



DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

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

RDT Architects
 Mr Cheten Chauhan
 1 Harrier Court
 Woodside Road
 Woodside Road
 Lower Woodside LU1 4DQ

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

FULL APPLICATION - REFUSAL

Proposal: **Redevelopment of the site to create 128 residential dwellings comprising a mixture of 21 houses (20 x 3 and 1 x 4 bed) and 107 flats (29 x 1 and 78 x 2 bed) with associated car parking, bin, cycle storage and landscaping.**

Site Address: **Former Eastpoint Centre Site , Burgoyne Road, Southampton SO19 6PB**

Application No: **18/01373/FUL**

For the following reason(s):

01. REFUSAL REASON - Layout and access arrangement would prejudice the future development of adjoining land

The proposed layout and access arrangement would prejudice the development of adjoining land to the south. The planning application by ALDI Stores Ltd (Ref 18/00968/FUL) failed to demonstrate adequate capacity for safe right turn movements out of the site without leading to severe obstruction to traffic flow on Bursledon Road, a main arterial route which has been identified by Highways England as requiring major improvements to improve traffic flow. As a consequence, the land to the south requires access onto Burgoyne Road. Therefore, unless access can be secured over third party land (Highpoint Centre), the proposed residential layout would prejudice the remainder of the wider site from being developed because there is no opportunity for vehicular access connection onto Burgoyne Road.

Furthermore, because the site as approved under planning permission ref 16/01888/OUT has been split into two land parcels and not master planned or considered comprehensively, the proximity of Block B containing noise sensitive residential accommodation with habitable room windows and balconies with a south facing aspect would also prejudice the development of adjoining land to the south. The close proximity of the proposed flatted block to the boundary with another potential development site (with habitable room windows looking across third party land), and the subdivision of the wider site into 2 discreet parts by the proposed means of enclosure would represent poor place making and would provide an unacceptable residential environment for the residents of the proposed flats in terms of a potentially poor outlook and loss of amenity. The development is thereby contrary to policies SDP1 (i) (iii), SDP16 of the City of Southampton Local Plan Review

(2015), CS4, CS6 and CS13 of the Local Development Framework Core Strategy (2015) and Section 11 of the National Planning Policy Framework (2018).

02. REFUSAL REASON - Loss of trees

The proposed removal of existing healthy trees along the northern boundary and position of a prominent close boarded fence would be harmful to the character and appearance of the area and the Burgoyne Road street scene. The proposed replacement planting would not sufficiently mitigate against the loss of these existing trees. The development proposal is thereby contrary to policies SDP1 (i), SDP7 (i) (ii) and SDP12 of the City of Southampton Local Plan Review (2015) and CS13 of the Local Development Framework Core Strategy (2015) and Section 4.7 of the Residential Design Guide SPD (2006).

03. REFUSAL REASON - Affordable Housing

The proposed 'rent to buy' affordable housing offer fails to meet identified affordable housing need in Southampton.

Furthermore the application has not been supported by an approved viability model to indicate that units for social rent would make the scheme unviable. The proposal is thereby contrary to policy CS15 of the City of Southampton Local Plan Review (2015) and Section 5 of the National Planning Policy Framework (2018).

04. REFUSAL REASON - Failure to enter into S106 agreement

In the absence of a completed Section 106 Legal Agreement, the proposals fail to mitigate against their direct impacts and do not, therefore, satisfy the provisions of Policy CS25 of the adopted Local Development Framework Core Strategy (2015) as supported by the Council's Developer Contributions Supplementary Planning Document (2013) in the following ways:-

- (i) Site specific transport works for highway improvements in the vicinity of the site which are directly necessary to make the scheme acceptable in highway terms have not been secured in accordance with Policies CS18, CS19, and CS25 of the Southampton Core Strategy (2015) and the adopted Developer Contributions SPD (2013);
- (ii) In the absence of a mechanism for securing a (pre and post construction) highway condition survey it is unlikely that the development will make appropriate repairs to the highway, caused during the construction phase, to the detriment of the visual appearance and usability of the local highway network;
- (iii) In the absence of either a scheme of works or a contribution to support the development, the application fails to mitigate against its wider direct impact with regards to the additional pressure that further residential development will place upon the Special Protection Areas of the Solent Coastline. Failure to secure mitigation towards the 'Solent Disturbance Mitigation Project' in order to mitigate the adverse impact of new residential development (within 5.6km of the Solent coastline) on internationally protected birds and habitat is contrary to Policy CS22 of the Council's adopted LDF Core Strategy as supported by the Habitats Regulations.
- (iv) Submission of a tree replacement plan to secure 2:1 tree replacement and to secure a tree Replacement Off Site Contribution should any off-site replacements be required.
- (v) The provision of affordable housing in accordance with Policy CS15 of the Core Strategy;
- (vi) 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); and
- (vii) Employment and Skills Plan

Note to Applicant - Community Infrastructure Liability (Refusal)

You are advised that, had the development been acceptable, it could be liable to pay the Community Infrastructure Levy (CIL). Please ensure that, should you chose to reapply or appeal, you assume CIL liability prior to the commencement of the development (including any demolition works) otherwise a number of consequences could arise. For further information please refer to the CIL pages on the Council's website at: <http://www.southampton.gov.uk/planning/community->

infrastructure-levy/default.aspx or contact the Council's CIL Officer



Samuel Fox
Planning & Development Manager

9 January 2019

For any further enquiries please contact:
Andrew Gregory

IMPORTANT NOTE TO APPLICANT

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

Drawing No:	Version:	Description:	Date Received:	Status:
0001	PL1	Location Plan		Refused
0100	PL1	Other Plans		Refused
0101	PL1	Site Plan		Refused
0200	PL1	Floor Plan		Refused
0200	PL1	Floor Plan		Refused
0200	PL1	Floor Plan		Refused
0200	PL1	Floor Plan		Refused
0600	PL1	Elevational Plan		Refused
0601	PL1	Elevational Plan		Refused
0601	PL1	Elevational Plan		Refused
0600	PL1	Elevational Plan		Refused
0200	PL1	Floor Plan		Refused
0250	PL1	Floor Plan		Refused
0300	PL1	Floor Plan		Refused
0350	PL1	Floor Plan		Refused
0400	PL1	Floor Plan		Refused
0500	PL1	Roof Plan		Refused
0200	PL1	Floor Plan		Refused
0250	PL1	Floor Plan		Refused
0300	PL1	Floor Plan		Refused
0350	PL1	Floor Plan		Refused
0400	PL1	Floor Plan		Refused

0450	PL1	Floor Plan	Refused
0500	PL1	Roof Plan	Refused
0102	PL1	Other Plans	Refused
0110	PL1	Other Plans	Refused
0120	PL1	Other Plans	Refused
0112	PL1	Other Plans	Refused
0114	PL1	Other Plans	Refused
0120	PL1	Sections	Refused
0120	PL2	Sections	Refused
0121	PL1	Sections	Refused
0121	PL2	Sections	Refused

NOTES

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development, they may appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

1. Appeals **must be registered within six months of the date of this notice** and be made using a form which you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or do it online at <https://acp.planninginspectorate.gov.uk/>
2. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
3. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
4. If permission to develop land is refused, whether by the Local Planning Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Local Planning Authority a purchase notice requiring that the Authority purchase their interest in the land in accordance with Part IV of the Town and Country Planning Act 1990.
5. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
6. For those developments which are covered by the Disability Discrimination Act, the attention of developers is drawn to the relevant provisions of the Act and to the British Standard B300:2001 Design of buildings and their approaches to meet the needs of disabled people code of practice.
7. The applicant is recommended to retain this form with the title deeds of the property.
8. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Please address any correspondence in connection with this form quoting the application number to:
Development Management, Southampton City Council, Lower Ground Floor, Civic Centre, SOUTHAMPTON, SO14 7LS.