

Planning and Rights of Way Panel

Tuesday, 7th June, 2016
at 6.00 pm

PLEASE NOTE TIME OF MEETING

Conference Room 3 and 4 - Civic
Centre

This meeting is open to the public

Members

Councillor Barnes-Andrews
Councillor Claisse
Councillor Coombs
Councillor Denness (Chair)
Councillor L Harris
Councillor Hecks
Councillor Mintoff

Contacts

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Planning and Development Manager
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PUBLIC INFORMATION

Role of the Planning and Rights of Way Panel

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

Public Representations

Procedure / Public Representations

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

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

Mobile Telephones:- Please switch your mobile telephones to silent whilst in the meeting

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

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Details of the Council's Guidance on the recording of meetings is available on the Council's website.

Southampton City Council's Priorities

- Jobs for local people
- Prevention and early intervention
- Protecting vulnerable people
- Affordable housing
- Services for all
- City pride
- A sustainable Council

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 2016/17

2016	
7 June	13 September
21 June	4 October
12 July	25 October
2 August	15 November
23 August	6 December

2017	
10 January	
21 February	
14 March	
4 April	
25 April	

CONDUCT OF MEETING

Terms of Reference

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

Business to be discussed

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

Rules of Procedure

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

Quorum

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

DISCLOSURE OF INTERESTS

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

DISCLOSABLE PECUNIARY INTERESTS

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

- (i) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

- (iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

- (iv) Any beneficial interest in land which is within the area of Southampton.

- (v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

- (vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.

- (vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

- a) the total nominal value for the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
- b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

Other Interests

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

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

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

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

Principles of Decision Making

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

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

In exercising discretion, the decision maker must:

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

AGENDA

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 ELECTION OF VICE-CHAIR

To elect Vice Chair for the Municipal Year 2016/2017.

3 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.

4 STATEMENT FROM THE CHAIR

5 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)

(Pages 1 - 16)

To approve and sign as a correct record the Minutes of the meetings of the Planning and Rights of Way Panel (East) held on 12th April 2016 and Planning and Rights of Way (West) held on 3rd May 2016 and to deal with any matters arising, attached.

CONSIDERATION OF PLANNING APPLICATIONS

6 PLANNING APPLICATION - 16/00400/FUL - 14 CUMBERLAND PLACE

(Pages 21 - 56)

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.

7 PLANNING APPLICATION - 15/02168/FUL - 2 KINGSFOLD AVENUE, SO18 2PZ

(Pages 57 - 70)

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.

8 PLANNING APPLICATION - 16/00132/FUL - 174 MANOR ROAD NORTH, SO19 2DY (Pages 71 - 94)

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

9 PLANNING APPLICATION - 16/00325/FUL - 225 BURGESS ROAD (Pages 95 - 110)

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

10 PLANNING APPLICATION - 16/00359/FUL - 161 FOUNDRY LANE
(Pages 111 - 120)

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

Friday, 27 May 2016

SERVICE DIRECTOR, LEGAL AND GOVERNANCE

Agenda Item 5

To approve and sign as a correct record the Minutes of the:

- The Planning and Rights of Way Panel (East) held on 12th April 2016; and
- The Planning and Rights of Way Panel (West) held on 3rd May 2016.

and to deal with any matters arising, attached.

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PLANNING AND RIGHTS OF WAY PANEL (EAST)
MINUTES OF THE MEETING HELD ON 12 APRIL 2016

Present: Councillors Denness (except minute number 60) (Chair), Hecks, Coombs, Wilkinson and Mintoff

Apologies: Councillors Tucker

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

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

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

RESOLVED: that the minutes for the Panel meeting on held on 1st March 2016 be approved and signed as a correct record.

56. **PLANNING APPLICATION - 14/01911/FUL -VACANT SITE WEST OF M271, TEST LANE**

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 to provide 19,132 square metres of employment floorspace in three buildings (Units 1 and 3 to be Storage and Distribution Use (Class B8), Unit 2 to be Business Use (Class B1 c) and/or Storage and Distribution Use (Class B8) with an area of open space, associated landscaping, servicing areas and car parking with vehicular access from Test Lane.

Denise Wyatt, Eugene Mcmanus (local residents/ objecting), Neil Dickinson, and Councillor Pope (Ward Councillor/objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported the amendments to conditions set out within the report and noted that further correspondence had been received from Councillor Whitbread, who was unable to the meeting, seeking the addition of real time bus information to the nearest bus stop to the Redbridge roundabout to the S106 and the plausibility of setting up a site liaison group.

RECORDED VOTE to approve the officer recommendation.

FOR: Councillors Coombs, Denness and Mintoff

AGAINST: Councillor Wilkinson

ABSTAINED: Councillor Hecks

RESOLVED

- (i) Delegate to the Planning and Development Manager to grant planning permission subject to the amended planning conditions set out report and the amendment set out below and the completion of the S.106 Legal Agreement in the form shown in Appendix 1.
- (ii) That the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that the scheme's viability is tested prior to planning permission being issued and, following an independent assessment of the figures, it is no longer viable to provide the full package of measures set out above then a report will be bought back to the Planning and Rights of Way Panel for further consideration of the planning application.
- (iii) That the Panel agreed that the suggestion for a Site Liaison Group would be taken forward at the discretion of the Planning and Development Manager and would not be included within the Section 106 agreement or conditions.

Amended Condition

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

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

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

57. **PLANNING APPLICATION - 15/02401/FUL - 536-540 PORTSWOOD ROAD**

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. Demolition of the existing buildings and erection of two linked buildings of 5 and 6 storeys above basement to provide 199 units of student residential accommodation with associated communal living spaces, landscaping and parking.

Matthew Pardoe (agent), and Councillor Mintoff (Ward Councillors/objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer corrected an error in Paragraph 6.3 of the report and reported that there are no cluster flats within the development. The Panel encouraged the applicant to consider measures for storing water within the development to help cope with potential peak demands and due to the known problems of water pressure in this area.

RESOLVED

- (i) that the Panel confirmed the Habitats Regulations Assessment in Appendix 2 to this report.
- (ii) to delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S106 Legal Agreement, the conditions listed in the report, and the amendment to the S106 and amended conditions, set out below.

Amended Condition

Delete Condition 05

05. Reuse of uncontaminated soils [Performance Condition]

No soils, sub-soil or other spoil material generated from the construction must be re-used on the near-surface soils unless it can be validated as being fit for use (i.e. evidently undisturbed, natural soils or, if otherwise, tested to ensure it is free of contamination).

Reason: The property is in an area where there land has been unfilled or reclaimed. It would be prudent to ensure any potential fill material excavated during construction is not reused in sensitive areas unless it is evident that it is unlikely to present a land contamination risk

NOTE: Councillor Mintoff declared an interest and withdrew from the meeting for the consideration of this item.

58. **PLANNING APPLICATION - 16/00196/FUL - CAPITAL HOUSE, HOUNDWELL PLACE**

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.

Alterations and conversion of Capital House to provide purpose built student accommodation; demolition of the Royal Oak Public House, and erection of 4 and 5-storey buildings to provide student townhouses (total accommodation 156 units comprising 423 bedspaces) with associated facilities and parking; a 2-storey commercial unit (260 square metres, Classes A1, A2, A3, A4 or A5); an extension of East Street to provide a new pedestrian access to Evans Street.

Graham Linecar (local residents/ objecting), Max Plotnek (agent), were present and with the consent of the Chair, addressed the meeting.

On being put to the vote the recommendation to confirm the Habitats Regulation Assessment set out in the report was confirmed unanimously.

RECORDED VOTE to grant planning permission

FOR: Councillors Coombs and Denness
AGAINST: Councillors Hecks and Wilkinson
ABSTAINED: Councillor Mintoff

NOTE: The motion to grant planning permission was passed on the use of the Chair's second and casting vote.

RESOLVED

- (i) the Panel confirmed the Habitats Regulation Assessment in Appendix 2 to the report
- (ii) to delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S106 Legal Agreement, the conditions listed in the report.

59. **PLANNING APPLICATIONS - 15/02412/R3CFL AND 15/02444/OUT - SPRINGWELL SCHOOL**

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.

- a) 15/02412/R3CFL. Phase 1 expansion of Springwell School, erection of a single-storey school building.
- b) 15/02444/OUT. Phase 2 expansion of Springwell School consisting of two x two storey blocks and a multi-use games area (MUGA) providing additional teaching, health, sports and community facilities for children with special educational needs (Outline application seeking approval for layout and access - affects a public right of way).

Carey Ely, Adam Moniz, Graham Linecar (local residents/ objecting), Vanessa Orekan (Agent), Nigel Mullan (Applicant), were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that the object raised by the planning ecologist had been removed subject to securing funding to displace the dog walking activity currently taking place on the site into the Shoreburs Greenway. However it was noted that The Open Spaces Team had not removed their objection to the application despite the mitigation measures proposed. As a result the recommendation needed to be altered to reflect this.

On being put to the vote the officer recommendation relating to Phase 1 of the development (Application Number 15/02412/R3CFL) was passed unanimously. Officers noted the concerns of residents living opposite the school and noted that the issues raised would be considered as part of the Traffic Regulation Order and that they would approach colleagues in the housing in regard to the provision of signing.

A separate vote on the officer recommendation relating to Phase 2 of the development (Application Number 15/02444/OUT) was lost unanimously. A further motion proposed

by Councillor Hecks and seconded by Cllr Denness to defer decision on this item was passed unanimously.

RESOLVED

APPLICATION NUMBER 15/02444/OUT

- (i) that decision on Application Number 15/02444/OUT be deferred to a future meeting;

APPLICATION NUMBER 15/02412/R3C6FL

- (ii) to delegate to the Planning and Development Manager to grant planning permission(for application number 15/02412/R3C6FL) subject to amended recommendations, as set below, and the completion of a S106 Legal Agreement, the conditions listed in the report, and the amendments to the S106, set out below.

AMENDED RECOMMENDATIONS

1. Subject to the receipt of an on-site public open space retention phasing plan (to include means of enclosure) refer the application to the National Planning Casework Unit (NPCU) in accordance with The Town and Country Planning (Consultation) (England) Direction 2009 following objection from Sport England.
2. In the event that the National Planning Casework Unit (NPCU) confirm that the Secretary of State does not wish to 'call in' the application and that the matter can be determined by the Local Planning Authority then delegate to the Planning and Development Manager to grant planning permission for both 15/02412/R3CFL and 15/02444/OUT subject to the completion of a unilateral Undertaking to secure the following planning obligations:

AMENDED S106 OBLIGATIONS

- 2(iv) Open Space and Playing Field Loss Mitigation including provision of an onsite MUGA, onsite green corridor from Hinkler Road to Donkey Common, improvements to Shoreburs Greenway and improvements to Hinkler Green playing fields in line with policy CLT3 of the City of Southampton Local Plan Review (as amended 2015), policy CS21 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013)
- 2(viii) The design, landscaping and formation of a green corridor and permissive route linking Hinkler Road with Byron Road and Donkey Common. The delivery of this corridor to be linked to the first occupation of any development.

60. **PLANNING APPLICATION - 15/02461/FUL - UNIVERSITY OF SOUTHAMPTON,
SALISBURY ROAD**

COUNCILLOR COOMBS IN THE CHAIR

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.

Landscaping and traffic calming measures to Salisbury Road, including alterations to vehicular access and utilities following proposed stopping up of Salisbury Road as public highway.

Stephen Edwards, Graham Linecar, Adrian Vinson (local residents/ objecting), Kevin Monaghan (applicant), Anthony Guay (consultant for the applicant) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that additional information had been submitted by the University of Southampton (UoS) detailing further negotiations with a local cyclist group and Southampton Common and Parks Protection Society together with a safety audit provided to UoS assessing the proposed works.

RECORDED VOTE to grant planning permission
FOR: Councillors Coombs, Hecks and Wilkinson
ABSTAINED: Councillor Mintoff

RESOLVED to delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S106 Legal Agreement, the conditions listed in the report

NOTE: Councillor Denness declared an interest and withdrew from the meeting for the consideration of this item.

PLANNING AND RIGHTS OF WAY PANEL (WEST)
MINUTES OF THE MEETING HELD ON 3 MAY 2016

Present: Councillors Denness (Chair), Claisse (except minute number 59),
L Harris and Tucker

Apologies: Councillors Lloyd and Mintoff

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

It was noted that following receipt of the temporary resignation of Councillor Mintoff from the Panel the Service Director, Legal and Governance, acting under delegated powers, had appointed Councillor Tucker to replace her for the purposes of this meeting. In addition the Panel noted the apologies of Councillor Lloyd.

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

RESOLVED: that the minutes for the Panel meeting on 22nd March 2016 be approved and signed as a correct record.

58. **PLANNING APPLICATION - 15/01856/OUT - LAND AT MEGGESON AVENUE, TOWNHILL PARK, SOUTHAMPTON**

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.

Enhancement and part-redevelopment of the Townhill Park Estate with 665 new dwellings following demolition, associated parking and replacement public open space. Hybrid planning application with a fully detailed phase 1 comprising the erection of 276 dwellings in buildings of up to 7 storeys, and subsequent phases in outline comprising the erection of 389 dwellings with Access, Layout and Scale submitted for approval with External Appearance and Landscaping reserved, and the erection of a retail store (up to 500sq.m) with all matters reserved. Application seeks to extinguish/stop up existing

Rights of Way and enhance the existing highway network - Description amended following a reduction in height (and the loss of 2 flats) to Plot 5 and the removal of Plot 14 (8 houses) from the scheme.

Ray Mitchell, Geoff Davis, Kim Ayling, Dave Houghton, Steve Horrocks (local residents/ objecting), Sue Jones (applicant), and Councillor Payne (Cabinet Member for Housing and Sustainability / supporting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that two additional letters had been received one of which that expressed an additional concern over the proposed opening hours of the commercial unit shown on plot 8 of the site. The Panel considered this concern during the course of the meeting and instructed officers to reduce the operating hours of the unit to close at 9pm.

It was additionally reported that Highways Development Management were now content with the application following negotiation in regard to impact on Woodmill

Bridge and the adjustment of the planning obligation (ii) set out in Condition 2. The Panel also noted that an additional obligation would be added to Condition 2 relating to the provision of education within the area. The Panel also noted the requirement to add to further conditions relating to obscured glazing to windows in plots 1 and 2 and the provision of wheelchair compliant units.

The Panel unanimously voted to confirm the Habitats Regulation Assessment. The Panel then voted on the officer recommendation to delegate to the Planning and Development Manager to conditionally approve the outline planning application

RECORDED VOTE to grant planning permission

FOR: Councillors Claisse, Denness and Tucker

AGAINST: Councillor L Harris

Upon being put to the vote the Panel confirmed the changes proposed to existing rights of way with 1 abstention (Councillor L Harris).

RESOLVED

- (i) To confirm the Habitats Regulation Assessment set out as Appendix 1 of the Report;
- (ii) To delegate to the Planning and Development Manager to grant conditional planning permission subject to the conditions listed in the report, and the amended conditions, set out below.
- (iii) To delegate to the Planning and Development Manager to add, vary and or delete the planning conditions listed with the report and any conditional conditions as set out below.
- (iv) Approved the highways stopping up process, insofar as within the Council's remit.

AMENDED CONDITIONS

2. APPROVAL CONDITION – Planning Obligation

No development shall commence on site (excluding any demolition phase, site set up and/or site investigation works) until a planning obligation has been entered into or given with the Council covering the following heads of terms:

- ii. Either works agreed under S.278 or financial contributions towards site specific transport contributions for highway improvements and external lighting (if needed) both within and in the vicinity of the site with ongoing assessments of Woodmill Bridge following occupation of Phase 1 and an off-site contribution where trips exceed the 5% currently predicted, including any associated Traffic Regulation Orders, in line with Policy SDP4 of the City of Southampton Local Plan Review (amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
- xiv. An assessment of local education capacity and impacts with associated financial contributions (as required) towards off-site education on a phased basis linked to housing delivery and children numbers;

38. APPROVAL CONDITION – Commercial Use

The commercial use shown on Plot 8 shall not exceed 500sq.m (gross) and shall be completed and fitted out ready for occupation prior to any demolition works taking place in connection with the redevelopment of Plot 6 (ie. where the existing commercial use is located).

Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking, amending, or re-enacting that Order, the development hereby approved shall be used only for the purposes of A1 (retail) and/or A2 (financial/professional services) and/or A3 (restaurant). The use hereby approved shall not operate outside the hours of 7am and **9pm** (7 days a week including public holidays).

The commercial use shall not be occupied until details of a Servicing Management Plan has been submitted to and agreed in writing with the Local Planning Authority. The commercial use shall operate as agreed.

REASON: To ensure that the estate is served continuously by a local shop and to define the limits of the commercial use in respect of BREEAM, its use and its trading hours.

ADDITIONAL CONDITIONS

39. APPROVAL CONDITION – Obscured Glazing

Those windows in Plots 1 and 2 shown as being fitted with 'obscured glazing' shall be built as such prior to the first occupation of the affected unit with the glazing retained as agreed thereafter.

REASON: In the interests of protecting existing residential amenity

40. APPROVAL CONDITION – Wheelchair Compliant Units

A minimum of 4 wheelchair compliant units shall be provided in accordance with plan ref: 070229/P100 024 Rev B, and they shall be retained as agreed thereafter unless otherwise agreed in writing with the Local Planning Authority

REASON: To ensure a mix of units is made available to satisfy LDF Policy CS16

59. PLANNING APPLICATION - 15/02468/FUL - LAND AT JUNCTION OF ST DENYS ROAD AND BELMONT ROAD

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.

Erection of a part 3-storey and part 4-storey building to provide 73 sheltered housing flats for the elderly (49 x one bedroom and 24 x two bedroom) including lodge manager, communal facilities, access, car parking and landscaping.

Dr Buckle, Mrs Jameson (local residents/ objecting), Mr Burgess (agent), Councillor Claisse (Ward Councillor / objecting) were present and with the consent of the Chair, addressed the meeting.

RECORDED VOTE to grant planning permission
FOR: Councillors Denness and Tucker
AGAINST: Councillor Les Harris

RESOLVED

- (i) to delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S106 Legal Agreement and the conditions listed in the report.

NOTE: Councillor Claisse declared an interest and withdrew from the Panel for this item.

60. **PLANNING APPLICATION - 16/00406/FUL - LAND TO REAR OF 38-40 LIME AVENUE**

The Panel considered the report of the Planning and Development Manager recommending that authority to grant conditional approval, in respect of the application number above, be authorised for the proposed development.

Erection of 2 x 3-bedroom detached dwellings with associated car parking, cycle and bin stores with access from Lime Close.

Jean Underhill (local residents/ objecting), Rob Wiles (agent), and Councillor Hecks (ward councillors objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that conditions needed to be added to the application related to soil contamination and the delivery hours during construction.

RESOLVED that planning permission be granted subject to the conditions in the report and the additional conditions set out below.

Additional Conditions

**APPROVAL CONDITION - Construction delivery times
(Performance Condition)**

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

REASON: To prevent congestion and in the interests of highway and pedestrian safety

**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; and
 - 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 all 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.

61. **PLANNING APPLICATION - 16/00135/FUL - 61 CHARLTON ROAD**

The Panel considered the report of the Planning and Development Manager recommending that authority to grant conditional approval, in respect of the application number above, be authorised for the proposed development.

Erection of a single storey side extension.

Emma Russell (local resident/objecting), Ian Donohoe (agent), and Councillors Moulton and Shields (ward councillors / objecting) were present and with the consent of the Chair, addressed the meeting.

Discussion was held relating to the properties previous use as a House of Multiple Occupancy (HMO) and a previous application refused by the Panel to convert the property into two flats. Councillors were informed that owners of the property would need to apply separately for a license to enable the property to be used as an HMO it was stressed that the Panel had to consider the application in front of them. Councillors requested a means of enclosure condition be added to planning permission in order that the fencing at the property be restored. In addition the Panel requested that officers should continue to monitor the owner's responses to any enforcement action.

RESOLVED that planning permission be granted subject to the conditions in the report and the additional conditions set out below.

Additional Condition

APPROVAL CONDITION - Means of Enclosure [Pre-Occupation Condition]

Prior to first occupation of the extension hereby approved a plan shall be submitted to and approved in writing by the Local Planning Authority identifying the height and materials of replacement boundary treatments and other means of enclosure on the site. The development shall be implemented in accordance with these agreed details prior to the first occupation of the extension hereby approved and retained as such thereafter.

REASON: In the interests of the character and appearance of the host dwelling.

62. PLANNING APPLICATION - 16/00189/FUL - 16-22 THE POLYGON

The Panel considered the report of the Planning and Development Manager recommending that authority to grant conditional approval, in respect of the application number above, be authorised for the proposed development.

Application for the variation of condition 2 (opening hours) of planning permission ref 920959/2644/e to allow opening hours of 10:00am -12:00 midnight Monday - Saturday and 10:00am - 11:00pm on Sundays

John Morphew (local residents/ objecting), and Councillor Noon (ward councillor / objecting) were present and with the consent of the Chair, addressed the meeting.

Members expressed concern over the change of hours when the club was so close to residential properties. It noted that there were existing permissions for a private member club. It was noted that the main concerns were in relation to people leaving the club and that a management plan was to be developed to resolve this issue. The Panel requested that consent be given on a temporary consent be granted in order to enable review of the effectiveness of the management plan prior to full consent being granted.

RESOLVED that planning permission be granted subject to the conditions in the report and the amended conditions set out below.

Amended condition

HOURS OF USE (Performance)

For a temporary period of 6 months from the date of this consent the use hereby approved shall not operate outside the following hours:

Monday to Saturday - 10:00-00:00 (10AM to midnight)

Sunday - 10:00-23:00 (10AM to 11PM)

Notwithstanding the above, the use of the external areas of the site as a smoking area associated with the use hereby approved shall not operate outside of the following hours:

Monday-Sunday - 10:00-23:00 (10AM-11PM)

Following the end of this 6 month period the hours of operation shall revert to the previously approved hours of operation as follows:
Sunday to Thursday – 08:00-23:00 (8AM to 11PM)
Friday to Saturday – 08:00-00:00 (8AM to midnight)

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

63. **PLANNING APPLICATION - 16/00171/FUL - 88 CHESSEL CRESCENT**

The Panel considered the report of the Planning and Development Manager recommending that authority to grant conditional approval, in respect of the application number above, be authorised for the proposed development.

Application to increase the size of the decking area to rear, add a privacy screen and relocate the raised steps.

Jane Brady (local residents/ objecting) and Corin Oliphant (agent) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that no updates had been received in relation to this application. The Panel requested that officers monitor compliance with the privacy screen condition.

RECORDED VOTE to grant planning permission

FOR: Councillors Claisse, Denness and Tucker

AGAINST: Councillor L Harris

RESOLVED that planning permission be granted subject to the conditions listed in the report.

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PLANNING AND RIGHTS OF WAY PANEL

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 7 June 2016 - 6pm

Conference Rooms 3 and 4, 1st Floor, Civic Centre

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
6	RP	DEL	15	16/00400/FUL 14 Cumberland Place
7	LG	DEL	5	15/02168/FUL 2 Kingsfold Avenue, SO18 2PZ
8	LG	CAP	5	16/00132/FUL 174 Manor Road North, SO19 2DY
9	SB	CAP	5	16/00325/FUL 225 Burgess Road
10	JF	CAP	5	16/00359/FUL 161 Foundry Lane

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

RP – Richard Plume
 LG – Laura Grimason
 SB – Stuart Brooks
 JF – John Fanning

Southampton City Council - Planning and Rights of Way Panel

Report of Planning & Development Manager

Local Government (Access to Information) Act 1985

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

Applications:

Background Papers

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

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

3. Statutory Plans in Preparation
 - (a) Emerging Bassett Neighbourhood Plan (Post Examination) (2015)

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

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

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

5. Documents relating to Highways and Traffic

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

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

6. Government Policy Planning Advice

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

7. Other Published Documents

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

Agenda Item 6

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 7 June 2016
Planning Application Report of the Planning and Development Manager**

Application address: 14 Cumberland Place			
Proposed development: Redevelopment of the site. Demolition of the existing building and erection of a 12-storey building to provide 141 flats for student occupation (198 bedrooms) with associated parking and other facilities.			
Application number	16/00400/FUL	Application type	FUL
Case officer	Richard Plume	Public speaking time	15 minutes
Last date for determination:	08.06.2016	Ward	Bargate
Reason for Panel Referral:	Departure from the Development Plan	Ward Councillors	Cllr Bogle Cllr Noon Cllr Paffey

Applicant: Orchard Homes & Developments Ltd	Agent: None
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	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. The application constitutes a Departure from the Development Plan as the site is within a protected office area. However, the principle of residential use has been established by previous decisions. The Council is satisfied that the design, amount of development, impact on the amenities of neighbours and transportation issues are acceptable for this site. 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 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, SDP10, SDP13, HE5, HE6, H2, H7 and H13 of the City of Southampton Local Plan Review (amended 2015), CS4, CS6, CS13, CS20 and CS25 of the Local Development Framework Core Strategy Development Plan Document (amended 2015) and AP1, AP2, AP9, AP16 and AP17 of the City Centre Action Plan (2015).

Appendix attached			
1	Development Plan Policies	2	Habitats Regulations Assessment

Recommendation in Full

1. That the Panel confirm the Habitats Regulations Assessment in Appendix 2 to this report;
2. 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 (as amended 2015), Policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - ii. In lieu of an affordable housing contribution an undertaking by the developer that only students in full time education be permitted to occupy the development.
 - iii. 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.
 - iv. Provision of Public Art in accordance with the Council's Public Art Strategy.
 - v. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
 - vi. The submission, approval and implementation of a Carbon Management Plan setting out how carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
 - vii. Measures to mitigate the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
 - viii. Submission and implementation of a Travel Plan.
 - ix. Submission and implementation of a Waste Management Plan.
 - x. Submission and implementation of a Student Intake Management Plan to regulate arrangements at the beginning and end of the academic year.
 - xi. Restrictions to prevent future occupiers benefitting from parking permits in surrounding streets. No student, with the exception of registered disabled drivers, shall be entitled to obtain parking permits to the Council's Controlled Parking Zones.

3. In the event that the legal agreement is not completed or progressing within a reasonable timeframe after the Planning and Rights of Way Panel, the Planning and Development Manager will be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement, unless an extension of time agreement has been entered into; and
4. That the Planning and Development Manager be given delegated powers to add, vary and/or delete relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that the scheme's viability is tested prior to planning permission being issued and, following an independent assessment of the figures, it is no longer viable to provide the full package of measures set out above then a report will be bought back to the Planning and Rights of Way Panel for further consideration of the planning application.

1. The site and its context

- 1.1 The application site comprises a five storey office building which fronts Cumberland Place. The site has planning permission for conversions and extensions for residential use. A parking area is located to the rear containing 13 parking spaces and is accessed from Grosvenor Square. The building has a concrete 4-storey facade with vertical fins to the front and facing brick to the side and rear elevations. The adjoining building to the east, 15-17 Cumberland Place, comprises a 6-storey office development. The former Southampton Park Hotel, which is located immediately to the west, is currently vacant and in the process of being redeveloped. Cumberland Place is predominantly commercial in character and is safeguarded as an office development area in the Local Plan and City Centre Action Plan.
- 1.2 The application site is not within a conservation area. There are some listed buildings on the Cumberland Place frontage (numbers 5-11), in Grosvenor Square and in Brunswick Place to the east. The area to the north of the parks is one of the prime office development locations in the City Centre (Policy AP2 of the City Centre Action Plan). On the opposite side of Cumberland Place is Watts Park which forms part of the Central Parks, designated as parks and gardens of special historic interest.

2. Proposal

- 2.1 The application proposes the erection of a predominantly 12-storey building with a 9-storey rear wing to provide student residential accommodation. The proposed student accommodation would be a total of 198 bedrooms in a mixture of 141 units (105 studio units, 15 x two bedroom and 21 x three bedroom). The overall height of the building would be approximately 37 metres.
- 2.2 Various communal student facilities, a gymnasium, reception/common room, cinema and study areas, will be provided on the ground floor.
- 2.3 Servicing will be from the private road at the rear of the site. There will be 4 car parking spaces, and one cycle space per two student bedrooms to be provided within a covered area at the rear. Refuse storage would also be at the rear of the ground floor and would be managed as part of the building maintenance contract.
- 2.4 The proposed external materials would be a red brick base with two different

cladding systems, one for the lower four floors and one for the upper levels. The colour and quality of the external materials has not been specified and would be controlled through a planning condition.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 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.
- 3.4 As the site is within the defined City Centre, the following policies in the City Centre Action Plan (CCAP) are particularly relevant. Policy AP1 seeks to promote large scale office developments in appropriate locations. Policy AP2 seeks to retain existing offices in prime office areas which include Cumberland Place and Brunswick Place. Policy AP9 seeks to promote residential developments on appropriate sites. Due to the policy designation as a prime office location, this proposal constitutes a Departure from the Development Plan. The justification for departing from this policy position is given in paragraph 6.2 of this report.

4. Relevant Planning History

- 4.1 The application site has been in office use for many years. In August 2014 no objection was raised to an application for prior approval for a change of use from offices (Class B1) to 24 flats - 23 x 1-bed and 1 x 2-bed. (Reference 14/00988/PA56)
- 4.2 In May 2015, planning permission was granted for alterations and extensions to the existing building to form a 10-storey building with 28 additional flats (20 x one bedroom, 7 x two bedroom, 1 x 3 bedroom) in addition to the 24 flats previously approved under reference 14/00988/PA56 (Reference:14/01738/FUL).

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 as a departure from the Development Plan (13.05.2016) and erecting a site notice (13.05.2016). At the time of writing the report **2** representations have been received from surrounding residents. The following is a summary of the points raised.

- 5.2 **The Polygon is already a student ghetto, approving this proposal, in addition to the development at 18-22 Cumberland Place, would be to the detriment of maintaining a sustainable community. The Council have started to regulate landlords with HMO applications but let these monstrous blocks blight the city like the eyesore at Mayflower Halls.**

Response

There has been a significant increase in demand for purpose built city centre student accommodation in the past few years. This issue is addressed in more detail later in this report as are issues about design.

- 5.3 **Having no amenity space for the students is unacceptable, the lack of space for play and leisure would drive them further to outside entertainment including the many bars in the vicinity. There should be no amenity space on the roof.**

Response

The layout of the building is fairly typical of the modern purpose built student blocks with various communal facilities on the ground floor but no 'garden space' as such given the constraints of the site. There is no proposal for shared amenity space on the roof of the building.

- 5.4 **Southampton Commons and Parks Protection Society (SCAPPS) - Objects on the grounds of visual impact and lack of outdoor amenity space. Cumberland Place provides the backdrop and setting for Watts Park; the concept when the Central Parks were planned and laid out in the mid-19th century was that the surrounding buildings should be part of an overall ensemble with the Parks and provide a fitting backdrop and setting. That concept has been progressively eroded and challenged by unsympathetic redevelopment over the years but, despite the traffic, Cumberland Place still retains vestiges of that character and appearance. Those last vestiges are fragile, and will be destroyed by this proposal and the unfortunate recent permission for an unsympathetic, over-bulky development at 18-22 Cumberland Place. Both developments, by height and massing, fail to conform to scale and rhythm of street-frontage needed to sustain the character and appearance of Cumberland Place. Visual images provided by the applicant demonstrate that a building of the height and massing proposed would be obtrusive in views from within and across the Park and, contrary to the opinion submitted by the City Council's Conservation Officer, would be over dominant. Tall buildings which fail to articulate the scale and rhythm of present surrounding development do not in any way contribute to 'articulation' of the edge of the Park but cause undesirable damage. That permission has already been given to add 5 storeys to the present structure should not be accepted as justification for repeating that mistake. The proposed building is too high and unsympathetic in scale and massing for this sensitive location.**

- 5.5 The proposed development does not provide outdoor amenity space for use of the residents. Section 14 of the Design and Access Statement says 'No communal external amenity space provision for residents of the accommodation is proposed. Taking into account the proximity of amenities to residents in this city centre location and in particular Watts Park just across the road, the provision (ie none) is considered to be appropriate'. SCAPPS is dismayed and appalled by this statement. It leaves to the City Council making provision for consequent

increased pressure of use, and type of use, resulting from an additional 200 active young persons living next to the Park -- and a Park laid out as ornamental gardens, ill-suited to coping with the informal active recreation. SCAPPS is vehemently opposed to developers being able to pass on to CIL funding making provision to meet demands resulting from use consequent on the proposed development. CIL is there to assist provision for the benefit of the community as a whole, not provision made necessary by the proposed development/use.

Response

The design issues are addressed later in this report. The issues relating to student accommodation adjoining the parks have been considered in connection with other recent developments. The Panel have previously endorsed the approach that funding for improvements to the city's open spaces falls within the CIL funding regime.

Consultation Responses

- 5.6 **SCC Highways** - The proposal for 198 student rooms at this location is acceptable in principle. The site is located on Cumberland Place which forms part of the city's inner ring road, and is an A class 30mph 4 lane road, carrying high volumes of traffic especially at peak times. The ring road creates severance from north to south for pedestrian movements, although there are a number of crossing points designed within traffic signal controlled junctions along its length. However, there is a requirement to review pedestrian and cyclist movements and desire routes for this scheme to make it acceptable. This can be addressed via the Section 106 agreement. The rear of the site has 3 or 4 car parking spaces which are designated to be used for parent drop off at the beginning of the academic year, but the suggested drop off arrangements seem inconclusive as to how all student arrivals can be accommodated with such small provision of spaces. Additional information is required for the details of cycle parking and bin stores etc. which can be covered by conditions.
- 5.7 **SCC Sustainability Team** – It is not clear what the proposed energy strategy is to achieve 15% reduction in CO₂ through renewable or low carbon sources and to meet the BREEAM requirements - this should be incorporated into the plans (e.g. whether connection to city centre district system, space for onsite CHP or photovoltaic panels). It is recommended that this is confirmed prior to determination. A green roof should be incorporated to provide a variety of species to improve the biodiversity benefits.
- 5.8 **SCC Design Advisory Panel** – (Comments made at the pre-application stage - at that time the proposed building was 12-storeys over the whole site). The Panel had commented on the previous application for extending the building and had given support to the proposed height and general proportion of the building fronting the park. The key advice sought at this stage was whether the additional height and mass of the building was acceptable. The Panel recognised that the set back and set down of the building created a distinction between the two elements of the building but this was considered to be insufficient to break the overall bulk and mass of the building which was considered to be overpowering within the site and most particularly on the key view looking east along Cumberland Place. The Panel felt that the Park Lane half of the building should be reduced in a height by a minimum of three floors. Particular attention should be given to external materials and the design of the roof storey.

Response

These comments, which were made at the pre-application stage, have been addressed with the application scheme. The height of the building has been amended and the rear part has been reduced from 12-storeys to 9-storeys. The roof storey has also been re-designed. The details of the materials can be covered by a planning condition in the normal way.

- 5.9 **SCC Heritage** - The application site is located within Area 7 of the Local Areas of Archaeological Potential. The 1846 Royal Engineers map shows the land as vacant. By 1870 the site was occupied by a large Victorian villa and associated garden, which survived until the Second World War. The site is also immediately to the north of the Grade II* Registered West (or Watt's) Park. The area would have been given over to fields in the medieval to post-medieval periods, however there is potential for archaeological deposits relating to earlier periods of occupation surviving (albeit in a truncated form). The site lends itself to the location of a tall building, which will help to articulate the edge of the park without being over dominant. There are no objections subject to conditions on archaeology.
- 5.10 **SCC Environmental Health (Contaminated Land)** - This department considers the proposed land use as being sensitive to the effects of land contamination. Records indicate that the subject site is located on/adjacent to the following existing and historical land uses - Garage (35m North West). This land use is 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, the site should be assessed for land contamination risks and, where appropriate, remediated to ensure the long term safety of the site. This can be covered by planning conditions.
- 5.11 **SCC Ecology** – No objections. The existing building and its immediate surroundings have negligible biodiversity value which is confirmed by the accompanying ecological appraisal. The building appears to be in good condition with no obvious entry points for bats. Demolition of the building is therefore unlikely to lead to direct adverse impacts on biodiversity. Desktop information has previously indicated the presence of a bat roost in Watts Park which lies close to the application site. There is therefore a need to ensure that the new building does not result in higher light levels which could have an adverse effect on bats using the roost. In particular, light spill from floors above the level of the street lights needs to be minimised. This can be achieved by careful design of lighting and glazing and management of the building once it enters operation. The submitted design shows an area green roof which, if appropriately designed, has the potential to provide a significant biodiversity enhancement. I would like to see the use of a range of wildflower species in addition to sedum as per the recommendation in section 5.4.1 of the ecological appraisal.
- 5.12 The ecological appraisal details a number of measures designed to prevent recreational impacts upon European sites in the New Forest and along the coast. These measures are appropriate however, they will need to be supplemented by the use of tenancy agreements to prevent the keeping of dogs and bringing cars to the accommodation. In addition, an SRMP payment will be required.

- 5.13 **BAA** – No safeguarding objections.
- 5.14 **Historic England** – No comments, the application should be determined on the basis of local conservation advice.
- 5.15 **Southern Water** – No objections subject to conditions relating to provision of new drainage arrangements. Following initial investigations Southern Water cannot accommodate the needs of this application without the development providing additional local infrastructure.
- 5.16 **Natural England** - No objections subject to contributions being secured. The site is within 5.6 km of Solent and Southampton Water SPA. Provided the application is complying with the adopted Supplementary Planning Document, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site, and has no objection to this aspect of the application. With respect to New Forest sites, the information provided by the applicant, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that they have no objections providing that all mitigation measures are appropriately secured in any permission given.

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 and the use
- The scale and design of the scheme
- Transportation issues
- Impact on neighbouring amenities
- Section 106 issues

6.2 Principle of Development

The most relevant planning policy relating to offices is now AP2 of the City Centre Action Plan. This policy states that in the prime office areas, which includes Cumberland Place/Brunswick Place) the net loss of office floorspace will not be supported unless there are clear economic benefits. The site is still occupied as offices and therefore this application constitutes a 'Departure from the Development Plan'. However, there are other relevant circumstances in this case. Firstly, the government has allowed conversions of existing office buildings into residential accommodation to be carried out as 'permitted development' subject to a prior approval process. These national arrangements have now been made permanent. As a result it is increasingly difficult for the Council to safeguard offices in this location. Secondly, previous approvals have allowed residential use of this site, initially a 'prior approval' for the conversion of the existing building and subsequently extensions to create a 10-storey building. The principle of residential use has therefore been established and student accommodation is a specialist form of residential accommodation.

6.3 The proposed student accommodation is a mixture of self-contained studio flats and 'cluster flats', where groups of students have individual study bedrooms and

share a communal living space. The principle of this type of accommodation is supported by 'saved' Local Plan Policy H13 and is well suited for this site which is close to existing bus routes and within easy walking distance of Solent University (approximately 600 metres from the main campus). Furthermore, the provision of purpose built student accommodation could reduce the pressure, in part, on the City's existing family housing stock to be converted to housing in multiple occupation. Policy H13 requires such housing to be restricted by a planning condition or an appropriate legal agreement. Where this is accepted the Council's normal affordable housing requirements do not apply. The Core Strategy Policy relating to Housing Mix and Type (CS 16), specifically the family housing/HMO requirements do not apply to purpose built student accommodation. The application is therefore considered to be policy compliant and acceptable in principle. Concern has been expressed about the level of new student accommodation being provided in this area. Research carried out as part of this application and other proposals show that the two universities together have an overall capacity of some 32,000 full-time students whereas the purpose built accommodation is only approximately 10,000 student rooms. Although there is a significant amount of development in the pipeline, the research indicates there remains demand for well-located purpose built student accommodation within the city and student numbers are also likely to rise further: this proposal will contribute to meeting that need and may assist in freeing up shared housing in the suburbs for genuine family housing.

6.4 Scale and design of the development

The northern side of the parks along Cumberland Place/Brunswick Place exhibit a wide range of architectural styles and building heights. Permission has been granted previously for a tall building on this site and for a 12-storey building at 18-22 Cumberland Place. Although these permissions have not been implemented, there is a precedent for tall buildings in this location. Furthermore, Policy AP 17 of the recently adopted City Centre Action effectively promotes tall buildings of high quality design in suitable locations. One of the locations where tall buildings (5-storeys or more) are considered to be acceptable in principle are as individually designed buildings to provide variety adjoining the Central Parks with active frontages that contribute positively to their setting and respond to the scale of the parks. The policy seeks to encourage tall buildings which make a positive contribution and add to the image and identity of the city as a whole. This does not necessarily mean that every site north of the park will become a tall building. For example, the listed buildings at 5-11 Cumberland Place are likely to remain and the recently approved hotel development to replace the Southampton Park Hotel was relatively low level given the need to be sympathetic to the setting of the adjoining listed buildings. In this case, the increase in the height of the building is relatively modest compared with the previous approval; although this would be a 12-storey building compared to 10-storeys as previously approved, due to a difference in the storey heights of the office building, this proposal would be only some 3.7 metres higher than previously approved.

6.5 In terms of the detailed design approach, the ground floor would have a full width glazed entrance lobby with a projecting canopy above giving an active presence to the street. The scale of the building is effectively broken up into a clear bottom, middle and top section. The lower four floors of the building are on a similar line to the existing building with the upper floors set back. This respects the design of other buildings on Cumberland Place/Brunswick Place which adopt a similar

approach of a plinth with a taller element above. This is a relatively narrow, deep plot so many of the rooms will have windows to the side elevations. The west elevation in particular will have primary windows to rooms. This has the benefit of making the west side of the building a 'primary elevation' rather than just a flank wall. This is considered to be important given the prominence of this elevation when viewed from the parks and along Cumberland Place. The design of the scheme has evolved from the pre-application process with input at various stages from the Council's Design Advisory Panel. The Panel have supported the design approach taken. It is considered that the proposed architectural approach has the potential to create a good quality design.

6.6 Transportation Issues

This site is well served by public transport, being close to Unilink bus routes and is within convenient walking distance of Solent University. The availability of car parking is a key determinant in the choice of mode of travel. 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. A 'car free' scheme with only limited disabled and staff parking is proposed for the development. Students will be discouraged from bringing a car to the city and nearby parking is all restricted. Providing that no resident obtains a permit to park in one of the nearby Controlled Parking Zones, as secured through the S.106 legal agreement, the proposal is considered to be acceptable given this location. Issues associated with refuse management and the dropping off and collection of students at the beginning and end of the University term can be controlled through the Section 106 agreement. Although there is limited on-site parking for drop-off and collection purposes this can be controlled through management arrangements. The Grosvenor Square multi-storey car park directly adjoins and this can be used for longer term visitor use.

6.7 Impact on neighbouring properties and quality of accommodation

There are no residential occupiers directly adjoining the site, although the former Southampton Park Hotel is currently being redeveloped for a replacement hotel. Given the nature of the surroundings within the city centre, the site is considered to be suitable for a student residential scheme. In terms of the physical impact of the building, there would be no impact along the northern site boundary as this abuts the multi-storey car park. The design of the adjoining hotel development took into account the approved scheme for this site and this proposal would have a similar impact on this adjoining site. The eastern elevation would have only limited window openings so the redevelopment potential of this adjoining site should not be adversely affected. In terms of the likely standard of accommodation, the layout is typical of the modern developments being provided by private developers with a mix of studio units and cluster flats. This proposal includes shared facilities including study spaces, a gym and cinema. The building would have extensive south facing views across the parks and is within easy walking distance of all the city centre facilities. The rooms on the north side of the building would have a much more restricted outlook but these rooms are fewer in number and the situation is considered to be acceptable for what is effectively short-stay accommodation.

6.8 Section 106 matters

The Section 106 agreement can limit use of the site to student accommodation only as well as assist in the day to day management of the building and parking arrangements. Financial contributions can be sought towards transportation improvements. 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 £176 per unit has been adopted. A specific formula has been adopted for student accommodation of this type. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. This application will comply with the requirements of the SDMP and meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended) once the Section 106 agreement completes. A more detailed assessment of the impact of the development in this regard is included in the HRA within Appendix 2 to this report.

7. Summary

- 7.1 The application site is currently in office use within an area where the Council has previously sought to protect office use. In this case there are mitigating factors including previous approvals which permit residential use. There is demand for additional purpose built student accommodation in the city and this site is close to Solent University. This would be a high density development but the scale and form of the development is considered to be acceptable for this site. The proposal is considered to be acceptable in terms of design and neighbouring amenity, highway safety, parking and ecology issues.

8. 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), 2(e), 2(f), 4(a), 4(d), 4(g), 4(r), 4(vv), 6(a), 6(b), 7(a).

RP2 for 07/06/2016 PROW Panel

PLANNING CONDITIONS

1. 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. 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.

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

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

- i. proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise);
- iv. details of any proposed boundary treatment, including retaining walls; and
- v. a landscape management scheme
- vi. measures for dealing with Japanese Knotweed.

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

4. 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 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.

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

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

site.

Reason:

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

6. 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.

7. 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. The measures shall include arrangements for vehicle parking by site operatives during construction. 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.

8. 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.

9. 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.

10. BREEAM Standards (commercial development) [Pre-Commencement Condition]

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum Excellent against the BREEAM Standard, 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).

11. BREEAM Standards (commercial development) [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 Excellent against the BREEAM Standard in the form of post construction assessment and certificate as issued by a legitimate BREEAM certification body shall be submitted to the Local Planning Authority for its approval.

Reason:

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

12. Drainage Strategy (Performance Condition)

No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal and an implementation timetable, has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

Reason:

To ensure satisfactory drainage provision for the area.

13. 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.

14. Piling (Pre-Commencement)

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

Reason: In the interests of the amenities of neighbouring occupiers.

15. Green roof specification (Pre-commencement Condition)

A specification for the green roof must be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the development hereby granted consent. The green roof to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained and maintained thereafter.

Reason:

To reduce flood risk and manage surface water run-off in accordance with core strategy policy CS20 and CS23, combat the effects of climate change through mitigating the heat island effect and enhancing energy efficiency through improved insulation in accordance with core strategy policy CS20, promote biodiversity in accordance with core strategy policy CS22, contribute to a high quality environment and 'greening the city' in accordance with core strategy policy CS13, improve air quality in accordance with saved Local Plan policy SDP13, and to ensure the development increases its Green Space Factor in accordance with Policy AP 12 of City Centre Action Plan Adopted Version (March 2015)

16. 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 of 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 demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

17. Safety and security (Pre-Commencement Condition)

No development shall take place apart from site preparation and groundworks until a scheme of safety and security measures including on-site management, security of the car parking areas, a lighting plan, a plan showing location and type of CCTV cameras and access to the building has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before first occupation of the development to which the works relate and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of safety and security.

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

The whole of the car parking, cycle parking and servicing facilities shown on the approved plans shall be laid out and made available before the use of the building to which these facilities relate commences and thereafter retained solely for the use of the occupants and visitors to the site and for no other purpose.

Reason:

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

19. 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.

20. Ecological Mitigation Statement [Pre-Commencement Condition]

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

21. External Lighting Scheme (Pre-Commencement)

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

Reason:

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

22. Archaeological watching brief 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.

23. Archaeological watching brief 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.

24. Noise & Vibration (external noise sources) (Pre-Commencement Condition)

Prior to the commencement of the development hereby approved, apart from site preparation and groundworks a scheme of measures to protect the occupiers of the development from external noise and vibration sources, shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented as approved before the development first comes into occupation and thereafter retained as approved.

Reason:

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

25. Details of a Management Plan [Pre-Occupation Condition]

Notwithstanding the information provided as part of the application, a management plan setting out measures for the day to day operation of the building shall be submitted to and approved in writing by the Local Planning Authority before the building is first occupied. The management plan shall include details of staffing levels, car parking arrangements and measures for mitigating noise and disturbance which might affect the amenities of neighbours. The development shall operate in accordance with the approved management plan for the lifetime of the use of the site for student residential accommodation unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To satisfy the Council that the operation of the site would not be to the detriment of the residential amenities of neighbouring occupiers.

26. Provision and retention of facilities (Performance Condition)

The ancillary facilities for the student accommodation as shown on the approved plans, to include the cinema, common room/reception, study rooms and gym on the ground floor, shall be provided before the residential accommodation is first occupied and retained thereafter for the duration of the use of the building as student accommodation.

Reason:

In the interests of the amenities of future occupiers of the building.

27. Air Quality measures (Pre-Commencement Condition)

No development shall commence, apart from site preparation and groundworks, until details of measures to protect future residents from air quality issues, have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the residential accommodation is first occupied and retained thereafter.

Reason:

In the interests of the amenities of future occupiers of the building.

28. Visitor cycle parking (Performance Condition)

Before the development hereby approved first comes into occupation, short stay cycle storage facilities for visitors shall be provided and made available for use in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage shall thereafter be retained as approved.

Reason:

To encourage cycling as an alternative form of transport.

29. Habitats Regulations Mitigation Measures (Performance)

The development hereby approved shall not be first occupied until the mitigation measures identified in the NFSPA Mitigation Note from Ecosupport Ltd dated March 2016 have been implemented as set out in the document.

Reason:

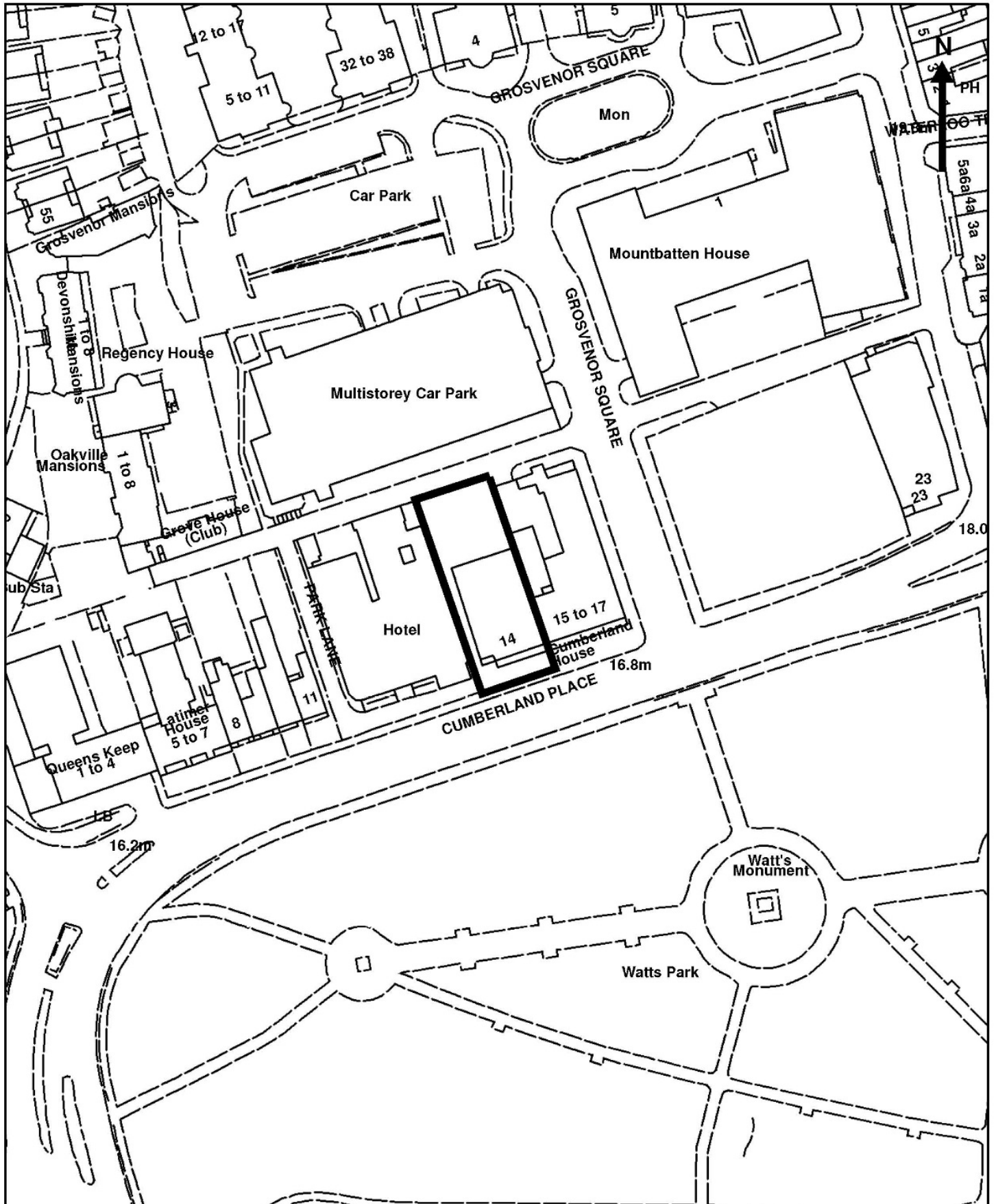
To mitigate the impact of the development on the special interest features of nearby Special Protection Areas as required by the Conservation of Habitats and Species Regulations 2010.

30. 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.



Scale: 1:1,250

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Application 16/00400/FUL

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS1	City Centre Approach
CS3	Promoting Successful Places
CS4	Housing Delivery
CS5	Housing Density
CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS8	Office Location
CS11	An Educated City
CS13	Fundamentals of Design
CS14	Historic Environment
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car and Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS24	Access to Jobs
CS25	The Delivery of Infrastructure and Developer Contributions

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

SDP1	Quality of Development
SDP4	Development Access
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP13	Resource Conservation
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting
SDP22	Contaminated Land
HE3	Listed Buildings
HE5	Parks and Gardens of Special Historic Interest
HE6	Archaeological Remains
H2	Previously Developed Land
H6	Housing Retention
H7	The Residential Environment
H13	New Student Accommodation

City Centre Action Plan - March 2015

AP 1	New office development
AP 2	Existing offices
AP 7	Convenience retail
AP 9	Housing supply
AP 12	Green infrastructure and open space
AP 13	Public open space in new developments
AP 14	Renewable or low carbon energy plants; and the District Energy Network
AP 16	Design
AP 17	Tall buildings
AP 18	Transport and movement

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Habitats Regulations Assessment (HRA)

Application reference:	16/00400/FUL
Application address:	14 Cumberland Place Southampton
Application description:	Redevelopment of the site. Demolition of the existing building and erection of a 12-storey building to provide 141 flats for student occupation (198 bedrooms) with associated parking and other facilities
HRA completion date:	26/05/2016

HRA completed by:	
Lindsay McCulloch Planning Ecologist Southampton City Council Lindsay.mcculloch@southampton.gov.uk	Richard Plume Major Projects Co-ordinator Southampton City Council Richard.plume@southampton.gov.uk

Summary
<p>The project being assessed would lead to the provision student accommodation with a total of 198 bedspaces located approximately 1.4km from the Solent and Southampton Water Special Protection Area (SPA)/Ramsar site and approximately 5.4km from the New Forest Special Area of Conservation (SAC)/SPA/Ramsar site.</p> <p>The site is currently an office building. It is located a significant distance from the European sites and as such construction stage impacts will not occur. Concern has been raised however, that the proposed development, in-combination with other residential developments across south Hampshire, could result in recreational disturbance to the features of interest of the New Forest SAC/SPA/Ramsar site.</p> <p>The findings of the initial assessment concluded that a significant effect was possible. A detailed appropriate assessment was therefore conducted on the proposed development. Following consideration of a number of avoidance and mitigation measures designed to remove any risk of a significant effect on the identified European sites, it has been concluded that the significant effects which are likely in association with the proposed development can be overcome.</p>

Section 1 - details of the plan or project	
<p>European sites potentially impacted by plan or project:</p> <p>European Site descriptions are available in Appendix I of the City Centre Action Plan's Habitats Regulations Assessment Baseline Evidence Review Report, which is on the city council's website at</p>	<ul style="list-style-type: none"> ▪ The New Forest SAC ▪ New Forest SPA ▪ New Forest Ramsar site ▪ Solent and Southampton Water SPA ▪ Solent and Southampton Water Ramsar Site
<p>Is the project or plan directly connected with or necessary to the management of the site (provide details)?</p>	<p>No – the development consists of new student accommodation which is neither connected to, nor necessary for, the management of any European site.</p>

Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?

- Southampton Core Strategy (amended 2015) (<http://www.southampton.gov.uk/policies/Amended-Core-Strategy-inc-CSPR-%20Final-13-03-2015.pdf>)
- City Centre Action Plan (<http://www.southampton.gov.uk/planning/planning-policy/adopted-plans/city-centre-action-plan.aspx>)
- South Hampshire Strategy (http://www.push.gov.uk/work/housing-and-planning/south_hampshire_strategy.htm)

The South Hampshire Strategy plans for 55,200 new homes, 580,000m² of office development and 550,000m² of manufacturing or distribution floor space across the South Hampshire area between 2011 and 2026.

Southampton aims to provide a total of 16,300 net additional dwellings across the city between 2006 and 2026 as set out in the Amended Core Strategy.

Whilst the dates of the two plans do not align, it is clear that the proposed development at 14 Cumberland Place is part of a far wider reaching development strategy for the South Hampshire sub-region which will result in a sizeable increase in population and economic activity.

Regulation 68 of the Conservation of Habitats and Species Regulations 2010 (as amended) (the Habitats Regulations) is clear that the assessment provisions, i.e. Regulation 61 of the same regulations, apply in relation to granting planning permission on an application under Part 3 of the TCPA 1990. The assessment below constitutes the city council's assessment of the implications of the development described above on the identified European sites, which is set out in Regulation 61 of the Habitats Regulations.

Section 2 - Assessment of implications for European sites

Test 1: the likelihood of a significant effect

- This test is to determine whether or not any possible effect could constitute a significant effect on a European site as set out in Regulation 61(1) (a) of the Habitats Regulations.

The proposed development is located 1.4km to the south-west of a section of the Solent and Southampton Water SPA and Solent and Southampton Water Ramsar Site whilst The New Forest SAC, New Forest SPA and New Forest Ramsar site are approximately 5.4km to the south.

A full list of the qualifying features for each site is provided at the end of this report. The development could have implications for these sites which could be permanent arising from the operational phase of the development.

In their response to the consultation on this planning application, dated 4th April 2016, Natural England raised concerns about insufficient information being provided about potential impacts on

the New Forest sites. In particular the response also highlighted the potential for ecological impacts during the operational phase of the development.

The following mitigation measures have been proposed as part of the development:

- Only 4 car parking spaces will be provided on site, with 1 allocated for disabled and the remaining three to be used by staff;
- A restrictive tenancy barring on students from bringing their cars whilst resident. A breach of this agreement will result in tenancy being terminated;
- A restrictive tenancy barring students from keeping dogs whilst resident. A breach of this agreement will result in tenancy being terminated;
- 102 secure cycle spaces;
- A leaflet showing local amenity parks close to the site (such as Watts and East Parks which are within 250m) and within the city (including Southampton Common which is less than a 20 minute walk from the site), plus key public transport links and cycle routes.
- A contribution of £3445 for the Solent Recreation Mitigation Project.

Conclusions regarding the likelihood of a significant effect

This is to summarise whether or not there is a likelihood of a significant effect on a European site as set out in Regulation 61(1)(a) of the Habitats Regulations.

The project being assessed would lead to the provision of a total of 198 bedspaces for students located approximately 1.4km from Solent and Southampton SPA/Ramsar site and 5.4km from the New Forest SPA/Ramsar site.

The site is currently a block of offices. It is located a significant distance from the European sites and as such construction stage impacts will not occur. Concern has been raised however, that the proposed development, in-combination with other residential developments across south Hampshire, could result in recreational disturbance to the features of interest of the New Forest SPA/Ramsar site.

The applicant has provided details of several avoidance and mitigation measures which are intended to reduce the identified impacts. However, without more detailed analysis, it is not possible to determine whether the proposed measures are sufficient to reduce the identified impacts to a level where they could be considered not to result in a significant effect on the identified European sites. Overall, there is the potential for permanent impacts which could be at a sufficient level to be considered significant. As such, a full appropriate assessment of the implications for the identified European sites is required before the scheme can be authorised.

Test 2: an appropriate assessment of the implications of the development for the identified European sites in view of those sites' conservation objectives

The analysis below constitutes the city council's assessment under Regulation 61(1) of the Habitats Regulations

The identified potential effects are examined below to determine the implications for the identified European sites in line with their conservation objectives and to assess whether the proposed avoidance and mitigation measures are sufficient to remove any potential impact.

In order to make a full and complete assessment it is necessary to consider the relevant conservation objectives. These are available on Natural England's web pages at <http://publications.naturalengland.org.uk/category/6528471664689152> .

The conservation objective for Special Protection Areas is to, "Avoid the deterioration of the

habitats of the qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive."

Ramsar sites do not have a specific conservation objective however, under the National Planning Policy Framework (NPPF), they are considered to have the same status as European sites.

TEMPORARY, CONSTRUCTION PHASE EFFECTS

The designated sites are all located a substantial distance away from the development site and are therefore outside the zone of influence of construction activities. As a consequence, there will be no temporary, construction phase effects.

PERMANENT, OPERATIONAL EFFECTS.

New Forest SPA/Ramsar site

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

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

The application site is located 5.4km from the nearest part of the New Forest SPA and Ramsar site in terms of linear distance and as such, students resident in the proposed development would fall into the category of non-local day visitors.

Characteristics of visitors to the New Forest

In addition to visitor numbers, the report, "Changing patterns of visitor numbers within the New Forest National Park", 2008 also showed that:

- 85% of visitors to the New Forest arrive by car.
- 23% of the visitors travelling more than 5 miles come from the Southampton/Eastleigh area (see para 2.1.1).
- One of the main reasons for visiting the National Park given in the 2005 Visitor Survey was dog walking (24% of visitors - Source New Forest National Park Visitor survey 2005).
- Approximately 68% of visitors to UK National Parks are families.
(Source: www.nationalparks.gov.uk).

The majority of the visitors to New Forest locations arriving from Southampton could therefore be characterised as day visitors, car-owners in family groups and many with dogs. Whilst students may fall within the first two of the above bullet points they are unlikely to have dogs or visit as part of a family group.

Occurrence of students

The peak period for visitor numbers in the New Forest National Park is the summer, Sharp, J., Lowen, J. and Liley, D. (2008), which also coincides with the critical breeding period of woodlark, nightjar and Dartford Warbler which are features of interest of the New Forest SPA. Although students would be able to remain in occupation within their accommodation throughout the year (tenancies would be for a complete year) many, particularly undergraduates, will vacate their accommodation and return home over the summer period.

There is no direct evidence of the extent to which students contribute to visitor numbers to the New Forest National Park. However, the characteristics of typical visitors to the New Forest are consistent with an analysis of visitors to the North York Moors National Park in 2002 which showed that skilled manual workers, poor retired couples, young single parents and students were more likely to use the local Moorsbus Network but were poorly represented in surveys at car parks (Countryside Recreation News April 2002, "Missing Persons - who doesn't visit the people's parks". Bill Breaker).

It would therefore be reasonable to conclude that there are likely to be very low numbers of students visiting the New Forest, particularly during the sensitive summer period.

Car ownership and accessibility

Data gathered as part of the visitor survey undertaken by Footprint Ecology in 2008 clearly indicated that the majority of visitors travel to the New Forest by car. The proposed development will not have any private car parking spaces available for students and it is a condition of their tenancy agreement that students are not allowed to bring their own cars. This would be enforced by termination of the letting agreement. Facilities at the proposed development will be limited to just 4 car parking spaces, including 1 disabled space which are mainly for staff use. In addition, the area around the development is subject to parking restrictions and students will not be able to obtain parking permits. On this basis the development can reasonably be described as car free.

Car parking on the campuses of both universities is very limited. Solent Southampton University (SSU) does not have any on campus parking whilst the University of Southampton (UoS) is seeking to further reduce levels of car use from the current 4.6% down to 4.2% by 2015 (UoS Travel Plan)

Students will therefore be expected to travel around Southampton on foot, bicycle and public transport. To support this the development will provide:

- Only 4 car parking spaces will be provided on site, with 1 allocated for disabled and the remaining three to be used by staff;
- A restrictive tenancy barring on students from bringing their cars whilst resident. A breach of this agreement will result in tenancy being terminated;
- A restrictive tenancy barring students from keeping dogs whilst resident. A breach of this agreement will result in tenancy being terminated;
- 102 secure cycle spaces;
- A leaflet showing local amenity parks close to the site (such as Watts and East Parks which are within 250m) and within the city (including Southampton Common which is less than a 20 minute walk from the site), plus key public transport links and cycle routes.

The development site is in close proximity to city centre facilities and to bus and train connections, all of which reduce the need for students to have cars. Uni-link bus stops located approximately 200m from the development enable travel to the University of Southampton's Avenue and Highfield campuses, whilst another, approximately 450m to the south, enables travel to the General Hospital. The site is therefore highly accessible to residing students.

The high level of accessibility and the lack of parking mean that it is very unlikely that the residents have access to cars.

Recreation options for students

Students at both universities have extensive opportunities to access sports and recreational facilities and are positively encouraged to make use of these. Details of the UoS facilities can be found at the following web address:

http://www.southampton.ac.uk/assets/imported/transforms/content-block/UsefulDownloads_Download/67A7C84E3D424F08B28A6E76CADD46E5/2015-16%20Sport%20and%20Wellbeing%20Brochure.pdf . Solent University has two major sports centres in the city centre, extensive playing fields at Test Park Sportsground, Fitness Centres and access to a range of local sports clubs and recreational facilities (details available on SSU) website <http://www.solent.ac.uk/sport/facilities/facilities-home.aspx>).

In addition, Southampton benefits from an extensive network of common land, green corridors, city and district parks and local green spaces, which provide opportunities for quiet recreation of the type available to visitors to the New Forest. In particular, the Central Parks are located on the southern side of Cumberland Place whilst Southampton Common, a 125 hectare natural green space in the heart of the city, is only 20 minutes walking distance from the application site. Just to the north of the Common lie the Outdoor Sports Centre, Southampton City Golf Course, and the Alpine Snow Centre which provide opportunities for organised and informal recreation activities. Outside the city centre are the Greenways, a series wooded stream corridors which connect a number of open spaces. The four most significant of these, Lordswood, Lordsdale, Shoreburs and Weston, are within easy cycling distance of the development site and provide extended opportunities for walking and connections into the wider countryside.

The road network close to the application site is suitable for cycling. Figure 1 below is an extract from the Southampton Cycle Map which demonstrates that to the north of the development it is possible to cycle along quiet roads to access the cycleway that runs along the Avenue directly to the University of Southampton campuses.

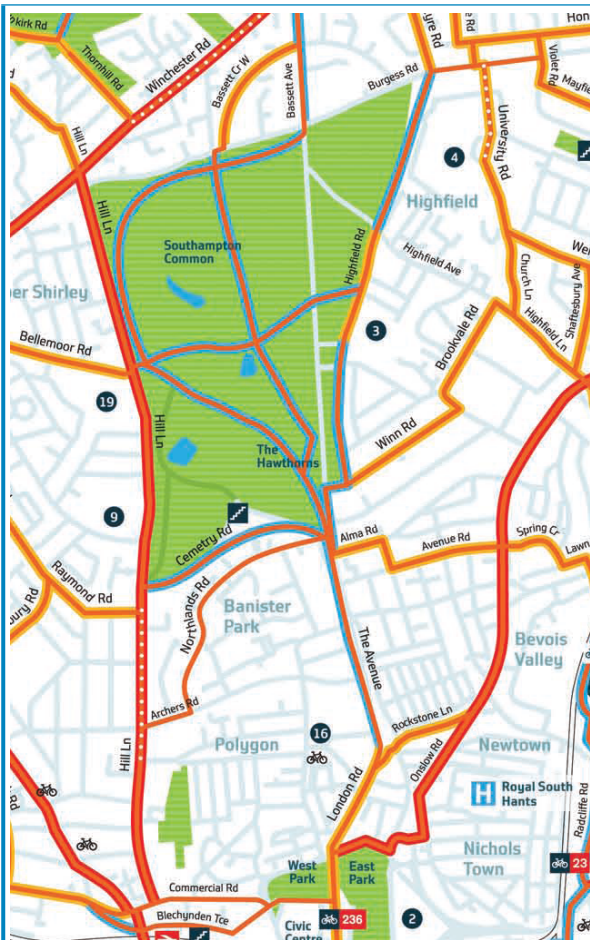


Figure 1

These cycle routes link the development site with Southampton Common (1.5km) and National Cycle Route 23 which passes through Southampton. It is reasonable to expect that students will make use of the many leisure activities and commercial centres of Southampton.

Just outside the city boundary, to the north-east, are the Itchen Navigation (6.6km) and Itchen Valley Country Park (7.8km). These sites provide opportunities for informal recreation in a 'countryside' type environment and can be readily accessed by bicycle.

The development is in close proximity to two cycle routes one of which connects Southampton to Lyndhurst. Route 236 runs from Southampton via Totton to Ashurst at which point it reaches the boundary of the New Forest. Following this route would result in a distance of approximately 11.3km from the development site to the boundary of the New Forest sites. Continuing on to Lyndhurst, which forms a focal point of the New Forest, would involve a trip of 15.3km. As detailed in the Framework Travel Plan, the average length of a cycle trip is around 4km and therefore the distance between the site and the boundary of the New Forest designated sites is almost three times this distance. Whilst it is not considered possible to rule out cycle trips to the New Forest sites by new residents, it is considered that any such visits would only be made by a competent cyclist on an occasional basis and would be highly unlikely to result in regular trips from the development site.

In addition, any cycling visitors would likely access the New Forest along existing roads, formalised tracks and designated cycle routes which are less likely to result in disturbance to nesting birds or damage to sensitive habitats.

The availability of good quality and accessible open space described above, combined with sport and recreation facilities at both universities reduces the likelihood that students would travel to the New Forest for recreational purposes.

Visiting the New Forest National Park using public transport

The linear distance to New Forest SPA/Ramsar site is approximately 5.4km however, by road the distance is somewhat longer. The shortest route, using the Hythe Ferry, is 7.8km whilst the closest section when travelling purely by road is approximately 11km. It is unlikely, therefore, that visits made on foot or by bicycle will be a frequent occurrence.

Should students choose to visit the National Park using public transport they are unlikely to find it a straight forward proposition. Direct travel from the development site to the designated areas is not possible. Travelling from Southampton city centre, the destinations for train and bus services are the urban centres which, aside from Beaulieu Road, lie outside the New Forest SPA/Ramsar site. Once at these locations further travel is required to reach the designated site. Table 1 below provides details of the train services available from Southampton Central Railway Station.

Table 1 Train services from Southampton Central to New Forest Locations

Destination	Service frequency (outside of peak hours)	Journey time
Ashurst	1 service per hour	10 mins
Beaulieu Road	6 services between 0900- 1800	14 mins
Lyndhurst	No service	
Brockenhurst	4 services per hour	16 mins
Lymington	2 services per hour (change at Brockenhurst)	20 mins
Burley	No service	

The only direct bus service from Southampton to the locations in the New Forest identified above is the Bluestar 6 service which runs hourly from the city centre (during the day) to Lyndhurst, Brockenhurst and Lymington taking 30-40 minutes. Other services are available throughout the National Park from those locations.

Clearly, whilst it is possible to reach the designated site from the proposed halls of residence the process is complicated and likely to be costly. It is therefore reasonable to conclude that there are only likely to be a very small number of visits as a consequence.

Conclusions

The evidence provided suggests that students comprise a small proportion of visitor to the New Forest and that, as a visitor destination, the New Forest is most attractive to dog walkers and/or families that have access to a car.

Students resident within the new accommodation will not be permitted to keep dogs and will not be present with their families. In addition, the development will be designed in such a way as to stop students bringing their cars with them. Finally, the wide range of recreation and sports facilities available to students are closer to the development and easier and cheaper to access than the New Forest. As a consequence, it is very unlikely that students will make trips to the

New Forest designated sites and will not therefore contribute to increased recreational disturbance,

Solent and Southampton Water SPA/Ramsar site

In 2008 the Council adopted the Solent Disturbance Mitigation Project in collaboration with other Councils within the Partnership for Urban South Hampshire in order to mitigate the effects of new residential development on the Solent and Southampton Water SPA. This enables financial contributions to be made by developers to fund appropriate mitigation measures.

The proposed student accommodation will result in a net increase in the population of the city and thus lead to significant impacts on the Solent and Southampton Water SPA. However, due to the characteristics of this type of residential development, specifically the absence of car parking and the inability of those living in purpose built student accommodation to have pets, the level of disturbance created, and thus the increase in bird mortality, will be less than C3 housing. The SDMP research showed that 47% of activity which resulted in major flight events was specifically caused by dogs off of a lead¹. As such, it is considered that the level of impact from purpose built student accommodation would be half that of C3 housing and thus the scale of the mitigation package should also be half that of C3 housing.

Assuming a typical 3 bedroomed house can accommodate 5 students, for the purposes of providing SPA mitigation, five study bedrooms will therefore be considered a unit of residential accommodation.

The calculation to establish the level of the mitigation package required is as follows:

$$\frac{S}{5} \times \frac{174}{2}$$

S = number of study bedrooms

$$\frac{198}{5} \times \frac{174}{2} = 39.6 \times 87 = \text{£}3445.2$$

It is considered that, subject to a level of mitigation, which has been calculated as £3445, being secured through a legal agreement, appropriate and effective mitigation measures will have been secured to ensure that effects associated with disturbance can be satisfactorily removed. The applicant has agreed to enter into a legal agreement to this effect.

¹ See paragraph 3.15 of the Solent Disturbance and Mitigation Project Phase II bird disturbance fieldwork

Conclusions regarding the implications of the development for the identified European sites in view of those sites' conservation objectives

Conclusions

The following conclusions can be drawn from the evidence provided:

- Residents of the new accommodation will not have access to cars.
- The availability of open space, sport and recreation facilities at both universities reduces the likelihood that students would travel to the New Forest for recreational purposes.
- Evidence suggests that low car and dog ownership amongst students contributes to the relatively low proportion of students in the make-up of visitor numbers to the New Forest.
- Access to New Forest locations by students living at the proposed development would be

complicated and costly especially when compared to the availability of alternative recreational activities.

The following mitigation measures have been proposed as part of the development:

- Only 4 car parking spaces will be provided on site, with 1 allocated for disabled and the remaining three to be used by staff;
- A restrictive tenancy barring on students from bringing their cars whilst resident. A breach of this agreement will result in tenancy being terminated;
- A restrictive tenancy barring students from keeping dogs whilst resident. A breach of this agreement will result in tenancy being terminated;
- 102 secure cycle spaces;
- A leaflet showing local amenity parks close to the site (such as Watts and East Parks which are within 250m) and within the city (including Southampton Common which is less than a 20 minute walk from the site), plus key public transport links and cycle routes.
- A contribution of £3445 for the Solent Recreation Mitigation Project.

As such, visitor pressure on European and other protected sites in the New Forest arising from the proposed development is likely to be extremely low and it can therefore be concluded that, subject to the implementation of the identified mitigation measures, **significant effects arising from recreational disturbance will not occur.**

European Site Qualifying Features

The New Forest SAC

The New Forest SAC qualifies under the following criteria:

Annex I habitats that are a primary reason for selection of this site

- Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*)
- Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletea uniflorae* and/or of the *Isoëto-Nanojuncetea*
- Northern Atlantic wet heaths with *Erica tetralix*
- European dry heaths
- *Molinia* meadows on calcareous, peaty or clayey-silt-laden soils (*Molinion caeruleae*)
- Depressions on peat substrates of the *Rhynchosporion*
- Atlantic acidophilous beech forests with *Ilex* and sometimes also *Taxus* in the shrub layer (*Quercion robori-petraeae* or *Ilici-Fagenion*)
- *Asperulo-Fagetum* beech forests
- Old acidophilous oak woods with *Quercus robur* on sandy plains
- Bog woodland
- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*)

Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site

- Transition mires and quaking bogs
- Alkaline fens

Annex II species that are a primary reason for selection of this site

- Southern damselfly *Coenagrion mercurial*
- Stag beetle *Lucanus cervus*

Annex II species present as a qualifying feature, but not a primary reason for site selection

- Great crested newt *Triturus cristatus*

The New Forest SPA

The New Forest SPA qualifies under Article 4.1 of the Birds Directive by supporting breeding populations of European importance of the following Annex I species:

- Dartford Warbler *Sylvia undata*
- Honey Buzzard *Pernis apivorus*
- Nightjar *Caprimulgus europaeus*
- Woodlark *Lullula arborea*; and

Overwintering population of European importance of the following migratory species:

- Hen Harrier *Circus cyaneus*

The SPA qualifies under Article 4.2 of the Birds Directive by supporting breeding populations of:

- Hobby *Falco subbuteo*
- Wood warbler *Phylloscopus sibilatrix*

New Forest Ramsar Site

The New Forest Ramsar site qualifies under the following Ramsar criteria:

- Ramsar criterion 1: Valley mires and wet heaths are found throughout the site and are of outstanding scientific interest. The mires and heaths are within catchments whose uncultivated and undeveloped state buffer the mires against adverse ecological change. This is the largest concentration of intact valley mires of their type in Britain.
- Ramsar criterion 2: The site supports a diverse assemblage of wetland plants and animals including several nationally rare species. Seven species of nationally rare plant are found on the site, as are at least 65 British Red Data Book species of invertebrate.
- Ramsar criterion 3: The mire habitats are of high ecological quality and diversity and have undisturbed transition zones. The invertebrate fauna of the site is important due to the

concentration of rare and scarce wetland species. The whole site complex, with its examples of semi-natural habitats is essential to the genetic and ecological diversity of southern England.

Solent and Southampton Water SPA

Solent and Southampton Water SPA qualifies under Article 4.1 of the Birds Directive by supporting breeding populations of European importance of the following Annex I species:

- Common Tern *Sterna hirundo*
- Little Tern *Sterna albifrons*
- Mediterranean Gull *Larus melanocephalus*
- Roseate Tern *Sterna dougallii*
- Sandwich Tern *Sterna sandvicensis*

The SPA qualifies under Article 4.2 of the Birds Directive by supporting overwintering populations of European importance of the following migratory species:

- Black-tailed Godwit *Limosa limosa islandica*
- Dark-bellied Brent Goose *Branta bernicla bernicla*
- Ringed Plover *Charadrius hiaticula*
- Teal *Anas crecca*

The SPA also qualifies under Article 4.2 of the Birds Directive by regularly supporting at least 20,000 waterfowl, including the following species:

- Gadwall *Anas strepera*
- Teal *Anas crecca*
- Ringed Plover *Charadrius hiaticula*
- Black-tailed Godwit *Limosa limosa islandica*
- Little Grebe *Tachybaptus ruficollis*
- Great Crested Grebe *Podiceps cristatus*
- Cormorant *Phalacrocorax carbo*
- Dark-bellied Brent Goose *Branta bernicla bernicla*
- Wigeon *Anas penelope*
- Redshank *Tringa tetanus*
- Pintail *Anas acuta*
- Shoveler *Anas clypeata*
- Red-breasted Merganser *Mergus serrator*
- Grey Plover *Pluvialis squatarola*
- Lapwing *Vanellus vanellus*
- Dunlin *Calidris alpina alpina*
- Curlew *Numenius arquata*
- Shelduck *Tadorna tadorna*

Solent and Southampton Water Ramsar Site

The Solent and Southampton Water Ramsar site qualifies under the following Ramsar criteria:

- Ramsar criterion 1: The site is one of the few major sheltered channels between a substantial island and mainland in European waters, exhibiting an unusual strong double tidal flow and has long periods of slack water at high and low tide. It includes many wetland habitats characteristic of the biogeographic region: saline lagoons, saltmarshes, estuaries, intertidal flats, shallow coastal waters, grazing marshes, reedbeds, coastal woodland and rocky boulder reefs.
- Ramsar criterion 2: The site supports an important assemblage of rare plants and invertebrates. At least 33 British Red Data Book invertebrates and at least eight British

Red Data Book plants are represented on site.

- Ramsar criterion 5: A mean peak count of waterfowl for the 5 year period of 1998/99 – 2002/2003 of 51,343
- Ramsar criterion 6: The site regularly supports more than 1% of the individuals in a population for the following species: Ringed Plover *Charadrius hiaticula*, Dark-bellied Brent Goose *Branta bernicla bernicla*, Eurasian Teal *Anas crecca* and Black-tailed Godwit *Limosa limosa islandica*.

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Agenda Item 7

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel - 7 June 2016
Planning Application Report of the Planning and Development Manager**

Application address: 2 Kingsfold Avenue, Southampton, SO18 2PZ.			
Proposed development: Conversion of single dwellinghouse to 2 dwellinghouses (1 x 2-bed and 1 x 3-bed) with additional door and external staircase to front elevation.			
Application number	15/02168/FUL	Application type	FUL
Case officer	Laura Grimason	Public speaking time	5 minutes
Last date for determination:	28/03/2016	Ward	Bitterne Park
Reason for Panel Referral:	Five letters of objection have been received	Ward Councillors	Cllr White Cllr Fuller Cllr Inglis

Applicant: Michael Blackwood	Agent: N/A
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	Not applicable
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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 7th June 2016 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, SDP8, SDP9, SDP10, H1, H2, and H7 of the City of Southampton Local Plan Review (Amended 2015) and CS4, CS5, CS13, CS16, CS19 and CS20 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Delegate to the Planning and Development Manager to grant planning permission subject to;

(a) Securing a contribution to the Solent Disturbance Mitigation Project. In the event that the payment is not received within a reasonable timescale, the scheme may be refused for failing to mitigate against its direct impacts.

(b) The submission of an amended plan showing a rooflight serving the bedroom at roof level within the 3 bedroom unit. In the event that this is not received within a reasonable timescale, the scheme may be refused.

1.0 The site and its context

1.1 The application site is a two storey, semi-detached dwellinghouse located on the corner of Kingsfold Avenue and Spinney Walk. There is an existing two storey side extension adjacent to Kingsfold Avenue and the property has a total of 5 bedrooms. The site benefits from 3 off road parking spaces in the form of a front driveway accessed from Kingsfold Avenue; and a large garage with associated driveway to the rear. At present, there is dense vegetation along both the front and side boundaries of the site, including large trees. These are not however, subject to a Tree Preservation Order (TPO). The existing dwellinghouse benefits from a generous side / rear garden of approximately 251 sq m due to its spacious corner location.

2.0 Proposal

2.1 Permission is sought for the conversion of the property to two dwellings (1 x 2 bed and 1 x 3 bed). Both proposed units would be split over ground, first and roof level. The proposed 2 bedroom unit would comprise a large kitchen / lounge at ground floor level, a bedroom and bathroom at first floor level and a bedroom at roof level. This unit would have access to its own private amenity area of approximately 116 sq m. Cycle and bin storage would be provided within this rear amenity area and a private driveway would be provided to the front, accessed via Kingsfold Avenue. The proposed 3 bedroom unit would comprise a kitchen and lounge at ground floor level, 2 bedrooms and a bathroom at first floor level and a bedroom at roof level. This unit would have access to a private amenity area of approximately 135 sq m and a private driveway to the front, accessed via Spinney Walk. Bin storage would be provided within this driveway.

2.2 External alterations would be limited to the construction of an external staircase and new door to the front elevation to provide access to the proposed 2 bedroom dwelling. It is acknowledged that a number of windows which are different to those shown on the approved plans for the previously approved two storey extension (ref.04/00329/FUL) have been installed. These are as follows:

- (a) Smaller ground and first floor windows within the front elevation.
- (b) A first floor window and two ground floor windows within the side elevation.
- (c) A door at ground floor level within the rear elevation.
- (d) The window at first floor level within the rear elevation is in a different location to what was approved.
- (e) An extra window within the side elevation at second floor level.

These windows are immune from enforcement action given how long they have been in situ.

3.0 Relevant Planning Policy

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

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

4.0 Relevant Planning History

4.1 In 2004, conditional approval (ref.04/00329/FUL) was granted for the construction of a two storey side extension.

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 (04/02/2016). At the time of writing the report **5** representations have been received from surrounding residents. The following is a summary of the points raised:

5.1.1 The intensification of the residential use will increase parking demand in the surrounding area to the detriment of local residents and highways safety.

Response: With the driveways provided, the site could actually provide parking for 4 vehicles. The amount of parking proposed would meet the maximum parking requirements outlined in the Parking Standards SPD. Furthermore, the total number of bedrooms at the property would remain the same as a result of this proposal. It is not therefore, considered that the parking demand associated with the proposed units would be significantly greater than that of the existing property. No objection to this scheme in terms of insufficient parking or highways safety has been raised by the City Council's Highways Team.

5.1.2 The existing property is an eye sore and the existing extension is dangerous.

Response: The existing extension has already been approved (application ref.04/00329/FUL). The acceptability of this does not therefore, form a consideration for this application.

5.1.3 The proposed creation of an additional dwelling would be out of character with the surrounding area which is characterised by semi-detached dwellinghouses.

Response: Limited external alterations are required to facilitate the creation of an

additional unit in this location. The existing two storey extension was approved in 2004 under application ref.04/00329/FUL. The visual impact of this on the character of the area does, therefore, already exist and is not for consideration under this application. The acceptability of the extension in terms of visual amenity has already been accepted. It is acknowledged that properties along both Kingsfold Avenue and Spinney Walk are semi-detached. However, it is considered that there is sufficient room on site to accommodate the proposed additional dwelling in addition to the associated parking and amenity space requirements. As such, this scheme is not considered to be detrimental to the character of the area.

- 5.1.4 The proposed scheme would constitute an overdevelopment of the site.

Response: There is sufficient room on this spacious corner plot to comfortably accommodate the proposed additional dwelling. The site is located within an area of low accessibility where density levels between 35 and 50 dph are considered to be acceptable. The creation of a new dwelling on this site would result in a density of approximately 40 dph. The resulting density would be in accordance with the recommended level for this area and this proposal is therefore, considered to be compliant with Core Strategy Policy CS5. It is not therefore, considered that the proposed scheme would result in an overdevelopment of the site (i.e the built form remains the same) or an over-intensive use of the buildings (2 dwellings at 40 dph).

- 5.1.5 The existing two storey extension does not have planning permission.

Response: Planning permission was granted for the proposed extension in 2004 under application ref.04/00329/FUL. It is acknowledged that a number of windows which are different to those shown on the approved plans for this scheme have been installed. The alterations to the windows are now considered lawful.

- 5.1.6 The application description refers to two flats however accommodation is provided over three levels.

Response: The description of development has been changed to reflect this. Two houses are proposed. The determining issues do however, remain the same.

5.2 Consultation Responses

5.2.1 SCC Highways: No objection subject to conditions.

The proposed development is acceptable in principle but there is a concern regarding the parking layout.

The site currently benefits from a formalised access on Kingsfold Avenue and not along Spinney Walk. Vehicles may or may not be gaining vehicular access on Spinney Walk currently, but this would be via the dropped kerbs designed for the pedestrian crossing.

In the interest of highways safety, securing pedestrian crossing facilities and avoid damaging the highway and the tactile paving, the parking area in front of

the existing and proposed units should be made communal with a boundary treatment along the Spinney Walk elevation to restrict vehicular access.

Note: The application is to be recommended Approval subject to the following conditions securing a plan showing a boundary treatment along Spinney Walk and a communal parking layout.

5.2.2 **SCC Environmental Health (Pollution & Safety): No objection** subject to conditions relating to working hours and bonfires on site.

5.2.3 **Southern Water: No objection subject to an informative.**

6.0 **Planning Consideration Key Issues**

6.1 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) states that: 'An additional 16,000 homes will be provided within the City of Southampton between 2006 and 2026. This proposal would provide an additional home within the city and is, therefore, considered to be compliance with this policy.

6.3.1 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 low accessibility (Band 2) to Public Transport where density levels between 35 and 50 dph are considered to be acceptable. The site area is approximately 0.0503 ha and the creation of a new dwelling on this site would result in a density of approximately 40 dph. The resulting density would be in accordance with the recommended level for this area and this proposal is therefore, considered to be compliant with Core Strategy Policy CS5.

6.3.2 Core Strategy Policy CS16 advises that: 'The Council will provide a mix of housing types and more sustainable and balanced communities through: (2) no net loss of family homes on sites capable of accommodating a mix of residential units unless there are overriding policy considerations justifying this loss'. This policy continues to advise that family homes are dwellings of three or more bedrooms with direct access to usable amenity space or garden for the sole use of the household. For semi-detached homes, a minimum size of 70 sq m applies for amenity spaces / gardens. The existing property has 5 bedrooms and access to a private amenity area of approximately 165 sq m. It can therefore, be classed as a family home. This proposal would effectively, establish a terrace of dwellings. For terraced dwellinghouses, a minimum amenity space of 50 sq m must be provided. This proposal would retain a 3 bedroom dwellinghouse with a

private amenity area of approximately 251 sq m. It would retain a family home and would therefore, be compliant with Core Strategy Policy CS16.

6.3.3 Having regard to the above policies, it is considered that this proposal is acceptable in principle.

6.4 Quality of the residential environment

6.4.1 Saved policy SDP1 of the City of Southampton Local Plan Review 2010 states that: 'Planning permission will only be granted for development which: (i) does not unacceptably affect the health, safety and amenity of the city and its citizens'.

6.4.2 Saved policy H7 of the City of Southampton Local Plan Review 2010 states that: 'Planning permission will only be granted for residential development provided that the highest standards of quality and design are applied'.

6.4.3 Section 2.2 of the Residential Design Guide SPD expands upon this. Paragraph 2.2.1 states that: 'New housing development, extensions and modifications to existing homes should ensure that access to natural light, outlook and privacy is maintained for existing occupants and their neighbours in their homes and private gardens as well as for the intended occupants of new habitable rooms'. Paragraph 2.2.10 goes on to state that: 'The design, layout and detail of new housing development should also aim to minimise problems such as noise, fumes and vibration from neighbouring roads and sites that can spoil the enjoyment and privacy of housing and garden areas'.

6.4.4 All rooms within the proposed two bedroom unit would benefit from sufficient access to light and outlook as they do now. They would also be sufficiently private. All rooms within the proposed three bedroom unit at ground and first floor level would benefit from sufficient access to light and outlook and would be sufficiently private. The proposed loft bedroom within this unit would have no windows and there is some concern from the Local Planning Authority that this would provide an unacceptable residential environment for occupiers. As such, an amended plan has been requested to secure the installation of a rooflight to serve this room. This plan has not yet been received and as a result, the recommendation is one of delegated authority to grant planning permission upon receipt of this. Provided that this amendment is made, the scheme is considered to provide an acceptable residential environment for occupiers.

6.4.5 Paragraph 4.4.1 of the Residential Design Guide SPD states that: 'All developments should provide an appropriate amount of amenity space for each dwelling to use'. An amenity space of approximately 116 sq m would be provided for the 2 bedroom dwelling whilst approximately 135 sq m would be provided for the 3 bedroom dwelling. Both of these would exceed the 50 sq m requirement outlined in the Residential Design Guide SPD. The proposed amenity areas would be usable and private and would be sufficient to meet the needs of future occupiers.

6.4.6 Having regard to the above, it is considered that an acceptable residential environment would be provided for future occupiers.

6.5 Design

- 6.5.1 External alterations are limited to the provision of an external staircase to provide separate access to the proposed 2 bedroom unit. Limited information has been submitted to indicate the materials which would be used to construct this and so a suitably worded planning condition will be imposed to ensure that this is of masonry construction with an appropriate material used for the associated balustrade. This will ensure that the proposed external staircase would have an appearance which would relate appropriately with the wider streetscene.
- 6.5.2 Having regard to the modest alterations which are proposed, this scheme is considered to be acceptable in design terms.

6.6 Residential Amenity

- 6.6.1 This property is one half of a semi-detached pair. It is this other property (no.1 Kingsfold Avenue) which would be most affected by this proposal. The existing dwellinghouse has 5 bedrooms and the proposed 2 dwellings would have a total of 5 bedrooms as a result of this proposal. As such, it is not considered that this scheme would result in a level of intensification detrimental to the residential amenities of the occupiers of this neighbouring property by virtue of additional noise and disturbance. Furthermore, no concern has been raised by the Environmental Health Team.
- 6.6.2 As discussed previously in paragraph 2.2, a number of windows within the existing two storey extension are different to those approved under the previous scheme. These windows are not, however, considered to result in any harm to residential amenity in terms of loss of privacy.
- 6.6.3 Having regard to the above considerations, it is considered that the impact of the scheme in terms of residential amenity would be acceptable.

6.7 Highways Safety, Car and Cycle Parking and Refuse Storage

- 6.7.1 The Parking Standards SPD outlines maximum car parking standards for residential dwellings within the City. In line with this document, a maximum of 2 parking spaces would be required for each proposed dwelling. A total of 4 car parking spaces would be provided on site, two to the front and two to the rear in the garage and associated space. As such, it is considered that this scheme is compliant with the Parking Standards SPD in terms of the amount of parking provided. A suitably worded planning condition will however, be imposed to ensure that an acceptable parking layout is secured. This is on the request of the Highways Team. This condition will require one unit to have parking to the front and one unit to have parking to the rear. Provided that this condition is satisfied, it is considered that sufficient parking would be provided.
- 6.7.2 No issues relating to highways safety have been raised by the Highways Team.
- 6.7.3 The Parking Standards SPD also outlines minimum cycle parking standards for residential dwellings. In line with this document, a minimum of 1 long stay space per dwelling would be required. The submitted documents indicate that a shed would be provided within each garden to provide cycle storage. No elevational details have been provided and as such, a suitably worded planning condition

will be imposed to secure further details at a later stage.

6.7.4 Paragraph 9.2.2 of the Residential Design Guide advises that for households with less than 6 residents, 2 x 240 litre wheeled bins should be provided. The submitted plans indicate that for the 3 bedroom unit, bins would be stored within the front driveway whilst for the 2 bedroom unit, bins would be stored within the rear garden. At present, bins are stored within the front garden. Further information regarding bin storage will be secured by a suitably worded planning condition.

6.7.5 Having regard to the above, it is considered that an adequate level of parking would be provided. Further details regarding cycle and bin storage will be secured by planning condition.

6.8 Planning obligations and mitigation

6.8.1 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 £176 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. No contribution towards the SDMP has been provided and as such, the recommendation is for delegated authority to grant permission once a contribution has been received. Once this has been received this application will be compliant with the requirements of the SDMP and the Conservation of Habitats and Species Regulations 2010 (as amended).

7.0 Summary

7.1 The proposed scheme is policy compliant with issues relating to the principle of development, highways safety, transport, design and residential amenity being adequately addressed. A contribution towards the SDMP can be secured under delegated authority.

8.0 Conclusion

8.1 It is recommended that planning permission be granted upon receipt of contribution to the SDMP.

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

1(a)/(b)/(c)/(d); 2(b)/(d)/(f); 4(f); and 6(a)/(b).

LAUGRI for 07/06/16 PROW Panel

PLANNING CONDITIONS

1. Full Permission Timing Condition (Performance)

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

Reason:

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

2. 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. Parking Layout

No development shall take place until an amended parking layout has been submitted to and approved by the Local Planning Authority. Specifically, this shall indicate the following:

(a) Two spaces per dwelling will be provided. One unit will benefit from parking to the front of the property only and one unit will benefit from parking to the rear only (garage and associated driveway).

(b) The proposed layout of and means of access to parking spaces to the front of each unit.

(c) The proposed boundary treatment along Spinney Walk to prevent vehicular access to the site via Spinney Walk.

(d) Sightlines for the vehicular access off Kingsfold Avenue. Any physical obstructions within the approved sightlines must not exceed 600mm in height at any time.

The approved layout shall be implemented in full and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of highways safety.

4. 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. 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.

Note to applicant: In accordance with para 9.2.3 of the Residential Design Guide (September 2006): if this development involves new dwellings, the applicant is liable for the supply of refuse bins, and should contact SCC refuse team at Waste.management@southampton.gov.uk at least 8 weeks prior to occupation of the development to discuss requirements.

6. 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.

7. 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.

8. 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 given the specific circumstances of the application site and in the interests of the comprehensive development and visual amenities of the area.

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

No development works shall be carried out until a written schedule of external materials and finishes for the external staircase have been submitted to and approved by the Local Planning Authority. This feature shall comprise masonry construction with details of materials to be used for the associated balustrade also required.

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.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS5	Housing Density
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 – (as amended 2015)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

Supplementary Planning Guidance

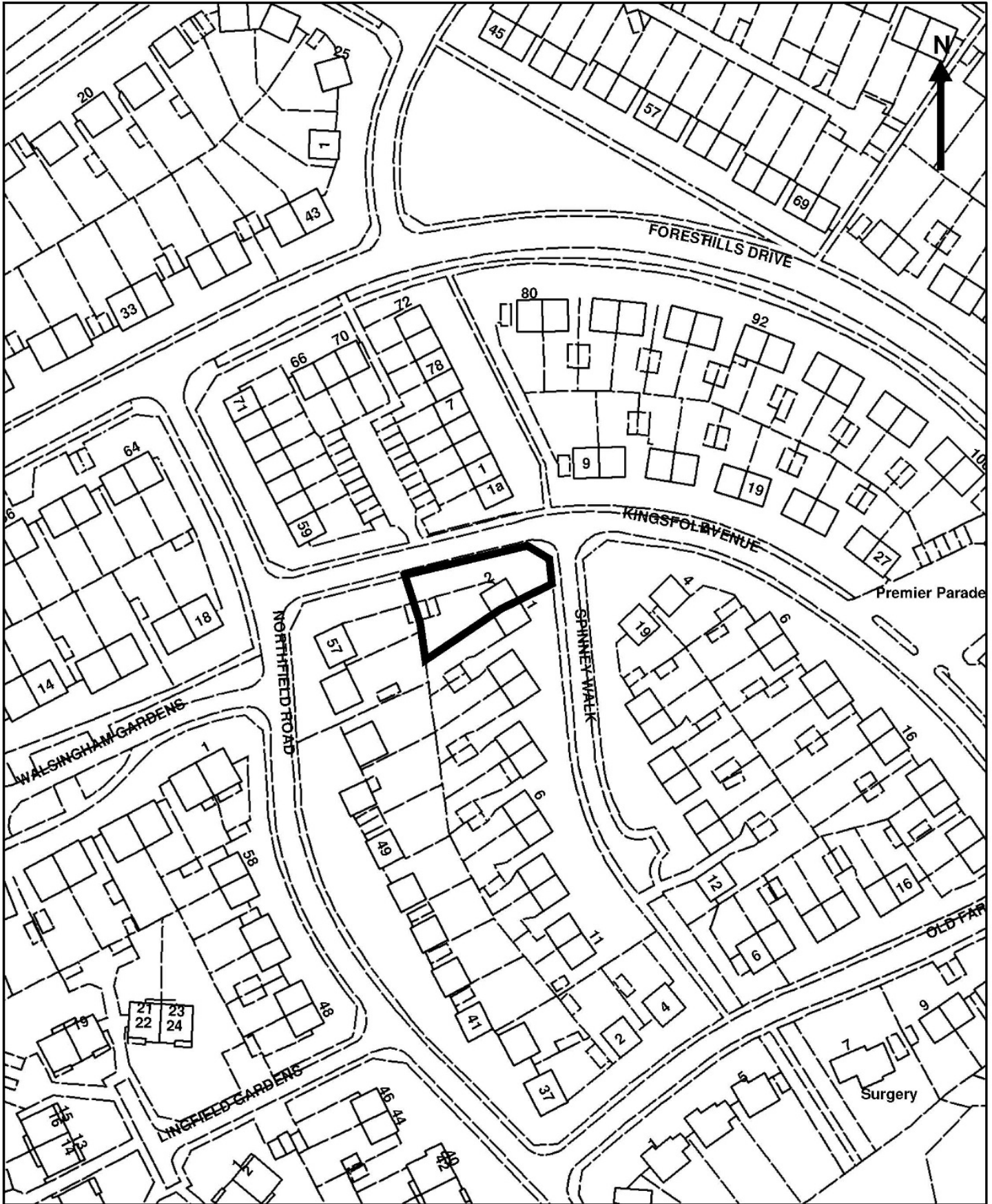
Residential Design Guide (Approved - September 2006)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)



Scale: 1:1,250

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Agenda Item 8

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel - 7 June 2016
Planning Application Report of the Planning and Development Manager**

Application address: 174 Manor Road North, Southampton, SO19 2DY.			
Proposed development: Erection of a two-storey building containing 2 x one bed flats with associated parking, amenity space and cycle and bin stores following demolition of existing work shop (resubmission 15/00111/FUL).			
Application number	16/00132/FUL	Application type	FUL
Case officer	Laura Grimason	Public speaking time	5 minutes
Last date for determination:	29/03/2016	Ward	Peartree
Reason for Panel Referral:	Request by Ward Member and five or more letters of objection have been received	Ward Councillors	Cllr Keogh Cllr Houghton Cllr Lewzey
Referred to Panel by:	Cllr Keogh Cllr Lewzey	Reason:	(a) Out of character with the surrounding area. (b) Precedent. (c) Impact on parking pressure. (d) Adverse impact on residential amenity.

Applicant: Mr B Watts	Agent: MDT Design
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	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. This scheme has fully satisfied the previous reason for refusal for the reasons given by the Inspector during the previous appeal. 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, SDP8, SDP9, SDP10, H1, H2, and H7 of the City of Southampton Local Plan Review (Amended 2015) and CS4, CS5, CS13, CS16, CS19 and CS20 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Appendix attached			
1	Appeal Decision for 15/00111/FUL	2	Development Plan Policies

Recommendation in Full

Conditionally approve

1.0 Background

1.1 This application follows a previous refusal for the same scheme under application ref.15/00111/FUL. An appeal against this decision was dismissed on a technicality regarding the Solent Disturbance Mitigation Project (SDMP) and the Inspector found the proposed built development and use to be acceptable. This second application has now addressed the SDMP concerns.

2.0 The site and its context

2.1 The application site comprises land to the rear of 174 Manor Road North which is occupied by a single-storey workshop building and forecourt fronting Wodehouse Road. The building is of masonry construction with a flat roof. The site is situated adjacent to a service road running between properties fronting Manor Road North and Ludlow Road. The site abuts the gardens of 174 and 176 Manor Road North. A narrow access footpath is located to the side of the site, providing access to the rear gardens of several properties along Manor Road North.

2.2 The surrounding area is predominantly residential in character. Recent housing development is noted on land at the rear of 157 Ludlow Road. It is also noted that 155 Ludlow Road has been extended and converted into flats (07/00146/FUL).

3.0 Proposal

3.1 Permission is sought for the construction of a 2 storey building on land to the rear of no.174 Manor Road North. At present, there is a single storey garage on this site positioned adjacent to a rear access (unadopted highway) serving the properties along Manor Road North and Ludlow Road. The proposed building would have a total height of approximately 6.6m with an eaves height of approximately 4m. The proposed block would have a dual pitched dormer window at roof level within the front elevation in addition to a porch canopy at ground floor level.

3.2 The first proposed unit would be located at ground floor level and would comprise a lounge / kitchen / dining area, bedroom and bathroom. It would have a floorspace of approximately 54 sq m. This unit would have access to its own private amenity space of approximately 15 sq m.

- 3.3 The second proposed unit would be located at first floor level and would comprise a lounge / kitchen / dining area, bedroom and bathroom. It would have a floorspace of approximately 55 sq m. This unit would have access to its own private amenity space of approximately 16 sq m.
- 3.4 Two parking spaces would be provided to the front of the property along Wodehouse Road (one for each flat). Each of these would measure approximately 5m x 4.7m. The length of the spaces has increased from 4.7m in the previous scheme. A bin storage area and bike store would also be provided to the front of the property in addition to a private bin store within the amenity area for the first floor unit only.
- 3.5 This scheme is identical to the previously refused scheme under application ref.15/00111/FUL. A copy of the PINS decision is attached at Appendix 1.

4.0 Relevant Planning Policy

- 4.1 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 2**.
- 4.2 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.

5.0 Relevant Planning History

- 5.1 This scheme is identical to the previously refused scheme under application ref.15/00111/FUL. This scheme sought permission for the erection of a two-storey building containing 2 x one bed flats with associated parking, amenity space and cycle and bin stores following demolition of an existing work shop. It was refused under delegated powers on the following grounds:

1. REFUSAL REASON - Un-neighbourly form of development

The proposed two-storey building, by reason of its height, scale and massing and proximity/relationship to the gardens of 174, 176 and 178 Manor Road North would represent an unduly dominant form of development that would appear oppressive when viewed from the aforementioned neighbouring gardens. This effect would likely be exacerbated by shadowing of those gardens during the morning, taking March 21st as an average circumstance during the year, and the application is not supported by shadow diagrams to demonstrate otherwise. The small size of the gardens of 174, 176 and 178 Manor Road North would mean that those neighbouring residents would be unable to avoid the harmful impact and the relationship is materially different to the building orientation and garden sizes relating to nearby development at 155 and 157 Ludlow Road (which have been approved since previous refusals on this application site). As such the development would be harmful to the residential amenities of neighbouring occupiers and has been assessed as contrary to policies SDP1(i), SDP7(iii)/(iv),

SDP9 (v) of the City of Southampton Local Plan Review (Amended 2015), policy CS13 (1)/(11) of the Core Strategy (Amended 2015) and Section 2 of the approved Residential Design Guide SPD (September 2006).

2. REFUSAL REASON - Parking Layout

The proposed layout provides insufficient car parking sizes which are short of the minimum size standard of 2.4m x 5m as set out within the Council's Car Parking Standards SPD (Adopted 2011) and therefore it is likely that larger parked vehicles may straddle and cause obstruction to the public footway.

Furthermore the development would prejudice pedestrian safety by failing to provide adequate pedestrian sight lines of 2m x 2m to the parking space adjacent to the north-western boundary. The development proposal is therefore contrary to policy SDP1(i) of the City of Southampton Local Plan Review (Amended 2015) and Section 2 of the Council's Car Parking Standards SPD.

3. REASON FOR REFUSAL - Lack of Section 106 or unilateral undertaking to secure planning obligations.

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

5.2 Significant weight must be afforded to the recent appeal decision (02/02/2016) against the refusal of the previous scheme (ref.15/00111/FUL) in the determination of this application. This appeal was dismissed but only on the grounds that a contribution to the Solent Disturbance Mitigation Project (SDMP) had not been provided. No other issues were identified and, as such, the Inspector was satisfied with the impact of the scheme in terms of residential amenity and highways safety. A copy of this appeal decision can be found in **Appendix 1.**

5.3 In 1997, conditional approval (ref.971144/E) was granted for the use of the premises as a private dwellinghouse.

6.0 Consultation Responses and Notification Representations

6.1 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 (08/02/2016). At the time of writing the report **7** representations have been received from surrounding residents and from Councillor Keogh and Councillor Lewzey. The following is a summary of the points raised:

6.1.1 The proposed building would have an overbearing impact on the back gardens of no.174, 176 and 178 Manor Road North due to its excessive scale and proximity to these properties.

Response: Residential amenity did form a reason for refusal for the previous scheme. However, at the appeal stage, the Inspector concluded that the scheme would not be detrimental to the residential amenities of the occupiers of these neighbouring properties (paragraph 4, 5, 6 and 7 of the PINS decision attached at Appendix 1). As this appeal decision forms a significant material consideration in the determination of this scheme, residential amenity should not form a reason for refusal in this instance.

- 6.1.2 The proposed parking layout would be detrimental to highways safety.

Response: Highways safety also formed a reason for refusal for the previous scheme. However, at the appeal stage, the Inspector concluded that the scheme would not be detrimental to highways safety (paragraph 8, 9, 10, 11 and 12 of the PINS decision attached at Appendix 1). This appeal decision forms a material consideration in the determination of this scheme. Notwithstanding this, this scheme has been amended to extend the proposed car parking spaces to a length of 5m in accordance with paragraph 4.2.2 (8) of the Parking Standards SPD which advises that: 'Square and angled parking bay sizes must not be less than 5m x 2.4m'. Furthermore, adequate sightlines have been provided, improving the highways safety impact of the scheme. The scheme is now considered to be acceptable in terms of highways safety, overcoming the previous reason for refusal.

- 6.1.3 The proposed scheme would increase parking demand in the surrounding area to the detriment of the residential amenities of neighbouring residents.

Response: The maximum car parking standards outlined in the Parking Standards SPD advise that 1 space per flat is required. This scheme provides a total of 2 car parking spaces, subsequently meeting this maximum requirement. It is therefore, considered that adequate parking would be provided. This issue did not previously form a reason for refusal and it would be unreasonable to add it now.

- 6.1.4 The proposed development would be at odds with the prevailing character of the surrounding area.

Response: The design of the proposed development was deemed to be appropriate during the previous planning application. None of the reasons for refusal related to 'inappropriate design'. As the scheme being considered under this application is identical to this previous scheme, it is considered that the design is still appropriate and adding a fresh reason for refusal now would be regarded as unreasonable behaviour on the part of the Local Planning Authority.

- 6.1.5 The ownership of the rear alleyway is uncertain and needs to be taken into account.

Response: All built elements of the scheme are contained within the red line for the site and the applicant has completed a form to suggest the scheme can progress on land wholly within their ownership. Should evidence arise that a third party owns part of the land this would be a civil matter and shouldn't affect the determination of this planning application.

6.2 Consultation Responses

6.2.1 SCC Highways - No objection subject to conditions.

Sightlines should be secured through a planning condition:

'The 2m x 2m pedestrian sightlines as shown in the site plan (job no: 1693/09; drawing no: 02_; rev: B) must be retained and any physical obstructions within them must not exceed 600mm in height'.

The bin and cycle storage for the ground floor should be amended to ensure it is usable.

6.2.2 SCC Conservation Heritage: No objection.

6.2.3 SCC Sustainability Team: No objection. Subject to conditions relating to water and energy usage.

6.2.4 SCC Environmental Health (Pollution & Safety): No objection. Subject to conditions relating to demolition dust suppression, no bonfires on site and construction working hours.

6.2.5 SCC Environmental Health (Contaminated Land): No objection subject to conditions.

This department considers the proposed land use as being sensitive to the effects 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.

6.2.6 SCC Ecology: No objection.

6.2.7 CIL Officer: No objection.

The development is CIL liable as the proposal creates a self contained residential unit. The charge will be levied at £70 per sq m on Gross Internal Area on the new unit. If any existing floorspace is to be used as deductible floorspace the applicant will need to demonstrate that lawful use of the building has occurred for a continuous period of at least 6 months within the period of 3 years ending on the day that planning permission first permits the chargeable development.

6.2.8 Southern Water: No objection subject to informatives advising the applicant that

a formal application for connection to the public foul sewer will be required.

7.0 Planning Consideration Key Issues

7.1 Introduction

7.1.1 With the exception of a number of minor alterations relating to the size of the car parking spaces and refuse storage for the ground floor flat, this scheme is identical to the previously refused scheme under ref.15/00111/FUL. Significant weight must be afforded to the recent appeal decision against the refusal of the previous scheme (ref.15/00111/FUL). This forms a material consideration during the determination of this application. This appeal was dismissed but only on the grounds that a contribution to the SDMP had not been provided. All other considerations were deemed acceptable by the Inspector. In addition to this recent appeal decision, the determining issues which require consideration are as follows:

- (a) The principle of development;
- (b) The quality of the residential environment;
- (c) Design;
- (d) Residential amenity;
- (e) Highways safety, car and cycle parking and;
- (f) Solent Disturbance.

7.2 Principle of Development

7.2.1 Core Strategy Policy CS4 (Housing Delivery) states 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 on the edge of the city centre to provide 6 much needed additional homes and is, therefore, considered to be acceptable in principle.

7.2.2 Saved Local Plan policy H2 advises that: 'The maximum use of derelict, vacant and underused land for residential development will be made provided that: (ii) the land is not safeguarded as being for non-residential use; (iii) the location of any development would not have a significantly detrimental effect on the amenity of occupiers of adjoining land; (iv) the site is not unfit for development by reason of its location close to dust, fumes, hazards or nuisance created by nearby industrial or commercial activity; (v) the land has not been subject to tipping, and is therefore not capable of redevelopment in the short term; and (vii) the land does not support significant wildlife / nature conservation interests. Significant wildlife / nature conservation interests are defined as those sites which meet SINC criteria or sites supporting habitats or species identified in national or local biodiversity action plans'. This scheme would make effective use of previously developed land and would therefore, comply with this policy.

7.2.3 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 density levels between 50 and 100 dph are considered to be acceptable. The site area is approximately 0.0125 ha and the creation of two new dwellings on this site would result in a density of approximately 160 dph. This is significantly greater than the recommended density levels for this area but the

previous reasons for refusal which were based on the symptoms of over-intensive use were not supported by PINS.

7.2.4 The principle of new residential development within the city is considered to be acceptable in accordance with Core Strategy Policy CS4.

7.3 Quality of the Residential Environment

7.3.1 Saved policy SDP1 of the City of Southampton Local Plan Review 2010 states that: 'Planning permission will only be granted for development which: (i) does not unacceptably affect the health, safety and amenity of the City and its citizens'.

7.3.2 Saved policy H7 of the City of Southampton Local Plan Review 2010 states that: 'Planning permission will only be granted for residential development provided that the highest standards of quality and design are applied'.

7.3.3 Section 2.2 of the Residential Design Guide SPD expands upon this. Paragraph 2.2.1 states that: 'New housing development, extensions and modifications to existing homes should ensure that access to natural light, outlook and privacy is maintained for existing occupants and their neighbours in their homes and private gardens as well as for the intended occupants of new habitable rooms'. Paragraph 2.2.10 goes on to state that: 'The design, layout and detail of new housing development should also aim to minimise problems such as noise, fumes and vibration from neighbouring roads and sites that can spoil the enjoyment and privacy of housing and garden areas'.

7.3.4 No issues relating to the quality of the residential environment were raised during the determination of the previous scheme by the Local Planning Authority. Furthermore, the Inspector was satisfied with the quality of the residential environment for the proposed flats at the appeal stage. As such, it is considered that an adequate residential environment would be provided for future residents in accordance with the policies outlined above.

7.3.5 Paragraph 4.4.1 of the Residential Design Guide SPD states that: 'All developments should provide an appropriate amount of amenity space for each dwelling to use'. Approximately 15 sq m of private amenity space would be provided for the ground floor flat whilst approximately 16 sq m would be provided for the first floor flat. These amenity areas are both marginally smaller than the 20 sq m requirement which applies for amenity areas serving flats in suburban areas of the city. It is however, acknowledged that the amenity areas proposed would be sufficiently private and usable given their regular square shape. Concern about the size of the proposed amenity areas was not raised during the lifetime of the previously refused scheme and previous Inspectors have commented that reduced garden sizes may be appropriate for smaller (single bedroom) flats. Having regard to this and the appeal decision which raised no objection regarding the quality or quantity of amenity space proposed, it is considered that the amenity areas would be sufficient to meet the needs of future occupiers.

7.3.6 It is considered that the proposed units would provide an acceptable residential accommodation for future occupiers.

7.4 Design

7.4.1 The surrounding area is characterised by two storey, terraced dwellinghouses. Roofslopes are predominantly hipped and properties are typically constructed of brick with tiled roofs. Windows tend to comprise UPVC frames and there are a number of bay windows at ground floor level. Properties within the surrounding area have small front forecourts, many of which have been converted to driveways to provide off road parking. A number of similar sites within the surrounding area have previously been redeveloped.

7.4.2 It is noted that inappropriate design did not form a reason for refusal for the previous scheme when it was determined by the Local Planning Authority. Furthermore, the design of the previous scheme was also considered to be appropriate by the Planning Inspector during the determination of the appeal. As the design has not changed, it is considered to be acceptable for its context.

7.5 Residential Amenity

7.5.1 The previous scheme was refused by the Local Planning Authority because of its impact on the neighbouring properties of no.174, 176 and 178 Manor Road North. The subsequent appeal Inspector did not however, raise this as an issue, resolving that residential amenity was not harmed.

7.5.2 Paragraph 2.2.1 of the Residential Design Guide states that: 'New housing development, extensions and modifications to existing homes should ensure that access to natural light, outlook and privacy is maintained for existing occupants and their neighbours in their homes and private gardens as well as for the intended occupants of new habitable rooms'.

7.5.3 The application site is positioned to the rear of the residential properties along Manor Road North. The properties closest to the site are no.174, 176 and 178 Manor Road North.

7.5.4 The following separation distances between the proposed building and neighbouring gardens would be retained:

- Approximately 5m between the proposed building and the rear boundary of the garden at no.174.
- Approximately 1.5m between the proposed building and the rear boundary of the garden at no.176.
- Approximately 1.5m between the proposed building and the rear boundary of the garden at no.178.

7.5.5 The existing building has a flat roof of approximately 3m in height and is considered to be relatively modest in scale. The eaves of the roofslope facing the rear of the residential properties along Manor Road North would measure approximately 4m in height whilst the ridge would have a height of approximately 6.6m in height. The recent appeal decision resolved that the impact of the scheme in terms of residential amenity was acceptable and due regard in relation to this planning application must be afforded to this. Paragraph 5 of the Inspectors decision states that:

'While some of the existing terraced houses may lose some sunshine during the morning, I am satisfied that the additional building bulk would not have a significantly harmful effect on the living conditions of these houses and their gardens by causing undue loss of natural light or outlook. In terms of the gardens, the plan and cross-section show the difference in visual terms between the existing single storey form of the workshop building and the top of the two storey pitched roof and I judge the difference not to be a material one'.

7.5.6 As such, the impact of the scheme on residential amenity should not constitute a reason for the refusal in this case.

7.6 Highways Safety, Car and Cycle Parking and Refuse Storage

7.6.1 The previous scheme was refused by the Local Planning Authority because of its impact on highway safety. Specifically, this related to the insufficient size of the parking spaces proposed and the failure to provide adequate sightlines. The subsequent appeal Inspector did not however, raise this as an issue, resolving that highways safety was not harmed.

7.6.2 The Parking Standards SPD outlines maximum car parking standards for new residential development within Southampton. In accordance with these standards, 1 space per new dwelling is required. This scheme provides 2 spaces, 1 for each flat and is therefore, considered to comply with the Parking Standards SPD.

7.6.3 Paragraph 9 of the appeal decision states that:

'The two parking spaces shown on the submitted layout plan do not have a dimension of their length specified but appear marginally short of the recommended standard. Nevertheless, I should also take into consideration that the present workshop building appears to have a parking and/or loading facility in the same space and enclosed by walls, together with a dropped kerb. Therefore, users of the footpath are likely to have had restricted visibility of vehicles leaving the existing workshop premises'.

Paragraph 10 continues:

'The submitted layout plan also shows the 2m splays and although these are not within the application site, on the one side the splay utilises the rear access track which is an open area and likely to remain so. On the other side, much of the splay is formed by the open pedestrian rear access to the adjacent houses. As such, although the Council supplementary guidance does not require such splays, in practice the movements of vehicles into and out of the spaces would be visible to most users of the pavement'.

Paragraph 12 is also relevant:

'Overall, on this issue, given that the proposal is for the replacement of an existing workshop building, I do not consider that the slight shortfall in the length of the parking spaces necessitates the rejection of the scheme, and I am satisfied that the circumstances of the site mean that the proposal would not be harmful to pedestrian safety'.

7.6.4 Having regard to the appeal decision, the inclusion of appropriate sightlines and

the increased length of the car parking spaces, this scheme is now considered to be acceptable in terms of highways safety, overcoming the previous reason for refusal.

7.6.5 The Parking Standards SPD also outlines minimum cycle parking standards for new residential development within Southampton. In accordance with these standards, 1 long stay cycle parking space would be required for each flat. The submitted documents indicate that a total of 4 cycle spaces would be provided, 2 in a cycle enclosure to the front of the property and 2 within a cycle enclosure within the amenity area of the first floor flat. The proposed scheme would therefore, satisfy the requirements of the Parking Standards SPD.

7.6.6 Paragraph 9.2.2 of the Residential Design Guide advises that for households with less than 6 residents, 2 x 240 litre wheeled bins should be provided. The submitted plans indicate that the ground floor flat would have an open bin storage area to the front of the property whilst an enclosed bin store would be provided for the first floor unit to the side of the property. Refuse storage for the ground floor unit has been amended in response to comments from the Highways Team. This is considered to be sufficient to meet the requirements of the Residential Design Guide SPD.

7.7 Solent Disturbance

7.7.1 The previous scheme was refused by the Local Planning Authority for its failure to provide a scheme of mitigation for the Solent Disturbance Mitigation Project (SDMP).

7.7.2 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 £176 per unit has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. This application has complied with the requirements of the SDMP and the payment has been made. It meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

7.7.3 The reason for refusal relating to SDMP has now been overcome.

8.0 Summary

8.1 A material consideration for this scheme is the outcome of the appeal against the refusal of application ref.15/00111/FUL for an identical scheme. This appeal was dismissed solely on the grounds that no contribution to the SDMP had been

provided. Paragraph 16 of the appeal decision advises that:

'...while I have found that the local impact of the development on the environment of the site is acceptable, the proposal does not properly mitigate the wider effects of additional development on the sensitive habitats around the Solent. This conflicts with the specific policy of the development plan'.

8.2 In paragraph 15 of this appeal decision, the Inspector advises that:

'Bringing together my conclusions on the main issues, I have found that the redevelopment of the existing warehouse with a two storey building comprising two small flats would not materially harm the living conditions of the occupiers of adjacent terraced properties by loss of natural daylight and outlook including the use of the their gardens. The proposal would also improve the appearance of the area by the demolition of a building which is vacant and in decay. As such I have found that the nature of the proposed development reasonably meets the requirement of the relevant policies in the development plan. Although the parking spaces are slightly below standard, with conditions regulating the enclosure of these spaces, I am satisfied that their use would be unlikely to be harmful to highway safety and especially the safety of pedestrians on the pavement'.

8.4 The issues relating to residential amenity and highways safety in the reason for refusal by the Local Planning Authority were not deemed to be appropriate by the Inspector. The only reason for the dismissal of the appeal related to the lack of an contribution to the SDMP. This has now been provided and it is considered that this reason for dismissing the appeal imposed by the Inspector has now been overcome.

9.0 Conclusion

9.1 This application is recommended for conditional approval.

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

1(a)/(b)/(c)/(d); 2(b)/(d)/(f); 4(f); and 6(a)/(b).

LAUGRI for 07/06/16 PROW Panel

PLANNING CONDITIONS

1. Full Permission Timing Condition (Performance)

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

Reason:

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

2. 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. 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 - Sightlines

The sightlines shown on the approved plans (ref.02 E) shall be provided prior to first occupation and retained thereafter for the lifetime of the development. Any physical obstructions within the approved sightlines must not exceed 600mm in height at any time.

Reason:

In the interests of highways safety.

5. Parking

The parking and access shall be provided in accordance with the approved plans (ref.02 E) and shall be surfaced using a non-migratory material before the development first comes into occupation. The parking area shall thereafter be retained for the lifetime of the development.

Reason:

In the interests of highway safety.

6. Refuse and Recycling

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. This shall include details of a pedestrian access gate along the eastern boundary (adjacent to the rear access road) to enable bins to be moved to and from the storage area when the parking spaces are in use. The storage shall be provided in accordance with the agreed details before the development is first occupied and thereafter retained as 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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 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.

12. Use of uncontaminated soils and fill (Performance)

Only 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 shall 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.

13. 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.

14. 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).

15. 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).

16. APPROVAL CONDITION: Obscure Glazing.

The windows within the eastern elevation as shown on approved plan ref.02C shall remain obscure glazed and non opening up to 1.8m at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of residential amenity.

17. 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 given the specific circumstances of the application site and in the interests of the comprehensive development and visual amenities of the area.



Scale: 1:1,250

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Appeal Decision

Site visit made on 2 February 2016

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 01 March 2016

Appeal Ref: APP/D1780/W/15/3137227

Land to the rear of 174 Manor Road North, Southampton, SO19 2DY.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr B Watts against the decision of Southampton City Council.
 - The application Ref.15/00111/FUL, dated 10 January 2015, was refused by notice dated 29 April 2015.
 - The development proposed is the erection of a two storey building containing 2 one bedroom flats with associated parking, amenity space, and cycle and bin stores following demolition of the existing workshop.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the living conditions of the occupiers of the neighbouring properties fronting Manor Road North; the effect on highway safety and whether the proposal mitigates the effects of the additional housing on the Special Protection Areas of the Solent Coastline.

Reasons

Background

3. The appeal site comprises an 'L' shaped single storey workshop building which is vacant at the moment and which lies to the rear of properties fronting Manor Road North and also alongside an un-metalled track that provides rear access to garages in this road and a neighbouring one. The track has access to Wodehouse Road. It is proposed to demolish the workshop building and erect a two storey building covering a slightly smaller footprint and provide two small amenity areas for the flats. It is also proposed to have two parking spaces located between the flats and Wodehouse Road.

Effect on living conditions

4. At my site visit I considered the relationship of the proposed flat building with the rear aspect of the existing housing and took into consideration the orientation of the site and the likely effects of overshadowing from the new building. I also noted that many of the properties in the terrace comprising 174 to 180 (even No's) in Manor Road North appeared to have been extended and
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that a number of windows at first floor level appeared to light bathrooms as the windows were glazed with obscure glass.

5. The submitted plan 1693/09 02B reasonably shows the cross section between the existing terraced houses and the rear gardens and the flats building. While some of the existing terraced houses may lose some sunshine during the morning, I am satisfied that the additional building bulk would not have a significantly harmful effect on the living conditions of these houses and their gardens by causing undue loss of natural light or outlook. In terms of the gardens, the plan and cross-section show the difference in visual terms between the existing single storey form of the workshop building and the top of the two storey pitched roof and I judge the difference not to be a material one. In assessing this I have borne in mind the general setting of the site in an area characterised by a fairly dense pattern of terraced houses. The demolition of the existing warehouse and the erection of the new building would also be an improvement to the appearance of the area as the existing building is showing signs of decay.
6. Overall on this issue, I am satisfied that the new replacement flats would accord with the requirements of saved policies SDP7 and SDP 9 of the City of Southampton Local Plan Review, and generally accord with policy CS13 of the Council's Core Strategy (2015) on 'design', and the development would not be materially at odds with the Council's Residential Design Guide SPD.
7. I have noted the other appeal decisions referred to by the Council but these do not seem to involve the same circumstances as apply at the appeal site and I have considered this proposal on its individual merits and from my observations at my visit.

Effect on pedestrian safety

8. In terms of the effect on pedestrian safety, the Council considers that the two parking spaces shown on the layout plan do not meet the standard of 5m by 2.4m set out in the Parking SPD (2011). Further the Council also says it seeks a splay of 2m by 2m on each side of the parking bays, which although not currently part of the local standards, the Council says such a splay is used by other specified Councils to provide a safe environment for pedestrians.
9. The two parking spaces shown on the submitted layout plan do not have a dimension of their length specified but appear marginally short of the recommended standard. Nevertheless, I should also take into consideration that the present workshop building appears to have a parking and/or loading facility in the same space and enclosed by walls, together with a dropped kerb. Therefore, users of the footpath are likely to have had restricted visibility of vehicles leaving the existing workshop premises.
10. The submitted layout plan also shows the 2m splays and although these are not within the application site, on the one side the splay utilises the rear access track which is an open area and likely to remain so. On the other side, much of the splay is formed by the open pedestrian rear access to the adjacent houses. As such, although the Council supplementary guidance does not require such splays, in practice the movements of vehicles into and out of the spaces would be visible to most users of the pavement.

11. I have also taken into consideration that the site lies in a sustainable location and the proposal makes provision for secure cycle parking for each flat.
12. Overall, on this issue, given that the proposal is for the replacement of an existing workshop building, I do not consider that the slight shortfall in the length of the parking spaces necessitates the rejection of the scheme, and I am satisfied that the circumstances of the site mean that the proposal would not be harmful to pedestrian safety.

Effect on Special Protection Areas

13. The effects from new development on the recognised habitats of the Solent are dealt with by Policy CS22 of the Council's Core Strategy. It is established policy and practice that the effects of development on the Special Protection Areas can be mitigated by a specified contribution from the developer to the Solent Disturbance Mitigation Project.
14. The original appeal documents include a written agreement signed by the appellant that he will make the specified contribution towards the costs of measures to mitigate the impact of the residential development on the Solent Special Protection Areas in accordance with the above policy. However, at the time of finalising my decision on this appeal, the Council has confirmed that no payment has been received nor is there any other formal mechanism before me to secure such a contribution. I therefore have to find that the proposal does not make reasonable provision for the mitigation of the adverse effects on the Solent Special Protection Area and accordingly the proposal conflicts with this policy in the development plan.

Planning balance

15. Bringing together my conclusions on the main issues, I have found that the redevelopment of the existing warehouse with a two storey building comprising two small flats would not materially harm the living conditions of the occupiers of adjacent terraced properties by loss of natural daylight and outlook including the use of their gardens. The proposal would also improve the appearance of the area by the demolition of a building which is vacant and in decay. As such I have found that the nature of the proposed development reasonably meets the requirement of the relevant policies in the development plan. Although the parking spaces are slightly below standard, with conditions regulating the enclosure of these spaces, I am satisfied that their use would be unlikely to be harmful to highway safety and especially the safety of pedestrians on the pavement.
16. Nevertheless, while I have found that the local impact of the development on the environment of the site is acceptable, the proposal does not properly mitigate the wider effects of additional development on the sensitive habitats around the Solent. This conflicts with the specific policy of the development plan.
17. Although new housing would be created by the redevelopment of previously developed land in a built up area, I find that the proposal does not meet the environmental dimension to sustainable development as defined in the National Planning Policy Framework. I therefore conclude that the conflict with the development plan and the main adverse effect are not outweighed by any other consideration.

Conclusions

18. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR

Application 16/00132/FUL

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS5	Housing Density
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 – (as amended 2015)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
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)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

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Agenda Item 9

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel - 7 June 2016
Planning Application Report of the Planning and Development Manager**

Application address: 225 Burgess Road			
Proposed development: Change of use from a 5-bedroom house in multiple occupation (HMO, class C4) to a 7-bedroom HMO (description amended following receipt of amended plans)			
Application number	16/00325/FUL	Application type	FUL
Case officer	Stuart Brooks	Public speaking time	5 minutes
Last date for determination:	27.04.2016	Ward	Bassett
Reason for Panel Referral:	Request by Ward Member	Ward Councillors	Cllr L Harris Cllr B Harris Cllr Hannides
Referred by:	Cllr Beryl Harris	Reason:	Out of Character Residential amenity

Applicant: Mr Paul Williams	Agent: GM Design
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Recommendation Summary	Conditionally approve
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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 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, H4 of the City of Southampton Local Plan Review (Amended 2015) and CS13, CS16 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015) as supported by the guidance set out in the relevant sections of the HMO SPD (amended May 2016).

Appendix attached			
1	Relevant Policies	2	Details of application 15/02373/FUL
3	21 Spring Crescent appeal decision		

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 This application site lies within the ward of Bassett. The surrounding area is predominantly characterised as a suburban residential area with properties in a mixed style. The site is located on the southern edge of the Flowers Estate on the corner with Dahlia Road. Immediately adjacent lies a property converted into 5 flats at 227 Burgess Road. Dahlia Road does not have an active building frontage as it is only fronted by side garden boundary walls on either side. Dahlia Road and the surrounding streets in the Flower Estates is covered by a parking permit residents scheme (8am-6pm Monday to Friday), and no parking is permitted at any time on this stretch of Burgess Road.
- 1.2 The existing property is a semi-detached two-storey dwelling (5 bedrooms). The property has been established as a HMO before March 2012 (prior to the introduction of the Article 4 direction to remove C3 to C4 permitted development rights). Existing communal facilities comprise of a lounge and kitchen/dining room on the ground floor, as well as shared bathrooms on the ground and first floor. The occupiers also have access to a private garden at the rear (110 sqm in area).

2.0 Proposal

- 2.1 It is proposed to increase the number of bedrooms from 5 to 7 by reconfiguring the internal layout of the existing property. The large communal lounge space (55sqm) will be reduced to a size of 24.5sqm, to be partly replaced by 2 additional bedrooms at the front, as well as transferring the bathroom to a more useable position for the tenants. Additional kitchen facilities will be provided in place of the existing bathroom on the ground floor. In effect, this will change the use of the property from a C4 small HMO (established for up to 6 persons to occupy without any planning permission) to a large HMO for up to 7 persons.
- 2.2 Since the submission of this application, the applicant has reduced the number of bedrooms from 8 to 7, converting the 8th bedroom into further communal space (as shown on the amended plan). Bin and cycle storage facilities would also be provided in the rear and side garden.

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 in **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 The Houses in Multiple Occupation SPD was originally adopted in March 2012. During the time of this application, a revised SPD was adopted on 4th May 2016. It provides supplementary planning guidance for policy H4 and policy CS16 in

terms of assessing the impact of HMOs on the character and amenity, mix and balance of households of the local area. The revised SPD still sets a maximum threshold of 10% in the ward of Bassett for the total number of HMOs within an assessment area of a 40m radius.

- 3.4 There will be no physical increase in the concentration of new HMO dwellings within the assessment area, so the 10% threshold test is not applicable in this case. With particular regard to the increase in occupation of the existing C4 HMO by 1 person to a large HMO, the planning application is assessed against policy H4 and CS16 in terms of balancing the need for multiple occupancy housing against the impact on the amenity and character of the local area.
- 3.5 The revised SPD (section 4.8) recognises that the intensification of existing small HMOs, by increasing the number of bedrooms to become large HMOs, can have a harmful impact on neighbouring occupiers. This is due to increased comings and goings, especially those associated with the independent lifestyle pattern of occupiers living individually of one another. It is also recognised that since the introduction of the larger HMOs sui generis class, that this has led to negative impacts on local communities in areas with a high proportion of HMOs. As such, careful consideration of the impacts on the local community has been taken into account.
- 3.6 Also of relevance is the draft Bassett Neighbourhood Plan (passed by referendum 25th February 2016) which confirms that proposals should not result in an over-concentration of HMO dwellings in any one area of the Ward, to an extent that would change the character of the area or undermine the maintenance of a balanced and mixed community in terms of dwellings.

4.0 Relevant Planning History

- 4.1 The plot has been subdivided to the rear to form a new development plot, although application 15/02299/FUL was refused this year to erect a new 2 storey building to the rear of the site. Permission was previously refused to convert the existing property into a separate 2 bed flat whilst retaining the existing small HMO (ref no. 15/02373/FUL – refer to **Appendix 2** for the plans and decision notice).

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 (18.03.16). At the time of writing the report **3** representations have been received, consisting of an objection from the East Bassett Residents Association and 2 Ward Councillors. The following is a summary of the points raised:
- 5.1.1 **Separate from this property and its proposed plans, there was originally an application (15/02299/FUL) for a two-storey building comprising 3 x 1-bed flats and garage space for 3 cars at the rear of 225 Burgess Road refused at the same time as 15/02373/FUL. There may arise, therefore, a further application for development on the small area of land to the rear of 225 Burgess Road impacting on the cumulative density on the two parts of what was formerly a single property.**

Response

Given that the land to the rear has been separated from the existing property, each site is assessed on an individual basis to determine whether the development of the separate plots would cause an over-development of their own plots. If a new application for the redevelopment of the land to the rear is found to be an over intensification of the land, then the Council has powers to refuse this development in its own right. As such, the impact from the cumulative density of the 2 separate developments can be afforded limited weight as material consideration.

- 5.1.2 **The proposed intensification of occupation, by more than 25%, would add to the heavy demographic imbalance of persons aged 18-24 already within the area covered by this Association. Of the properties in Burgess Road, from No. 205 to the junction with Lilac Road, and at its rear in Honeysuckle Road, between 50-60% of the dwellings are estimated to be in HMO occupation (90% students).**

Response

The number of bedrooms has been reduced from 8 to 7. The affective increase in occupiers would be 1 person as the property is established as a C4 HMO use (allowing up to 6 persons). As such, the introduction of 1 additional person living in the local area is unlikely to arise in a significant change to the balance of the population demographic within the ward (14,500 population approximately from 2011 census). The census data for 2011 shows that Bassett has lowest population density in the city of 32.1 persons per hectare compared to 56.3 per hectare in Portswood.

Notwithstanding this, whilst it is an important planning consideration to maintain a sustainable community in terms of the mix and balance of households, it is outside the remit of planning legislation to control the choices of where individuals from different age groups prefer to live in the city. As such, the concern with regards to unbalancing the age of population can be afforded limited weight as a material consideration.

- 5.1.3 **Cllr Beryl Harris** – Over intensification, after carrying out a local survey working in conjunction with EBRA when you take into consideration this part of Honeysuckle Road which back onto Burgess Road there is a saturation of 60% HMO's. This level of concentration is well over 10% and completely alters the balance of the community and the area.
- 5.1.4 **Cllr Hannides** – This represents an over intensification of HMOs in an area that already exceeds the 10% threshold.

Consultation Responses

- 5.2 **SCC Highways** - No objection subject to conditions.

Comments

This property falls within a Residents Parking Zone, and as such has a maximum permitted level of 2 parking permits regardless of level of occupancy. There is insufficient information on cycle and bin storage which can be covered by condition is required.

5.3 Officer Response

The revised plans have included facilities for bin and cycle storage.

6.0 Planning Consideration Key Issues

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

- Principle of Development;
- Impact on the Character and Amenities;
- Impact on Parking and Highway Safety and;
- Standard of Living Conditions.

6.2 Principle of Development

6.2.1 The property is occupied as a small HMO (class C4) under permitted development rights that existed prior to 23rd March 2012 and, therefore, the HMO use did not originally require planning permission. To demonstrate that the property was occupied on 23rd March 2012 (effective date of Article 4 direction) the applicant has provided a copy of a tenancy agreement (12 month period) dated 1st July 2011 showing that 5 tenants occupied the property. Council Tax records corroborate this information.

6.2.2 The 10% HMO threshold applicable to the Bassett Ward is not applicable in this case, as the property is already established as a small HMO (on 23rd March 2012) and there will be no increase to the concentration of HMO dwellings within the local area. The provision of an additional bedroom would meet a need for this type of accommodation set out in Policy CS16 of the Core Strategy. The principle of development is, therefore, acceptable as a small HMO use (with up to 6 residents permitted) has already been established. This is subject to whether the intensification of use by 1 person would cause any material harm with respect to the key planning issues below.

6.2.3 Policy CS16 of the Core Strategy confirms that a family home is a dwelling of three or more bedrooms with direct access to sufficient private garden space. Planning Appeal decisions have confirmed that sui generis HMOs can be defined as dwellings. The proposed sui generis HMO includes limited alterations to the property and retains a large element of communal living (shared kitchen, dining, bathrooms and dining facilities) and a communal garden of over 90sq.m in area. As such, it is considered that the property would continue to meet the adopted policy definition of a family dwelling and would not, therefore, result in a net loss of a family dwelling.

6.3 Impact on the Character and Amenities

6.3.1 The proposal is considered to meet the policy objective of the HMO SPD by limiting the spread and concentration of new HMOs within the area. There would be no resulting change to the mix and balance of dwellings within the local community as a result. Notwithstanding this, the records held by the Council's licensing team indicate that whilst there is a mix of HMO and single-family dwellings within the vicinity of the site. The 40m radius itself covers only 8 properties, given that it is on the edge of Burgess Road opposite the University Campus, where 4 of these properties are existing HMOs. Although, the 10% threshold has been exceeded the locality is not over-saturated by HMO uses. As

such, it is not considered that the proposed 1 additional occupant would have a significant or harmful effect on the intensity of HMO occupation within the area.

- 6.3.2 The large size of the ground floor communal area lends to the reconfiguration of the ground floor layout in a more efficient manner to provide 2 additional bedrooms. The property itself is considered comfortably large enough to accommodate 7 persons and benefits from a private garden of over 110 sq.m, which exceeds the Council's amenity space standards for semi-detached properties (70 sq.m). The site is also large enough to comfortably accommodate the storage needs of the use. As such, the addition of two occupants is not considered to result in an over-intensive use of the site. The nature of the neighbouring property which has been converted into 5 flats would ensure that the comings and goings of the additional person would not adversely harm the amenities of the neighbouring occupiers.

6.4 Impact on Parking and Highway Safety

- 6.4.1 The Highways Officer has not raised any concerns with regards to the impact on highway safety in terms of access and parking. The Council's parking policies would expect a maximum of 3 off street parking spaces in order to reduce car ownership levels and encourage the use of more sustainable transport. It would therefore be acceptable in policy terms not to have any off street parking at this property. The applicant has not carried out a parking survey to assess the availability of on-street parking. The survey would demonstrate whether there is capacity to accommodate the shortfall in the maximum standards for the 3 off street parking spaces and the additional parking demand generated. A recent appeal decision at 21 Spring Crescent (see **Appendix 3**), following the overturn of a panel decision, has effectively removed our ability to request a parking survey in these circumstances. A lesser provision than the maximum standards can however be justified in this case, as this property is located in a highly sustainable location for access to public transport as well as being in close walking distance to the university for student occupiers, which reduces the need to own a car. In addition, this property falls within a Residents Parking Zone, and as such has a maximum permitted level of 2 parking permits regardless of level of occupancy, so the additional residents would not be eligible for additional parking permits. This would therefore minimise any further pressure to street parking.

- 6.4.2 There would be a requirement to provide secure and covered cycle parking storage (1 space per resident) within the rear garden and this can be secured by condition. As such, the increase in occupancy by 1 person is considered to be acceptable in terms of potential on-street car parking generation.

7.0 Summary

- 7.1 In summary, the impact from the intensification of the HMO by an additional 2 bedrooms, giving 1 person more, would not cause harm to the character and amenity of the area with respect to the balance and mix of households and parking pressure, and highway safety of the local area. It should be noted that the Council's HMO licensing regime in this ward is intended to help address the negative amenity impacts associated with HMOs. The improvement of the existing HMO stock also contributes towards meeting an identified housing need in the city for low income and transient households.

8.0 Conclusion

8.1 In conclusion, the proposed development is considered to accord with the Council's guidance and policies and, therefore, is recommended for approval subject to the conditions in the report.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a), (b), (c), (d), 2(d), 3(a), 4(f), (qq), 6(a), (b)

SB for 07/06/16 PROW Panel

PLANNING CONDITIONS

01. Full Permission Timing Condition

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

Reason:

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

02. Number of occupiers

The number of occupiers at the property in connection with the change of use hereby permitted shall not exceed 7 persons.

Reason:

In the interests of protecting the residential amenity of local residents from intensification of use and define the consent for avoidance of doubt.

03. Refuse storage and collection

Prior to the first occupation of bedroom 7 hereby approved, the development hereby approved shall be implemented in accordance with the agreed refuse storage details and shall thereafter be retained and maintained as approved.

Reason:

In the interest of visual amenity and for the safety and convenience of the users of the adjacent footway.

04. Cycle storage

Prior to the first occupation of bedroom 7, secure and covered storage for 7 bicycles, including the fitting of concrete floors and locking lugs/form of securing of cycles, 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.

05. Retention of communal spaces

Prior to the first occupation of bedroom 7 hereby approved, the improved ground floor communal facilities, namely the lounge area, shall be provided in accordance with the plans hereby approved. The communal rooms shall thereafter be retained for that purposes.

Reason:

In the interests of the living conditions of the occupiers.

06. Approved Plans

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

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

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking

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

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
H4	Houses in Multiple Occupation

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Parking Standards SPD (September 2011)
Houses in Multiple Occupation SPD (May 2016)
Emerging Bassett Neighbourhood Plan (Post Examination 2015)

Other Relevant Guidance

The National Planning Policy Framework (2012)

15/02373/FUL/6878



DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

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

GMDesign
Mr Mark Hayes
Plestor House
Farnham Road
Liss
GU33 6JQ

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: Conversion of part of the ground floor into a self-contained two bed C3 dwelling

Site Address: 225 Burgess Road, Southampton SO16 3HF

Application No: 15/02373/FUL

For the following reason(s):

01. REASON FOR REFUSAL - Poor living conditions

The subdivision of the building and site in the manner proposed creates a poor quality residential environment for both the existing dwelling and the proposed flat. This is particularly by reason of the contrived and awkward subdivision of the rear garden space that would result in:

- i. Insufficient private and useable amenity space to serve the retained dwelling, having regard to the Council's minimum standards for semi-detached dwellings, thereby resulting in the loss of suitable accommodation for a family dwelling, for which there is an identified need in the city;
- ii. Poor quality functional and useable garden space for both the retained and proposed dwelling, due to its cramped and awkward shaped and;
- iii. Poor outlook from the ground floor dining room in the retained dwelling and the rear-facing bedroom in the proposed flat due to the proximity and height of the subdividing fence.

As such, the proposal would be not achieve acceptable residential design and would prove contrary to saved policy SDP1(i) and H7 of the Local Plan Review (March 2015 amended) and policies CS5, CS13 (10 &11) and CS16 of the Southampton Core Strategy (amended March 2015), as supported by the relevant guidance set out in sections 2 and 4 of the Residential Design Guide Supplementary Planning Document (September 2006).

02. REASON FOR REFUSAL - Lack of Section 106 or unilateral undertaking to secure planning obligations.

In the absence of either a scheme of works or a completed Section 106 legal agreement or unilateral undertaking to support the development the application fails to mitigate against its wider direct impact with regards to the additional pressure that further residential development will place

upon the Special Protection Areas of the Solent Coastline. Failure to secure mitigation towards the 'Solent Disturbance Mitigation Project' in order to mitigate the adverse impact of new residential development (within 5.6km of the Solent coastline) on internationally protected birds and habitat is contrary to Policy CS22 of the Council's adopted LDF Core Strategy as supported by the Habitats Regulations.



Samuel Fox
Planning & Development Manager 

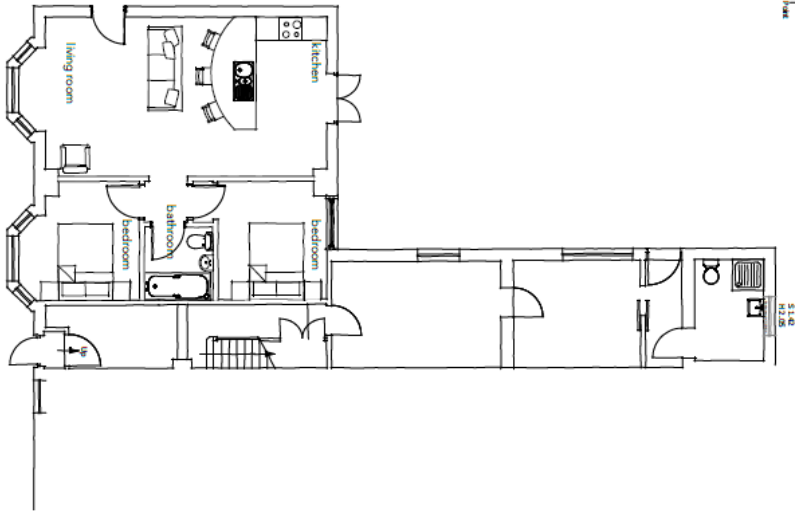
5 February 2016

For any further enquiries please contact:
Stuart Brooks

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:	Description:	Date Received:	Status:
GM/001	Location Plan	10.12.2015	Refused
GM/002	Block Plan	10.12.2015	Refused
GM/005	Floor Plan	10.12.2015	Refused
GM/006	Elevational Plan	10.12.2015	Refused



ground floor plan

006

Proposed ground floor plan
Scale: 1:100



00000000

M.P. Williams

proposed ground floor plan

225, Burgess Road,
2nd Floor,
SO16 3HF

DATE: 04/06/15
DRAWN: [redacted]
CHECKED: [redacted]

NOV15

GM DESIGN





Appeal Decision

Site visit made on 2 February 2016

by **David Murray BA (Hons) DMS MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 07 March 2016

Appeal Ref: APP/D1780/W/15/3136741
21 Spring Crescent, Southampton, SO17 2EZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr A Phangura against the decision of Southampton City Council.
 - The application Ref. 15/01259/FUL/21471, dated 15 June 2015, was refused by notice dated 7 October 2015.
 - The development proposed is the conversion of dwelling to 1 x 3 bedroom flat and 1 x 2 bedroom flat with associated amenity, cycle and bin storage areas.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Phangaru against the Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the proposed conversion on the general living conditions and convenience of other residents living near the site because of parking provision, and secondly the mitigation of the effects of the additional residential accommodation on the Special Protection Areas of the Solent Coastline.

Reasons

Background

4. The appeal site comprises a semi-detached property which lies in an area with a mixture of different types of houses. The property is split level in that its is two storeys at the front but with a split level ground floor at the rear and has an enclosed garden to the rear. There is a parking area on the forecourt which could accommodate two medium sized cars. There are also 'double yellow' lines parking restrictions which prevent on-street parking on one side of Spring Crescent but public parking is available on the other side of the road.
 5. It is proposed to subdivide the property into two flats and erect a small extension at upper ground floor level to enclose a staircase.
-

Effect on living conditions

6. The Council's concerns relate to the effect of the proposal on the availability of parking in the neighbouring streets and that further parking pressure may have a harmful effect on the amenities of local residents by them being inconvenienced by them not being able to park close to their house. In support of this the Council refers to a site visit by an officer undertaken one night at the end of January when it was noted that there was only one free on-street parking space within 40 metres of the appeal site. The Council also advise that the site lies in an area of medium accessibility to public transport.
7. However, the saved Local Plan policy referred to SDP1 only makes general reference to the requirement for development to not unacceptably affect the amenity of the City or its citizens. Further Policy CS19 of the Council's Core Strategy indicates that parking for all development must have regard to the maximum parking standards and the minimum cycle parking standards that apply together with other criteria including the location of the site and the level of public transport accessibility. The adopted Parking Standards SPD (2011) indicates the maximum number of spaces that should be provided on site which for 3 bed and 2 bed units is 2 spaces each generally, and 1 space for a 2 bed unit in an area of high public transport accessibility. The guidance goes on to indicate that provision for less than the maximum standard is permissible but developers must demonstrate that the amount of parking provided will be sufficient whether the maximum permissible or a lower quantity is to be provided.
8. It appears to me that the site lies in a reasonably sustainable location near public transport and local facilities, and that two parking spaces can be provided on the forecourt. Therefore this provision falls within the *maximum* provision of four spaces required by the standards. Although the Council stress that the appellant has not put forward evidence to justify a lesser provision, given that the standards are about a maximum provision in practice the onus must be on the Council to clearly show why this level would not be sufficient.
9. The Council's evidence in the appeal of a single snap-shot in time of local on-street parking is not adequate to do this especially as the report from the Planning and Development Manager stresses that "evening visits to the area have revealed some on-street car parking capacity". Nor is the evidence submitted to demonstrate that the area around the site has a particular problem of parking stress or a high level of car ownership. Moreover, there is no evidence to substantiate the premise that existing residents would be materially inconvenienced by not being able to park close to their properties.
10. Overall on this issue, I find that there is no objection to the change of use under the relevant policies in the development plan.

Effect on Special Protection Areas

11. The effects from new development on the special habitats of the Solent are dealt with under Policy CS22 of the Council's Core Strategy. It is established policy and practice that the effects of development on the Special Protection Area can be mitigated by a specified contribution from the developer to the Solent Disturbance Mitigation Project.

12. In this case I understand that the appellant was prepared at the application stage to make the required contribution but at the time of my assessment of the case, no contribution has been made to the Council. Nor has the appellant submitted any other formal mechanism to ensure that the mitigation is provided. I therefore have to find that the proposal does not make reasonable provision for the mitigation of the adverse effects on the Solent Special Protection Area and accordingly the proposal also conflicts with this policy in the development plan.

Planning Balance

13. Bringing together my conclusions on the main issues, I have found that the conversion of the existing dwelling into two flats has not been shown to be in conflict with the relevant provisions of the development plan on parking grounds. However, the proposal does not make provision for the mitigation of the effects on the Solent Special Protection Areas in accordance with Policy CS22 of the Council's Core Strategy. I have concluded that the proposal does not accord with the relevant provisions of the development for this reason.
14. This negative aspect has to be balanced with the benefits. I recognise that the proposal would result in the more efficient use of land in an existing settlement, and that an additional small dwelling would add to the delivery of new housing in a minor way. This would support the government's intention as set out in the National Planning Policy Framework to boost significantly the supply of new houses.
15. However, the Framework encourages sustainable development and the additional residential unit without mitigation of the effects on sensitive habitats, means that the proposal does not accord with the *environmental* role of sustainable development. I therefore conclude that the proposal does not accord with the Framework when this is read as a whole.
16. Overall, the conflict with the development plan is not outweighed by any other consideration.

Conclusion

17. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR

Agenda Item 10

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel - 7 June 2016
Planning Application Report of the Planning and Development Manager**

Application address: 161 Foundry Lane			
Proposed development: Erection of a two storey rear extension and alterations to the roof of the property including installation of rooflights (resubmission of 15/01757/FUL)			
Application number	16/00359/FUL	Application type	FUL
Case officer	John Fanning	Public speaking time	5 minutes
Last date for determination:	28.04.2016	Ward	Freemantle
Reason for Panel Referral:	Request by Ward Member	Ward Councillors	Cllr Shields Cllr Parnell Cllr Moulton
Referred to Panel by:	Cllr Moulton	Reason:	Concern regarding loss of light and other issues raised by neighbouring objectors
Applicant: Mr & Mrs Shaoheng & Qian He & Wu		Agent: Designaplace	

Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Not applicable
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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 have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). Policies - SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (Amended 2015) and CS13 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Appendix attached			
1	Development Plan Policies	2	Site history
3	Existing elevation		

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 The application property has an unusual design, with a large single storey element to the front of the property (existing drawings attached as **Appendix 3**). The site lies in a predominately residential area, although there is a commercial unit opposite. The site itself was historically used as a retail unit but has more recently been converted for use as a dwelling.
- 1.2 The layout of surrounding properties is more uniform. The property to the north is well set back from the road frontage, with a driveway running down the side of the application site leading to a parking area at the rear. The property to the south is set forward of the application site, level with the single storey element.

2.0 Proposal

- 2.1 The application proposes roof alterations to the rear two-storey element of the property, raising the ridge and eaves height by 0.6m (matching the eaves height of the neighbouring property to the south at 159). The application also proposes a part single-storey part two-storey extension to the rear of the property, protruding 4m at single storey level and 3m at two-storey level.
- 2.2 These physical alterations combine with internal alterations to the existing property to facilitate the conversion of the existing 2-bed property into a 4-bed unit.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4.0 Relevant Planning History

- 4.1 The full planning history is outlined in **Appendix 2**. A previous application on this site was recently refused. This application was significantly different from the current proposal which sought to convert the single-storey element to the front to two-storey in addition to a number of other differences. Given the differences between the two schemes it is considered that the reasons for refusal outlined as part of that application are not directly relevant to the current proposal.
- 4.2 As noted the site has historically been used partially as a retail premises but currently has a lawful use as a residential dwelling.

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 **4** representations have been received from surrounding residents. The following is a summary of the points raised:

5.1.2 Overlooking of neighbouring properties

Response

This is considered in more detail in section 6.3, below.

5.1.3 Development adjacent to boundary

Response

New development adjacent to the boundaries with neighbouring properties needs to be carefully considered and this is discussed in more detail in section 6.3, below.

5.1.4 Overshadowing/impact on Right to Light

Response

It is noted that a defined Right to Light is a separate legal issue which is not covered under the purview of the planning process. If there are any concerns in this regard independent legal advice should be sought. Overshadowing is addressed in section 6.

5.1.5 Construction will require trespass on neighbouring land

Response

There are often construction solutions available which do not require access to neighbouring properties. Regardless, this would be a private issue for the relevant land owners to resolve if permission is granted and therefore it should not form part of the consideration of the planning application.

5.1.6 No consultation by applicant with neighbours

Response

While the Local Planning Authority encourages those considering development to discuss proposals with neighbouring land owners, they are not required to do so. The Local Planning Authority has undertaken a consultation exercise on this planning application to notify local residents of the application.

5.1.7 Concern regarding quality of building work and concern regarding impact on structural integrity of neighbouring property with reference to Party Wall Act.

Response

It is noted that, if granted consent, the proposal will need to comply with other necessary regulations such as those required by Building Control, or the Party Wall Act as necessary. As these elements are typically controlled by other legislation they fall outside the remit of the planning process.

5.1.8 Negative impact on property values

Response

This is not a material consideration on which a planning application can be assessed.

5.1.9 **Noise and disruption associated with construction and concern that vehicles/skips/storage associated with construction will disrupt local highway infrastructure.**

Response

It is likely that any disruption would be temporary in nature. Notwithstanding this, conditions can be imposed to control hours and construction and associated issues to limit the impacts of development.

5.2 **Consultation Responses**

5.2.1 **Cllr Moulton** – Concern regarding loss of light and other issues raised by objectors.

6.0 **Planning Consideration Key Issues**

6.1 The main considerations are the impact of the proposed physical alterations on the overall character of the host dwelling within the surrounding area and; the impact on the amenities of the occupiers of the host dwelling and neighbouring properties.

6.2 Character

6.2.1 While the application does propose increasing the overall height of the main dwelling, it is noted that the two-storey element is set well back from the highway. In addition, the existing building is already set at a lower level than the adjacent properties. As a result, the increase in the overall height brings the site more in line with the scale of adjacent properties although it would still be set at a lower level to those neighbouring properties.

6.2.2 The part two-storey, part single-storey extension to the rear is set down from the main ridge line of the property. While the existing site to the south is set somewhat forward of the application site, the neighbouring property to the north is set further back. In addition, the extension is set in slightly from the original side walls of the house, which helps to break up the massing of the development and reduce its visual impact. On balance, it is not felt that the proposal would be harmful to the overall character or appearance of the property within the surrounding street scene.

6.3 Amenity

6.3.1 It is considered that the site retains sufficient amenity space to meet the needs of the occupiers. The proposal avoids new side facing windows serving habitable rooms at first floor level. At ground floor level, there is a study served by a side-facing window, however there is an existing window in this location with an identical relationship. As such, the proposal is not considered worse than the existing situation. The new bedrooms in the roof are only served by front and rear facing roof light windows which is not ideal, however on balance it is not felt that this issue alone represents sufficient harm to justify refusing the application, given that the overall quality of residential environment in the dwelling is good.

6.3.2 As such, the main consideration is the impact of the proposal on the amenities of neighbouring occupiers. The main impact will likely fall on the adjacent

residential property at 159 Foundry Lane. The existing property at 161 is set back from the boundary but runs to the rear of the site, extending the full length of the rear garden of the neighbouring property. This results in the existing situation blocking outlook on one boundary of the site and creating a large visually imposing form of development.

- 6.3.3 The raising of the ridge and eaves has a minor impact but this is minimal impact, however and as a result it is not felt that the additional height will represent a significant increase in harm when compared to the existing situation. The extension to the rear is set in slightly to the sides of the property and reduces in height. Given this design and the position in relation to the property at 159, it is considered that the proposal will not represent a worsening of the existing situation. It is noted that the application site is situated to the north of the impacted dwellings, which mitigates the harm in terms of the creation of an overshadowing form of development.
- 6.3.4 The impact on the flats to the north at 167 is mitigated given the adjacent drive providing set back and reducing the impact due to the nature of the adjacent land as a drive. There is some additional impact from the extension of the property on the sites fronting York Road however, given the set-back between the dwellings, it is not felt that this relationship will be harmful.
- 6.3.5 Some concern has been raised by local residents regarding the potential for overlooking from the side facing windows. There are a total of 5 side facing windows (of which 4 currently exist), with 3 at ground floor level and 2 at first floor level. It is considered that the existing boundary treatment is sufficient to control the impact of the windows at ground floor level. Both windows at first floor level serve a corridor. As such, it is considered that a condition can be imposed requiring that these windows be obscured to prevent any additional harmful overlooking without having an impact on the amenities of the occupiers of the host dwelling.

7.0 Summary

- 7.1 The application proposes a number of physical alterations to the existing building. The site has an unusual design and relationship with neighbouring dwellings. However, notwithstanding these features of the property, it is considered that the proposed alterations would not have a harmful impact when compared to the existing situation.

8.0 Conclusion

- 8.1 For the reasons discussed above, the application is recommended for conditional approval.

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

1(a)(b)(c)(d), 2(b)(d), 4(f), 6(a)(b), 7(a)

JF for 07/06/2016 PROW Panel

PLANNING CONDITIONS

01. 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.

02. Obscure Glazing (Performance Condition)

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

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

03. Hours of work for Demolition / Clearance / Construction (Performance)

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

Monday to Friday 08:00 to 18:00 hours

Saturdays 09:00 to 13:00 hours

And at no time on Sundays and recognised public holidays.

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

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

04. Approved Plans

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

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

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13 Fundamentals of Design

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

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

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

The National Planning Policy Framework (2012)

Relevant Planning History

15/01757/FUL, First floor front extension and extension to the roof of the property, to increase the height and pitch with roof lights
Refused, 29.10.2015

Reason for refusal - Unacceptable impact on amenity

The proposed development, by means of its height and depth, represents an un-neighbourly form of development, being harmful to the outlook and access to natural light for neighbouring properties (specifically 159 Foundry Lane). This is by reason of the proximity of the extension to the sole window serving a habitable room within the side elevation of the neighbouring property. The proposal thereby proves contrary to saved policies SDP1(i) and SDP9(i)(v) of the adopted City of Southampton Local Plan Review (March 2006) and CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010), with particular reference to sections 2.2.2 and 2.2.7 of the Residential Design Guide Supplementary Planning Document (2006).

Reason for refusal - Impact on Character

The proposed extension would result in significant depth of two-storey massing that would be readily apparent from Foundry Lane given the setback nature of the neighbouring property at no. 16 Foundry Lane. The long, unbroken ridge line would create a massing that would be out-of-character with the surrounding area. The proposal would, therefore, not meet the provisions of policies SDP1, SDP7 and SDP9 of the Southampton Local Plan Review (2015) which require context-sensitive design as supported by the Residential Design Guide Supplementary Planning Document (March 2006)

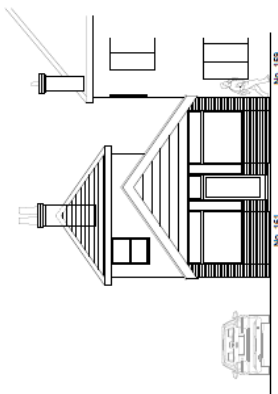
980477/W, Change of use of retail shop to single dwelling house
Conditionally Approved, 26.06.1998

940674/W, Change of use to 2x1-bed self-contained flats with the erection of a side porch
Refused, 24.08.1994

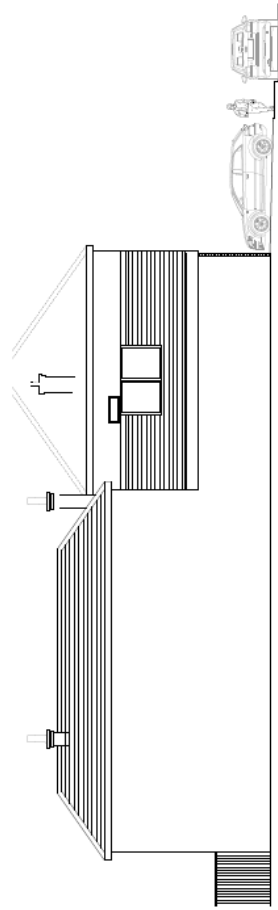
Existing plans

APPENDIX 3

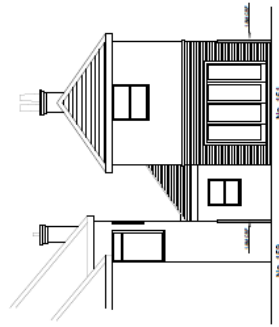
10/16/16
 Proposed Two-Story Rear and Roof Extension
 14 Country Lane, Southampton
 SD16 3LB



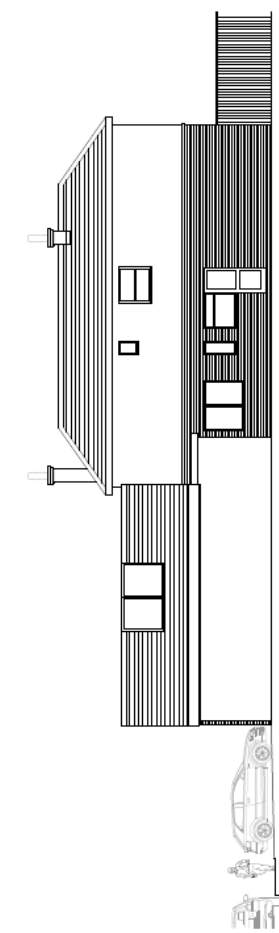
FRONT ELEVATION



LEFT SIDE ELEVATION



REAR ELEVATION



RIGHT SIDE ELEVATION

Revision: D	Issue for Planning	25-02-16	MA
PROJECT			
Proposed Two-Story Rear and Roof Extension 14 Country Lane, Southampton SO16 3LB			
STATUS			
Planning Application			
CLIENT			
Existing Elevations			
NO. DRAWING	NO. 1		
DRAWING NO.			
REVISION			
FL16-PL03		D	
SCALES			
1/100 @A2		DATE	Jan 16
		DRAWN	MA

Architectural Practice
 14 Country Lane, Southampton
 SO16 3LB

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16/00359/FUL



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