

**Planning, Transport & Sustainability Division**  
**Planning and Rights of Way Panel (WEST) - 22nd March 2016**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> King George PH, Oakley Road, SO16 4LJ.			
<b>Proposed development:</b> Redevelopment of the site. Erection of 5 x 3 bed houses with associated parking and cycle / refuse Storage. (Outline application seeking approval for access, appearance, layout and scale) (Resubmission).			
<b>Application number</b>	15/02331/OUT	<b>Application type</b>	OUT
<b>Case officer</b>	Laura Grimason	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	25/03/2016 (extended)	<b>Ward</b>	Millbrook.
<b>Reason for Panel Referral:</b>	Request by Ward Member	<b>Ward Councillors</b>	Cllr Galton Cllr Denness Cllr Furnell
<b>Referred by:</b>	Cllr Galton	<b>Reason:</b>	Highways safety. Insufficient parking. Poor design. Out of character with the surrounding area.
<b>Applicant:</b>	Witchampton Developments Ltd	<b>Agent:</b>	Tony Oldfield Architects Ltd

<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report.</b>
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<b>Community Infrastructure Levy Liable</b>	Yes
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**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 as set out in the report to the Planning and Rights of Way Panel on the 17th November 2015 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, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, H1 and H7 of the City of Southampton Local Plan Review (Amended 2015) and CS4, CS5,

## **Appendix attached**

1 Development Plan Policies

2 Panel minutes for 15/01551/OUT

## **Recommendation in Full**

Delegate to the Planning and Development Manager to grant planning permission subject to securing a contribution to the Solent Disturbance Mitigation Project. In the event that a contribution is not received, a delegation to refuse planning permission is also sought.

### **1.0 The site and its context**

- 1.1 This application relates to the King George public house which occupies a prominent plot of land at the junction of Oakley Road and King George Avenue. There is one residential dwelling located above and associated with the ground floor use in addition to a single storey garage to the side of the property fronting Oakley Road. The site area for this plot is approximately 900 sq m.
- 1.2 At present, there is vehicular parking for 10 cars immediately to the front of the property within a large front forecourt. A large dropped kerb spanning from Oakley Road to King George Avenue provides access to these spaces.
- 1.3 Site levels slope upwards in an easterly direction from the road frontage. As a result, properties to the rear along Prince of Wales Avenue are set at a higher level than the application site.
- 1.4 The site is located within a predominantly residential area characterised by pairs of two storey, semi-detached dwellings. There are however, a number of commercial uses immediately adjacent to the site along Oakley Road.

### **2.0 Proposal**

- 2.1 Permission is sought for the redevelopment of the site by the demolition of the existing building and the construction of 5 x 3 bed houses with associated parking and cycle/refuse storage. This is an outline application seeking approval for Access, Appearance, Layout and Scale. Landscaping is reserved for a later date.
- 2.2 This scheme amends a previously refused scheme (ref.15/01551/OUT). This revised scheme proposed 5 additional dwellings compared to the 6 which were proposed previously. The same number of parking spaces (7) would be provided as before. Further detail on the previous scheme and its reasons for refusal are outlined in section 4.0.
- 2.3 The proposed units would be arranged in 2 semi-detached pairs and a detached dwelling adjacent to no.94 Oakley Road. Each property would have a footprint of approximately 113 sq m and would be three storeys in height (accommodation at second floor level would be provided within the roofspace). Each unit would have an entrance within the front elevation with bin storage provided within an enclosed area adjacent to this.
- 2.4 Each unit would have a private rear garden. Garden sizes for the proposed

units range from 47 sq m to 75 sq m.

2.5 Seven car parking spaces would be provided to the front of the proposed dwellings. These would be laid out at a 90 degree angle to the front elevation of the proposed units. A new 0.6m high boundary wall would be constructed along the front boundary of the site. 2 trees would be planted within the front forecourt.

2.6 The site is not located within a Conservation Area.

### **3.0 Relevant Planning Policy**

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

3.2 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> 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 In 2015, an application (ref.15/01551/OUT) for the redevelopment of this site was refused at the Planning and Rights of Way meeting on the 17<sup>th</sup> November 2015. A copy of the panel minutes are attached at Appendix 2. This sought permission for the erection of 6 x 3 bed houses with associated parking and cycle/refuse storage (outline application seeking approval for Access, Appearance, Layout and Scale). The reasons for the refusal of this scheme were as follows:

#### **1. REFUSAL REASON - Loss of community facility**

The redevelopment proposal would result in the loss of the existing King George Public House. No evidence has been submitted to demonstrate that the pub is no longer viable and that it would not be viable as a community building for alternative community use. Furthermore, no evidence has been provided to demonstrate that the other community facilities which are available in the surrounding are adequate to meet existing need. This proposal is therefore, contrary to paragraph 70 of the National Planning Policy Framework (March 2012) and policy CS3 of the adopted City of Southampton Local Development Framework Core Strategy Partial Review (March 2015).

#### **2. REASON FOR REFUSAL: Inappropriate Design**

The proposed design would fail to establish a high quality, context sensitive development in this location. Specifically, this would be by reason of:

(a) The design of the proposed roof terraces to the front elevation which would become the dominant feature of the development contrary to the prevailing character of the surrounding area.

(b) The failure to incorporate any architectural features which are characteristic of the local area in the proposed design resulting in a bland appearance that would fail to relate appropriately with the character of the surrounding area.

(c) An excessive amount of site coverage by buildings and hard standing resulting in an overdevelopment which does not respond to existing spatial characteristics including building to plot ratios resulting in a cramped form of development.

The proposed development would have a poor quality design which would be out of keeping with the character of the surrounding area. As such the development would be contrary to Policies SDP7 (ii) (iv), SDP8 (i) and (v), SDP9 (i) and (iv) of the adopted City of Southampton Local Plan Review (March 2015); policy CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (Revised 2015); and paragraphs 3.7.8, 3.9.1, 3.9.2, 3.9.5, 3.9.6, 3.10.2, 3.10.4, 3.10.6, 3.10.7, 3.10.12, 3.10.13, 3.10.14, 3.10.16 and 3.10.17 of the adopted Residential Design Guide SPD (September 2006).

### **3. REFUSAL REASON - Lack of Section 106 agreement**

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

(a) Contributions towards site specific transport improvements in the vicinity of the site in line with Policy SDP4 of the adopted Amended Local Plan Review (2015); Policies CS18 and CS25 of the adopted amended Local Development Framework Core Strategy Development Plan Document (2015); and the adopted Developer Contributions Supplementary Planning Document (April 2013).

(b) 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.

(c) Provision of affordable housing in line with Policy CS25 of the adopted amended Local Development Framework Core Strategy Development Plan Document (2015) and the Developer Contributions Supplementary Planning Document (April 2013).

(d) A scheme of mitigation or financial contribution towards the Solent Disturbance Mitigation Project (SDMP) in accordance with The Conservation of Habitats and Species Regulations 2010 (as amended) and policy CS22 of the adopted amended Local Development Framework Core Strategy Development Plan Document (2015).

### **4. REASON FOR REFUSAL - Impact on residential amenity.**

Based on the information submitted, it has not been adequately demonstrated that the development would not have a harmful impact on the amenities of nearby residential occupiers through increased competition for on-street car parking. The submitted survey fails to take into account existing points of access to off-road car parking and failed to assess the situation at the start

and end of the school day in relation to nearby schools. As such, it is not clear the level of car parking proposed is sufficient to serve the development, particularly since significantly less spaces would be provided than the Council's maximum adopted standards. The development would, therefore, be contrary to the provisions of Policy SDP1 of the City of Southampton Local Plan Review (2015), Policy CS19 of the Southampton Core Strategy Development Plan Document (2015) and the adopted Parking Standards Supplementary Planning Document (2011).

4.2 This previous scheme was taken to the Planning and Rights of Way Panel (West) on the 17th November with reasons 1 - 3 as outlined in paragraph 4.1. The Panel resolved to add reason 4 during the meeting.

4.3 The current scheme seeks to address these previous concerns.

## **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 **4** representations have been received from surrounding residents. An objection and panel referral request has also been received from Ward Councillor Galton. The following is a summary of the points raised:

5.1.1 The proposed development would increase parking in an area which is already subject to significant parking stress.

*Response: According to the Parking Standards SPD, a maximum parking requirement of 10 spaces would be required for this development. 7 spaces have been proposed and 2 car parking surveys have been submitted to examine the availability of on road parking in the surrounding area. These parking surveys follow the Lambeth model and guidance produced by the City Council's Highways Team. They give a clear insight into the parking availability within the surrounding area and demonstrate capacity for any overspill. The first survey (undertaken on the 30th July 2015) indicates that there were 65 spaces available whilst the second (undertaken on the 30th January 2016) indicates that 61 spaces were available. The application site is located approximately 725m from Shirley Town Centre and approximately 275m from the large Tesco superstore located to the north of Oakley Road and to the west of Teboura Way. As such, it is considered that the site benefits from good access to local services and public transport facilities and the level of parking proposed is acceptable.*

5.1.2 The submitted parking surveys are inaccurate.

*Response: The parking survey previously submitted for the refused scheme has been updated in response to concerns raised by the Planning and Rights of Way Panel. The previous survey showed spaces where driveways were not served by dropped kerbs. An additional parking survey has been undertaken. It is now considered that this parking survey is accurate and up to date. As such, the parking surveys which have been submitted for this scheme provide an accurate representation of the parking situation in the surrounding area and demonstrate that capacity is available to accommodate the additional 3*

*parking spaces.*

- 5.1.3 The proposed scheme would be detrimental to highways safety. The proposed landscaping would reduce visibility for vehicles moving out of the site onto King George Avenue and Oakley Road. It would result in an increase in the number of collisions in this location.

*Response: The City Council's Highways department have raised no objection in terms of highways safety. There is an existing continuous dropped kerb around the perimeter of the site along both King Georges Avenue and Oakley Road. As a result, at the current time, vehicles are able to drive or reverse onto the highway at any time to utilise the existing parking spaces on the front forecourt. This is considered to be a poor arrangement. The proposed scheme would improve this arrangement by providing turning room on site and establishing formal access and egress points for use by future occupiers.*

- 5.1.4 The proposed dwellings would overlook the rear garden of the property located to the rear at no.103 Prince of Wales Avenue.

*Response: Paragraph 2.2.4 of the Residential Design Guide outlines minimum distances which should be retained between 2 / 3 storey housing and other 3 storey housing as is the case with this development. In this instance, a minimum distance of 21m should be retained. Where there are differences in site levels, this separation distance should be increased by 2m for every 1m rise in ground level. The submitted information indicates that site levels increase by approximately 3.2m from the north western boundary along King George Avenue to the south eastern boundary of the site. As such, the minimum separation distance increases to 27m. No.103 Prince of Wales Avenue is located approximately 38m away from the rear boundary of the application site. This separation distance greatly exceeds the minimum separation distance and is acceptable. The separation distances with nearer neighbours are also acceptable and were not previously sited as a reason for refusal. Further discussion on the impact of the scheme on the residential amenities of other neighbours is discussed later in the report.*

- 5.1.5 The proposed design is at odds with the character of the surrounding area.

*Response: The design of the scheme has been amended in response to the previous reason for refusal. The reduction of 1 unit and the subsequent creation of 2 x semi-detached pairs of dwellings and 1 detached unit is considered to establish a context of sensitive development, in keeping with the layout of residential properties within the surrounding area. The scheme now incorporates bay windows and chimneys, features which are characteristic of the surrounding area. Defined front entrances have been proposed and additional trees provided. Furthermore, this scheme does not include the roof terraces previously proposed. The design has been significantly improved and is now considered to be acceptable. It is considered that the previous reason for refusal relating to design has, therefore, been overcome.*

- 5.1.6 The proposed scheme would overdevelop the site.

*Response: The proposed density level at 53 dph is considered to be acceptable in this location in accordance with Core Strategy policy CS5. The reduction of 1 unit compared to the previous scheme makes it possible to*

*retain adequate spaces between the proposed units. There is sufficient space available on site to provide the required bin and cycle storage, car parking and amenity space and it is not considered that the proposed scheme would constitute an overdevelopment of the site. The previous scheme for 6 units was not refused for being an overdevelopment.*

## **5.2 Consultation Responses**

### **5.2.1 SCC Highways – No objection**

The proposed development is of a near identical design and nature to the previous scheme (15/01551/OUT) with the exception of the reduction by one unit.

In terms of highway impact, this proposal will negate one unit's worth of trips and parking demand from the previous application and therefore the previous comments (prior to the panel meeting) are still applicable and appropriate.

The only additional comment to make is that there is a new parking survey conducted during school term times. The new survey has been conducted in accordance with the Lambeth methodology and the results suggests that there should be sufficient capacity to accommodate any potential overspill. Furthermore, the scheme is considered to benefit from a generous level of parking for a site located so close to a district centre and benefits from ample public amenities (such as shops, health care etc.) and is right by a bus stop and a near a busy bus corridor.

Along with the previous comments (below), the application is considered to be acceptable with the same recommendation and conditions being applied (below):

*The principle of the redevelopment of this site in the manner shown is acceptable. The existing public house has a continuous dropped kerb around the site perimeter resulting in vehicles being able to drive/reverse onto or off of the forecourt in an uncontrolled manner. The development offer 2 parking courts to serve the 6 dwellings, both providing the opportunity to turn on site, so that vehicles can enter and leave the site in a forward gear over defined access points....*

*Conditions should be imposed requiring details as follows:*

*1. Sight lines at this location require careful consideration at this junction, and sight lines will need to be shown on detailed plans indicating forward visibility sight lines for users of the two new accesses, but also users of the adjacent junction.*

*2. Details of materials to be used on the driveways and the method of prevention of surface water from running out from the site onto the highway will be required. Alterations to the kerb alignment will be required and will require licencing from Balfour Beatty to do this.*

*3. Details of the cycle and bin storage will need to be agreed, and the location of the collection point for the bins on collection day. Glass recycling must be catered for.*

#### 5.2.2 **SCC Heritage - No objection.**

Any archaeological remains are likely to have been removed by the significant level reduction associated with the former use as a Public House.

No archaeological conditions will be required.

#### 5.2.3 **SCC Sustainability Team – No objection subject to conditions.**

A 4x array of 250w Solar Panels will be provided on the south facing roof pitch of each property to contribute too and reduce the developments energy use, thus enabling the scheme to incorporate green sustainable technologies. These have been shown on the plans.

A sustainable drainage system shall be utilised within the proposed scheme to control surface water run-off and reduce the effects of localised flooding through the use of permeable block paving and a soakaway systems to collect larger volumes of water runoff.

If the case officer is minded to approve the application, conditions are recommended in order to ensure compliance with policy CS20.

#### 5.2.4 **SCC Ecology – No objection subject to conditions.**

The application site consists of two buildings, hardstanding, bare ground and a small area of overgrown lawn.

The buildings are in good condition and an ecological survey accompanying the planning application confirms that there is negligible potential for bat roosts. The garden area at the rear doesn't contain any significant vegetation and as a consequence there are unlikely to be any impacts on nesting birds, foraging bats or other local wildlife.

The ecology report includes recommendations for simple biodiversity enhancements which should be implemented.

#### 5.2.5 **SCC Environmental Health (Pollution & Safety) - No objection.**

No objection subject to conditions relating to bonfires, hours of work for demolition and clearance, dust suppression for demolition and the provision of a construction environment management plan.

#### 5.2.6 **SCC Environmental Health (Contaminated Land) - No objection subject to conditions.**

This department considers the proposed land use as being sensitive to the affects of land contamination.

Records maintained by SCC - Regulatory Services do not indicate that any potentially contaminating land uses have existed on or, in the vicinity of the subject site. However, these records are not authoritative and reference to them alone is not sufficient to confidently determine the presence of any risk. In view of the sensitive nature of the proposal a more thorough assessment of the potential land contamination hazards would be prudent



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.

#### 5.2.7 **CIL Officer – No objection.**

The development will become CIL liable at reserved matters stage at a rate of £70 per sq m on the Gross Internal Area of the new development.

#### 5.2.8 **Southern Water – No objection subject to informatives.**

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

6.1 Whilst seeking to consider whether or not this scheme has addressed the previous reasons for refusal, the key issues for consideration in the determination of this planning application are:

- (a) The principle of development;
- (b) The quality of residential environment for future occupiers;
- (c) Design;
- (d) Effect on residential amenity;
- (e) Highways safety, car and cycle parking and;
- (f) Planning obligations and mitigation.

#### 6.2 Principle of Development

6.2.1 Core Strategy Policy CS4 (Housing Delivery) suggests that: 'An additional 16,000 homes will be provided within the City of Southampton between 2006 and 2026. This proposal would make good use of previously developed land within a predominantly residential area to provide 4 much needed additional homes (there is an existing residential flat above the Public House) and is, therefore, considered to be acceptable in principle subject to other considerations relating to the loss of a community facility.

6.2.2 Core Strategy Policy CS5 (Housing Density) outlines density levels for new residential development which will be acceptable in different parts of the city. This property is located within an area of moderate accessibility (Band 3) to Public Transport where densities of between 50 and 100 dph would be considered acceptable in principle. As such, the proposed density of 53 dph is considered to be appropriate and in line with Core Strategy policy CS5.

6.2.3 Paragraph 70 of the National Planning Policy Framework confirms that: 'To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: Guard against the unnecessary loss of valued facilities and services particularly where this would reduce the community's ability to meet its day to day needs'.

6.2.4 Core Strategy Policy CS3 states that: 'Proposals that result in the loss of a community facility throughout the city will not be supported if it is viable for the commercial, public or community sector to operate it and if there is no similar

or replacement facility in the same neighbourhood'. Public houses are classed as community uses by the NPPF and so policy CS3 applies for this scheme.

6.2.5 This application is accompanied by a Marketing Report for the King George Public House produced by Savills (UK) Limited and dated December 2015. This document indicates the following:

(a) Savills were instructed to market the property on the 15th January 2015. The property has been marketed for a total of 11 months.

(b) Sales particulars were produced by Savills.

(c) The property was advertised on [www.propertylink.estatesgazette.com](http://www.propertylink.estatesgazette.com) and [www.savills.com/leisure](http://www.savills.com/leisure).

(d) The property was included on Savills' monthly Licensed Leisure Property list which is emailed to more than 1500 pub operators / applicants on a monthly basis.

(e) A for sale sign was also displayed at the property.

(f) There was limited interest from public house, restaurant or cafe operators during the marketing period.

(g) There was no interest from commercial uses or members of the general public to create and administer an alternative community facility.

(h) A total of 5 formal offers were received from developers and speculators.

(i) An offer from the applicant was received and the sale was completed in June 2015. The applicant instructed Savills to continue marketing the property.

(j) There are 5 alternative public houses within 500m of the application site. The majority of these are close to Shirley High Street. Specifically, these are: (1) The Regents Park, Regents Park Road; (2) The Salisbury Arms, Shirley Road; (3) The Park Inn, Shirley Park Road; (4) Shirley Hotel, Shirley Road; and (5) Brick Layers Arms, Wimpson Lane.

6.2.6 It is considered that an appropriate period of marketing has been undertaken for the site with limited interest from anyone wanting to continue the use of the property as a public house. Having regard to the information which has been provided, it is considered that this scheme is compliant with Core Strategy policy CS3 and the previous reason for refusal on this matter has been addressed.

### 6.3 Quality of Residential Environment

6.3.1 The proposed units would be of an adequate size to provide a high quality standard of residential accommodation for future occupiers. Habitable room windows (serving bedrooms, living and dining areas) within all of the proposed units would benefit from sufficient access to light and outlook and all units would benefit from good levels of privacy.

6.3.2 The Residential Design Guide outlines minimum standards for amenity areas within the city. For semi-detached properties, a minimum of 70 sq m of amenity space should be provided for use by future occupiers. For detached properties, a minimum of 90 sq m should be provided. Gardens for the proposed units range in size from 47 sq m to 75 sq m. It is acknowledged that the proposed garden sizes are smaller than the sizes recommended in the Residential Design Guide. They are also smaller in nature than those found on this side of King George Avenue and Prince of Wales Avenue. The proposed gardens are, however, considered to be usable and would provide adequate

space for sitting / playing out, hanging out washing etc. Furthermore, the site is located in close proximity to Cedar Lodge Park (approximately 215m away) and so future residents would have access to alternative amenity space if required. Whilst the amenity space proposed is lower than the guidance suggests, this would not outweigh the need for additional family homes within the city.

6.3.3 It is considered that the proposed units would provide a high quality of residential accommodation for future occupiers.

#### 6.4 Design

6.4.1 The previous scheme was refused on design grounds as detailed above. As such, a material consideration for this scheme relates to whether this previous reason for refusal has been addressed.

6.4.2 The application site occupies a prominent location at the junction of King Georges Avenue and Oakley Road. Both King George Avenue and Oakley Road are characterised by pairs of two storey, characterful 1930s semi-detached dwellings. Properties in the surrounding area have distinguishing features including; two storey projecting bay windows, decorative gables and porch canopies. They are predominantly of brick construction with hipped side roofslopes. A number of properties have front gardens whilst some have front driveways providing off road parking for residents.

6.4.3 The design of the proposed scheme has been amended in response to the previous reason for refusal. The number of units proposed has been reduced from 6 to 5, reducing the built form of the development and retaining additional space between the proposed units, more in keeping with the surrounding area where gaps have been retained between properties. Furthermore, the proposed arrangement of 2 x semi-detached pairs adjacent to no.214 King George Avenue would effectively continue the existing pattern of development along this residential road which is characterised by pairs of semi-detached dwellings. The siting of a detached dwelling adjacent to no.94 Oakley Road is also considered to be acceptable. This amended scheme is considered to be an improvement on the terraced scheme which was previously refused. The proposed units would satisfactorily address this prominent corner plot, following the existing line of development and retaining an appropriate set back from the front boundary of the plot.

6.4.4 The following additional amendments have been made in response to comments from the Local Planning Authority following input from its design officer:

(a) The addition of chimneys.

(b) The planting of 2 trees within the front forecourt.

(c) The use of red brick to match neighbouring dwellings along King George Avenue.

6.4.5 Paragraph 3.7.8 of the Residential Design Guide suggests that: 'The proposed development should be similar in scale, massing, position on the plot, vertical and horizontal rhythm and a high quality of architectural detailing that is harmonious with existing adjacent development'. Paragraph 3.10.2 of the Residential Design Guide continues: 'New development should respond to the

character and context of its site and establish a high quality 21<sup>st</sup> century contemporary architecture that makes appropriate reference to the local vernacular architecture'. This amended scheme incorporates a number of features which are characteristic of the surrounding area. Modern projecting bay windows and chimneys have been added and the type of brick proposed has been amended to ensure that the materials which are used to construct the proposed dwellings are in keeping with the surrounding area. Defined front entrances have also been established with a front door for each unit facing the front forecourt. This is considered to be an improvement on the previous scheme where recessed front entrances were proposed. Overall, it is considered that the proposed scheme would provide additional visual interest to the wider streetscene, creating a new feature of interest in this prominent corner location.

6.4.6 The provision of additional trees on site would effectively break up the front forecourt. This is however, subject to additional details of landscaping to be provided through the reserved matters submission.

6.4.7 It is considered that this scheme proposes an appropriate design which is context sensitive and which satisfactorily addresses the previous reason for refusal.

## 6.5 Residential Amenity

6.5.1 Site levels increase in an easterly direction from Oakley Road and as a result, the residential properties to the rear along Prince of Wales Avenue are located at a higher level than the application site. Paragraph 2.2.4 of the Residential Design Guide outlines minimum distances which should be retained between 2 / 3 storey housing and other 3 storey housing as is the case with this development. In this instance, a minimum distance of 21m should be retained. Where there are differences in site levels, this separation distance should be increased by 2m for every 1m rise in ground level. The submitted information indicates that site levels increase by approximately 3.2m from the north western boundary along King George Avenue to the south eastern boundary of the site. As such, the minimum separation distance increases to 27m.

6.5.2 Separation distances ranging from 24 to 28 would be retained between habitable room windows within the rear of the proposed units and those within the rear of the units located at 111 – 117 Prince of Wales Avenue. The Residential Design Guide advises that the City Council can apply these standards flexibly depending on the context of the surrounding area. Given that it is the properties to the rear that are located at a higher level than the application site, it is not considered that this would give rise to a loss of amenity for these neighbouring residential properties. Specifically, it is not considered that any overlooking, loss of light or overbearing impact would occur. The separation distances that have been proposed are therefore, considered to be acceptable.

6.5.3 The nearest residential dwelling to the application site along King Georges Avenue is located at no.214. It is the side elevation of this property which faces the application site. At first floor level, there is an obscure glazed window within the side elevation of this property whilst the windows at ground floor level are obscured by the existing boundary fence and do not therefore, benefit from a good outlook or access to light. These windows appear to be

secondary to primary windows within the rear elevation looking out into the rear garden and with an easterly orientation. As the proposed terrace of dwellings would only exceed the depth of this neighbouring property by approximately 2, it is not considered that the proposal would have an overbearing impact on the residential amenities of its occupiers.

6.5.4 The nearest residential dwelling to the application site along Oakley Road is the first floor flat above the ground floor commercial use at no.94. There is one obscure glazed window within the side elevation of this property. As this is obscure glazed, it does not benefit from good outlook or access to light at the current time. Having regard to this and the retention of a separation distance of approximately 3m, no further loss of light or outlook is considered likely to occur as a result of this proposal.

6.5.5 This scheme is therefore, considered to respect existing amenity in terms of privacy, overlooking, overshadowing and outlook and satisfies the Local Plan Review SDP1(i) in doing so.

## 6.6 Highways Safety, Car and Cycle Parking

6.6.1 A key consideration for this scheme is whether this previous parking reason for refusal has been sufficiently addressed.

6.6.2 The City Council's Highways team have raised no objection to the scheme in terms of highways safety. There is an existing continuous dropped kerb around the perimeter of the site along both King Georges Avenue and Oakley Road. As a result, at the current time, vehicles are able to drive or reverse onto the highway at any time to utilise the existing parking spaces on the front forecourt. This is considered to be a poor and unsafe arrangement. The level of trips associated with a public house is also greater than those associated with the proposed residential use. The proposed scheme would improve this arrangement by providing turning room on site and establishing formal access and egress points for use by future occupiers. A condition securing sightlines would however be imposed.

6.6.3 According to the Parking Standards SPD, a maximum parking requirement of 10 spaces would be required for this development. 7 spaces have been proposed and 2 car parking surveys have been submitted to examine the availability of on road parking in the surrounding area.

6.6.4 The first car parking survey was submitted for the previous scheme. This did however, include spaces where there are driveways which are not served by a dropped kerb. In response to concerns by the Planning and Rights of Way Panel and the resulting reason for refusal, this survey has been amended to remove spaces immediately outside driveways which are not served by a dropped kerb. This survey was undertaken at 01:00 on Thursday 30<sup>th</sup> July 2015 and indicates the following:

(a) A total number of 219 on road parking spaces were identified in the study area.

(b) 65 spaces were available at the time of the survey.

6.6.5 The second car parking survey was undertaken at 23:30 on Saturday 30<sup>th</sup> January 2016. This indicates the following:

(a) A total number of 219 on road parking spaces were identified in the study area.

(b) 61 spaces were available at the time of the survey.

6.6.6 The submitted parking surveys are considered to be in accordance with both the Lambeth Model and recent guidance produced by the City Council's Highways Team. Both surveys indicate that adequate parking is available on surrounding residential roads to supplement the 7 parking spaces which have been proposed. Both surveys were undertaken at times when the greatest number of residents are likely to be at home.

6.6.7 According to the Parking Standards SPD, a total of 5 parking spaces is acceptable. The submitted documents indicate that 10 cycle parking spaces would be provided within a secure cycle store in the rear garden of each unit. This would provide the required amount of cycle parking. A condition could be imposed to secure further details of this in order to ensure that the cycle parking provided is in accordance with the standards in the Parking Standards SPD.

6.6.8 With regards to refuse storage, the submitted plans indicate that space for 2 bins would be provided within a bin storage area to the front of each dwelling, adjacent to the front entrance. Space for glass storage would also be required and this could be addressed through a planning condition. Further details of refuse storage facilities would be secured by planning condition is a recommendation for conditional approval was made.

6.6.9 In light of the issues discussed above, it is considered that sufficient information has been provided to overcome the previous reason for refusal relating to parking pressure.

## 6.7 Solent Disturbance Mitigation Project (SDMP)

6.7.1 This scheme no longer triggers a full S106 agreement or the provision of affordable housing as a net gain of 4 units is now proposed. However, the Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution of £174 per unit has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. A contribution towards the SDMP has not yet been received and as such, the recommendation for this scheme is to delegate authority to grant permission upon receipt of the required amount. Once this has been received, the application will have complied with the

requirements of the SDMP and the Conservation of Habitats and Species Regulations 2010 (as amended).

## **7.0 Summary**

7.1 In light of the issues discussed in this report, it is considered that this proposal has adequately addressed the previous reasons for refusal relating to (a) The loss of a community facility; (b) design; and (c) insufficient information to address the impact of additional parking pressure associated with the development. The additional reason for refusal relating to the lack of a section 106 agreement has also been addressed as the amended scheme only results in an increase of 4 dwellings and does not therefore, trigger the requirement of a section 106 agreement. All material considerations have been satisfied and the proposed scheme is considered acceptable.

## **8.0 Conclusion**

8.1 The application is recommended for delegated authority to grant conditional approval upon receipt of a contribution to the Solent Disturbance Mitigation Project (SDMP).

### **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), 7(a), 9(a) and 9(b).

#### **LAUGRI for 22/03/2016 PROW Panel**

### **PLANNING CONDITIONS**

#### **1. APPROVAL CONDITION: Outline Permission Timing Condition (Performance)**

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, and the landscaping (both hard, soft and including enclosure details) of the site 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 and including tree planting to the frontage.

(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 before the expiration of two years from the date of approval of the last application of the reserved matters to be approved.

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).

## **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, 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: Details of building materials to be used (Pre-Commencement Condition)**

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

Reason:

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

## **4. APPROVAL CONDITION: Cycle storage facilities (Pre-Commencement Condition)**

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

Reason:

To encourage cycling as an alternative form of transport.

## **5. APPROVAL CONDITION: Refuse & Recycling (Pre-Commencement)**

Prior to the commencement of development, details of storage for refuse and recycling, together with the access to it, shall be submitted to and approved in writing by the Local Planning Authority. The storage shall be provided in accordance with the agreed details before the development is first occupied and thereafter retained as approved. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the development hereby approved.

Reason:

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

## **6. APPROVAL CONDITION: Sightlines specification (Pre-Commencement)**

Adequate sightlines shall be provided before the use of the building hereby approved commences. The approved sightlines shall be maintained and kept clear at all times.



Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 no fences, walls or other means of enclosure shall be erected above a height of 0.6m above ground level within the sight line splays.

Reason:

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

#### **7. APPROVAL CONDITION: Surfacing details**

Before the development hereby approved commences, details of (a) materials to be used for the surfacing of the front forecourt; (b) measures to prevent surface water from running out from the site onto the highway; and (c) alterations to the kerb alignment shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details which shall be retained thereafter.

Reason:

In the interests of highways safety.

#### **8. APPROVAL CONDITION: Energy & Water (Pre-Commencement)**

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of a design stage SAP calculations and a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

Reason:

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

#### **9. APPROVAL CONDITION: Energy & Water (performance condition)**

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

Reason:

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

#### **10. APPROVAL CONDITION: Sustainable Drainage Systems [Pre-Commencement Condition]**

Prior to the commencement of development a specification for the proposed sustainable drainage system shall be submitted to 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.

**11. APPROVAL CONDITION: Ecological Mitigation Statement (Pre-Commencement)**

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, as set out in the Phase 1 Ecological Survey (dated: July 2015 and produced by D.V.Leach. M.C.I.E.E.M) which unless otherwise agreed in writing by the Local Planning Authority, shall be implemented in accordance with the programme before any demolition work or site clearance takes place.

Reason:

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

**12. APPROVAL CONDITION: Bonfires (Performance Condition)**

No bonfires are to be allowed on site during the period of demolition, clearance and construction.

Reason:

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

**13. APPROVAL CONDITION: Hours of work for Demolition / Clearance / Construction (Performance)**

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

Monday to Friday	08:00 to 18:00 hours
Saturdays	09:00 to 13:00 hours

And at no time on Sundays and recognised public holidays.

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

Reason:

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

**14. APPROVAL CONDITION: Demolition - Dust Suppression (Pre-Commencement)**

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.

### **15. APPROVAL CONDITION: Demolition and Construction Management Plan (Pre-Commencement)**

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

- (a) parking of vehicles of site personnel, operatives and visitors;
- (b) loading and unloading of plant and materials;
- (c) storage of plant and materials, including cement mixing and washings, used in constructing the development;
- (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
- (e) measures to be used for the suppression of dust and dirt throughout the course of construction;
- (f) details of construction vehicles wheel cleaning; and,
- (g) details of how noise emanating from the site during construction will be mitigated. The approved Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

Reason:

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

### **16. APPROVAL CONDITION: Land Contamination investigation and remediation (Pre-Commencement & Occupation)**

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. That scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

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

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

Reason:

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

**17. APPROVAL CONDITION: Use of uncontaminated soils and fill (Performance)**

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

Reason:

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

**18. APPROVAL CONDITION: Unsuspected Contamination (Performance)**

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

Reason:

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

**19. APPROVAL CONDITION: Allocated Parking (Pre-Occupation)**

Prior to occupation, the parking spaces and access to them hereby approved shall be fully marked out and retained thereafter unless otherwise agreed in writing by the Local Planning Authority. No more than 1 parking space per flat shall be allocated and they shall be retained for use by the residents of the development and their visitors only. The approved parking shall be used in accordance with the development hereby approved.

Reason:

To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety.

**20. APPROVAL CONDITION: Residential - Permitted Development Restriction (Performance Condition)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 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 C (other alteration to the roof),

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

Class F (hard surface area)

Reason:

In order that the Local Planning Authority may exercise further control in this locality as the gardens are below existing guidance and in the interests of the comprehensive development and visual amenities of the area.

## **Application 15/02331/OUT**

### **POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
H1	Housing Supply
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)  
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

**15/01551/OUT – Planning & Rights of Way panel - Minutes**

The Panel considered the 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.

Redevelopment of the site. Erection of 6x 3-Bed Houses With Associated Parking And Cycle/Refuse Storage (Outline Application Seeking Approval For Access, Appearance, Layout And Scale)

Councillor Galton and Councillor Furnell (ward councillors / objecting) and Adi Paplambu (architect) were present and with the consent of the Chair, addressed the meeting.

At the request of the Panel, officers amended the reasons for refusal to include an additional reason concerning the Impact on residential amenity that the development would have.

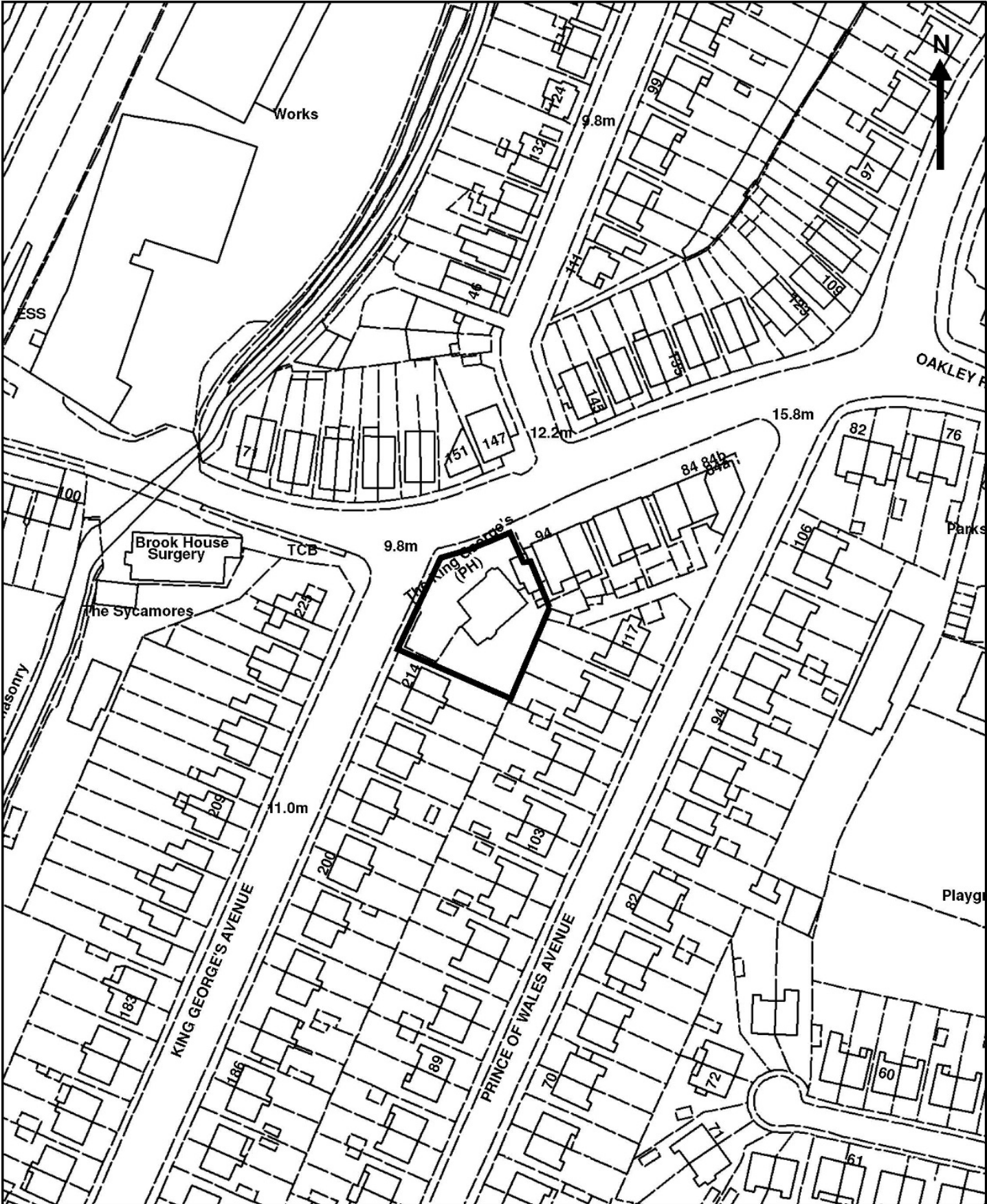
RESOLVED to refuse planning application for the reasons set out in the report and the additional reason set out below.

**Additional reason for refusal**

**4. REASON FOR REFUSAL - Impact on residential amenity.**

Based on the information submitted, it has not been adequately demonstrated that the development would not have a harmful impact on the amenities of nearby residential occupiers through increased competition for on-street car parking. The submitted survey fails to take into account existing points of access to off-road car parking and failed to assess the situation at the start and end of the school day in relation to nearby schools. As such, it is not clear the level of car parking proposed is sufficient to serve the development, particularly since significantly less spaces would be provided than the Council's maximum adopted standards. The development would, therefore, be contrary to the provisions of Policy SDP1 of the City of Southampton Local Plan Review (2015), Policy CS19 of the Southampton Core Strategy Development Plan Document (2015) and the adopted Parking Standards Supplementary Planning Document (2011).

# 15/02331/OUT



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