prescribed space standards with the 1-bed units ranging from 35sqm to 43sqm and 2-bed units 72sqm. A condition is recommended to secure the noise mitigation measures set out within the submitted noise report.

### **6.13 Highways**

The Development Plan seeks to reduce the reliance on private car for travel and instead promotes more sustainable modes of travel such as public transport, walking and cycling. The proposed development would be a 'car free' scheme without any on-site car parking provision. Having regard to the nature of the proposed use and the city centre location of the site, this approach is considered to be appropriate. There are existing on-street car parking restrictions in the area and as such, the proposal would be unlikely to generate significant over-spill car parking on surrounding streets.

- 6.14 Adequate bin and bicycle storage provision is made within the basement area with lift and stair access provided. A servicing management plan will need to be secured to that refuse bins are not stored on the public highway and to ensure that servicing vehicles do not prejudice pedestrian and highway safety

### **6.15 Habitat Regulations**

The proposed development, as a residential scheme, has been screened (where mitigation measures must now be disregarded) as likely to have a significant effect upon European designated sites due to an increase in recreational disturbance along the coast and in the New Forest. Accordingly, a Habitat Regulations Assessment (HRA) has been undertaken, in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species

Regulations 2017, see Appendix 2. The HRA concludes that, provided the specified mitigation of a Solent Recreation Mitigation Strategy (SRMP) contribution and a minimum of 5% of any CIL taken directed specifically towards Suitably Accessible Green Space (SANGS), the development will not adversely affect the integrity of the European designated sites.

**6.17 Affordable Housing and Viability**

Policy CS15 sets out that ‘the proportion of affordable housing to be provided by a particular site will take into account the costs relating to the development; in particular the financial viability of developing the site (using an approved viability model).’ The application is accompanied by a viability assessment which sets out that the development would not be viable and able to commence should the usual package of financial contributions and affordable housing be sought. In particular, the assessment sets out that the development would not be able to meet the requirement to provide Affordable Housing on the site. The viability appraisal has been assessed and verified by an independent adviser to the Council; in this case the District Valuation Service (DVS). A copy of their report is appended to this report at Appendix 3.

6.18 The DVS report concludes that a 100% private scheme incorporating a site value of £420,000 with CIL contributions totalling £218,265 is not viable and cannot provide any contribution towards affordable housing. The appraisal shows a deficit figure of -£143,131 following a developer profit of 15.5% of Gross Development Value.

6.19 The benefits of redeveloping the site in this manner and the need to comply with the policy constraints outweigh the requirement for affordable housing in this case. The Panel may attach greater weight to the need for affordable housing in this part of the City but in doing so – and thereby rejecting this application – the Council would then need to defend an appeal where an independent Inspector is likely to attach significant weight to the DVS report (also independent).

**6.20 NHS request for S106 financial contributions**

The request for a financial contribution by the NHS Trust to support this development forms a material consideration in the determination of this planning application. The representation seeks a contribution towards additional healthcare activities as a result of population increase without being specific. The NHS Trust are not seeking a contribution to infrastructure or the maintenance thereof. Consequently, regulation 123 of the CIL Regulations (2010) does not come into play. There is a reference to a formula, which it considers to comply with regulation 122 and not amount to a generalised tariff.

6.21 In response to the NHS Trust’s request it is considered that the application cannot be refused in the absence of the contribution requested as the request does not specifically meet the tests in regulation 122 in respect of being necessary to make the development acceptable in planning terms, being directly related to the development itself, and being fairly and reasonably related in scale and kind to the development. Para 54 of the NPPF (2018) states that LPAs should consider whether otherwise unacceptable development could be made acceptable through the use of planning obligations. Officers have concluded that the development is not unacceptable (in other words, that it is acceptable); there is no demonstrable harm in this regard and there isn’t a sufficient degree of nexus between people living in this development (rather than elsewhere) and the impact on the NHS

Trust's operations, which can only be identified in general terms based on a statistical analysis of population growth. The requests for contributions towards service provision are predicated on population growth. However, the construction of this development does not in itself lead to population growth. The need for housing is a consequence of population growth. More people aren't living in the country or in Southampton directly as a consequence of the development of housing and there is no direct evidence in respect of this development. In officers' view therefore, the impact on the cost of running of a hospital is not a harm caused by this development per se, and the external cost of supporting population growth (as sought by the NHS) is not imposed by the development. As such, for these reasons, whilst supporting the NHS Trust is clearly desirable it is considered that the requested contribution is not sufficiently directly related to the development, and not necessary to make the development acceptable in planning terms. Furthermore, it is not considered that this request identifies any clear tangible need specifically related to/from this development proposal on this site. Finally, the Trust have been advised that they could apply for current (and proposed) contributions received through the Community Infrastructure Levy (CIL), as healthcare is specifically listed by the Council as an area of expenditure for which CIL funding is directly related.

## **7 Summary**

7.1 Residential redevelopment with ground floor retail use is supported in principle and will support the existing secondary shopping frontage and will contribute towards housing supply in the city centre. The loss of the existing public house will not reduce the community's ability to meet its day-to-day needs as there are alternative drinking establishment's and music venues available in the city centre.

7.2 The proposed 9-13 storey building will enhance the city centre skyline and the scheme has been through the Design Review Process and no objection is raised by the Design Advisory Panel or the Council's Design Officer. Policy AP17 of the City Centre Action supports individually designed tall buildings adjacent to the Central Parks. Planning conditions are recommended to secure a high quality design and materials.

7.3 The application is supported by a visual impact assessment to demonstrate this tall building will have minimal impact on the significance of nearby heritage assets and the central parks, as confirmed by Historic England. Overall the scheme is acceptable and the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area.

## **8 Conclusion**

8.1 The positive aspects of the scheme are not judged to be outweighed by the negative and as such the scheme is recommended for conditional approval.

**Local Government (Access to Information) Act 1985**  
**Documents used in the preparation of this report Background Papers**

1 (a) (b) (c) (d), 2 (b) (c) (d) (e), 4 (f) (g) (vv), 6 (a) (c), 7 (a)  
**AG for 26/02/2019 PROW Panel 18/01820/FUL**

**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. Details of building materials to be used (Pre-Commencement Condition)

Notwithstanding the information shown on the approved drawings and application form, with the exception of site clearance, demolition and preparation works, no development works shall be carried out until a written schedule of external materials and finishes, including samples and sample panels where necessary, has been submitted to and approved in writing by the Local Planning Authority. These shall include full details of the manufacturer's composition, types and colours of the external materials to be used for external walls, windows, doors, rainwater goods, 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. Development shall be implemented only in accordance with the agreed details.

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

03. Details of external appearance

No development shall take place (excluding site set up and demolition, archaeology, site investigations, services and diversions.) until detailed drawings to a scale of 1:20 showing a typical section of window reveals, parapet detailing and roof construction and roof drainage has been submitted to and approved in writing by the Local Planning Authority. The roof design shall incorporate mansafe fall protection and not railings. The development shall be implemented in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure satisfactory design of the building and to reduce the risk of staining to the stone cladding.

#### 04. 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.

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

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

(a) parking of vehicles of site personnel, operatives and visitors;

(b) loading and unloading of plant and materials;

(c) storage of plant and materials, including cement mixing and washings, used in constructing the development;

(d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;

(e) measures to be used for the suppression of dust and dirt throughout the course of construction;

(f) details of construction vehicles wheel cleaning; and,

(g) details of how noise emanating from the site during construction will be mitigated. The approved Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

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

#### 06. Piling (Pre-Commencement)

Prior to the commencement of development hereby approved, a piling/foundation design and method statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: In the interest of residential amenity.

#### 07. Refuse & Recycling (Performance)

Before the development hereby approved first comes into occupation, the storage for refuse and recycling shall be provided in accordance with the plans hereby approved and thereafter retained as approved. Lift provision to basement to be installed and operational prior to first occupation and thereafter retained.

Reason: In the interest of visual and residential amenity.

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. Lift provision to basement to be installed and operational prior to first occupation and thereafter retained.

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

#### 09. Delivery and Servicing Management Plan (Pre occupation)

Prior to first occupation of the development hereby approved a Delivery and Servicing Management Plan shall be submitted and agreed in writing with the Local Planning Authority. The plan shall include details of bin management and private bin collection arrangements to ensure bins are not stored on the public highway. Furthermore the plan shall set out delivery and servicing arrangements for the retail units to prevent harmful obstruction to the footway and carriageway. The development shall be retained in accordance with the agreed Delivery and Servicing Management Plan.

Reason: In the interests of highway safety and the visual amenities of the area

#### 10. Hard Landscaping (Pre occupation)

The proposed hard landscaping shall be constructed to adoptable standards prior to first occupation with details to be first submitted to and agreed in writing with the Local Planning Authority. The installed hard landscaping shall be retained as agreed.

Reason: To ensure the proposed paving abutting the public footway is constructed in accordance with standards required by the Highway Authority.

#### 11. Telecommunications Equipment

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any other Order revoking or re-enacting this Order) no external telecommunications equipment shall be installed on the roof of the building unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of safeguarding the appearance of the building.

#### 12. Archaeological damage-assessment [Pre-Commencement Condition]

No development shall take place within the site until the type and dimensions of all proposed groundworks have been submitted to and agreed by the Local planning Authority. The developer will restrict groundworks accordingly unless a variation is agreed in writing by the Local Planning Authority.

Reason: To inform and update the assessment of the threat to the archaeological deposits.

#### 13. Archaeological evaluation investigation [Pre-Commencement Condition]

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



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

14. Archaeological evaluation work programme [Performance Condition]

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

Reason: To ensure that the archaeological investigation is completed.

15. Archaeological investigation (further works) [Performance Condition]

The Developer will secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation which will be submitted to and approved by the Local Planning Authority.

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

16. Archaeological work programme (further works) [Performance Condition]

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

Reason: To ensure that the archaeological investigation is completed.

17. Sustainable Drainage (Pre-Commencement Condition).

The building hereby permitted shall not be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the non-statutory technical standards for SuDS published by Defra (or any subsequent version), and the results of the assessment provided to the local planning authority.

Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To seek suitable information on Sustainable urban Drainage Systems as required by government policy and Policy CS20 of the Southampton Core Strategy (Amended 2015).

18. Energy & Water (Pre-commencement)

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until written documentary evidence demonstrating that the development will achieve at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes

Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of a design stage SAP calculations and a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

Reason: To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (Amended 2015).

#### 19. Energy & Water (performance condition)

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of final SAP calculations and water efficiency calculator and detailed documentary evidence confirming that the water appliances/fittings have been installed as specified shall be submitted to the Local Planning Authority for its approval.

Reason: To ensure the development has minimised its overall demand for resources and to demonstrate compliance with Policy CS20 of the Adopted Core Strategy (Amended 2015).

#### 20. Green roof feasibility study (Pre-Commencement)

A detailed feasibility study for a green roof must be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the development hereby granted consent including piling (excluding site set up and demolition, archaeology, site investigations, services and diversions). If the study demonstrates the site has the capacity for the green roof, a specification shall be agreed in writing with the Local Planning Authority. The green roof to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained and maintained thereafter.

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

#### 21. Approval condition ' Future connection to district heating system

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until written documentary evidence proving that the development has incorporated means for future connection to the district heating system shall be submitted to the Local Planning Authority for its approval. This shall include plans showing the pipework specifications and the location within the building. The agreed scheme shall thereafter be retained.

REASON: To reduce the impact of the development on climate change and finite energy resources and to comply with adopted policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

## 22. Approval Condition- Land Contamination investigation and remediation [Pre-Commencement & Occupation 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 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 an exploratory site investigation, characterising the site and allowing for potential risks (as identified in the Desk Study/ Preliminary Risk Assessment report) to be assessed.
2. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

On completion of the works set out in (2) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scheme of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development.

Any changes to these agreed elements require the express consent of the local planning authority.

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

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

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

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

Unsuspected Contamination (Performance)

#### 24. Unsuspected Contamination (Performance)

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified, no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority. Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority. The development shall proceed in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

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

#### 25. Ecological Mitigation Statement (Pre-Commencement)

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, as set out within the Ecological Appraisal by Syntegra Consulting Ltd dated 02.08.2018, which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place.

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

#### 26. Protection of nesting birds (Performance)

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

#### External Lighting Scheme (Pre-Commencement)

#### 27. Lighting (Pre occupation)

Prior to the development hereby approved first coming into occupation, external lighting shall be implemented in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be thereafter retained as approved.

Reason: In the interest of residential amenity/to minimise the impact on protected species.

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

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

Reason: In order to safeguard the public sewer.

### 29. Surface / foul water drainage (Pre-commencement)

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. The development shall proceed in accordance with the agreed details and be retained as approved.

Reason: To ensure satisfactory drainage provision for the area.

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

Prior to the commencement of the development hereby approved, a scheme of measures to protect the occupiers of the development from external noise and vibration sources in accordance with the assumptions of the Noise Report by Syntegra Consulting Ltd dated 05.07.2018, shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented as approved before the development first comes into occupation and thereafter retained as approved.

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

### 31. APPROVAL CONDITION - Active Ground Floor Frontage

Notwithstanding the provisions of Class 12 of Schedule 3 of the Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007, or any Order amending, revoking or re-enacting these Regulations, the occupiers of the retail unit with frontage to Vincents Walk and Pound Tree Road hereby approved shall retain clear glazing along the length of the shop frontages hereby approved (without the installation of window vinyl or equivalent) unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of retaining a lively and attractive streetscene without obstruction and to improve the natural surveillance offered by the development.

### 32. APPROVAL CONDITION - Hours of Use & Delivery Non-residential uses [Performance Condition]

The non-residential use hereby permitted shall be restricted to A1 (retail) and shall not operate outside the following hours:

Monday to Saturdays 06:30 to 00:00 hours

Sunday and recognised public holidays 07:00 to 23:00 hours

No deliveries shall be taken or despatched from the non-residential uses outside of the hours of 06:00 to 23:00 daily.

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



## POLICY CONTEXT

### Core Strategy - (Amended 2015)

|      |   |
|------|---|
| CS3  | Town, District and Local Centres, Community Hubs and Community Facilities |
| CS4  | Housing Delivery  |
| CS5  | Housing Density   |
| CS6  | Economic Growth   |
| CS7  | Safeguarding Employment Sites   |
| CS13 | Fundamentals of Design  |
| CS15 | Affordable Housing  |
| CS16 | Housing Mix and Type  |
| CS18 | Transport: Reduce-Manage-Invest   |
| CS19 | Car & Cycle Parking   |
| CS20 | Tackling and Adapting to Climate Change                                   |
| CS25 | The Delivery of Infrastructure and Developer Contributions                |

### City of Southampton Local Plan Review – (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                          |
| HE3   | Listed Buildings                               |
| HE4   | Local List                                     |
| HE5   | Parks and Gardens of Special Historic Interest |
| HE6   | Archaeological Remains                         |
| H2    | Previously Developed Land                      |
| H7    | The Residential Environment                    |
| REI4  | Secondary Retail Frontage                      |

### City Centre Action Plan March 2015

|      |                                  |
|------|----------------------------------|
| AP5  | Supporting Existing Retail Areas |
| AP9  | Housing Supply                   |
| AP16 | Design                           |
| AP17 | Tall Buildings                   |

### Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
Planning Obligations (Adopted - August 2005 and amended November 2006)  
Parking Standards 2011

### Other Relevant Guidance

The National Planning Policy Framework (2018)  
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

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## Habitat Regulation Assessment (HRA) Screening Matrix and Appropriate Assessment Statement

**PLEASE NOTE: Undertaking the HRA process is the responsibility of the decision maker as the Competent Authority for the purpose of the Habitats Regulations. However, it is the responsibility of the applicant to provide the Competent Authority with the information that they require for this purpose.**

|  |                 |
|--|-----------------|
| HRA completion date:   | See Main Report |
| Application reference:   | See Main Report |
| Application address:   | See Main Report |
| Application description:   | See Main Report |
| Lead Planning Officer:   | See Main Report |
| Please note that all references in this assessment to the 'Habitats Regulations' refer to The Conservation of Habitats and Species Regulations 2017. |                 |

| Stage 1 - details of the plan or project   |  |
|--|--|
| European site potentially impacted by planning application, plan or project:   | Solent and Southampton Special Protection Area (SPA) and Ramsar site. Solent Maritime Special Area of Conservation (SAC). Collectively known as the Solent SPAs.<br>New Forest SAC, SPA and Ramsar site. |
| Is the planning application directly connected with or necessary to the management of the site (if yes, Applicant should have provided details)? | No. The development consists of an increase in residential dwellings, which is neither connected to nor necessary to the management of any European site.  |

|  |   |
|--|---|
| <p>Are there any other projects or plans that together with the planning application being assessed could affect the site (Applicant to provide details to allow an 'in combination' effect to be assessed)?</p> | <p>Yes. All new housing development within 5.6km of the Solent SPAs is considered to contribute towards an impact on site integrity as a result of increased recreational disturbance in combination with other development in the Solent area.</p> <p>Concerns have been raised by Natural England that residential development within Southampton, in combination with other development in the Solent area, could lead to an increase in recreational disturbance within the New Forest. This has the potential to adversely impact site integrity of the New Forest SPA, SAC and Ramsar site.</p> <p>The PUSH Spatial Position Statement (<a href="https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/">https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/</a>) sets out the scale and distribution of housebuilding which is being planned for across South Hampshire up to 2034.</p> |
|--|---|

**Stage 2 - HRA screening assessment**

Screening under Regulation 63(1)(a) of the Habitats Regulations – The Applicant to provide evidence so that a judgement can be made as to whether there could be any potential significant impacts of the development on the integrity of the SPA/SAC/Ramsar.

**Solent SPAs**

The proposed development is within 5.6km of the collectively known European designated areas Solent SPAs/Ramsar sites. In accordance with advice from Natural England and as detailed in the Solent Recreation Mitigation Strategy, a net increase in housing development within 5.6km of the Solent SPAs is likely to result in impacts to the integrity of those sites through a consequent increase in recreational disturbance.

Development within the 5.6km zone will increase the human population at the coast and thus increase the level of recreation and disturbance of bird species. The impacts of recreational disturbance (both at the site-scale and in combination with other development in the Solent area) are analogous to impacts from direct habitat loss as recreation can cause important habitat to be unavailable for use (the habitat is functionally lost, either permanently or for a defined period). Birds can be displaced by human recreational activities (terrestrial and water-based) and use valuable resources in finding suitable areas in which to rest and feed undisturbed. Ultimately, the impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.

**The New Forest**

The New Forest National Park attracts a high number of visitors (13.3 million annually), and is notable in terms of its catchment, attracting a far higher proportion of tourists and non-local visitors than similar areas such as the Thames Basin and Dorset Heaths. Research undertaken by Footprint Ecology, Sharp, J., Lowen, J. and Liley, D. (2008) Changing patterns of visitor numbers within the New Forest National Park, with particular reference to the New Forest SPA. (Footprint Ecology.), indicates that 40% of visitors to the area are staying tourists, whilst 25% of visitors come from more than 5 miles (8km) away. The remaining 35% of visitors are local day visitors originating from within 5 miles (8km) of the boundary.

The report states that the estimated number of current annual visits to the New Forest is predicted to increase by 1.05 million annual visits by 2026 based on projections of housing development within 50km of the Forest, with around three quarters (764,000) of this total increase originating from within 10km of the boundary (which includes Southampton).

Residential development has the potential to indirectly alter the structure and function of the habitats of the New Forest SAC, SPA and Ramsar site breeding populations of nightjar, woodlark and Dartford warbler through disturbance from increased human and/or dog activity. The precise scale of the potential impact is currently uncertain however, the impacts of recreational disturbance can be such that they affect the breeding success of the designated bird species and therefore act against the stated conservation objectives of the European sites.

### Stage 3 - Appropriate Assessment

Appropriate Assessment under Regulation 63(1) - if there are any potential significant impacts, the applicant must provide evidence showing avoidance and/or mitigation measures to allow an Assessment to be made. The Applicant must also provide details which demonstrate any long term management, maintenance and funding of any solution.

#### **Solent SPAs**

The project being assessed would result in a net increase of dwellings within 5.6km of the Solent SPAs and in accordance with the findings of the Solent Recreation Mitigation Strategy, a permanent significant effect on the Solent SPAs due to increase in recreational disturbance as a result of the new development, is likely. This is contrary to policy CS 22 - Promoting Biodiversity and Protecting Habitats, of the Southampton Core Strategy Partial Review, which states that,

*Within Southampton the Council will promote biodiversity through:*

*1. Ensuring development does not adversely affect the integrity of international designations, and the necessary mitigation measures are provided; or the development otherwise meets the Habitats Directive;*

In line with Policy CS22, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

Southampton City Council formally adopted the Solent Recreation Mitigation Strategy (SRMP) in March 2018. The SRMP provides a strategic solution to ensure the requirements of the Habitats Regulations are met with regard to the in-combination effects of increased recreational pressure on the Solent SPAs arising from new residential development. This strategy represents a partnership approach to the issue which has been endorsed by Natural England.

As set out in the Solent Recreation Mitigation Strategy, an appropriate scale of mitigation for this scheme would be:

| Size of Unit | Scale of Mitigation per Unit |
|--------------|------------------------------|
| 1 Bedroom    | £337.00                      |
| 2 Bedroom    | £487.00                      |
| 3 Bedroom    | £637.00                      |
| 4 Bedroom    | £749.00                      |
| 5 Bedroom    | £880.00                      |

Therefore, in order to deliver the an adequate level of mitigation the proposed development will need to provide a financial contribution, in accordance with the table above, to mitigate the likely impacts.

A legal agreement, agreed prior to the granting of planning permission, will be necessary to secure the mitigation package. Without the security of the mitigation being provided through a legal agreement, a significant effect would remain likely. Providing such a legal agreement is secured through the planning process, the proposed development will not affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.

#### **New Forest**

The project being assessed would result in a net increase in dwellings within easy travelling distance of the New Forest and a permanent significant effect on the New Forest SAC, SPA and Ramsar, due to an increase in recreational disturbance as a result of the new development, is likely. This is contrary to policy CS 22 - Promoting Biodiversity and Protecting Habitats, of the Southampton Core Strategy Partial Review, which states that,

*Within Southampton the Council will promote biodiversity through:*

*1. Ensuring development does not adversely affect the integrity of international designations, and the necessary mitigation measures are provided; or the development otherwise meets the Habitats Directive;*

In line with Policy CS22, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

At present, there is no scheme of mitigation addressing impacts on the New Forest designated sites, although, work is underway to develop one. In the absence of an agreed scheme of mitigation, the City Council has undertaken to ring fence 5% of CIL contributions to fund footpath improvement works within suitable semi-natural sites within Southampton. These improved facilities will provide alternative dog walking areas for new residents.

The proposed development will generate a CIL contribution and the City Council will ring fence 5% of the overall sum, to fund improvements to footpaths within the greenways and other semi-natural greenspaces.

#### **Stage 4 – Summary of the Appropriate Assessment (To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England**

In conclusion, the application will have a likely significant effect in the absence of avoidance and mitigation measures on the above European and Internationally protected sites. The authority has concluded that the adverse effects arising from the proposal are wholly consistent with, and inclusive of the effects detailed in the Solent Recreation Mitigation Strategy.

The authority's assessment is that the application coupled with the contribution towards the SRMS secured by way of legal agreement complies with this strategy and that it can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above.

In the absence of an agreed mitigation scheme for impacts on the New Forest designated sites Southampton City Council has adopted a precautionary approach and ring fenced 5% of CIL contributions to provide alternative recreation routes within the city.

This represents the authority's Appropriate Assessment as Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. Consideration of the Ramsar site/s is a matter of government policy set out in the National Planning Policy Framework 2012.

Natural England Officer: Becky Aziz (email 20/08/2018)

Summary of Natural England's comments:

Where the necessary avoidance and mitigation measures are limited to collecting a funding contribution that is in line with an agreed strategic approach for the mitigation of impacts on European Sites then, provided no other adverse impacts are identified by your authority's appropriate assessment, your authority may be assured that Natural England agrees that the Appropriate Assessment can conclude that there will be no adverse effect on the integrity of the European Sites. In such cases Natural England will not require a Regulation 63 appropriate assessment consultation.

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Simon Mackie  
Planning Agreements Officer  
Infrastructure Planning and Development Service  
Southampton City Council  
Civic Centre  
Southampton  
SO14 7LY

Southampton Valuation Office  
2<sup>nd</sup> Floor Overline House  
Blechynden Terrace  
Southampton  
Hampshire. SO15 1GW

Our Reference: 1699225/ [REDACTED]  
Your Reference: 18/01820/FUL



Date : 22<sup>nd</sup> January 2019

Dear Simon,

### REVIEW OF DEVELOPMENT VIABILITY ASSESSMENT

**ADDRESS:** The Firehouse, Vincents Walk, Southampton, Hampshire.  
SO14 1JY

**APPLICATION REF:** 18/01820/FUL

I refer to your email dated 18<sup>th</sup> December 2018 confirming your formal instructions for DVS to carry out a viability assessment in respect of the proposed development at the above address.

I understand that this viability assessment is required following a full planning application (ref: 18/01820/FUL) as follows:

*Redevelopment of the site. Demolition of the existing building and the erection of a 9-13 storey building comprising 39 flats (11 x 2-bedroom and 28 x 1-bedroom) together with 160 sq.m of commercial floorspace (Use Class A1).*

This report is not a formal valuation.

The date of assessment is 22<sup>nd</sup> January 2019.

We have reviewed the assessment provided by Robinson Low Francis LLP on behalf of the applicant Mr George Macari of Shaftesbury Pub Co Ltd.

The assessment has been made by comparing the residual value of the proposed scheme with an appropriate benchmark figure having regard to the National Planning Policy Framework and the published RICS Guidance Note into Financial Viability in Planning.

The principal objective of our Brief and the subject of this report are to establish whether there is financial justification for any affordable housing and section 106 contributions.

## General Information

It is confirmed that the viability assessment has been carried out by [REDACTED], a RICS Registered Valuer, acting in the capacity of an external valuer, who has the appropriate knowledge and skills and understanding necessary to undertake the valuation competently, and is in a position to provide an objective and unbiased valuation. The assessment has also been overseen by [REDACTED].

Checks have been undertaken in accordance with the requirements of the RICS standards and have revealed no conflict of interest. DVS has had no other previous material involvement with the property.

The client will neither make available to any third party or reproduce the whole or any part of the report, nor make reference to it, in any publication without our prior written approval of the form and context in which such disclosure may be made.

You may wish to consider whether this report contains Exempt Information within the terms of paragraph 9 of Schedule 12A to the Local Government Act 1972 (section 1 and Part 1 of Schedule 1 to the Local Government (Access to Information Act 1985) as amended by the Local Government (access to Information) (Variation) Order 2006.

Our assessment is provided for your benefit alone and solely for the purposes of the instruction to which it relates. Our assessment may not, without our specific written consent, be used or relied upon by any third party, even if that third party pays all or part of our fees, directly or indirectly, or is permitted to see a copy of our valuation report. If we do provide written consent to a third party relying on our valuation, any such third party is deemed to have accepted the terms of our engagement.

None of our employees individually has a contract with you or owes you a duty of care or personal responsibility. You agree that you will not bring any claim against any such individuals personally in connection with our services.

This report remains valid for 3 (three) months from its date unless market circumstances change or further or better information comes to light, which would cause me to revise my opinion.

Following the referendum held on 23 June 2016 concerning the UK's membership of the EU, the impact to date on the many factors that historically have acted as drivers of the property investment and letting markets has generally been muted in most sectors and localities. The outlook nevertheless remains cautious for market activity over the coming months as work proceeds on negotiating detailed arrangements for EU exit and sudden fluctuations in value remaining possible. We would therefore recommend that any valuation is kept under regular review.



## Background:

The application site is located on a corner plot facing both Pound Tree Road and Vincents Walk, and is on the eastern fringe of the main city centre retail area. Directly to the east lies the main city centre bus stop area and beyond this is Houndwell Park with a large children's play area.

The location is within easy walking distance of the central train station (0.5 miles), bus routes and the main city retail area. It is currently occupied by a single large detached building occupied as a public house and premises with 100% site coverage. The subject property is adjoined to the neighbouring properties on the west and south sides.

The applicant is stating that following their assessment, the scheme with no affordable housing but with CIL contributions of £204,191.51 is not viable. Their submitted appraisal shows that the proposed scheme will produce a developer profit of approximately 12.6% on Gross Development Value on a 100% open market basis and therefore any contribution for affordable housing can only be made with substantial levels of Affordable Housing Grant.

## The Scheme:

This application is seeking full planning consent to demolish the existing building and erect a 9-13 storey building comprising 39 flats (11 x 2-bedroom and 28 x 1-bedroom) together with 160m<sup>2</sup> of commercial floor space (Use Class A1).

The schedule of accommodation is as follows:

| Floor        | Type           | No. | Area (m <sup>2</sup> ) |
|--------------|----------------|-----|------------------------|
| First Floor  | 2 bed          | 1   | 72.6                   |
|              | 1 bed (Studio) | 1   | 35.1                   |
|              | 1 bed          | 1   | 44.1                   |
| Second Floor | 2 bed          | 1   | 72.6                   |
|              | 1 bed (Studio) | 1   | 35.1                   |
|              | 1 bed          | 1   | 44.1                   |
|              | 1 bed          | 1   | 43.4                   |
| Third Floor  | 2 bed          | 1   | 72.6                   |
|              | 1 bed (Studio) | 1   | 35.1                   |
|              | 1 bed          | 1   | 44.1                   |
|              | 1 bed          | 1   | 43.4                   |
| Fourth Floor | 2 bed          | 1   | 62.2                   |
|              | 1 bed (Studio) | 1   | 35.1                   |
|              | 1 bed          | 1   | 44.3                   |
|              | 1 bed          | 1   | 43.4                   |
| Fifth Floor  | 2 bed          | 1   | 62.2                   |
|              | 1 bed (Studio) | 1   | 35.1                   |
|              | 1 bed          | 1   | 44.3                   |
|              | 1 bed          | 1   | 43.4                   |
| Sixth Floor  | 1 bed          | 1   | 52.0                   |

|                |                |           |                |
|----------------|----------------|-----------|----------------|
|                | 2 bed          | 1         | 68.9           |
|                | 1 bed          | 1         | 43.4           |
|                |                |           |                |
| Seventh Floor  | 1 bed          | 1         | 52.0           |
|                | 2 bed          | 1         | 68.9           |
|                | 1 bed          | 1         | 43.4           |
|                |                |           |                |
| Eighth Floor   | 1 bed          | 1         | 52.0           |
|                | 2 bed          | 1         | 68.9           |
|                | 1 bed          | 1         | 43.4           |
|                |                |           |                |
| Ninth Floor    | 1 bed (Studio) | 1         | 37.5           |
|                | 2 bed          | 1         | 68.9           |
|                | 1 bed          | 1         | 43.4           |
|                |                |           |                |
| Tenth Floor    | 1 bed (Studio) | 1         | 37.5           |
|                | 2 bed          | 1         | 68.9           |
|                | 1 bed          | 1         | 43.4           |
|                |                |           |                |
| Eleventh Floor | 1 bed (Studio) | 1         | 37.5           |
|                | 2 bed          | 1         | 68.9           |
|                | 1 bed          | 1         | 43.4           |
|                |                |           |                |
| Twelfth Floor  | 1 bed (Studio) | 1         | 37.5           |
|                | 1 bed          | 1         | 43.4           |
|                |                |           |                |
| <b>TOTAL</b>   |                | <b>39</b> | <b>1,935.4</b> |

In addition, the scheme will provide;

- 156.6m<sup>2</sup> of commercial space (115.2m<sup>2</sup> Gnd floor Unit and 41.4m<sup>2</sup> 1<sup>st</sup> floor unit)
- Basement bin/refuse stores and
- Basement cycle storage.

We are informed that the gross internal area (GIA) for the proposed block will total 2,936.7m<sup>2</sup> (including basement areas) against a net saleable area of 2,092m<sup>2</sup> (including commercial space). This equates to a net – gross ratio of approximately 71% excluding the basement area. If the basement area is included then gross-net ratio falls to approximately 65% which is at the low to mid end of the range that we would expect to see for this type of development with double lift shaft.

Within the applicant's report they comment on the relatively inefficient design of the building. This is partly due to the tight plot size and height, and also needing to utilise the existing basement area.

### **Viability Assessment:**

This assessment has been undertaken following our own detailed research into both current sales values and current costs. In some cases we have used figures put forward by the applicant if we believe them to be reasonable. The applicant has not provided a 'live' version of their appraisal, but we have referred to their PDF version and written report.

For the purpose of this assessment we have assumed that the areas provided by the applicant are correct.

We have used a copy of our bespoke Excel spreadsheet appraisal toolkit to assess the proposed scheme and have attached a summary at Appendix 1.

We would summarise our assessment of the scheme as follows:

### 1) Development Value -

#### a) Private Residential:

The applicant has provided a range of comparable sales evidence of both existing and new build properties within a five mile radius of the site to substantiate their proposed figures.

On the basis of open market values, the sales values adopted are based on a sales rate of £3,390.6 per m<sup>2</sup> which equates to a range of values from £119,011 for the smallest 1 bedroom studio units to £246,160 for the largest 2 bed units. The average values adopted are as follows:

| Unit Type       | Average sales value | Average rate per sq.m |
|-----------------|---------------------|-----------------------|
| 1 bed apartment | £142,818            | £3,390                |
| 2 bed apartment | £232,905            | £3,390                |

We have undertaken our own research and have utilised our database of land Registry transactions, as well as Rightmove, and consider the overall level of value put forward by the applicant for the units to be within the range we would expect to see considering there will be no car parking spaces for the units.

However, it should be noted that no variation of value has been applied for floor level and potential views of higher level units. Also, we do not consider that there would be as large a disparity between the 1 bedroom and 2 bedroom units. However, overall we do not consider the total value of the scheme to be understated.

#### b) Affordable Housing:

We understand that CS15 of the Councils Core Strategy requires new developments within the City to include 35% affordable housing, tenure split; 65% affordable rented and 35% shared ownership. This equates to 13.3 on-site units for the proposed scheme but at this stage we have not modelled any affordable housing on site.

#### c) Ground Rents:

On the basis that the apartments are sold on a long leasehold basis, we would expect an income from the sale of the ground rents.

The applicant has not included anything for ground rents but we have included the following:

|        |                         |
|--------|-------------------------|
| 1 beds | £150 per unit per annum |
| 2 beds | £200 per unit per annum |

We have capitalised these figures using a 5% yield which is approximately what would expect to see when compared with other similar schemes we have assessed in this location.

However the government announced last year that they would crackdown on unfair leasehold practices in respect of ground rents. However since no legislation has been enacted the policy of DVS is to include ground rents at this stage. If this changes it could affect this assessment.

**d) Commercial:**

The applicant has included a total value of £681,759 (£499,551 for larger ground floor unit and £182,208 for smaller 1<sup>st</sup> floor unit) for the commercial space which is based on a rental value of £20 per square foot (215.28 per m<sup>2</sup>). These figures have been calculated based on a 20 year income period and allow for a 6 month void period and costs.

Very limited comparable evidence has been provided to us to support the rental levels adopted and no other details of the capitalisation rate or methodology have been provided. However, on the basis of an all-risks yield over the lifetime of the potential investment, the figures adopted appear to have been capitalised based on a yield of between 4% and 5% (allowing for costs at 5.75%).

From our own research we do not disagree with the rental level adopted and also do not consider the adopted yield to be overstated. On the assumption that there is no pre-let agreement in place for occupation of the units, the yield adopted appears slightly optimistic.

The larger ground floor unit would be well suited to a convenience store for a large supermarket chain and if a pre-let agreement could be reached with such a tenant, the values adopted are broadly what we would expect to see.

However, the site is in a good position and very close to the heart of the city centre retail area and we have therefore included the same figures within our appraisal. We have also allowed for a 6 month void period in line with the applicant.

**e) Total Development Value:**

Our total Gross Development Value (GDV), compared to the applicant's, is outlined below;

|                     | <b>Applicant</b>  | <b>DVS</b>        |
|---------------------|-------------------|-------------------|
| Private Residential | £6,560,866        | £6,560,866        |
| Ground Rents        | £0                | £128,000          |
| Commercial          | £681,759          | £681,759          |
| <b>Total</b>        | <b>£7,242,625</b> | <b>£7,370,625</b> |

## 2) Development Costs -

### a) **Build Cost:**

For the purpose of their assessment the applicant has provided a summary of costs and basic breakdown, but no detail of specification or materials is included in this summary. The total submitted construction costs are £4,913,968 and include demolition works, associated external works costs and a 5% contingency, but exclude professional fees.

Also included within this figure are the following over/extra costs:

£68,800: Demolition  
£45,000: Piling works  
£137,500: Extra value for windows

We have not been provided with a ground condition report but due to the height of the proposed building it is assumed that piling works will be required, and these costs will be reflected within the BCIS figures for this size of structure.

Similarly, we have not been provided with any details of why additional costs are required for the windows but it is assumed that it relates to noise attenuation due to its busy central location. Based on the quantity of windows the costs do not seem unreasonable.

If the demolition costs, additional window costs and contingency are stripped out of the total, the remaining figure for base build costs and external works is £4,473,670. Based on a total gross internal area of 2,936.7m<sup>2</sup>, this equates to an overall build rate of £1,523.37 per m<sup>2</sup> including all external works and utility connection costs.

This build rate site broadly in line with current BCIS Lower Quartile rate levels for a 6+ storey residential block adjusted for this location.

There are some areas of the proposed scheme which will not require as high a cost as the current residential BCIS rate such as the basement storage areas and to a lesser extent the commercial areas, but overall, taking account of the anticipated sales revenue and general nature and value of the location we consider the submitted construction costs not to be overstated and have therefore included the same within our appraisal.

**b) Abnormal Build Costs:**

The site is currently occupied by an existing 3 storey building extending to approximately 860m<sup>2</sup> which will need to be demolished (although the basement area will be retained). The applicant has included £68,800 for demolition costs which is considered to be reasonable for this building.

With regard to the additional £137,500 over/extra costs relating to the windows, at this stage we have not been provided with any details of why these are required but it is assumed that it relates to noise attenuation due to its busy central location. Based on the quantity of windows within the proposed building, the costs do not seem unreasonable.

In the context of abnormal works costs it is also worth noting that no allowance has been made for potential party wall issues or rights of light. The current building is attached on the west and south sides to properties facing Above Bar Street and so there may be additional costs involved here.

**c) Build Contingency**

The agent, in their appraisal, have included for a build contingency at 5% of base build cost, including external works. However, we consider 3% to be appropriate for this scheme as the planning application is a full application and we would therefore expect many of the finer details to have been worked through.

**d) Professional Fees**

The applicant, in their report, have included professional fees at 9% of base build costs which includes £50,962 of historic costs related to the scheme. Whilst we would not usually reflect historic costs for the purpose of viability testing, 9% is still within the range we would expect to see for development sites of this nature and we have therefore included the same in our appraisal.

**e) Section 106 payments and Community Infrastructure Levy (CIL)**

The applicant has included CIL contributions of £204,191.51 in their appraisal plus S.106 contributions totalling £26,971.74. We are informed by you that the following contributions will be required for the scheme:

| Planning Obligations (Direct Cost)    | Detail              |
|---------------------------------------|---------------------|
| Affordable Housing                    | 35%                 |
| Highways/Transport                    | Estimated - £60,000 |
| Solent Disturbance Mitigation Project | £14,793             |
| CIL                                   | £218,265            |
| Employment & Skills Plan              | £12,174             |
| Carbon Management Plan                | £3,915 (max)        |

We have therefore included the contributions as set out in the table above within our appraisal instead.

**f) Sales and Marketing fees**

The applicant has included for agent sales fees and marketing costs for the residential units totalling 1% of gross development value as follows:

|                  |      |
|------------------|------|
| Marketing        | 0.5% |
| Agent Sales fees | 0.5% |

In addition, legal sales fees of £20,000 has been included which equates to £513 per unit.

Overall, the fees included are below the levels we would typically expect to see, but are not considered to be overstated and we have therefore adopted the same within our appraisal.

**g) Finance costs**

The applicant has adopted finance costs at a rate of 3% to include all fees which again is below the usual range we would expect and it is assumed that this reflects the personal circumstances of the applicant. However, they are not considered to be overstated and so we have included the same within our appraisal.

Development Programme:

No live appraisal has been provided to us but within their written report the applicant has indicated the following timeframe:

- Build Period of 13 months
- Sale period of 12 months beginning upon practical completion (3.25 units per month)

We consider this to be an appropriate timescale and have adopted the same within our appraisal. We have also included a 3 month pre-construction period in line with other similar schemes where a full planning application has been submitted.

**h) Developers Profit**

In the current market a range of 15% to 20% of GDV for private residential, 6% of GDV for affordable is considered reasonable.

The applicant, in their appraisal, has indicated a developer profit of 20% on GDV but we consider 17.5% to be sufficient for the residential element. This level of profit is in line with other recent agreements for similar types of scheme within Southampton.

For the commercial element we have also adopted a profit level of 17.5% on GDV on the basis that the units are being built speculatively with no pre-let agreement in place at the date of this assessment.

**i) Land Value**

Following various appeal cases it is well established that viability assessments are carried out in order to calculate the residual land value that the scheme can afford which is then compared to the existing use value (EUV) of the site plus an incentive to bring forward land for development taking account of the latest NPPF guidance and the RICS Guidance note, Financial Viability in Planning, 1<sup>st</sup> edition (Benchmark Land Value).

The site is currently occupied by an existing 3 storey building extending to approximately 860m<sup>2</sup>. It has been run as a public house and premises for more than 20 years and is still operational, and therefore assumed to be structurally sound and in reasonable condition internally.

Our office records show that the property was acquired by the applicant on 2<sup>nd</sup> August 2013 for the sum of £420,000. This is believed to be an open market transaction bought by the developer for potential redevelopment, and it is therefore our opinion that the price paid reflected any seller incentive.

At this point no comparable sales evidence for the existing property has been provided by the applicant's agent and they have adopted the purchase price of £420,000 within their appraisal. Whilst we have not been provided with recent trading figures, it is understood to be a popular venue with regular rock and metal music events taking place.

Therefore we have adopted £420,000 as a benchmark land value for the purpose of viability testing within our appraisal in line with the applicant.

In addition, we have included for SDLT fees at the current rate together with agents and legal fees at 1.8%.

**Overall assessment:**

Following our desktop research and assessment we are of the opinion that a 100% private scheme incorporating a site value of £420,000 with CIL contributions totalling £218,265 is not viable and cannot provide any contribution towards affordable housing. Our appraisal shows a deficit figure of -£143,131 (see Appendix 1).

The applicant's submitted viability report is reasonably well evidenced and we broadly agree with many of their figures. The minor differences between our figures are as follows:

- Gross Development Value (ground rents only)
- Construction costs (build contingency only)
- Developer profit

Our appraisal indicates that the scheme will achieve a profit level of approximately 15.5% on GDV which is at the lower end of the range generally required for the purpose of debt



finance. On this basis we consider that the scheme can provide full CIL and S.106 contributions with the exception of the affordable housing contribution.

The applicant recognises in their report that the current building design is inefficient and it is not known whether a value/design engineering process has been carried out yet. Whilst a gross – net ratio of 65% is not particularly efficient, it is also not deemed to be grossly inefficient for a 13 storey building with double lift shaft.

Other factors affecting the viability of this scheme are the average value nature of this location and lack of car parking for the proposed units which limits the achievable gross development value. The abnormal costs also have a slight detrimental impact on viability.

Due to the sensitivity of the valuation appraisal, a slight reduction or increase in these figures will have a large influence on the surplus available for affordable housing.

We consider that it would be reasonable in these circumstances to require the applicant to enter into an agreement to build the site to core and shell within 18 months. If they had not achieved this within the timeframe then a second viability assessment would take place giving the Council the opportunity to achieve a contribution if the viability had improved.

I trust this report deals with the issues as required but please do not hesitate to contact me if you have any queries and I would welcome the opportunity of discussing this with you in greater detail if required.

Prepared by

[Redacted signature]

Reviewed by

[Redacted signature]

**Appendices**

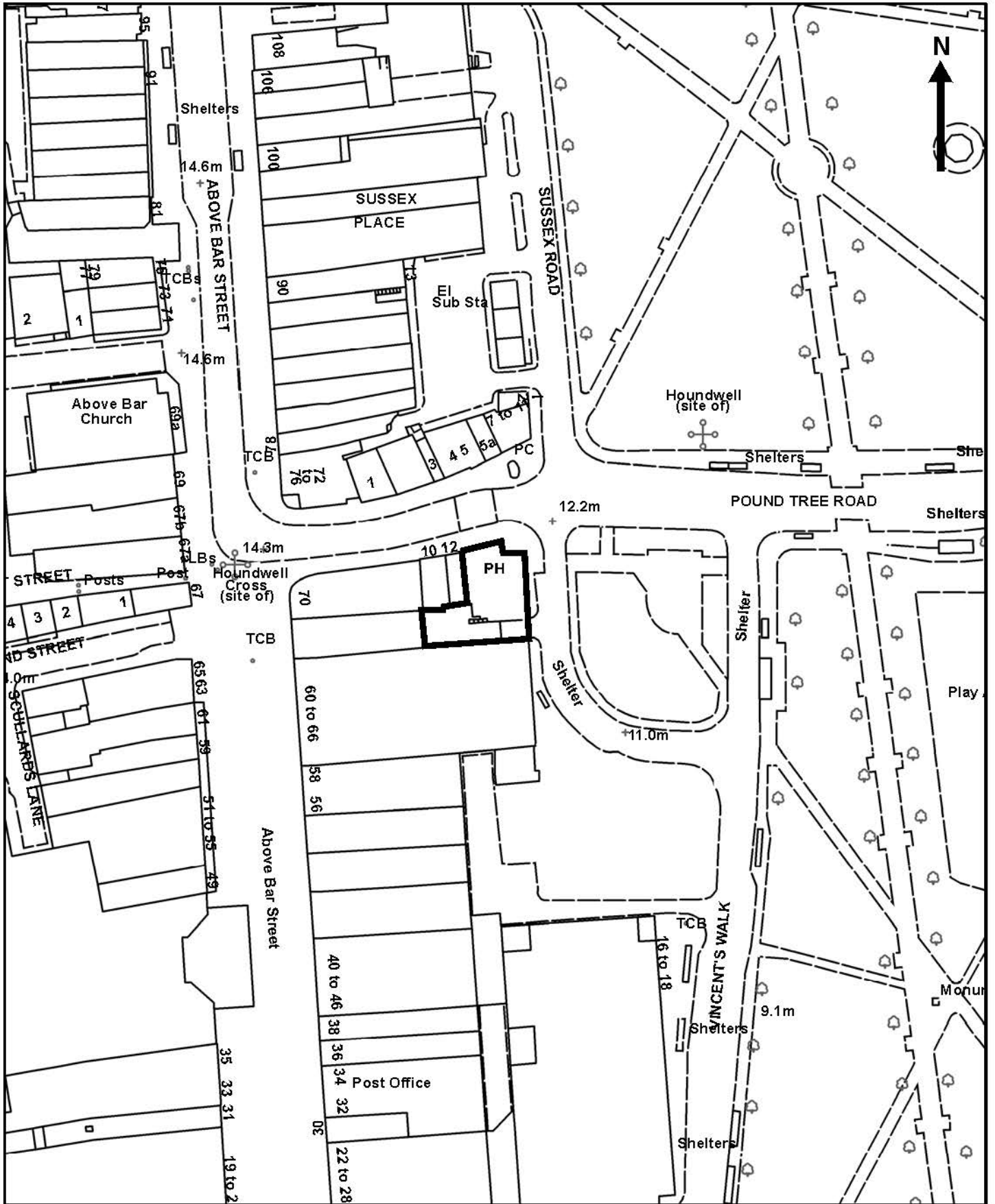
Appendix 1 – 100% Open Market Appraisal

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# Agenda Item 5

# 18/01820/FUL

Appendix 4



Scale: 1:1,250

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# Agenda Item 6

## Planning and Rights of Way Panel 26<sup>th</sup> February 2019 Planning Application Report of the Service Lead - Infrastructure, Planning & Development

|  |  |                         |  |
|--|--|-------------------------|--|
| Application address: 64 Whites Road , Southampton  |  |                         |  |
| Proposed development: Change of use from a dwelling house (class C3) to a house in multiple occupation (HMO, class C4) - Retrospective |  |                         |  |
| Application number:  | 18/02235/FUL                               | Application type:       | FUL  |
| Case officer:  | Stuart Brooks                              | Public speaking time:   | 5 minutes                                      |
| Last date for determination:   | 04.02.2019                                 | Ward:                   | Sholing  |
| Reason for Panel Referral:   | Five or more objections have been received | Ward Councillors:       | Cllr Wilkinson<br>Cllr Baillie<br>Cllr Guthrie |
| Applicant: Mr Max Easton   |  | Agent: Mr David Windsor |  |

|                        |                       |
|------------------------|-----------------------|
| Recommendation Summary | Conditionally approve |
|------------------------|-----------------------|

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

### Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2018). Policies – CS13, CS16, CS18, CS19 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP5, SDP7, SDP9, H4, H7 of the City of Southampton Local Plan Review (Amended 2015) as supported by the relevant guidance set out in the HMO SPD (2016) and Parking Standards SPD (2011).

| Appendix attached |                           |   |                           |
|-------------------|---------------------------|---|---------------------------|
| 1                 | Development plan policies | 2 | Relevant planning history |
| 3                 | Approved works            | 4 | HMO 40m radius survey     |
| 5                 | Parking survey            |   |                           |

### Recommendation in Full

**Conditionally approve**

## **1. The site and its context & background to the scheme**

1.1 The site lies on the western side of Whites Road within the ward of Sholing and in walking distance of the nearby Bitterne shopping area. The surrounding area is mainly characterised as a suburban housing area with a mixed style of dwellings. The site comprises a 2 storey semi-detached building, with the front building line set back from the street by a hard surfaced driveway. The property has a 24m long garden to the rear.

1.2 64 Whites Road was extended and converted into 2 semi-detached dwellings under permission 16/01779/FUL. The development has not been carried out in accordance with details approved for landscaping and parking layout (including the hardstanding and planting on the frontage), bin storage, and height of the boundary treatment next to the parking areas. In addition, the building is occupied as 2 no. C4 houses in multiple occupation, albeit without planning permission. The Council's Enforcement team have agreed short-term timescales with the applicant to resolve these breaches of planning control. This application follows those discussions and seeks permission for 1 of the unauthorised HMOs. The second unauthorised HMO will cease when the tenancy expires on 18<sup>th</sup> June 2019.

1.3 In order to remedy the breach of conditions, condition 4 is recommended. It reads as follows, and relates to plan ref: WR005B that is appended to this report at **Appendix 3:**

1.4 *Parking, landscaping, boundary treatment & bins*  
*Within 3 months of the date of this decision notice, the layout and surfacing of the parking and access, the landscaping, bin storage and boundary treatment shall be provided in accordance with drawing no. WR005B as approved under application 17/01780/DIS for the discharge of condition 3 (landscaping) and shall thereafter be retained and maintained 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: To remedy the harm arising from the breach of planning under permission 16/01779/FUL. To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety. In the interests of residential amenity and visual amenity.*

1.5 The applicant has indicated that 2 of the 4 tenants in the second HMO will move out on or before 18th June 2019 when the current tenancy lapses. This would result in the building being used as a C3 dwelling and a C4 HMO (assuming the recommendation is supported). A degree of under-enforcement is, therefore, recommended given the current tenancy and the applicant's right to an appeal in the event of a refusal.

## **2. Proposal**

2.1 Retrospective planning permission is sought for 1 no. C4 HMO.

- 2.2 As stated, since the adjoining dwelling approved in 2016 was built out, both semi-detached properties (64 and 64a Whites Road) have been converted and occupied C4 HMOs without planning permission. As such, this application is being considered retrospectively for 1 no. 5 bedroom HMO, with access to communal facilities including an open plan kitchen and dining/living space (27sqm), ground floor toilet and first floor bathroom/toilet. There are 2 bedrooms of the ground floor with sizes of 10.7 and 14sqm, and 3 bedrooms on the first floor (one with ensuite toilet and shower) with sizes of 16, 10.5, 11sqm. The room sizes adequately comply with the minimum standards under mandatory HMO licensing – bedrooms 6.51sqm, combined kitchen/living room 11.5sqm upto 5 occupants. The occupants have access to 130sqm of private amenity space and there is 1 off street parking space and the kerbside space in front of this space.
- 2.3 The Council's Enforcement Team are in communication with the owner regarding the second unauthorised C4 use at no. 64a and it has been agreed that from 18 June 2019, when current tenancy agreements expire, the property will be occupied as its authorised C3 use. The Council's Enforcement Team will continue to monitor the situation.

### **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) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) was revised in July 2018. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan 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.
- 3.3 Policy H4 (HMOs) and CS16 (Housing Mix) supports the creation of a mixed and balanced community, whilst the policies requires HMO proposals to be assessed against maintaining the character and amenity of the local area. A 10% threshold test (carried out over a 40m radius) is set out in the HMO SPD to avoid over-concentrations of HMOs leading to an imbalance of mix of households within a community.
- 3.4 Saved Policy SDP1 (Quality of development) of the Local Plan Review allows development, providing that it does not unacceptably affect the health, safety and amenity of the city and its citizens. Policies SDP7 (Context) and SDP9 (Scale, Massing, and Appearance) allows development which respects the character and appearance of the local area. Policy H7 expects residential development to provide attractive living environments. Policy CS13 (Fundamentals of Design) assesses the development against the principles of good design. These policies are supplemented by the design guidance and standards as set out in the relevant chapters of the Residential Design Guide SPD. This sets the Council's

vision for high quality housing and how it seeks to maintain the character and amenity of the local neighbourhood.

#### **4. Relevant Planning History**

- 4.1 A schedule of the relevant planning history for the site is set out in **Appendix 2** of this report.
- 4.2 The detached property at 64 Whites Road was converted into 2 semi-detached properties under permission 16/01779/FUL as it is seen now. The Enforcement team are working with applicant to resolve the planning breach of the unauthorised use as 2 no. HMOs at 64 Whites Road. The Council has powers to serve a notice to cease the HMO use if the applicant does not cooperate within a reasonable timeframe to serve notice on their tenants to vacate. Nevertheless this should be treated as a separate matter now to the determination of the application for the 64a Whites Road.
- 4.3 Previously, the applicant sought planning permission to convert both 64a and 64 Whites Road into 2 no. HMOs under application ref no. 18/01240/FUL, however, this was refused under delegated powers in September 2018. Although the 10% threshold was not found to be breached under this refusal, it was found that the combined over-intensive use of the family homes on this semi-detached plot would be detrimental to the established residential amenity of nearby residents and uncharacteristic of Whites Road.

#### **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 subsequent site notices on 04.01.2019 and 11.01.2019 (the second was posted in response to a member of the public advising that the first notice was removed before it expired). At the time of writing the report **6** representations have been received from surrounding residents living in Whites Road and Spring Road. The following is a summary of the points raised:

- 5.1.1 **The parking demand generated by 10 adults with cars will lead to further competition for street parking with local residents and cause congestion and potential highways safety problems. Whites Road is becoming congested with non-residential car parking mainly from Itchen College and will be added to by the Itchen College Sports Ground (approved September 2018). The space for the parking spaces will have to be reduced to achieve the bin storage. The proposal to share the parking area with no. 64a would leave this property without its own parking spaces and difficult to access the property and, therefore, make no. 64 less likely to be used for its intended purpose as a family home.**

##### **Response**

The property will have a maximum occupancy of 5 persons. The second HMO will remain unauthorised with action planned after 18<sup>th</sup> June 2019 for the reasons set out above. The Council has maximum parking standards so providing less spaces is policy compliant. Following the submission of the parking survey, the parking impact has been assessed as acceptable. The parking spaces for no. 64 are separate to no. 64a and the Council has accepted the parking provision is acceptable for 2 dwellings (albeit not HMOs) when it approved the first



application. A condition is recommended to re-site the bin store as per the approved plans under the original planning permission. Each property will have 1 parking space as shown on plan ref: WR005B, which is appended to this report at **Appendix 3**.

- 5.1.2 **Whites Road is a desirable area for families with predominantly family households. The introduction of the HMO is out of character with the make up of households as family homes. The transient nature of the tenants living in the HMO will negatively change the character of the street. This will set a precedent for more HMOs and this will change the character of the area. The value of homes will be negatively affected.**

**Response**

The impact on property value is not a material consideration. The introduction of a single HMO within the 40m radius is not considered to significantly change the character of the area. HMOs can exist within areas of family housing as part of mixed and balanced community and there is a need for all types of housing across the City.

- 5.1.3 **The HMO is retrospective and in breach of planning control. The applicant misled the Council and neighbours into believing they were building a family home. The design of the porch at 64a does not match no. 64 and has been left in disrepair, thereby unnecessarily detracting from the visual appearance of the property.**

**Response**

The Planning Department does not condone unauthorised development, but has a duty to rectify harmful breaches of planning control in line with its adopted Enforcement Policy. Now that a retrospective application has been submitted, the applicant has the legal right a decision from the Council to regularise the unauthorised HMO use at no. 64a. Any enforcement action taken against either HMO will be held in abeyance until the outcome of this decision. The Enforcement team are currently working with the applicant to resolve the breach of the planning permission and conditions, including the unauthorised HMO at no. 64a and it has been agreed that 64a will be reverted to its authorised C3 use from 18 June 2019 when current tenancies expire. The minor difference in the style of the porch at no. 64a is such that it would not be considered expedient to take enforcement action against it as its not harmful to the character and appearance of the area. The Council are unable to require a property owner to fix small elements of their property which are in disrepair.

- 5.1.4 **The house built is in breach of the original permission. Two large sheds have been built in the garden plus the lawns are still not grassed.**

**Response**

The sheds built are to provide cycle storage facilities for the occupants of both properties. The gardens were grassed at the time of the officer's site visit. No further action is required.

- 5.1.5 **The over-intensive use would result in additional comings and goings to the detriment of established residential amenity.**

**Response**

The level of comings and goings and other incidental activities associated with the HMO use would not be significantly more noticeable than the use of the property than the 3 bedroom family home (authorised C3 use) – providing the second unauthorised HMO use ceases.

## Consultation Responses

5.4 **SCC Environmental Health (Pollution & Safety) – No objection**

### **6.0 Planning Consideration Key Issues**

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

- The principle of development;
- Effect on character;
- Residential amenity; and,
- Parking, highways and transport.

#### 6.2 Principle of Development

6.2.1 Policy H4 acknowledges that there is a need to maintain the supply of housing whilst balance this against maintaining a sustainable mix of households within the community. The threshold test set out in section 1.1 of the Council's HMO SPD indicates that the maximum concentration of HMOs should not exceed 10% of the surrounding residential properties within a 40m radius. The proposal would not be contrary to policy CS16 given that the property can be readily converted back into use as a family dwelling with minimal changes.

6.2.2 As such, the principle of development to convert the property into a C4 HMO can be supported subject to an assessment of the planning merits in relation to the relevant policies and guidance.

#### 6.3 Effect on character

6.3.1 The principal concerns of the refused application for 2 HMOs (18/01240/FUL refers) was the combined impact of converting both 64a and 64 Whites Road into C4 HMOs. This impact was found to be harmful on the character of the area even though the 10% threshold had not been breached (10% for no. 64 (2 HMOs out of 21 residential properties) and 9% for no. 64a (2 HMOs out of 23 residential properties)). The HMO concentration for this application would now only be 4% (1 HMO out of 23 residential properties) which is significantly under the 10% limit for the 40m radius survey area (see results of the survey in **Appendix 4**).

6.3.2 With the reduction of the number of HMOs to only one property within the semi-detached pair, it is not considered that the character of the area will be materially changed given that the mix and balance of the area will still be a predominantly made up by family households, and the comings and goings associated with the intensification of use to a 5 bedroom HMO (occupancy limited to 5 unrelated persons) would not be more significantly noticeable than the use of the property than the 3 bedroom family home (authorised C3 use). The concerns of setting a precedent for creating more HMOs in the area can be adequately controlled by the 10% threshold policy, as this would avoid an imbalance of family households through an overconcentration of HMOs within a 40m radius of the site.

6.3.3 As such, the proposed C4 HMO would respect the character of the area in accordance with the aims of policies H4, SDP7, SDP9, CS13 and CS16 and the relevant policy guidance.

#### 6.4 Residential amenity

6.4.1 Under the refused application (18/01240/FUL refers), the principal concerns of impact to the residential amenity of nearby residents was in relation to combined intensification of the use of 64a and 64 Whites Road associated with the change of use to 2 separate C4 HMOs on the overall semi-detached plot. There will be a perceptible impact to the neighbouring properties in association with the more intensive HMO use (occupancy limited to 5 unrelated persons), however, it is considered that the level of comings and goings and other incidental activities associated with the HMO use would not be significantly more noticeable than the use of the property as a 3 bedroom family home (authorised C3 use). As such, the intensification of the use from C3 family dwelling to a C4 HMO (limited occupancy to 5 persons) on this semi-detached plot would not detrimentally affect the amenity of the neighbouring occupiers. Issues relating to refuse storage can be resolved through conditions.

#### 6.5 Parking highways and transport

- 6.5.1 The concerns made by local residents in relation to pressure on local street parking are noted. The parking standards set out in the HMO SPD (section 5) expects the HMO to provide a maximum of 3 parking spaces (5 bedrooms) within this non-high accessibility location to public transport. The landscaping and parking layout approved under the original permission for the new dwelling only permitted 1 off-street parking for no. 64a. The parking area outside 64 Whites Road cannot be counted towards the provision for the proposed HMO as this will serve as parking for a separate property altogether. The under provision of spaces for the HMO is however policy compliant as the Council's parking policies are not based on minimum standards. The census data shows that within Sholing ward 45% of households own 1 car, 35% owning 2 or more cars, and 18% own no cars.
- 6.5.2 The parking standards states that the maximum spaces required for a 3 bedroom house is 2 spaces. As such, the parking demand for the proposed HMO would be 1 space greater, so the proposed HMO conversion is likely to result in a greater demand for local street parking and, therefore, cause competition with local residents.
- 6.5.3 The Parking Standards SPD states that the provision of less spaces than the maximum standard is permissible, however, it should be demonstrated that there is sufficient kerbside capacity within the surrounding streets to absorb overspill parking.
- 6.5.4 A parking survey was carried out at 5am on September 10th and 11th 2018 (in accordance with the Lambeth model – the methodology required by the Council) has been submitted showing that the street parking occupied 64-70% of the kerbside capacity within a 200m wide survey (**see Appendix 5**). Although this is snapshot in time, the comprehensive parking survey demonstrates that there was sufficient kerbside capacity to absorb the parking demand from the additional 2 cars unable to park on the driveway as it was found to be 31 and 26 spaces available.
- 6.5.5 The Highways Officer has not commented on the proposal, however, it is not considered that the additional trips and street parking demand associated with the HMO use would arise in an adverse impact to highways safety.

6.5.6 Cycle storage facilities would need to be provided for 1 space per HMO bedroom. Although a large cycle shed has been built in the rear garden it is unclear if its dimensions and rack system is suitable. A time limited condition can be used to secure the details of a secure and covered enclosure for cycle storage.

## **7. Summary**

7.1 In summary, the regularisation of the HMO use at no.64a is not considered to be harmful to the character and amenity of the area, and highways safety. The introduction of the HMO would not imbalance the mix of the family households in the community, whilst this housing would also positively contribute towards the mix and range of smaller housing. Furthermore, the comings and goings, including traffic and parking demand generated, associated with the HMO use would not be detrimental to the amenity and safety of the residents living in the area. Condition 4 requires the bin storage already approved to be implemented. The existing use of the neighbouring property should not dictate how the Council deals with this application and it is clear that only 1 HMO can be supported and Planning Enforcement tools are available to resolve any ongoing breach.

## **8. Conclusion**

8.1 It is recommended that planning permission be granted subject to the conditions set out below.

### **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) (e) 4.(f) (qq) (vv) 6. (a) (b)

**SB for 26/02/19 PROW Panel**

## **PLANNING CONDITIONS**

01. Full Permission Timing Condition

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. Retention of communal spaces

The rooms labelled kitchen, dining, and living on the plans hereby approved shall be retained for use by all of the occupants for communal purposes only to serve the occupiers whilst in HMO use.

REASON: To ensure that a suitable communal facilities are provided for the residents.

03. Occupancy limit

The HMO hereby approved shall be occupied by no more than 5 persons.

Reason: In the interests of protecting the character and amenity of the local area and to ensure appropriate shared space is available.

04. Parking, landscaping, boundary treatment & bins

Within 3 months of the date of this decision notice, the layout and surfacing of the parking and access, the landscaping, bin storage and boundary treatment shall be provided in accordance with drawing no. WR005B as approved under application 17/01780/DIS for the discharge of condition 3 (landscaping) and shall thereafter be retained and maintained 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: To remedy the harm arising from the breach of planning under permission 16/01779/FUL. To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety. In the interests of residential amenity and visual amenity.

05. Cycle storage facilities

Within 3 months of the date of this decision notice, details of secure and covered storage for 5 bicycles shall be first submitted to and approved in writing by the Local Planning Authority. The design and dimensions of the cycle storage shall be in accordance with the standards set out in the Parking Standards Supplementary Planning Document (September 2011) on p31. The storage shall be thereafter be provided within 3 months in accordance with the details agreed and retained and maintained as approved.

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

06. Approved Plans

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

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

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

|      |                                 |
|------|---------------------------------|
| CS13 | Fundamentals of Design          |
| CS16 | Housing Mix and Type            |
| CS18 | Transport: Reduce-Manage-Invest |
| CS19 | Car & 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   |
| H4   | Houses in Multiple Occupation |
| H5   | Conversion to residential Use |
| H7   | The Residential Environment   |

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
Houses in Multiple Occupation SPD (Adopted - May 2016)  
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2018)

**Relevant Planning History**

**19/00047/ENCOU – Enforcement enquiry**

Breach of conditions and unauthorised HMO

**18/01240/FUL – Refused 25.09.2018**

Change of use of 64 Whites Road and house approved under planning ref 16/01779/FUL from dwelling houses (class C3) to 2 x houses in multiple occupation (HMO, class C4)

**Reason for refusal - Harmful to character and amenity**

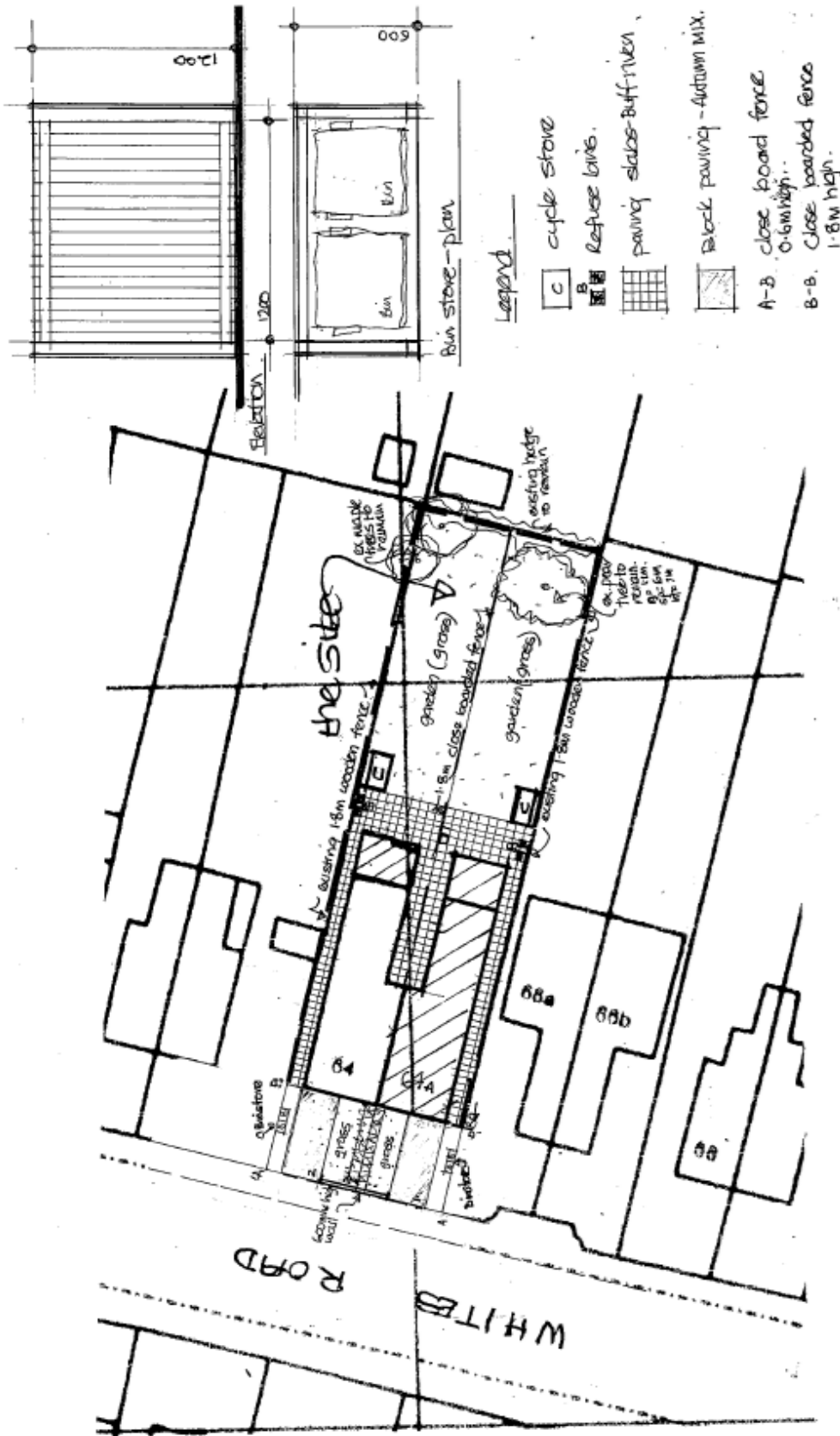
The combined intensification of the use of the properties and activity associated with the change of use to 2 separate C4 HMOs on the overall semi-detached plot would be detrimental to the amenities of nearby residents. The over-intensive use of the family homes would also be uncharacteristic of the local area, whilst noting that the 10% limit within the 40m threshold would not be breached, and will result in additional comings and goings to the detriment of established residential amenity. The proposal is, therefore, considered contrary to saved policies SDP1(i) and H4(i) of the City of Southampton Local Plan Review (2015 amended), Policy CS16 of the Core Strategy (2015 amended) as supported by the relevant sections of the Houses in Multiple Occupation Supplementary Planning Document (Approved May 2016) and the Parking Standards SPD (September 2011). This proposal is also contrary to the aims of paragraphs 127 and 130 of the NPPF, which seek to protect existing amenity and respect established character.

**17/01780/DIS – No objection 13.02.2018**

Application for approval of details reserved by conditions 2 (details of building materials to be used), 3 (landscaping plan), 5 construction management plan), 9 (energy and water), 10 (energy and water) and 13 (refuse and recycling) of planning permission ref: 16/01779/FUL for erection of 3 x bed house and alterations to existing

**16/01779/FUL – Conditionally Approved 24.01.2017**

Erection of a part 2-storey, part single storey, 3-bed semi detached house and alterations to existing house including erection of a single storey extension and loft conversion with rear dormer

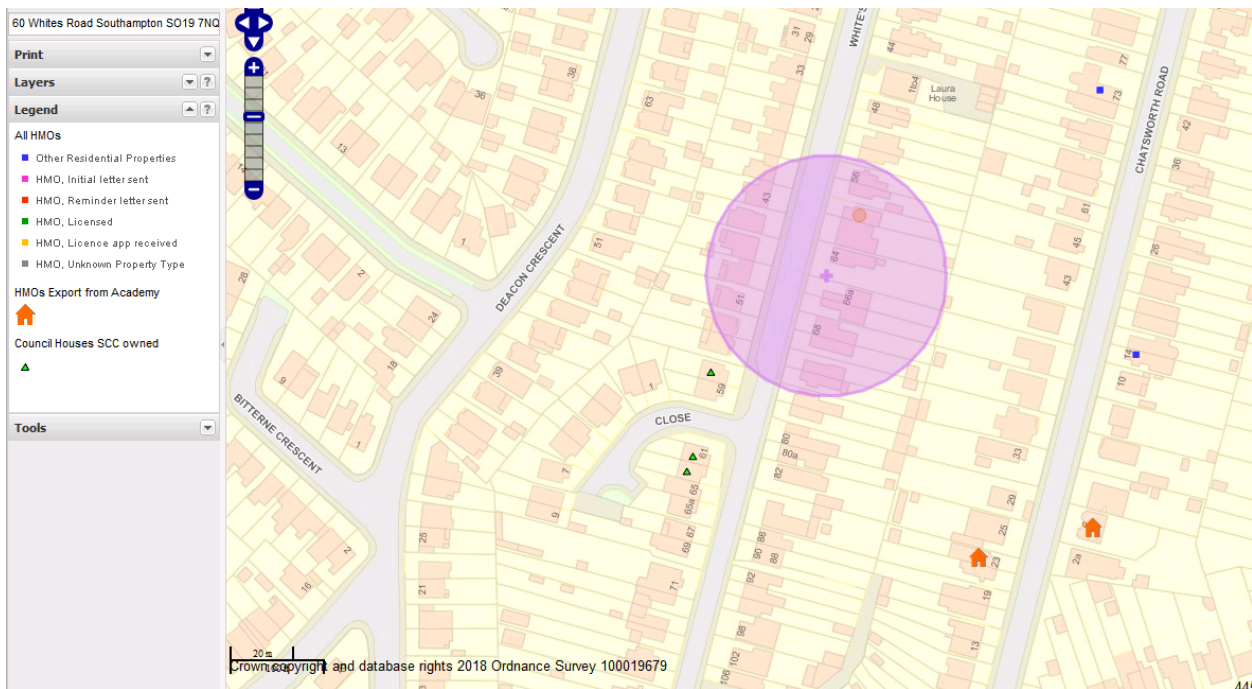


Planting  
 minimum 4m Berberis thunbergii  
 4m Cotoneaster corei laurel  
 4m Potentilla fruticosa

Drawing No. W.R. 005.4  
 Scale 1:250

Proposed Site/Landscape plan - Plot adjoining 64 Whites Road, Southampton, Hants.  
 Planning application 20/10/17





| Street      | Use type | HMO record   | Number of Residential properties |
|-------------|----------|--------------|----------------------------------|
| Whites Road |          |              |                                  |
| 54          |          |              | 1                                |
| 56          |          |              | 2                                |
| 58          |          |              | 3                                |
| 60          |          |              | 4                                |
| 62          |          |              | 5                                |
| 64          |          |              | 6                                |
| 64a         |          | HMO proposed | 7                                |
| 66a         |          |              | 8                                |
| 66b         |          |              | 9                                |
| 68          |          |              | 10                               |
| 70          |          |              | 11                               |
| 72          |          |              | 12                               |
| 74          |          |              | 13                               |
| 76          |          |              | 14                               |
| 39          |          |              | 15                               |
| 41          |          |              | 16                               |
| 43          |          |              | 17                               |
| 45          |          |              | 18                               |
| 47          |          |              | 19                               |
| 49          |          |              | 20                               |
| 51          |          |              | 21                               |
| 53          |          |              | 22                               |
| 55          |          |              | 23                               |

**Total residential = 23; Total HMOs = 1; HMO concentration = 4% (4.3)**

200m Lambeth Methodology parking Survey Parking Beat Survey - Two overnight parking beats

Job Number & Name: Whites Rd Southampton

Site Number/Name: No.64

Client: Max Easton - Spring Acre Property Group

Date: Mon & Tues Sept 10th & 11th 2018

05:00 both days

Weather: Dry

Survey Site Location: Red Lines indicate survey boundary



Description of column headers

- Total Length of Available Kerb Space** Measured length (in metres) of kerb space [inc SY Lines] excluding individual short sections of less than 5m [ie between two crossovers]
- Unusable kerb Space** Measured length (in metres) of unusable kerb space - sections left over not divisible by 5m - ie 12m/10m [2 spaces] - 2m unusable
- Length (m)** Measured length (in metres) of total useable kerb length per road parking type, rounded to the nearest 5m
- Calculated Spaces** Calculation of number of available spaces based on 5m length
- Cars Parked** Number of vehicles parked per time period
- Stress** Calculated stress per restriction per road based on number of parked vehicles and number of available spaces  
*please refer to OS supplied mapping for survey area and road inventory*

**Brief Overview Summary** Traffic Surveys UK were appointed by Spring Acre Property Group to carry out a Parking survey for over two days. The survey was carried out to Lambeth Methodology guidelines to approx 200m from site. A Road Inventory has been supplied of the area detailing road parking available and restrictions. Vehicle plots are also supplied of positions of parked vehicles on the required OS mapping. Vehicle spaces are determined at 5m [as Lambeth Parking Survey Methodology guidelines]. Survey area is extended to a junction if close to survey "boundary distance" - a turning point for a vehicle. Likewise survey boundary is curtailed if no parking is possible ie junction approach, narrow restricted road/bridge ped or level crossings etc.

**Result overview/observations** The parking survey area is residential in nature and unrestricted. The stress occupancy over the two beats 200m from site, ranged from 64% - 70% overall respectively, with plenty of available local parking spaces close to the site and within a 2 minute walk for visitors. The area is safe and open with plenty of street lighting. Whites Road had occupancy of 73% and 80% on the two days.

| Street Name                | Total Length of Available Kerb Space | unusable kerb space | Unrestricted Parking |                   |             | Disabled Spaces |            |                   | Non-Space parking [over crossover, sub 5m spaces etc] |           |            | TOTALS            |             |            | Single yellow Line |                   |             | Double Yellow/Keep Clear Line/RR |            |                   |             |          |
|----------------------------|--------------------------------------|---------------------|----------------------|-------------------|-------------|-----------------|------------|-------------------|---|-----------|------------|-------------------|-------------|------------|--------------------|-------------------|-------------|----------------------------------|------------|-------------------|-------------|----------|
|                            |                                      |                     | Length (m)           | Calculated Spaces | Parked Cars | Stress          | Length (m) | Calculated Spaces | Parked Cars   | Stress    | Length (m) | Calculated Spaces | Parked Cars | Stress     | Length (m)         | Calculated Spaces | Parked Cars | Stress                           | Length (m) | Calculated Spaces | Parked Cars | Stress   |
| Whites Road                | 292.5                                | 37.5                | 250                  | 50                | 35          | 70%             | 5          | 1                 | 0   | 0%        | 2          | 51                | 37          | 73%        |                    |                   |             |                                  |            |                   |             | 0        |
| Brownlow Avenue [To No 19] | 101.8                                | 6.8                 | 95                   | 19                | 7           | 37%             |            |                   |   |           | 0          | 19                | 7           | 37%        |                    |                   |             |                                  |            |                   |             | 0        |
| Deacon Crescent [To No 65] | 58.3                                 | 3.3                 | 55                   | 11                | 7           | 64%             |            |                   |   |           | 0          | 11                | 7           | 64%        |                    |                   |             |                                  |            |                   |             | 0        |
| Somerford Close            | 28.6                                 | 3.6                 | 25                   | 5                 | 3           | 60%             |            |                   |   |           | 1          | 5                 | 4           | 80%        |                    |                   |             |                                  |            |                   |             | 0        |
| <b>TOTALS</b>              | <b>481.2</b>                         | <b>51.2</b>         | <b>425</b>           | <b>85</b>         | <b>52</b>   | <b>61%</b>      | <b>5</b>   | <b>1</b>          | <b>0</b>  | <b>0%</b> | <b>3</b>   | <b>86</b>         | <b>55</b>   | <b>64%</b> | <b>0</b>           | <b>0</b>          | <b>0</b>    | <b>0</b>                         | <b>0</b>   | <b>0</b>          | <b>0</b>    | <b>0</b> |

05:00 Monday Sept 10th 2018

| Street Name                | Total Length of Available Kerb Space | unusable kerb space | Unrestricted Parking |                   |             | Disabled Spaces |            |                   | Non-Space parking [over crossover, sub 5m spaces etc] |           |            | TOTALS            |             |            | Single yellow Line |                   |             | Double Yellow/Keep Clear Line/RR |            |                   |             |          |
|----------------------------|--------------------------------------|---------------------|----------------------|-------------------|-------------|-----------------|------------|-------------------|---|-----------|------------|-------------------|-------------|------------|--------------------|-------------------|-------------|----------------------------------|------------|-------------------|-------------|----------|
|                            |                                      |                     | Length (m)           | Calculated Spaces | Parked Cars | Stress          | Length (m) | Calculated Spaces | Parked Cars   | Stress    | Length (m) | Calculated Spaces | Parked Cars | Stress     | Length (m)         | Calculated Spaces | Parked Cars | Stress                           | Length (m) | Calculated Spaces | Parked Cars | Stress   |
| Whites Road                | 292.5                                | 37.5                | 250                  | 50                | 38          | 76%             | 5          | 1                 | 0   | 0%        | 3          | 51                | 41          | 80%        |                    |                   |             |                                  |            |                   |             | 0        |
| Brownlow Avenue [To No 19] | 101.8                                | 6.8                 | 95                   | 19                | 9           | 47%             |            |                   |   |           | 0          | 19                | 9           | 47%        |                    |                   |             |                                  |            |                   |             | 0        |
| Deacon Crescent [To No 65] | 58.3                                 | 3.3                 | 55                   | 11                | 6           | 55%             |            |                   |   |           | 0          | 11                | 6           | 55%        |                    |                   |             |                                  |            |                   |             | 0        |
| Somerford Close            | 28.6                                 | 3.6                 | 25                   | 5                 | 2           | 40%             |            |                   |   |           | 2          | 5                 | 4           | 80%        |                    |                   |             |                                  |            |                   |             | 0        |
| <b>TOTALS</b>              | <b>481.2</b>                         | <b>51.2</b>         | <b>425</b>           | <b>85</b>         | <b>55</b>   | <b>65%</b>      | <b>5</b>   | <b>1</b>          | <b>0</b>  | <b>0%</b> | <b>5</b>   | <b>86</b>         | <b>60</b>   | <b>70%</b> | <b>0</b>           | <b>0</b>          | <b>0</b>    | <b>0</b>                         | <b>0</b>   | <b>0</b>          | <b>0</b>    | <b>0</b> |

05:00 Tuesday Sept 11th 2018



# Traffic Surveys UK Ltd

Job Number & Name: Whites Rd Southampton

Site Number/Name: No.64

Client: Spring Acre Property Group

Date: Mon & Tues Sept 10th & 11th 2018

05:00 both days



# Traffic Surveys UK Ltd

Job Number & Name: Whites Rd Southampton

Site Number/Name: No.64

Client: Spring Acre Property Group

Date: Mon & Tues Sept 10th & 11th 2018

05:00 both days







Traffic Surveys UK Ltd

Job Number & Name: Whites Rd Southampton

Site Number/Name: No.64

Client: Spring Acre Property Group

Date: Mon & Tues Sept 10th & 11th 2018

05:00 both days

The Site - 64 Whites Road



Whites Road (south section - narrower here so single side parking)

Whites Road - looking north from close to the site- double side parking here



Junction of Saxebed Close and Whites Road - looking North

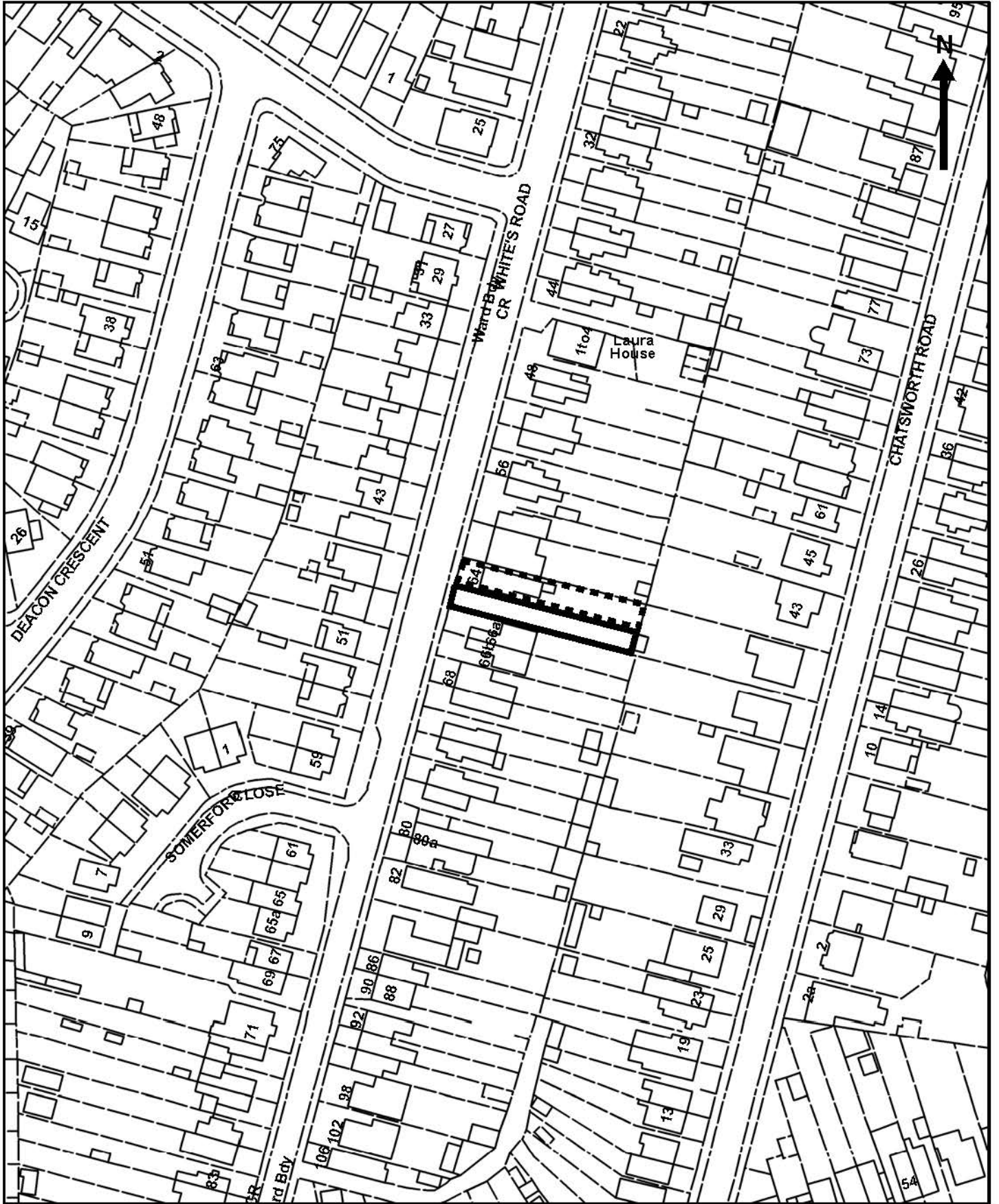
Junction of Rowenlow Avenue and Whites Road



Deacon Crescent







Scale: 1:1,250

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# Agenda Item 7

## Planning and Rights of Way Panel 29<sup>th</sup> January 2019 Planning Application Report of the Service Lead - Infrastructure, Planning & Development

|  |   |   |   |
|--|---|---|---|
| <b>Application address:</b> 3 Ridgemount Avenue, Southampton   |   |   |   |
| <b>Proposed development:</b> Conversion of ground floor garage to a gym not in accordance with 12/01697/FUL condition 6 (Domestic Ancillary Use) and provision of integral log store |   |   |   |
| <b>Application number:</b>   | 18/02261/FUL  | <b>Application type:</b>                | FUL   |
| <b>Case officer:</b>   | John Fanning  | <b>Public speaking time:</b>            | 5 minutes   |
| <b>Last date for determination:</b>  | 08.02.2019  | <b>Ward:</b>                            | Bassett   |
| <b>Reason for Panel Referral:</b>  | Request by Ward Member and five or more letters of objection have been received | <b>Ward Councillors:</b>                | Cllr B Harris<br>Cllr L Harris<br>Cllr Hannides                         |
| <b>Referred to Panel by:</b>   | Cllr B Harris   | <b>Reason:</b>                          | Support of objections raised by Ridgemount Avenue Residents Association |
| <b>Applicant:</b> Mr I Mabood  |   | <b>Agent:</b> Concept Design & Planning |   |

|                               |                              |
|-------------------------------|------------------------------|
| <b>Recommendation Summary</b> | <b>Conditionally Approve</b> |
|-------------------------------|------------------------------|

|   |                       |
|---|-----------------------|
| <b>Community Infrastructure Levy Liable</b> | <b>Not applicable</b> |
|---|-----------------------|

### 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 (2018).

Policies - SDP1, SDP5, SDP7, SDP9, SDP12, NE6 of the City of Southampton Local Plan Review (Amended 2015); CS13 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015); BAS4 and BAS9 of the Bassett Neighbourhood Plan (2016) and the relevant sections of the Council's adopted Residential Design Guide (2006).

|                          |                           |   |                           |
|--------------------------|---------------------------|---|---------------------------|
| <b>Appendix attached</b> |                           |   |                           |
| 1                        | Development Plan Policies | 2 | Relevant Planning History |

## Recommendation in Full

### Conditionally approve

#### 1. The site and its context

- 1.1 The application site contains a large, detached dwelling. The property occupies a spacious and verdant plot with protected trees. The surrounding area is residential and is characterised by larger properties in well-spaced plots, amongst mature vegetation. The site lies on the corner of Ridgemount Avenue with The Avenue, which is a tree-lined, arterial route into the city.
- 1.2 The property is situated in Bassett which is covered by the Bassett Neighbourhood Plan.

#### 2. Proposal

- 2.1 The application relates to a number of amendments to an outbuilding originally approved under application 12/01697/FUL. This application was granted consent for a sizable outbuilding, with a garage at ground floor level and living accommodation in the roof space. A number of conditions were imposed on the proposal at the time to limit the extent of the use and restrict against the use of the outbuilding as an independent unit of accommodation, A number of subsequent applications have been submitted for additional outbuildings and extensions to the original outbuilding which have been refused.
- 2.2 The outbuilding as constructed did not fully adhere to the design originally consented. The current proposal seeks a number of alterations to regularise some of these discrepancies and to undertake further alterations. The application proposes the introduction of additional doors and windows in addition to physical alterations to the front of the structure to enclose the previous garage space. The alterations to the frontage would consist of faux garage doors serving a small storage space and enclosure of the internal main ground floor space to act as additional ancillary living accommodation (identified as a gym in the submitted plan).
- 2.3 Another application was recently submitted, and refused, under reference 18/01856/FUL for a similar proposal. That application proposed fully incorporating the ground floor into the gym use and introducing patio style doors/windows in the place of the existing garage door openings, compared to the faux garage doors to a small storage area proposed under the current application. This application was refused on the basis that the combination of the change of use of the ground floor from garaging in addition to the physical alterations to the appearance of the structure would constitute a harmful departure to the overall character of the structure in the context of the plot and surrounding area.

### **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) and the City Centre Action Plan (adopted 2015). The site also falls within the remit of the Bassett Neighbourhood Plan (2016). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) was revised in July 2018. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan 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 A schedule of the relevant planning history for the site is set out in **Appendix 2** of this report.
- 4.2 The structure was originally granted consent in 2012 with restrictions in place that the ground floor be retained as a garage while the upper floor was in use as an annexe. The structure was built with some elements not in accordance with the agreed details and a recent application in 2018 sought modifications to this original design, including conversion of the garage space to additional ancillary accommodation (as a gym). This application was refused under delegated authority at officer level.

### **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. At the time of writing the report **7 representations** have been received (from 6 addresses) from surrounding residents. The following is a summary of the points raised:

#### **5.2 *The proposal is almost the same as the previous refused application* Response**

The key reason for refusal under the previous application related to the impact on the proposal on the wider character of the area including its visual appearance in the street scene. The proposed structure now retains the garage style appearance and incorporates a functional store (for logs or other ancillary storage ancillary to the main dwelling). It is considered that the current application proposes a change to the relationship and appearance within the street scene so it is considered reasonable to review and consider the previous decision on this basis.

5.3 ***The development would be contrary to conditions previously imposed***

**Response**

The imposition of planning conditions means that alteration of these details would require further assessment, not that they are intrinsically harmful. In assessing any application the Council then needs to consider the proposal and determine if it is acceptable in terms of local and national planning policy. The key issue is not if the proposal conflicts with previous conditions imposed but if the proposal put forward would cause sufficient identifiable harm as to justify being refused. This issue is discussed in more detail in section 6.

5.4 ***The applicant has undertaken land level changes which have impacted nearby protected trees***

**Response**

This issue has been referred to the Council's Tree Team for review but does not form part of the current application or the Panel's deliberations.

5.5 ***The existing property is large with adequate facilities. There is no need for the proposed alterations***

**Response**

The need for the works are for the applicant to consider. The application will need to be considered in terms of the planning merits of the scheme in which there is a presumption in favour of development unless the Local Planning Authority identifies sufficient harm to justify refusing the application.

5.6 ***Building as constructed does not adhere to approved plans***

**Response**

The government has advised that intentional unauthorised development can be given some weight in the decision making process, where it can be demonstrated that the applicant has purposefully sought to subvert the planning system. In this case while the structure as constructed was not built in accordance with the approved plans, the works undertaken were not concealed and the applicant has submitted applications in an effort to regularise matters and it is not considered that any substantial weight should be given to the partially retrospective nature of the proposal.

5.7 ***Loss of on-site parking***

**Response**

The site retains sufficient capacity to comply with the Council's parking standards in the existing driveway/forecourt area for the main dwelling. In terms of ad-hoc parking availability the space available would exceed the standards laid out in the Council's Parking Standards SPD.

5.8 ***Potential future use of structure as separate unit of accommodation***

**Response**

The current application does not propose the use of the premises as a separate unit of accommodation, and a further planning application would be required before the building could be legally converted; at which point further consultation would take place.

**Consultation Responses**

5.9 **Cllr B Harris** – Support for the comments of the Ridgemount Area Residents Association.

- 5.10 **Ridgemount Area Residents Association** – Proposal would not comply with previous conditions. Existing building is large with ample facilities. Application would involve loss of parking. Structure as currently build was not constructed in accordance with previous plans.

## **6.0 Planning Consideration Key Issues**

- 6.1 The proposal has two main elements - physical alterations to the structure and the change of use of the ground floor that they facilitate.

### **6.2 Physical alterations**

- 6.2.1 The application includes a number of additional doors and windows on the proposed outbuilding. These are primarily at ground floor level. The site is relatively large, with the outbuilding being well set back from the boundary. It is considered that existing screening and boundary treatments and the retained set back are sufficient to address any potential impacts associated with the additional doors/windows.

- 6.2.2 The previously consented scheme included a timber frame around open car ports. The proposal converts this to brick in addition to infilling the car ports with garage-style doors serving a very small storage space. Broadly, it is not felt that the proposed physical alterations would substantially impact the overall appearance of the outbuilding in the wider context of the appearance of the plot in the street scene when compared to the originally consented scheme.

### **6.3 Use**

- 6.3.1 The previous application included a number of conditions to restrict the use of the outbuilding to 'incidental'; including conditions limiting the use of the residential element as an annexe to the main dwelling and restricting the ground floor for use to serve as ancillary car parking and storage only. The application proposes making this part of the internal environment of the structure and changing the use to serve as a 'gym'. In practice it would be difficult to enforce a use as a gym specifically given the existing layout of the property and the mobile nature of such fixtures. The space would realistically need to be secured as additional ancillary space associated with the residential dwelling and annexe. It should be noted that this use of the space would require the structure to remain ancillary to the main house, with a use that would retain the primary use of the site as a single residential dwelling with ancillary/incidental uses in the associated outbuilding.

- 6.3.2 The size and scale of the outbuilding with the additional floor space is substantial and concern was raised under the previous refusal regarding the potential intensification of the existing ancillary structure. Given that the physical alterations have addressed the broader visual impacts of the proposal the key matters becomes if the additional intensity of use and activity associated solely with the internal use would be harmful to nearby residents and the wider character of the surrounding area.

- 6.3.3 While the scale of the outbuilding is significant, provided that the premises remains in ancillary/incidental use to the main dwelling it is not considered that the proposal will result in an substantial increase in comings and goings

associated with the premises. The property is situated in a large plot, set well away from neighbouring occupiers with intervening screening between properties. Overall it is not considered that any additional intensity caused by this development will be harmful.

## **7. Summary**

- 7.1 The refusal of the previous application raised concerns that the combination of physical alterations and intensification of use would prove harmful to the appearance of the property in the wider area. It is considered that the physical alterations proposed have addressed the potential concerns regarding the visual impact. It is not considered any additional intensity of use on its own would represent sufficient harm to justify refusing the application and, therefore, it is considered that the proposal should be supported despite local objection.

## **8. Conclusion**

- 8.1 It is recommended that planning permission be granted.

### **Local Government (Access to Information) Act 1985**

#### **Documents used in the preparation of this report Background Papers**

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

**JF for 29/02/19 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. APPROVAL CONDITION - No other windows or doors other than approved [Performance Condition]**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings including roof windows or dormer windows other than those expressly authorised by this permission shall be inserted in the development hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the adjoining residential properties

### **03. APPROVAL CONDITION - 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 host dwelling within the site (Number 3 Ridgemount Avenue).

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.

### **04. APPROVAL CONDITION - Restricted ancillary use**

Unless otherwise agreed in writing by the Local Planning Authority the outbuilding shall be retained as ancillary to the main dwelling at 3 Ridgemount Avenue and shall only be occupied by persons related to those living in the principal dwelling, including extended family. Under no circumstances shall the space be occupied, sub-let or in any other way sub-divided into a separate dwellinghouse for occupation as a self-contained dwelling.

REASON:

In the interests of proper planning as the application seeks approval for an annex only and not a self-contained and separate dwelling of accommodation. Whilst the proposed living accommodation shows self-contained living space the application has not been assessed in terms of a separate dwelling and a further permission would be required before a more flexible form of occupation takes place

### **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.

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS13            Fundamentals of Design

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

SDP1            Quality of Development  
SDP5            Parking  
SDP7            Urban Design Context  
SDP9            Scale, Massing & Appearance  
SDP12          Landscape & Biodiversity  
NE6             Protection / Improvement of Character

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
Parking Standards SPD (September 2011)  
Bassett Neighbourhood Plan (July 2016)

Other Relevant Guidance

The National Planning Policy Framework (2018)  
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)



**Relevant Planning History**

|   |  |         |            |
|---|--|---------|------------|
| 18/01856/FUL  | Conversion of ground floor garage to a gym not in accordance with 12/01697/FUL condition 6 (Domestic Ancillary Use). | Refused | 03.12.2018 |
| <p><i>Reason for Refusal - Character and ancillary use</i></p> <p><i>The proposed alterations to the previously consented outbuilding are considered to result in a building that is unrepresentative in appearance the ancillary outbuildings which are typically found in the surrounding area. The loss of the open fronted form at ground floor level and the loss of the existing parking function to be replaced by a fully enclosed gym use with a fully residentially fenestrated elevation represents an excessive intensification of what was approved as an ancillary structure to the main dwelling. It is considered that the combination of the physical alterations creating a more residential appearing frontage, and the intensification of the ancillary use of the building would be out of character with the relationship of dwelling and ancillary outbuilding which is typical of the surrounding area. As such the proposal proves contrary to SDP7(iii)(iv)(v) of the City of Southampton Local Plan Review (2015) and Policy BAS4 of the Bassett Neighbourhood Plan (2016).</i></p>  |  |         |            |
| 18/00621/FUL  | Erection of a two storey side extension to existing garage/annexe.   | Refused | 22.06.2018 |
| <p><i>Reason for Refusal - Character and ancillary use</i></p> <p><i>The proposed extension to the previously consented outbuilding is considered to represent an excessive addition resulting in a disproportionately large outbuilding which as an ancillary structure would be unduly dominant and prominent given the character and context of the surrounding area. It is considered that the overall scale of the structure would begin to erode the open, well-spaced and landscaped nature of the plot in addition to representing a further intensification of the use of the structure in terms of the ancillary functions to the existing dwelling. As such the proposal proves contrary to SDP7(iii)(iv) of the City of Southampton Local Plan Review (2015) and Policy BAS4 of the Bassett Neighbourhood Plan (2016).</i></p> <p><i>Reason for Refusal - Trees</i></p> <p><i>No supporting information has been submitted with the application to establish or justify the impact of the proposal on protected trees within the site. A recent consent for tree works on the site required the provision of a replanted tree (which is the subject of a preservation order) in the location currently proposed for the construction works. As such the development prevents the replacement of the protected tree and in doing so applicant has failed to demonstrate that the proposed development will not have a harmful impact on the long term verdant character of the site and the protected trees within the site boundary. The proposal thereby proves contrary to Policy SDP7(i)(ii)(v), SDP9(i)(v), SDP12(i)(iii) and NE6 of the City of Southampton Local Plan Review (2015); Policy CS13 of</i></p> |  |         |            |

*the Local Development Framework Core Strategy Development Plan Document (2015); Policy BAS4 and BAS9 of the Bassett Neighbourhood Plan (2016).*

|              |  |         |            |
|--------------|--|---------|------------|
| 15/01935/FUL | Erection of a two storey detached garage | Refused | 26.11.2015 |
|--------------|--|---------|------------|

*Reason for refusal - Unacceptable impact on character.*

*The proposed development, by means of its scale, prominent position close to the boundary with the street and design represents an unsympathetic form of development by a failure to incorporate into the existing character of the surrounding area. The further loss and harm to existing trees within the site exacerbates this harm by eroding the existing spacious and verdant nature of the site which forms a key characteristic of the area. The proposal thereby proves contrary to saved policies SDP1, SDP7(i)(iii)(iv), SDP9 and SDP11 of the adopted City of Southampton Local Plan Review (March 2006) and CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) as supported by paragraphs 2.3.6-2.3.11 and section 2.4 of the Residential Design Guide Supplementary Planning Document 2006.*

|              |  |                        |            |
|--------------|--|------------------------|------------|
| 14/01927/FUL | Erection of a 1.5 storey rear extension and single storey side extension | Conditionally Approved | 07.01.2015 |
| 14/01110/FUL | Erection of single-storey and two-storey extensions.                     | Refused                | 25.09.2014 |
| 12/01697/FUL | Erection of a double garage with a self-contained annex above            | Conditionally Approved | 21.12.2012 |

*03. APPROVAL CONDITION - No other windows or doors other than approved [Performance Condition]*

*Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings including roof windows or dormer windows other than those expressly authorised by this permission shall be inserted in the development hereby permitted without the prior written consent of the Local Planning Authority.*

*Reason:*

*To protect the amenities of the adjoining residential properties*

*06. APPROVAL CONDITION - Use of garage - domestic ancillary use [Performance Condition]*

*Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 the garage hereby approved shall be made available and used at all times for the parking of domestic vehicles related to the residential use of the dwelling house and associated ancillary storage relating and incidental to the enjoyment of the occupation of the dwelling house. At no time shall the garage be used for the parking of commercial vehicles or used for any trade, business, manufacturing or industrial purposes whatsoever and shall not be incorporated into the house as part of the domestic living accommodation.*

*Reason:*

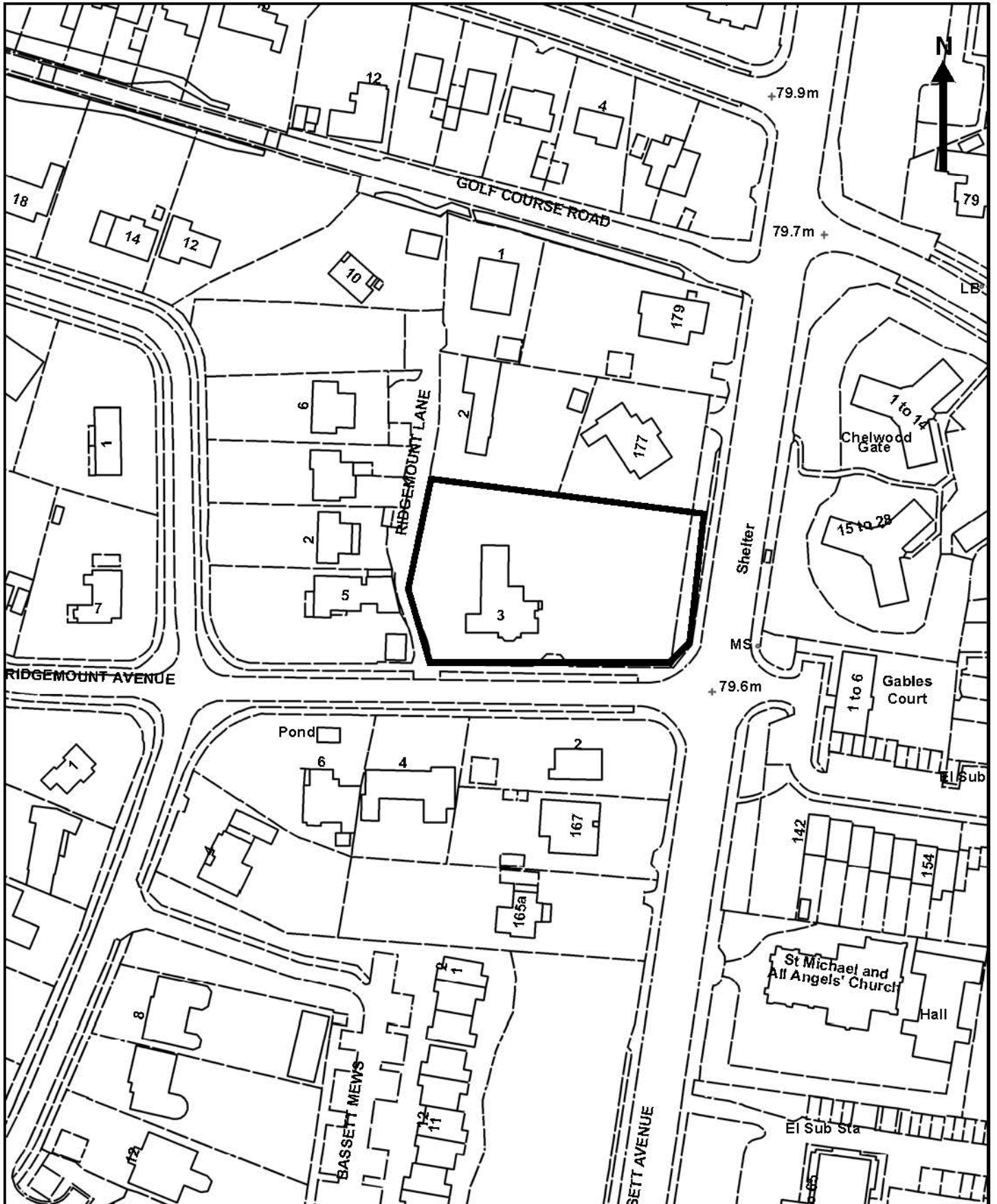
*To maintain high quality living environment for the occupiers of the dwelling house and the residential amenities of the surrounding neighbourhood.*

*10. APPROVAL CONDITION - Restricted annex use*

*Unless otherwise agreed in writing by the Local Planning Authority the annex above the garage hereby approved shall be retained as ancillary to the main dwelling at 3 Ridgemount Avenue, and shall only be occupied by persons related to those living in the principal dwelling, including extended family. Under no circumstances shall the space be occupied, sub-let or in any other way subdivided into a separate dwellinghouse for occupation as a self-contained dwelling.*

*REASON:*

*In the interests of proper planning as the application seeks approval for an annex only and not a self-contained and separate dwelling of accommodation. Whilst the proposed living accommodation shows self-contained living space the application has not been assessed in terms of a separate dwelling and a further permission would be required before a more flexible form of occupation takes place.*



Scale: 1:1,250

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# Agenda Item 8

## Planning and Rights of Way Panel 26<sup>th</sup> February 2019 Planning Application Report of the Service Lead - Infrastructure, Planning & Development

|   |   |                                |  |
|---|---|--------------------------------|--|
| <b>Application address: 194 Bassett Green Road</b>  |   |                                |  |
| <b>Proposed development: Erection of a rear conservatory (resubmission of planning permission ref: 18/01372/FUL).</b> |   |                                |  |
| <b>Application number:</b>  | 18/02188/FUL  | <b>Application type:</b>       | Householder  |
| <b>Case officer:</b>  | Laura Treagus   | <b>Public speaking time:</b>   | 5 minutes  |
| <b>Last date for determination:</b>   |   | <b>Ward:</b>                   | Bassett  |
| <b>Reason for Panel Referral:</b>   | Request by Ward Member and more than 5 letters of objection received. | <b>Ward Councillors:</b>       | Cllr Les Harris<br>Cllr Beryl Harris<br>Cllr John Hannides |
| <b>Referred to Panel by:</b>  | Cllr John Hannides  | <b>Reason:</b>                 | In view of the concerns raised by a number of residents    |
| <b>Applicant:</b> Mr Ben Hewson   |   | <b>Agent:</b> Mr Graham Barker |  |

|                               |                              |
|-------------------------------|------------------------------|
| <b>Recommendation Summary</b> | <b>Conditionally approve</b> |
|-------------------------------|------------------------------|

|   |                       |
|---|-----------------------|
| <b>Community Infrastructure Levy Liable</b> | <b>Not applicable</b> |
|---|-----------------------|

### Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2018). Policies –CS13 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP7 and, SDP9 of the City of Southampton Local Plan Review (Amended 2015), the Bassett Neighbourhood Plan (2016) and the Residential Design Guide 2006.

|                          |                           |   |                           |
|--------------------------|---------------------------|---|---------------------------|
| <b>Appendix attached</b> |                           |   |                           |
| 1                        | Development Plan Policies | 2 | Relevant Planning History |
|                          |                           |   |                           |

**Recommendation in Full**  
**Conditionally approve**

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

- 1.1 The application site is a two-storey, mid-terrace family dwellinghouse at the northern end of Bassett Green Road, featuring buff-coloured brick, white fenestration and clay-tiled roof. The site was previously a single dwelling known as Bassett Holt, formerly a residence of the Bassett Wood Estate, and has since been divided into three dwellings. The wider area is residential in character and comprises a variety of housing styles. The property itself comprises a long rear garden with an existing patio that spans the width of the rear elevation. The garden level falls away sharply from the rear of the dwelling and abuts an area of protected trees immediately south of the property boundary.

## **2. Proposal**

- 2.1 The application proposes the erection of a rear conservatory, with a maximum depth of 4.2m, an eaves height of 3.1m and a maximum height of 3.65m. The conservatory features chamfered edges at a depth of 3m, into which doors accessing the rear garden would be fitted. Rear-facing windows are proposed on the rear elevation, allowing views directly into the garden. The application also proposes a feature rooflight allowing natural light into the room below.
- 2.2 There is a 0.65m set-back from the east and west boundaries with the neighbouring properties at No. 192 and No. 196 Bassett Green Road. The proposed indoor floor height is 0.25m above the existing patio level.
- 2.3 The application also proposes the addition of steps leading from the conservatory to a patio at a height of 0.5m above existing ground level. The proposed steps and patio would extend 3m from the rear elevation of the proposed conservatory.
- 2.4 The external facing materials will be facing brick and timber to match the existing dwelling.

## **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) and the Bassett Neighbourhood Plan (adopted 2016). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) was revised in July 2018. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan 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 A schedule of the relevant planning history for the site is set out in **Appendix 2** of this report.
- 4.2 18/00076/PAH - Erection of a single storey rear extension (max depth 4.2m, max height 2.9m, eaves height 2.3m) – Application Withdrawn (WDN) – 07.02.2018
- 4.3 18/01372/FUL – Erection of a single storey rear conservatory. – Application Refused (REF) – 12.10.2018

This application proposed the erection of a rear conservatory measuring 4m in depth, with an eaves height of 2.3m and an overall height of 3.2m. The proposal included a 0.25m gap from the east and west boundaries with the neighbouring properties.

The application was refused on the grounds that its scale and massing would result in an overbearing form of development as a result of the depth and the proximity to neighbouring windows.

The application has now been amended to reduce the depth of the side walls immediately adjacent to the boundaries to 3m with chamfered corners to the maximum depth of 4.2m. This has been designed to clear the 45 degree angle when taken from the mid-point of the bay-window (it should be noted that the Residential Design Guide on terraced properties recommends the 45 degree angle be taken from the nearest point).

#### **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. At the time of writing the report **13** representations had been received from surrounding residents. These include **11** objections, including **one** from a Ward Councillor and **one** from the North-East Bassett Residents Association and **2** letters of support. The following is a summary of the points raised:
- 5.2 ***The proposal would result in an overbearing and overshadowing form of development***

##### **Officer Response**

The proposed development is not considered to result in overshadowing or a loss of light to a significant degree, mainly due to the orientation of the dwelling with a southerly aspect, meaning that the shadow will mainly fall to the front of the property. While the development would be visible from neighbouring properties, and would therefore have an impact on the occupiers of No. 192 and No. 196, the scale of the proposal combined with the set-back from the east and west boundaries is considered to mitigate the impact of the proposed development. On balance, it is not considered that the scale of the proposal would result in significant harm to neighbouring amenity in terms of the creation of an overbearing form of development.

### 5.3 ***The proposal contravenes the '45 Degree Code'***

#### **Officer Response**

Whilst the neighbouring properties have window panes that face the application site from the rear bay-window features, it would be reasonable to consider the bay-window as a single entity comprising four main window panes. The neighbouring properties at No. 192 and No. 196 do not rely on the nearest window for outlook and light as the habitable rooms are served by three additional window panes in the bay-window feature, which provide a clear, unobstructed outlook over their gardens and the woodland beyond.

Whilst the proposal would breach the 45 degree line when taken from the nearest point of the window, having regard to the quality of outlook available from the other three panes forming the window and the limited outlook already experienced from the nearest pane, it is considered that a reasonable and good quality outlook is maintained in this instance.

### 5.4 ***Incorrectly drawn patio levels and final height of structure with lantern roof***

#### **Officer Response**

Amended plans (BH/P/03.1 Annotated) clearly show the existing patio level, and indicate an eaves height of 3.1m and a maximum height with the lantern rooflight of 3.65m.

### 5.5 ***The proposal is out of character with the building***

#### **Officer Response**

The proposed extension would be constructed of materials that match the existing dwelling, and incorporation of chamfered edges in the design is considered to be sympathetic to the bay-window features of the neighbouring properties. The proposal is subordinate to the host dwelling and not considered to be out-of-character for the building.

### 5.6 ***The proposal would result in a loss of privacy***

#### **Officer Response**

The proposed development is single-storey and no side-facing windows have been proposed. While the floor level will be approximately 0.25m higher than the patio height of the neighbouring properties, the degree of setback from neighbouring boundaries and the presence of a 1.8m fence and soft landscaping are considered to mitigate any perceived loss of privacy for neighbouring residents. In addition, there is currently an existing raised platform on the patio of the application site, which previously sited a conservatory that exceeds the height of the proposed internal floor level by 0.2m.

## **6.0 Planning Consideration Key Issues**

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

- The principle of development;
- Design and effect on character;
- Residential amenity;



## 6.2 Principle of Development

- 6.2.1 The application proposes the erection of a single storey rear conservatory and extension of the rear raised patio area with new steps down to the garden. The conservatory would have a maximum depth of 4.1m, an eaves height of 3.1m and a maximum height of 3.65m. The proposal is shown to be set-in 0.65m from the boundaries with neighbouring properties. Materials for the external construction would include brick walls on either side with full-height, timber-frame windows on the rear elevation. The application comprises a flat roof with a lantern rooflight, allowing natural light into the area below.

Rear extensions and conservatories are not uncommon in the local area and the application site is not located within a Conservation Area. As such, the site still benefits from Permitted Development rights, which would allow a rear extension with a maximum depth of 3m, an eaves height of 3m and an overall height of 4m without requiring planning permission. Commonly known as the 'fall back' position this is a material consideration in determining the application given the likelihood that the applicant would 'fall back' on the ability to utilise permitted development rights should the application be refused.

The proposed development is considered to be in accordance with SDP1, SDP7 and SDP9 of the Local Plan Review, which is supported by the Residential Design Guide (2006), CS13 of the Core Strategy, and Policy BAS 4 of the Bassett Neighbourhood Plan – Character and Design, which requires development to be sympathetic to the character of the street scene regarding scale, massing, external facing materials and height of the neighbouring properties and as such the principle of development is supported.

## 6.3 Design and effect on character

- 6.3.1 The eaves height of the proposal sits below the corbelled brickwork and the design incorporates chamfered edges, which is considered to be sympathetic to the appearance of the dwelling and the character of the local area. The proposal is judged to be modest in scale and is subordinate to the host dwelling. It is, therefore, considered to preserve the overall character of the original dwellinghouse.

Materials of construction would include brick walls on either side with full-height, timber-frame windows on the rear elevation, which would be similar in appearance to the external facing materials of the original dwelling.

## 6.4 Residential amenity

- 6.4.1 Whilst the neighbouring properties have window panes that face the application site from the rear bay-window features, it would be reasonable to consider the bay-window as a single entity comprising four main window panes. The neighbouring properties at No. 192 and No. 196 do not rely on the nearest window for outlook and light as the habitable rooms are served by three additional window panes in the bay-window feature, which provide a clear, unobstructed outlook over their gardens and the woodland beyond.

Whilst the proposal would breach the 45 degree line when taken from the nearest point of the window, having regard to the quality of outlook available from the other three panes forming the window and the limited outlook already experienced from the nearest pane, it is considered that a reasonable and good quality outlook is maintained in this instance. While it does breach this code by a relatively small

amount, it is important to note that the point at which it breaches is the equivalent of what would be constructed under Permitted Development. It should also be noted that the 45 degree code is only guidance and each site will have its own specific characteristics that will determine whether the breaching of the 45 degree line would result in harm being caused.

While the proposal would be visible from neighbouring properties, the design includes a 0.65m set back from the neighbouring boundary fences at either side. As such, the proposal is not considered to result in the creation of an overbearing form of development. The maximum height of the proposal is 3.65m and is taken from the vertical extent of the roof-lantern. This feature is set back from the side elevations and, as such, is not likely to be viewed from the neighbouring properties. Additionally, the roof-lantern would be constructed of glass, reducing its visual prominence.

The proposed development is not considered to result in overshadowing or a loss of light to a significant degree, mainly due to the orientation of the dwelling with a southerly aspect, meaning that the shadow will mainly fall to the front of the property.

While the floor level will be approximately 0.25m higher than the patio height of the neighbouring properties, the degree of setback from neighbouring boundaries and the presence of a boundary fence and soft landscaping limit any perceived loss of privacy for neighbouring residents. The proposal is single-storey and no side-facing windows have been proposed.

The extension to the patio and the provision of new steps into the garden will project beyond the patio areas of the adjoining houses. Whilst there is a distinct change in levels beyond the patio, the boundaries comprising a mix of hedgerow and fencing are considered to give an adequate screen so as to safeguard the private amenities of neighbouring occupiers.

## **7. Summary**

- 7.1 The proposal is considered to preserve the character and appearance of the original dwelling and the surrounding area, in accordance with BAS 4 of the Bassett Neighbourhood Plan (2016), CS13 of the Core Strategy, and SDP1, SDP7 and SDP9 of the Local Plan Review (amended 2015).

While the proposal will have an impact on the neighbouring properties at No. 192 and No. 196, as the rear extension will be visible from the neighbouring properties, it is not considered to constitute significant harm to residential amenity in terms of outlook, the level of sunlight that is currently received, or the level of privacy that is currently enjoyed by the neighbouring properties.

The proposed development is modest in scale, in accordance with SPD9 of the Local Plan Review (2015), and would appear as a subordinate addition to the original dwelling house.

For these reasons this scheme is supported and recommended for approval.

## 8. Conclusion

8.1 The application is recommended for conditional planning 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) (c) (d) (e) (f) (g) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

LT for 26/02/2019 PROW Panel

### PLANNING CONDITIONS

#### 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).

#### Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans. The eaves height of the conservatory shall not exceed 3.1m above the existing patio level and the height of the internal finished floor level within the conservatory shall not exceed 0.25m above the existing patio level as listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority. There shall be a minimum of one clear brick course remaining exposed between the top of the finished roof of the conservatory (not including the roof lantern) and the decorative band of projecting brickwork on the rear elevation of the existing house.

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

#### Materials as specified and 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 development hereby permitted, shall be as specified on the approved plans. Where there is no materials specification on the approved plans, the materials 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.

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS13          Fundamentals of Design

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

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

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Bassett Neighbourhood Plan (July 2016)

Other Relevant Guidance

The National Planning Policy Framework (2018)

**Relevant Planning History**

18/00076/PAH - Erection of a single storey rear extension (max depth 4.2m, max height 2.9m, eaves height 2.3m) – Application Withdrawn (WDN) – 07.02.2018

18/01372/FUL – Erection of a single storey rear conservatory. – Application Refused (REF) – 12.10.2018

