

PLANNING AND RIGHTS OF WAY PANEL

Tuesday, 17th September 2013
at 9.30 am

PLEASE NOTE TIME OF MEETING

Conference Room 3 and 4
- Civic Centre

This meeting is open to the public

Members

Councillor Mrs Blatchford (Chair)
Councillor Claisse
Councillor Cunio (Vice-Chair)
Councillor L Harris
Councillor Lewzey
Councillor Lloyd
Councillor Norris

Contacts

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PUBLIC INFORMATION

Terms of Reference

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

At the discretion of the Chair, members of the public may address the meeting about any report on the agenda for the meeting in which they have a relevant interest.

Members of the public in attendance at the meeting are advised of the process to be followed.

Southampton City Council's Priorities

- **Economic:** Promoting Southampton and attracting investment; raising ambitions and improving outcomes for children and young people.
- **Social:** Improving health and keeping people safe; helping individuals and communities to work together and help themselves.
- **Environmental:** Encouraging new house building and improving existing homes; making the city more attractive and sustainable.
- **One Council:** Developing an engaged, skilled and motivated workforce; implementing better ways of working to manage reduced budgets and increased demand.

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

Mobile Telephones – Please turn off your mobile telephone whilst in the meeting.

Fire Procedure – In the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

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 2013/14

2013	2014
28 May 2013	14 January 2014
25 June	18 February
23 July	25 March
20 August	22 April
17 September	
15 October	
19 November	
17 December	

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 INTEREST

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

DISCLOSABLE PERSONAL 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 a, '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

Agendas and papers are available via the Council's Website

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.

NOTE: Members are reminded that, where applicable, they must complete the appropriate form recording details of any such interests and hand it to the Democratic Support Officer.

3 STATEMENT FROM THE CHAIR

4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)

To approve and sign as a correct record the Minutes of the meeting held on 20 August 2013 and to deal with any matters arising, attached.

CONSIDERATION OF PLANNING APPLICATIONS

ITEMS TO BE HEARD BETWEEN 9:30 AM TO 10:00 AM

5 6 RICHMOND GARDENS - 13/00750/FUL

Report of the Planning and Development Manager recommending **conditional approval** be granted in respect of an application for a proposed development at the above address, attached.

ITEMS TO BE HEARD BETWEEN 10:00 AM TO 10:30 AM

6 320 PORTSWOOD ROAD - 13/01015/FUL

Report of the Planning and Development Manager recommending **delegated authority** be granted in respect of an application for a proposed development at the above address, attached.

ITEMS TO BE HEARD BETWEEN 10.30 AM TO 11:00 AM

7 19 - 23 CANUTE ROAD - 13/00496/OUT

Report of the Planning and Development Manager recommending **delegated authority** be granted in respect of an application for a proposed development at the above address, attached.

ITEMS TO BE HEARD BETWEEN 11:00 AM TO 11.30 AM

8 REAR OF 36 ARCHERS ROAD - 13/00869/FUL

Report of the Planning and Development Manager recommending **conditional approval** be granted in respect of an application for a proposed development at the above address, attached.

ITEMS TO BE HEARD BETWEEN 11:30 AM TO 12:00 NOON

9 THE CEDAR SCHOOL - 13/01140/FUL

Report of the Planning and Development Manager recommending **delegated authority** be granted in respect of an application for a proposed development at the above address, attached.

ITEMS TO BE HEARD BETWEEN 12 NOON TO 12:20 PM

10 9 COLLEGE PLACE - 13/00968/FUL

Report of the Planning and Development Manager recommending **conditional approval** be granted in respect of an application for a proposed development at the above address, attached.

ITEMS TO BE HEARD BETWEEN 12:20 PM TO 12:50 PM

11 35 - 36 OXFORD STREET - 13/00922/FUL

Report of the Planning and Development Manager recommending **conditional approval** be granted in respect of an application for a proposed development at the above address, attached.

MAIN AGENDA ITEMS

12 REMOVAL OF TREES - LOWER TERMINUS TERRACE

Report of the Head of City Services regarding the removal of two trees to enable the diversion of traffic during essential bridge maintenance works, attached.

Monday, 9 September 2013

HEAD OF LEGAL, HR AND DEMOCRATIC SERVICES

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SOUTHAMPTON CITY COUNCIL
PLANNING AND RIGHTS OF WAY PANEL

MINUTES OF THE MEETING HELD ON 20 AUGUST 2013

Present: Councillors Mrs Blatchford (Chair), Claisse, Cunio (Vice-Chair), L Harris, Lewzey, Lloyd and Norris

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

RESOLVED that the Minutes of the Meeting held on 23 July 2013 be approved and signed as a correct record.

The Panel noted the officer's clarification under Minute 29 (23 July 2013) regarding previous Minute 21 (25 June 2013 - 75 Bassett Green Close, SO16 3QX 13/00299/FUL) relating to the reason for granting Condition 3, concerning the exact level of protection on trees which had been removed.

“No enforcement action is to be taken against the removal of trees at 75 Bassett Green Close, as the trees removed were not protected by a Tree Protection Order at the time of their removal. The remaining trees on the site were made the subject of a protection order following the emergency investigation by the Tree Team at the time of the incident. The preservation order on the remaining trees has subsequently been confirmed and those trees have been retained.”

37. **SITE OF FORMER 118 WATERLOO ROAD - 13/00418/FUL**

The Panel considered the report of the Planning and Development Manager recommending refusal in respect of an application for a proposed development at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes).

Erection of a three-storey building to provide 12 flats (4 x 1 bedroom, 8 x 2 bedroom) with associated parking and vehicle access from Almond Road.

Mr and Mrs Lumber (local residents / objecting) and Councillors Moulton and Shields (ward councillors / objecting) were present and with the consent of the Chair, addressed the meeting.

RESOLVED to **refuse** planning application 13/00418/FUL for the reasons set out in the report and the additional reason set out below.

04. Reason for Refusal – Inadequate level of car parking

Notwithstanding the Council's adopted Supplementary Planning Document (SPD) on Parking Standards, which are expressed as maximum quantum of parking that can be proposed to serve new development; the Council considers that the provision of six parking spaces, which is significantly less than the maximum number of spaces permitted, would be inadequate to help meet the travel demands of occupiers of the new flats. It has not been demonstrated that the level of parking provided would be

sufficient and in the absence of an on-street parking survey, it is not clear that any overspill car parking could be accommodated on adjacent streets. As such, it is considered that this would provide a poor level of amenity for occupiers of the new flats with poor surveillance of any vehicles that would need to be parked off-site. The proposal would also harm the amenity of adjoining residents by exacerbating on-street parking difficulties and resulting in competition for spaces, owing to overspill parking being generated by the new flats, which cannot be accommodated on site. As such, the proposed development is considered to be contrary to the following Policies from the Development Plan for Southampton:- City of Southampton Local Plan Review (March 2006) 'saved' policies SDP1 (i – particularly the guidance set out in paragraphs 5.2.12-5.2.13 of the Residential Design Guide SPD [September 2006]) and SDP10 (ii); City of Southampton Local Development Framework Core Strategy Document (January 2010) policies CS13 (4)/(10)/(11).

38. **LAND REAR OF 30-32 SIRDAR ROAD - 13/00828/FUL**

The Panel considered the report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes).

Erection of 2 x 3-storey 4-bed semi-detached houses with associated parking and cycle/refuse storage

Mr Puplampu (Architect) and Mr Huggins (local resident / objecting) were present and with the consent of the Chair, addressed the meeting.

RESOLVED to **grant** planning permission subject to the conditions listed in the report and the amended condition set out below:

Amended Condition

CONDITION 11 - Parking and Access [pre-occupation condition]

Prior to the occupation of the development hereby approved both the access to the site and all the parking spaces approved for the development shall be provided in accordance with the plans hereby approved. **Two car parking spaces shall be retained in perpetuity for the occupiers of the development hereby approved and two car parking spaces shall be retained in perpetuity for the benefit of the existing residents within No. 1 to 6 Sirdar Mews, unless otherwise agreed in writing by the Local Planning Authority. None of the spaces hereby approved shall be used for any commercial activity.**

Reason:

To ensure a satisfactory form of development

RECORDED VOTE (to grant planning permission)

FOR: Councillors Mrs Blatchford, Lewzey and Norris

AGAINST: Councillors Claisse, Cunio, and L Harris

ABSTAINED: Councillor Lloyd

NOTE: This item was carried with the use of the Chair's casting vote.

39. **24 DELL ROAD - 12/00856/FUL**

The Panel considered the report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes).

Conversion of existing 3 bed house to 1x2-bed flat, and 1x3-bed flat, with associated refuse/cycle storage.

Mr Watters (local resident / objector) was present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that six additional letters of objection had been received raising concerns with the level of car parking proposed and the impact of overspill car parking onto the street.

RESOLVED to **grant** planning permission subject to the conditions listed in the report.

RECORDED VOTE (to grant planning permission)

FOR: Councillors Mrs Blatchford, Cunio, Lewsey and Lloyd

AGAINST: Councillors Claisse, L Harris and Norris

40. **36 ARCHERS ROAD SO15 2LT - 13/00784/FUL**

The Panel considered the report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes).

Proposed second floor extension to C3 dwelling to create additional living accommodation and two additional parking spaces.

RESOLVED to **grant** planning permission subject to the conditions listed in the report with the addition of an informative note to the applicant identifying that planning permission is needed if the use of the property is to change from a C3 house to a C4 HMO.

41. **39 BACON CLOSE SO19 9PZ - 13/00651/FUL**

The Panel considered the report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes).

Change of use from House (Class C3) to a flexible use of House (Class C3) and House in Multiple Occupation (Class C4)

Mr McDermott (agent), Mr Breen and Mr Rigby (local residents / objecting) and Councillor Payne (ward councillor / objecting) were present and with the consent of the Chair, addressed the meeting.

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

Reasons for Refusal

1. Reason for Refusal - Impact on amenity of neighbouring occupier

The proposed change of use by reason of the terraced nature of the property, the internal layout which proposes communal living areas adjacent to the party wall, and the intensification of occupation and activity likely to occur as a result of the change of use from a C3 to a C4 use, would be detrimental to the amenities of the occupiers of the adjacent property contrary to Policies SDP1 (i) and H4 (i) of the City of Southampton Local Plan Review 2006.

2. Reason for Refusal - Impact on character of the local area

The proposed conversion of the property to a HMO will result in an adverse impact on the overall character and amenity of the area surrounding the application site in terms of the mix and balance of households in the local community. Therefore, the proposal will be contrary to saved policies SDP1(i) and H4(ii) of the City of Southampton Local Plan Review (Adopted March 2006) and policy CS16 of the City of Southampton Local Development Framework Core Strategy Development Plan Document (Adopted January 2010) as supported by the section 6.5 of the Houses in Multiple Occupation Supplementary Planning Document (Approved March 2012).

3. Reason for Refusal - Impact on amenity of local residents

The proposed conversion to a HMO will result in adverse impact to the amenity of the local residents, due to the further pressure added to on-street parking availability which will make it difficult for residents to park in walking distance of their property. Therefore, the proposal will be contrary to saved policies SDP1(i) and H4(i) of the City of Southampton Local Plan Review (Adopted March 2006) and policy CS16 of the City of Southampton Local Development Framework Core Strategy Development Plan Document (Adopted January 2010) as supported by the section 6.5 of the Houses in Multiple Occupation Supplementary Planning Document (Approved March 2012).

RECORDED VOTE (to refuse planning permission)

FOR: Councillors Claisse, Cunio, L Harris, Lewsey, Lloyd and Norris

AGAINST: Councillor Mrs Blatchford

42. **9 POINTOUT CLOSE SO16 7LS - 12/01870/FUL**

The Panel considered the report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes).

Relief from Condition 11 of planning permission 871053/23553/W to enable conversion of garage to living accommodation (retrospective).

Mr Johnston (Pointout Residents Group / objecting) was present and with the consent of the Chair, addressed the meeting.

It was reiterated that the scheme was identical to the item presented to the Panel on 28th May 2013 when they decided to defer the application until the appeal against the Council's decision to refuse the application for the change of use from dwelling house (C3) to House of Multiple Occupation [C4] (12/00705/FUL) was determined by the Planning Inspector.

The Panel were informed that the Applicant had submitted an appeal for non determination with respect to this application and that in order to defend the appeal, the Local Planning Authority needed to identify what the Panel's decision would have been.

RESOLVED

- (i) to refuse planning permission due to the impact on the visual amenity of the property in the street (failure to use matching materials, window design, lack of solid course) and also the detrimental impact on the amenity of the neighbourhood owing to the impact on highways amenity (increased pressure on on-road parking).
- (ii) to note that had the application been determined at the meeting in May, the above was the decision that would have been made.

43. **ENFORCEMENT ACTION AT 106 WATERLOO ROAD**

The Panel considered the report of the Planning and Development Manager regarding Enforcement Action to the site at 106 Waterloo Road. (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Ahmed (local residents) and Councillor Moulton (ward councillor) were present and with the consent of the Chair, addressed the meeting.

RESOLVED

- (i) that further enforcement action be taken in relation to the unauthorised development at 106 Waterloo Road; and
- (ii) that this action should not await a further assessment as to the expediency of further enforcement action following the decision issued under planning application reference 13/00678/MMA and the completion of any works which may be approved under that application.

Reason for Decision

The additional works to the side of the property represents a harmful form of development in terms of the impact on the amenity of the occupiers of the neighbouring property by the conjoining of the buildings which is likely to give rise to additional noise and disturbance. Furthermore, the construction and materials used harm the character of the host dwelling and neighbouring property and are out-of-keeping with the character of the area. The extension is therefore contrary to policies SDP1(i)(ii), SDP7(iii)(iv)(v) and SDP9(iii)(v) of the adopted City of Southampton Local Plan Review (March 2006), CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) and the provisions of the Residential Design Guide (with particular reference to section 2.2.2).

44. **TREE REPORT FOR STATION QUARTER**

The Panel considered the report of the Head of City Services regarding the removal of trees and their replacement with new trees in the Station Quarter and Western Gateway, Phase 1 of the Station Quarter (north) improvement programme, which forms

a component of the Future Southampton City Centre VIP improvement projects. (Copy of the report circulated with the agenda and appended to the signed minutes).

RESOLVED

- (i) that the removal of 24 trees to enable the public realm enhancements and highway improvements be allowed; and
- (ii) that 24 new trees be provided, the replacement tree size and specific planting location and layout to be agreed with a Senior Tree Officer.

Agenda Annex

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 17 September 2013 - Conference Rooms 3 and 4, 1st Floor, Civic Centre

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
<u>BETWEEN 9.30 AM AND 10.00 AM</u>				
5	SB	CAP	5	13/00750/FUL 6 Richmond Gardens
<u>BETWEEN 10.00 AM AND 10.30 AM</u>				
6	AG	DEL	15	13/01015/FUL 320 Portswood Road
<u>BETWEEN 10.30 AM AND 11.00 AM</u>				
7	SH	DEL	15	13/00496/OUT 19 - 23 Canute Road
<u>BETWEEN 11.00 AM AND 11.30 AM</u>				
8	MP	CAP	5	13/00869/FUL Rear of 36 Archers Road
<u>BETWEEN 11.30 AM AND 12.00 NOON</u>				
9	MP	DEL	15	13/01140/FUL The Cedar School
<u>BETWEEN 12 NOON AND 12.20 PM</u>				
10	AA	CAP	5	13/00968/FUL 8-9 College Place
<u>BETWEEN 12.20 PM AND 12.50 PM</u>				
11	AA	CAP	5	13/00922/FUL 35 - 36 Oxford Street
<u>MAIN AGENDA ITEM - BETWEEN 12.50 PM AND 1.10 PM</u>				
12	NG	Tree Report	5	Removal of Trees - Lower Terminus Terrace

PSA – Public Speaking Allowance; CAP - Approve with Conditions: DEL - Delegate to Officers: PER - Approve without Conditions: REF – Refusal: TCON – Temporary Consent
 SB – Stuart Brooks, AG – Andrew Gregory, SH – Stephen Harrison, MP – Matthew Pidgeon, AA – Andy Amery

Southampton City Council - Planning and Rights of Way Panel

Report of Executive Director of Environment

Local Government (Access to Information) Act 1985

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

Applications:

Background Papers

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

2. Statutory Plans
 - (a) Hampshire, Portsmouth, Southampton and New Forest National Park Minerals and Waste Core Strategy (Adopted 2007)
 - (b) City of Southampton Local Plan Review (Adopted March 2006) saved policies
 - (c) Local Transport Plan 2006 – 2011 (June 2006)
 - (d) City of Southampton Local Development Framework – Core Strategy (adopted January 2010)

3. Statutory Plans in Preparation
 - (a) City of Southampton Local Development Framework – City Centre Action Plan City Centre Action Plan Issues & Options Paper (2007)

4. Policies and Briefs published and adopted by Southampton City Council
 - (a) Old Town Development Strategy (2004)
 - (b) Public Art Strategy
 - (c) North South Spine Strategy (2004)
 - (d) Southampton City Centre Development Design Guide (2004)
 - (e) Streetscape Manual (2005)
 - (f) Residential Design Guide (2006)
 - (g) Provision of Community Infrastructure & Affordable Housing - Planning Obligation (2006)
 - (h) Greening the City - (Shoreburs; Lordsdale; Weston; Rollesbrook Valley; Bassett Wood and Lordswood Greenways) - 1985-1995.
 - (i) Women in the Planned Environment (1994)
 - (j) Advertisement Control Brief and Strategy (1991)
 - (k) Biodiversity Action Plan (2009)
 - (l) Economic Development Strategy (1996)
 - (m) Test Lane (1984)
 - (n) Itchen Valley Strategy (1993)
 - (o) Portswood Residents' Gardens Conservation Area Character Appraisal (1999)
 - (p) Land between Aldermoor Road and Worston Road Development Brief Character Appraisal(1997)
 - (q) The Bevois Corridor Urban Design Framework (1998)

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

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

5. Documents relating to Highways and Traffic

- (a) Hampshire C.C. - Movement and Access in Residential Areas
- (b) Hampshire C.C. - Safety Audit Handbook
- (c) Southampton C.C. - Cycling Plan (June 2000)
- (d) Southampton C.C. - Access for All (March 1995)
- (e) Institute of Highways and Transportation - Transport in the Urban Environment
- (f) I.H.T. - Traffic Impact Assessment Guidelines
- (g) Freight Transport Association - Design for deliveries
- (h) DETR Traffic Advisory Leaflets (various)

6. Planning related Government Circulars in most common use

- (a) Planning Obligations 05/05 (As adjusted by Community Infrastructure Levy Regulations 2010)
- (b) Planning controls for hazardous substances 04/00
- (c) The Use of conditions in planning permissions 11/95

- (d) Environmental Impact Assessment 2/99
- (e) Planning Controls over Demolition 10/95
- (f) Planning and Affordable Housing 6/98
- (g) Prevention of Dereliction through the Planning System 2/98
- (h) Air Quality and Land Use Planning 10/97
- (i) Town and Country Planning General Regulations 19/92

7. Government Policy Planning Advice

- (a) National Planning Policy Framework (27.3.2012)

8. Other Published Documents

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

9. Other Statutes

- a) Crime and Disorder Act 1998
- b) Human Rights Act 1998

Agenda Item 5

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 17 September 2013
Planning Application Report of the Planning and Development Manager**

Application address: 6 Richmond Gardens SO17 1RY			
Proposed development: Erection of a single storey side/rear extension to facilitate conversion of existing C4 HMO into 1x 3-bed and 1x 2-bed flats with associated cycle/refuse storage			
Application number	13/00750/FUL	Application type	FUL
Case officer	Stuart Brooks	Public speaking time	5 minutes
Last date for determination:	15.07.2013	Ward	Portswood
Reason for Panel Referral:	Request by Ward Member and five or more letters of objection have been received	Ward Councillors	Cllr Adrian Vinson Cllr Matthew Claisse Cllr Linda Norris

Applicant: Mr Sandhu & Mr Shanker	Agent: Sanders Design Services Ltd
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Recommendation Summary	Conditionally approve
Community Infrastructure Levy Liable	Yes - based on the net gross internal area of the ground floor flat.

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The conversion of the HMO dwelling into flats is considered to provide decent accommodation, including family housing to contribute to the city's housing need, without adversely affecting the amenity of neighbouring occupiers, character of the local area, and highway safety. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP5, SDP7, SDP9, SDP10, SDP13, SDP14, H1, H2, H7 of the City of Southampton Local Plan Review (March 2006) and CS4, CS6, CS13, CS18, CS19, CS20

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 This application site is located on the north side of Richmond Road within the ward of Portswood. This part of Richmond Road is mainly characterised by 2 storey semi detached properties, with a mix of family dwellings, flatted blocks, and subdivided properties within the street including no. 2, 3, and 5.
- 1.2 The application site consists of a 2 storey semi detached property which is used as a C4 HMO. The rear garden steeply slopes down to the properties to the rear at Donnington Grove.

2.0 Proposal

- 2.1 It is proposed to erect a single storey rear and side extension to facilitate the conversion of the existing 4 bedroom HMO into 1x 3-bed flat (ground floor) and 1x 2-bed flat (first floor) with associated cycle/refuse storage.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.3 Policy CS16 of the Core Strategy requires the retention of family homes. A family home built as a flat should have direct access to a minimum of 20sqm of useable and private amenity space, where the garden is for sole use of the household. The private amenity space or garden should be fit for purpose.

4.0 Relevant Planning History

- 4.1 There is no relevant planning history.

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, and erecting a site notice (10.06.2013). At the time of writing the report **8** representations have been received from surrounding residents, including a panel referral from a local Ward Councillor. The following concerns were raised which are material planning considerations:

5.1.2 Comment

Loss of light and privacy at 7 Richmond Gardens, due to overlooking of the side kitchen window and the rear garden. The new side windows should be obscure glazed and only top-opening.

Response

See section 6.6 of the report.

5.1.3 Comment

There is no wheelchair access for disabled persons for either flat, and the ground floor flat has internal steps. The bathroom is only accessible through a lounge and then a kitchen which is an unacceptable arrangement.

Response

Disabled access is assessed separately under Building Regulations. The access to the bathroom is the existing arrangement and remains unaltered.

5.1.4 Comment

This application is similar to the application refused at 14 Richmond Gardens (ref no. 11/00897/FUL) which was refused due to the loss of privacy and light on no. 15.

Response

The circumstances are materially different in this case as a habitable room window is not affected. See paragraph 6.3.4 of the report.

5.1.5 Comment

Overdevelopment in size and mass.

Response

See paragraph 6.3.2.

5.1.6 Comment

Over intensification of use which is out of character of street.

Response

There will be an increase of 1 bedroom in relation to the existing 4 bedroom property, which is not considered to be a significant intensification in use. There are existing flatted blocks and other subdivided properties within the street including no. 2, 3, and 5 and, therefore, the conversion of the property will not be out of character.

5.1.7 Comment

There is no additional parking proposed even though the road is part of a parking permit zone for residents adding to existing difficulties already faced.

Response

See section 6.5.

5.1.8 Comment

Will create a precedent within the area.

Response

Any further applications for a similar proposal would have to be assessed on its own individual merits.

5.2 **SCC Highways** - No objection raised.

5.4 **SCC Sustainability Team** – No objection raised.

6.0 Planning Consideration Key Issues

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

- i. Principle of development;
- ii. Impact on the character and amenity;
- iii. Standard of living conditions for future residents
- iv. Impact on highway safety;

6.2 Principle of Development

In principle, the redevelopment of previously developed land, including the conversion of an existing HMO dwelling into flats is acceptable, subject to the retention of a family dwelling which meets the requirements of policy CS16. Furthermore, this is subject to no harmful impact from other material considerations such as intensification of use, parking, and quality of residential environment.

6.3 Impact on character and amenity

6.3.1 The proposed extension is single storey in nature, wrapping around the existing side and rear wall not extending beyond the building line of the furthest east flank wall. The proposed extension extends 2.96m to the rear, with an eaves and ridge height of 2.83 and 4m at the lowest point of the sloping rear garden.

6.3.2 It is considered that the scale and massing of the proposed extension will not be out keeping with the appearance and character of the property, given it is single storey in nature, and is not highly visible within the street scene due its set back position.

6.3.3 Following a site visit, the applicant has provided a cross section drawing to show the change in levels between 7 Richmond Gardens, to allow a full assessment of the impact on the amenity of the neighbouring occupiers. The cross section on the revised plans shows that a separation distance of 2m will be maintained between the proposed extension and the common boundary of no. 7, where the extension projects 2.57m beyond the neighbour's rear wall to the east.

- 6.3.4 The closest side windows affected at no. 7 serve a utility room (obscure glazed), toilet and kitchen windows (obscure glazed), where the kitchen window is not directly adjacent to the proposed extension. These are not considered to be habitable rooms, given their limited nature to be 'lived or slept in' as stated in the definition of a habitable room in the Residential Design Guide (Appendix K refers) and, therefore, any loss of light and outlook to these windows would not be detrimental to the overall enjoyment of the neighbour's amenity.
- 6.3.5 Although the proposed extension will be noticeable from the raised decking of no. 7, it is considered that there is sufficient separation distance between the massing of the extension to ensure that the neighbour's outlook and light to will not be adversely affected. Furthermore, the proposed side windows serving the lounge and bedroom will not adversely affect the privacy of no. 7, given that the utility and toilet room windows are obscure glazed, and the toilet window sits higher and is partially screened by a close boarded fence.
- 6.3.6 It is considered that the proposed will not adversely affect the outlook and light of no. 5, given the depth and that the rear windows affected are obscure glazed.

6.4 Standard of living conditions for future residents

- 6.4.1 The proposed conversion provides a 3 bedroom unit on the ground floor which will be suitable as family dwelling, as it has access to a private and useable amenity space with a size of approximately 45 sq.m. and, therefore, meets the requirement of policy CS16.
- 6.4.2 Following minor amendments to the scheme, a rear high level window has been installed to the first floor flat kitchen to maintain the privacy to the garden of the ground floor flat. Furthermore, a revised plan shows a 1.2m high gate will be installed to provide defensible space around the ground floor bedroom and bathroom windows.
- 6.4.3 It is noted that the outlook of the 2 bedrooms to the rear serving the ground floor flat are restricted to the side and rear, however, on balance it is considered that the overall residential layout is acceptable in terms of providing decent family accommodation. The ground floor unit has two side facing habitable room windows which would normally be expected to have some form of defensible treatment between them and shared paths used by occupiers of the upper unit. Given the narrowness of the side path and the position of the windows this is not possible to achieve in this instance. Therefore the scheme was amended to widen this gap from 1.2m to 2m and the lower cill of the bedroom window raised to 1100mm above internal floor level.

6.5 Impact on Highway Safety

- 6.5.1 There are no parking spaces proposed, and Richmond Gardens on the opposite side of the street is partly controlled by a resident's parking permit scheme. The minimum parking standards for 3 and 2 bedroom flats are 2 and 1 parking spaces respectively. The Highway Officer has raised no objection, given the level of on street parking available, subject to providing secure and covered cycle storage, and suitable refuse storage.

7.0 Summary

7.1 In summary, the conversion of the HMO dwelling into flats is considered to provide decent accommodation, including family housing to contribute to the city's housing need, without adversely affecting the amenity of neighbouring occupiers, character of the local area, and highway safety.

8.0 Conclusion

In conclusion, the application accords with the Council's policy and guidance and therefore 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), 3(a), 4 (f), (vv) 6 (a), (c), (f), (i), 7 (a)

SB for 17/09/13 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Full Permission Timing Condition - Physical works

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

Reason:

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

02. 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 extension hereby permitted shall match in all respects the type, size, colour, texture, form, composition, manufacture and finish of those on the existing building.

Reason:

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

03. APPROVAL CONDITION - Cycle storage [Pre-Occupation Condition]

The development to which this consent relates shall not be brought into use in full or in part until details have been submitted and agreed in writing by the Local Planning Authority for a secure, covered space with cycle stands has been provided for 5 bicycles to be stored. The cycle store hereby approved shall thereafter be retained on site for those purposes.

Reason:

To encourage cycling as an alternative form of transport.

04. APPROVAL CONDITION - Refuse & Recycling [Pre-Commencement Condition]

Prior to the first occupation of the use hereby approved details (and amended plans) of facilities to be provided for the storage, removal and recycling of refuse from the premises

shall be submitted to the Local Planning Authority and approved in writing. Such facilities as approved shall provide for a level approach and be permanently maintained and retained for that purpose.

REASON: In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety.

05. APPROVAL CONDITION - Amenity Space Access [Pre-Occupation Condition]

The external amenity space serving the development hereby approved, and pedestrian access to it, shall be made available as a communal area prior to the first occupation of the development hereby permitted and shall be retained with access to it at all times for the use of the flat units.

REASON:

To ensure the provision of adequate amenity space in association with the approved flats.

06. APPROVAL CONDITION - Energy (Pre-Commencement Condition)

Written documentary evidence demonstrating that the development will at minimum achieve a reduction in CO2 emissions of 20% over part L of the Building Regulations shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted. Technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

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).

07. APPROVAL CONDITION - Retention of front wall

Unless otherwise agreed in writing by the Local Planning Authority, the existing front wall shall be retained and maintained.

REASON

In the interests of protecting visual amenity.

08. APPROVAL CONDITION - Boundary fence [Pre-Occupation Condition]

Before occupation of the development hereby approved, details of the design and specifications of the boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed boundary enclosure details shall be subsequently erected prior to the occupation of any of the units provided under this permission and such boundary treatment shall thereafter be retained and maintained to the boundaries of the site.

REASON:

In the interests of the visual amenities of the area and to protect the amenities and privacy of the occupiers of adjoining property.

09. APPROVAL CONDITION - 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 - (January 2010)

CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change

City of Southampton Local Plan Review – (March 2006)

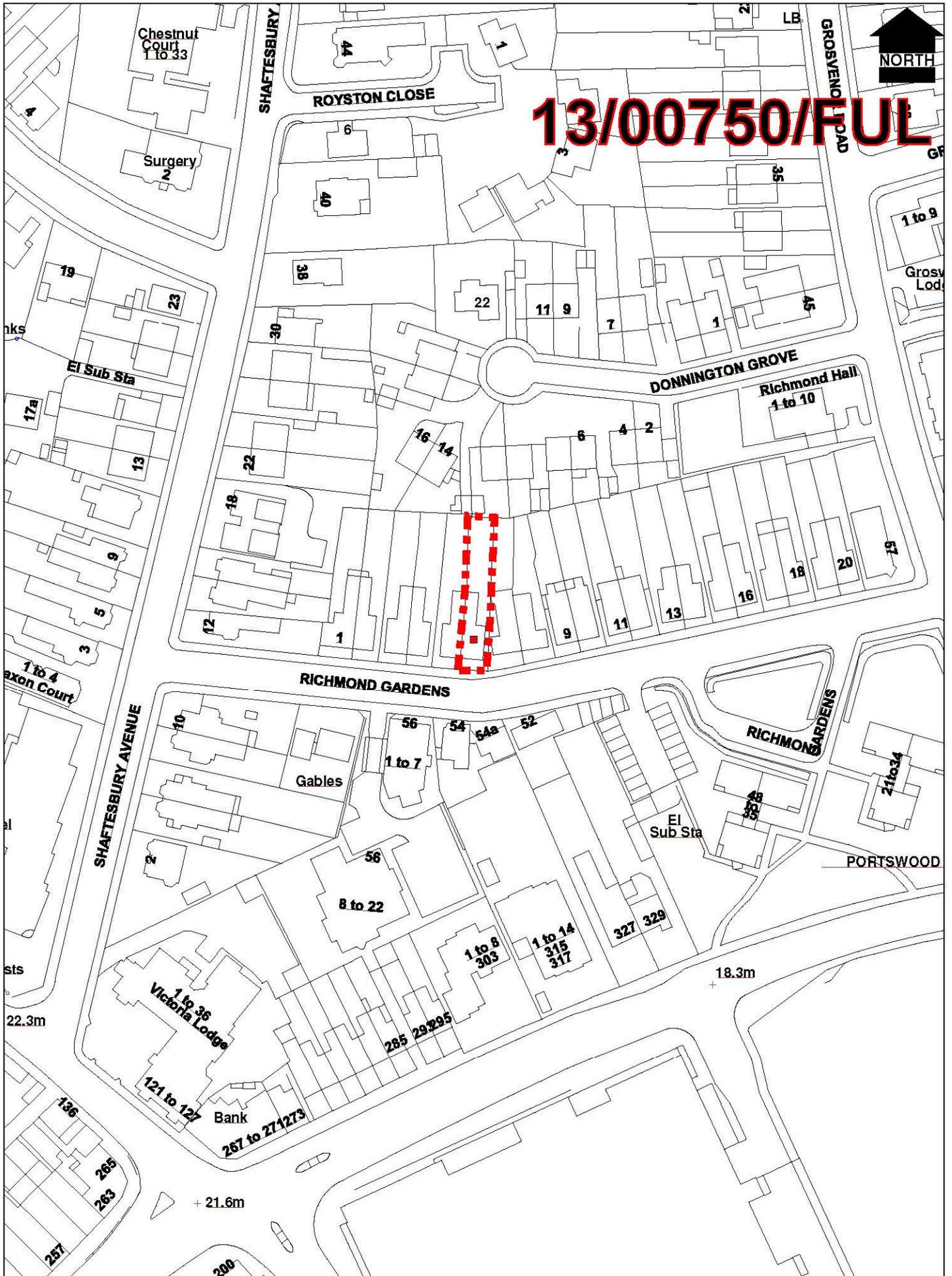
SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP13	Resource Conservation
SDP14	Renewable Energy
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012



13/00750/FUL



Scale : 1:1250

Date 4 September 2013

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Agenda Item 6

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 17 September 2013
Planning Application Report of the Planning and Development Manager**

Application address: 320 Portswood Road SO17 2TD (Talking Heads)			
Proposed development: Alterations and conversion to provide 18 flats for student accommodation with a part two-storey and part single-storey rear extension and associated parking (re-submission of 12/01764/ful).			
Application number	13/01015/FUL	Application type	FUL
Case officer	Andrew Gregory	Public speaking time	15 minutes
Last date for determination:	27.09.2013	Ward	Portswood
Reason for Panel Referral:	Major planning application subject to objection	Ward Councillors	Cllr Adrian Vinson Cllr Matthew Claisse Cllr Linda Norris

Applicant: Mr A Bajar	Agent: Concept Design & Planning
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Recommendation Summary	*Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
Community Infrastructure Levy Liable	Yes

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The impact of the development, in terms of visual and neighbouring amenity, highway safety and parking is considered to be acceptable. In reaching this conclusion, on the acceptability of the development, particular account has been taken of the third party response to the scheme; the quality of the proposed redevelopment proposals; the need for student housing and the potential reduction in demand for converting the City's existing family housing stock into shared housing. Furthermore this development addresses the previous reason for refusal ref 12/01746/FUL because it cannot be argued the development would result in the loss of a community facility given the building could be converted into an A1 retail use without needing planning permission.

Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 planning permission should therefore be granted in accordance with the following policies: City of Southampton Local Plan Review (March 2006) Policies SDP1, SDP4, SDP5, SDP7, SDP8, SDP9, SDP10, SDP13, SDP15, CLT5, H2, H7 and H13 of the City of Southampton Core Strategy (January 2010) Policies CS5, CS6, CS7, CS11, CS13, CS15, CS19, CS20 and CS25 as supported by the relevant national planning guidance and the Council's current supplementary planning guidance listed in the Panel report.

Appendix attached			
1	Development Plan Policies	2	12/01746/FUL Decision Notice

Recommendation in Full

Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:

- i. Financial contributions towards site specific transport improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), Policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended).
- ii. In lieu of an affordable housing contribution an undertaking by the developer that only students in full time education will be permitted to occupy the flats.
- iii. The submission and implementation of a Student Drop Off/Collection Management Plan committing to an ongoing review of the site.
- iv. A Site Waste Management Plan.
- v. Submission and implementation within a specified timescale of a Travel Plan.
- vi. No student, with the exception of registered disabled drivers, shall be entitled to obtain parking permits to the Council's Controlled Parking Zones.
- vii. 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.
- viii. The development signs up to the national best practise code for student accommodation (not managed and controlled by educational establishments) or equivalent best practise (SASSH).

2) In the event that the legal agreement is not completed within two months of the Panel meeting the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

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

1.0 The site and its context

- 1.1 Two-storey detached character building occupied as a pub / live music venue with flat over. Access is taken from Portswood Road and a parking area is located to the rear. A small outdoor seating area with canopy over is located to the rear/side of the building. The ground floor comprises a small bar and a larger function area.
- 1.2 The street comprises a mix of residential and commercial use. The adjacent side of the street comprises two-storey terraced housing. To the southern side is a 4-bed student HMO, to the northern side is a grade II listed building occupied as a dwelling (324 Portswood Road). A bus stop is located outside the application site.

2.0 Proposal

- 2.1 The proposal seeks extension and conversion of the building into 18 self contained student flats. A modest single-storey extension is proposed to the rear and a first-floor mansard roof (with gables to the south elevation) is proposed to be added to the existing flat-roofed rear extension. Limited external alterations are proposed to existing window and door openings and velux windows are proposed to the side roof slopes.
- 2.2 The main entrance into the building is to the side with an emergency exit to the rear. 10 self contained studio flats are proposed on the ground floor along with a laundry and store. 6 self contained studio flats are proposed at first floor level and 2 self contained flats proposed within the roof.
- 2.3 Communal amenity space is located to the rear (180 square metres in area). A car park / drop off point providing 4 spaces is located to the rear with vehicular access taken from Portswood Road. Bin storage is located along the side access.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13
- 3.3 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4.0 Relevant Planning History

- 4.1 12/01764/FUL
Alterations and conversion to provide 18 flats for student accommodation with a part two-storey and part single-storey rear extension and associated parking.
Refused on 21.03.2013

- 4.2 13/00493/PLDC
Application for a lawful development certificate for a proposed change of use from a public house (class A4) to a supermarket (class A1)
No objection (Approved) 18.06.2013

5.0 **Consultation Responses and Notification Representations**

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (enter date) and erecting a site notice (enter date). At the time of writing the report **3 representations** have been received from surrounding residents which include 2 letters in support and 1 objection.

The representations can be summarised as follows:

In support

- 18 students cannot possibly be as noisy as the current music venue which is licensed until 3am.
- As this is a vastly populated student area the proposed use would not be out of keeping.
- The exterior of the building would be greatly improved by the alterations.
- If the development is properly managed, cannot see why this application should not be passed (Officer Response - The development will be required to sign up to SASHH through the S106 legal agreement).

Against

- Excessive number of students already living in the area.
- It is not fair that a lively and well attended pub is to be lost.
- Overdevelopment.

- 5.2 **SCC Highways** - No objection subject to conditions to prevent obstruction of the public highway during construction works and to secure the parking area for drop off/collection only. The proposed development will generate fewer trips than a pub.
- 5.3 **SCC Housing** – Confirms that there will be no affordable housing requirement for this scheme and request that occupancy is restricted to students only, via the Section 106 agreement.
- 5.4 **SCC Sustainability Team** – If the case officer is minded to approve then a condition should be added seeking 20% C02 savings through renewable or fabric measures over a Building Regulations part L baseline.
- 5.5 **Police** – No objection in principle but this type of accommodation and its occupants are classified as being vulnerable to burglary, therefore the police seek information from the applicant as to what security measures they intend to put in place to mitigate this. The drawings show defensible planting but with little detail and that will not be sufficient on its own.

It is strongly recommended that the applicant meets the requirements of the Police 'Secured by Design' (Part 2 Physical Security) in the interests of reducing crime and disorder.

- 5.6 **SCC Environmental Health (Pollution & Safety)** - No objection subject to conditions to control bonfires, hours of work and to secure a construction environment management plan and soundproofing to the building (to protect occupiers from traffic noise from Portswood Road).
- 5.7 **Southern Water** – No objection subject to an informative regarding connection to the public sewer.
- 5.8 **SCC Environmental Health (Contaminated Land)** - Potentially contaminated site; adequate assessments will need to be carried out on site to determine the likely presence of contaminants. Planning conditions recommended.

Officer Response - This is considered an unreasonable request given the proposal only seeks excavation for a modest (2m depth) rear extension to provide bin storage. Evidence from Environmental Health indicates that contaminating land uses have existed near but not on the site. A recent appeal dismissal indicated that conditions seeking contamination assessment should only be applied if there is evidence to show that contaminating uses have existed on site. The unsuspected contamination condition will be applied

- 5.9 **City of Southampton Society** - No objection but suggest the following conditions:
- 1, That any development respects the quaint, old, crenellated building that lies adjacent to the north of the site,
 - 2, That the solid wall on the southern edge of the site be retained,
 - 3, That particular attention be paid to sound proofing the rear of the building which will overlook Thomas Lewis way and be subject to significant traffic noise and also the Ice Cream factory that has refrigeration units in constant use.

6.0 **Planning Consideration Key Issues**

- 6.1 The key issues for consideration in the determination of this planning application are:
- i. Background and principle of development
 - ii. Impact on the character and appearance of the area
 - iii. Residential environment for future occupiers
 - iv. Transport and parking issues
 - v. Impact on residential amenity

6.2 **Background and principle of development**

A planning application for conversion and extension of the building into 18 flats, similar to that proposed, was refused on 21.03.13 (ref 12/01764/FUL). The scheme was refused because granting consent would have effectively allowed for the loss of this community facility.

- 6.3 An application for lawful development certificate was subsequently submitted seeking legal confirmation that conversion of the pub/music venue into an A1 retail use would be allowed under permitted development (not requiring planning permission). The Local Planning Authority agreed that conversion of the venue into A1 retail use was permitted development and the lawful development certificate was issued with no objection.

Effectively this meant that the venue should not be protected as a community facility when it can be converted into a retail unit without needing planning permission.

- 6.3.1 The venue closed in January 2012 but was rescued later that year with the current landlord taking on a 10 year lease. There was always uncertainty as to whether the venue could continue as a viable business and the previous application(ref 12/01764/FUL) was submitted by the freeholder as a fallback position in the event the current landlord failed to make the venue work. It now unfortunately appears that the venture has proven unviable and the current landlord has served notice on the owner.
- 6.3.2 The application is the same as previously submitted (ref 12/01764/FUL) and therefore the Local Planning Authority is simply considering the previous reason for refusal.
- 6.3.3 The proposed extension and conversion of the building into student accommodation is acceptable in principle. The site is not safeguarded for a particular planning use and (student) residential use would be compatible with neighbouring land uses. It has been accepted that the venue can be converted into an A1 retail use without needing planning permission (through granting of a lawful development certificate) and therefore, while the loss of a community facility is regrettable, it is considered that the fallback position and the proximity of other facilities in the area means that a reason for refusal cannot be supported.
- 6.3.4 The proposed development has a density of 194 dwellings per hectare. Whilst this density level is greater than the maximum advocated by policy CS5 of the Core Strategy of between 50-100 dwellings in areas of medium accessibility, it is considered that density should not be an arbitrary figure that defines the manner in which the City develops. Instead, density should be taken as a guide to the appropriateness of a scheme; if a residential layout and design is considered to be appropriate for its context (as is the case here) it is these assessments that should prevail.
- 6.3.5 The site is considered to be a suitable and sustainable location for student accommodation, located within walking distance of Southampton University Highfield Campus and in close proximity to amenities and regular bus services within Portswood District Centre. Furthermore the provision of purpose built student accommodation may reduce the demand for converting the city's existing family housing stock into shared housing.
- 6.3.6 Impact on the character and appearance of the area

Retention of this character building with limited external changes is welcomed and the development will not adversely harm the character and appearance of the area. The proposed alterations to the existing window and door openings are in

keeping with the design of the building. Furthermore the proposed first-floor and single-storey rear extensions are both subservient and in keeping in design terms. The resultant build footprint and layout is in keeping with the spatial character of the area. The rear of the site is currently occupied for car parking and therefore the modest rear extension will not result in the loss of garden land.

6.3.4 Residential Environment for future occupiers

All habitable rooms will receive sufficient outlook and day lighting. The Council does not have minimum room size standards in relation to self-contained studio flats. 180 square metres of communal amenity space is provided to the rear which is acceptable given the nature of the units (students only) and residential mix (single occupiers). The amenity area is sufficiently usable and private.

6.3.5 Transport and parking issues

The site is close to principal bus routes and within reasonable walking distance of Southampton University Highfield Campus and amenities within Portswood District Centre. Local and national policies aim to reduce reliance on the private car and encourage alternative modes of transportation such as public transport, walking and cycling.

6.3.6 The development represents a 'car free' scheme and whilst students will be discouraged from bringing a car to the city due to the limited availability of unrestricted on street parking within this area, a restrictive clause is recommended within the S106 legal agreement to prevent occupiers applying for parking permits .

6.3.7 Four car parking spaces are provided at the rear for drop off/collection times at the start and end of terms. The S106 agreement will secure a travel plan and the submission of a student drop off/collection management plan to ensure that any traffic problems are mitigated. The management plan will ensure that controls are put in place to stagger student arrival and departure times at the start and end of term in order to prevent harmful disruption to the surrounding highway network. A condition will be added to ensure that measures are put in place to prevent the area being used for general parking outside of drop off collection times. Satisfactory bin and bicycle storage provision has been made.

Impact on Residential Amenity

6.3.8 The residential amenities of neighbouring residents will not be adversely harmed. The proposed conversion to student residential accommodation may represent an improvement in noise terms, given the existing pub premises is licensed until 3am. Furthermore the development will be required the SASHH scheme, via the S106 agreement, to ensure the student accommodation is responsibly managed in accordance with best practise guidance.

6.3.9 The proposed development will not give rise to a harmful sense of enclosure, loss of light, shadowing or overlooking / loss of privacy. The single-storey rear extension will have no impact on adjacent neighbours and the proposed first-floor extension / mansard has a hipped roof to prevent any harmful impact on the properties to the north (324 and 324a Portswood Road). The development will not generate any harmful overlooking with the first-floor rooms using existing habitable room window openings and the velux windows set in the side room slope would be set 2m above the finished floor level.

7.0 Summary

- 7.1 The existing A4 drinking establishment is not safeguarded and conversion of the building into student residential accommodation is policy compliant. Retention of this character building is welcomed and the proposed external alterations are in keeping with the character and appearance of the building and will not harm the visual amenities of the area. The application cannot be refused for loss of a community facility because the pub could be converted into an A1 retail unit without needing planning permission.
- 7.2 The site is considered to be a suitable and sustainable location for student accommodation, and the provision of purpose built student accommodation may reduce the demand for converting the city's existing family housing stock into shared housing. The impact of the development, in terms of visual and neighbouring amenity, highway safety and parking is considered to be acceptable. This application has addressed the previous reason for refusal ref 12/01746/FUL.

8.0 Conclusion

It is recommended that planning permission be granted subject to a Section 106 agreement and conditions.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 4(f), 4(g), 4(vv), 6(a), 6(c), 7(a), 8(a), 9(a), 9(b).

AG for 17/09/13 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Full Permission Timing Condition - Physical works

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

Reason:

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

02. 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 existing building.

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

03. APPROVAL CONDITION - Hours of work for Demolition / Clearance / Construction [Performance Condition]

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

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

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

And at no time on Sundays and recognised public holidays.

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

Reason:

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

04. APPROVAL CONDITION - Security Measures

A scheme of security measures to mitigate against risk of crime shall be submitted to the Local Planning Authority and agreed in writing with the Local Planning Authority (in consultation with the Police). The development shall be carried out and retained in accordance with the agreed scheme of security measures.

Reason:

In the interests of reducing crime and disorder

05. APPROVAL CONDITION - Glazing - soundproofing from external traffic noise [Pre-Commencement Condition]

Works pursuant to this permission shall not be commenced until a scheme for protecting the proposed flats and houses from traffic noise from Portswood Road has been submitted to and approved by the local planning authority in writing. Unless otherwise agreed in writing, that scheme shall specify either:- Outer pane of glass - 10mm

Air gap between panes - 12mm

Inner pane of glass - 6 mm

or, with secondary glazing with a -

Outer pane of glass - 6mm

Air gap between panes - 100mm

Inner pane of glass - 6.4 mm

There must be no trickle vents installed in any case. For ventilation purposes in all cases, provision of acoustically treated 'BBA' approved mechanically powered ventilation should be the preferred option. However, provision of acoustic trickle vents will be acceptable. Once approved, that glazing shall be installed before any of the flats are first occupied and thereafter retained at all times.

Reason:

In order to protect occupiers of the flats from traffic noise.

06. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

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

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

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

Reason:

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

07. APPROVAL CONDITION - Material Storage (Pre-Commencement Condition)

No work shall be carried out on site unless and until provision is available within the site, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, for all temporary contractors buildings, plant and stacks of materials and equipment associated with the development and such provision shall be retained for these purposes throughout the period of work on the site. At no time shall any material or equipment be stored or operated from the public highway.

Reason:

To avoid undue congestion on the site and consequent obstruction to access.

08. APPROVAL CONDITION - Parking drop off/collection area (Pre-commencement condition)

The parking area to the rear shall only be used for student drop off/collection in conjunction with the management plan secured through the S106 associated with this application. The area shall not be used for parking at any time outside the agreed drop/off/collection periods and details of the method to prevent parking shall be submitted to the Local Planning Authority and agreed in writing prior to first occupation. The development shall be carried out and retained in accordance with the agreed details.

REASON: In the interests of sustainable travel and to reduce congestion.

09. APPROVAL CONDITION - Energy (Pre-Commencement Condition)

Written documentary evidence demonstrating that the development will at minimum achieve a reduction in CO2 emissions of 20% over part L of the Building Regulations shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted. Technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

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).

10. APPROVAL CONDITION - Amenity Space Access [Pre-Occupation Condition]

The external amenity space serving the development hereby approved, and pedestrian access to it, shall be made available as a communal area prior to the first occupation of the development hereby permitted and shall be retained with access to it at all times for the use of the flat units.

REASON:

To ensure the provision of adequate amenity space in association with the approved flats.

11. APPROVAL CONDITION - Refuse & Recycling Bin Storage - [Pre Occupation Condition]

Bin storage shall be laid out with a level approach prior to the first occupation of the development hereby approved in accordance with the approved plans. The facilities shall include accommodation for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained whilst the development is used for residential purposes.

REASON:

In the interests of the visual appearance of the building and the area in general.

12. APPROVAL CONDITION - Bicycle Storage

The development to which this consent relates shall not be brought into use in full or in part until secure, covered space has been laid out within the site for a minimum of 18 bicycles to be stored for the benefit of the residents in accordance with plans to be submitted to and approved in writing

by the Local Planning Authority. The cycle storage hereby approved shall thereafter be retained on site for that purpose.

REASON: To encourage cycling as a sustainable form of transport.

13. APPROVAL CONDITION - 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:

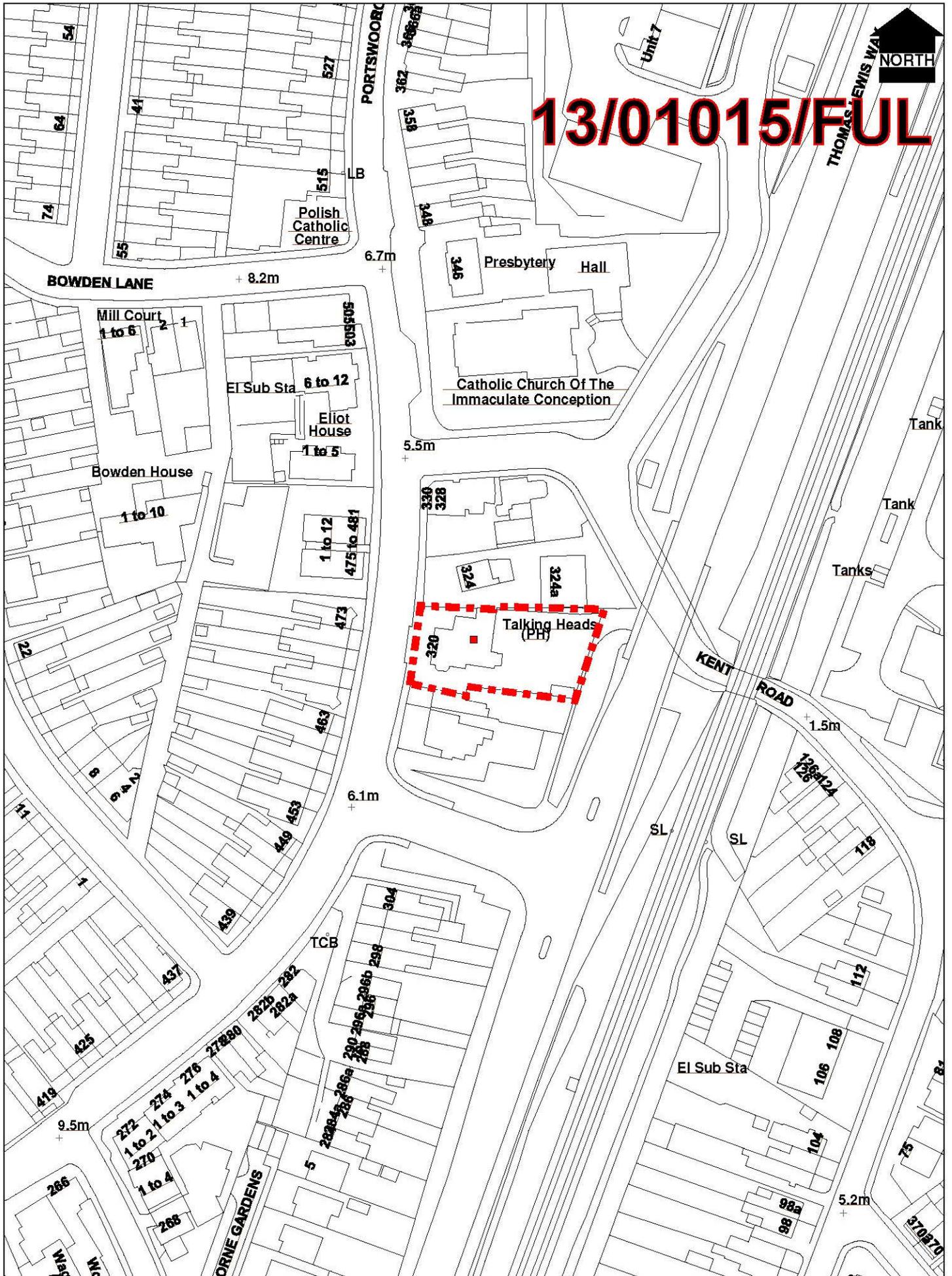
For the avoidance of doubt and in the interests of proper planning.

Notes to applicant:

1. Southern Water - Public Sewerage - Informative

A formal application for connection to the public sewerage is required in order to service this development. Please contact Southern Water's Network Development Team (Wastewater) based in Otterbourne or www.southernwater.co.uk.

02. It is strongly recommended that the applicant meets the requirements of the Police 'Secured by Design' (Part 2 Physical Security) in the interests of reducing crime and disorder.



13/01015/FUL



Scale : 1:1250

Date 04 September 2013

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Application 13/01015/FUL
APPENDIX 1

POLICY CONTEXT

POLICY CONTEXT

Core Strategy - (January 2010)

CS6	Housing Density
CS6	Economic Growth
CS13	Fundamentals of Design
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats
CS24	Access to Jobs
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP19	Aerodrome and Technical Site Safeguarding and Airport Public Safety Zone
SDP22	Contaminated Land
HE6	Archaeological Remains
CLT6	Provision of Children's Play Areas
CLT7	Provision of New Public Open Space
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment
H13	New Student Accommodation

Supplementary Planning Guidance

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

Other Relevant Guidance

National Planning Policy Framework (March 2012)

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DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

Town and Country Planning (General Development Procedure) Order 1995

Concept Design & Planning
Office 21/22
Roxan Business Centre
142 Lodge Road
Southampton
SO14 6QR

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: Alterations and conversion to provide 18 flats for student accommodation with a part two-storey and part single-storey rear extension and associated parking

Site Address: The Talking Heads Public House 320 Portswood Road Southampton SO17 2TD

Application No: 12/01764/FUL

For the following reasons:

01. REFUSAL REASON - Loss of community facility

Whilst the application has been submitted as a fallback position in the event the pub / music venue fails, granting consent would effectively allow for the loss of this community facility. The application has been supported by representations to indicate the venue represents a community asset and the National Planning Policy Framework advises the planning system to guard against the unnecessary loss of valued community facilities (which includes public houses). Furthermore no evidence has been submitted to demonstrate that the pub/music venue is not viable and that it would not be viable as a community building for alternative community use. Therefore the proposal is contrary to paragraph 70 of the National Planning Policy Framework (March 2012).

02. REASON FOR REFUSAL - Failure to secure planning obligations

The proposal fails to satisfy the provisions of Policy CS25 of the City of Southampton Local Plan Review (March 2006) and the Council's Supplementary Planning Guidance on planning obligations by not securing the following:

- a) Site Specific Transport measures to support sustainable modes of transport and

highway safety

OR

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 (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);

b) Measures to support Strategic Transport initiatives, where it is demonstrated that the development creates a net increase in multi-modal trips

OR

A financial contribution towards strategic transport projects for highway network improvements in the wider area, where it is demonstrated that the development creates a net increase in multi-modal trips, as set out in the Local Transport Plan and appropriate SPG/D;

c) The provision of public open space to serve the needs of the development as required by policies CLT5 of the City of Southampton Local Plan Review (March 2006)

OR

Financial contributions towards the relevant elements of public open space required by the development in line with policies CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
Amenity Open Space ("open space")
Playing Field;

d) In lieu of making an Affordable Housing provision, the restriction of the occupation of the buildings to full-time students only.

e) The provision of a Student Intake Management Plan, detailing the measures whereby the impact of students' arrival and departure at the start and end of each term is mitigated to reduce the impact on the residents in the immediate vicinity of the development site.

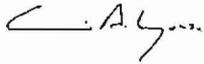
f) The submission of Highway Condition Surveys to ensure that damage attributable to the construction process is repaired and the public highway is reinstated to the original condition before development commenced

g) Car parking permit restrictions

Notes to Applicant

1. It is noted that the applicants have agreed to amend the front elevation to retain the existing fenestration and fascia detailing. At the time of writing this decision no amendments had been received.

2. Issues relating to transportation matters in the second reason for refusal might be clarified by the submission of a transport statement detailing existing and proposed trips rates to and from the site and a commitment/detail of how the moving in and out of students is to be managed.




Chris Lyons
Planning & Development Manager

21 March 2013

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:
C12/013.08		Site Plan	14.01.2013	Refused
C12/013.01		Location Plan	14.01.2013	Refused
C12/013.09		Floor Plan	14.01.2013	Refused
C12/013.10		Floor Plan	14.01.2013	Refused
C12/013.11		Floor Plan	14.01.2013	Refused
C12/013.12		Roof Plan	14.01.2013	Refused
C12/013.16		Sections	14.01.2013	Refused
C12/013.14		Elevational Plan	14.01.2013	Refused
C12/013.13		Elevational Plan	14.01.2013	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 for Communities and Local Government in accordance with Section 78 of the Town and Country Planning Act 1990, within the timescales set out below.

1. Appeals can be submitted on line and **must be registered within six months of the date of this notice at www.planning-inspectorate.gov.uk** or by a form available from the Planning Inspectorate, 3/15 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS2 9DJ. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not, however, required to entertain such an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority.
2. 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.
3. 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.
4. 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.
5. The applicant is recommended to retain this form with the title deeds of the property
6. 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 No to: **Development Control Service, Southampton City Council, Civic Centre, SOUTHAMPTON, SO14 7LS**

Agenda Item 7

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 17 September 2013
Planning Application Report of the Planning and Development Manager**

Application address: 19-23 Canute Road, SO14 3PH			
Proposed development: Redevelopment of the site. Demolition of the existing building and erection of a 7-storey building to provide 11 flats for student accommodation (55 bedspaces) (Outline application seeking approval for access, layout, appearance and scale).			
Application number	13/00496/OUT	Application type	OUT
Case officer	Richard Plume	Public speaking time	15 minutes
Last date for determination:	03.07.2013	Ward	Bargate
Reason for Panel Referral:	Major planning application subject to objection	Ward Councillors	Cllr Bogle Cllr Noon Cllr Tucker

Applicant: Mr M Holmes	Agent: Concept Design & Planning
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Recommendation Summary **Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report**

Community Infrastructure Levy Liable **Yes**

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The Council has taken into account the flood risk of this site and considers the sequential and exception tests to be satisfied. A flood warning and evacuation plan can be incorporated within a Section 106 agreement. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP5, SDP7, SDP9, SDP 13, HE1, CLT5, CLT6, H1, H2, H7, H13 and MSA1 of the City of Southampton Local Plan Review (March 2006) and CS1, CS4, CS5,

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally approve

- 1) Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:
 - i. Financial contributions towards site specific transport improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), Policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
 - ii. In lieu of an affordable housing contribution an undertaking by the developer that only students in full time education be permitted to occupy the flats, and to sign up to SASSH.
 - iii. Submission and implementation of a flood warning and evacuation management plan.
 - iv. An obligation to preclude future residents being issued with car parking permits.
 - v. Submission of a Carbon Management Plan and/or a financial contribution towards the Council's Carbon Offset Fund.
 - v. 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.
- 2) That the Planning and Development Manager be given delegated powers to vary relevant parts of the Section 106 agreement and to delete, vary or add conditions as necessary as a result of further negotiations with the applicant.
- 3) In the event that the legal agreement is not completed within two months of the Panel date the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

1. The site and its context

1.1 The application site occupies an area of 0.036 hectares and is located on the north side of Canute Road opposite the Ocean Village estate just east of the junction with Royal Crescent Road. The existing 3-storey office building on the site was vacant but is currently being used by Warings, the construction company building the Admirals Quay scheme, for their offices and canteen facilities.

- 1.2 The site adjoining to the north and west is the partially completed block of 88 flats. The site to the east is a warehouse building which has planning permission for a building of up to 7-storeys in height linking through to Albert Road South. This site has a vehicular access from Canute Road to a side parking area. The planning permissions for both these adjoining sites include commercial units fronting Canute Road. The site is just outside the Canute Road Conservation Area, the boundary of which runs along Royal Crescent Road.

2. Proposal

- 2.1 The current application proposes the redevelopment of the site to provide 11 five bedroom 'cluster flats' with a shared living room/kitchen for students within a 7-storey building. The ground floor of the building would not be used for living accommodation being a shared entrance and lobby, refuse storage and cycle storage facilities.
- 2.2 The application is in outline form with all matters for consideration at this stage apart from landscaping. The application has been amended since it was first submitted, the changes relate to the ground floor of the building which was originally designed as a covered car parking area with a new vehicular access from Canute Road.
- 2.3 The amenity space arrangements are a communal area at the rear of the ground floor of approximately 120 square metres. The proposed external materials are a mixture of red brick and render with some grey feature cladding and grey windows. The residential density would be approximately 290 dwellings per hectare.
- 2.4 There are a series of other planning applications for this site which are currently under consideration. These are firstly, an outline application for redevelopment to provide a 7-storey building of 39 studio flats with associated parking (reference: 13/00625/OUT); secondly, an application for redevelopment to provide a 7-storey building of 21 flats (reference: 13/01082/OUT); finally, an application seeking prior approval for change of use of the first and second floors from offices to 8 flats (reference: 13/01053/PA56).

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4. Relevant Planning History

- 4.1 The existing office building dates from the 1950's. In 1995 planning permission was granted for a second floor extension to form additional offices.
- 4.2 In July of this year planning permission was refused for a 7-storey building to provide 20 flats (18 x 1-bedroom and 2 x 3-bedroom) with associated parking and vehicular access from Canute Road. (Reference 13/00483/OUT). The reasons for refusal related to design and the failure to complete a Section 106 agreement. The design reason was as follows:

The design of the proposed building would be out of character with the area, by virtue of the proposed ground floor treatment, which would result in an unattractive frontage to the primary street to the detriment of the appearance of the area and safety and security concerns due to a lack of surveillance of the public realm. Consequently, the proposal is contrary to Policies SDP1 (i), SDP7 and SDP9 of the Adopted City of Southampton Local Plan (March 2006), Policy CS13 of the adopted Southampton Core Strategy (January 2010) and the relevant sections of the Council's Residential Design Guide (September 2006) especially Parts 3 and 4.

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 (19.04.13) and erecting a site notice (22.04.13). At the time of writing the report **1** objection had been received on behalf of an adjoining landowner on the following grounds:

Although there would be no objection to a 5-storey building on the site, the proposed 7-storey building will block light to some of the flats being built on the adjoining site.

Response

This objection relates to the adjoining site on the corner of Royal Crescent Road which has been in a half built condition for the last 5 years. The impact on the amenities of these neighbours is addressed later in this report.

- 5.2 **SCC Highways** - No objections to a car free student accommodation scheme in this location. The previous scheme which incorporated car parking at ground floor level was unacceptable on design and safety and security terms.
- 5.3 **SCC Housing** – As the proposed scheme comprises student accommodation we would not seek affordable housing, but we would expect a student restriction to be put in place, plus we would hope that the provider would sign up to SASSH (Southampton Accreditation Scheme for student housing).
- 5.4 **SCC Sustainability Team** – The applicant has indicated positions for possible use of solar photovoltaic panels. Only limited information has been provided for compliance with the Code for Sustainable Homes. Conditions are required to ensure Code Level 4 is achieved as required by Core Strategy Policy CS20.

- 5.5 **SCC Architect's Panel** – (Comments on the application as originally submitted): No objections in principle, the form, scale and massing are acceptable. There are few options for an alternative layout given the size of the site. The main concern is with the ground floor treatment which is unacceptable with car parking and a roller shutter treatment. The amenity space would not be particularly good quality being on the north side of the building. These comments have been partially addressed with the changes to the ground floor treatment.
- 5.6 **SCC Environmental Health (Pollution & Safety)** - No objections subject to conditions.
- 5.7 **SCC Environmental Health (Contaminated Land)** - This department considers the proposed land use as being sensitive to the affects of land contamination. Records indicate that the subject site is located on/adjacent to the following existing and historical land uses:
- Warehouse (Adj. to West and East)
 - Docks and Wharfs (10m to South)
 - Former Landfill (160m to ENE)
- These land uses are associated with potential land contamination hazards. There is the potential for these off-site hazards to migrate from source and present a risk to the proposed end use, workers involved in construction and the wider environment. Therefore, to ensure compliance with Para 121 of the National Planning Policy Framework - March 2012 and Policies SDP1 and SDP22 of the Local Plan this department would recommend that the site be assessed for land contamination risks and, where appropriate, remediated to ensure the long term safety of the site. Conditions are recommended.
- 5.8 **SCC Ecology** – The application site consists of a building and area of hard standing which are of negligible ecological value. The nearest statutorily designated site, a section of the Lee-on-the-Solent to Itchen Estuary Site of Special Scientific Interest (SSSI) and Solent and Southampton Water Special Protection Area (SPA)/Ramsar site, is located over 700m to the east. The nearest non-statutory site, the Itchen Bridge Mudflat Site of Importance for Nature Conservation (SINC) is located over 750m to the east. The proposed development will not, therefore, have an adverse impact on designated sites or habitats. The building is of modern design and in good condition. There are minimal opportunities for bat access and consequently the probability of bat roosts being present is low. In addition, the surrounding area lacks suitable foraging habitat and there is a high level of artificial lighting. Redevelopment of the site will not therefore have an adverse impact on protected species and therefore there is no objection to the proposed development.
- 5.9 **SCC Archaeology** - While the site lies within an Area of Archaeological Potential, it is likely that previous development will have already destroyed any archaeological deposits that may have existed. I do not therefore request that any archaeological conditions are attached to this application.
- 5.10 **BAA** – No objections on aerodrome safeguarding grounds.
- 5.11 **Environment Agency** – no objection to the proposed development as submitted, although offer the following advice.

Sequential Test

Our response to this application on flood risk matters is on the understanding that the Local Planning Authority (LPA) is satisfied that the Sequential Test has been adequately demonstrated to the requirements of the National Planning Policy Framework Paragraph 101 and Paragraph 3 of the Technical Guidance to the National Planning Policy Framework.

Before proceeding to a determination, the LPA must apply the Sequential Test; that is, it must consider whether the applicant has demonstrated that no alternative sites are available in a lower flood risk zone.

Flood Risk

The application site lies within Flood Zone 3 defined by the Environment Agency Flood Map as having a high probability of flooding.

The proposed development consists of 11 flats for student accommodation (55 bed spaces) in a building of 7-storeys with associated landscaping.

As detailed in the Flood Risk Assessment (FRA), existing site levels are around 3.40m AOD.

The FRA states that the minimum floor level for residential development would be set at 6.15m AOD with lower levels being used for car parking, cycle and bin storage. With a design flood level of 4.20m AOD in the year 2115 the FRA shows that over the lifetime of the residential development, these dwellings would not be subjected to internal flooding.

The FRA states that;

"The living accommodation floors of this development can be considered as a 'safe haven' for the relatively short timescale of a tidal flooding event"

This is due to the potential lack of safe (dry) access and egress to the development during a flood event.

The LPA may decide that in the absence of safe access and egress, the risk to the users of the development can be mitigated by alternative means i.e. a flood warning and evacuation plan or the possibility of safe refuge. In coming to a decision on the proposed development, the LPA should therefore give careful consideration, in consultation with relevant specialists, to the mitigation measures proposed. Specifically, consideration should be given to whether or not a flood response plan would enable users of the development to avoid the flood hazards identified.

Surface water drainage

The current site is 100% impermeable. As a result of the development, there will be a reduction of impermeable area through additional permeable paving and planting. As a result, surface water runoff post development is likely to reduce. The LPA may wish to see evidence of the reduction in runoff in the form of a surface water drainage strategy which could be covered by a condition.

Response

The flood risk issues are addressed in paragraph 6.2 of this report. The flood warning and evacuation plan can be included within the Section 106 agreement and the surface water drainage issue can be covered by a condition.

6. Planning Consideration Key Issues

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

- The principle of this form of development in a flood risk zone.
- Design and amount of development.
- Neighbour amenity issues.
- Transport considerations.

6.2 Principle of Development in a flood risk zone

In terms of the principle, the existing use as offices is not 'protected' by existing planning policies: redevelopment for residential use is acceptable subject to environmental considerations being satisfied. In terms of flood risk, the site is situated within Flood Zone 3 and is consequently at high risk of flooding. There are permissions for residential accommodation on either side of the application site although this is confined to the upper floors. In terms of applying the sequential/exception tests there is an agreed approach for identified and windfall sites within the City Centre and Northam. The Core Strategy recognises that to meet the city's housing and commercial targets, there is a general need for development in Flood Zones 2 and 3 particularly in central areas which will help promote sustainable economic development and regeneration. The Core Strategy recognises that windfall sites within the city centre will be supported if the sustainability and/or regeneration benefits outweigh the flood risk. In this case, the proposed development would assist with the regeneration of this part of Canute Road and encourage the redevelopment of adjoining sites. The limitation on providing residential accommodation on the upper floors only, rather than the ground floor, means that the sequential approach within the site is satisfied. With the inclusion of a flood warning and evacuation plan within the Section 106 agreement, it is considered that flood risk is adequately addressed by this development. Although an active ground floor frontage to Canute Road would be preferable, as approved for the adjoining sites, this is a narrower frontage and the applicant is concerned about the viability of introducing another commercial use on this site. This concern is understandable and it would not seem to be reasonable to require a commercial use given the limitations of the site.

6.3 Although the site is not close to either of the city's universities, there are a number of student halls of residence within the surrounding area. As a city centre location, the site is considered to be acceptable for further student accommodation. The provision of further purpose built student accommodation could take the pressure off family homes being used as HMO's within the city. The quality of the accommodation is reasonable with all the flats being dual aspect and with a communal amenity area on the ground floor.

6.4 Design and amount of development

In design terms, this is a small site but the overall form, scale and massing is similar to that of adjoining developments. The architectural treatment, a simple contemporary approach, is considered to be acceptable given the nature of the immediate surroundings. The previous application was refused permission because of the proposed ground floor treatment which was not considered to be acceptable fronting Canute Road. This was because it provided a largely 'dead frontage' to the street. Only a small entrance door to the flats was provided but with a cycle store to one side and a car parking/refuse storage area dominating the appearance with its roller shutter door which was not considered to be acceptable. The amendments resulting from this application are considered to adequately address this previous reason for refusal of permission.

6.5 Neighbour Amenity Issues

The only neighbour amenity issues relate to the impact this building would have on the site adjoining to the north which is the half built scheme of 88 flats. Being on the south side of that building there will inevitably be some loss of sunlight to the flats on the lower floors of that building. Furthermore, there would be mutual overlooking between the two buildings. The separation distance would only be 14 metres which would not normally be acceptable between two quite tall buildings. However, the nature of this and adjoining sites is that building a perimeter block with frontages to both streets results in a less than normal separation distance between the rear of the two buildings. This pattern of development has been accepted through the approved scheme on the corner site (partially built) and on the site adjoining to the east. It would not therefore be reasonable to oppose this approach on the application site. The adjoining flats to the north are dual aspect, with bedrooms to the rear and their main outlook to the north. A significant part of the adjoining southern elevation is given over to lift and staircase areas so the amount of direct overlooking is limited. The previous application, which was for a very similar building, was not opposed on the impact on neighbour amenity and it would not be reasonable to take a different approach in this case.

6.6 Transport

This area is well served by public transport and a 'car free' student accommodation scheme is considered appropriate in this location. The previous application included 3 car parking spaces but was found to be unacceptable on design grounds. The site is not large enough to accommodate off-street parking in a practical manner.

7. Summary

- 7.1 The application site is suitable for a residential development subject to flood risk issues being suitably mitigated which can be addressed through a management/evacuation plan. The design, amount of development and transport issues are considered to be satisfactory.

8. Conclusion

The development is considered to be acceptable and it is recommended that permission be granted subject to a Section 106 agreement and conditions.

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

1(a), 1(b), 1(c), 1(d), 2(d), 3(a), 4(d), 4(f), 4(g), 4(r), 4(z), 4(vv), 6(a), 6(c), 7(a), 8(a), 8(j), 9(a) and 9(b).

RP2 for 17/09/13 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Outline Permission Timing Condition

Outline Planning Permission for the principle of the development proposed and the following matters sought for consideration, namely the layout of buildings and other external ancillary areas, the means of access (vehicular and pedestrian) into the site and the buildings, the appearance and design of the structure, the scale, massing and bulk of the structure, is approved subject to the following:

(i) Written approval of the details of the following awaited reserved matters shall be obtained from the Local Planning Authority prior to any works taking place on the site:

the landscaping of the site specifying both the hard, soft treatments and means of enclosures.

(ii) An application for the approval of the outstanding reserved matters shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission

(iii) The development hereby permitted shall be begun either before the expiration of five years from the date of this Outline permission, or before the expiration of two years from the date of approval of the last application of the reserved matters to be approved whichever is the latter.

REASON:

To enable the Local Planning Authority to control the development in detail and to comply with Section 91 and Section 92 of the Town and Country Planning Act 1990 (as amended).

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

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

REASON:

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

03. APPROVAL CONDITION - Code for Sustainable Homes [Pre-Commencement Condition]

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum Level 4 of the Code for Sustainable Homes in the form of a design stage assessment, 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 (January 2010).

04. APPROVAL CONDITION - Code for Sustainable Homes [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 Level 4 of the Code for Sustainable Homes in the form of post construction assessment and certificate as issued by a legitimate Code for Sustainable Homes certification body, shall be submitted to the Local Planning Authority for its approval.

REASON:

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

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

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in

accordance with the approved scene of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development.

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

REASON:

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

06. APPROVAL CONDITION - Use of uncontaminated soils and fill [Pre-Commencement Condition]

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.

07. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

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

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

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

REASON:

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

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

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

REASON:

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

09. APPROVAL CONDITION - Demolition - Dust Suppression [Pre-Commencement Condition]

Measures to provide satisfactory suppression of dust during the demolition works to be carried out on the site shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The agreed suppression methodology shall then be implemented during the demolition period.

REASON:

To protect the amenities of users of the surrounding area.

10. APPROVAL CONDITION - Glazing - soundproofing from external traffic noise [Pre-Commencement Condition]

Works pursuant to this permission shall not be commenced until a scheme for protecting the proposed flats and houses from traffic noise from Canute Road has been submitted to and approved by the local planning authority in writing. Unless otherwise agreed in writing, that scheme shall specify either:- Outer pane of glass - 10mm

Air gap between panes - 12mm

Inner pane of glass - 6 mm

or, with secondary glazing with a -

Outer pane of glass - 6mm

Air gap between panes - 100mm

Inner pane of glass - 6.4 mm

There must be no trickle vents installed in any case. For ventilation purposes in all cases, provision of acoustically treated 'BBA' approved mechanically powered ventilation should be the preferred option. However, provision of acoustic trickle vents will be acceptable. Once approved, that glazing shall be installed before any of the flats are first occupied and thereafter retained at all times.

REASON:

In order to protect occupiers of the flats from traffic noise.

11. APPROVAL CONDITION - Hours of work for Demolition / Clearance / Construction [Performance Condition]

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

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

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

And at no time on Sundays and recognised public holidays.

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

REASON:

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

12. APPROVAL CONDITION - Surface Water Drainage (Pre-Commencement Condition)

No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm (30% climate change allowance) will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include details of how the scheme shall be maintained and managed after completion.

REASON

To prevent any increased risk of flooding, both on and off site.

13. APPROVAL CONDITION - Cycle and refuse storage (Performance Condition)

The cycle storage and refuse storage areas shown on the approved plans shall be provided before the building is first occupied and retained thereafter.

REASON

To ensure there is adequate provision for refuse and cycle storage.

14. APPROVAL CONDITION - 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 - (January 2010)

CS1	City Centre Approach
CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS23	Flood Risk
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP13	Resource Conservation
HE1	New Development in Conservation Areas
CLT5	Open Space in New Residential Developments
CLT6	Provision of Children's Play Areas
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment
H13	New Student Accommodation
MSA1	City Centre Design

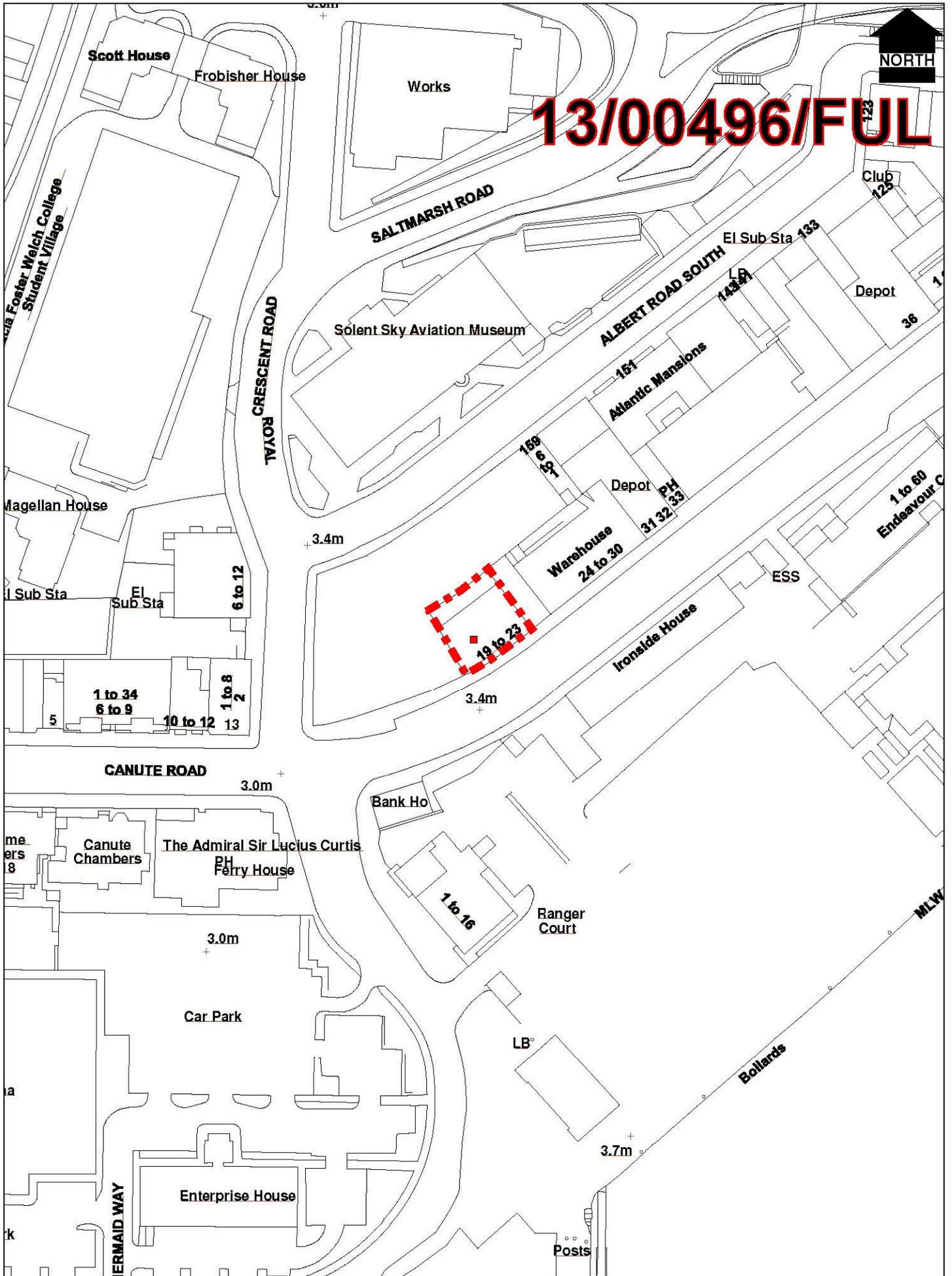
Supplementary Planning Guidance

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

Other Relevant Guidance

The National Planning Policy Framework 2012

City Centre Action Plan - Preferred Approach (January 2012)



13/00496/FUL

Scale : 1:1250

Date 4 September 2013

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Agenda Item 8

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 17/09/2013
Planning Application Report of the Planning and Development Manager

Application address: 36 Archers Road SO15 2LT			
Proposed development: Erection of a detached 5-bed house including accommodation with roofspace, with associated parking and cycle/refuse storage (amendment to planning permission 11/02037/ful for additional window to side elevation and 3 roof lights)			
Application number	13/00869/FUL	Application type	FUL
Case officer	Mathew Pidgeon	Public speaking time	5 minutes
Last date for determination:	21.08.2013	Ward	Bargate
Reason for Panel Referral:	Departure from the Development Plan	Ward Councillors	Cllr Sarah Bogle Cllr John Noon Cllr Matthew Tucker

Applicant: Mr I Sandhu	Agent: Paris Smith Llp
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Recommendation Summary	Conditionally approve
Community Infrastructure Levy Liable	Yes

Reason for granting Permission

Reason for granting Planning Permission

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

Policies - SDP1, SDP4, SDP5, SDP7, SDP9, H1 and H2 of the City of Southampton Local Plan Review (March 2006) and CS5, CS13, CS16, CS19 and CS20 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached	
1	Development Plan Policies
2	Case Officers Delegated Report re planning application 11/02037/FUL.

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 Archers Road is comprised of a vast mix of building types, heights and plot sizes. On the south side of the road the character is predominantly comprised of flatted blocks of a scale greater than 2 stories in height. On the north side of Archers Road there are also flatted blocks which exceed two stories along with a School building and two storey dwelling houses.
- 1.2 The application site is located on the south side of Archers Road and is positioned opposite Banister Infant School which is currently in the process of being redeveloped.
- 1.3 The site contains a recently constructed detached house which gained planning permission under consent 11/02037/Ful. However changes to the approved scheme have been included which are material in nature and therefore a new retrospective full consent is required for the property as constructed as set out at 2.0.
- 1.4 Either side of the property are purpose built flatted blocks, to the east is a block that is three storeys in height (number 34) and the property to the west (38 to 44 Romeo Hall) is three stories with rooms within the roof space.

2.0 Proposal

- 2.1 The current application seeks authorisation for the amendments made to the scheme during construction. These are specifically 3 'sun-lights' in the roof which project above the ridge and a newly proposed window in the side flank elevation of the property (east facing) which would serve an office (created through the internal sub-division of one of the approved bedrooms). The 'sun-lights' afford no outlook but gain light to rooms within the loft space including a hallway, a bedroom and a prayer room.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes

and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4.0 Relevant Planning History

- 4.1 11/02037/FUL - Erection of a detached 5-bed house including accommodation within roof space, with associated parking and cycle/refuse storage - Conditionally Approved. 08.03.2012. Please refer to **Appendix 2** for the Case Officers Delegated Report.

5.0 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners. At the time of writing the report **1** representation has been received from surrounding residents.

Summary of Comments: Overlooking of private amenity space.

RESPONSE: Planning conditions can be used to ensure that the offending window is obscurely glazed.

5.2 SCC Sustainability

As the house is almost complete under the previous permission with minor amendments on this application, I think we can reasonably carry the existing conditions across. The applicant should note that the post-construction code condition also requires 20% in category Ene01 or Ene 07 as well as Code 3.

- 5.3 In the case where the pre-commencement condition had not already been discharged on the previous application I would not support the application but in this case I would think it reasonable to carry the previous code 3 + 20% post construction condition across.

6.0 Planning Consideration Key Issues

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

- i. Principle of development;
- ii. The character of the dwelling;
- iii. The impact on neighbouring amenity; and
- iv. Living environment for the occupants

6.1 Principle of development

- 6.2 The majority of the dwelling has already been built and when permission was originally granted compliance with Policy CS20 was achieved meeting code level 3 of the code for sustainable homes. However since the house was originally approved new standards of construction have increased to code level 4. As such technically due to the type of application submitted the development is considered to be a departure from the local plan.

- 6.3 Although technically a departure it is considered unreasonable to refuse the application on this basis. The majority of the building works have been completed and essentially the only reason an application has been re-submitted is due to the fact that the development was not built in accordance with the approved plans but instead roof lights and one additional wall window were added.
- 6.4 The character of the dwelling
- 6.5 There are no material concerns relating to the sun-lights or the window in the side elevation. The 'sun-lights' are visible within a short section of Archers Road due to their projection above the ridge in order to maximise sun-light gain. In design terms these add a sense of individuality to the roof which on other buildings with the street are broken up by chimneys projecting above the roof.
- 6.6 The impact on neighbouring amenity
- 6.7 The position of the flank wall window is such that significant harm will not occur to neighbouring residents. Outlook from the window is achieved over the parking area and vehicular access serving the neighbour's site rather than over garden space. Furthermore the window can be obscurely glazed.
- 6.8 Living environment for the occupants
- 6.9 As the room to which the window serves is an office there will be an acceptable impact on the quality of the residential environment within the host dwelling. Obscure glazing can be used.
- 7.0 Conclusion**
- 7.1 The principle of the construction of the building has been previously supported. The changes made to the building whilst material (as they would require planning permission in their own right) are not judged to be out of keeping with the area or to cause harm to surrounding amenity. The scheme in terms of design is judged to be acceptable. Refusal of the application purely on sustainability grounds when the sustainability Officer supports the scheme is deemed to be unreasonable. Therefore the application is supported and all previous conditions, as necessary, are to be re-imposed.

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

1 (a), (b), (c), (d), 2 (d), 4 (f), 6 (c) 9 (a) and 9 (b)

MP3 for 17/09/2013 PROW Panel

PLANNING CONDITIONS

01 APPROVAL CONDITION - Details of building materials to be used [Performance Condition]

The following submitted materials are acceptable to the Local Planning Authority:

Facing brick - Warnham red brick
Detailed brick- Leicester buff stock
Roof Tile - Stonewold Slate Grey
Block paving - Permeable, Marshalls tegula.
Doors and windows - White UPVC
Access routes- Tarmac access road with pedestrian route demarcated with light buff stone chippings.

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.

02 Approval Condition – Additional Details (Performance Condition)

The details relating to layout and siting of parking, pedestrian access into the site, refuse collection area and cycle storage as shown on drawing 404 - 01 are accepted. The developer will be in full compliance with this condition once the development has been built in accordance with the agreed details. The agreed details shall be made available prior to the first occupation of the dwelling hereby approved and thereafter retained and maintained at all times.

Reason

To ensure an appropriate level of residential amenity and highway safety is achieved on site in accordance with 'saved' policy SDP1 and SDP5 of the City of Southampton Local Plan Review (March 2006).

03 APPROVAL CONDITION - Landscaping, lighting & means of enclosure detailed plan [Performance Condition]

The use of Arden Olde Farmhouse brick for the front wall of the development and landscaping details as shown on drawing 404-01 rev A and 404 - 02 Rev A are accepted. The developer will be in full compliance with this condition once the development has been built in accordance with the agreed details.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Reason:

To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990

04 APPROVAL CONDITION - no storage under tree canopy [Performance Condition]

No storage of goods including building materials, machinery and soil, shall take place underneath the crown spread of the trees to be retained on the site. There will be no change in soil levels or routing of services through tree protection zones or within canopy spreads, whichever is greater. There will be no fires on site. There will be no discharge of chemical substances including petrol, diesel and cement mixings within the tree protection zones or within canopy spreads, whichever is greater.

Reason:

To preserve the said trees in the interests of the visual amenities and character of the locality.

05 APPROVAL CONDITION - Overhanging tree loss [Performance Condition]

For the duration of works on the site no trees on or overhanging the site shall be pruned/cut, felled or uprooted otherwise than shall be agreed in writing by the Local Planning Authority. Any tree removed or significantly damaged, other than shall be agreed, shall be replaced before a specified date by the site owners /site developers with two trees of a size, species, type, and at a location to be determined by the Local Planning Authority.

Reason:

To secure a satisfactory setting for the proposed development and to ensure the retention, or if necessary replacement, of trees which make an important contribution to the character of the area.

06 APPROVAL CONDITION - Arboricultural Method Statement [Performance Condition]

The details submitted in the Arboricultural Method Statement are sufficient to discharge the relevant condition. The developer will be in full compliance with this condition once the development has been built in accordance with the agreed details.

Reason

To ensure that provision for trees to be retained and adequately protected throughout the construction period has been made.

07 APPROVAL CONDITION - Glazing panel specification [Pre-Occupation Condition]

The lower window pane serving the rear bedroom of the building hereby approved shall be glazed in obscure glass and the side windows serving rooms indicated as shower rooms and an office shall be obscurely glazed and non opening to a height of 1.7m from floor height within the rooms to which they serve. The windows as specified shall be installed before the development hereby permitted is first occupied and shall be permanently maintained in that form.

Reason:

To protect the privacy enjoyed by the occupiers of the neighbouring property 49 Cromwell Road.

08 Approval Condition – Retention of access width (Performance Condition)

The access leading to the rear of the site must be retain a width of 3204mm at all times.

Reason

In the interests of highway safety

09 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.

10 APPROVAL CONDITION - Residential - Permitted Development Restriction [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 building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

Class A (enlargement of a dwelling house), including a garage or extensions,

Class B (roof alteration),

Class E (curtilage structures), including a garage, shed, greenhouse, etc.,

Reason:

In order that the Local Planning Authority may exercise further control in this locality given the small private garden and amenity areas provided as part of this development in the interests of the comprehensive development and visual amenities of the area.

11 APPROVAL CONDITION - Code for Sustainable Homes [Pre-Commencement Condition]

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum Level 3 of the Code for Sustainable Homes in the form of a design stage assessment, 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 (January 2010).

12 APPROVAL CONDITION - Code for Sustainable Homes [Time limited Condition]

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Level 3 of the Code for Sustainable Homes (including at least 20% in category Ene1 or Ene 7) in the form of post construction assessment and certificate as issued by a legitimate Code for Sustainable Homes certification body, shall be submitted to the Local Planning Authority for its approval.

REASON:

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

13 APPROVAL CONDITION - Hours of work for Demolition / Clearance / Construction [Performance Condition]

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

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

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

And at no time on Sundays and recognised public holidays.

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

Reason:

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

14 APPROVAL CONDITION - Wheel Cleaning Facilities [Pre-Use Condition]

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

Reason:

In the interests of highway safety.

15 APPROVAL CONDITION - 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 loss of existing garden land 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.

Policies - SDP1, SDP5, SDP7, SDP9 and H2 of the City of Southampton Local Plan Review (March 2006) and CS13, CS16, CS19 and CS20 of the Local Development Framework Core Strategy Development Plan Document (January 2010) as supported by the adopted Residential Design Guide (September 2006).

Note to Applicant

1. Pre-Commencement Conditions: Your attention is drawn to the pre-commencement conditions above which require the full terms of the condition to be satisfied before development commences. In order to discharge these conditions you are advised that a formal application for condition discharge is required. You should allow approximately 8 weeks, following validation, for a decision to be made on such an application. If the Decision Notice includes a contaminated land condition you should contact the Council's Environmental Health Department, and allow sufficient time in the process to resolve any issues prior to the commencement of development. It is important that you note that if development commences without the conditions having been formally discharged by the Council in writing, any development taking place will be unauthorised in planning terms and this

may invalidate the Planning Permission issued. Furthermore this may result in the Council taking enforcement action against the unauthorised development. If you are in any doubt please contact the Council's Development Management Service.

POLICY CONTEXT

Core Strategy - (January 2010)

SDP1, SDP4, SDP5, SDP7, SDP9, H1 and H2 of the City of Southampton Local Plan Review (March 2006) and CS5, CS13, CS16, CS19 and CS20 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
H1	Housing Supply
H2	Previously Developed Land

Supplementary Planning Guidance

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

Other Relevant Guidance

The National Planning Policy Framework 2012

Relevant Planning History

Southampton City Council - Planning Development Control Delegated Report

Case Ref:11/02037/FUL	Case Officer: Bryony Stala
Registered Date:22/12/2011	Application Type: FUL
Consultation Expiry Date: 16.02.2012	Application Expires: 16/02/2012

1. Application Address:

36 Archers Road

2. Proposal Description:

Erection Of A Detached 5-Bed House Including Accommodation Within Roof Space, With Associated Parking And Cycle/Refuse Storage

3. Site & Surrounds:

Site visit date: 14.02.2012	Photographs Taken: Y	Consults Checked on site: Y
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4. Development Plan Policies/guidance of relevance:

City of Southampton Local Plan Review (2 March 2006) Other Policy - SPG etc. to note:
 SDP1 (Quality of Development) Residential Design Guide (18 Sep 2006)
 SDP4 (Development Access)
 SDP5 (Parking) Parking SPD.
 SDP7 (Context)
 SDP9 (Scale, Massing and Appearance)
 H1 (Housing targets)
 H2 (Previously developed land)

Local Development Framework Core Strategy
Development Plan Document (January 2010)

CS5 (Housing Density)
 CS13 (Fundamentals of Design)
 CS16 (Housing Mix and Type)
 CS19 (Parking)
 CS20 (Tackling and adapting to climate change)

The policies of the South East Plan, Southampton's Core Strategy and Local Plan Review have been taken into account in the consideration of this application. The Core Strategy is in general conformity with the South East Plan, and it is not considered that the policies in the South East Plan either conflict with or add particular weight to the policies in the Core Strategy for this application. Consequently only the local statutory development plan policies (Core Strategy and Local Plan Review) have been cited in this report.

5. Relevant Site History and Land Uses:

11/01136/PREAP1 - Erection of a dwelling to the rear. Closed. 08.07.2011.

11/01562/PREAP1 - Consideration of design for proposed dwelling. Closed. 26.09.2011.

6. Consultation Response Summary:

Highways Development Management - No objection.

The following conditions should be applied

- o The side access leading to rear must retain the shown width of 3204mm and must not be obstructed at any time. There should also be a demarcation visually highlighting a pedestrian route to alert drivers and to help improve pedestrian safety
- o The parking spaces will need to be fully marked out on the plan showing the dimensions of 2.4m x 5m and a reversing space of 6m which the plan currently do not show

Trees - No objection subject to the imposition of conditions requiring the protection of existing trees and tree replacement.

Sustainability - No objection subject to recommended conditions.

Archaeology - No objection.

7. Notification Representations:

Number received: 2

Summary of Comments:

- This proposal involves "Garden Grabbing" which is considered to be totally unacceptable in this situation and would result in the degradation of the area together with the devaluation of properties. In this respect, I understand that both the Government and the Local Council are against this type of action.
- The proposed location for the property, will result in the properties and garden in Hadley Court, together with the properties and gardens at the back of the site, being overlooked and consequently resulting in them lose their privacy.
- The proposed 5 bed house is considered to be overdevelopment of the site and is not appropriate for the Area
- The existing property on this site is already being used as HMO with people in all the rooms. I do not think that the existing property is a registered HMO and therefore, after approval for the additional property and its subsequent use as a HMO, the impact of noise and late night disturbance will be unacceptable.
- The proposed new access on to the already busy Archers Road is a road safety consideration and will have a detrimental impact on traffic using this road.
- From the plans it can be seen that the property is intended to be built along the western boundary of the site and therefore, access for building and subsequent maintenance of this property could only be carried out from the adjoining site. Therefore, the location is too near and is affecting the boundary.

8. Planning Considerations:

Background to application

Planning permission was granted for the development of a dwelling with garage in 1952. The property has been in use as a residential dwelling house since its development.

The principle of developing a dwelling on garden land to the rear of 36 Archers Road was established in previous pre-app submission 11/01136/PREAP1 dated 11.08.2011.

The proposal would involve the development of garden land which has been recently removed from the definition of previously developed land on the 9th July update to PPS3: Housing. PPS3 indicates that the priority for development is on previously developed land.

Whilst there is a clear presumption against development on garden land, where it can be demonstrated that the existing character is not harmed and the contribution that the garden makes is limited to the character of that site and/or area, planning applications development on garden land should be considered with regard to the context and character of the surrounding area.

Archers Road is comprised of a mix of building types, heights and plot size with the footprint of some buildings extending well into land that would have been previously used as garden.

As such, it is judged that the principle of developing a dwelling on garden land to the rear of 36 Archers Road is acceptable subject to the proposal complying with relevant policy and design guidance.

It was concluded that whilst the principle of development is accepted the constraints of the site, which are a direct result of the layout and position windows within neighbouring buildings, will constrain the scale and design of a house that can be achieved to the rear of 36 Archers Road.

It was recommended that a single or two storey dwelling was considered at design stage.

A further pre-app was submitted. The design of the dwelling remained unacceptable insofar as it proposed a third storey of accommodation through an arrangement of steep roof pitches and windows in the roof which resulted in a dwelling of significant scale, not akin to a back land development. Furthermore, the footprint of development was considered disproportionate to the footprint and plot ratio of neighbouring dwellings. Additional issues of overlooking to neighbouring dwellings, security issues and potential issues of headlight glare were noted.

Current Proposal

The design has been reduced in scale, bulk and mass to appear as a two storey detached dwelling. The roof form has been reduced in scale and dormer windows removed which reduces massing and bulk.

	Pre-app	Current app
Width	13.2m	11.45m
Height	8.8m	8m
Depth	17.50m	16.73m

Whilst still a large dwelling, the proposal meets residential standards to at least a minimum.

In particular, a 21 privacy distance is met between rear bedroom windows and the properties on Milton Road. However, due to a change in land levels at the rear of the site it is recommended that the lower half of the rear bedroom window is obscure glazed. This will ensure the privacy of dwellings at the rear and retain appropriate light and outlook to the approved habitable room.

The privacy of the neighbouring three storey block of flats is retained. Overlooking may be perceived, however, the oblique angle of the windows (at 45 degrees) will prevent direct overlooking to these dwellings.

Appropriate privacy distances are met between 36 Archers Road and the proposed dwelling. Private and usable amenity space is provided for the proposed and existing dwelling.

Access and servicing arrangements are accepted and not judged to harm the amenity of neighbouring dwellings. Sufficient boundary treatments can be erected to prevent headlight glare from cars using the access road.

There is sufficient space on site for refuse and cycle storage on site. A revised plan showing a refuse collection area to the front of the site must be submitted and agreed prior to the commencement of development. The same applies for cycle storage.

It is judged that there will be no adverse harm caused to the neighbouring halls of residence. Windows facing the proposed dwelling from the Halls are obscure glazed and the building is of a greater scale and height than the proposed dwelling.

The property is being applied for as a C3 dwelling. The case officer spoke to the applicant regarding C3/C4 use and the article 4 which is to be introduced in March 2012. He was satisfied that a permission for a C3 dwelling only would be sufficient for his intended use of the site.

Given the size of the dwelling being approved, coupled within its back land nature it is considered reasonable to restrict permitted development rights A, B and E to ensure the local planning authority retains control over any additional works on the site.

Trees

The Ash tree T2 is protected by The Southampton (Archers Road) TPO 2011. All other trees on site have been removed and some replacement planting would not be unreasonable.

The proposed dwelling is well clear of the tree and should not be an issue. The parking as shown on drawing no. sandhu sht 2 indicates buffer planting between the tree and the car parking which is preferred drawing no. 3.

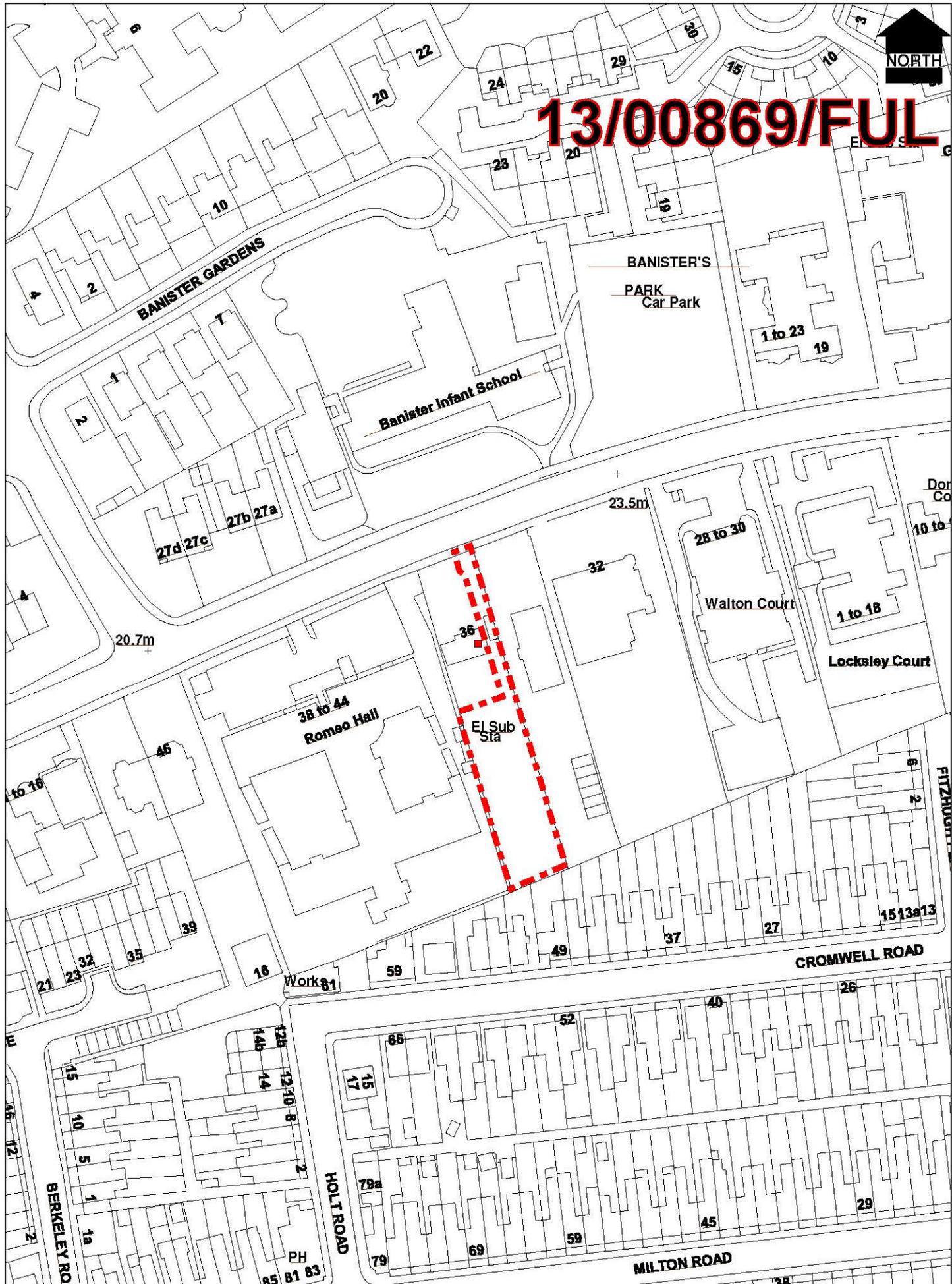
It is judged that the proposal complies with the policies set out in section 4 of this report. The application is recommended for approval subject to the imposition of the recommended conditions.

9. Recommendation:	Conditionally Approve
Planning Application Case Officer: Bryony Stala Signature:	Date of Report: 23.02.2012 Date report submitted: 23.03.2012
Authorised Officer for sign off: Agreed, SRL Signature	Date Report Considered: 7.3.2012 Date DN to Business Support: 7.3.2012

Exception Report (only required if recommendation is made after expiry of 8 week date): The consultation process expired on the 8 week target date. This is due to delays in the business support team. Also delayed sign-off by Team Leader owing to workloads.



13/00869/FUL



Scale : 1:1250

Date 04 September 2013

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Agenda Item 9

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 17th September 2013
Planning Application Report of the Planning and Development Manager

Application address: The Cedar School Redbridge Lane			
Proposed development: Phased redevelopment of existing school with replacement school building, associated access, parking and landscaping			
Application number	13/01140/FUL	Application type	FUL
Case officer	Mathew Pidgeon	Public speaking time	15 minutes
Last date for determination:	02.10.2013	Ward	Redbridge
Reason for Panel Referral:	Departure from the Development Plan	Ward Councillors	Cllr McEwing Cllr Whitbread Cllr Pope

Applicant: The Secretary Of State For Education	Agent: Terence O'rourke Ltd
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Recommendation Summary	Conditionally approve
Community Infrastructure Levy Liable	No

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. Overall, the exceptional educational need and positive regenerative opportunities associated with the development and its 'proposed 'dual use' are considered to outweigh the dis-benefit of not achieving BREEAM Excellent. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP16, SDP17, SDP22, NE4, HE6, CLT3 and TI2 of the City of Southampton Local Plan Review (March 2006 [saved policies]) and CS6, CS11, CS13, CS14, CS18, CS19, CS20, CS21, CS22, CS23 and CS24 of the Local Development Framework Core Strategy Development Plan Document (adopted January 2010).

Appendix attached	
1	Development Plan Policies

Recommendation in Full

Conditionally approve and give delegation to the Planning and Development Manager to amend/add/delete conditions listed in this report.

1.0 The site and its context

- 1.1 The 1.83 hectare application site is currently used by Cedar School which is a community special school that has a capacity for 70 students with complex needs. The students range in age from nursery to Key stage 4 (3 - 16yrs). The existing single storey building dates from around 1970 and would require significant and costly remodelling to bring it up to modern standards and to facilitate its extended purpose.
- 1.2 The school site is located off Redbridge Lane which defines the border of Southampton and Test Valley; and to the north west the site is bordered by Romsey Road. To the South is the Oasis Academy and public open space including sports pitches.
- 1.3 The existing building is positioned approximately in the middle of the site and occupies approximately 40% of the site area. A large hard surfaced parking area is provided to the north of the building. The site also contains a small play area, running track and a soft landscaped mound situated close to the junction of Romsey Road and Redbridge Lane that acts as a visual and acoustic buffer.
- 1.4 The building is well screened on the boundaries adjacent to Romsey Road and Redbridge Lane. Within the site there are also a number of mature trees which are more widely distributed when compared to the boundaries adjacent to Romsey Road and Redbridge Lane. The trees on site are afforded the same protection as trees protected by Tree Preservation Orders given that the site is owned by Southampton City Council.
- 1.5 The local context is mixed in terms of land use, scale and architectural styles. Residential uses nearby are defined by two storey housing.

2.0 Proposal

- 2.1 The Cedar school is proposed for a complete rebuild as the first of seven schools under the Government's priority Schools Building Programme for the South. This would be a tandem build whereby the existing school facility will remain unaffected and pupils will continue to attend and then decant across to the new facility once it is completed ready for the start of the 2014 academic school year. The new school building would be situated directly to the South of the existing building. The current school building would be demolished following the construction of the new building, and the older building footprint area (2,400m²) would be landscaped. The footprint of the proposed school building (2,782m²) would be slightly greater than the existing school building footprint. The existing building is single storey in nature and cannot be easily seen from the public highway. The proposed building would be 6m tall at its highest and 4.4m high above the main section that will be used for teaching. There would be no increase to the number of pupils that the school is capable of accommodating.

2.2 Along with providing an improved internal environment for students and staff the revised school will provide outdoor teaching areas and high quality facilities that will be capable of providing the opportunity for community use and out of hours access. The number of available car parking spaces within the site will increase from 52 to 59. There will be no change regarding mini bus parking spaces (24) and cycle and motor cycle parking will also be provided.

3.0 Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.

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

3.3 LDF Core Strategy Policy CS11 supports the development of new educational facilities on school sites and encourages wider community use of those facilities outside of school hours.

3.5 Sustainability Implications

3.6 Major developments are expected to meet high sustainable construction standards in accordance with the City Council’s adopted policies. In accordance with adopted Local Plan “saved” Policy SDP13 and Core Strategy Policy CS20 the applicants should make a commitment to securing a building with “Excellent” design credentials when assessed against the Building Research Establishment Environmental Assessment Method (BREEAM). Low and zero carbon technologies should also be employed to offset a percentage of CO2 emissions that each building generates through its functional operation.

3.7 In this case the scheme can only achieve a BREEAM ‘Very Good’ and has been advertised as a departure accordingly.

4.0 Relevant Planning History

4.1 1396/41 - Erection of a school for disabled children, Conditionally Approved 28.07.1970.

4.2 Various applications to extend have been approved since with works to trees also controlled through the planning system.

4.3 13/01125/SCR - Request for a screening opinion under Regulation 5(1) of the 2011 Town and Country Planning Environmental Impact Assessment (England and Wales) prior to a planning application for the redevelopment of the site involving demolition of the existing school and construction of its replacement. - Formal submission of an Environmental Impact Assessment not required.

5.0 Consultation Responses and Notification Representations

5.1 The applicants have undertaken a comprehensive pre-planning application consultation that included two public exhibitions at the school. 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 02.08.2013 and erecting a site notice 30.07.2013. At the time of writing the report **0** representations have been received from surrounding residents.

5.2 **SCC Highways** – The Highways Team have been regular attendees at pre-planning application meetings where no objections have been raised with regard to the rationale of parking and access. Design issues were also discussed. A verbal update will be made at the Panel meeting. A travel plan has been submitted with the application and is supported by Officers.

5.3 **SCC Sustainability Team** – Dialogue between the Councils Sustainability advisor and the applicant is ongoing with a view to being able to lend support to the scheme. Whilst it is unlikely that the proposal will be policy compliant (not achieving BREEAM Excellent) a verbal update will be provided to the Panel to advise on any further progress..

5.4 **SCC City Design** – At pre-app stage it was suggested that the location of the entrance to the school should be moved to the middle of the building along with other minor amendments.

Note: Where practical the amendments have been adopted, however in some instances owing to the operational requirements of the school, it has not been possible for suggested alterations to be incorporated into the design.

5.5 **SCC Architect's Panel** – Pre-app design considered to appear institutional and option to introduce colour to materials not taken.

Note: minor changes made as part of the application.

5.6 **SCC Environmental Health (Pollution & Safety)** - No objection subject to conditions.

5.7 **SCC Environmental Health (Contaminated Land)** - No objection. The proposed land use is sensitive to the affects of land contamination therefore, to ensure compliance with Para 121 of the National Planning Policy Framework ' March 2012 and policies SDP1 and SDP22 of the City of Southampton Local Plan Review (adopted version, March 2006) this department would recommend that the site be assessed for land contamination risks and, where appropriate, remediated to ensure the long term safety of the site.

5.8 **SCC Ecology** – No objection, however conditions are required to safeguard against the potential impact on slow worms that have been relocated to land adjacent to the south west boundary (part of the Oasis Academy development) and potential impacts on the roadside hedgerow which acts as a bat foraging corridor. Amendment required to the lighting scheme (three car park lamp columns positioned hard up against the hedge and another in amongst trees). Specialist protective fencing around the southern boundaries of the site will be needed to exclude slow worms from the site. Apply recommended conditions.

5.9 **SCC Trees Team** – Given the constraints of this site this layout is the least detrimental to the most significant trees on site. There will be a loss of 27 trees, most of which are only visible from within the site so this loss would not be detrimental to the overall amenity of the area. It is not possible to replace the removed trees on a 2:1 basis as the site is too constrained. However there is scope to soften the large car parking area with appropriate tree planting, the applicant will need to provide appropriately designed tree planting pits which will ensure successful tree establishment. It is disappointing that a Cedar tree (which the school is named after) will be lost to this proposal. This tree should be replaced by planting a new Cedar tree in a prominent location within the school grounds.

5.10 **Environment Agency** – No objection.

5.11 **Hampshire Constabulary** – The Police commend the applicant and design team for implementing many of the 'Secured by Design' principles, however there are a small number of areas which still cause some concern.

1. The primary concern is that opportunities still present themselves to enable persons (including pupils) to climb onto the roof, which is historically a target for crime and anti social behaviour.

(a) The applicant states that the design of the canopies with a overhanging roof will prevent this but looking at the drawings and the 3D images I am not convinced. The problem is further exacerbated where planters are positioned either side of the canopy or where there is a 1200mm fence (separating classrooms) which dissect the canopy. Both these structures act as climbing aids to the canopy and subsequently the roof and plant space. It is recommended that the canopies and stanchions are designed to create a larger overhang and that the planters are removed, relocated or reduced in height.

(b) Similarly, the articulated brickwork appears to offer opportunities to climb up onto to the roof. It is recommended that they are not included and a suggestion would be to mimic this effect with different coloured bricks.

2. The second concern is that although a separate out of hours multi agency entrance is provided as the Police would recommend, it does not achieve it's aim, which is to prevent unauthorised access to the rest of the school. There is no secure corridor door(s) separating the hydrotherapy and m-a rooms from the rest of the school and this (from experience) is a design flaw. It is recommended that a secure door(s) is installed in the corridor in the vicinity of the school office/changing rooms which can be left in the hold back position during school hours if desired. A potential additional benefit of this would be to assist in monitoring/managing the whereabouts of the more mobile pupils using the pool.

3. The final concern relates to the absence of garages for the school mini buses. Again there is a history of reports of criminal damage and theft (particularly catalytic converters) where mini buses are left in the open and unattended for long periods of time. Their absence whilst being replaced or repaired could seriously impact on the business continuity of the school and potentially impact on the pupils behaviour and special educational needs. It is strongly recommended that a secure garage is installed.

As stated, it is pleasing to see Police 'Secured by Design' being referenced and in part implemented but it would be even more pleasing if the applicant applied to achieve the award. This would not only ensure the school is built to the required security level but would also assist the developer in achieving their BREEAM requirements.

- 5.12 Note: These comments have been reviewed by the applicant who proposes to reduce the height of the planters. The applicant has made the remark that the minibuses are well surveilled and to construct purpose built garages for them is cost prohibitive.
- 5.13 **Southern Water** – No objection subject to recommended conditions.
- 5.14 **Heritage and Conservation** - No objection subject to recommended conditions.
- 5.14 **Sport England** – No objection.
- 5.15 **Hampshire County Council** – No objection.
- 5.16 **Test Valley Borough Council (Highways Department)** – Object to the new entrance proposed for construction and servicing.

Note: A verbal update will be provided to Panel once the applicant has reviewed the comments and made a response.

6.0 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
 - i. Principle of development;
 - ii. Design and trees;
 - iii. Residential amenity;
 - iv. Highways and parking; and
 - v. Sustainability;

6.2 Principle of Development

The site is currently in educational use (Use Class D1) and the redevelopment proposals for an improved fit for purpose school building are considered appropriate. A fairly minor increase in footprint is proposed (2,400m² to 2,782m²) and the new building will provide state of the art facilities meeting corporate as well as planning policy aims of the Development Plan for Southampton, principally Policy CS11 (An Educated City) from the adopted LDF Core Strategy (2010). The proposal embraces the city's ethos of promoting community use and will therefore provide out of hours access to the multi agency rooms and hydrotherapy pool.

6.3 Design and Trees

The adopted LDF Core Strategy Policy CS13 continues the Council's commitment to securing high quality design. Trees define the character of the site and are largely retained. With replacement of the Cedar tree proposed and additional tree planting to the car park the potential for tree planting on the site can be maximised; this can be resolved with a condition. The shape and position of the

building; sited close to the southern boundary, makes good use of the space and has enabled the retention of tree screening that will assist in achieving a building that fits comfortably into this context. The scale and mass of the building is acceptable. The building will provide an improved learning environment for pupils and a better working environment for staff.

6.4 At pre-application stage improvements to the location of the main pedestrian entrance to the building, giving increased prominence were sought along with greater interest visually. The applicants, in discussion with the School, have confirmed that the required amendments would jeopardise the internal workings of the school and the relationship between key rooms. They have, however, added additional external interest. Whilst the proposed building design could be more exciting, given the proposed use, it is nevertheless acceptable in planning terms. The external appearance of the building is acceptable and the chosen pallet of materials is supported.

6.5 Residential Amenity

The height and design of the building along with the boundary screening to be retained adjacent to Romsey Road and Redbridge Lane will prevent the building from having a harmful impact on the visual amenity and outlook currently enjoyed by neighbouring residents. In addition the Environmental Health Team have raised no objection to the scheme.

6.6 Highways, Access & Parking

A Transport Assessment (TA) and proposed travel plan have been submitted to support the application. They confirm that the maximum number of students attending the school would be 70 and the school employs 73 members of staff.

6.7 Car parking is a key determinant in the choice of mode of travel. The Local Plan aims to reduce reliance on the private car and encourage alternative modes of transportation such as public transport, walking and cycling. The level of proposed car parking should be governed by the Council's revised maximum parking standards (2011), which support a maximum number of 1.5 spaces per classroom for this area of accessibility therefore taking the main teaching spaces available into account our standards would allow for a total of 21 spaces. However, given the high ratio of pupils to teaching staff at the school and their special requirements given the nature of the school, the number of parking spaces proposed is judged to be reasonable. Motorcycle, bicycle and minibus parking is also proposed. No objections have been raised by the Highways Development Management Team.

6.8 The proposed travel plan, which includes measures to reduce the likelihood of staff arriving by car and parents arriving and collecting children by car, will be secured through a planning condition.

6.9 Outside of the site, where at present cars park on the highway verge close to the entrance of the site, a Grampian condition can be used to prevent unauthorised parking through the implementation of dragons teeth within the verge.

6.10 Sustainability

The adopted LDF Core Strategy Policy CS20 continues the Council's commitment to securing sustainable development. The applicants propose to meet BREEAM 'Very Good' with an improvement to the reduction in predicted CO2 emissions through the use of photo-voltaics located at roof level. This is not policy compliant as new developments are expected to achieve BREEAM 'Excellent'. As such the proposal represents a departure from the Development Plan.

- 6.11 Given the wider benefits of improved education provision, and the applicant's conclusion that a BREEAM 'Excellent' would jeopardise the viability of the project it is recommended that a departure can be accepted in this instance.

7.0 Summary

- 7.1 There is a significant need for the continuous education and construction of a new school on the site. Failure to deliver would represent the loss of an important opportunity for the school and most importantly its pupils. This is a significant material consideration in this case in accordance with Policy CS11

8.0 Conclusion

- 8.1 The application is recommended for approval subject to the attached planning conditions.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1a-d, 2b-d, 4f, 4vv, 6a, c, d, i, 7a, 8a, 9a-b

MP3 for 17/09/2013 PROW Panel

PLANNING CONDITIONS

1. APPROVAL CONDITION - Full Permission Timing Condition - Physical works

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

Reason:

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

2. APPROVAL CONDITION - Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below as updated by the applicants email dated 03/09/2013, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

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

3. APPROVAL CONDITION - Use Restriction [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), the buildings shall only be used for educational purposes with ancillary sporting and refectory facilities available to the public through the community use agreement, and for no other purpose within Class D1 of Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason:

To define the consent having regard to the level of car parking provision and to allow the local planning authority to control the nature of development in terms of protecting the character and amenity of the surrounding area.

4. APPROVAL CONDITION - Operation restriction [Performance Condition]

The school premises hereby approved shall be operated on a “dual use” basis in accordance with further details that shall be agreed in writing with the Local Planning Authority prior to first occupation. These details shall include the proposed hours of use, the on-site management of the community uses and a pricing policy (if applicable). The site shall be closed and vacated of all persons enrolled on educational courses or accessing the building through the community use agreement between the hours of 22:00 (10pm) and 07:30 (7:30am) on a daily basis.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties at to secure wider community benefit in accordance with Policy CS11.

5. APPROVAL CONDITION - Details of Building Materials to be used [Performance Condition]

The development shall be implemented in accordance with the materials within the submitted Design and Access Statement (1010-D004, page 18, received 23/06/2013).

Reason:

In the interests of amenity by endeavouring to achieve a building of visual quality.

6. APPROVAL CONDITION - Window specification limitations [Performance Condition]

All windows shall have a reveal of at least 100mm.

Reason: In the interests of amenity by endeavouring to achieve a building of visual quality.

7. APPROVAL CONDITION - Access and Parking [Performance Condition]

The application site shall at all times (both during and after the construction phase) provide facilities for the loading/unloading/circulation of vehicles and for the parking of a maximum of 59 cars to serve the school (to include a minimum of 2 disabled spaces). The car parking shall thereafter be retained for use in association with the educational buildings and their “dual use” hereby approved.

Reason:

to prevent obstruction to traffic in neighbouring roads, to ensure provision of vehicular access, car parking and servicing, to avoid congestion in the adjoining area and to protect the amenities of the area, in the interests of highway safety

8. APPROVAL CONDITION - Bicycle parking [Performance Condition]

A minimum of 8 covered and secure cycle parking spaces shall be provided as part of the replacement school prior to the first occupation of the new building(s). Once provided, those facilities shall be retained for that purpose at all times thereafter.

Reason:

To promote cycling as a sustainable form of travel in accordance with Local Plan Appendix 2 requirements and to meet the aims of the submitted Travel Plan.

9. APPROVAL CONDITION - BREEAM Standards [Pre-Occupation Condition]

Written documentary evidence demonstrating that the development has achieved at minimum a rating of 'Very Good' against the BREEAM standard shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted, unless an otherwise agreed timeframe is agreed in writing by the LPA. The evidence shall take the form of a post construction certificate as issued by a qualified BREEAM certification body.

Reason:

To ensure the development minimises its overall demand for resources, whilst noting that the development is not in compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

10. APPROVAL CONDITION - Renewable Energy - Micro-Renewables [Pre-Commencement Condition]

An assessment of the development's total energy demand and a feasibility study for the inclusion of renewable energy technologies on the site, that will achieve a reduction in CO2 emissions of 15% must be conducted. Plans for the incorporation of renewable energy technologies to the scale that is demonstrated to be feasible by the study, and that will reduce the CO2 emissions of the development by 15% must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent. Renewable technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

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).

11. APPROVAL CONDITION - Landscaping, lighting & means of enclosure detailed plan [Pre-Commencement Condition]

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

- i. proposed finished ground levels or contours (following demolition); means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- iii. ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate; an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless

circumstances dictate otherwise); within the replacement tree planting schedule at least two cedar trees will be included;

- iv. tree planting shall be included within the parking area;
- iv. details of any proposed boundary treatment, including retaining walls;
- v. a landscape management scheme; and
- vi. The height of planters will be reduced to address the comments of Hampshire Constabulary

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Reason:

To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990

12. APPROVAL CONDITION - Lighting [Pre-Occupation Condition]

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

Reason:

To protect the amenities of the occupiers of existing nearby residential properties and to address the concerns of the Council's Ecologist.

13. APPROVAL CONDITION - CCTV system [Pre-occupation condition]

Before the first occupation of the development details of a scheme for a CCTV system to cover the key areas of the site including all public entry points, servicing spur and car parks shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be fully installed and operational prior to the approved use of the new building first commencing. It shall be maintained in working order and operated at all times when the premises is open. Recorded images shall be held for a 1 month period after being made on a daily basis for use by the Police as required.

Reason:

In the interests of crime reduction and customer/staff safety.

14. APPROVAL CONDITION - Tree Retention and Safeguarding [Pre-Commencement Condition]

All trees to be retained pursuant to any other condition of this decision notice shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations. No operation in connection with the development hereby permitted shall commence on site until the tree protection as agreed by the Local Planning Authority has been erected. Details of the specification and position of all protective fencing shall be indicated on a site plan and agreed with the Local Planning Authority in writing before any site works commence. The fencing shall be maintained in the agreed position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority following which it shall be removed from the site.

Reason:

To ensure that trees to be retained will be adequately protected from damage throughout the construction period.

15. APPROVAL CONDITION - No storage under tree canopy [Performance Condition]

No storage of goods including building materials, machinery and soil, shall take place underneath the crown spread of the trees to be retained on the site. There will be no change in soil levels or routing of services through tree protection zones or within canopy spreads, whichever is greater. There will be no fires on site. There will be no discharge of chemical substances including petrol, diesel and cement mixings within the tree protection zones or within canopy spreads, whichever is greater.

Reason:

To preserve the said trees in the interests of the visual amenities and character of the locality.

16. APPROVAL CONDITION - Overhanging tree loss [Performance Condition]

For the duration of works on the site no trees on or overhanging the site shall be pruned/cut, felled or uprooted otherwise than shall be agreed in writing by the Local Planning Authority. Any tree removed or significantly damaged, other than shall be agreed, shall be replaced before a specified date by the site owners /site developers with two trees of a size, species, type, and at a location to be determined by the Local Planning Authority.

Reason:

To secure a satisfactory setting for the proposed development and to ensure the retention, or if necessary replacement, of trees which make an important contribution to the character of the area.

17. APPROVAL CONDITION - Arboricultural Method Statement [Pre-Commencement Condition]

No operation in connection with the development hereby permitted shall commence on site until a site specific Arboricultural Method Statement in respect of the protection of the trees during all aspects of work on site is submitted and agreed in writing by the Local Planning Authority. It will be written with contractors in mind and will be adhered to throughout the duration of the demolition and development works on site. The Method Statement will include the following:

1. A specification for the location and erection of protective fencing around all vegetation to be retained

2. Specification for the installation of any additional root protection measures
3. Specification for the removal of any built structures, including hard surfacing, within protective fencing areas.
4. Specification for the construction of hard surfaces where they impinge on tree roots
5. The location of site compounds, storage areas, car parking, site offices, site access, heavy/large vehicles (including cranes and piling rigs)
6. An arboricultural management strategy, to include details of any necessary tree surgery works, the timing and phasing of all arboricultural works and protection measures.
7. Specification for soft landscaping practices within tree protection zones or the canopy of the tree, whichever is greatest.

Reason:

To ensure that provision for trees to be retained and adequately protected throughout the construction period has been made.

18. APPROVAL CONDITION - Arboricultural Protection Measures [Pre-Commencement Condition]

No works or development shall take place on site until a scheme of supervision for the arboricultural protection measures has been approved in writing by the LPA. This scheme will be appropriate to the scale and duration of the works and may include details of:

- Induction and personnel awareness of arboricultural matters
- Identification of individual responsibilities and key personnel
- Statement of delegated powers
- Timing and methods of site visiting and record keeping, including updates
- Procedures for dealing with variations and incidents.

Reason:

To provide continued protection of trees, in accordance with Local Plan Policy SDP12 and British Standard BS5837:2012, throughout the development of the land and to ensure that all conditions relating to trees are being adhered to. Also to ensure that any variations or incidents are dealt with quickly and with minimal effect to the trees on site.

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

3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

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

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

Reason:

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

20. APPROVAL CONDITION - Use of uncontaminated soils and fill [Pre-Occupation Condition]

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.

21. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

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

Reason:

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

22. APPROVAL CONDITION – Construction & Demolition Method Statement [Pre-Commencement Condition]

Before development commences a statement setting out the management of demolition and construction operations shall be submitted to and approved by the Local Planning Authority. This may be submitted and discharged in phases. The statement shall include detailed plans specifying (i) the areas to be used for contractor's vehicle parking and plant; (ii) storage of building materials, and any excavated material, huts and all working areas (including cement mixing and washings) required for the construction of the development hereby permitted; (iii) areas for the parking of vehicles of site personnel, operatives and

visitors; (iv) areas for the loading and unloading of plant and materials; (v) the treatment of all relevant pedestrian routes and highways within and around the site throughout the course of demolition and construction and their reinstatement where necessary; (vi) a scheme for the erection and maintenance of security hoardings including decorative displays and facilities for public viewing; (vii) a scheme for recycling waste resulting from the construction programme (viii) measures to be used for the suppression of dust and dirt throughout the course of construction (including wheel cleaning); (ix) a "hotline" telephone number shall be provided for the use of residents in the case of problems being experienced from demolition and construction works on the site. The phone line will be provided, managed and problems dealt with by a person or persons to be nominated by the developer and shall operate throughout the entire development period

Reason:

To safeguard pupils of Cedar School and to protect the amenities of neighbours and the wider environment.

23. APPROVAL CONDITION - Demolition and Phasing. [Pre-Commencement Condition]

Notwithstanding the submitted details the existing Cedar School buildings shall be demolished in accordance with a phasing programme to be agreed in writing with the local planning authority prior to the commencement of building works associated with the replacement School. This phasing strategy shall explain how continued education upon the site will be achieved during the construction phase and shall include access to external sports pitches that are convenient and fit for purpose. All resultant materials from the demolition phase shall be removed from the site within a timescale that shall have been agreed in writing with the Local Planning Authority before the replacement school hereby approved is first brought into use.

Reason:

To secure a satisfactory comprehensive form of development and to safeguard the visual amenity of the locality.

24. APPROVAL CONDITION - Hours of Work for Demolition/Construction [Performance Condition]

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

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

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

And at no time on Sundays and recognised public holidays.

No deliveries of construction materials or equipment, or removal of demolition materials associated with this development shall take place between the following times:

Mondays to Fridays 08.30 to 09.15 hours and 14.30 to 15.30 hours

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 safeguard pupils of Cedar School and to protect the amenities of neighbours and the wider environment.

25. APPROVAL CONDITION - Wheel Cleaning Facilities [Performance Condition]

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

Reason:

In the interests of highway safety.

26. APPROVAL CONDITION - Storage / Removal of Refuse Material [Pre-Occupation Condition]

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

Reason:

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

27. APPROVAL CONDITION - Archaeological 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.

28. APPROVAL CONDITION - Archaeological 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.

29. APPROVAL CONDITION - Sustainable Drainage Systems [Pre-Occupation Condition]

Prior to the commencement of development a feasibility study demonstrating an assessment of the potential for the creation of a sustainable drainage system on site shall be carried out and submitted to the Local Planning Authority. Any measures shown to be feasible shall be verified in writing by the Local Planning Authority and implemented prior to first occupation of the development hereby granted consent. If the study demonstrates the site has the capacity for the implementation of a sustainable drainage system, a specification shall be agreed in writing with the Local Planning Authority. A sustainable drainage system to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and

retained thereafter. In the development hereby granted consent, peak run-off rates and annual volumes of run-off shall be no greater than the previous conditions for the site.

Reason:

To conserve valuable water resources, in compliance with and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010) and to prevent an increase in surface run-off and reduce flood risk.

30. APPROVAL CONDITION - Surface / foul water drainage [Pre-commencement Condition]

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

Reason:

To ensure satisfactory drainage provision for the area.

31. APPROVAL CONDITION - Surface / foul water drainage [Performance Condition]

No new soakaways should be located within 5 metres of a public water main and sewer. No excavation, mounding or tree planting should be carried out within 3 metres of the public water main and foul sewer without consent from Southern Water.

Reason:

To ensure that the integrity of the public water main and sewer remain intact and undamaged as a result of the development.

32. APPROVAL CONDITION – Travel Plan [Performance Condition]

The development shall be implemented in accordance with the approved Travel Plan produced by 'Mode shift stars'.

Reason:

In the interests of sustainable travel.

33. APPROVAL CONDITION – Off-site Highway Works (Grampian Condition)

No development shall take place on the replacement school building hereby approved until plans for off-site highway works to prevent overspill parking (from both the construction and operational phase of the development) have been submitted to and approved in writing by the Local Planning Authority in consultation with the relevant highway authority on which land the works shall take place. It is recommended that these works should take the form of 0.5m high dragon's teeth or similar bollards along the site's Redbridge Lane frontage. The agreed scheme of works shall be implemented prior to the commencement of development or in accordance with an alternative timescale that shall have been agreed in writing with the Local Planning Authority prior to the commencement of development. The agreed scheme shall be retained thereafter.

Reason:

In the interests of highway safety and to prevent overspill parking within the site's highway frontage.

Informatives:

Southern Water.

A formal application for connection to the public sewerage system is required in order to service this development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel 01962 858688), or www.southernwater.co.uk.

Ecologist

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel 01962 858688).

The Council's Ecologist requests that there be an amendment to the lighting scheme (three car park lamp columns positioned hard up against the hedge and another in amongst trees should be removed or altered to ensure that there is no harm to wild life that might otherwise use the trees and hedges for nocturnal foraging).

Pre-Commencement Conditions

Your attention is drawn to the pre-commencement conditions above which require the full terms of the condition to be satisfied before development commences. In order to discharge these conditions you are advised that a formal application for condition discharge is required. You should allow approximately 8 weeks, following validation, for a decision to be made on such an application. It is important that you note that if development commences in without the condition having been formally discharged by the Council in writing, any development taking place will be unauthorised in planning terms, invalidating the Planning Permission issued. Furthermore this may result in the Council taking enforcement action against the unauthorised development. If you are in any doubt please contact the Council's Development Control Service.

Performance Conditions

Your attention is drawn to the performance conditions above which relate to the development approved in perpetuity. Such conditions are designed to run for the whole life of the development and are therefore not suitable to be sought for discharge. If you are in any doubt please contact the Council's Development Control Service.

POLICY CONTEXT

Core Strategy - (January 2010)

CS6	Economic Growth
CS11	An Educated City
CS13	Fundamentals of Design
CS14	Historic Environment
CS18	Transport: Reduce – Manage – Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk
CS24	Access to Jobs

City of Southampton Local Plan Review – (March 2006)

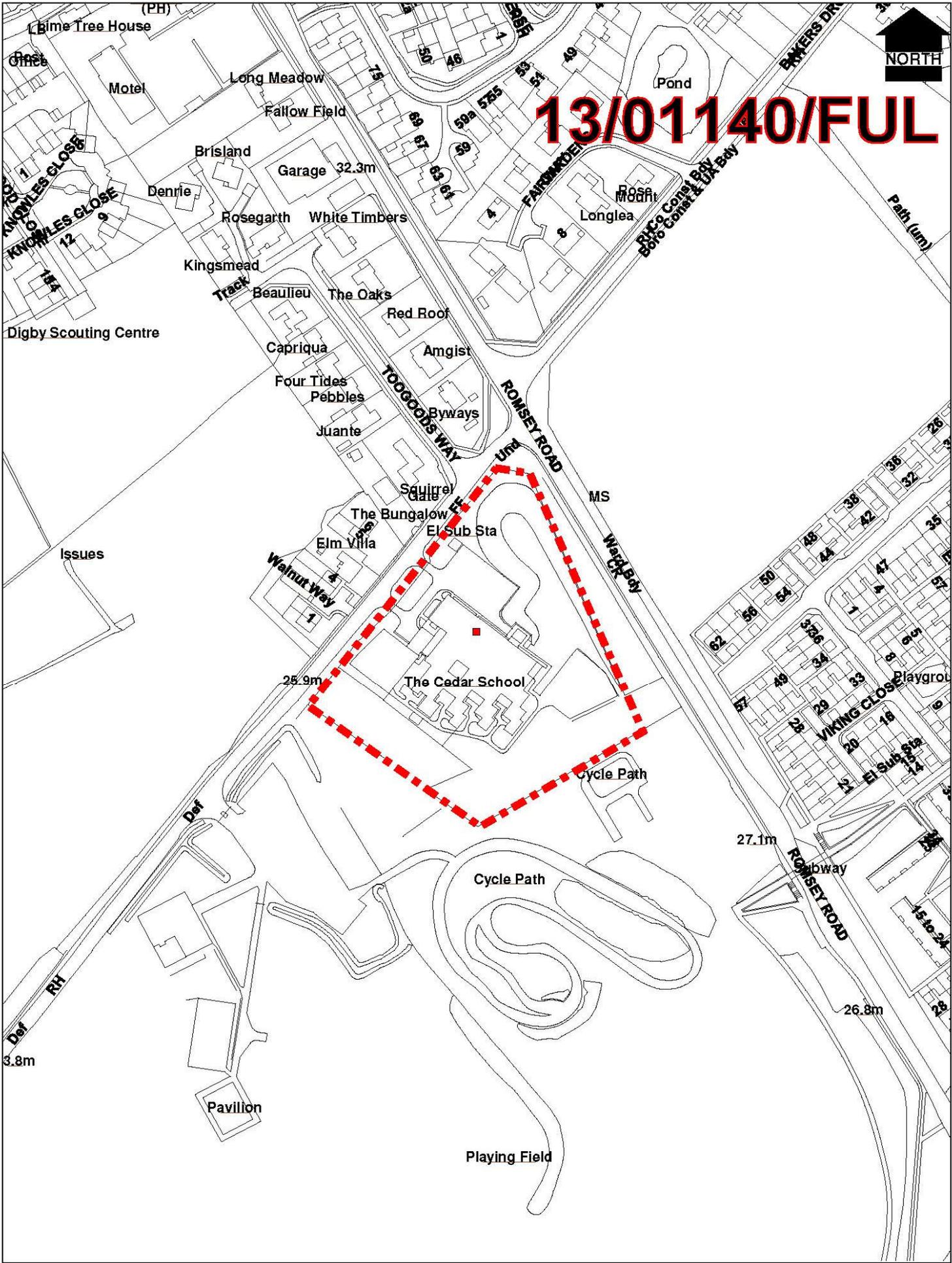
SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
SDP17	Lighting
SDP22	Contaminated Land
NE4	Protected Species
HE6	Archaeological Remains
CLT3	Protection of Open Spaces
TI2	Vehicular Access

Supplementary Planning Guidance

Planning Obligations (Adopted - August 2005 and amended November 2006)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012
PPG16 Archaeology and Planning (November 1990) PPG17 Planning for Open Space, Sport and Recreation (July 2002)



Scale : 1:2500

Date 04 September 2013

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Agenda Item 10

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel
Planning Application Report of the Planning and Development Manager**

Application address: 8-9 College Place SO15 2FF			
Proposed development: Change of use of existing ground floor office premises to a flexible permission for either Retail (A1) or Professional Service (A2) or Restaurant (A3) use and installation of new shopfront.			
Application number	13/00968/FUL	Application type	FUL
Case officer	Joanne Hall	Public speaking time	5
Last date for determination:	OVER	Ward	Bevois
Reason for Panel Referral:	Departure from the Development Plan	Ward Councillors	Cllr Derek Burke Cllr Jacqui Rayment Cllr Stephen Barnes-Andrews

Applicant: Picton Uk Reit	Agent: Turley Associates
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Recommendation Summary	Conditionally approve
Community Infrastructure Levy Liable	No

Reason for Granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. It is considered that the loss of office space would not significantly reduce the employment opportunities in the city and it is unlikely that an A1, A2 or A3 use would result in an unsatisfactory change to the area. Other material considerations including the effect on highways, the impacts on the character of the area and the impact upon neighboring properties 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.

Policies - SDP1, SDP7, SDP9, REI7 and REI8 of the City of Southampton Local Plan Review (March 2006); and CS1, CS3 and CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 The application site comprises the ground floor of a 3 storey building used as B1a offices. The ground floor was previously occupied by a Solicitor's firm but has been vacant since the end of 2009. To the rear of the property there is a car park that is shared with other units in the area.
- 1.2 The site is situated at the north end of the City Centre opposite the law courts on London Road, an area safeguarded for office retention. The application site sits within an area with a large amount of non-residential units but its situated within close proximity to residential streets with the Inner Avenue to the north, the area of St Mary's to the east and the Polygon to the west.
- 1.3 This area, "North of the Parks", is safeguarded for office use under REI15 which states that redevelopment in this area will only be permitted if there is no net loss of office floorspace. The ground floor of the property has been vacant since the end of 2009 and having been marketed since January 2010, has received little interest from prospective occupiers.

2.0 Proposal

- 2.1 This application seeks planning permission for the change of use of the property from B1a (Offices) to a flexible A1 (Retail), A2 (Professional Services) and A3 (Restaurant) use. The purpose of the proposal is to diversify the way in which the property can be used in order to attract prospective tenants.
- 2.2 The application also proposes changes to the exterior of the building. This consists of the installation of a new shopfront which incorporates a set of sliding double doors and new single pane display window in the front elevation. No works to change the size or form of the building are proposed.
- 2.3 As a result of this proposal, there would be a loss of approximately 159 square metres of office floor space.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4.0 Relevant Planning History

- 4.1 There is no recent or relevant planning history.

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (enter date) and erecting a site notice (enter date). At the time of writing the report 0 representations have been received from surrounding residents.

5.2 **SCC Planning Policy** - The site lies within the area designated in the adopted local plan by policy REI15. Loss of offices is contrary to this policy.

However the City Centre Action Plan is at an advanced stage in preparation. The proposed submission version was approved by Cabinet in March 2013. This takes a more flexible approach to safeguarding office areas and is more consistent with the latest national guidance / economic circumstances. This does not safeguard this site for office use.

The proposal will bring vacant space back in to productive economic use and has policy support.

5.3 **SCC Highways** - no objections regarding the change of use to an A2 or A3 use. However, servicing details will be required for the A1 use.

5.3.1 **Response** - The submission of a servicing management plans can be secured by pre-commencement condition to satisfy the concerns of Highways Development Management.

5.4 **SCC Environmental Health**

No objection, but ask for conditions:

S015 (Extract ventilation- control of noise);

Hours of opening to be the same as other similar businesses in the locality;

R015 (Refuse – on site storage).

6.0 Planning Consideration Key Issues

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

- i. The principle of development;
- ii. Design and impact on the character of the area;
- iii. The impact on residential amenity and;
- iv. Access and Highway safety.

6.2 **Principle of Development**

6.2.1 The saved Local Plan policies do, in general, support the use of A1-A5 uses on the ground floor of building which a wide range of uses suitable to the upper floors including offices. Policy REI 15 relates to the retention of office space within predetermined areas of the city including the area “North of the Parks” in which this site is located. The policy states that redevelopment within this area will only be permitted if there is no net loss of office floor space. The applicant has demonstrated in their application that the ground floor office unit has been vacant since late 2009. It is stated by the applicant that although the property has been marketed, there has been a lack of interest in the unit due to its small square footage.

6.2.2 There are other properties within the street which are currently occupied by A class users including a retail bank (A2), directly adjacent to the application site. It is judged that a flexible A1/A2/A3 use would provide more employment and service to the public than a vacant unit.

6.3 Design and impact on the character of the area

6.3.1 Shopfronts are dealt with in Policy REI 8 which states that new shopfronts should respect the proportions of the building, surrounding shops and streetscene and respect the traditional features of the local area. The proposed new shopfront will differ in design to the existing windows of the building which incorporate smaller panes with glazing bars and therefore would change the character of the building. However, the shopfront would be in-keeping with the area as there are other shopfronts in adjacent sites in College Place. The shopfront would use materials to match, as closely as possible, the existing construction of the building. It is judged that this would help improve the street frontage of College Place by bring a vacant unit into occupation.

6.3.2 The immediate area is characterised by a mix of uses including the Law Courts, a variety of units providing office accommodation and financial/professional services and some residential dwellings. The wider area consists of mainly residential streets in the areas of St Mary's, the Inner Avenue and the Polygon. It is judged that a flexible A1/A2/A3 use would not harm the character of the area due to the area's diversity of uses.

6.4 The impact on residential amenity

6.4.1 With regards to the proposed A3 use, policy REI 7 applies. It states that appropriate conditions should be applied to prevent the generation of undue noise or other forms of nuisance. In this case, this would relate to the opening times of the premises which would be restricted in order to protect the amenity of local residents from any adverse effects.

6.4.2 The policy also requires that any adverse impact from cooking smells associated with a potential A3 use. A condition would be necessary in this case, for the installation of extraction equipment which in itself is not visually intrusive or neighbourly. This site is not directly adjacent or opposite residential areas but does have a residential street close to the rear of the site.

6.5 Access and highway safety

6.5.1 Issues in relation to the servicing of an A1 unit have been raised. It has been recommended by the Highways Development Management team that a servicing management plan is submitted and agreed upon in writing. A pre-commencement condition could be used to implement this. (Please see 5.3 - Highways Development Management consultation response)

7.0 Summary

7.1 To summarise, the application site has been vacant since late 2009 despite having been actively marketed. The proposed change of use and external alterations would help to attract prospective tenants, improve the street frontage of College Place and provide a service to residents and workers in the area.

8.0 Conclusion

8.1 This application is recommended for approval subject to conditions.

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), 3 (a), 4 (d), 6 (c), 7 (a).

JOAHAL for 17/09/13 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - 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.

02. APPROVAL CONDITION - Full Permission Timing Condition - Change of use

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

Reason:

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

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 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.

04. APPROVAL CONDITION - Extract Ventilation - control of noise, fumes and odour [A3 Pre-Occupation Condition]

The property shall at no time be occupied by an A3 use until a written scheme for the control of noise, fumes and odours from extractor fans and other equipment have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and operated in full working order whilst any cooking operations are undertaken in accordance with the approved details and findings.

Reason:

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

05. APPROVAL CONDITION - Hours of Use - restaurants and cafes/retail/financial and professional services [Performance Condition]

Any restaurants or cafe establishments (A3 uses) that occupy any unit hereby permitted shall not operate (meaning that customers shall not be present on the premises, no preparation, sale or delivery of food or drink for consumption on or off the premises) outside the following hours:

Monday to Saturday 08.00 hours to 00.00 hours (8.00am to 12.00am
midnight)
Sunday and recognised bank holidays 08.00 hours to 22.00 hours (8.00am to 10.00pm)

Unless otherwise agreed in writing by the Local Planning Authority. A notice to this effect shall be displayed at all times on the premises so as to be visible from the outside.

Any retail (A1) uses that occupy any unit hereby permitted shall not operate (meaning that customers shall not be present on the premises) outside the following hours:

Monday to Sunday 07.00 hours to 23.00 hours (7.00am to 11.00pm)
Unless otherwise agreed in writing by the Local Planning Authority. A notice to this effect shall be displayed at all times on the premises so as to be visible from the outside.

Any financial and professional service (A2) uses that occupy any unit hereby permitted shall not operate (meaning that customers shall not be present on the premises) outside the following hours:

Monday to Saturday 08.00 hours to 18.00 hours (8.00am to 6.00pm)
and at no time on Sunday and recognised public holidays unless otherwise agreed in writing by the Local Planning Authority. A notice to this effect shall be displayed at all times on the premises so as to be visible from the outside.

Reason:

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

06. APPROVAL CONDITION - Storage / Removal of Refuse Material [Pre-Occupation Condition]

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

Reason:

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

07. APPROVAL CONDITION - Service Management Plan (Pre-Occupation Condition)

The property shall not be occupied until a Service Management Plan has been submitted and agreed upon in writing by the Local Planning Authority. The service management plan shall include hours of servicing and details of access to the site.

Reason: In the interest of highways safety and residential amenity.

00. Reason for granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have

been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (March 2006) and CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

POLICY CONTEXT

Core Strategy - (January 2010)

CS1	City Centre Approach
CS3	Promoting Successful Places
CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS8	Office Location
CS13	Fundamentals of Design

City of Southampton Local Plan Review – (March 2006)

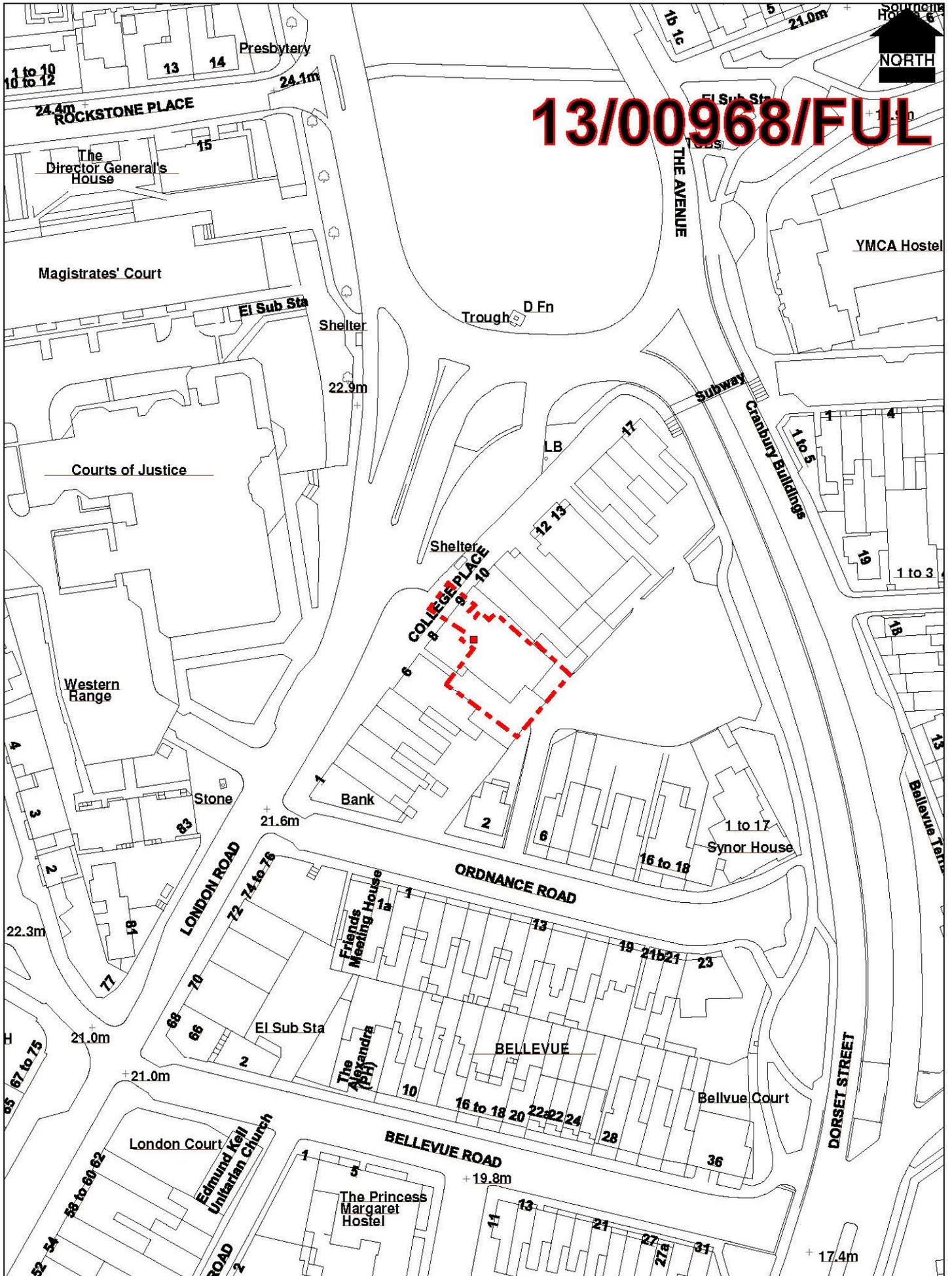
SDP1	Quality of Development
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
REI7	Food and Drink Uses (Classes A3, A4 and A5)
REI8	Shopfronts
REI15	Office Development Areas

Supplementary Planning Guidance

Southampton City Centre Development Design Guide (2004)

Other Relevant Guidance

The National Planning Policy Framework 2012



13/00968/FUL

Scale : 1:1250

Date Q4 September 2013

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Agenda Item 11

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel
Planning Application Report of the Planning and Development Manager**

Application address: 35-36 Oxford Street SO14 3DS			
Proposed development: Change of use of basement to private members club (Sui Generis Use Class) and external alterations to front elevation.			
Application number	13/00922/FUL	Application type	FUL
Case officer	Andy Amery	Public speaking time	5 minutes
Last date for determination:	08.08.2013	Ward	Bargate
Reason for Panel Referral:	Referred by the Planning & Development Manager	Ward Councillors	Cllr Bogle Cllr Noon Cllr Tucker

Applicant: Doveglade Ltd	Agent: Jb Design
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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 including the Conservation Area location of the site have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP7, SDP9, SDP16, HE1, REI7, REI8 and CLT14 of the City of Southampton Local Plan Review (March 2006) and CS3, CS13, CS14 and CS23 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 The site is located at the eastern end of Oxford Street close to its junction with Terminus Terrace. The ground floor is currently operated as a restaurant with separate bar area. The upper floors have been converted to residential flats.
- 1.2 The site is within the Oxford Street Conservation Area and also within one of the City Centre Night Time Zones as defined by policy CLT14 of the City of Southampton Local Plan Review 2006.

2.0 Proposal

- 2.1 The proposal seeks to re-invoke a consent originally granted in 1999 to utilise the basement area below the existing restaurant/bar (currently used for storage but otherwise unused and deteriorating) as a private members club (sui generis use).
- 2.2 Access to the club would be achieved by re-instating an original door opening along the Oxford Street frontage and forming a new staircase within the existing ground floor restaurant , via a sound and fireproof lobby, to the basement area.
- 2.3 Alterations are also likely to be required to the rear elevation (largely hidden from public view in John Street) to facilitate emergency exit, disabled access (via a stair lift) and refuse storage and collection. Full details of these alterations would be required prior to the use becoming operational.
- 2.4 The applicant has requested operating hours of 10am - 2.30am every day of the week including Sundays and recognised Public Holidays.
- 2.5 The current operating hours of the ground floor bar/restaurant are 10am -1am Monday to Saturday and Midday to 1am on Sundays.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4.0 Relevant Planning History

4.1 99/01055/FUL: Change of use of basements to private members club for food, drink dancing and musical entertainment.

Approved subject to Conditions.

4.2 This consent has since expired without implementation.

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement on 21.06.2013 and erecting a site notice on 20.06.2013.

33 notification letters were sent out.

At the time of writing the report 0 representations had been received from surrounding residents.

1 representation has been received from a Councillor requesting that the hours of use intended to be imposed by officers on the basis of current and emerging policies be debated at Panel given the importance and quality of the location as part of Southampton's Night Time economy.

5.2 **SCC Highways** - No objections

5.3 **SCC Policy** – To comply with the Council's policies on the Night Time Economy and in particular the zone identified for Oxford Street a terminal hour of midnight should be imposed.

5.4 **SCC Sustainability Team** – No objections

5.5 **SCC Heritage** – No Objections

5.6 **SCC Environmental Health (Pollution & Safety):** No objections to the proposal provided that the proposed noise control measures outlined in the design and access statement are adhered to.

Should the planning application be approved then we would recommend the following conditions:- S030 - Working hours

5.7 **Hampshire Constabulary** – No comments received

5.8 **Southern Water** – No comments

5.9 **Environment Agency** - No comments received

6.0 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
- i. **Principle of development**
 - ii. **Character and Impact on Conservation Area**
 - iii. **Nature of the use**
 - iv. **Hours of use**

6.2 Principle of Development

The principle of development is acceptable. Utilising the basement area will help maintain the fabric of the building and bring back into use an underused area of a building which will complement existing uses at ground floor. Other night time uses in the surrounding area add to the diversity and variety of the Oxford Street night-time economy.

6.3 Character and Impact on Conservation Area

The proposed external alterations to the building include re-introducing an original access door onto Oxford Street and rationalising/improving the rear area in John Street. The alterations will not have a detrimental impact on the character of the Conservation Area but will maintain the high quality frontage of Oxford Street.

6.3.1 Nature of the Use

A private members club is part of a diverse night-time economy. By definition it is not a facility that is open to or welcomes non-members without prior agreement. Such facilities tend to be strictly managed through membership and rules which in combination with the suggested planning conditions relating to sound attenuation, sound amplification and surveillance systems mean that the facility is less likely to attract or be the cause of anti-social behaviour that can occasionally occur at venues that offer full public access to casual patrons.

6.3.2 Hours of Use

The applicant has highlighted that the existing bar and restaurant operate until 1am and that given the tight management rules on membership, access and behaviour the facility would not generate the type of activity or problems that should result in a restriction of opening hours.

The detailed work undertaken to inform policy decision making (The Local Development Framework City Centre Action Plan - The Nighttime Economy Background Paper August 2013) identifies that the terminal hour for uses within the Oxford Street Zone should be midnight. This is consistent with the previous background paper on the night-time economy which supported Policy CLT14 of the City of Southampton Local Plan Review 2006.

Unless other material planning considerations are judged to outweigh up to date policies, then those policies should be followed to ensure consistent decision making. Oxford Street has been allocated as a nighttime zone but due to the mix used nature of the area which includes flats the policy identifies that late night uses should be limited to midnight in order to safeguard amenity.

7.0 Summary

7.1 The use of the basement area as a private members club is acceptable and will add to the vibrancy and diversity of what is an important and high quality part of Southampton's night-time economy. The external changes to the building maintain the character of the Conservation Area. The bringing back into use the basement area will benefit the building. The suggested conditions are required to ensure that the use operates in a manner which does not affect local amenity at hours when nearby residents should expect to enjoy quiet amenity without undue disturbance notwithstanding the city centre location.

8.0 Conclusion

The scheme is recommended for approval for the reasons set out above 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) (c) (d), 3 (a), 4 (d), 6 (c), 7 (a).

AA for 17/09/13 PROW Panel

PLANNING CONDITIONS

01 APPROVAL CONDITION - Full Permission Timing Condition - Change of use

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

REASON:

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

02 APPROVAL CONDITION - Extract Ventilation/Air Conditioning and other Plant and Equipment - Pre-Commencement Condition

Details of all external ventilation fans to compressors and acoustic shielding, ducting, flues or other plant, machinery or equipment used for the purposes of providing an adequate extract ventilation system or in connection with the provision of air conditioning shall be submitted to and approved by the Local Planning Authority before the development commences. No additional ventilation fans, ducting, flues, plant or machinery or other equipment shall be installed without the prior written consent of the Local Planning Authority.

REASON

The Authority wish to retain control over the ducting and flues to be installed externally in the interests of the visual amenities of the Conservation Area.

03. APPROVAL CONDITION - Hours of Use - Performance Condition

Unless the Local Planning Authority agree otherwise in writing, the premises to which this permission relates shall not be open for business outside the hours specified below:-

10.00 am to 12.00 am (midnight) Monday to Sunday including recognised Public Holidays.

REASON

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

4. APPROVAL CONDITION - Sound Amplification systems - Performance Condition

No sound amplifying equipment which is audible outside the premises shall be installed in the basement area without the prior written consent of the Local Planning Authority.

REASON

To protect the amenities of the surrounding area.

5. APPROVAL CONDITION - Site Surveillance - Pre-occupation Condition

Before the use hereby permitted is implemented a detailed scheme for the surveillance of the site frontage including door access and outside customer waiting area shall be submitted to and agreed by the Local Planning Authority. The agreed scheme shall be in place and fully implemented to the satisfaction of the Local Planning Authority before the use hereby permitted is commenced.

REASON In the interests of public safety and security and to protect the amenities of the surrounding area.

6. APPROVAL CONDITION - Refuse Storage - Pre-occupation Condition

Full details of the facilities to be provided for the storage and removal of refuse, within the building, shall be submitted to the Local Planning Authority before the use of the basement first commences. No refuse storage shall take place along the Oxford Street frontage.

REASON To ensure refuse is stored inside the building within a properly designed store to the rear of the building in the interests of the visual amenities of the Conservations Area.

7. APPROVAL CONDITION - Sound Attenuation - Pre-occupation Condition

Before the use hereby approved commences, a detailed scheme for the soundproofing of the building including measures for ventilation, transmission of noise between other parts of the buildings and transmission of noise beyond the building shall be submitted to and approved by the Local Planning Authority. Such agreed scheme of soundproofing shall be fully implemented to the satisfaction of the Local Planning Authority before the basement area is first brought into use.

REASON To protect the amenities of the surrounding area.

8. APPROVAL CONDITION - Delivery Times - Performance Condition

No deliveries to the basement use shall take place or be dispatched from the site outside the hours of 8.00 am - 6.00 pm Monday to Saturday and at no time on Sundays, Bank or Public Holidays.

REASON To protect the amenities of the surrounding area

9. APPROVAL CONDITION - Approved Plans

The development hereby permitted, including the external alterations to the front elevation 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. Any additional external alterations required to be carried out to facilitate the development must be the subject of additional plans to be submitted and approved in writing by the Local Planning Authority prior to those works being undertaken.

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

POLICY CONTEXT

Core Strategy - (January 2010)

CS1	City Centre Approach
CS3	Promoting Successful Places
CS13	Fundamentals of Design
CS14	Historic Environment
CS23	Flood Risk

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP16	Noise
HE1	New Development in Conservation Areas
CLT14	City Centre Night Time Zones and Hubs
REI7	Food and Drink Uses (Classes A3, A4 and A5)
REI8	Shopfronts

Other Relevant Guidance

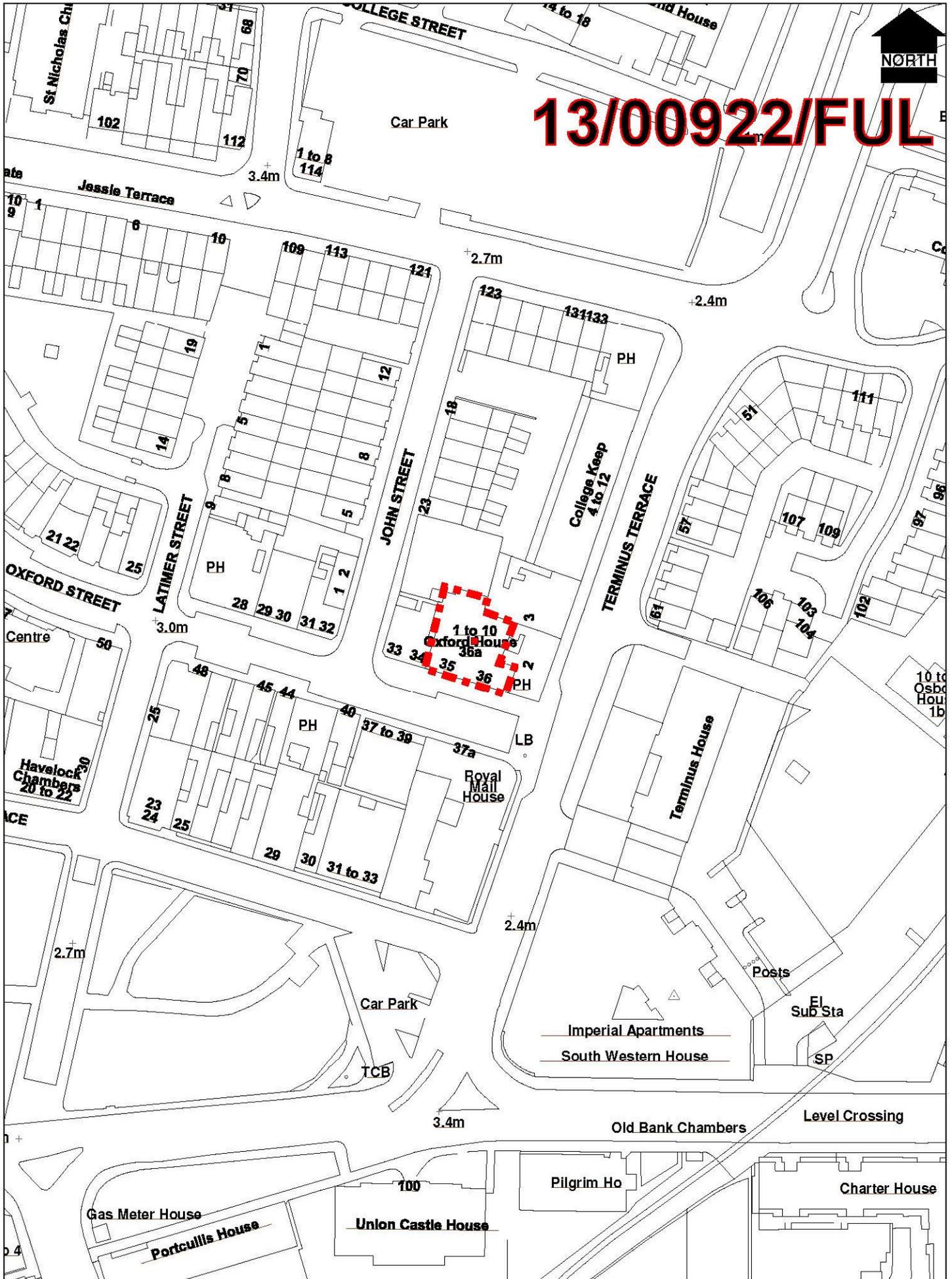
The National Planning Policy Framework 2012

Emerging Policy Documents

Local Development Framework City Centre Action Plan - The Night Time Economy Background Paper August 2013 (Draft)



13/00922/FUL



Scale : 1:1250

Date 4 September 2013

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DECISION-MAKER:	PLANNING AND RIGHTS OF WAY PANEL		
SUBJECT:	REMOVAL OF TREES - LOWER TERMINUS TERRACE		
DATE OF DECISION:	17 SEPTEMBER 2013		
REPORT OF:	HEAD OF CITY SERVICES		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Nik Gruber	Tel: 023 8083 4028
	E-mail:	Nik.gruber@southampton.gov.uk	
Director	Name:	John Tunney	Tel: 023 8091 7731
	E-mail:	John.Tunney@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY
None.

BRIEF SUMMARY

The essential maintenance to Central Bridge through the Bridges to Bridges programme, an improvement project delivering maintenance to one of six bridges in the City as part of the Council's successful Local Pinch Point Funding award from the Department of Transport.

The Traffic Management plan to maintain network access and capacity, seeks to open up Lower Terminus Terrace temporarily during the works. However, this proposal seeks the removal of two trees, to enable this traffic diversion to happen. A minimum of two new trees will be planted in replacement, the species to be agreed with a Senior Tree Officer.

RECOMMENDATIONS:

- (i) To allow the removal of two trees to enable the diversion of traffic during essential bridge maintenance works; and
- (ii) To provide two new trees - the replacement tree size and specific planting location and layout to be agreed with a Senior Tree Officer.

REASONS FOR REPORT RECOMMENDATIONS

1. If the two trees are retained they will prohibit the temporary use of Lower Terminus Terrace for the traffic travelling north bound during the bridge works. Alternative traffic management plans will result in significant delays to travel times and congestion for all traffic movements on the east side of the City.
2. The removal of the two trees and their replacement with two new trees will result in a lower impact on traffic movements in this location, maintaining the access required to the Eastern Docks, Cruise terminals and as an arterial route to egress and exit the City via the Itchen bridge.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

3. The safe retention of the two trees would require alternative traffic management plans, which will cause delays and congestion. This would have a detrimental impact upon the Eastern Docks and those businesses within the Docks and surrounding areas.
4. Provide an alternative diversionary route – there is not an alternative in this location, with traffic only being able to pass over Central Bridge or on Lower Terminus Terrace.

DETAIL (Including consultation carried out)

5. The Bridges to Bridges project is being delivered following the Council's successful Pinch Point funding award from the Department of Transport. The award enables essential maintenance to be undertaken on six bridges within the City. Central Bridges is within the six identified. To ensure the works do not impact upon traffic movements and surrounding businesses, a traffic management plan has identified the use of the Lower Terminus Terrace road, which is currently pedestrian only. The temporary use of the road during the works will result in a lower impact upon traffic movements and mitigate any delays caused by the works.
6. Lower Terminus Terrace is currently pedestrian only and has been obstructed to prevent vehicular use, with bollards and the planting of two trees, which contribute to the tree line boulevard affect on this existing footway, which enhances the street scene in this location.
7. Two trees within this planting, T1 and T2 a Whitebeam and a Field Maple; are obstructing the use of Lower Terminus Terrace for temporary traffic movements due to their position on the footway on the southern boundary with Terminus terrace.
8. The removal of these trees will enable the Traffic Management Plan to be implemented and allow the use of Lower Terminus Terrace for a temporary basis during the bridge works. There would not be any adverse impact upon the remaining trees in this location.
9. It is intended that replacement trees will be planted following completion of the bridge works.
10. External Consultation has been conducted regarding the bridge works, with a number of key stakeholders including ABP. Wider public consultation will be provided nearer the works delivery programme start date, once traffic movements for diversions are known.
11. Internal consultation has taken place with the Bridges to Bridges client team, Legal Services and the Parks and Open Spaces teams, regarding the need to remove the trees and to provide replacement trees.

RESOURCE IMPLICATIONS

Capital/Revenue

12. All works are being funded from the Pinch Point funding.

Property/Other

- 13. The replacement trees will be planted within the landscape areas within the ownership of the City Council.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

- 14. In accordance with the Constitution any decision relating to Council trees, unless delegated, will be determined by the Planning Panel.

Other Legal Implications:

- 15. The trees are not subject to Tree Preservation Orders.

POLICY FRAMEWORK IMPLICATIONS

- 16. None.

KEY DECISION? No

WARDS/COMMUNITIES AFFECTED:	Bargate
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SUPPORTING DOCUMENTATION

Appendices

1.	None
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Documents In Members' Rooms

1.	Tree Survey (Mott MacDonald)
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Equality Impact Assessment

Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.	No
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Other Background Documents

Equality Impact Assessment and Other Background documents available for inspection at:

Title of Background Paper(s) Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	None	
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Report Tracking

VERSION NUMBER:	1
DATE LAST AMENDED:	30 August 2013
AMENDED BY:	Ali Mew

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