

Planning and Rights of Way Panel

Tuesday, 17th April, 2012
at 9.30 am

PLEASE NOTE TIME OF MEETING

Conference Room 3 and 4 - Civic
Centre

This meeting is open to the public

Members

Councillor Jones (Chair)
Councillor Claisse (Vice-Chair)
Councillor Mrs Blatchford
Councillor Cunio
Councillor L Harris
Councillor Osmond
Councillor Thomas

Contacts

Democratic Support Officer
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PUBLIC INFORMATION

Terms of Reference

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

Public Representations

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

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

Southampton City Council's Seven Priorities

- More jobs for local people
- More local people who are well educated and skilled
- A better and safer place in which to live and invest
- Better protection for children and young people
- Support for the most vulnerable people and families
- Reducing health inequalities
- Reshaping the Council for the future

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

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

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

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

Dates of Meetings: Municipal Year 2011/12

2011	2012
24 May 2011	17 January 2012
21 June	14 February
19 July	13 March
16 August	17 April
6 September	
27 September	
25 October	
22 November	
20 December	

CONDUCT OF MEETING

Terms of Reference

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

Business to be discussed

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

Rules of Procedure

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

Quorum

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

Disclosure of Interests

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

Personal Interests

A Member must regard himself or herself as having a personal interest in any matter:

- (i) if the matter relates to an interest in the Member's register of interests; or
- (ii) if a decision upon a matter might reasonably be regarded as affecting to a greater extent than other Council Tax payers, ratepayers and inhabitants of the District, the wellbeing or financial position of himself or herself, a relative or a friend or:-
 - any employment or business carried on by such person;
 - any person who employs or has appointed such a person, any firm in which such a person is a partner, or any company of which such a person is a director;
 - any corporate body in which such a person has a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
 - any body listed in Article 14(a) to (e) in which such a person holds a position of general control or management.

A Member must disclose a personal interest.

/Continued...

Prejudicial Interests

Having identified a personal interest, a Member must consider whether a member of the public with knowledge of the relevant facts would reasonably think that the interest was so significant and particular that it could prejudice that Member's judgement of the public interest. If that is the case, the interest must be regarded as "prejudicial" and the Member must disclose the interest and withdraw from the meeting room during discussion on the item.

It should be noted that a prejudicial interest may apply to part or the whole of an item.

Where there are a series of inter-related financial or resource matters, with a limited resource available, under consideration a prejudicial interest in one matter relating to that resource may lead to a member being excluded from considering the other matters relating to that same limited resource.

There are some limited exceptions.

Note: Members are encouraged to seek advice from the Monitoring Officer or his staff in Democratic Services if they have any problems or concerns in relation to the above.

Principles of Decision Making

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

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

In exercising discretion, the decision maker must:

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

AGENDA

Agendas and papers are available via the Council's Website

1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

To note any changes in membership of the Panel made in accordance with Council Procedure Rule 4.3.

2 DISCLOSURE OF PERSONAL AND PREJUDICIAL INTERESTS

In accordance with the Local Government Act 2000, and the Council's Code of Conduct adopted on 16th May 2007, Members to disclose any personal or prejudicial interests in any matter included on the agenda for this meeting.

NOTE: Members are reminded that, where applicable, they must complete the appropriate form recording details of any such interests and hand it to the Panel Administrator prior to the commencement of this meeting.

3 STATEMENT FROM THE CHAIR

4 MINUTES OF THE PREVIOUS MEETINGS(INCLUDING MATTERS ARISING)

To approve and sign as a correct record the Minutes of the meetings held on 14 February and 13 March 2012 and to deal with any matters arising, attached.

CONSIDERATION OF PLANNING APPLICATIONS

ITEMS TO BE HEARD BETWEEN 9:30 AM TO 10:25 AM

5 PART OF FORMER ORDNANCE SURVEY SITE, ROMSEY ROAD 11/01994/FUL

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

ITEMS TO BE HEARD BETWEEN 10:25 AM TO 11:00 AM

6 RIDGEWAY SCHOOL AND PROSPECT HOUSE, FREEMANTLE COMMON ROAD 12/00168/R3OL

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

ITEMS TO BE HEARD BETWEEN 11:00 AM TO 11:50 AM

7 PROMONTORY AND CAR PARK ADJOINING THE OCEAN VILLAGE MARINA, OCEAN WAY/MARITIME WALK 11/02000/FUL

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

ITEMS TO BE HEARD BETWEEN 11.50 AM AND 12:20 PM

8 39 THORNBURY AVENUE 11/02002/FUL

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

ITEMS TO BE HEARD BETWEEN 12:20 PM TO 1:00 PM

9 37-75 CUMBRIAN WAY AND ADJOINING LAND 12/00048/FUL

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

ITEMS TO BE HEARD BETWEEN 1:45 PM AND 2.45 PM

10 224 PORTSWOOD ROAD 11/01877/FUL

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

MAIN AGENDA ITEMS

11 ARRANGEMENTS FOR PRE-APPLICATION CONSULTATION FOR THE BIOMASS PLANT AT SOUTHAMPTON PORT

Report of the Head of Planning and Sustainability seeking approval of the proposed arrangements for further consultation, which will commence in May 2012, on a revised scheme, attached.

12 AREA HOUSING OFFICE, PARKVILLE ROAD - REVOCATION OF PERMISSION
11/00204/FUL

The Local Planning Authority is seeking to formally revoke a planning permission which has been granted as the Council has recently resolved to grant planning permission for an alternative scheme.

Thursday, 5 April 2012

HEAD OF LEGAL, HR AND DEMOCRATIC SERVICES

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Agenda Item 4

Minutes of the Meetings held on 14 February 2012 (Appendix 1) and 13 March 2012 (Appendix 2).

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SOUTHAMPTON CITY COUNCIL
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 14 FEBRUARY 2012

Present: Councillors Jones (Chair), Mrs Blatchford, Cunio, L Harris, Osmond, Thomas and B Harris

Apologies: Councillor Claisse

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

The Panel noted that Councillor B Harris was in attendance as a nominated substitute for Councillor Claisse in accordance with Procedure Rule 4.3.

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

RESOLVED that the Minutes of the Meeting held on 17th January 2012 be approved and signed as a correct record.

91. **39 ARCHERS ROAD / 11/01336/FUL**

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 building and erection of a part 3-storey, part 4-storey and part 5-storey building to provide 20 flats (7 x 1-bedroom, 7 x 2-bedroom and 6 x 3-bedroom) with associated storage and parking. (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Puplampu (Agent), Ms Wilson and Mr Wilson (objecting) (Local Residents) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an adjustment to Condition 23 so that it should read:

23. APPROVAL CONDITION - Obscure Glazed Windows [performance condition]

Before the development first comes into occupation, the windows on the east-facing side elevation of the development hereby approved shall be obscurely glazed and non-opening up to a height of 1.7 metres from the internal floor level. The windows shall be thereafter retained in this manner.

REASON

In the interests of the privacy of the neighbouring residential occupiers.

RESOLVED that planning permission be refused for the following reasons:

RECORDED VOTE:

FOR: Councillors Cunio, B Harris, L Harris, Jones

AGAINST: Councillor Osmond

ABSTAINED: Councillor Mrs Blatchford, Thomas

1. Refusal reason – Inadequate level of car parking

Notwithstanding the council's adopted Supplementary Planning Document (SPD) on Parking Standards, which are expressed as maximum quantum of parking that can be proposed to serve new development, the council considers that the provision of 10 parking spaces would be inadequate to help meet the travel demands of occupiers of the new flats. In particular, it is considered that this would provide a poor level of amenity for occupiers of the new flats with poor surveillance of any vehicles that would need to be parked off-site. And it is considered that it would harm the amenity of adjoining residents by exacerbating on-street parking difficulties, owing to overspill parking being generated by the new flats, which cannot be accommodated on site. As such, the proposed development is considered to be contrary to the following Policies from the Development Plan for Southampton:-

City of Southampton Local Plan Review (March 2006) 'saved' policies SDP1 (i – particularly the guidance set out in paragraphs 5.2.12-5.2.13 of the Residential Design Guide SPD [September 2006]) and SDP10 (ii);

City of Southampton Local Development Framework Core Strategy Document (January 2010) policies CS13 (4)/(10)/(11).

2. Refusal reason - Poor quality of design

The proposed development is considered to exhibit the following aspects of poor quality design, which are considered harmful to the character and appearance of the surrounding area and amenities of adjoining residential occupiers:-

(i) The elevational treatment of the building appears to have been drawn from surrounding modern built form that is considered to be unattractive – particularly Overdell Court, opposite the site. The Residential Design Guide SPD, at paragraph 3.10.2, calls for new high quality 21st Century contemporary architecture for the city that makes appropriate reference to the local vernacular architecture.

(ii) Notwithstanding the closer proximity of the existing building on the site to No. 37 Archers Road, the council considers that the new building would produce harmful shading to existing habitable room windows in the side elevation of 37 Archers Road, as it faces the application site. This would be particularly so at ground floor level in the mid to late afternoon.

The proposals are therefore considered to be contrary to the following Policies from the Development Plan for Southampton:-

City of Southampton Local Plan Review (March 2006) 'saved' policies SDP1 (i – particularly the guidance set out in paragraphs 2.2.1, 2.2.12 and 3.10.2 of the Residential Design Guide SPD [September 2006]) and SDP7 (v), SDP9 (i)/(v) and H2 (iii);

City of Southampton Local Development Framework Core Strategy Document (January 2010) policies CS13 (1)/(2)/(11).

92. **ROSEBANK COTTAGE, STUDLAND ROAD, SO16 9BB / 11/01936/FUL**

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.

Re-development of the site. Demolition of the existing building and erection of two and three storey buildings to provide 9 x two-bedroom flats and 22 houses (5 x two-bedroom, 16 x three-bedroom and 1 x four-bedroom units) with associated access, parking and landscaping works. (Copy of the report circulated with the agenda and appended to the signed minutes).

RESOLVED unanimously to delegate to the Planning and Development Manager to grant planning permission subject to the criteria listed in the report and subject to the following amended and additional conditions:

Amended Condition

19. APPROVAL CONDITION - Code for Sustainable Homes [Performance Condition]

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

REASON:

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

Additional Conditions

24. APPROVAL CONDITION - 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 Phase 1 Ecological Assessment by PV Ecology 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.

25. APPROVAL CONDITION - Boundary Fence (Pre-Occupation Condition)

House numbers 13 to 22 (inclusive) hereby approved shall not be first occupied until the 2.5 metre high close boarded fence as shown on approved drawing number

110215/SL/PL1 Rev E has been installed. A close boarded fence of this height shall subsequently be retained thereafter.

REASON

To safeguard the security and privacy of the adjoining school premises.

26. APPROVAL CONDITION - Cycle storage details (Pre-occupation condition)

The houses hereby approved shall not be first occupied until covered and secure cycle storage facilities have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities shall be retained thereafter.

REASON

In the interests of encouraging sustainable transport choices in accordance with Core Strategy Policies CS18 and CS19.

93. 115-121 WILTON AVENUE / 11/01836/OUT

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.

Re-development of the site to provide a part three-storey, part four-storey and part five-storey building to provide a retail unit on the ground floor and 27 self contained student flats with associated refuse, cycle and car parking (Outline application seeking approval for access, appearance, layout and scale). (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Wiles (Agent), Mr Clark, Miss Baker, Mr Stacey, Mrs Barter (objecting) (Local Residents) and Mrs Gara (objecting) (Community Action Forum) were present and with the consent of the Chair, addressed the meeting.

RESOLVED that planning permission be refused for the following reasons:

RECORDED VOTE:

FOR: Councillors Mrs Blatchford, Cunio, B Harris, L Harris
AGAINST: Councillor Thomas
ABSTAINED: Councillors Jones, Osmond

1. Refusal reason - Impact on character of the area

The proposed development by reason of its bulk, scale, massing and design is out of keeping with the character of the surrounding area and would thereby have a harmful impact on the street scene and prove contrary to the provisions of policy CS13 (1, 2 and 11) of the Southampton Core Strategy Development Plan Document (January 2010) and policies SDP1(i), SDP7 (iv) and SDP9 (i) (iv) (v) and as supported by section 3 of the Residential Design Guide Supplementary Planning Document (September 2006).

2. Refusal reason - Impact on residential amenity

The proposed development by reason of its height and massing would have a harmful impact on the amenities of the occupiers of the neighbouring property at 113 Wilton Avenue and would appear over-bearing when viewed from the neighbouring property. The development would therefore prove contrary to the provisions of policy CS13 (1, 2 and 11) of the Southampton Core Strategy Development Plan Document (January 2010), policies SDP1 (i), SDP7 (iv) and SDP9 (i) (iv) (v) and as supported by the Residential Design Guide Supplementary Planning Document 2006 (section 2.2).

3. Refusal reason - Overdevelopment

The proposal would represent an overdevelopment of the site by reason of the site coverage by building and hard-surfacing exceeding 50% of the site area. The proposal would therefore have a harmful impact on the character of the area of prove contrary to the provisions of policy CS13 (1, 2 and 6) of the Core Strategy Development Plan Document (January 2010), policies SDP1 (i), SDP7 (ii) (iii) (iv) and SDP9 (i) of the City of Southampton Local Plan Review (adopted March 2006) and as supported by paragraphs 3.9.1 to 3.9.2 of the Residential Design Guide Supplementary Planning Document (September 2006).

4. Refusal reason - Failure to enter into S106 Agreement

In the absence of a completed S.106 Legal Agreement the proposals fail to mitigate against their direct impact and do not, therefore, satisfy the provisions of policy CS25 of the adopted Local Development Framework Core Strategy (January 2010) as supported by the Council's Supplementary Planning Guidance on Planning Obligations (August 2005, as amended) in the following ways:-

a) Site specific transport works for highway improvements in the vicinity of the site (including a TRO to secure parking restrictions on Bassett Green Road) which are directly necessary to make the scheme acceptable in highway terms - in accordance with policies CS18, CS19 & CS25 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended) - have not been secured.

b) Measures to support strategic transport improvements in the wider area in accordance with policies CS18 & CS25 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended) have not been secured.

c) A financial contribution towards the provision and maintenance of open space in accordance with 'saved' policy CLT5 of the adopted City of Southampton Local Plan Review (March 2006), policies CS21 and CS25 from the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) and applicable SPG is required to support the scheme and has not been secured;

d) In the absence of a mechanism for securing a student intake management plan, the development would fail to address how the changeover of students would be managed to avoid causing disruption of local residents and harming the safety and convenience of the users of the adjoining highways.

e) In the absence of a mechanism for restricting the ownership of parking permits by prospective residents, that the proposal would not generate excessive overspill car parking which would be to the detriment of the convenience of the users of the adjoining highways.

f) In the absence of a mechanism for securing a (pre and post construction) highway condition survey it is unlikely that the development will make appropriate repairs to the highway - caused during the construction phase - to the detriment of the visual appearance and usability of the local highway network.

94. **58 WEST END ROAD / 11/01987/FUL**

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.

Conversion and extension of the existing building, erection of a new two-storey building on the West End Road frontage and two bungalows at the rear backing onto Panwell Road, to provide a total of 10 residential units (2 x three bedroom bungalows, 7 x two bedroom flats and 1 x one bedroom flat) with associated parking, vehicular access from West End Road and landscaping. (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Goodwill (Agent), Mr Dawson, Mrs Reed and Miss Goodyear (supporting) and Mrs Hogan (objecting) (Local Residents) were present and with the consent of the Chair, addressed the meeting.

RESOLVED unanimously to delegate to the Planning and Development Manager to grant planning permission subject to the criteria listed in the report and subject to the following amended condition and additional clause in the S106 agreement:

Amended Condition

22. APPROVAL CONDITION - Boundary enclosures [Pre-commencement Condition]

Prior to the commencement of development the following means of enclosure shall be constructed:-

- (i) a continuous 2 metre high brick wall shall be built along the common northern boundary of the site with 60 West End Road; and,
- (ii) a continuous 1.8 metre high close-boarded timber fence shall be constructed along the eastern site boundary with Panwell Road.

Notwithstanding the landscaping plan hereby approved, prior to the occupation of the development hereby approved, details of the design and specifications of the site boundary treatment of the site's western and southern boundaries and all means of enclosure to be formed within the site shall be submitted to and approved in writing by the Local Planning Authority. These other agreed means of enclosure additional to (i) and (ii) above shall be subsequently erected prior to the occupation of any of the units

provided under this permission. All means of enclosure shall thereafter be retained and maintained in good repair, particularly that to Panwell Road.

Reason:

In the interests of the visual amenities of the area and to protect the amenities and privacy of the occupiers of adjoining property and to ensure no through access is created to Panwell Road.

Additional Clause in S106

A construction management plan is required to be submitted by the developer to ensure as far as reasonably practicable that all contractors' and sub-contractors' vehicles connected with the construction of the development are accommodated within the site area.

95. **24-28 JOHN STREET / 11/01625/OUT**

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 4-storey building to provide 19 self contained student residential units with a commercial unit (Class B1) on the ground floor and associated parking and refuse storage (outline application seeking approval for access, layout, scale and appearance). (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Wiles (Agent) and Ms Stockwell (supporting) (Local Resident) were present and with the consent of the Chair, addressed the meeting.

RESOLVED unanimously to delegate to the Planning and Development Manager to grant planning permission subject to the criteria listed in the report and subject to the following amended condition and additional clause to the S106 agreement:

Amended Condition

02. APPROVAL CONDITION - Additional Details Required Condition

Details of the following particulars of the proposed development in addition to the submission of Matters Reserved from the Outline Planning Permission hereby approved shall be submitted to and approved in writing by the Local Planning Authority (or on behalf of the Secretary of State for the Environment on appeal) prior to the commencement of development :

(A) In addition to Reserved Matters for the appearance and design of the building(s) a detailed plan specifying the external materials, including colour finish, to be used on the building.

[B] Details of the treatment to the boundaries of the site, and all screen walls or fences within the proposed development including privacy screen details to be provided at rooftop level;

[C] Details at no less than 1:10 scale of any rainwater goods, vents or flues to be provided on the front elevation including colour finish and materials.

[D] Details at no less than 1:10 scale, including sections where necessary, of the detailing of all windows and doors including the depth of recesses and dimensions of frames and glazing bars including the horizontal panels to windows on the front elevation, the depth of the recesses to the vertical bands and the design and method of fixing of the balustrades to the Juliet balconies on the rear elevation.

[E] Details of the materials to be used for the external hardsurfacing areas within the site.

(F) Full details of any enclosures to be provided for the refuse storage area and identification of collection points;

[G] Details of any external lighting.

[H] Detailed plans specifying the areas to be used for contractors vehicle parking and plant; storage of building materials, and any excavated material, huts and all working areas required for the construction of the development hereby permitted;

Reason:

To ensure the proposed development is undertaken to a standard appropriate for the sensitive location adjacent to the Conservation Area

Additional Clause in S106

The developer is required to submit a management plan to ensure as far as reasonably practicable that neighbours can contact the persons appointed to manage the building, should neighbours have any concerns, such as noise emanating from the building or refuse becoming untidy. In particular, a telephone contact number shall be supplied to the occupier of 26 John Street and if this changes during the life of the development approved under 11/01625/OUT, any new contact number shall be advised to the occupier of 26 John Street.

96. **GRACECHURCH HOUSE, 25-35 CASTLE WAY / 11/01844/FUL**

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 extensions involving raising the height of the building and change of use from offices into an 84 room hotel. (Copy of the report circulated with the agenda and appended to the signed minutes).

RESOLVED unanimously to delegate to the Planning and Development Manager to grant planning permission subject to the criteria listed in the report and subject to the following additional condition:

Additional Condition

15. APPROVAL CONDITION - Construction Method Statement [Pre-commencement condition]

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement (CMS) for the development. The CMS shall include details of: (a) parking of vehicles of site personnel, operatives and visitors; (b) loading and unloading of plant and materials; (c) storage of plant and materials, including

cement mixing and washings, used in constructing the development; (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary; (e) measures to be used for the suppression of dust and dirt throughout the course of construction; (f) details of construction vehicles wheel cleaning; and, (g) details of how noise emanating from the site during construction will be mitigated. The approved CMS shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

Reason:

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

97. **ENFORCEMENT UPDATE IN RESPECT OF 3 BEDFORD PLACE, SOUTHAMPTON**

The Panel considered the report of the Planning and Development Manager in respect of serving a Planning Enforcement Notice at 3 Bedford Place. (Copy of report circulated with the agenda and attached to the signed minutes).

RESOLVED unanimously

- (i) that it was not possible to serve a planning enforcement notice and that case 11/00303/ENUDEV be formally closed;
- (ii) that no further planning enforcement action be taken in respect of the premises trading outside the hours specified in the description of development set out in decision notice 7851/1463/P18 dated 4 September 1973.

98. **STREET NAMING - OCEAN DOCK, PORT OF SOUTHAMPTON**

The Panel considered the report of the Head of Planning and Sustainability seeking approval for a street name for the new street built at the head of Ocean Dock within the Port of Southampton. (Copy of report circulated with the agenda and attached to the signed minutes).

RESOLVED unanimously that the name 'White Star Way' be approved for the street built at the head of Ocean Dock within the Port of Southampton.

99. **ZAZEN DEVELOPMENTS LTD - ROEBUCK HOUSE 24-28 BEDFORD PLACE**

The Panel considered the report of the Head of Planning and Sustainability in respect of varying the terms of the previous Decision Report dated 20th July 2010 to postpone payment of the affordable housing contribution for up to 3 years provided that the administrator made monthly payments to the Council of £3,000 from the rental income obtained from letting the flats. (Copy of the report circulated with the agenda and attached to the signed minutes).

RESOLVED unanimously that delegated authority be given to the Head of Legal, HR and Democratic Services to enter into a Deed of Variation of the Section 106 agreement crystallising the debt at £205,891, and postponing the payment of the affordable housing contribution for a period of up to 3 years. This was conditional upon a lump sum of £48,000 being paid on completion of the Deed of Variation to bring the Administrator in line with the previous payment arrangement of £3000 per month. Thereafter a monthly payment of £4386 per month to be made by the administrator until

the debt was repaid, with provision that should a sale take place within the 3 year period then the entire outstanding affordable housing contribution be discharged.

SOUTHAMPTON CITY COUNCIL
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 13 MARCH 2012

Present: Councillors Jones (Chair), Claisse (Vice-Chair), Mrs Blatchford (except Minute 107), Cunio, L Harris, Thomas and Fuller

Apologies: Councillor Osmond

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

The Panel noted that Councillor Fuller was in attendance as a nominated substitute for Councillor Osmond in accordance with Procedure Rule 4.3.

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

RESOLVED that the Minutes of the Meeting held on 14th February 2012 be deferred in order to seek further clarification.

102. **39 ARCHERS ROAD /11/01336/FUL**

The Panel considered the report of the Planning and Development Manager recommending the draft reasons for refusal listed in the report for a proposed development at the above address.

Redevelopment of the site. Demolition of the existing building and erection of a part 3-storey, part 4-storey and part 5-storey building to provide 20 flats (7 x 1-bedroom, 7 x 2-bedroom and 6 x 3-bedroom) with associated storage and parking. (Copy of the report circulated with the agenda and appended to the signed minutes).

RESOLVED unanimously that the application be refused for the following reasons as stated in the report: Inadequate level of car parking; Poor quality of design and Failure to enter into a Section 106 Agreement.

103. **AREA HOUSING OFFICE, PARKVILLE ROAD /12/00033/FUL**

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 a building ranging in height from 3-storeys to 15-storeys to provide student residential accommodation (53 cluster flats comprising a total of 348 rooms, 4 x 2-bedroom flats and 12 x 1-bedroom flats); a medical centre (Class D1 use), retail units (Class A1) and two units for community use or non-residential institution use (Class D1) or retail (A1) or food and drink use (A3) with associated landscaping, parking and site works, including the stopping up of existing highway. (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Kiddle (Applicant), Mr Monaghan (supporting) (University of Southampton), Mr Roath, Mr Symes, Mr Raiyat (supporting) (Local Businessmen), Mr Perkis (objecting) (Local Businessman), Mr Hopgood, Mr Dixon (objecting) (Local residents), Councillor

Vassiliou and Councillor Turner (objecting) (Ward Councillors) were present and with the consent of the Chair, addressed the meeting.

RESOLVED to delegate to the Planning and Development Manager to grant planning permission subject to the criteria listed in the report and subject to the following amended and additional conditions.

RECORDED VOTE

FOR: Councillors Mrs Blatchford, Claisse, Cunio, Fuller, L Harris and Jones

AGAINST: Councillor Thomas

Amended S.106 Heads of Terms

- i) An occupation restriction to ensure that all residents are in full time higher education and that the provider is a member of either the Southampton Accreditation Scheme for Student Housing (SASSH) or the Universities UK Code of Practice for University managed Student Accommodation in accordance with Local Plan Policy H13(v);

- viii) With the exception of disabled students who will be entitled to park within the designated disabled bays, no student shall be entitled to park on the land or to obtain parking permits to the Council's Controlled Parking Zones. A letter to each student of the scheme explaining that students are discouraged from bringing a car to university shall be sent prior to each occupation. A restriction on car parking will be contained within the Contract for accommodation. The car parking restriction policy will be displayed at a prominent location within the scheme. The University will log any complaints from local residents which are believed to be linked to the parking of cars in the locality by students. The University will circulate these complaints to the residents of the scheme and will remind them of their responsibilities towards local residents.

Amended Condition

25.APPROVAL CONDITION - Refuse & Recycling Bin Storage – In accordance
Bin storage shall be laid out with a level approach prior to the first occupation of the development hereby approved in accordance with the approved amended plans listed below. All storage shall be located and retained inside the building and, with the exception of the medical centre and pharmacy, shall be presented to the Stoneham Way/High Road layby only on the day of collection. The facilities shall include accommodation for the separation of waste to enable recycling by residents. The approved refuse and recycling storage shall be retained whilst the building is used for residential purposes.

REASON:

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

104. **LAND TO THE REAR OF 6-7 CRANBURY TERRACE / 11/01945/FUL**

The Panel considered the report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address.

Erection of part 3-storey, part 4-storey terrace of 4x 4-bed houses (Class C3 and C4) with vehicular access from Rockstone Lane, car parking, associated refuse and cycle stores, alterations to site levels, landscaping and reconstruction of front boundary wall. (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Patrick (Agent) and Mrs Davies (objecting) (Local Resident) were present and with the consent of the Chair, addressed the meeting.

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

RECORDED VOTE

FOR: Councillors Cunio, Fuller, Jones, Thomas

AGAINST: Councillors Mrs Blatchford, Claisse, L Harris

Additional condition

22 APPROVAL CONDITION – Occupancy Restriction [Performance condition]

Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010(SI 2010/653) or any Order amending, revoking or re-enacting that Order, no more than 4 residents shall at anytime occupy any of the units hereby permitted whilst it is in use as a C4 dwelling house (house in multiple occupancy whereby the property is occupied by unrelated individuals who share basic amenities).

REASON:

In order that the Local Planning Authority may exercise further control in this locality given the scale of the property and surrounding context; and character.

COUNCILLOR CLAISSE IN THE CHAIR

105. **13 GROSVENOR ROAD / 11/02001/FUL**

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.

Conversion of existing dwelling to 2 x 5 person dwellings in multiple occupation (Class C4) with associated bin and cycle storage. (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Holmes (Agent), Mr Singh (Applicant), Mrs Baston on behalf of Mrs Foster, Mr Gillan (objecting) (Local Residents) and Councillor Vinson (objecting) (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an adjustment to Reason for Granting Planning Permission so that it should read:

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set out on the attached sheet. Other material

considerations such as those listed in the report to the Planning and Rights of Way Panel on the 13.03.12 do not have sufficient weight to justify a refusal of the application. The proposal would make reasonable use of a very large property to help meet the housing needs of the city and would not have a harmful impact on the amenities of the neighbouring properties. Whereas Core Strategy Policy CS16 resists the loss of family housing, evidence from the housing waiting list suggests there is no demand for a property of this size from a single family. Also, it is possible that the applicant may revert back to Class C3 use for either unit, where the rearmost dwelling enjoys direct access to private amenity space. The Council's emerging Supplementary Planning Document on Houses in Multiple Occupation is not due to come into force until 23 March 2012. Whilst it has formed a material planning consideration in the determination of this application, the sheer size of the property and the **improbability** of it contributing to the city's housing need by being used by a single family has resulted in the local planning authority concluding its use as two Class C4 dwellings, each only occupied by five persons, is a reasonable use of the building, whose intensity of use would not harm the amenities of occupiers of adjoining properties. As such, the departure from CS16 is not considered to be so adverse to the planning of the area to justify the withholding of planning permission. Where appropriate planning conditions have been imposed to mitigate any harm identified. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Planning Permission should therefore be granted taking account of the following planning policies:

'Saved' Policies - SDP1, SDP4, SDP5, SDP7, SDP9 and H4 of the City of Southampton Local Plan Review (March 2006) as supported by the adopted Local Development Framework Core Strategy (January 2010) policies CS5, CS13, CS19, and CS20 and the Council's current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS1 (Delivering Sustainable Development) and PPS3 (Housing 2011) are also relevant to the determination of this planning application. The presenting officer reported an adjustment to Reason for Granting Planning Permission so that it should read:

Amended Condition

05. Approval condition - Car Parking [Performance condition]

Before the use as two Class C4 dwellings, each only occupied by 5 persons, is commenced, a minimum of 3 car parking spaces shall be marked out on the site forecourt in accordance with drawing C11/111.405 Rev C. The utilities trench recently dug into the site forecourt shall also be maintained to match the original materials of the forecourt. The car parking shall thereafter be retained on site for those purposes at all times thereafter.

REASON:

To help meet the travel demands of occupiers of the two dwellings, whilst also defining/maintaining clear pedestrian/cyclist access to the property.

Additional Condition

12. PERFORMANCE CONDITION – Provision of rear door

Before the rear C4 dwelling is first occupied, the new rear doorway shall be provided to the garden area.

REASON:

To provide more convenient access to the rear garden from that dwelling, so as to reduce the use of the side access way, in the interests of preserving the amenities of adjoining neighbours.

RESOLVED that planning permission be refused for the following reasons.

RECORDED VOTE

FOR: Councillors Claisse, Cunio, Fuller, L Harris and Thomas

ABSTAINED: Councillor Mrs Blatchford

Reason for Refusal - Harm to the character of the area

1. The local planning authority considers that the intensification of residential occupation of the property from either family occupation within class C3, or from a C4 occupation by up to 6 unrelated persons, to occupation as 2 No. Class C4 Houses in Multiple Occupation, by 5 persons in each dwelling, would be an overdevelopment of the site and cause serious environmental harm. This would be contrary to policies of the Development Plan for Southampton (SDP7 (v), H4 and SDP16 of the Local Plan Review (March 2006) and CS16 (3) Core Strategy (January 2010). If granted permission, the proposals would prove contrary to the emerging Supplementary Planning Document on Houses in Multiple Occupation, approved by cabinet on 12 March 2012. The proposed use is also considered contrary to relevant advice set out in Planning Policy Statement 3 (Housing) – particularly paragraphs 9,13 and 49. It is also though contrary to paragraphs 19 (final bullet point) and 116 (first and fourth bullet points) of the consultation draft of the Draft National Planning Policy Framework. The harm from this over intensive use of the property would manifest itself in the following ways:-

- (i) Disturbance to neighbouring occupiers from comings and goings to and from the site by 10 separate persons at various times of the day and night and their use of the garden at the property would not be compatible with the surrounding family housing; and,
- (ii) Adversely affect the character and nature of occupation of this immediate part of the street, by causing the loss of a single family house, in a street predominantly comprised of family houses and making it more difficult for the local planning authority to resist similar proposals in this street in the future.

NOTE: Councillor Jones declared a prejudicial interest in the above item and withdrew from the meeting.

COUNCILLOR JONES IN THE CHAIR

106. **LAND ADJACENT TO 97 BOTANY BAY ROAD / 12/00128/FUL**

The Panel considered the report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address.

Erection of a two storey, detached, two bedroom dwelling house plus basement level with associated car parking/cycle store. (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Oliphant, Mr Broady (objecting) (Local residents) and Councillor Kolker (objecting) (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an amendment to Condition 13 and an extra condition as follows:

Amended Condition

13. APPROVAL CONDITION – Parking provision (Performance Condition)

The car parking spaces as shown on approved drawing 07/435/H/10.D (to be updated at Panel meeting) must be laid out and made available prior to the first occupation of the dwelling hereby approved and thereafter retained for that purpose at all times with one car parking space available per property.

REASON

To ensure an appropriate level of off road parking is available for 97 and 97a Botany Bay Road in accordance with saved policy SDP5 of the local plan review and the adopted Parking Standards SPD.

Additional Condition

21 APPROVAL CONDITION – Approved Plans

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

REASON:

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

RESOLVED that planning permission be refused for the following reasons.

RECORDED VOTE

FOR: Councillors Mrs Blatchford, Claisse, Cunio, Fuller, L Harris and Jones

ABSTAINED: Councillor Thomas

Reasons for refusal

Notwithstanding the amendments to application 11/01966/FUL the proposed development by reason of its design and close proximity to the adjacent Shorbus Greenway represents an overdevelopment of the site which would;

- i) appear out of context, character and proportion with existing development in Botany Bay Road which would create a visually dominant hard edge at the

- end of the developed section of Botany Bay Road when viewed from the south resulting in an adverse impact on its rural character
- ii) result in unacceptable shadowing and loss of light to 97 Botany Bay Road
- iii) creates an inappropriate and unusable parking arrangement to the sites frontage which would have an adverse impact on pedestrian and highway safety

Taken together, these factors are considered to be symptomatic of an unduly dominant development, which is out of character with the existing scale and pattern of development along Botany Bay Road. As such, the development would prove contrary to the provisions of policy CS13 (1) 92) (11) of the adopted Local Development Framework Core Strategy (January 2010) as supported by saved policies SDP1, SDP7, SDP9 (i) of the adopted City of Southampton Local Plan Review (March 2006) and the guidance set out in the Council's approved Residential Design Guide SDP (September 2006) (namely, sections 2.1, 2.2, 3.1, 3.2, 3.7, and 3.9) and the approved Parking Standards SPD (September 2011).

107. **14 SPRING CRESCENT / 11/01874/FUL**

The Panel considered the report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address.

Demolition of existing garage and conservatory to facilitate erection of two-storey side extensions and part two-storey, part-single storey rear extension in connection with use as 2x 5-bedroom houses (Class C3) or Homes in Multiple Occupation (Class C4). (Copy of the report circulated with the agenda and appended to the signed minutes).

Councillor Vinson (objecting) (Ward Councillor) was present and with the consent of the Chair, addressed the meeting.

RESOLVED unanimously that planning permission be refused for the following reasons.

Reasons for Refusal

(i) Over intensive use

The introduction of 2 x 5 bed C4 dwellings at 14 Spring Crescent would result in an unacceptable intensification in the use of the property. . The LPA has had regard to the amount of existing C4 dwellings within Spring Crescent and the general activity, refuse generation, noise and disturbance associated with such a use in arriving at its decision. This would have a detrimental impact on the amenity of nearby residents and be harmful to the wider context and character of the neighbourhood. As such, the proposal represents an over-intensive use of the site contrary to the provisions of policy CS16 of the adopted Local Development Framework Core Strategy (January 2010), as supported by saved policies SDP1, SDP7 (v) and H4 (i) & (ii) of the City of Southampton Local Plan Review 2006 and the emerging Houses in Multiple Occupation SPD.

(ii) Adverse design impact on locally listed building.

The proposed extensions to the dwelling by reason of their design, scale and massing represent a disproportionately large addition that would unbalance the appearance of the existing dwelling and harm its aesthetic. Such alterations would adversely impact on the local listing status and hinder future opportunity for the building to be formally listed contrary to the provisions of Policies CS13 (1, 3 & 11) & CLT14 of the adopted Local Development Framework Core Strategy (January 2010) as supported by saved policies SDP1 (i), SDP7 (ii) & (iv), SDP9 (i) & (iv) and HE4 (i) & (ii), H7 (iv) of the City of Southampton Local Plan Review (March 2006) and the guidance as set out in the Council's approved Residential Design Guide SPD (September 2006) (Namely sections 2.3 and 2.5) and Planning Policy Statement 5: Planning for the Historic Environment.

108. **CENTENARY QUAY, VICTORIA ROAD / 11/01923/REM**

The Panel considered the report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a proposed development at the above addressed.

Reserved matters approval sought for Phase 2 of the Centenary Quay development granted outline permission in December 2009 (reference 08/00389/OUT - Environmental Impact Assessment Development) to provide 168 residential units (49 x one-bedroom, 103 x two-bedroom, and 16 x three-bedroom units), a library and day nursery in buildings ranging in height from three-storeys to six-storeys with associated parking and other works. (Copy of the report circulated with the agenda and appended to the signed minutes).

Ms Aplin (Applicant), Mr Hall (Agent), Mr Ratcliff (objector) (Local Resident) and Councillor R Williams (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

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

109. **THORNERS COURT, HENSTEAD ROAD / 11/01216/FUL**

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 part of Thorners Court and erection of a three-storey building to provide 34 sheltered housing flats for the elderly (24 x one-bedroom and 10 x two-bedroom) with communal facilities, access, car parking and landscaping. (Copy of the report circulated with the agenda and appended to the signed minutes).

Ms Lodwick (Owner), Mr McFarlone (Planning Consultant) and Mrs Barter (objecting) (Local Resident) were present and with the consent of the Chair, addressed the meeting.

RESOLVED unanimously to delegate to the Planning and Development Manager to grant planning permission subject to the criteria listed in the report and the additional condition set out below.

23. APPROVAL CONDITION - Relocation of historic plaques (Pre-Occupation Condition)

The development shall not be first occupied until the existing historic plaques have been relocated on the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

REASON:

To ensure the retention of these important historic features.

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Agenda Annex

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 17 April 2012 - Conference Rooms 3 and 4, 1st floor, Civic Centre

PLEASE NOTE: THE PANEL WILL BREAK FOR LUNCH at or around 13.00 PM

Main Agenda Item Number	Officer	Recommendation	Type	PSA	Application Number / Site Address
<u>BETWEEN 9.30 AM AND 10.25 AM</u>					
5	AA	DEL	Q01	15	11/01994/FUL / Part of Former Ordnance Survey Site, Romsey Road
<u>BETWEEN 10.25 AM AND 11.00 AM</u>					
6	BS	DEL	Q07	15	12/00168/R3OL / Ridgeway School & Prospect House Freemantle Common Road
<u>BETWEEN 11.00 AM AND 11.50 AM</u>					
7	RP	DEL	Q07	15	11/02000/FUL / Promontory and Car Park Adjoining the Ocean Village Marina, Ocean Way/Maritime Walk
<u>BETWEEN 11.50 AM AND 12.20 PM</u>					
8	JT	CAP	Q13	5	11/02002/FUL / 39 Thornbury Avenue
<u>BETWEEN 12.20 PM AND 13.00 PM</u>					
9	JT	DEL	Q07	15	12/00048/FUL / 37- 75 Cumbrian Way and adjoining land
<u>BETWEEN 13.45 PM AND 14.45 PM</u>					
10	AA	DEL	Q04	15	11/01877/FUL / 224 Portswood Road

11 Main agenda item: Arrangements for pre-application consultation for the Biomass Plant at Southampton Port (SH)

12 Main agenda item: Area Housing Office, Youth Centre and Car Park Site, Parkville Road – Report on revocation of permission 11/00204/FUL (AG)

Abbreviations:

PSA – Public Speaking Allowance; CAP - Approve with Conditions: DEL - Delegate to Officers: PER - Approve without Conditions: REF – Refusal: TEMP – Temporary Consent

AA – Andrew Amery, ARL – Anna Lee, BS- Bryony Stala, JT - Jenna Turner, MP- Mathew Pidgeon, SH- Stephen Harrison, SL - Steve Lawrence, RP – Richard Plume, VW – Vanessa White AG – Ann Greaves

Southampton City Council - Planning and Rights of Way Panel

Report of Executive Director of Environment

Local Government (Access to Information) Act 1985

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

Applications:

Background Papers

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

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

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

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

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

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

5. Documents relating to Highways and Traffic

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

6. Planning related Government Circulars in most common use

- (a) Planning Obligations 05/05 (As adjusted by Community Infrastructure Levy Regulations 2010)
- (b) Planning controls for hazardous substances 04/00

- (c) The Use of conditions in planning permissions 11/95
- (d) Environmental Impact Assessment 2/99
- (e) Planning Controls over Demolition 10/95
- (f) Planning and Affordable Housing 6/98
- (g) Prevention of Dereliction through the Planning System 2/98
- (h) Air Quality and Land Use Planning 10/97
- (i) Town and Country Planning General Regulations 19/92

7. Government Policy Planning Advice

- (a) National Planning Policy Framework (27.3.2012)

8. Other Published Documents

- (a) Planning for Daylight and Sunlight - DOE
- (b) Coast and Countryside Conservation Policy - HCC
- (c) The influence of trees on house foundations in clay soils - BREDK
- (d) Survey and Analysis - Landscape and Development HCC
- (e) Root Damage to Trees - siting of dwellings and special precautions – Practice Note 3 NHDC
- (f) Shopping Policies in South Hampshire - HCC
- (g) Buildings at Risk Register SCC (1998)
- (h) Southampton City Safety Audit (1998)
- (i) Urban Capacity Study 2005 – 2011 (March 2006)
- (j) Strategic Housing Land Availability Assessment (March 2009)

9. Other Statutes

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

Revised: 2.4.2012

Agenda Item 5

**Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 17 April 2012
Planning Application Report of the Planning and Development Manager**

Application address: Part of Former Ordnance Survey Site, Romsey Road SO16 4GR			
Proposed development: Redevelopment of the site to provide 193 dwellings (113 houses and 80 flats) within 2, 3 and 4 storey buildings and conversion of Crabwood House with associated access, parking and landscaping works (As amended by plans received 27.02.2012).			
Application number	11/01994/FUL	Application type	FUL
Case officer	Andy Amery	Public speaking time	15 minutes
Last date for determination:	13.03.2012	Ward	Redbridge
Reason for Panel Referral:	Major Development	Ward Councillors	Cllr McEwing Cllr Holmes Cllr Pope

Applicant: Taylor Wimpey Auk Limited	Agent: Boyer Planning Ltd
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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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Reason for granting Permission

Notwithstanding the reduction in the number of residential units compared to the originally approved outline scheme (07/01700/OUT) the reduced densities, building heights and increased provision of family houses compared to flats is considered to represent an appropriate mix and scale of development when taking into account all other policies and proposals of the Development Plan as set out below. Other material considerations including traffic generation and highway safety, the setting of the listed building, the provision of open space and play space, loss of existing trees, mitigation for protected species, and the impact of the development on the character of the area and the nearby residential occupiers 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.

Saved Policies SDP1, SDP4, SDP5, SDP6-13, SDP16-17, SDP21, SDP22, HE1, HE3, HE6, H1, H7 and CLT6 of the City of Southampton Local Plan Review 2006 and Policies CS4, CS5, CS7, CS13, CS15, CS16, CS18, CS19, CS20, CS21, CS22, CS25 of the Core Strategy (January 2010).

Appendix attached			
1	Development Plan Policies		
2	Original report for 07/01700/OUT		

Recommendation in Full

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

i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);

ii. A financial contribution towards strategic transport projects for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;

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

iv. Subject to a viability report, provision of affordable housing in accordance with policies of the Core Strategy.

v. The submission, approval and implementation of public art that is consistent with the Council's Public Art 'Art People Places' Strategy

vi. The submission, approval and implementation of a Green Travel Plan (GTP) to address the impact of the parking provision so that it can be assessed along with the transport needs of the development

vii. A commitment to local labour and employment initiatives both during the construction phase and post completion;

viii. The submission of a highway condition survey prior to the demolition of the existing buildings and its subsequent reinstatement;

2. That the Planning and Development Manager be given delegated authority to add or vary any of the attached planning conditions and relevant parts of the Section 106 agreement.

3. In the event that the legal agreement is not completed within 3 months (by 17 July) 2012 of the date of this Panel meeting the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

1.0 The site and its context

1.1 The site forms the 4.5ha 'west' sector residential phase of the former 9.7ha

Ordnance Survey site which gained planning permission for re-development under outline planning permission 07/01700/OUT.

- 1.2 Ordnance Survey has now vacated the site which is located along the south-western edge of Romsey Road approximately 1.5km from Shirley Town centre and 4.5km from the City centre.
- 1.3 The overall OS site is 9.7ha. In area and originally comprised a total of 51,400sqm of floorspace. Served by 1300 car parking spaces.
- 1.4 The area of the site subject to this application was mainly laid to hard-surfacing and used as car parking.
- 1.5 A significant proportion of the current application site (over 80%) is currently either hard-surface or car parking. Only a small percentage is green and permeable. The majority of the trees on the site are to be retained as is the 'bund' which is to be managed for its bio-diversity value.
- 1.6 The only other building on this part of the site is the Grade II listed Crabwood House which is subject of a separate listed building consent for conversion to flats in a similar manner approved under the original outline proposals.
- 1.7 Since the 1950's and 60's the site occupied by Ordnance Survey has been the subject of change and re-development.
- 1.8 In particular, the 1980's witnessed a significant reduction in the site area operated by Ordnance Survey, with new housing development taking place on parts of the northern and western area of the original site, which now comprise Cowley, Kern and Watts Close. As a result, beyond the OS site itself, the surroundings are almost wholly residential in character. Older, traditional two storey housing along the north-east side of Romsey Road is directly opposite the site whilst there are a small number of retail units and local services located at the junction of Romsey Road and Rownhams Road. Millbrook Community School is located nearby to the north of the site off Green Lane.
- 1.9 It is recognised that the site falls within on of the City's priority neighbourhood renewal areas within which the Council is actively seeking to improve the opportunities for employment, housing, affordable housing, services and facilities.

2.0 Proposal

- 2.1 The proposal comprises the construction of 193 residential units of which, 113 are houses and 80 are flats (15 x 2-bedroom houses, 63 x 3-bedroom houses, 33 x 4-bedroom houses, 14 x 1-bedroom flats, 64 x 2-bedroom flats and 4 x flats over garage (FOG)), served by 230 parking spaces on a 4.25 hectare site. The proposals include the conversion of the Grade II listed building Crabwood House into 8 flats. A separate listed building application for the physical works to that building is to be dealt with under delegated powers. Residential density equates to 45 dwellings per hectare. 96 of the houses meet the definition of 'family houses'.
- 2.2 The original proposals for this area of the site (known as the 'west sector or Phase 2 on the outline scheme) comprised: a new vehicular access from Romsey Road. 306 residential units of which 81 were houses (26 two-bedroom, 32 three-

bedroom, 23 four-bedroom) and 225 flats (85 one-bedroom, 140 two bedroom). The residential density of was 65 dwellings per hectare served by 275 parking spaces. Crabwood House was to be refurbished and was to have been converted into six units.

- 2.3 The layout closely follows the principles established at outline stage with the access from Romsey Road designed to the same specification as previously approved on the outline consent. The most significant difference between the schemes is the reduction in numbers of units and density and the increase in provision of family housing.
- 2.4 The scheme continues to provide on-site provision of open space; children's play space, links to adjacent developments and management of the bund for protected species. The ratio of parking spaces to units has increased from 0.9 spaces per unit to 1.2 spaces per unit.
- 2.5 The proposals represent the first significant phase of the re-development of the whole site. Whilst no plans have been formally submitted for adjoining phases, the scheme does provide links to those phases, which will be expected to be accommodated within any application for future phases.

3.0 Relevant Planning Policy

- 3.1 Having regard to paragraph 214 of the National Planning Policy Framework dated 27 March 2012 the policies and saved policies set out in **Appendix 1** which have been adopted since 2004 retain their full material weight for decision making purposes.
- 3.2 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.3 Major developments are expected to meet high sustainable construction standards in accordance with the City Council's adopted and emerging policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13.

4.0 Relevant Planning History

- 4.1 07/01700/OUT: Redevelopment of the site to provide a mixed use scheme comprising refurbishment of Compass House for business use (Class B1); a new business enterprise centre (Class B1) new light/general industrial unit (Class B1/B2); new retail and food & drink use (Classes A1, A3, A4 & A5); new nursing home/clinic/surgery (Class C2/D1); open space and 495 residential units (361 flats and 134 houses) - outline application seeking approval for layout and access. As amended by plans received 26.03.08 and 17.02.10).
- 4.2 The application was considered by the 22 July 2008 Planning Committee and recommended for approval. Following a referral to the Secretary of State who chose not to call the application in for a Public Inquiry the Outline planning consent was issued on 2 October 2010 following completion of the s106 and s278 agreements. The original officer's report is attached as an appendix to this report.

5.0 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying 130 adjoining and nearby landowners, placing a press advertisement (05.01.12) and erecting a site notice (05.01.12). At the time of writing the report **3** representations have been received from surrounding residents.
- 5.2 The applicants have responded to the concerns of the neighbour at 73 Kern Way by agreeing that, 'we will build a 1.8m wall on the boundary adjacent to Kern Close behind plot H-05.' This is a small parking courtyard at the rear of the terrace of houses along the right hand side (northern side) of the entrance road.
- 5.3 A second objector was concerned that there were too many units and the design was 'boring'. It is noted that the proposals have significantly reduced the proposed number of units and resultantly decreased the density of development with increased emphasis on family housing. The design of units has been improved through negotiation with the City urban design team resulting in well proportioned houses and flats of appropriate scale and height with detailing such as recessed windows and the addition of chimneys to the main streets.
- 5.4 **SCC Highways** - No objections subject to conditions. The access arrangements have been previously agreed to serve a greater number of units and remain acceptable. The roads and network of routes across the site need to be constructed to adoptable standards. The amount of car parking is appropriate but no more than one space per unit should be allocated with the remainder being provided as 'visitor' spaces.
- 5.5 **SCC Housing** – As the scheme comprises of 193 dwellings in total the affordable housing requirement from the proposed development is 35% (CS15- sites of 15 + units = 35%). The affordable housing requirement is therefore 68 dwellings (67.55 rounded up).
- 5.6 Policy CS 15 of the adopted Core Strategy sets a hierarchy for the provision of affordable housing as:
1. On-site as part of the development and dispersed amongst the private element of the scheme.
 2. On an alternative site, where provision would result in more enhanced affordable units, through effective use of available resources, or meeting a more identified housing need such as better social mix and wider choice
 3. Commuted financial payment to be utilised in providing affordable housing on an alternative site
- In this case provision would be sought on site.
- 5.7 Planning conditions and or obligations will be used to ensure that the affordable housing will remain at an affordable price for future eligible households, or for the subsidy to be recycled to alternative housing provision.
- 5.8 A financial viability study has been submitted to the Council for independent assessment and this may affect the affordable housing requirement.

- 5.9 **SCC Sustainability Team** – As the scheme was negotiated and submitted in 2011 prior to the Core Strategy requirement for Code Level 4 being triggered the scheme needs to achieve Code Level 3 with an additional 20% from renewables. The submitted documentation suggests this can be achieved.
- 5.10 **SCC Policy Team** – No objections to the proposals which are considered to be in accordance with adopted policies.
- 5.11 **SCC Environmental Health (Pollution & Safety):** No objections subject to conditions.
- 5.12 **SCC Urban Design** – The City Design Team has been involved in the evolution of the design for this site since 2007. Over this long involvement it has been able to support the case officer in securing a very wide range of improvements to the layout. This process has been so successful that City Design Team are able to recommend this scheme in urban design terms as being as close to excellent as the current issues of the economic state of the market and perennial thorny issues such as the provision of sufficient parking without creating a public realm environment over dominated by cars will allow.
- 5.13 In particular the pre-application process has ensured a scheme almost universally laid out in traditional perimeter blocks, which delivers a whole range of urban design benefits. The most important of these is the clarity between public and private space, and the enclosure and informal surveillance of public routes. Another key objective has been the defence of the central open space with its mature parkland character adjacent to Crabwood house from incursion by pavilion blocks of flats which various architects have at one stage or another tried to introduce. In terms of legibility, permeability, relationship to context and retention of and response to existing site assets and the site context the development layout is also very good.
- 5.14 In addition the constructive and positive spirit of collaboration between the SCC team and the Developer team has enabled further last minute refinement. For example the redesigned parking layout on the south eastern corner of the site. This demonstrated to the developer that a rather ugly circular area of parking intruding into the central open space could be more successfully integrated elsewhere without losing spaces. The change also saved one of the key TPO trees and improved the relationship between parking and its related units and improved the surveillance and animation of the important footpath and cycle route into the development at this point.
- 5.15 City Design team and the Highways Planning officer have negotiated an amended layout in the south western corner to facilitate a legible and permeable potential vehicular connection to the Phase 2 site, which would now almost certainly be used for housing. The developer then adopted their own version of this design.
- 5.16 The only weakness of the scheme had been the initially submitted excessively bland traditional style of architecture. However this has been improved through a successful negotiation process between the SCC team and the developer team.
- 5.17 Landscape design: - The developer and their team have again been keen to collaborate with the SCC team to deliver a high quality setting to the buildings.

The landscape design can be commended to the Panel as high quality. Improvements have been negotiated which broaden the interest of the tree planting, improve the play provision and improve the relationship between the shrub and hedge planting areas and adjacent footpaths and parking areas.

5.18 **SCC Environmental Health (Contaminated Land):** No objections subject to conditions.

5.19 **SCC Ecology** – No Objections. The submitted reports and management plans are very detailed. Conditions should be imposed to ensure the ecological measures are carried out in accordance with the submitted details.

5.20 **Environment Agency** – The proposed development will only be acceptable if the following measures as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Conditions: The Environment Agency requests that the following conditions be attached to any planning permission granted, and that details in relation to these conditions (and on which the Environment Agency would wish to comment) be submitted to and approved in writing by the Local Planning Authority.

5.21 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) ref: CP/11/0721, by MJA Consulting and the following mitigation measures detailed within the FRA:

1. *Limiting the surface water run-off generated by the 1 in 100 year critical storm 30% climate change allowance so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.*
2. *Implementation of the SuDS techniques as detailed in section 6.3 of the FRA.*
3. *Finished floor levels are set no lower than 150mm above surrounding ground levels as detailed in section 5.8 of the FRA.*

Reason

1. *To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.*
2. *To reduce the risk of flooding to the proposed development and future occupants.*

5.22 Advice: The Environment Agency is very supportive of the overall 1.266 Ha reduction in impermeable area across the site. This will help to reduce the risk of surface water flooding.

5.23 **Archaeology** – There have previously been discussions regarding the potential archaeological requirements for the site, and an archaeological evaluation was carried out on the site at the request of my predecessor. The results of this evaluation suggested that the archaeological potential for the site was mainly confined to the northern part of the area. Although there is the potential for archaeology to survive, there is unlikely to be anything on the site that will require

preservation in-situ and prove to be an overriding constraint to development. Consequently, the required archaeological works can best be secured by condition. Also, Crabwood House (Grade II Listed) will also need recording before conversion into flats. Should planning consent be granted for the site, I would recommend that the conditions be attached.

5.24 **Southern Water** – No objections.

5.25 **Heritage Conservation**- the proposed new layout (of Crabwood House) is far more sympathetic to the building. The retention of the fireplaces is especially welcome. There will still be a requirement for archaeological recording during the works, but this *should* be confined to a Watching Brief during demolition.

6.0 Planning Consideration Key Issues

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

6.2 Principle of Development

The principle of developing this area of the site has already been established with the outline consent 07/01700/OUT.

6.3 Design (Policy CS13 / Residential Design Guide)

6.3.1 The layout of the development follows the principles established at the outline stage with a hierarchy of street patterns and character area worked around a central area of open space and the 'bund' to the rear. The scheme needs to comply with the design requirements of policies SDP10 to SDP12 to provide an attractive landscaping setting appropriate to its context, be safe and secure, and accessible to and from the surrounding area for all pedestrians including people with mobility and sensory difficulties.

6.3.2 The scale, proportions and heights of buildings have also been generally reduced across the site with the majority of units at 2, 2.5 and 3 storey height.

6.3.3 The design is considered to be a good quality development which complies with the provisions of SDP 6 to SDP 9 with regards to scale, massing and appearance. The proposals are considered to be appropriate and responsive to the established character of the surrounding area (SDP9 and CS13).

6.3.4 Housing Mix and Type (Policy CS16)

The proposals include for 50% family homes as part of the development. This significantly exceeds the development plan policy target (and is in line with paragraph 5.2.10 where in lower density areas a higher percentage of family homes could be appropriate). This is to be welcomed and supported.

6.3.5 Density (Policy CS5)

Policy CS5 sets out what density targets housing development should provide in

an area of low accessibility such as this (PTAL band 2). The proposals provide a lower density solution that previously approved at the outline stage and accord with the density requirements set out in CS5. With the removal of minimum densities from PPS3 which has been carried through into the National Planning Policy Framework this is also a material consideration. However, a lower density would not achieve the balance between delivering new housing and make most efficient use of the site and respecting the character of the area.

6.3.6 Impact on Surrounding residential amenity (SDP1, H7/ CS13)

The site at the present time is mainly hard surfaced open car parking and therefore its development with houses and flats will have an impact on immediate neighbours.

6.3.7 The layout responds to the adjoining housing schemes in Kern Close, Watts Close and Cowley Close which comprise mainly two with some three storey development in terms of building heights, window positions, boundary treatment and landscaping to ensure the impact that does occur will not be harmful.

6.3.8 The majority of the trees along the boundary of the site are to be retained (more are to be retained than on the original outline scheme) and additional planting undertaken.

6.3.9 The existing 'bund' is retained and acts as a screen to those properties in Cowley Close to the west of the site.

6.3.10 Parking (Policies LPR SDP5 / CS19)

It is noted that the proposed number of parking spaces is within the maximum standards set out in the council's Parking Standards SPD. The Highways team have confirmed that they are satisfied with the level of parking provision for the residents will be suitable without causing a detrimental impact on highway safety. The proposal provides a ration of 1.2 spaces per unit compared to 0.9 spaces on the outline scheme.

6.3.11 Affordable Housing (Policy CS15)

The CS15 affordable housing target is 35% but the previous outline permission was able to offer 25% affordable units. The council must be satisfied that the viability report provides robust evidence to justify provision of affordable housing at 25%. This matter is dealt with in the recommendation section of the report which delegates the agreed percentage of Affordable Housing on conclusion of the viability assessment.

6.3.12 Open Space and Trees (Policies LPR CLT5 / CS21)

The quantity and quality of the private and public amenity space provided meets the requirements of paragraph 2.3.14 and section 4 of the RDG.

6.3.13 The area of open space adjacent to Crabwood House is around 0.4 ha and the bund to the south-west part of the site appears to have a useable amenity area of about 0.25 ha. The top of the bund area is considered suitable as useable open space and the private amenity space standards are met. The proposal is broadly in line with the development plan.

- 6.3.14 There is no objection to the proposed configuration/layout of open space on site.
- 6.3.15 The loss of trees follows the principles established at outline stage and does result in three important trees being lost. However, the scheme retains more trees than was previously shown and includes additional tree planting which has been agreed with the landscape design and tree officers.

7.0 Summary

- 7.1 The principle of residential development on this area of the former OS site has been established. This application seeks to reduce the original number of units proposed from 306 to 193 and in doing so seeks to deliver a scheme with emphasis on the delivery of family housing.
- 7.2 Appropriate connections are made to ensure a joined up scheme with later phases of development on the OS site.
- 7.3 The off-site highway works are being carried out to the specification previously agreed for the higher density scheme and therefore road capacity has been accounted for and highway safety will not be prejudiced. The ratio of parking spaces to number of units has been increased.
- 7.4 The scheme includes two areas of useable open space; a children's play area and includes management of habitat for protected species.
- 7.5 The layout ensures each residential unit has access to refuse and cycle storage and that collection points are appropriately located.
- 7.6 The scheme has been submitted with significant detailing to all aspects and performance conditions have been imposed to ensure the scheme is carried out in accordance with those negotiated details.

8.0 Conclusion

- 8.1 The proposals are acceptable and are supported.

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

1 (a), (b), (c), (d), 2 (b), (c), (d), 4 (f), (g), (i), (k), (vv), 5 (e), 6 (c), (f), 7 (a), 8 (a), (i), (j), 9 (a), (b)

AA for 17/04/2012 PROW Panel

PLANNING CONDITIONS

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

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

Reason:

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

02. APPROVAL CONDITION - Materials [Performance Condition]

The materials and finishes to be used for the external walls and roofs in the construction of the buildings hereby permitted shall be in accordance with the details shown on the 'materials plan' drg no A-02-004 Rev P-01 received 9 March 2012.

The approved bricks are: Hanson 'Atherstone' Red and Hanson 'Oakthorpe Red Multi'.

The approved roof tiles are: 'Natural Slate' (to Crabwood House and adjoining 'Wing', Redland 'Cambrian Slate' (Slate Grey), Forticrete 'Gemini' (Sunrise Blend)

The approved render is: Prorend (Rough finish) colour RAL 9003 for all houses and flats other than Crabwood House and adjoining wing; Prorend (Smooth finish) colour RAL 9003 for Crabwood House and adjoining wing.

The bricks for the boundary walls throughout the development must match those on the house to which the wall defines the curtilage.

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 built form of high visual quality and satisfactory visual relationship of the new development to the existing.

03. APPROVAL CONDITION - Window design detail - Performance Condition

All windows shall be designed and constructed so as to achieve a minimum 100mm set back (reveal) when measured from the building facade immediately adjacent to the window to the front edge of the frame of the window.

REASON

In the interests of good quality design.

04. APPROVAL CONDITION - Residential - Permitted Development Restriction [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

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

Class B (roof alteration),

Class D (porch),

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 small private garden and amenity areas provided as part of this development in the interests of the comprehensive development and visual amenities of the area.

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

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

Reason:

To protect the amenities of the adjoining residential properties.

06. APPROVAL CONDITION - Cycle and Refuse Storage - Performance Condition

The cycle and refuse stores to be provided to serve the houses and flats must be provided in a condition ready for use prior to first occupation of the unit they are to serve and thereafter retained and maintained for that purpose.

With the exception of for purposes of collection on collection day all bins must kept within the allocated refuse store area(s).

REASON: To ensure appropriate facilities are provided for the benefit of future occupiers and in the interests of visual amenity.

07. APPROVAL CONDITION - Landscaping - Performance Condition

All hard and soft landscaping including parking spaces, parking courtyards and other private hard surfaced areas; new planting, including tree planting, tree protection and tree works; must be undertaken in accordance with the following plans:

Landscape Masterplan Plan (doc ref JSL 1870_810A) and accompanying plan Drg 100 Rev C.

Soft Landscape Specification (doc ref JSL 1870)

Tree Survey Report (doc ref 1870)

Arboricultural Method Statement (doc ref JSL 1870)

Softwork Layout(s) (sheet 1 of 3) Drg 501 Rev A, (sheet 2 of 3) Drg 502 Rev A, (sheet 3 or 3) Drg 503 Rev A.

Tree and Shrub 'palette' Doc ref JSL 1870-550 Rev B dated February 2012.

Tree Protection and Arboricultural Method Statement Plan Drg No 701 Rev C

Tree Pit in hard paved area Drg No 401

All planting must be undertaken within the first planting season following first implementation of the that phase of development within which the landscaping is to be implemented OR prior to the occupation of any units with that phase or sub-phase as may be subsequently agreed with the Local Planning Authority in writing.

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 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.

08. APPROVAL CONDITION - Boundary Treatment and Means of Enclosure - Performance Condition

All boundary treatment and means of enclosure shall be undertaken in accordance with the following plans and documents:

Enclosures and Street Furniture Drg 101 Rev B
Enclosures Details Drg 402 Rev A.

All boundary treatment, including means of enclosure separating gardens (not shown in the above documents and plans) must be provided prior to first occupation of any of the units within the phase or sub-phase of the development to which they relate.

REASON

In the interests of amenity, security and the character of the area.

09. APPROVAL PLAN - Bio-diversity - Performance Condition

All works undertaken on the site, including to Crabwood House, tree works and habitat management must be carried in accordance with the recommendations and conclusion set out in Section 5 of the Biodiversity Survey and the management prescription for the Bund set out in Section 6 of the Biodiversity Survey.

Prior to first occupation of any units within phase one of the development (as defined on the approved phasing plan) a minimum of 5 Bat boxes shall be provided and fitted to retained parkland trees in accordance with details first agreed by the Councils ecologist.

Prior to first occupation of units C1 and D1 within Phase 2 of the development Bat boxes shall be fitted to the flank elevations of those units (facing the bund) in accordance with details first agreed by the Councils ecologist.

REASON

To ensure appropriate measure are taken to protect and enhance habitat for protected species on the site.

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

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

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

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

And at no time on Sundays and recognised public holidays.

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

Reason:

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

11. APPROVAL CONDITION - Amenity Space Provision and Access - (Performance Condition]

The external amenity space serving the units of the development hereby approved, and access to it, shall be properly laid out and made available prior to the first occupation of the unit to which it is to serve

In the case of communal space serving flats, the amenity area shall be laid out and made available use prior to first occupation of any of the flats it is to serve and shall thereafter be retained with access to it at all times for the use of the occupants of all flat units to which it is serve.

REASON:

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

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

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

Reason:

To ensure that sufficient off-street car parking is available in the interests of highway safety and to protect residential amenity.

13. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

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

Reason:

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

14. APPROVAL CONDITION - Use of uncontaminated soils and fill [Performance Condition]

Clean, uncontaminated soil, subsoil, rock, aggregate, brick rubble, crushed concrete and ceramic shall only be permitted for infilling and landscaping on the site. Any such materials imported on to the site must be accompanied by documentation to validate their quality and be submitted to the Local Planning Authority for approval prior to the occupancy of any unit on that phase or sub-phase of the site for which such material has been used.

Reason:

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

15. APPROVAL CONDITION - Contractors Compound (Performance Condition)

No commencement of work pertaining to this permission shall be carried out on the site unless and until the approved area for use as a contractors compound within the site (as shown on Drg No 4589:700 Rev A) has been formed and available to accommodate all temporary contractors buildings, plant and storage of materials and vehicles associated with the development. The contractors' compound shall be retained for these purposes throughout the period of work on the site;

Reason:

To avoid undue congestion on the site and consequent obstruction to the access in the interests of road safety.

16. APPROVAL CONDITION - Wheel Cleaning Facilities [Pre-Use Condition]

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

Reason:

In the interests of highway safety.

17. APPROVAL CONDITION – Energy (Pre-Occupation Condition)

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

REASON:

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

18. APPROVAL CONDITION - Code for Sustainable Homes - Residential Development [Pre-Occupation Condition]

Written documentary evidence demonstrating that the development will achieve at minimum Level 3 of the Code for Sustainable Homes, shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of any of the units on the development hereby granted, unless an otherwise agreed timeframe is agreed in writing by the LPA. The evidence shall take the form of a post construction certificate as issued by a legitimate Code For Sustainable Homes certification body.

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).

19. APPROVAL CONDITION - Connections to adjacent developments - Performance Condition

The sections of boundary treatment coloured yellow on the approved means of enclosure plan which are to be provided on a temporary basis at those sections of the boundary which are designed and approved to form linking routes to adjacent development and shall be removed so as to enable those links and routes to be permanently opened and used without obstruction on completion of the adjacent development.

REASON

To ensure that the comprehensive re-development of the site provides the appropriate and necessary integration and permeability required to serve the area.

20. APPROVAL CONDITION - Flood Risk Mitigation - Performance Condition

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) ref: CP/11/0721, by MJA Consulting and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the 1 in 100 year critical storm 30% climate change allowance so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
2. Implementation of the SuDS techniques as detailed in section 6.3 of the FRA.
3. Finished floor levels are set no lower than 150mm above the surrounding ground levels as detailed in section 5.8 of the FRA.

REASON

To prevent flooding by ensuring satisfactory storage/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

21. APPROVAL CONDITION - Construction traffic access/ egress arrangements (Pre-Commencement Condition)

Prior to works commencing on the site details of the means of access for vehicles associated with construction (and demolition) of the structures on the site shall be submitted to and agreed with the Local Planning Authority.

Reason:

In order to protect the residential amenity of nearby properties

22. APPROVAL CONDITION - Temporary Screen During Construction [Pre-occupation of phase 1 and Performance Condition]

Prior to first occupation of any unit on Phase 1 details of the height, alignment, materials and finished treatment of a temporary screen to be erected so as to separate the Phase 1 and Phase 2 and to be maintained throughout the construction phase shall be submitted to and agreed in writing by the Local Planning Authority. Details of the height, alignment, materials and finished treatment of a temporary screen to be erected, so as to separate the 'sub' areas of Phase 2 prior to occupation of any unit within a completed 'sub-area' shall similarly be submitted to and agreed in writing by the Local Planning Authority.

Reason

In the interests of the visual amenities of the adjoining residents and the character of the area.

23. APPROVAL CONDITION - Sightlines specification [Pre-occupation and Performance Condition]

Sight lines of 2.4m by 70m measured at the kerbline shall be provided before the first occupation of any unit on the development hereby approved and notwithstanding the provisions of the Town and Country Planning General Development Order 1995 no fences walls or other means of enclosure including hedges shrubs or other vertical structures shall be erected above a height of 0.6m above carriageway level within the sight line splays

Reason

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

24. APPROVAL CONDITION - Stopping up existing access [Performance Condition]

Any redundant access to the site shall be stopped up and abandoned and the footway, and verge crossings and kerbs shall be reinstated before the development is brought into use.

Reason:

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

25. APPROVAL CONDITION - Glazing - soundproofing from external traffic noise [Performance Condition]

All units on Phase 1 shall be constructed to provide appropriate mitigation from traffic noise from Romsey Road.

Unless otherwise agreed in writing, that scheme shall specify either:- Outer pane of glass - 10mm

Air gap between panes - 12mm

Inner pane of glass - 6 mm

or, with secondary glazing with a -
Outer pane of glass - 6mm
Air gap between panes - 100mm
Inner pane of glass - 6.4 mm

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

Reason:

In order to protect occupiers of the flats from traffic noise

26. APPROVAL CONDITION - Structural Stability Measures [Phase 2 Pre-Commencement Condition]

Prior to any works on Phase 2 which would impact on the base of the bund including excavation and foundation design or new retaining walls designed to protect and maintain the stability of the bund shall be approved in writing before the development hereby permitted commences and such structures shall be permanently maintained for that purpose.

Reason:

To ensure the structural stability of the bund is not compromised as a result of the development.

27. APPROVAL CONDITION - Restriction on the use of the bund (Pre-commencement condition)

Prior to commencement of any development relating to Phase 2 details of the management of the bund in terms of security and access shall be submitted to and be approved in writing by the Local Planning Authority. These details shall include timings of use and details of how the area is going to be secured outside hours of access. The approved scheme shall be carried out in accordance with these details.

Reason

To ensure that these facilities are available to serve occupants and the public.

28. APPROVAL CONDITION - Provision of Open Space/Play Space (Pre-occupation condition)

Unless a different timescale is first agreed in writing by the Local Planning none of the residential units in Phase 1 hereby permitted shall be occupied until such time as the rights of way, areas of open space and children's play space shown within that phase on the approved 'phasing plan and rights of way plan' received 19 March 2012 have been made ready and available for use as public open space.

The rights of way and access to the bund to be provided within Phase 2 of the development shall be made available as routes and public open space on completion of 'sub-area' Area D of Phase 2 of the development or first occupation of any of the units within that phase, whichever is the sooner.

Reason

To ensure that the these facilities are available to serve occupants of units hereby approved and the public.

29. APPROVAL CONDITION – Archaeological investigation [Pre-Commencement Condition]

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

Reason:

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

30. APPROVAL CONDITION – Archaeological building-recording [Crabwood House Pre-Commencement Condition]

No development shall take place within Crabwood House until the implementation of a programme of archaeological building recording 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 recording of the building is initiated at an appropriate point in development process.

31. APPROVAL CONDITION – Archaeological work programme [Performance Condition]

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

Reason: To ensure that the archaeological investigation is completed.

32. APPROVAL CONDITION - Parking Allocation (Performance condition)

No more than 1 space per residential unit shall be allocated to any one residential unit. All additional parking shall remain as casual visitor parking. No on highway parking shall be allocated for individual use or to a specific unit.

Reason

To ensure all those units shown to be provided with parking are allocated parking and to ensure parking for visitors is provided to minimise overspill parking.

33. APPROVAL CONDITION - Construction details of roads - Performance Condition

All roads, pavements, shared surfaces and routes not within individual private plots and the drainage associated with those works shall be constructed to an adoptable standard.

REASON

To ensure the development is served by appropriate infrastructure.

NOTE TO APPLICANT

The detail of construction/drainage etc. and extent of areas for adoption shall be covered by a Section 38 agreement. All works to the public highway to accommodate this work shall be expedited in a timescale to be agreed by the Highways Network Management Team, and/or the Section 38 Engineer.

34. APPROVAL CONDITION - Access from Cowley Close - Performance Condition

Vehicular access to and from the site via Cowley Close shall be limited plots A-13, A-14, A-15, A-16 and A-17 and emergency vehicles only. The final design of the bollards and the layout of the section of route preventing through traffic shall be agreed in writing prior to any commencement of development within Phase 2 of the scheme and thereafter be retained and maintained so as to prevent through traffic.

REASON

To avoid rat running through the development in the interest of the safety and amenity of future occupiers.

35. APPROVAL CONDITION - Approved Plans

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

Reason:

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

Informatives:

Note to Applicant - Performance Conditions

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

S.106 Legal Agreement Informative

A Section 106 agreement relates to this site which includes a requirement for contributions towards: affordable housing, public art, public realm, open space, play space, bio-diversity, phasing, site specific and strategic highways. A full copy of the S106 legal agreement is available on the Public Register held at Southampton City Council.

Southern Water – Water Supply - Informative

A formal application for connection to the water supply is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39a Southgate Street, Winchester (Tel. 01962 858600).

Southern Water – Sewers - Informative

The applicant should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Atkins Ltd, Anglo St James House, 39a Southgate Street, Winchester, SO23 9EH (tel. 01962 858600).

Cranes

The applicant's attention is drawn to the requirement within the British Standard Code of Practice for the safe use of cranes for operators to first consult the aerodrome as suggested by BAA in their response to this planning application

Note to Applicant - Pre-Commencement Conditions

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

POLICY CONTEXTCore Strategy - (January 2010)

CS4	Housing Delivery
CS6	Housing Density
CS7	Safeguarding Employment Sites
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk
CS24	Access to Jobs
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP15	Air Quality
SDP16	Noise
NE4	Protected Species
HE3	Listed Buildings
HE6	Archaeological Remains
CLT1	Location of Development
CLT3	Protection of Open Spaces
CLT5	Open Space in New Residential Developments
CLT6	Provision of Children's Play Areas
CLT7	Provision of New Public Open Space
H1	Housing Supply
H2	Previously Developed Land
H3	Special Housing Need
H5	Conversion to residential Use
H6	Housing Retention
H7	The Residential Environment
TI2	Vehicular Access

Supplementary Planning Guidance

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

Other Relevant Guidance

The National Planning Policy Framework March 2012

It should be noted that this document replaced all the following that were considered at pre-application, post submission and initial assessment stages of this planning application

PPS1 Delivering Sustainable Development (February 2005)
Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 (December 2007)
Planning Policy Statement: Eco-towns - Supplement to Planning Policy Statement 1 (July 2009)
PPS3 Housing (November 2006)
PPS5 Planning Policy Statement 5: Planning for the Historic Environment (March 2010)
PPS9 Biodiversity and Geological Conservation (August 2005)
PPG13 Transport (April 2001)
PPG15 Planning and the Historic Environment (September 1994)
PPG16 Archaeology and Planning (November 1990) PPG17 Planning for Open Space, Sport and Recreation (July 2002)
PPS22 Renewable Energy (August 2004)
PPS23 Planning and Pollution Control (November 2004)
PPG24 Planning and Noise (October 1994)
PPS 25 Development and Flood Risk (December 2006)

APPLICATION TYPE: Outline Application
APPLICATION NO: 07/01700/OUT
APPLICANT: Kier Property Developments Ltd.
AGENT: David Maddox
SITE ADDRESS: Ordnance Survey, Romsey Road
PROPOSAL: Redevelopment of the site to provide a mixed use scheme comprising refurbishment and extension to Compass House for business use (class B1); a new business enterprise centre (class B1); new light/general industrial unit (class B1/B2); new retail and food and drink use (classes A1, A3, A4 & A5); new nursing home/clinic/surgery (class C2/D1), open space and 495 residential units (361 flats and 134 houses) – Outline Application seeking approval for layout and access. (Departure) (Major Application)

RECOMMENDATION:

Delegate the Development Control Manager to grant conditional planning approval subject to:-

1. The Secretary of State not requiring the application to be called-in for determination.
2. Amendments to the layout of the eastern sector to ensure the provision of continuous cycle and pedestrian route(s) to adoptable standards.
3. The applicant entering into a Section 106 Legal Agreement to secure:
 - i. Either a financial contribution towards site specific transport contributions for highway and pedestrian facility improvements in the vicinity of the site or provision to implement an agreed series of works under S.278 of the Highways Act in line with policies SDP3, SDP4 and IMP1 of the City of Southampton Local Plan Review (March 2006) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
 - ii. Strategic Highway contributions
 - iii. Provision of affordable housing in accordance with policies H9, H10 & H11 of the Local Plan
 - iv. Provision of Public Open Space in accordance with policy CLT 5
 - v. Provision of on site Children's Play Space and contributions towards improvements to existing off site children's play space
 - vi. The submission, approval and implementation of public art that is consistent with the Council's Public Art 'Art People Places' Strategy
 - vii. The submission, approval and implementation of a Green Travel Plan (GTP) to address the impact of the parking provision so that it can be assessed along with the transport needs of the development
 - viii. A commitment to local labour and employment initiatives both during the construction phase and post completion;

- ix. The submission of a highway condition survey prior to the demolition of the existing buildings and its subsequent reinstatement;
- x. The funding of any Traffic Regulation Orders required for the above measures and to enable the development to be implemented.
- xi. A Phasing agreement

OR

- 2. That the DC Manager be authorised to refuse permission if the Section 106 Agreement has not been completed within a reasonable time period of the resolution to grant permission on the grounds of failure to secure the provisions of the Section 106 Agreement.

REPORT

BACKGROUND

Ordnance Survey (OS) is an executive agency of the United Kingdom government. It is the national mapping agency for Great Britain, and one of the world's largest producers of maps. It currently employs around 1100 staff at the Romsey Road site.

Ordnance Survey has a long history in Southampton. Having originally been based at the Tower of London, a serious fire resulted in its relocation to a site at the north end of London Road in the late 19th Century. After the Second World War OS moved to the current site in Romsey Road which at the time was used mainly as allotments but included the existing listed building 'Crabwood House'.

The current headquarter buildings date back to the early 1960's and the existing bund on the western boundary is a legacy of the earth moving required to develop the site.

Over the years the site has been the subject of change, in particular in the late 1980's with new housing development on parts of the northern and western area of the original site (now Cowley, Kern and Watts Close).

A number of ancillary buildings have also been removed to increase the amount of car-parking on the site.

Ordnance Survey consider the existing buildings on the site no longer suitable to meet their modern day requirements and has recently gained planning consent to relocate to a site just beyond the Southampton City boundary at Adanac Park. Their new site is 1500m to the north west of the existing site close to the junction of the M271 and Brownhill Way and within 400m of the City boundary

SITE AND SURROUNDS

The site is located along the south-western edge of Romsey Road at the brow of a hill when approaching from Shirley Town centre which is 1.5km away. It is 4.5km from the City centre.

At 9.7ha. in area it currently comprises a total of 51,400sqm of floorspace, the majority of

which is housed within four main buildings of between 4 and 6 storeys in height. There are currently 1030 parking spaces available. A significant proportion of the site (over 70%) is currently either building footprint or hard-surface car parking. Only a small percentage is green and permeable.

There are currently 3 vehicle access points. Two main access points from Romsey Road and Wimpson Lane with a third very limited access to a temporary car park from Cowley Close.

In the region of 2000 people are employed at the site, consisting of 1100 by OS and a further 900 by HM Customs & Excise and Mearsk whom occupy, and will continue to occupy Compass House; a four storey office building centrally located along the Romsey Road frontage.

One of the key features of the site are the protected trees particularly in the western sector, which form a landscape frontage to Romsey Road and an attractive backdrop to Crabwood House (listed building) and Compass House. However, many of these trees are currently surrounded by parking and hard-standing as is the two storey listed building.

There is a gradual change in levels across the site which is greater than first perceived due to the large site area. The levels fall from north-east to south-west towards the most obvious landscape feature of the site. The 'artificial' bund was created from spoil during the original development of the site and now acts as a landscape screen and backdrop between the site and the adjacent houses built in the 1980's. The bund has access to a level area at the summit and has protected species on it's slopes.

The surroundings are almost wholly residential in character. The older, traditional two storey housing along the North-east side of Romsey Road faces the site, whilst similar scale and aged houses in Maybush Lane back onto the site along the southern boundary.

To the north and west are the more modern housing estate properties comprising Cowley Close, Watt's Close and Kern Close.

There are a small number of retail units and local services located at the junction of Romsey Road and Rownhams Road. Millbrook Community School is located nearby to the north of the site off Green Lane.

It is recognised that the site falls within one of the City's priority neighbourhood renewal areas within which the Council is actively seeking to improve the opportunities for employment, housing, affordable housing, services and facilities.

APPLICATION DETAILS

It should be understood that the current planning application is for **Outline** consent only with matters of **layout** and **means of access** for consideration. All other aspects of the scheme (appearance, scale and landscaping) would be for consideration of any future planning application(s).

Key Information:

Site Area	9.7 ha
No. Dwelling Units	495
Type/Size of Unit	130 x one bedroom flats 231 x two bedroom flats

	26 x two bedroom houses 85 x three bedroom houses 23 x four bedroom houses Refurbishment and extension of Compass House (B1) 14,300sqm Business Enterprise Centre (B1) 2,787sqm Light / general industrial unit 7,432sqm Retail and food and drink uses 1,226sqm Nursing home (72 bed) Surgery (Veterinary/doctors surgery/clinic)
Accessibility	Medium
Area Designation	Major Employment site and housing site (north west corner)
Change of Use	B1/B2 to residential-led mixed use

The application is supported by a comprehensive set of documents which are available to be viewed on the Council's web site and include :

Design and Access Statement (amended June 2008)

Transport Assessment

Ecology Report

Tree Report

Daylight and Sunlight Study

Air Quality Assessment

Noise Report

Flood Risk Assessment

Sustainability Statement

Archaeological Evaluation

Geotechnical (ground condition) Report.

The application can be separated into 3 distinct Sectors:

Sector 1 comprises Compass House and is proposed to be 100% commercial/employment in nature.

Sector 2 is the **West Sector**. This area is 100% residential and benefits from Crabwood House (the listed building), the majority of the protected trees and the bund. It is currently used for extensive areas of car-parking.

Sector 3 is the **East Sector**. This area would be a mix of employment and residential uses. At the present time this area is occupied by the existing OS office buildings and car-parking.

Due to the complex logistics of re-locating to new premises each sector will become available for re-development in a managed programme of phasing in the order set out above.

Phase 1 - Sector 1

The application seeks to retain the existing Compass House for office purposes. The principle of further extending the building by increasing it from four to five storeys in height and adding 1,736sq m is sought. This would bring the total floor area to 14,300sq m and enable employment for approximately 900 people with 350 parking spaces provided to serve the building.

Given the current and intended future occupiers of the building (HM Customs) security is

an important aspect of the layout. Secure boundaries are required between this area of the site and the east and west sectors. Conditions will be required to control appearance of means of enclosure.

The existing vehicular access on Romsey Road would be modified to serve Compass House and the residential and retail elements of the east sector rather than the rest of the site as at present. Access control measures, similar to those used at present would be utilised to prevent access to the site by residents and others.

The retention and extension of Compass House is an important element of the overall site as it ensures retention of existing employment on the site and provides the opportunity for additional employment at both construction and occupation stage.

Phase 2 - West Sector

The West sector would comprise:

A new vehicular access from Romsey Road.

306 residential units of which 81 would be houses (26 two-bedroom, 32 three-bedroom, 23 four-bedroom) and 225 flats (85 one-bedroom, 140 two bedroom).

Residential density of 65 dwellings per hectare. (Minimum is 50 dph).

275 parking spaces.

A refurbished and converted listed building (six units)

Creation of a public parkland area incorporating children's play activities.

Retention of the bund to be managed as open space and a bio-diversity area.

Retention of existing protected trees.

Vehicular access from Cowley Close to serve 15 units.

New pedestrian and cycle connections with Cowley Close and Kern Close.

A cycle and pedestrian route connecting to the East Sector.

Phase 3 - East Sector

The East sector would comprise:

Shared vehicular access from Romsey Road for the residential units

189 residential units of which 53 would be houses (all three bed) and 136 flats (45 one-bed, 91 two bed)

Residential density of 70 dwellings per hectare (minimum is 50 dph)

1 226sq m of A1, A3, A4, A5 uses at ground floor level of Block H (4 storey fronting Romsey Road) and Block J (6 storey corner landmark building)

Health/doctors surgery on ground floor of part of block H (4 storey fronting Romsey Road)

72 bed nursing home on upper floors of Block H.

2 787sq m business centre with access from Wimpson Lane

7 432sq m light/general industrial unit (currently proposed to be the new print works for OS) with access from Wimpson Lane.

Cycle and pedestrian link to west sector.

Central landscaped courtyard for residential occupiers.

KEY ISSUES

Principle of Mixed use development given policy allocation for Employment Uses
Transport and Accessibility, Highway safety and Car Parking
Impact on amenities of existing nearby residents
Quality of layout and impact on local character
Setting of the listed building
Sustainability
Ecology
Flood Risk
Protected Trees

PLANNING POLICY ASSESSMENT

Planning Policy Background

Revised Deposit Local Plan (February 2003)

Policy RE10 of the Revised Deposit Local Plan Revised (RDLP) allocated four sites including Ordnance Survey as Major Employment Sites which were of importance to the city economy. The supporting text stated that these were home to international companies and provided significant employment opportunities. Therefore, should they come forward for redevelopment during the lifetime of the plan, they would be subject to comprehensive redevelopment for employment-led mixed use development. If part of the Ordnance Survey site came forward for redevelopment, the supporting text stated that planning permission would only be granted for light industrial, research and development and ancillary office, Class B1 (a), (b) and (c).

Inspector report (February 2005)

The Inspectors report into objections to the RDLP was received in February 2005. This set out her considerations of the objections received on the RDLP at the Public Local Plan Inquiry into the plan and recommended changes. Following the receipt of the Inspectors Report the council responded to the recommendations and published Proposed Modifications to the plan. The Local Plan Review was adopted in March 2006.

The Inspector recommended deleting the allocation of Ordnance Survey as a Major Employment site in policy RE10 (ii) and in the supporting text. This was in response to concerns about the poor accessibility of the site. The Inspector did not agree that a mixed use scheme would necessarily be a suitable long term prospect for the site with or without employment uses.

The city council did not accept the Inspectors reasoning on the deletion of Ordnance Survey for major employment and addressed the issue of accessibility. It stated that accessibility could be improved by redevelopment (through the use of a Travel Plan); it was higher than peripheral employment sites outside the city boundary and higher than initially thought (medium instead of low accessibility). The city council also argued that the site was well positioned to offer local employment opportunities for Millbrook (a deprived area in the city), it was one of the few large B1 sites in the city and the deletion is premature before an assessment of industrial sites was carried out.

Adopted Local Plan Review (March 2006)

The Adopted Local Plan Review (March 2006) retained the Ordnance Survey allocation as

a Major Employment Site in policy REI 9 (iv). Part of the Ordnance Survey site (0.75 Ha) is already allocated for residential development in policy H1, the rest is allocated for light industrial, research and development and ancillary office uses. Due to these allocations, redevelopment of the larger site for residential development would be a departure from the Local Plan Review and a strong case must be made that the site is not suitable for employment uses in order to justify this.

Market feasibility studies: King Sturge (August 2006) & Savills (September 2006)

Proposals were submitted for a mixed use redevelopment of the site following the relocation of Ordnance Survey to Adanac Park with residential uses as the dominant land use. These proposals were accompanied by a report by King Sturge on the site's suitability for employment development which concluded that this site is not a prime employment site.

In response to the King Sturge report, Southampton City Council instructed Savills to consider its findings and provide advice on market feasibility for employment development on this site. Savills agreed that the conclusions of the King Sturge report were sound and based on robust arguments. Whilst there were differences in points of detail between the two consultants the conclusions are consistent and as follows:

- There is a healthy demand for and a strong supply of appropriately located employment accommodation and sites to meet the needs of potential occupiers for the foreseeable future.
- The site fails to meet any of the criteria that occupiers, developers and funding institutions would apply in assessing the site's potential
- The proximity of residential uses surrounding the site makes it inappropriate for warehousing, general industrial purposes or large scale light industrial uses
- It is not an established industrial area and has poor road links both in the immediate vicinity and to the motorway network
- The site is unsuitable for offices as it does not provide adequate local amenities for staff, is not readily accessible by public transport, and lacks prominence
- There is potential for small scale light industrial and office development that meets the needs of the local market in this part of Southampton

Conclusion

Following the findings of the above reports on market feasibility, the principle of a predominantly residential led mixed use redevelopment on this site is accepted. As this site is not within a designated local centre in the Local Plan Review, the retail development proposed should be provided in units not exceeding 750 sqm.

Departure

The majority of the site is currently designated for employment uses REI 9. As the proposals seek a mixed use redevelopment this represents a departure from the adopted local plan. The application has therefore been advertised as a departure and must be referred to the Secretary of State for consideration.

Environmental Impact Assessment

Given the scale of development proposed, a Screening Request was made by the applicants in accordance with the requirements as set out in the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The Local Planning Authority issued its Screening Opinion on 18 February 2008 that an EIA would not be required in this instance.

Planning Policy Guidance PPG4 – Industrial & Commercial Development (1992)

PPG4 encourages new commercial development in areas which minimise the length and number of trips and which is supported by public transport.

PPS 6 Sequential Test (Planning for Town Centres)

This document promotes vitality and viability of centres and identifies retail and office uses as typically town centre uses to which key criteria should be applied in terms of site selection.

The Local Planning Authority have given advice that there would be no requirement to apply the sequential test approach to site selection in this case as the site is currently occupied by and specifically allocated for employment led uses. Furthermore the identified retail units are less than the threshold figure of 750sq m.

It coming to this view regard was had to need, appropriate scale, the assessment and availability of other sites, the impact on existing centres and the sites accessibility.

It is considered that the development proposals satisfy these criteria.

Planning Policy Guidance PPG13 - Transport (2001)

The Government is committed to reducing the need to travel by the private car as part of an integrated transport policy. Land use planning has a key role to play in delivering this strategy. PPG13 explains that by *“influencing the location, scale, density, design and mix of land uses, planning can help to reduce the need to travel”*.

One element of this approach is the implementation of maximum car parking standards, as set out at Policy SDP5 and Appendix 1 of the adopted City of Southampton Local Plan Review (2006).

A further element is the improvement to existing or provision of new facilities that encourage other modes of transport than the private car including bus stops, cycle routes and pedestrian permeability.

These principles have been adopted and enshrined within the proposals.

Summary

The housing provision on the western sector is located around the listed Crabwood House (to the west of Compass House). The proposals involve two perimeter blocks to the north east and south west of Crabwood House. The frontage provided by the perimeter block along Romsey Road is more in keeping with the style of properties in the area.

The properties to its rear are generally either perimeter blocks or blocks enclosed by the boundary of the site or the existing bund. Careful consideration should be given to the detailed designs of the two blocks of properties closest to Compass House and the light /

general industrial unit to the south of the site to ensure that private space is well defined and is not overlooked to provide some privacy in accordance with the RDG.

There are no objections to the proposals on policy grounds notwithstanding the current site allocation.

A schedule of the relevant national guidance and Local Plan policies is provided at **Appendix 2** of this report.

CONSULTATION AND NOTIFICATION

A publicity exercise in line with department procedures was undertaken, which included written notification to 357 local residents, adjoining businesses, four site notices were posted around the site (01.11.07) and an advert was published in the local press (01.11.07). The application has been advertised as a Departure.

Furthermore, in accordance with the Council's guidance the applicants undertook their own public exhibition in October 2007. A copy of their Statement of Community Engagement forms part of the application submission.

Representations

At the time of writing the Council has received **18** letters of objection. Any further comments will be reported verbally at the Panel meeting. Across the 18 representations 17 broad issues were raised (the numbers in brackets identifies the number of respondents raising the issue):

1. Highway Safety (8)
2. Increase in Traffic (6)
3. Visual Impact (3)
4. Lack of on-site parking (2)
5. Noise disturbance (2)
6. Height of Buildings (4)
7. Concerns about new access fro Kern Close (2)
8. Loss of privacy and disturbance due to use of the bund (1)
9. Whole site should be residential not any commercial (3)
10. More affordable housing units should be provided (1)
11. Should be more houses and less flats (2)
12. No new retail should be provided as it will impact on exsiting local shops (2)
13. The vehicular access off Cowley Close should be deleted (1)
13. Dispute over boundary line along north-west boundary (Kern Close) (1)
14. Over-shadowing and loss of light (1)
15. Over-development (1)
16. Customs and Excise should re-locate closer to the docks area. (1)

It can be seen that the majority of objections and concerns raised relate to highway safety, and the increase in traffic as a result of the proposals.

Highway Safety and Increase in Traffic

A fully detailed transport assessment has been submitted with the application and the Highways department has been involved with the scheme from the very early on in per-application discussions.

There will be an increase in trip generation across the site as a result of the proposals notwithstanding a significant reduction in car-parking numbers on the site. In total it is predicted that an additional 38 vehicle trips will be generated in the morning peak period compared to existing with a reduction of 90 vehicles entering the site during the same period. In the evening period an additional 168 movements entering the site will be generated and a reduction of 38 vehicles leaving the site.

A comprehensive package of off-site highway improvements are proposed along Romsey Road and Wimpson Lane in addition to the creation of a new vehicular access in Romsey Road to serve the west sector housing area to manage and control vehicles entering and leaving the site and to avoid significant increases in congestion at peak times.

Highway Officers confirm that the proposals are acceptable on highway safety and capacity grounds.

Lack of On-site Parking

A total of 974 parking spaces are provided across the site. 350 for Compass House as at present, 275 to serve 306 units in the west sector, 189 to serve the 189 units in east sector, 53 to serve the commercial/retail, 30 to serve the nursing home and 87 for the industrial unit (print works). This compares to the 1030 parking spaces on site at present.

This level of parking in a medium accessibility area is above the maximum normally allowed. Regard has been had to the fact that part of the western sector is within low accessibility which allows scope to increase the parking ratio. Regard has also been made to the nature of the surrounding road network and the need to limit the potential of over-spill parking.

The figure reached is considered to be reasonable balance to serve the development and also prevents the parkland setting of the western sector from being dominated by cars.

Visual impact and building heights causing over-shadowing / loss of light

The residential blocks along the northern boundary with Watts Close and Kern Close are restricted to 2 and 3 storey heights (indicatively). This will ensure no significant or harmful loss of light or over-shadowing occurs given the proposed alignment (end wall on) and layout of the proposed units. However, it should be noted that matters of scale and height/massing and appearance are reserved.

Noise Disturbance

Overall, surrounding occupiers will be aware of noise and disturbance during a what will be a lengthy and phased re-development period. Conditions can be imposed during the preparation and construction phases to mitigate this impact.

On occupation, there is likely to be greater activity associated with residential use than at present, including cars, lights, and general domestic noise. These are all aspects of day to day behaviour. To introduce residential activity into a residential area alongside employment and other uses is not unreasonable and whilst it will alter the current environment it is not considered it will cause harm.

Access from Kern Close

The cycle and pedestrian route proposed to connect the site with Kern Close is essential

to integrate the surrounding residential areas and provide safe and convenient access to the open space/play space and proposed facilities without having to walk (or drive) around the whole perimeter of the site as at present. More linking routes were sought but were unable to be delivered due to land ownership issues.

Loss of privacy and disturbance due to use of the bund

The use of the bund for open space is an important aspect of the scheme but it is recognised that access needs to be controlled to daylight hours to avoid undue disturbance and loss of privacy

Whole site should be residential

The site is allocated for employment use. Whilst a case can be made for a mixed use scheme to benefit the wider community, a significant element of employment led uses is essential to creating a sustainable neighbourhood. A re-development for just residential use cannot be justified.

More Houses should be provided and less flats

An appropriate mix of unit sizes and types is provided across the site. The family housing element is between 25 - 30% whilst one bed units only comprise 15% of the total number of units.

More affordable housing should be provided

The affordable housing percentage is the maximum able to be secured under current policies. The delivery of 124 units including family housing will be of significant benefit for those in housing need in this area.

No new retail as this will impact upon existing local businesses

The retail units will be of less than 750m sq per unit and therefore no sequential approach is required. It is important to ensure local communities are sustained by a range of uses and services. The provision of retail units within a scheme of this scale will be of benefit to the wider neighbourhood.

The vehicular access from Cowley Close should be deleted

The access from Cowley Close will only serve 15 residential units and will not result in significant increases in traffic using the Close or Green Lane. Appropriate controls within the site and design measures will ensure no vehicles can travel from Cowley Close through the site. Full access will be limited to pedestrians and cyclists bringing similar benefits to the new link in Kern Close for local residents.

Boundary Dispute at rear of Kern Close

This is not a matter for planning control. The applicants have been made aware of the representation but are satisfied that the correct re-line application area and accompanying ownership certificates have been served.

Over-development

The residential densities across the site range from 65dph to 70dph. For a medium accessibility area this is not excessive and not significantly above the minimum 50dph required to avoid a call in for under-development on sites of over 1ha. The site provides more than the minimum area of open space and above the maximum level parking without detracting from the character of the layout. Building heights are considered appropriate and respect both the large scale of the site and its current buildings together with the scale of surrounding housing. The proposals exhibit no features normally associated with over-development.

HM Customs should be made to re-locate

HM Customs are a long standing occupant of the site and their decision to remain is welcomed in terms of employment opportunities in the local area

Consultations

Conservation Officer - Supportive of the improved setting for the listed building, the rationalisation of parking in front of the listed building and the new road alignment which creates greater sense of open space alongside Crabwood House.

Archaeologist – The site lies within an area of archaeological importance as defined by Local Plan Policy HE6. The archaeological report is noted and no objection is raised subject to the attached planning conditions.

Ecologist – Supports and welcomes the retention of the bund and important trees on the site. The path around the base of the rear of the bund should not have public access but allow entry for maintenance only. The banks of the bund provide habitat for protected species and should be the subject of a detailed management plan and contributions towards future maintenance once adopted.

Sustainability - In accordance with adopted Local Plan Policy SDP13 (Resource Conservation) the applicants have submitted a sustainability assessment as part of their Sustainability Statement. The building will be built to a 'Very Good' BREEAM level, and a feasibility study will consider the potential to link into the City's Combined Heat and Power system (CHP). However, in the event that this is not feasible a free-standing system should be considered to serve the site. A minimum of 10% of energy should be provided from renewables.

Planning conditions and the S.106 legal agreement can be used to secure these agreed targets. The provision of Sustainable Urban Drainage Systems (SUDS) is not possible on this site due to the extensive basement parking level. The Council's Sustainability Officer is supportive of the proposals

City Design – In overall terms is supportive of the proposals. Given this is only an outline scheme for access and layout detailed comments are limited.

However, the **west sector** has been completely re-designed as a result of the detailed negotiations with the City design team. The resultant layout of perimeter blocks within a home-zone streetscape and emphasis on retaining existing natural features provides a distinctive and attractive living environment. The exact alignment of the road surface and the parking layouts should be conditioned within the agreed layout of the building blocks, particularly in the area around Block G and the Listed Building.

Detailed conditions are also required to control the appearance and form of the buildings - in particular the taller blocks (i.e. Block W). The alignment of connecting paths and surface treatment needs to be conditioned to ensure a high quality home-zone approach is delivered.

The **east sector** follows the more formal layout and form of the existing buildings. The 'landmark' building which addresses the road junction is of an appropriate height. Some concern remains to the detailed aspects of car parking under the residential Block K and the layout of the business centre (Block L) with regard to its appearance when viewed from Wimpson Lane. However, these are detailed matters that can be addressed and dealt with at the detailed application stage.

Environmental Health (Contamination) - have raised no objection subject to the use of planning conditions to secure a contaminated land survey (*despite the applicant's detailed submission on this issue*).

Environmental Health (Pollution & Safety) – The site is not likely to have a significant impact on the existing environment in terms of increasing noise levels.

Environmental Health (Air Quality) – No objection raised subject to mitigation measures, such as new cycle and pedestrian routes, to reduce the reliance on the car. Whilst the site is not within a currently identified AQMA it is expected that traffic generation associated with the development will have an impact on the Romsey Road/Winchester Road/Tebourba Way AQMA.

Neighbourhood Renewal Team - supports the application as it will seek to retain some employment uses on the site located within one of the priority neighborhoods of the city.

Given that the area has higher, than the city average, levels of training and economically inactive residents, we consider that this development could potentially assist the area's regeneration by providing jobs and training for local people.

To that end we would like to request, through section 106 agreement:

- That the developer endorses the principle of employing and training local residents and submits an employment and training management plan
- That safe walking and cycling links with the existing public transport network are developed to help maximise the potential for local employment and reduce the pressure to park cars on site and in the existing nearby residential areas.

Public Arts Officer – has been involved on the scheme from pre-application stage. Whilst there are no specific details at this stage agreement has been reached with regard to the level of contribution to be secured in the S106 agreement. A short list of artists to work on the project will be drawn up and the applicants will work with the Public Arts Officer to identify the artist who will work up the public art element of the scheme.

Open Spaces- The areas of open space on the site to be adopted for public use have been agreed and are in excess of the minimum required. These include a parkland setting behind the listed building which benefits from mature trees and will incorporate cycle/pedestrian paths and integrated children's play activities. The top of the bund will also remain accessible to the public, with measures to control hours of access, and be maintained as public open space. This provides a range of different spaces within the site for the benefit of occupiers and the local community. Contributions will be sought towards sports pitch provision off-site.

Children's Play Space- The scale of the scheme would normally require the equivalent provision of two children's play spaces. In negotiation with the open spaces team, the children's play space officer and the city design team the applicants have agreed to provide a range sensory/tactile play activities throughout the open space area rather than the standard fenced off equipment. This is in line with current national guidance and will be the subject of a condition to ensure delivery of a high quality experience for those using the open space.

Highways – have been involved throughout the pre-application stage. A range of off-site improvements has been agreed. The on site layout and parking is acceptable to the highways team notwithstanding parking in excess of the maximum standards. The road layout across the whole site is to an adoptable standard subject to minor changes in the East Sector. The inclusion of a network of cycle and pedestrian routes which also link to adjoining housing areas is fully supported. There are no objections to the proposals on highways grounds.

Housing- 124 affordable units will be provided comprising 35 one bed flats, 58 two bed flats, 6 two bed houses, 19 three bed houses and 6 four bed houses. The Housing team support the proposals which will deliver much needed affordable family homes into the area in addition to smaller units.

Communities & Regeneration – Support this development as it provides much need employment and housing opportunities to this area of the City.

Hampshire Constabulary – note that the application is only at outline stage and will comment in greater detail at either the reserved matters or full application stage. Lighting, natural surveillance, clear demarcation between public and private realm, control of access are all matters for consideration as part of the overall layout.

South East England Regional Assembly (SEERA) - raise no objections. It is stated that the proposals do not conflict with or prejudice Regional Spatial Strategy (RPG9) or policies in the draft South East Plan. SEERA requests the Council be satisfied that the whole site is not required for employment purposes and that an appropriate mix of residential units, including affordable housing is secured. It is also expected that appropriate contributions towards and provision of supporting infrastructure including sustainable transport, renewable energy etc together with mitigation for noise, air quality, drainage and biodiversity will be incorporated into the proposals.

South East England Development Agency (SEEDA) – Supportive of this application and in particular welcome the housing mix, including affordable units, and employment and training opportunities offered by the proposals. The potential for up to 1370 jobs to be provided on the site is a significant contribution to the local economy.

The Environment Agency – The site is within Flood Zone 1 (low risk) and is significantly above the 1:200 year high or medium AOD levels. However, the Environment Agency originally objected to the proposals on the grounds that no definitive calculations relating to surface water drainage had been undertaken.

The applicant has submitted Flood Risk Assessment (FRA) which gives a commitment to the use of SUDS, an increase in the percentage of permeable areas on the site and a net reduction in surface water flows.

On the basis of the FRA the Environment Agency have withdrawn their objection and

requested a number of conditions be imposed.

BAA – No comments received however it is advisable to impose a note or attach planning conditions in relation to bird management and the use of cranes given the height of buildings and the number of blocks proposed.

Southern Water –No objection raised in principle but identify that the applicant will be required to demonstrate that the use of any open systems (e.g. ponds/swales etc) designed to hold surface water and regulate release do not intend or be designed to be linked to the public sewer system.

PLANNING CONSIDERATIONS

The proposed scheme has to be assessed in terms of the **Key Issues** (identified above) together with whether the proposed development is acceptable in terms of the provisions of the Local Plan and the Council's supplementary planning guidance.

Principle of Mixed use development given policy allocation for Employment Uses

The application is a departure from the adopted Local Plan in that it proposes a mixed use development on a site which is specifically allocated for employment uses (REI 10).

The background to the present allocation, including issues raised at the Public Inquiry, and the subsequent market feasibility studies are all set out in the Planning Policy Assessment section of this report. The key independent findings that have been accepted by the Council are that:

- There is a healthy demand for and a strong supply of appropriately located employment accommodation and sites to meet the needs of potential occupiers for the foreseeable future.
- The site fails to meet any of the criteria that occupiers, developers and funding institutions would apply in assessing the site's potential
- The proximity of residential uses surrounding the site makes it inappropriate for warehousing, general industrial purposes or large scale light industrial uses
- It is not an established industrial area and has poor road links both in the immediate vicinity and to the motorway network
- The site is unsuitable for offices as it does not provide adequate local amenities for staff, is not readily accessible by public transport, and lacks prominence
- There is potential for small scale light industrial and office development that meets the needs of the local market in this part of Southampton

Justification therefore exists for a mixed use proposal that delivers both employment opportunities and affordable housing on a scale that is appropriate for the sites location.

The fact that existing employment from the site will remain within the immediate sub-area and therefore continue to benefit the neighborhood should also be a consideration.

The overall impact for the area is a net increase in employment opportunities whilst delivering an appropriate mix of housing on a brownfield site. This would be served by improved highway infrastructure, a new network of cycle and pedestrian routes, a new public park and play space and a range of supporting services and facilities to help achieve a locally sustainable neighbourhood.

Transport and Accessibility, Highway safety and Car Parking

The site is located within a medium accessibility area and is served by public transport

connecting it with Shirley Town centre and the City Centre.

A range of off-site highway improvements are proposed including:

- improvements to the existing junction between Romsey Road, Wimpson Road and Rownhams Road, including a new pedestrian phase.
- a new pedestrian crossing point in Romsey Road opposite the pedestrian entrance to the open space on the west sector.
- widening of Wimpson Lane to enable a left turn lane to be created and relocation of an existing bus-stop.

Contributions are also sought to provide an improved network of off-site cycle routes linking the site to local facilities and Shirley town centre.

The site will have the benefit of four access points rather than the three at present.

The new access into the west sector housing area satisfies the adopted standards of the Council in terms of highway safety. The capacity of Romsey Road sufficient to accommodate the additional trips generated by the scheme.

Existing access points in Romsey Road and Wimpson Lane will be modified and improved.

The on site highway layout has been designed in consultation with City Design team, the councils tree officers, the open space team as well as the Highway Officers. Whilst the exact alignment will be subject to conditions, the layout meets the criteria of a pedestrian priority home-zone layout which respects the open spaces and trees within the development and creates attractive streetscapes. Subject to minor changes in the east sector the layout is designed to be capable of full adoption , including the network of cycle/pedestrian routes.

Car parking is provided in excess of the maximum standards for a medium accessibility zone. Parking is slightly less than one space per unit. All houses have one parking space and all two bedroom flats also have one space per unit. In allowing in excess of the maximum standards regard has been had to the character of the surrounding area and the need to limit over-spill parking in the surrounding network of roads.

Parking for the office accommodation, retail, food and drink uses, business centre and industrial unit are all in accordance with the adopted standards.

Impact on amenities of existing nearby residents

Re-development of the site will clearly impact upon surrounding residential occupiers.

a- With regards to the Western Sector

The retention of the bund along the western boundary of the site will screen residents in Cowley Close from the new building works. The proposed access from Cowley Close is limited to serve 15 units only and will not significantly add to traffic movements through Cowley Close. The use of the bund for open space is an important aspect of the scheme but it is recognised that access needs to be controlled to daylight hours to avoid undue disturbance and loss of privacy. Conditions can control this aspect of the scheme.

Residents in Watts Close and Kern Close who currently look out over large areas of car-parking will be subject to increased visual impact from the new residential blocks. The

layout of the units have been positioned to avoid direct overlooking and the scale of units along the northern boundary of the site adjacent to Kern and Watts Close limited to 2 and 3 storeys in height to minimise their impact and ensure no significant overshadowing. Notwithstanding concerns relating to the proposed cycle/pedestrian link from Kern Close this is an important aspect of the scheme to improve permeability and accessibility throughout the area.

With the exception of the residential blocks (Blocks N and W) in the centre of the site, which are proposed to be 5 storey in height to complement the 5 storey Compass House onto which they back, all other blocks are at 3 storey in height. Only part of Block J at the entrance of the site has 4 storeys to create a balance to the 5 storey Compass House at the centre of the Romsey road frontage and the 6 storey building at the south-eastern corner of the site.

The three storey block fronting Romsey Road (Blocks L, M and Y) are of an appropriate scale given to site area the scale of existing building on the site presently. City Design encouraged additional storey heights in this location; however, the applicant felt this would not respect the character or scale of the houses on the opposite side of Romsey Road. the scale and height of the buildings indicated, whilst not for formal consideration at this stage, would not cause harm to the amenity of existing residents. It is noted that the rear of this perimeter block (Block K) is 2 storeys to respect the setting of the adjacent listed building.

b -With regards Compass House

The impact on nearby residents will not be significantly greater than existing. An additional storey height is proposed and will be the subject of a full application.

c -With regards the Eastern Sector

An existing 6 storey 1960's office block will be replaced by a perimeter block comprising 3 and 4 storey elements. The visual impact on the residents of Wimpson Lane who back on to this section of the site will therefore be reduced. Again, privacy distances are respected and as the new development is to the north of existing houses at this point, there will be no over-shadowing. The 6 storey landmark building is of much slimmer proportions than buildings currently on the site and is shaped to address the corner without dominating the length of the actual street frontage.

The industrial unit in the south-west corner of the site is intended to be utilised by the Ordnance Survey and maintains an appropriate employment mix on the site. It is noted that there is already a large scale building operated by the OS on this footprint.

Overall, surrounding occupiers will be aware of noise and disturbance during a what will be a lengthy and phased re-development period. Conditions can be imposed during the preparation and construction phases to mitigate this impact.

On occupation, there is likely to be greater activity associated with residential use than at present, including cars, lights, and general domestic noise. These are all aspects of day to day behaviour. To introduce residential activity into a residential area alongside employment and other uses is not unreasonable and whilst it will alter the current environment it is not considered it will cause harm.

Quality of layout and impact on local character

The proposals are outline only, with only the layout of the buildings for consideration at this

stage (in addition to means of access). The layout of the West Sector in particular has been the subject of very detailed and lengthy negotiations involving the City Design Team. The layout now creates the perimeter block and home-zone approach advocated by the Residential Design Guide and Local Plan policies. The layout is supported by the City design team and has careful regard to existing natural features, the setting of the listed building and the privacy and amenity of adjacent occupiers.

At an average density of approximately 65dph across the whole site the development is not excessive nor does it exhibit features of over-development. Open space is provided in excess of minimum standards and parking is provided in excess of maximum standards whilst retaining the existing bund and the important protected trees.

The provision of a landmark building at the junction of Romsey Road and Wimpson Lane will provide a focal point to the new development.

The layout is considered to enhance the visual character of the area and create a good quality living environment with a distinctive sense of place which will be a significant improvement on the existing 1960's office buildings set within a landscape of car-parking.

Setting of the listed building

The listed building is currently surrounded by car-parking. The current layout results in the building now sitting within the open space parkland setting which is fully supported by the Conservation Officer.

Sustainability

As the scheme is outline only, there are no specific energy conservation measures worked up in detail. However, there is a commitment from the applicants for the development to achieve BREEAM rating Very Good and to generate a minimum of 10% of energy needs from renewables. Conditions can be used to ensure delivery of these matters at reserved matters stage.

Ecology

The applicant has liaised closely with the City Ecologist. Whilst the majority of the site has little ecological value the agreement to retain the bund (originally to be removed and developed with housing) and establish a long term management plan for protected species and to encourage bio-diversity is fully supported. Furthermore, additional planting throughout the site and particularly along the boundaries create wildlife corridors

Flood Risk

The Environment Agency have confirmed satisfaction with the Flood Risk Assessment. The applicant has made a commitment to incorporating SUDS to mitigate surface water run off and has demonstrated an increase in landscaped and permeable areas of the site.

Protected Trees

The applicant has worked with the tree officers in negotiations to retain and safeguard the important trees on the site and utilise them as focal points within the development and as part of the formation of the parkland open space. Additional trees are proposed to be planted at a required ratio of two for every tree lost.

Summary

Notwithstanding the current allocation of the site for employment purposes, independent analysis of employment sites undertaken on behalf of the City Council demonstrates the site fails to meet the key criteria for such an allocation on location and accessibility grounds. It is also demonstrated that sufficient brownfield sites exist in the city to accommodate foreseeable employment demand.

Whilst it is a departure from the current local plan allocation, a mixed use scheme including employment and residential uses on the site is not therefore considered to prejudice the Council's ability to deliver employment sites and opportunities.

The existing employer will be relocating 1000 jobs to a site on the edge of the city. This is unlikely to result in the need for staff re-locations and will continue to have economic benefits for the western area of the city in particular. In addition to the existing 900 jobs to be retained at Compass House a further 400 jobs are expected to be created on-site bringing a significant net gain of employment opportunities to the surrounding area. The requirement in the S106 for training and employment, including during the construction stage, will add to these opportunities for local people.

The provision of residential units within a wholly residential area, viewed in context with the economic/employment issues set out in the report, is considered appropriate. The delivery of a range of unit types including much needed affordable family housing is strongly supported at local and regional level.

The application results in a significant reduction in car parking on the site compared to the existing situation. Whilst the mix of units is anticipated to increase the overall number of trips to and from the site there is sufficient capacity on the road network to accommodate this. Off-site highway improvements and new access points will ensure highway safety is not compromised. It is noted that parking is provided a little in excess of the maximum normally allowed for a medium accessibility location. However, regard has been had to ensure minimising the impact of parking in the vicinity of the site.

The scheme creates a network of pedestrian and cycle routes which improve local connectivity and will give safe access for surrounding occupiers through the site to the new public open space and the proposed local services/facilities. At the moment the site acts as a physical barrier requiring people to walk or cycle around and along the busy road network to bus stops and local shops.

The layout of the west sector, with its refurbished listed building, the parkland area of public open space, children's activity areas and the retention of the bund and protected trees will create a quality residential environment with a distinctive sense of place.

CONCLUSION

The application is recommended for delegated approval to the Development Control Manager, subject to the Secretary of State not wishing to have the application called-in and the completion of a Section 106 legal agreement as detailed above.

Corporate Awareness Considerations

The planning assessment made on this planning application proposal has taken into account the relative importance of Council initiatives and corporate aims as considered appropriate to the formulation of the recommendation reached. The current application

proposes a mix of residential and employment led uses with supporting local facilities. In addition it will deliver improvements to existing and provision of new infrastructure.. A minimum of 1300 people will be employed at the site, which is consistent with the Council's wider employment aims and will bring benefits to one of the City's priority neighbourhoods. The scheme will also look at the feasibility of linking into the City's Combined Heat and Power (CHP) system, which again assists the Council in achieving its sustainability agenda. The applicant's have agreed to enter into a S.106 Legal Agreement to mitigate against the scheme's direct impacts, and the current proposal before the Panel has been assessed on its own intrinsic planning merit and is, therefore, subject to the suggested recommendation.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1 (a), (b), (c), 2 (c), 6 (a), (c), (d), (m), 7(a), (c), (k), (o), (v) and 8 (a)
SH for 29-04-08 PROW Panel

Application 08/00149/FUL

POLICY CONTEXT

Although the site is allocated under Policy MSA14 within the City of Southampton Local Plan Review - Adopted Version March 2006, the Plan also contains general policies applicable to this development. This application needs to be assessed in the light of the following local planning policies.

City of Southampton Local Plan Review – Adopted Version (March 2006)

SDP1	Quality of Development
SDP2	Integrating Transport & Development
SDP3	Travel Demands
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP8	Urban Form & Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP15	Air Quality
SDP 16	Noise
SDP22	Contaminated Land
H1	Housing Supply
H2	Previously Developed Land
H3	Special Housing Need
H7	Residential Environment
H8	Housing Density
H9 & 10	Affordable Housing
H11	Location of Affordable Housing
H12	Housing type and Design
RE1	Retail outside existing centres
REI 9	Major Employment Sites
TI 2	Vehicular Access
HE3	Listed Buildings
HE6	Archaeology
CLT5	Open Space
CLT6	Childrens Play Space
CLT1	Location of Development
MSA10	Ordnance Survey (allocated for employment led uses)
IMP1	Provision of Infrastructure

Supplementary Planning Guidance

The following SPG also forms a material consideration in the determination of this planning application: Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - August 2005 as amended November 2006)

Other Relevant Guidance

PPS1	Delivering Sustainable Development (2004)
PPS6	Planning for Town Centres
PPG4	Industrial & Commercial Developments (1992)
PPG13	Transport (2001)
PPS25	Flood Risk (2007)

RECOMMENDATION: S106

CONDITIONS for 07/01700/OUT

00. Reason for Granting Planning Permission

Notwithstanding the application is a departure from the local plan with regard to the loss of a major employment site to a mixed-use development the development is acceptable taking into more recent background reports relating to the viability of the site as a major employment location and taking into account all other policies and proposals of the Development Plan as set out below. Other material considerations including traffic generation and highway safety, the setting of the listed building, the provision of open space and play space, protected species, the proposed mix of uses and the impact of the development on the character of the area and the nearby residential occupiers have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - SDP1	Quality of Development
SDP2	Integrating Transport & Development
SDP3	Travel Demands
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP8	Urban Form & Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP15	Air Quality
SDP 16	Noise
SDP22	Contaminated Land
H1	Housing Supply
H2	Previously Developed Land
H3	Special Housing Need
H7	Residential Environment
H8	Housing Density
H9 & 10	Affordable Housing
H11	Location of Affordable Housing
H12	Housing type and Design
RE1	Retail outside existing centres
REI 9	Major Employment Sites
TI 2	Vehicular Access
HE3	Listed Buildings

HE6	Archaeology
CLT5	Open Space
CLT6	Childrens Play Space
CLT1	Location of Development
MSA10	Ordnance Survey (allocated for employment led uses)
IMP1	Provision of Infrastructure

of the City of Southampton Local Plan Review - Adopted Version (March 2006)

00. Note(s) To Applicant

Development in Accordance Informative

The applicant is advised that all works relating to the siting of the buildings and points of access to the site to which this permission relates must be carried out strictly in accordance with the plans, drawings and other relevant supporting material submitted as part of this application and hereby approved. The local planning authority must be immediately advised of any proposed variation from the approved documents and the prior approval in writing of the Council must be obtained before any such works are carried out on the site. Failure to comply with this advice may render those responsible liable to enforcement proceedings which may involve alterations and/or demolition of any unauthorised building or structures and may also lead to prosecution.

Pre-commencement Conditions Informative

Notwithstanding the requirement of the submission of a further application(s) for the reserved matters your attention is drawn to the pre-commencement conditions above which require the terms of the conditions to be satisfied before development commences. If development commences in contravention of that these conditions, the development taking place will be made unauthorised in planning terms. This may result in the Council taking enforcement action against the unauthorised development. If you are in any doubt please contact the Council.

S.106 Legal Agreement Informative

A Section 106 agreement relates to this site which includes a requirement for contributions towards: affordable housing, public art, public realm, open space, play space, bio-diversity, phasing, site specific and strategic highways. A full copy of the S106 legal agreement is available on the Public Register held at Southampton City Council.

Southern Water – Water Supply - Informative

A formal application for connection to the water supply is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39a Southgate Street, Winchester (Tel. 01962 858600).

Southern Water – Sewers - Informative

The applicant should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Atkins Ltd, Anglo St James House, 39a Southgate Street, Winchester, SO23 9EH (tel. 01962 858600).

External Vents/Air Conditioning Units Informative

Other than those shown on the approved drawings no external vents, ducting, air conditioning units or plant shall be installed without the prior written approval of the Local Planning Authority upon submission of a formal planning application

Cranes

The applicants attention is drawn to the requirement within the British Standard Code of Practice for the safe use of cranes for operators to first consult the aerodrome as suggested by BAA in their response to this planning application

Approved Plans Informative

The development hereby approved shall be implemented solely in accordance with the following drawings detailing siting of buildings and means of access to the site:

01. APPROVAL CONDITION - Outline Permission Timing Condition

Outline Planning Permission for the principle of the development proposed and the following matters sought for consideration, namely:

the layout of buildings only;
the means of access (vehicular and pedestrian) into the site;

are approved subject to the following:

- (i) Written approval of the details of the following awaited reserved matters shall be obtained from the Local Planning Authority prior to any works taking place on the site
the layout of the roads and pedestrian/cycle routes within the site and detailed siting of associated areas including car parking and street furniture,
the means of access to the buildings,
the appearance and architectural design specifying the external materials to be used,
the scale of the buildings indicating massing and building bulk,
and the landscaping of the site specifying both the hard, soft treatments and means of enclosures.
- (ii) An application for the approval of the outstanding reserved matters shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission
- (iii) The development hereby permitted shall be begun [either before the expiration of five years from the date of this Outline permission, or] before the expiration of two years from the date of approval of the last application of the reserved matters to be approved [whichever is the latter].

Reason:

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

02. Building Heights Approval Condition

The storey heights shown for each block of accommodation (including residential and employment led) shall not exceed the heights indicated on the plans and schedules set out within the Revised Design and Access Statement received 11 June 2008.

Reason

To ensure the scale and massing of the buildings is appropriate for the character and context of the site

03. APPROVAL CONDITION - Residential - Permitted Development Restriction

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

Class A (enlargement of a dwelling house), including a garage or extensions,
Class B (roof alteration),
Class C (other alteration to the roof),
Class D (porch),
Class E (curtilage structures), including a garage, shed, greenhouse, etc.,
Class F (hard surface area)
Class G (heating fuel store)
or Class H (satellite antenna or dish)

Reason:

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

04. Provision of Open Space/Play Space

Approval Condition - Pre-occupation

Unless a different timescale is first agreed in writing by the Local Planning none of the residential units hereby permitted shall be occupied until such time as the areas of open space on the 'western sector' , including the childrens' play structures , have been implemented in full and made available for use.

Reason

To ensure that these facilities are available to serve occupants and the public.

05. APPROVAL CONDITION - Additional Details Required Condition

Details of the following particulars of the proposed development in addition to the submission of Matters Reserved from the Outline Planning Permission hereby approved shall be submitted to and approved in writing by the Local Planning Authority (or on behalf of the Secretary of State for the Environment on appeal) :

- [A] Details of the treatment to the boundaries of the site, and all screen walls or fences within the proposed development;
- (B) Details of the means of refuse disposal and siting of refuse disposal points and recyclable material storage and collection points;
- [C] Detailed plans specifying the areas to be used for contractors vehicle parking and plant; storage of building materials, and any excavated material, huts and all working areas required for the construction of the development hereby permitted;
- (H) Detailed plans showing the proposed phasing of the development;
- (I) Detailed cross-sections of the site showing existing levels and proposed finished levels, position of access roads, car parking areas and buildings and position of trees on the site;

06. APPROVAL CONDITION - No other windows or doors other than approved

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings other than those expressly authorised by any approval of reserved matters application for the appearance of the building.

Reason:

To protect the amenities of the adjoining residential properties

07. Parking Allocation

Approval Condition

No more than 1 space per residential unit shall be allocated to any one residential unit.

Reason

To ensure all those units shown to be provided with parking are allocated parking

08. APPROVAL CONDITION - Samples details of building materials to be used [Pre-Commencement Condition]

No work for the construction of the buildings hereby permitted shall commence unless and until details and samples of the materials and finishes to be used for the external walls and roof of the building have been submitted to and approved in writing by the Local Planning Authority.

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.

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

The external amenity space courtyard serving the eastern sector residential development hereby approved, and pedestrian access to it, shall be made available as a private communal area prior to the first occupation of the development hereby permitted and shall be retained with access to it at all times for the use of the surrounding flat units and Nursing Home only. Details of the security measures, including gates, and the management of times during which the area is available for use shall be first agreed in writing by the Local Planning Authority.

REASON:

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

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

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

Reason:

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

11. APPROVAL CONDITION - Tree survey plan [Pre-Commencement Condition]

No operation in connection with the development hereby permitted shall commence on site until an accurate plan showing the position of all trees on site has been submitted and agreed in writing with the Local Planning Authority.

Reason:

To ensure easy identification of all trees to be retained pursuant to any other condition of this decision notice

11. APPROVAL CONDITION - Tree survey plan [Pre-Commencement Condition]

No operation in connection with the development hereby permitted shall commence on site until an accurate plan showing the position and spread of all those trees on site to be retained has been submitted and agreed in writing with the Local Planning Authority.

Reason:

To ensure easy identification of all trees to be retained pursuant to any other condition of this decision notice

12. APPROVAL CONDITION - replacement trees [Performance Condition]

Any trees to be felled pursuant to this decision notice will be replaced with species of trees to be agreed in writing with the Local Planning Authority at a ratio of two replacement trees for every single tree removed. The trees will be planted within the site or at a place agreed in writing with the Local Planning Authority. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting. The replacement planting shall be carried out within the next planting season (between November and March) following the completion of construction.

If the trees, within a period of 5 years from the date of planting die, fail to establish, are removed or become damaged or diseased, they will be replaced by the site owner / site developer or person responsible for the upkeep of the land in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

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

13. APPROVAL CONDITION - no storage under tree canopy

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

Reason:

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

14. APPROVAL CONDITION - vegetation retention and protection [Pre-Commencement Condition]

No development, including site works of any description, shall take place on the site unless and until the bund, including all the existing bushes, shrubs, and hedgerows which are to be retained on it, has been protected by a fence the height, design and alignment of which is to be approved in writing by the Local Planning Authority. Within the area so fenced off the existing ground levels shall be neither raised or lowered and no materials, temporary buildings, plant machinery, rubble or surplus soil shall be placed or stored thereon without the prior written approval of the Local Planning Authority. If any trenches for services are required in the fenced off areas they shall be excavated and backfilled by hand and any roots encountered with a diameter of 25mm or more shall be left un-severed.

Reason:

To ensure the retention and maintenance of vegetation on the bund which is an important feature of the area

15. APPROVAL CONDITION - Wildlife buffer corridor area [Pre-Commencement Condition]

A landscape buffer zone of at least 2 metres width alongside the southern boundary of the site (backing onto houses in Maybush Road on site shall be established in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority before development commences. The planting within the buffer zone shall create a continuous habitat from the southern edge of the bund to the junction of the site in Wimpson Lane and shall be planted with species and managed to complement the bund habitat.

Reason:

To provide undisturbed refuges for wildlife using the site

16. APPROVAL CONDITION - Construction traffic access/ egress arrangements (Pre-Commencement Condition)

Prior to works commencing on the site details of the means of access for vehicles associated with construction (and demolition) of the structures on the site shall be submitted to and agreed with the Local Planning Authority.

Reason:

In order to protect the residential amenity of nearby properties

17. APPROVAL CONDITION - Wheel Cleaning Facilities

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.

18. APPROVAL CONDITION - Sightlines specification [Pre-Commencement Condition]

Sight lines [shown on the Approved drawing/ of **m by **m measured at the kerbline / and of **m by **m measured at the back of footway] shall be provided before the use of any building hereby approved commences, and notwithstanding the provisions of the Town and Country Planning General Development Order 1988 no fences walls or other means of enclosure including hedges shrubs or other vertical structures shall be erected above a height of [0.6m / 0.75m] above carriageway level within the sight line splays

Reason

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

18. APPROVAL CONDITION - Sightlines specification [Pre-Commencement Condition]

Sight lines at all vehicle access/egress points shall be provided in accordance with details agreed in writing by the Local Planning Authority before the use of any building hereby approved commences, and notwithstanding the provisions of the Town and Country Planning General Development Order 1988 (and unless otherwise agreed in writing by the Local Planning Authority) no fences walls or other means of enclosure including hedges shrubs or other vertical structures shall be erected above a height of [0.6m / 0.75m] above carriageway level within the sight line splays

Reason

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

19. APPROVAL CONDITION - Stopping up existing access [Pre-Commencement Condition]

Any redundant access to the site shall be stopped up and abandoned and the footway, and verge crossings and kerbs shall be reinstated before the development is brought into use.

Reason

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

20. APPROVAL CONDITION - Road Construction [Pre-Commencement Condition]

No development hereby permitted shall be commenced until the Local Planning Authority have approved in writing:-

A specification of the type of construction proposed for the roads, cycleways and footpaths including all relevant horizontal cross-sections and longitudinal sections showing existing and proposed levels together with details of hardsurface materials to be used, street lighting, signing, white lining or other demarcation of the alignment of the roadway and the method of disposing of surface water.

A programme for the making up of the roads to a standard suitable for adoption by the Highway Authority

A plan and programme showing the timetable (and interim arrangements between development phases or during construction) to ensure a continuous, unencumbered network of footpaths and cycleways through the site.

Reason

To ensure that the roads [cycleways] and footpaths are constructed in accordance with standards required by the Highway Authority

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

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

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

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

And at no time on Sundays and recognised public holidays.

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

Reason:

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

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

Works pursuant to this permission shall not be commenced until a scheme for protecting the proposed flats and houses from traffic noise from Romsey Road and activity associated with the proposed adjacent commercial units has been submitted to and approved by the local planning authority in writing.

Unless otherwise agreed in writing, that scheme shall specify either:- Outer pane of glass - 10mm

Air gap between panes - 12mm

Inner pane of glass - 6 mm

or, with secondary glazing with a -

Outer pane of glass - 6mm

Air gap between panes - 100mm

Inner pane of glass - 6.4 mm

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

Reason:

In order to protect occupiers of the flats from traffic noise

23. APPROVAL CONDITION -Structural Stability Measures [Pre-Commencement Condition]

Adequate structural and foundation approvals to protect and maintain the stability of the bund to conform to the Local Planning Authority's standards shall be approved in writing before the development hereby permitted commences and such structures shall be permanently maintained for that purpose.

Reason:

To ensure the structural stability of the bund is not compromised as a result of the development.

24. APPROVAL CONDITION - Retaining Walls

Full details of the design and construction method of any retaining walls and/or other structures required to be provided on the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. The wall details as agreed shall be subsequently provided as part of the development works hereby approved.

Reason:

In the interests of visual amenity and the character of the development.

25. APPROVAL CONDITION - Bonfires [Performance Condition]

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

Reason:

To protect the amenities of the occupiers of existing nearby properties

26. APPROVAL CONDITION - Reuse of uncontaminated soils

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

27. APPROVAL CONDITION - Sustainable measures [Pre-Commencement Condition]

No development shall take place until the applicant has provided to the Local Planning Authority for approval in writing a report assessing the feasibility of incorporating the following sustainable design measures into the development:

- Energy minimisation and renewable energy or low carbon technologies

- Water efficiency measures

- Urban Drainage Systems

- Waste management and recycling

- Sustainable construction materials

The report shall include an action plan detailing how these measures will be integrated into the development. The approved scheme shall then be provided in accordance with these details prior to the first occupation of the development hereby granted consent.

Reason

To ensure the development minimises overall demand for resources and is compliant with the City of Southampton Local Plan (March 2006) policies SDP13 and SDP6.

28. APPROVAL CONDITION - Renewable Energy (Pre-Commencement Condition)

Prior to development commencing full details of the renewable energy systems to be incorporated to serve the development shall be submitted to and agreed in writing with the Local Planning Authority. The details should include the full specification of the renewable technology proposed and shall include an energy assessment statement setting out the levels of energy savings incorporated within the development calculated in terms of carbon emissions compared to agreed benchmarks for electricity and gas.

Reason:

To reduce the impact of the development on climate change and finite energy resources and to comply with policy SDP13 (vi) of the City of Southampton Local Plan (2006) should be undertaken. Policy EN1 (i) and Policy SH14 (iv) of the Draft South-East Plan

29. APPROVAL CONDITION - BREEAM Standards (commercial development) [Pre-Occupation Condition]

Written documentary evidence demonstrating that the development will achieve at minimum a rating of Very Good against the BREEAM standard (or equivalent ratings using an alternative recognised assessment method), shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted consent.

Reason:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy SDP13 of the City of Southampton Local Plan (2006). Also to comply with South East Plan policy SH14 (iv).

30. APPROVAL CONDITION - Landscaping detailed plan [Pre-Commencement Condition]

Before the commencement of any site works a detailed landscaping scheme and implementation timetable, which clearly indicates the numbers, planting densities, types, planting size and species of trees and shrubs to be planted, and a written specification in relation to hard surfaced and soft landscaping areas, shall be submitted to and approved in writing by the Local Planning Authority.

The landscaping scheme shall specify all trees to be retained and to be lost and shall provide an accurate tree survey with full justification for the retention of trees or their loss. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise) to ensure a suitable environment is provided on the site.

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 scheme 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

31. APPROVAL CONDITION - Hours of Use - food/drink establishments/retail/business/industrial [Performance Condition]

Any food and drink uses / drinking establishments (A3, A4 or A5 uses) that occupy any unit hereby permitted shall not operate (meaning that customers shall not be present on the premises, no preparation, sale or delivery of food or drink for consumption on or off the premises) outside the following hours:

Monday to Thursday	11.00 hours to 23.00 hours	(11.00am to 11.00pm)
Friday and Saturday	11.00 hours to 23.30 hours	(11.00am to 11.30pm)
Sunday and recognised public holidays	11.00 hours to 23.00 hours	(11.00am to 11.00pm)

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

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

Monday to Sunday	06.00 hours to 23.00 hours	(6.00am to 11.00pm)
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Unless otherwise agreed in writing by the Local Planning Authority. A notice to this effect shall be displayed at all times on the premises so as to be visible from the outside.

Any B1(c), B2, B8 uses that occupy any unit hereby permitted shall not operate outside the following hours:

Monday to Saturday 06.00 hours to 22.00 hours (6.00am to 10.00pm)
and at no time on Sunday and recognised public holidays.

Reason:

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

32. APPROVAL CONDITION - Litter bin [Performance Condition]

Litter bin shall be provided within the commercial area of the site in accordance with a scheme agreed in writing for siting, specification and maintenance by the Local Planning Authority prior to first occupation of any of the commercial units .

Reason:

To prevent littering in the surrounding area

33. APPROVAL CONDITION - Restricted Use

Notwithstanding the Town and Country Planning (Use Classes) Amendment Order 1991, the commercial and employment led buildings , including the surgery building and nursing home shall be used only for the purposes indicated in the submitted details and not for any other purpose without the prior written consent of the Local Planning Authority

Reason:

For the avoidance of doubt and to enable the Local Planning Authority to retain control over the development in the interests of the amenities of the area

34. Retail Floorspace Approval Condition

No single retail unit shall have a floorpace exceeding 750sq m.

Reason

To ensure compliance with local and national retail policies.

35. APPROVAL CONDITION - Glazing - Laminated

The windows and other glazed areas to the all the commercial premises at ground level shall be provided in or treated with laminated glazing before the development hereby permitted is first occupied and shall be permanently maintained with such glass.

Reason:

To the interests of safety and security of the users of the premises

36. APPROVAL CONDITION - Rainwater /Grey-water Harvesting (Pre-Occupation Condition)

A feasibility study demonstrating the investigation of the potential for the installation of a rainwater/grey-water harvesting system on site shall be carried out and verified in writing by the Local Planning Authority prior to first occupation of the development hereby granted consent. If the study demonstrates that the installation of such a system would be technically and financially viable, a specification shall be agreed in writing with the Local Planning Authority. A system to the approved specification must be installed and be rendered fully operational prior to the first occupation of the development hereby granted consent and retained and maintained thereafter.

Reason:

To reduce overall water consumption and demand on resources in compliance with SDP13 (vii) of the City of Southampton Local Plan (2006).

37. APPROVAL CONDITION - Water efficiency measures (Pre-Commencement Condition)

A comprehensive water use assessment of all the properties on the site shall be submitted to the Local Planning Authority prior to commencement of the development. The water use assessment shall inform a water management plan including measures and techniques to minimise water consumption during the lifetime of the development. The plan shall state the Internal potable water consumption measures in litres per person per day (l/p/d), and contain clear targets and a monitoring programme. The water management plan shall be submitted to the Local Planning Authority prior to the commencement of the development hereby granted consent.

Reason:

To minimise the impact of the development on water resources and to comply with policy SDP13 (vii) of the City of Southampton Local Plan (2006) Code for Sustainable Homes : Category 2 - Water

38. APPROVAL CONDITION - Drainage Details [Pre-Commencement Condition]

No development approved by this planning permission shall be commenced until details for the surface water drainage have been submitted and approved in writing by the local planning authority. Such details should include provision for all surface water drainage from parking areas and areas of hard-standing to be passed through an oil and grit separator designed to have the capacity and details compatible with the site being drained. Roof water should not pass through the separator.

Reason

No scheme for the drainage has been submitted and the proposed facility will have oils and other chemicals and any spills could pollute controlled waters. The site operator needs to be aware of where the drainage goes

39. APPROVAL CONDITION - Roller Shutters [Pre-Commencement Condition]

The security roller shutter, grilles, shutter housing box and associated guide rails shall be colour treated with a dry powder coating in accordance with details and samples to be submitted to and approved by the Local Planning Authority in writing before development commences.

Reason:

In order to control the appearance of the development in the interests of visual amenity.

39. APPROVAL CONDITION - Roller Shutters [Pre-Commencement Condition]

Any security roller shutter, grilles, shutter housing box and associated guide rails to be installed on the ground floor commercial units display windows or other areas of the building shall be colour treated with a dry powder coating in accordance with details and samples to be submitted to and approved by the Local Planning Authority in writing before development commences.

Reason:

In order to control the appearance of the development in the interests of visual amenity.

40. APPROVAL CONDITION - Delivery times [Pre-Occupation Condition]

No deliveries shall be taken in or dispatched from any of the commercial premises including the nursing home outside the following times;

0700 to 1800

Reason:

To avoid disturbance of local residents.

41. CCTV Approval Condition Pre-commencement

Prior to development commencing details of the number, siting, design and coverage of CCTV cameras shall be submitted to and agreed in writing by the Local Planning Authority.

Reason

In the interests of Security and Public Safety

42. Temporary Screen During Construction

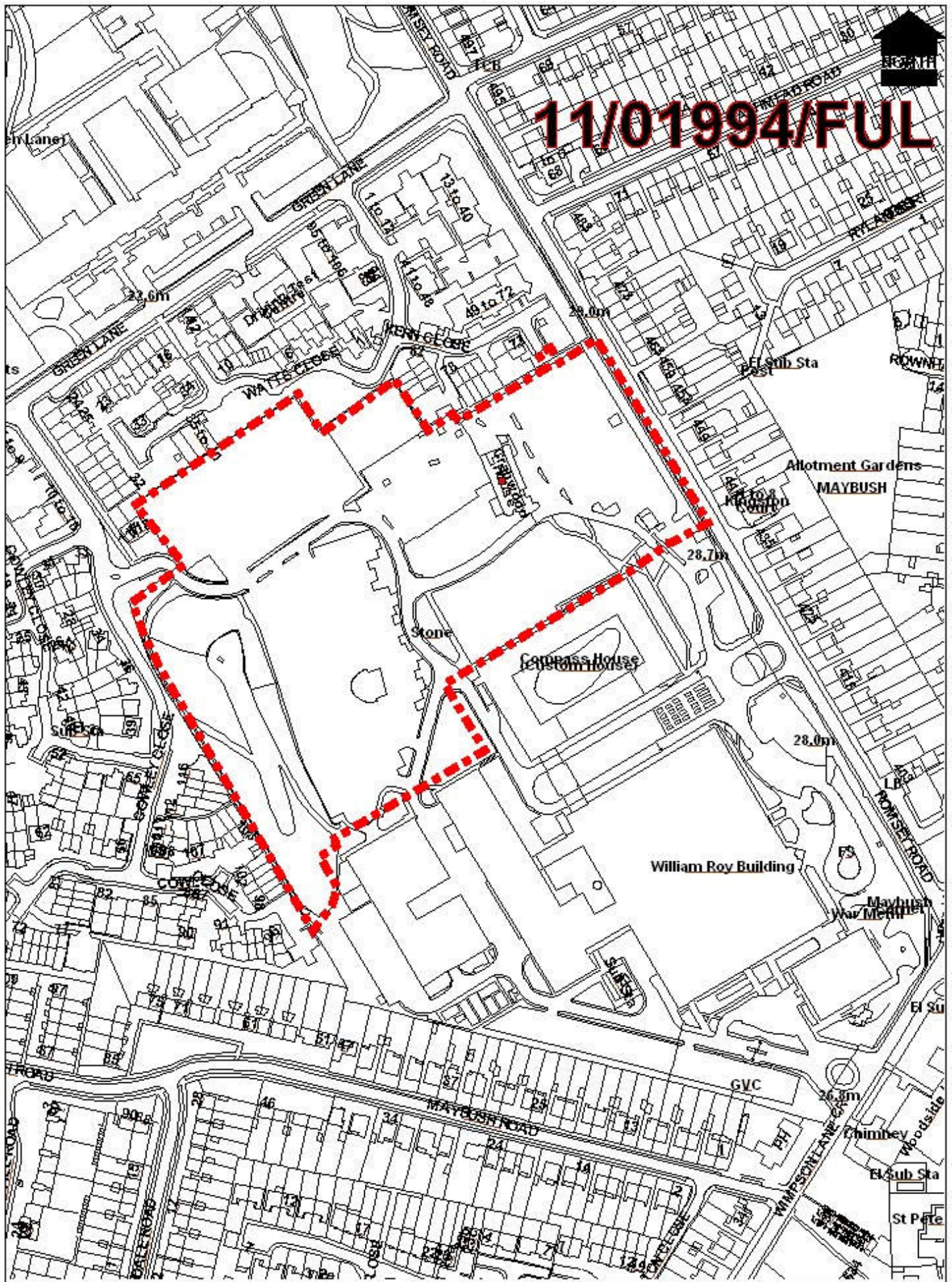
Prior to any development commencing details of the height, alignment, materials and finished treatment of a temporary screen to be erected around the site prior the period of any demolition and to be maintained throughout the construction phase shall be submitted to and agreed in writing by the Local Planning Authority.

Reason

In the interests of the visual amenities of the adjoining residents and the character of the area.



11/01994/FUL



Scale : 1:2500

Date : 03 April 2012

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Agenda Item 6

**Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 17 April 2012
Planning Application Report of the Planning and Development Manager**

Application address: Ridgeway School & Prospect House, Freemantle Common Road			
Proposed development: Re-development of the site, demolition of the existing buildings and provision of 30 new houses (23 x three bedroom, 7 x four bedroom) with associated parking and access from Freemantle Common Road with provision of new pedestrian footpath. (Outline application seeking approval for access, layout and scale).			
Application number	12/00168/R3OL	Application type	Deemed Outline
Case officer	Bryony Stala	Public speaking time	15 minutes
Last date for determination:	27.03.2012	Ward	Peartree
Reason for Panel Referral:	Major planning application on Council Land	Ward Councillors	Cllr Paffey Cllr Jones Cllr Drake

Applicant: Southampton City Council	Agent: Capita Symonds
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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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Reason for granting Deemed Outline Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The Council has taken into account the loss of the existing community facility as well as the impact of the proposed development on the adjacent common land (given protection by Core Strategy Policy CS21, but mitigated for by a proposed land swap), adjoining allotment site and neighbouring residential properties. 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 deemed outline planning permission should therefore be granted.

Policies - SDP1, SDP4, SDP5, SDP7, SDP8, SDP9, SDP10, SDP11, SDP13, NE4, HE6, CLT5, CLT6, H1, H2, and H7 of the City of Southampton Local Plan Review (March 2006) and Policies CS3, CS4, CS5, CS13, CS15, CS16, CS18, CS19, CS20, CS21, CS22 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010) as supported by the adopted Residential Design Guide (2006).

Appendix attached			
1	Development Plan Policies	2	Details of previously approved application 07/01998/OUT

Recommendation in Full

Conditionally approve

1. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of an undertaking by The Head of Property Service under S.106 to secure:

- i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), Policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended).
- ii. A financial contribution towards strategic transport projects for improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D.
- iii. Financial contributions towards the open space improvements required by the development in line with Policies CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended) and to mitigate for the loss of that part of the site which is currently protected open space.
- iv. Provision of affordable housing in accordance with Core Strategy CS15.
- v. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.

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

And also subject to-

2. The receipt of an agreement made pursuant to section 111 of the Local Government Act 1972 between the council as trustees of the common land forming part of the application site and the prospective purchaser providing that the developer will prior to or simultaneously with the completion of the land transfer or any part thereof ensure that the common land required for the site access is swapped with the replacement land outside the application site indicated on the SCC Property Services plan number V3295.

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

1.0 The site and its context

1.1 The application site is comprised of Ridgeway House school buildings (and its associated grounds) and Prospect House, a council owned building currently used as a resource centre for adults with learning difficulties.

1.2 The use of the Ridgeway House as a school has ceased and the site is currently

used on a temporary basis by the Council's Building Contractors for offices and the storage and distribution of building materials.

The Ridgeway School House buildings have mid 20th Century origins and are predominantly single storey with flat roofs. The buildings stretch across the site from the east to west boundary with the main play ground area to the south.

Prospect House is located to the east of the site. The single storey building benefits from a car park to the front and a grassed amenity area to the rear. The service currently provided at Prospect House is planned for relocated to Woolston Community Centre at the start of 2013. Prospect House will remain open until the new facility is ready for relocation.

- 1.3 To the north and north-east of the site is Freemantle Common and as detailed above, the application site encompasses a strip of common land immediately adjacent to the access road. Beyond the western site boundary is Westwood School and to the south-east are the Merry Oak allotments. Residential curtilages from The Oaks development abut the southern boundary of the site. There is a slight change of levels across the site with the land falling slightly from the north down towards the southern boundary.
- 1.4 The surrounding area is predominantly residential in character, typically comprising detached, two-storey dwellings of a suburban character. There is one access into the site via Freemantle Common Road; this is shared by Prospect House and Ridgeway House School. Freemantle Common Road links into Peartree Avenue.
- 1.5 The perimeter of the site benefits from dense vegetation screening and there are some significant trees on the site, particularly adjacent to the northern boundary. As the site is currently within Council ownership the trees are afforded the same protection as a Preservation Order. A provisional Group Tree Preservation Order has been made for the trees along the northern boundary of the site, to secure the long term retention of the trees in the event of the sale of the land.

2. Proposal

- 2.1 The application proposes a mix of three and four bedroom houses totalling 30 units with an overall site density of 38 dwellings per hectare.
- 2.2 Permission is sought in an outline form with the access, layout and scale being identified for consideration. Appearance and landscaping are reserved from this application.
- 2.3 The development comprises a cul-de sac type layout with dwellings being designed to create an active street scene with the roads and footpaths taking on a 'home zone' approach in providing shared surfaces for traffic, pedestrians and parking.

The properties comprise a mix of 2 and 2 1/2 storey dwellings.

- 2.4 The application site lies within an area of low accessibility for public transport but is within 400m of an area of High Accessibility.
- 2.5 A total of 41 car parking spaces will be provided. Each dwelling will benefit from at

least 1 car parking space, with 10 dwellings having an integral garage.

- 2.6 Access will be taken from Freemantle Common Road with a strip of Common Land incorporated in to the access to enable the creation of a pedestrian footway into the development. Access through the site to the allotments is to be retained.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The policies of the South East Plan, Southampton’s Core Strategy and Local Plan Review have been taken into account in the consideration of this application. The Core Strategy is in general conformity with the South East Plan, and it is not considered that the policies in the South East Plan either conflict with or add particular weight to the policies in the Core Strategy for this application. Consequently only the local statutory development plan policies (Core Strategy and Local Plan Review) have been cited in this report.
- 3.3 Major developments are expected to meet high sustainable construction standards in accordance with the City Council’s adopted and emerging policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.4 The National Planning Policy Framework came into force on 27 March 2012. Having regard to paragraph 214 of the National Planning Policy Framework dated 27 March 2012 the policies and saved policies set out in **Appendix 1** which have been adopted since 2004 retain their full material weight for decision making purposes.

4.0 Relevant Planning History

- 4.1 07/01998/OUT - Redevelopment of the site. Demolition of the existing school buildings and erection of new buildings to provide 21 dwellings (8 houses and 13 flats) with associated parking and access roads including widening the existing road to provide new footpaths (Outline application seeking approval for the site layout and the means of access). CAP – 30.05.2008.
- 4.2 10/01380/PREAP2 - Feasibility into merging the two sites at Prospect House and Ridgeway School to form a single site for residential development purposes – Closed.
- 4.3 11/01792/PREAP1 - Re-Development Of The Site To Provide 44 Dwellings (23 Houses And 21 Flats) With Associated Parking. Plans amended during the course of the pre-app to provide 30 dwelling houses with associated parking. Closed.

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 also undertaken which included notifying adjoining

and nearby landowners, placing a press advertisement 23.02.2012 and displaying a site notice 16.02.2012. At the time of writing this report, the consultation termination period (27.3.2012) had not expired for the re-consultation. If any more comments are received raising new issues, they will be updated at Panel. At the time of writing the report 5 representation had been raising the following concerns:

- 5.2 ***There is concern regarding the type of boundary treatment provided to the rear of properties 7 – 11 which are directly in front of The Oaks 52 – 56. A metal Palisade fence was installed to prevent direct access to The Oaks from Peartree Avenue and the anti-social behaviour that resulted from this. It is considered that a timber fence is not fit for purpose. In addition, the metal fence should be retained during construction.***

5.3 **Response**

The detail of boundary treatment will be dealt with as a reserved matter. However, the importance of retaining a sufficient boundary between the proposed housing and The Oaks is noted. It is considered possible for the existing Palisade fencing to be retained with a timber fence serving the proposed dwelling units positioned behind this. This would ensure the security of the proposed dwellings and The Oaks, as well as retaining privacy for all occupants.

- 5.4 ***Concern regarding access, parking and transport problems that will arise from the increase in dwellings. In particular, concern is raised regarding highway safety issues relating to Peartree Avenue and Freemantle Common Road. Freemantle Common Road is one way and has limited footpaths.***

5.5 **Response**

SCC Highways have considered the concerns raised by residents and do not consider the proposed development to be detrimental to highway safety. The traffic generated from the previous uses in relation the proposed houses would not differ greatly and it is beyond the control of the planning department to prevent people from driving the wrong way down a one way road.

Road widths, sightline and footpath provisions are considered sufficient.

- 5.6 ***The proposal will have an adverse impact on the Ecology and Wildlife on site.***

5.7 **Response**

An extended Phase 1 Habitable survey has been undertaken. The survey identified the potential for breeding bird and bats to be present on site. Redevelopment of the site provides an opportunity to introduce enhancement measures to benefit bats and other species. The local planning authority is aware of the importance of protecting the biodiversity of the site and where appropriate will impose conditions to ensure this is done. See planning considerations below.

- 5.8 ***Construction hours should be restricted to protect the amenity of neighbours.***

5.9 **Response**

An hours of construction condition limited works to between 8am to 6pm Monday to Friday and 9am to 1pm on Saturdays and at no time on Sundays or Public Holidays is recommended.

- 5.10 ***Concern has been raised regarding the level of consultation that has been carried out in relation to the application.***

Response

Section 5.1 of this report sets out the consultation procedure carried out for the application. Following the receipt of an email from a resident in Peartree Avenue, which expressed concern that an insufficient number of local residents had been notified about the application, additional consultation letters were sent to 117, 119 and 121 Peartree Avenue. Both a Site notice and an advert in the local press have been issued and as such the local planning authority has adequately advertised the application.

5.11 **Consultee Comments**

SCC Highways – The general layout is accepted subject to additional measures to include traffic calming measures, chicanes and details of parking layout (including reversing distances) in order to enhance the home zone environment.

- 5.12 **SCC Housing** – An affordable housing requirement of 11 houses is required. The provision will made on site and is subject to further discussion to finalise the mix and tenure of the 11 units to be provided.

- 5.13 **SCC Sustainability Team** – The design and access statement states that measures such as grey water and rainwater harvesting could be incorporated. It is highly recommended that these are investigated at reserved matters stage. No objection to principle subject to recommended conditions.

- 5.14 **SCC Planning Policy** – No objection.

- 5.15 **SCC Trees Team** – No objection subject to recommended conditions.

- 5.16 **SCC Environmental Health (Contaminated Land)** – No objection subject to recommended conditions.

- 5.17 **SCC Environmental Health (Pollution and Safety)** – No objection subject to recommended conditions.

- 5.18 **SCC Ecology** – No objection subject to recommended conditions

- 5.19 **SCC Archaeology** – Although there is the potential for archaeology to survive, there is unlikely to be anything on the site that will require preservation in-situ and prove to be an overriding constraint to development. Consequently, the required archaeological works can best be secured by condition.

- 5.20 **BAA** – No objection.

- 5.21 **Southern Water** – No objection.

- 5.22 **Southampton Commons & Parks Protection Society** – Raised concern regarding the protection of adjacent common land and the hedge, trees and

planting on the northern boundary during construction works.

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
- Scale and layout
- Access and car parking
- Trees, ecology, landscaping and sustainability

6.2 Principle of Development

6.2.1 Policy CS3 of the Core Strategy seeks to prevent the loss of community facilities throughout the city if it is viable for the commercial, public or community sector to operate it and if there is no similar replacement facility in the same neighbourhood.

6.2.2 The principle of the redevelopment of Ridgeway House School has been accepted under application 07/01998/OUT. The application granted consent for the demolition of the existing school buildings and erection of new buildings to provide 21 dwellings (8 houses and 13 flats) with associated parking and access roads, including widening the existing road to provide new footpaths.

6.2.3 The services provided at Prospect House, which are classed as a community use, are to be relocated to Woolston Community Centre at the start of 2013. The community centre is less than 2 miles from Prospect House and will provide updated facilities for the end user. The provisions of CS3 are therefore met.

6.3 The surrounding area is predominantly residential and characterised by two storey dwelling houses. The most appropriate use of this previously developed site is considered to be residential housing, of a similar scale and type as that within the immediate area.

6.3.1 Policy CS5 of the adopted Core Strategy advises developments within a low area of accessibility to accord with a net density of between 35 – 50 dwellings per hectare. The proposed development is compliant at 38 dwellings per hectare.

6.4 Policy CS16 of the adopted Core Strategy advocates an appropriate mix and type of housing with 30% of the total dwellings on developments of 10 to be provided as family homes (3 or more bedrooms with direct access to garden space).

6.4.1 The site is located within a low accessibility area of the city which is predominantly characterised by dwelling houses occupied by families. The proposal of a mix of 3 and 4 bedroom dwelling houses is considered to respond to the context and character of the immediate area and make an appropriate provision for family accommodation within the city. As such, it is considered that a mix of 3 and 4 bedroom dwellings can be justified in terms of current planning policy.

6.4.2 35% of dwellings on site will be made available for affordable housing in accordance with policy CS15 of the Core Strategy. The mix and tenure of the affordable housing is reserved and will be dealt with by way of the S106

agreement.

6.5 In order to facilitate a safe pedestrian access into and out of the development it is necessary to create a footpath along the western edge of Freemantle Common road. This links the development with Peartree Avenue. Part of the land required for this purpose is registered common land. Whilst policy CLT3 of the Local Plan Review does not permit the net loss of areas of public open spaces such as Freemantle Common, it is proposed that an area of common land of approximately 30 sqm is exchanged for a section of land taken from the Ridgeway House School site measuring 198 sqm.

6.5.1 This exchange of land would be subject to obtaining the appropriate consent from the Secretary of State. It is understood that an application is to be made to the Secretary of State imminently. If the application to the Secretary of State is not successful then development could not proceed, regardless of the outcome of this planning application. It is therefore considered that the departure from policy CLT3 of the Local Plan Review is acceptable in this instance and will not prejudice the delivery of the Council's Strategic policies.

6.5.2 The exchange of land is included within the proposed design.

6.5.3 The strip of land taken from the common will remain in the council's ownership and will be given highway status once adopted.

6.5.4 In order to protect the common land through the course of the construction a condition preventing the storage of materials, the siting of contractors compounds or contractor parking on this land will be imposed. Temporary measures to ensure the protection of this land, such as fencing, will be agreed by way of condition.

6.6 Scale & Layout

6.6.1 The proposed development would make efficient use of previously developed land whilst retaining its spacious and verdant character. This is achieved largely through the plot sizes proposed, the separation of the proposed buildings from the site boundaries and the retention of the mature screening to the northern boundary of the site. The proposed use of shared surfaces and the provision of car parking spaces in front of each dwelling rather than in a central core ensures the development would not appear to be dominated by hard standing when viewed from public vantage points.

6.6.2 As with the previously approved scheme, the inward facing nature of the development and the set backs of the proposed buildings from the boundaries, would mean it would not be read as part of the Peartree Avenue street scene but would appear as a stand alone development.

6.6.3 The indicated 2 and 2.5 storey heights are considered to be appropriate given the separation distance of buildings from boundaries, the distance from neighbouring properties and the retained tree screening. The heights of dwellings have been varied throughout the site to respond to the differing levels of the land and achieve standard privacy distances (as set out in paragraph 2.2.4 of the Residential Design Guide). Such an approach also helps to break up the bulk and mass of the proposed terraces and provide better articulation within the elevations.

6.6.4 The layout allows for residential amenity standards relating to outlook and privacy as set out in chapter 2 of the Residential Design Guide to be met to a minimum, with an appropriate provision of useable garden space being provided for each dwelling.

6.6.5 Each dwelling will be able to accommodate the storage of their own refuse and cycles, with a refuse collection vehicle being able to adequately enter and exit the site.

6.7 Access & Car parking

6.7.1 The existing entrance into the site will be closed to users of the development and has been excluded from the application site. It is proposed that the former entrance to Ridgeway School will be opened up and modified to provide the new access link in and out of the development. At present, there is a secondary access route for the allotments which forks off the principle access road along the northern boundary; this route comprises an unmade dirt track which will be retained as secondary access for users of the allotments and SCC maintenance vehicles. The main access into the allotment is to be retained and forms the main route into the development.

6.7.2 The proposed access was previously approved under application_07/01998/OUT. It is not considered that re-opening the access to the former Ridge House School will have any adverse impact on traffic flow or highway safety.

6.7.3 Parking provision is provided in accordance with the recently adopted Parking Standards SPD, with all dwellings having at least one car parking space. 11 houses will benefit from two car parking spaces. This equates to 1.4 spaces per unit, including 31 surface spaces, 6 integral garages and 5 attached garages.

6.7.4 Appropriate landscaping measures and home zone approach to surface treatments (to be dealt with by way of reserved matters) will ensure fly parking is prevented, particularly along the strip of road at the entrance to the allotments.

6.7.5 As previously mentioned, it is proposed that a footpath will be constructed alongside the western edge of the link road (Freemantle Common Road) to Peartree Avenue and will be formed from a strip of land currently registered as common land and designated open space. This new footpath will adjoin the existing footpath alongside Peartree Avenue and continue into the new development linking with a new network of footpaths within the development.

6.7.6 The network of footpaths will be integrated into the entrance and vehicular routes using a home zone approach whereby there will be little distinction between the two so as to ensure vehicles naturally reduce their speed.

6.7.7 Appropriate pedestrian footpath and links are provided on site, particularly between the main entrance to the site and dwellings 1 - 6 and 17 - 23 which are the furthest from the main access and should also benefit users of the allotments.

6.8 Trees and Ecology

6.8.1 The site contains a large number of mature trees, most notably to its northern boundary with Freemantle Common Road and Freemantle Common itself. The majority of trees along the Peartree Avenue and Freemantle Common Road

frontage are to be retained. This will assist in integrating the development with the adjacent area of common and open space land, whilst the belt of trees on the southern and south-eastern boundaries will provide an element of natural screening and visual separation from the neighbouring properties.

- 6.8.2 In order to accommodate the development a total of five trees will be lost on site. One mature Lime tree (marked as T30 on drawing AL03) will be lost to enable vehicular access into the site. Four other trees comprised of two young conifers, a young birch and a semi-mature Hawthorn located within the site are also to be felled.
- 6.8.3 To compensate for this loss, a 2 for 1 tree replacement condition will be imposed. The proposed replacement trees are shown on drawing AL03. These have been located within both the front and rear gardens of the proposed dwellings and the shared surfaces.
- 6.8.4 Southampton City Council Trees Team is satisfied that development works can take place without harming the root protection areas of the retained trees. However, safeguarding and protection measures for the trees will be secured by way of condition.
- 6.8.5 It is judged that the proposal will not have an adverse effect on local biodiversity. The bat survey submitted with the application identifies bat activity within the mature trees along the northern boundary of the site. The trees are to be retained and as such providing they are not subject to direct illumination from the new buildings the foraging activity should be unaffected. An appropriate condition will be applied to prevent illumination on adjacent trees.
- 6.8.6 Redevelopment of the site provides an opportunity to introduce enhancement measures to benefit bats and other species. In particular, the incorporation of bat and swift roosting boxes into the fabric of the new buildings and bird boxes placed in mature trees. There will be an opportunity to include this within the final design of the proposed dwellings under the reserved matters.

6.9 Landscaping and sustainability

- 6.9.1 Landscaping is to be a reserved matter. However, provision has been made within the layout of the site for 2 for 1 tree replacement.
- 6.9.2 With regards to ecology, the vegetation around the site provides good connectivity with surrounding areas allowing foraging activity to occur in nearby gardens as well as on the site itself. As such, a substantial amount of vegetation should be retained as per the indicative layout and officers will need to be satisfied that landscaping measures will include locally native species upon dealing with the reserved matters.
- 6.9.3 The development has been designed to meet Level 4 of the Code for Sustainable Homes which is welcomed.
- 6.9.4 As stated in the consultation comments section above, the design and access statement indicated that measures such as grey water and rainwater harvesting could be incorporated. This is recommended as a reserved matter.

7. Summary

- 7.1 The principle of redevelopment of this site for housing is accepted. The loss of common land and trees has been appropriately mitigated through the re-provision of land and re-planting of trees which will be ensured by way of condition. This application proposes a high level of family housing and affordable units and is acceptable in parking and highways terms. The impact on neighbouring dwellings has been mitigated through the layout and proposed scale of dwellings. An appropriate residential environment to conform with at least minimum standards can be achieved.

8. Conclusion

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

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

BS for 17/04/2012 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Outline Permission Timing Condition

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

- (i) Written approval of the details of the following awaited reserved matters shall be obtained from the Local Planning Authority prior to any works taking place on the site:-
- a) The appearance and architectural design specifying the external materials to be used (RESERVED MATTER);
 - b) Landscaping of the site specifying a planting plan (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), hard and soft treatments, surface treatments for parking layout, pedestrian access, surface areas and property frontages and ancillary objects (refuse bins, external lighting, lighting columns etc)(RESERVED MATTER);
 - c) All means of enclosure to be formed within the site and to site boundaries (RESERVED MATTER);
 - d) A landscape management scheme (RESERVED MATTER); and,
 - e) Details (including siting and layout) of grey water and rain water harvesting.

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

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

Reason:

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

02. APPROVAL CONDITION - Reserved Matters Timing Conditions

Submission of Reserved Matters

Application for the approval of reserved matters specified in Condition 03 below shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason

To comply with S.92 of the Town and Country Planning Act 1990 (as amended).

03. Approval Condition - Traffic Calming Measures (Pre-commencement Condition)

Prior to the commencement of the development hereby approved, full details of the traffic calming measures within the development shall be submitted to the Local Planning Authority for approval in writing. These details shall include surface materials, markings, signage and gradients. The traffic calming measures shall be implemented as approved prior to the development first coming into occupation.

Reason

To ensure a satisfactory form of development

04. APPROVAL CONDITION - Temporary parking area for construction vehicles (Pre-Commencement Condition)

No construction or building work shall be carried out on the site unless and until there is available within the site, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority, provision for the temporary parking of vehicles and the loading and unloading of vehicles associated with the building and other operations on the site throughout the period of work required to implement the development hereby permitted. Temporary parking must not take place on the adjacent common land at any time.

Reason:

In the interests of road safety and in order to protect the appearance and biodiversity value of the adjacent common land.

05. APPROVAL CONDITION - Contractors Compound (Pre-Commencement Condition)

Detailed plans specifying the areas to be used for contractors and plant; storage of building materials, and any excavated material, huts and all working areas required for the

construction of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before development commences on site. There shall be no provision for such storage on adjacent common land. The development shall proceed in accordance with the agreed details

Reason:

For the avoidance of doubt and in the interests of the amenities of nearby residents.

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

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

Reason:

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

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

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

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

Reason:

To provide continued protection of trees, in accordance with Local Plan Policy SDP12 and British Standard BS5837:2005, throughout the development of the land and to ensure that all conditions relating to trees are being adhered to. Also to ensure that any variations or incidents are dealt with quickly and with minimal effect to the trees on site.

08. APPROVAL CONDITION - 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, the statement must include the following details:

- specification, number and location of bat and swift roosting boxes;
- specification, number and location of other bird boxes;
- locally native species to be included in the landscaping scheme.

- method statement for building demolition to minimise the risk to bats (see informative below).

Unless otherwise agreed in writing by the Local Planning Authority the details agreed within the statement 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.

09. APPROVAL CONDITION - Lighting [Pre-Commencement Condition]

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

Reason:

To ensure the development does not adversely affect foraging bats and other habitats within the site.

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

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum Level 4 of the Code for Sustainable Homes in the form of a design stage assessment, shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

REASON:

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

11. APPROVAL CONDITION- Land Contamination investigation and remediation [Pre-Commencement & Occupation Condition]

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

1. A desk top study including;
historical and current sources of land contamination
results of a walk-over survey identifying any evidence of land contamination
identification of the potential contaminants associated with the above

an initial conceptual site model of the site indicating sources, pathways and receptors
a qualitative assessment of the likely risks
any requirements for exploratory investigations.

2. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.
3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

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

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

Reason:

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

12. Approval Condition – Cycle storage (Pre-commencement Condition)

Notwithstanding the information already submitted no development shall commence until plans and elevational details of the secure, covered cycle storage for the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be provided prior to the first occupation of the dwellings hereby approved and thereafter retained for that purpose at all times.

Reason

To ensure an appropriate provision of cycle storage is made for future occupants of the site in accordance with saved policy SDP5 of the adopted Local Plan.

13. APPROVAL CONDITION - Residential - Permitted Development Restriction [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

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

Class B (roof alteration),

Class C (other alteration to the roof),

Class D (porch),

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 small private garden and amenity areas provided as part of this development in the interests of the comprehensive development and visual amenities of the area.

14. Approval Condition - Refuse and Recycling Bin Storage (Pre-commencement conditions)

Details of the location, type and appearance of the facilities to be provided for the storage and removal of refuse and recycling from each dwelling shall be submitted to and approved in writing by the Local Planning Authority before the building is first occupied. The facilities shall include accommodation for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained thereafter.

Reason

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

15. Approval Condition – Access to allotments (Performance condition)

Pedestrian and Vehicular access to the adjoining allotments must be retained at all times.

Reason

To ensure a satisfactory form of development.

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

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

Reason:

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

17. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

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

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

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

Reason:

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

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

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

Reason:

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

19. APPROVAL CONDITION - replacement trees [Performance Condition]

Any trees to be felled pursuant to this decision notice will be replaced with species of trees to be agreed in writing with the Local Planning Authority at a ratio of two replacement trees for every single tree removed. The trees will be planted within the site or at a place agreed in writing with the Local Planning Authority. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting. The replacement planting shall be carried out within the next planting season (between November and March) following the completion of construction. If the trees, within a period of 5 years from the date of planting die, fail to establish, are removed or become damaged or diseased, they will be replaced by the site owner / site developer or person responsible for the upkeep of the land in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

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.

20. APPROVAL CONDITION - Code for Sustainable Homes [Performance Condition]

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Level 4 of the Code for Sustainable Homes in the form of post construction assessment and certificate as issued by a legitimate Code for Sustainable Homes certification body, shall be submitted to the Local Planning Authority for its approval.

REASON:

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

21. APPROVAL CONDITION - Protection of nesting birds [Performance Condition]

No clearance of vegetation likely to support nesting birds shall take place between 1 March and 31 August unless a method statement has been agreed in writing by the Local Planning Authority and works implemented in accordance with the agreed details.

REASON

For the safeguarding of species protected by The Wildlife & Countryside Act 1981 (as amended) and the conservation of biodiversity

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

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

Reason:

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

23. APPROVAL CONDITION – Archaeological investigation [Pre-Commencement Condition]

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

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

24. APPROVAL CONDITION – Archaeological work programme [Performance Condition]

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

Reason: To ensure that the archaeological investigation is completed.

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

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

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

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

And at no time on Sundays and recognised public holidays.

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

Reason:

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

26. APPROVAL CONDITION - Wheel Cleaning Facilities [Pre-Use Condition]

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

Reason:

In the interests of highway safety.

Notes to Applicant

1. The developer is advised that whilst the risk is very low, there is still a possibility of a bat roost being present within Prospect House. Should a bat roost be discovered during demolition, work must stop and Natural England's advice sought on how to proceed.

2. The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel 01962 858688) or www.southernwater.co.uk

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

4. Cranes: Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at <http://www.aoa.org.uk/policy-safeguarding.htm>)

5. Lighting: The development is close to the aerodrome and the approach to the runway. We draw attention to the need to carefully design lighting proposals. This is further explained in Advice Note 2, 'Lighting near Aerodromes' (available at <http://www.aoa.org.uk/policy-safeguarding.htm>). Please note that the Air Navigation Order 2005, Article 135 grants the Civil Aviation Authority power to serve notice to extinguish or screen lighting which may endanger aircraft.

6. Landscaping: The development is close to the airport and the landscaping which it includes may attract birds which in turn may create an unacceptable increase in birdstrike hazard. Any such landscaping should, therefore, be carefully designed to minimise its attractiveness to hazardous species of birds. Your attention is drawn to Advice Note 3, 'Potential Bird Hazards: Amenity Landscaping and Building Design' (available at <http://www.aoa.org.uk/policy-safeguarding.htm>).

7. Pre-Commencement Conditions

Your attention is drawn to the pre-commencement conditions above which require the full terms of the condition to be satisfied before development commences. In order to discharge these conditions you are advised that a formal application for condition discharge is required. You should allow approximately 8 weeks, following validation, for a decision to be made on such an application. If the Decision Notice includes a contaminated land condition you should contact the Council's Environmental Health Department, and allow sufficient time in the process to resolve any issues prior to the commencement of development. It is important that you note that if development

commences without the conditions having been formally discharged by the Council in writing, any development taking place will be unauthorised in planning terms and this may invalidate the Planning Permission issued. Furthermore this may result in the Council taking enforcement action against the unauthorised development. If you are in any doubt please contact the Council's Development Management Service.

8. Performance Conditions

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

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

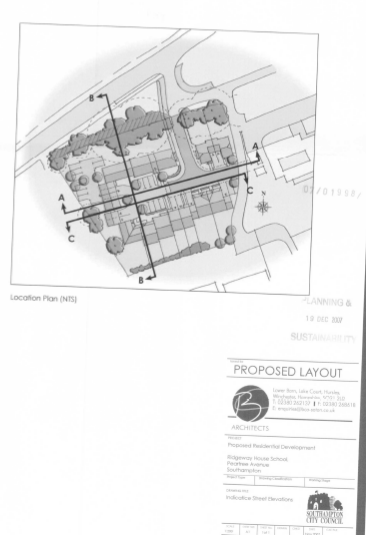
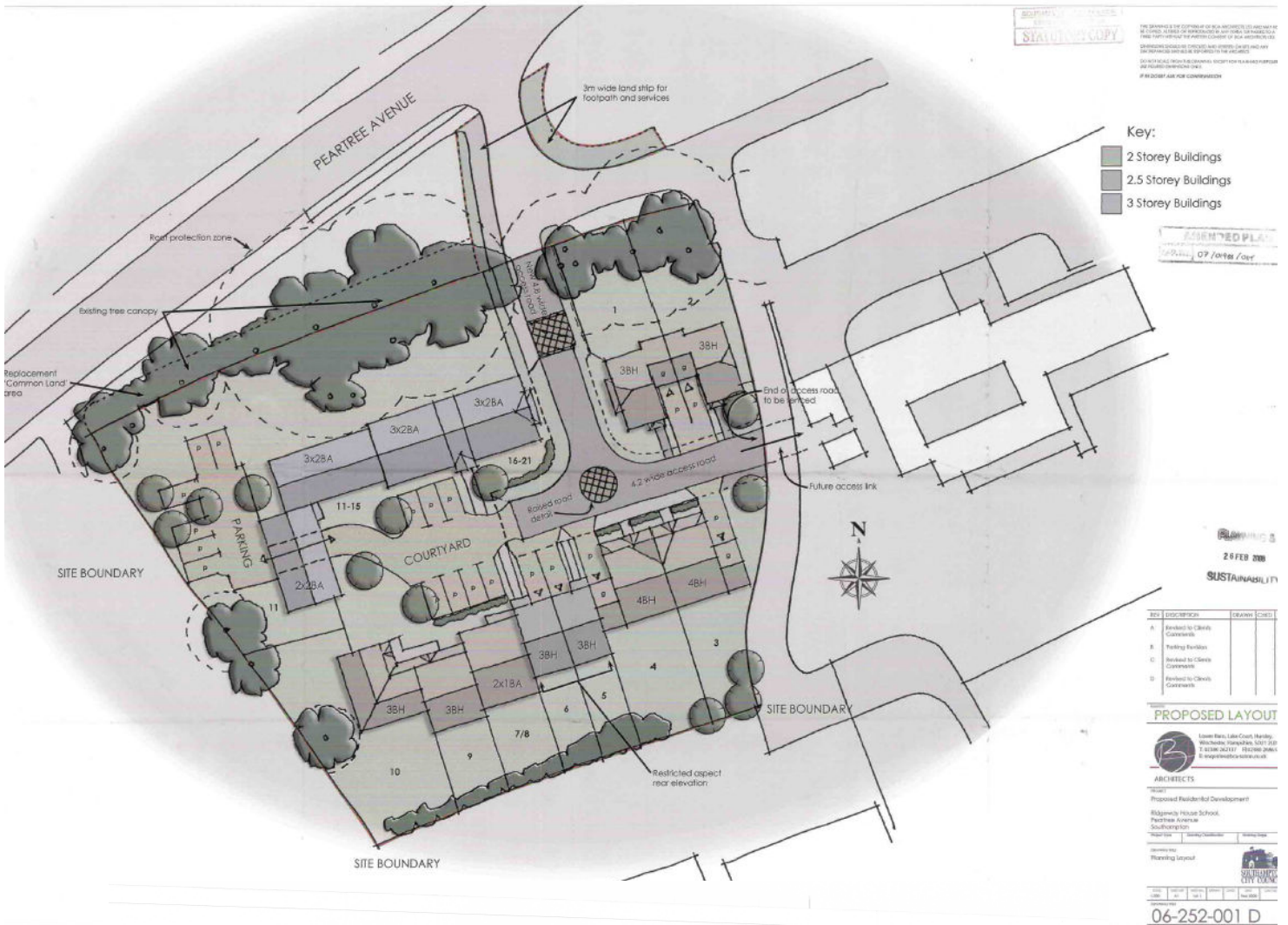
SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
SDP17	Lighting
SDP22	Contaminated Land
NE4	Protected Species
HE6	Archaeological Remains
CLT3	Protection of Open Spaces
CLT5	Open Space in New Residential Developments
CLT6	Provision of Children's Play Areas
H1	Housing Supply
H2	Previously Developed Land
H3	Special Housing Need
H7	The Residential Environment

Supplementary Planning Guidance

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

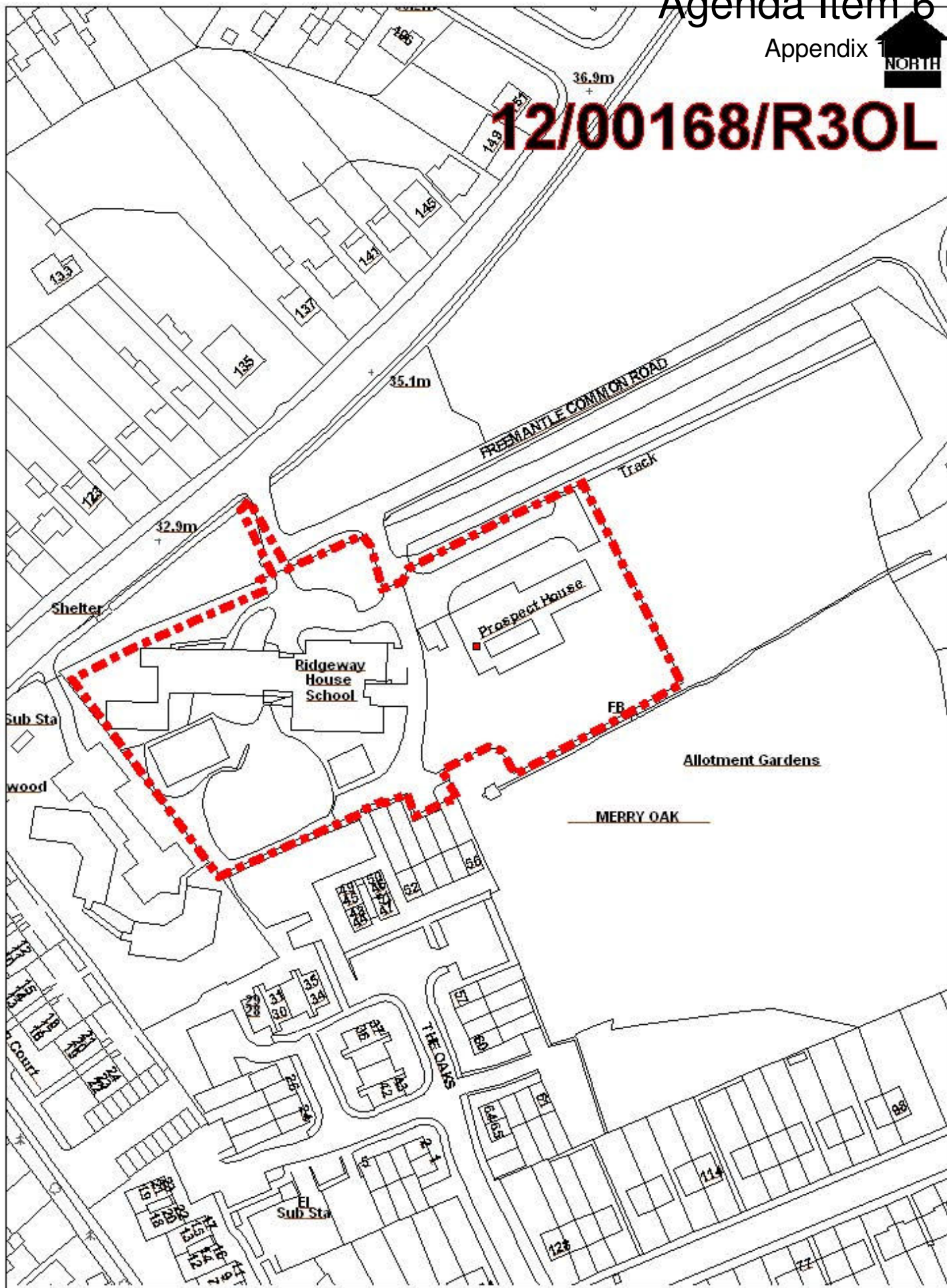
National Planning Policy Framework – 27th March 2012.

Details of previously approved application 07/01998/OUT





12/00168/R3OL



Scale : 1:125

Date : 03 April 2012

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Agenda Item 7

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 17 April 2012
Planning Application Report of the Planning and Development Manager

Application address: Promontory and Car Park Adjoining the Ocean Village Marina, Ocean Way/Maritime Walk			
Proposed development: Site clearance and erection of a 76 bedroom hotel (Class C1) with associated spa, restaurants, bars/club and function rooms with 12 residential units (Class C3) in a building ranging in height from 5-storeys to 7-storeys and erection of a building ranging in height from 6-storeys to 10-storeys to provide 82 flats and 1,139 square metres of commercial floorspace (Use Classes A1, A2, A3, A4, A5 or B1) with associated parking and landscaping works.			
Application number	11/02000/FUL	Application type	FULL
Case officer	Richard Plume	Public speaking time	15 minutes
Last date for determination:	17.03.2012	Ward	Bargate
Reason for Panel Referral:	Referred by the Planning and Development Manager as an application of strategic importance.	Ward Councillors	Cllr Bogle Cllr Noon Cllr Willacy

Applicant: Ocean Village Waterside Developments Ltd	Agent: Savills
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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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Appendix attached			
1	Development Plan Policies	2	City Design Manager comments

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The Local Planning Authority is satisfied that the application site on the waterfront is an appropriate location for tall buildings and that the detailed design treatment is satisfactory. The LPA is satisfied that the additional information provided is sufficient to demonstrate that the development does not pose unacceptable risks of flooding. Furthermore, the LPA is satisfied that the proposed development would not have a detrimental impact on the setting of listed buildings nearby or on the character and appearance of the adjoining Canute Road Conservation Area. The regeneration benefits associated with the scheme have also been taken into account. 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 be granted.

Policies - SDP1, SDP6, SDP7, SDP9, SDP10, SDP13, HE1, HE3, HE6, CLT5, CLT6, CLT11, CLT14, H1, H2, H7, REI7 and MSA11 of the City of Southampton Local Plan Review (March 2006) and Policies CS1, CS3, CS4, CS6, CS12, CS13, CS14, CS15, CS16, CS19, CS20, CS23, CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Recommendation in Full

Conditionally approve

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 highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), Policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended).
- ii. A financial contribution towards strategic transport projects for improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D.
- iii. Financial contributions towards open space improvements required by the development in line with Policies CLT5 and CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended).
- iv. Provision of affordable housing in accordance with Core Strategy Policy CS15.
- v. A financial contribution towards public realm improvements in accordance with the adopted SPG relating to Planning Obligations (August 2005 as amended).
- vi. Submission and implementation of a Training and Employment Management Plan committing to adopting local labour and employment initiatives in line with Core Strategy Policies CS24 and CS25.
- vii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
- viii. Obligations to ensure the permanent provision of public access to the promenade, raised terrace and public square.
- ix. Submission, approval and implementation of a Waste Management Plan.
- x. Submission and implementation of a Travel Plan.
- xi. Submission and implementation of a Flood Management Plan.
- xii. Provision of public art in accordance with policy.

That the Planning and Development Manager be given delegated powers to vary relevant parts of the Section 106 agreement and to vary or add conditions as necessary as a result of further negotiations with the applicant and analysis of the viability appraisal.

1. The site and its context

- 1.1 The application site, within Ocean Village, comprises the Promontory site which projects into the marina basin, an existing car park which adjoins to the north and parts of the adjoining private roads of Maritime Walk and Ocean Way. The application site area is approximately 1.18 hectares. The site is primarily used for car parking at present on a 'pay and display' basis and on occasions to provide facilities for special events involving marquees etc. There are approximately 130 publicly available car parking spaces at present with the potential for further private parking spaces on the Promontory itself.
- 1.2 The surroundings of the application site are mixed in terms of uses, building heights, age and design of buildings. To the north-east is the development known as Admiral's Quay, a predominantly residential development, with some ground floor commercial uses, within five buildings ranging in height from 4-storeys to 10-storeys. The south western part of Admiral's Quay has not yet been developed but there is an approved scheme for an additional 230 flats and commercial uses within three buildings of between 6-storeys and 12-storeys in height which was granted in 2007. A more recent scheme for 299 flats and commercial floorspace in buildings of up to 26-storeys in height was approved by the Panel in January of this year subject to a Section 106 agreement. To the north and west of the application site is the Cineworld Cinema and a series of 3, 4 and 5-storey office buildings, Enterprise House, Prospect House, Savannah House, Meridians House, Arcadia House and Barclays House. Within this area are extensive car parks to serve the commercial uses and for public use.
- 1.3 To the south of the site is the Harbour Lights Cinema which has its own private car park and beyond is the former 'boatyard site' which has recently been redeveloped to provide an Innovation Centre and a separate block of flats above A1/A3 uses. On the south side of the marina are predominantly 3 and 4-storey houses and flats in Atlantic Close and Tasman Close.
- 1.4 The application site is not within a conservation area although Canute Road to the west of the site is a conservation area containing several listed buildings on the road frontage. The dock basin wall of that part of the application site which is currently used as a car park is a Grade II listed structure.

2. Proposal

- 2.1 This full planning application proposes the erection of two buildings: a hotel building with some residential accommodation on the Promontory and a mixed residential and commercial building to the north of the Promontory on the site of the existing surface level car park.
- 2.2 The proposed hotel would provide 76 bedrooms together with a range of ancillary facilities including restaurants/bars, function rooms etc and a spa area. The hotel building would range in height from 5-storeys to 7-storeys with a maximum height of 27.7 metres above Ordnance Datum (AOD). The hotel building also incorporates 12 two bedroom flats. Drop off facilities for the hotel would be provided off Maritime

Walk on the north side of the building and 24 short stay car parking spaces for guests etc would be provided opposite the hotel on the west side of Maritime Walk. Longer term car parking for hotel guests and visitors will be within the multi-storey car park which serves the whole Ocean Village estate and is situated on the west side of Ocean Way. The proposed external materials for the hotel are to be: predominantly glazed curtain walling in a silver coated or anodised aluminium frame; a bronze coloured screen of regularly spaced laminate strip slats fixed to a metal frame; silver coated aluminium panels to form terrace guarding and parapets and spandrel panels; frameless glass balustrading to roof terrace; and a full height bronze coloured screen to the roof top plant enclosure.

- 2.3 The proposed building on the site of the existing car park would be in three parts, a 6-storey part on the south side, a central 8-storey element and at the northern end a 10-storey building with roof top plant above (maximum height of 42.25 metres AOD). This building would provide 82 flats (75 x two bedroom and 7 x three bedroom units) together with commercial space at upper ground floor level. These units would provide a total gross external floorspace of 1,139 square metres which includes a marina office of 87 square metres floorspace and three units which would be available for any of the 'A' Use Classes (shops, professional offices, restaurants/cafes, bars or hot food take-aways) and/or Class B1 (business use). The lower ground floor of this building would provide car parking, cycle parking and refuse facilities. Car parking for the residential element would comprise 66 spaces at lower ground floor level and 14 on-street spaces with 88 cycle parking spaces. The residential density would be approximately 230 dwellings per hectare. The external materials for this building would be mainly precast architectural concrete stone; a bronze coloured, laminate rainscreen panel; metal framed balconies with timber decking and glass balustrades; and windows with anodised aluminium frames.
- 2.4 A series of existing and proposed open spaces form part of the application site. It is proposed to reconfigure the existing pedestrian route between the office buildings to provide an enhanced approach from the Ocean Car Park to the new hotel. This will involve infilling the existing water features and providing new hard and soft landscaping including sloping lawn areas and new tree planting as well as new canopies to provide weather protection. It is intended that this space would be used by office workers during lunchtimes as well as providing more flexible areas where events can be staged. The area to the north of the residential block, where it adjoins the Admirals Quay development, is an area of space described as a 'Welcome Plaza' which would be available for events, both marina related and specialist market/product launches as well as external seating for restaurants etc. Adjoining the commercial frontage would be a marina raised deck approximately 1.2 metres above the marina walkway level which would provide external restaurant seating and an events/public viewing area across the marina. Between the residential building and the hotel the forecourt would be a mixed pedestrian and vehicle space with guest drop-off facilities and servicing/delivery arrangements for the hotel. The terraces to the hotel on the promontory would be mainly a private amenity space for guests of the hotel and staff as well as spaces that provide function opportunities for events being held in the marina.
- 2.5 The application has been amended since it was first submitted. The main changes relate to the design of the residential building and the mix of flats as well as alterations to the public realm areas.

3. **Relevant Planning Policy**

- 3.1 Having regard to paragraph 214 of the National Planning Policy Framework dated 27 March 2012 the policies and saved policies set out in **Appendix 1** which have been adopted since 2004 retain their full material weight for decision making purposes.
- 3.2 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**. The application site is part of an allocated site for development in the Local Plan under Policy MSA 11. This policy allocation promotes a mix of uses including offices, a marine innovation centre, water based leisure and A3 uses, hotel, marina related events and residential. Some of the land subject of this site allocation has now been developed with a public multi-storey car park on land to the west of Ocean Way, and a mixed residential and commercial development of up to 11-storeys in height on the former boatyard site which is south of the Harbour Lights Cinema.
- 3.3 Major developments are expected to meet high sustainable construction standards in accordance with the City Council’s adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.4 The City Centre Urban Design Strategy (CCUDS) has been approved by the Council as supplementary planning guidance to the Local Plan and should be taken into account in the determination of this application. Key aims of the strategy are to enhance 'arrival' and movement through the city; to improve the visual quality and coherence of the city centre and achieve a high quality environment for Southampton. The strategy seeks to develop the character area concept within the city centre (the application site is within the Waterfront Character Area). Within this area the design objectives are: to improve the connectivity of the waterfront to the rest of the city and increase opportunities for pedestrian access to the waters edge; to create new public spaces to provide attractive settings for key buildings; to build up the architectural mass and scale towards the water's edge; and create active building frontages along key sections of the waterfront.
- 3.5 The City Centre Action Plan (CCAP) Preferred Approach is currently subject of public consultation but is a material consideration in this case. The application site is within the Ocean Village Quarter and is identified as part of a development site. The relevant draft policy in the CCAP seeks to enhance Ocean Village as a high quality waterfront destination through promoting a mix of uses for employment, residential and leisure which could include offices; food and drink; leisure; hotel; water based recreation; residential and ancillary shopping. The design aspirations of the policy are to use innovative and distinctive architectural design; to create a continuous route for public access along the waterfront; provide residential uses on upper floors and an active commercial frontage on the ground floor; development on the promontory should be a flagship development providing a public space for events and exhibitions to replace the adjoining surface car park.

4. Relevant Planning History

- 4.1 The following planning decisions all relate to the Promontory site. In 1987, outline planning permission was granted for the erection of 34 residential units with associated car parking.
- 4.2 In 1990, planning permission was granted for the erection of a 9-storey block of 19 flats, a 5-storey block of 9 flats and two garage blocks with 4 self-contained flats above and associated car parking. This permission was renewed in 1995 and 2000 but has now expired.
- 4.3 In 1993, planning permission was granted for the erection of a 2-storey marina services building and a marina car park. A further outline permission for a similar form of development was granted in 1996 with reserved matters approval in 1997. This permission was renewed in 2002.
- 4.4 Planning permission was granted in June 2007 for a 15-storey 225 bedroom hotel with associated facilities including an events piazza on the same site as the current planning application (Council reference 06/00521/FUL). This permission has not been implemented and has also now expired.
- 4.5 In October 2008, planning permission was granted for the erection of a 13-storey building to provide a 224 bedroom hotel with ancillary facilities and a marina control centre with an events plaza adjoining and associated landscaping (reference 08/00693/FUL). The time for implementing this permission was extended in April 2011 so this permission could still be implemented (reference 11/00023/TIME).

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (19.01.2012) and erecting a site notice (12.01.2012). At the time of writing the report **8** representations have been received from surrounding residents and businesses. Of these comments, 6 responses are opposed to the development and 2 are in favour.
- 5.2 The comments opposing the application can be summarised as follows:
 - The proposed development, when combined with the recent approval for Admiral's Quay, could result in a significant traffic impact on the area.
 - The car parking provision is inadequate and well below the Council's standards with an element of the provision being on-street. This will produce significant parking overspill which will inevitably encroach on the adjoining private roads including the Pacific Close estate. To prevent such parking overspill a planning condition should be imposed to erect gates across the point of entry to the Pacific Close estate.
 - The proposal results in a significant loss of open space for the Ocean Village marina and replacement with a series of smaller open spaces which are designed to suit the adjoining commercial operators but the public benefits of these areas is minimal. The proposed 'Welcome Plaza' would be a residual and unattractive space. There is concern that events such as the annual Sports Boat and RIB Show and race starts such as the Clipper round the world race will be discouraged from using the marina due to the loss of usable areas of open space.
 - The existing ponds should be retained, they are unique in this part of the city

centre, provide a place of relaxation for both residents and office staff and are home to ducks and fish. This is one of the few truly family friendly features of the Ocean Village estate. Replacing the ponds with just a grassed area will reduce the amenity of the area.

- Wider improvements to the public realm, including feature lighting and waste bin provision, should be sought.
- The proposed landscaping changes and inclusion of canopies could result in congregations of large numbers of people and potential anti-social behaviour.
- The residential/commercial building does not satisfactorily address Maritime Walk as it turns its back on to the street and will create an undesirable 'back of house' effect.
- The location of the hotel would effectively split the marina into two and result in a loss of views.
- The proposal would create sub-standard flats, with limited privacy between balconies and the creation of a large number of single-aspect north-facing flats.
- There would be a loss of sunlight/daylight to the directly adjoining office building and a loss of view across the marina.
- There is a restrictive covenant on the car park part of the site which limits the maximum height to the eaves of any structures to 2.9 metres.
- To safeguard the amenities and operational requirements of adjoining businesses, it is reasonable to limit noise/vibration during construction, retention of utility provisions, the condition of the site, safety and access arrangements.

These comments are addressed later in this report.

5.3 The comments supporting the application are as follows:

- The design of the proposed hotel is very attractive and in keeping with the maritime setting.
- The height and overall scale of the hotel is in keeping with the neighbouring block of flats and the properties around the marina.
- This high quality waterfront hotel would considerably enhance Ocean Village and provide much needed additional hotel accommodation in Southampton.

5.4 The amended drawings have been the subject of re-consultation and any further responses will be reported verbally at the meeting.

5.5 **SCC Highways** - The roads within the Ocean Village estate are privately owned, not adopted public highways. The proposed internal layout seeks to improve pedestrian movement in and around the site which is welcomed. The servicing arrangements and level of car parking provision is considered to be adequate.

5.6 **SCC Housing** – As the scheme comprises 94 dwellings in total the affordable housing requirement from the proposed development is 35% (CS15- sites of 15 + units = 35%). The affordable housing requirement is therefore 33 dwellings. Policy CS 15 of the adopted Core Strategy sets a hierarchy for the provision of affordable housing as:

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

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

In this case provision would be sought on site.

- 5.7 **SCC Sustainability Team** – Pleased to see that the application is accompanied by pre-assessments for Code and BREEAM and an Energy & Sustainability statement and there is commitment to achieve Code Level 3 and Very Good respectively and appropriate C02 reductions. The residential development should meet a minimum of 15% C02 reduction on Building Regulations Target Emission Rates. The pre-assessment estimator shows 2 credits in category Ene1 which is a minimum 16% reduction. The non-residential elements should achieve at least 12.5% reduction and the pre-assessment estimator shows 4 out of 15 credits which is approximately equivalent to 15% reduction. There is potential for improvements in green infrastructure including elements of green walls and opportunities should be sought to include this on this development. There are also flat roofs which could accommodate green roofs and provision of this additional green infrastructure could gain additional credits in the code for sustainable homes as the current score does not provide much of a safety margin, as stated in the code report. Rainwater harvesting should also be implemented where feasible. There are no objections to the application subject to conditions.
- 5.8 **SCC City Design** – The proposals offer a suitable scale and quality of development that will significantly enhance the legibility and ‘sense of place’ of Ocean Village as one of the few locations in the city where currently the public can enjoy the waterfront. The hotel promises to lift the overall impression of Ocean Village with its strong maritime styling and a fitting venue for maritime events and celebrations where one will be able to enjoy the waterfront from one of its many terraces. Much work has been put into the design of the residential block by the architects, working closely with officers, and the resultant design is a well mannered and fitting response to a challenging set of constraints that will sit in harmony with the hotel and proposed development at Admiral's Quay. CABE/EH's Tall Building Guidance requires that tall buildings should be of ‘excellent design quality’ – these proposals promise to meet this criteria but this will hinge on the highest quality glazing, cladding and balcony materials and fittings etc being used as well as excellent architectural detailing. (Note: the full comments of the City Design Manager are included within Appendix 2 of this report).
- 5.9 **SCC Planning Policy Team** - no objections in principle to a mixed use scheme on this site, however, there is concern that the quantity of open space (Welcome Plaza and waterfront walkway) will be unable to adequately function as an exhibition and events space. Although, the site will make more efficient use of land, there is concern that the reduced size and new layout of the open space could be insufficient to accommodate the scale of visitors and facilities associated with an international yachting event. The principle of re-developing this brownfield site for housing is supported in principle by Policy H2 of the Local Plan Review and CS 5 of the Core Strategy which notes that the majority of development should be on previously developed land. The council supports Class A3, A4 and A5 uses in this city centre, waterside location. However, the cumulative impact of the combined retail floorspace (greater than 750 sq m) needs to be controlled outside the primary shopping area as it can potentially have an adverse impact on the vitality and viability of the primary and secondary retail frontages and is contrary to the sequential approach set out in Policy CS3. Therefore it is recommended that a

condition is used to limit A1 and A2 use to be no greater than 750 sqm.

- 5.10 **SCC Environmental Health (Pollution & Safety)** - There are no objections to the application subject to the inclusion of conditions covering the hours of construction works, noise and vibration mitigation measures during construction, dust suppression during construction, extract ventilation measures to the hotel and food and drink premises, storage and disposal of refuse, and noise from external plant equipment.
- 5.11 **SCC Environmental Health (Contaminated Land)** Annex 2 of PPS23 considers the proposed land use as being sensitive to the affects of land contamination. Records maintained by Environmental Health Services indicate that the subject site is located on/adjacent to the following existing and historical land uses - Docks & Wharf (on site). These land uses are associated with potential land contamination hazards. There is the potential for these off-site hazards to migrate from source and present a risk to the proposed end use, workers involved in construction and the wider environment. Therefore, to ensure compliance with Annex 2 of PPS23 and Policies SDP1 and SDP22 of the Local Plan Review this department would recommend that the site be assessed for land contamination risks and, where appropriate, remediated to ensure the long term safety of future occupiers.
- 5.12 **SCC Ecology** – The application site and its immediate surroundings consist of hard surfaces and buildings which have negligible biodiversity value. The site is however, within 500m of the Solent and Southampton Water Special Protection Area (SPA) and Ramsar site and the Lee-on-the-Solent to Itchen Estuary Site of Special Scientific Interest (SSSI). Whilst there are not likely to be any direct effects there is potential for construction phase activities to result in indirect effects. Such activities include the following:
- o Noise, arising from piling, affecting bird species which are interest features of the Solent and Southampton SPA/Ramsar site
 - o Noise, again from piling, impacting on Atlantic salmon which are a secondary feature of the River Itchen SAC.

These potential impacts can be easily addressed through suitable construction techniques, for example vibro-piling, and timing of work. A request was made for these details to be submitted in support of the planning application however, as this has not occurred, they will need to be secured through a planning condition.

I do not believe that the buildings pose a collision risk for birds due to their relatively low level. However, lighting can draw birds towards buildings so a detailed lighting plan that clearly indicates how this risk will be minimised should be secured through a planning condition.

In conclusion, the proposed development is unlikely to have any direct adverse impact on biodiversity, including designated sites however, there is potential for indirect impacts. Information detailing how the impacts identified above can be minimised should be secured through planning conditions.

- 5.13 **BAA** – There are no aerodrome safeguarding objections to this proposal provided that a condition is applied to any planning permission covering a bird hazard management plan.
- 5.14 **Environment Agency** - **OBJECT** to the grant of planning permission and

recommend refusal on this basis for the following reasons: the flood risk assessment (FRA) submitted with this application does not fully comply with the requirements set out in Annex E, paragraph E3 of Planning Policy Statement 2: Development and Flood Risk (PPS 25). The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, there is insufficient information provided to demonstrate that the proximity of the proposed buildings to the existing quay wall will not compromise the Hold the Line policy of the North Solent Shoreline Management Plan by restricting access for essential maintenance and/or repair. It may be possible to overcome this objection if further information is provided, as detailed below.

Advice to the Local Planning Authority

Shoreline Management Plan (SMP)

Our immediate concern, and grounds for our objection, is that insufficient information has been provided to demonstrate that the proposed development will not compromise the effective maintenance of the existing quay walls. We request that further information is provided with regard to the design of quay walls, their likely future maintenance requirements including ownership and responsibility, and how this will be carried out within the context of the proposed layout in order to demonstrate that flood risk to third parties behind the existing defence line will not be increased as a result of the development.

Although the issue of future defence improvements does not form part of our objection, we would strongly recommend that greater consideration is given to how the development will be designed to form an integral part of any future flood defence scheme. Currently, it is not sufficiently clear how this will be achieved and we would recommend that the following information is provided to Southampton City Council for clarity, to ensure that the scheme does not increase flood risk to others.

The effective protection of the community will be reliant upon both the effective maintenance of the existing quay walls in addition to the provision of the raised area of land to protect against a future rise in sea level.

Land levels

It is stated that:

The promontory upon which the hotel will sit is at a current level of 4.3m AOD. The topographic survey suggests that the land level varies between approximately 3.8 and 4.3m AOD.

We would therefore request confirmation that the promontory area will be raised to a minimum of 4.2m AOD. In addition to the hotel promontory, the marina raised deck will form an integral part of the flood defence line in future years. It must therefore be designed and constructed appropriately in order to perform this function e.g. to withstand floodwater.

Principle of development

The FRA states that the minimum floor level for residential development (including

the residential element of the hotel) would be set at 8.97m AOD. With a design flood level of 4.2m AOD in the year 2115 the FRA shows that over the lifetime of the residential development, these dwellings would not be subjected to internal flooding.

There would however, be potential flooding affecting the commercial section of the development on the ground floor. Assuming that the building is examined over the higher risk development lifespan (residential) the design flood level of 4.2m AOD, according to the Southampton Level 2 Strategic Flood Risk Assessment (SFRA2) and its modelling, would imply flood levels of the site of around 100mm – 150mm. Over a commercial lifespan, the potential flood levels are reduced to less than 100mm, however, as the commercial section of the development is integral to the residential sections' existence, we believe that the buildings as a whole should be looked at over a residential lifespan.

Planning Policy Statement 25: Development and Flood Risk and the associated Practice Guide (paragraphs 7.23 to 7.31) places responsibilities on LPA's to consult their Emergency Planners with regard to specific emergency planning issues relating to new development. In all circumstances where warning and evacuation are significant measures in contributing to managing flood risk, we will expect LPA's to formally consider the emergency planning and rescue implications of new development in making their decisions.

Flood Proofing

The Environment Agency recommends that in areas at risk of flooding consideration be given to the incorporation into the design and construction of the development of flood proofing measures. These include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels.

Response

The applicant has been in discussion with the Environment Agency about these comments in an attempt to resolve this objection. The agency have informally indicated that their concerns have been met but a formal update will be provided at the meeting.

- 5.15 **Southern Water** – Initial investigations indicate there is currently inadequate capacity in the local network to provide foul and surface water sewage disposal to service this development. The proposed development would increase flows to the public sewerage system. Existing properties and land may be subject to a greater risk of flooding as a result. Additional off-site sewers, or improvements to existing sewers will be required to provide sufficient capacity to service the development. Southern Water have no objections subject to the imposition of a condition and informative.

6. Planning Consideration Key Issues

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

- The principle of the development and the mix of uses proposed.
- Design issues, including the height and form of the development and the impact

- on the setting of the marina.
- Transportation issues.
- Sustainability, flood risk and environmental impact.
- Regeneration issues

6.2 Principle of Development

The 2006 and 2008 approved schemes (subsequently renewed in 2011) have established the principle of a landmark hotel building on the Promontory site. The application site is within the city centre boundary as defined in the Local Plan. The provision of a hotel on this site is in accordance with central government guidance which promotes a 'town centres first' approach to site selection for main town centre uses, including hotels, and Policy CLT1 of the Local Plan. The mixed use site allocation, Policy MSA 11, recommends that uses fronting the docks should be primarily leisure, hotel and marina related facilities such as events and exhibition space, in recognition of the role this site currently offers for world yachting and other special events. As with the previous schemes, the hotel incorporates a wide range of ancillary facilities which would be complementary to the marina and event activities. The previous permissions for hotels on the Promontory included using virtually the whole of the existing car park as an 'events plaza', i.e. an open space primarily for public events. This approach was partly because the hotel building was much larger with extensive function and conferencing space. It was also partly for legal reasons as there is a restrictive covenant on the land which limits the height of buildings which could be constructed on this part of the site. The previously approved schemes have not proved to be viable and although there is still an extant permission for a larger hotel there does not seem to be a strong likelihood that it will be built. The mixed use allocation for the site under Local Plan Policy MSA 11 allows for residential and smaller scale commercial uses of the type proposed here. In principle, therefore, the proposed development complies with government guidance, Local Plan Policy and supplementary planning guidance. There is therefore no objection to some form of building on the car park site, subject to detailed design, transportation and flood risk issues as well as the Panel being satisfied that sufficient open space and other facilities will be provided to potentially allow marina related events to continue to be accommodated at Ocean Village.

6.3 Design issues

Members attention is drawn to the detailed comments of the Council's City Design Manager in Appendix 2 to this report. There are a wide variety of architectural styles and building heights surrounding the Ocean Village Marina. Buildings vary in scale from 2 and 3-storey houses to the recently completed 11-storey block of flats on the Boatyard site. Furthermore, the panel approved the final phase of the Admiral's Quay development in January of this year which includes three new buildings, the largest of which is 26-storeys (80 metres height AOD). There is therefore a clear precedent for tall buildings in this part of the city. There are a series of policies and supplementary design documents which support this waterside location as a suitable location for tall buildings. This includes Local Plan Policy SDP9 which is permissable of tall buildings on the waterfront and 'CCUDS' which is referred to in paragraph 3.3 of this report. Furthermore, the City Centre Masterplan and the emerging City Centre Action Plan which have been published for public consultation similarly support tall buildings on the city's waterfront. Ocean Village is one of the few areas of publicly accessible waterfront in the city and

consequently is considered to be an appropriate location for a landmark feature which will help to create a new sense of place. Having said this the proposed buildings, particularly the hotel, are significantly smaller than the previously approved hotel buildings.

- 6.4 In terms of the detailed design, the form and scale of both buildings is considered to be acceptable. The hotel building would be individual and quite striking in appearance for this maritime location. The proposed residential building is of a simpler design which effectively 'defers' to the more public hotel building. Both buildings have four public sides so it is inevitable that there will be at least one elevation which is back of house. The residential/commercial building inevitably has its main ground floor frontage facing the marina and its rear elevation to Maritime Walk. However, the amendments to the scheme have improved this frontage and will incorporate two residential entrances which would provide a certain amount of public activity on this rear elevation.
- 6.5 The application proposes significant alterations to the public realm in Ocean Village. The existing water features between the office buildings look quite dated and the applicant is seeking to upgrade this space as a more welcoming approach to the new hotel. Local residents have objected to the removal of these water features but there are no policy reasons which would justify opposing these changes. There is a concern that the amount of site coverage with the new buildings would reduce the amount of space available for large scale public events at Ocean Village. However, the applicant has provided a certain amount of evidence to demonstrate that, although smaller, a range of different scale exhibition and public events could still be accommodated in conjunction with the marina. Indeed the hotel would provide a range of function facilities which would complement marina related events and the new commercial units, with large areas of public assembly space, should add to the vitality of Ocean Village as a whole.
- 6.6 The application site is significantly further away from the main heritage assets of the area, which are the listed buildings and the conservation area in Canute Road, than for example the Admiral's Quay development. Subject to further details and good quality external materials it is considered that this development would not adversely affect the setting of listed buildings or the character and appearance of the Canute Road Conservation Area.
- 6.7 The nearest residential neighbours to the application site are on the south side of the marina at Tasman Close and on the former boatyard site. These neighbours would not be directly affected by the development in terms of loss of light or overshadowing and their outlook would not be affected to the same degree as would have resulted from implementation of the much larger hotel previously approved. Several of the businesses in the existing office buildings have made representations against the development on the grounds of loss of light and views, the restrictive covenant and disturbance during the construction process. In response to these concerns, there is no right to a view of the marina and the terms of a covenant is not a planning matter. Loss of sunlight and daylight to a commercial property is not such an important consideration as would be the case for a residential neighbour. The construction impact can be mitigated through appropriate conditions.
- 6.8 In terms of the mix of residential units proposed, the majority of the flats proposed are 2 bedroom units but the amendments made to the scheme result in the incorporation of 3 bedroom family sized units (7 out of the 82 units or 9% of the

total). Each of these units would have some outdoor space but this provision of family accommodation is well below the city wide target of 30%. However Core Strategy Policy CS 16 does allow for this target to be varied depending on the established character of the neighbourhood and the viability of the scheme. As this is a city centre location and the residential accommodation is on the upper floors above commercial units, this reduced amount of family housing can be justified. The layout of the proposed flats is considered to be acceptable with the vast majority being dual aspect.

6.9 Transportation

This is a city centre site which is well served by public transport and can therefore accommodate a high density form of development of this nature. The previously approved development was for a much larger hotel with more extensive conference and entertainment facilities and the increase in the amount of development with a residential use would not have a significant impact in traffic terms. The Council's highways team are satisfied that the level of trips to the site can be accommodated without adverse impact on the city's highways network.

- 6.10 In terms of car parking provision, the new parking standards in the emerging CCAP seek a maximum of one space per two bedroom flat and a maximum of 2 spaces for three bedroom flats. The level of parking provision for the proposed residential building is one space per unit which is only marginally below the maximum standards and therefore is considered to be acceptable. The existing surface level visitor car parking would be transferred to the Ocean Way multi-storey car park in accordance with the terms of a previous Section 106 agreement which will mean there will be no net loss of visitor car parking at Ocean Village. In terms of the representations from the Pacific Close residents, this is essentially a management issue as the roads in Ocean Village are privately owned and managed by the applicant. There is no evidence to suggest that guests or visitors to the hotel would overspill into Pacific Close which is over 400 metres by road from the site of the hotel.

6.11 Sustainability and environmental impact

The applicant has submitted BREEAM and Code for Sustainable Homes pre-assessments for this mixed use development which show a commitment to meeting Code Level 3 and the potential for meeting BREEAM very good standard. These measures are welcomed, would meet the requirements of Core Strategy Policy CS20 and can be secured through conditions.

- 6.12 The applicants flood risk assessment demonstrates that the residential development would be built to a level which would be safe in a flood event. The Environment Agency originally objected to the application on a number of grounds. The applicants have provided additional information and the Environment Agency have informally indicated that this information is sufficient for their objection to be withdrawn but this has yet to be confirmed. In terms of coastal defence issues, the applicants are the landowners of the entire Ocean Village estate and have responsibility for the future maintenance and, if necessary, improvement of the marina dock wall. A site specific flood management plan can form part of the Section 106 agreement.

6.13. Regeneration Issues

The proposed development offers significant regeneration benefits to this part of the city centre. The application site is predominantly car parking which does not make best use of this waterfront setting. This development would enhance Ocean Village as a visitor attraction, incorporate public realm enhancements and provide both jobs (an estimated 100 full time equivalent jobs) and new housing. Development of this site raises particular issues relating to economic viability. A financial viability appraisal of the development has been submitted and is in the process of being independently assessed. A verbal update on the viability position will be provided at the meeting. Because of the particular circumstances associated with this development it is likely that the proposed development will not fund the normal package of Section 106 benefits. The applicant has made it clear that no affordable housing provision will be possible (the normal policy requirement of 35% would mean 33 affordable units should be sought). It is probable that the Section 106 obligations will concentrate on improvements to open space and site specific transport works.

7. Summary

- 7.1 This is a substantial site around one of the only publicly accessible waterfront areas in the City. The current use of the site has a negative impact on the marina. A hotel and other leisure related uses have been promoted through the Local Plan process. This is a prominent and difficult site to develop; in design terms the proposed building would be a high quality addition to the area and would enhance Ocean Village as a leisure destination. The development is acceptable in Transportation terms, subject to improvements which can be secured through the Section 106 agreement and would provide significant regeneration benefits. Overall, the proposal is considered to be acceptable and is recommended for approval subject to a Section 106 agreement and conditions.

8. Conclusion

- 8.1 It is recommended that planning permission is granted subject to a Section 106 agreement, to be varied as necessary by the Planning and Development Manager following the outcome of the viability assessment, and conditions listed in this report.

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

RP2 for 17/04/2012 PROW Panel

PLANNING CONDITIONS

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

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

Reason:

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

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

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

Reason:

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

03. APPROVAL CONDITION - 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.

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

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

Reason:

To improve the appearance of the site and enhance the character of the development in

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

04. APPROVAL CONDITION - 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.

05. APPROVAL CONDITION - Wheel Cleaning Facilities [Pre-Use Condition]

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

Reason:

In the interests of highway safety.

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

The development hereby approved shall not commence until a method statement and appropriate drawings of the means of construction of the development have been submitted to and approved in writing by the Local Planning Authority. The method statement shall specify the areas to be used for contractors vehicle parking and storage of plant, building materials, excavated materials, temporary buildings and all working areas required for the construction of the development hereby permitted. The method statement shall also include full details including maintenance details of hoardings to screen the materials compound from neighbouring premises. The building works shall proceed in accordance with the approved method statement unless otherwise agreed in writing by the Local Planning Authority

REASON

To protect the amenities of neighbours and the wider environment.

07. APPROVAL CONDITION- Land Contamination investigation and remediation [Pre-Commencement & Occupation Condition]

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

approved in writing by the Local Planning Authority:

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

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

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

Reason:

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

08. APPROVAL CONDITION - 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.

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

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

Reason:

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

10. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

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

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

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

Reason:

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

11. APPROVAL CONDITION - Foul and Surface Water Drainage (Pre-Commencement Condition)

No development shall commence until details of the proposed means of foul and surface water sewerage disposal has been submitted to, and approved by, the Local Planning Authority in consultation with Southern Water. The development shall be carried out in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason

In order that the Local Planning Authority may be satisfied that the development would not increase the risk of flooding in the area.

12. APPROVAL CONDITION - Refuse facilities (Pre-Occupation Condition)

The refuse storage facilities, which shall include recycling facilities, as shown on the approved drawings shall be provided before the use to which the facility relates has been provided. The storage areas shall be retained thereafter.

REASON

To ensure suitable refuse and recycling facilities are provided and in the interests of visual amenity.

13. APPROVAL CONDITION - Bird Hazard Management Plan (Pre-Commencement Condition)

Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of management of any flat/shallow pitched/green roofs on the buildings within the site which may be attractive to nesting, roosting and "loafing" birds (possible different management strategies during the breeding season and outside the breeding season). The Bird Hazard Management Plan shall be implemented as approved upon the completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

REASON

It is necessary to manage the roofs of the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Southampton Airport.

For information: The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs, ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season, gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by BAA Airfield Operations Staff. In some instances, it may be necessary to contact BAA Airfield Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof.

The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences from Natural England before the removal of nests and eggs.

14. APPROVAL CONDITION - Layout of Car Parking/Serviceing (Pre-Occupation Condition)

The whole of the car parking, cycle storage and serviceing 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 serviceing facilities and to avoid congestion in the adjoining highway.

15. APPROVAL CONDITION - Details of visitor cycle parking (Pre-Occupation Condition)

The development hereby approved shall not be first occupied until visitor cycle facilities have been provided in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

REASON

To ensure satisfactory provision of cycle facilities for visitors to the site.

16. APPROVAL CONDITION - Safety and Security measures (Pre-development condition)

No development shall commence until a scheme of safety and security measures, including CCTV equipment, has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall subsequently be implemented in accordance with the scheme before the development is first occupied unless otherwise approved in writing by the Local Planning Authority.

REASON

In the interests of safety and security and crime prevention.

17. APPROVAL CONDITION - Hours of Use - food/drink establishments [Performance Condition]

The food and drink uses / drinking establishments hereby permitted shall not operate, (meaning that customers shall not be present on the premises, no sale or delivery of food or drink for consumption on or off the premises), outside the hours of 0730 to midnight on any day.

Reason:

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

18. APPROVAL CONDITION – Delivery times (Performance Condition)

No deliveries to the commercial premises or to the hotel hereby approved shall take place outside the hours of 0730 to midnight on any day.

REASON:

To safeguard the amenities of future occupiers of the residential accommodation

19. APPROVAL CONDITION - Hours of Use (Performance Condition)

The proposed bars and restaurants of the hotel and their associated outside terrace areas shall not be open for business to the general public (non-hotel patrons) outside the hours of 0730 to midnight.

REASON

To protect the amenities of occupiers of nearby residential properties.

20. APPROVAL CONDITION - Restriction on retail development - Performance Condition.

The development hereby approved shall provide no more than 750 square metres gross external floorspace (including mezzanine floors) of retail use (Class A1).

Reason:

To restrict the amount of retail floorspace on the site in accordance with Policy CS3 of the Southampton Core Strategy (2010)

21. APPROVAL CONDITION - Extract Ventilation - control of noise, fumes and odour [Pre-Commencement Condition]

No development shall take place until a written scheme for the control of noise, fumes and odours from extractor fans and other equipment serving the commercial units and hotel facilities have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and findings.

Reason:

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

22. APPROVAL CONDITION (Protection of listed dock wall - Pre-Commencement Condition)

No works for the construction of the residential/commercial building on the existing car park shall commence until measures to protect the adjoining listed dock wall are in place details of which shall first have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with these approved

details unless otherwise agreed in writing by the Local Planning Authority.

REASON

To ensure the listed structure is protected during the building works.

23. APPROVAL CONDITION - Public realm details (Pre-Occupation Condition)

The development hereby approved shall not be occupied until details of the treatment to the public realm surrounding the buildings has been submitted to and approved in writing by the Local Planning Authority. These details shall include surface treatment, seating and any means of enclosure together with details of measures to control deliveries to the premises. The approved measures shall subsequently be implemented unless otherwise agreed in writing by the Local Planning Authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent amending order, no gates, walls, fences or other means of enclosure shall be installed on the open areas surrounding the buildings without the prior written approval of the Local Planning Authority.

REASON

To ensure satisfactory treatment of these important areas of public space.

24. APPROVAL CONDITION - Details of lighting (Pre-Commencement Condition)

No development shall commence until details of external lighting to the buildings and external areas of the development have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON

In the interests of ensuring a satisfactory appearance to the development and the safety and security of the area.

25. APPROVAL CONDITION - Provision of public spaces (Pre-Commencement Condition)

No development shall commence until a programme of phasing for the provision of the promenade and other public spaces has been submitted to and approved in writing by the Local Planning Authority. The works shall subsequently be carried out in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure the provision of public space as part of the development.

26. APPROVAL CONDITION – Archaeological work programme [Performance Condition]

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

Reason: To ensure that the archaeological investigation is completed.

27. APPROVAL CONDITION – Archaeological investigation [Pre-Commencement Condition]

No development shall take place within the site until the implementation of a phased

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

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

28. APPROVAL CONDITION - Public seating areas (Pre-Occupation Condition)

The commercial units hereby approved shall not be first occupied or open to the public until details of the external areas to be used for seats and tables has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details and no other areas of the promenade or public areas shall be used for such outdoor seating without the prior written consent of the Local Planning Authority.

Reason:

To maintain appropriate public use and access within and through the development.

29. APPROVAL CONDITION - Piling [Pre-Commencement 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 piling/foundation design risk assessment and method statement for the preferred piling/foundation design/designs shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure the selected piling method can be justified on the grounds of structural, geotechnical, contamination, noise, vibration and practicability and ensure any adverse environmental impacts are identified and appropriate mitigation measures are proposed

Condition Informative 1

Guidance is provided in the Environment Agency's publication NC/00/73, Piling and Penetrative Ground Improvements Methods on Land affected by Contamination:

Guidance on Pollution Prevention, section 6.5

Condition Informative 2

Guidance suggests maximum vibration of 1mm/sec Peak Particle Velocity (measured in any one direction) at the foundations of the nearest occupied residential building and a maximum vibration of 3mm/sec Peak Particle Velocity (measured in any one direction) at the foundations of an occupied commercial building.

30. APPROVAL CONDITION Green Roof / Rainwater Harvesting feasibility study [Pre-Commencement Condition]

A detailed feasibility study for a green roof and a rainwater harvesting system must be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the development hereby granted consent. If the study demonstrates the site has the capacity for the green roof and/or rainwater harvesting system, a specification shall be agreed in writing with the Local Planning Authority. The green roof and/or rainwater harvesting system to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained and maintained thereafter.

Reason:

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

31. APPROVAL CONDITION - BREEAM Standards (commercial development) [Pre-Occupation Condition]

Written documentary evidence demonstrating that the development has achieved at minimum a rating of Very Good against the BREEAM standard, including at least 4 credits in category Ene 01, shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted, unless an otherwise agreed timeframe is agreed in writing by the LPA. The evidence shall take the form of a post construction certificate as issued by a qualified BREEAM certification body.

Reason:

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

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

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum Level 3 of the Code for Sustainable Homes, including at least 2 credits in category Ene1, 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).

33. APPROVAL CONDITION - Code for Sustainable Homes [performance condition]

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Level 3 of the Code for Sustainable Homes, including at least 2 credits in category Ene1 in the form of post construction assessment and certificate as issued by a legitimate Code for Sustainable Homes certification body shall be submitted to the Local Planning Authority for its approval.

REASON:

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

34. APPROVAL CONDITION - Dust suppression (Pre-Commencement Condition)

Before development commences, a detailed scheme of proposed methods of best practice to suppress dust shall be provided for approval in writing to the Local Planning Authority and such methods shall be adopted during the course of construction unless otherwise agreed in writing by the Local Planning Authority.

REASON

To protect the amenities of adjoining occupiers.

35. APPROVAL CONDITION - Phasing of development (Pre-occupation Condition)

The residential accommodation hereby approved shall not be first occupied until the hotel building has been completed and is available for use, unless otherwise agreed in writing by the Local Planning Authority.

REASON

To ensure the hotel is provided as part of the mixed use development proposed to accord with the site allocation in Local Plan Policy MSA11.

36. APPROVAL CONDITION (Noise attenuation - Pre-Occupation Condition)

Noise from any externally sited individual plant shall be suitably attenuated to ensure no noise nuisance arises at the nearest occupied buildings and details of proposed sound attenuation measures in relation to such plant must be submitted for approval of the Local Planning Authority prior to the installation of the plant.

REASON

To protect the amenities of adjoining occupiers.

37. APPROVAL CONDITION (Monitoring of Noise - Pre-Commencement Condition)

No development shall be commenced until a monitoring regime to monitor noise disturbance (to be agreed with the Local Planning Authority in consultation with the Environment Agency prior to works commencing) from any piling operations, during the months of March to November has been submitted to and approved in writing by the Local Planning Authority. If noise elevates above an agreed threshold limit, works will cease on site until noise levels are lowered or until the sensitive period (March - November) has passed.

REASON

Any potential piling has a particularly detrimental effect on Itchen Salmon for which the River Itchen is designated a Special Area of Conservation (SAC), these precautions give certainty that all mitigation measures are in place to prevent adverse impact on the salmon populations. These measures will also protect Salmonid populations (Salmon and Sea Trout) protected under the Salmon and Fresh Water Fisheries Act 1975 and also on the wider aquatic environment.

38. APPROVAL CONDITION - Signage (Performance Condition)

Notwithstanding the provisions of the Town and Country Planning (Control of Advertisement) Regulations 2007, or any subsequent amending regulations, no external advertisements shall be displayed on the hotel without the prior written approval of the

Local Planning Authority.

Reason:

In the interests of controlling the appearance of this important building in a prominent location.

39. APPROVAL CONDITION - Noise and Vibration Measures (Pre-Commencement Condition)

A detailed scheme for noise mitigation measures to control noise and vibration from construction works shall be provided for agreement in writing by the Local Planning Authority prior to the commencement of development works. Augur piling is the preferred method of piling and this preference should be included within the mitigation measures proposed. The measures shall also include an estimate of achievable reduction in noise levels at closest occupied locations outside the site boundary. Where noise levels are still likely to breach 75dB LAeq (1 hour) at the facades of adjoining properties proposals should be submitted of arrangements to reduce the working hours of particularly noisy operations. The measures shall include the monitoring of noise levels at the boundary to the site during the site preparation phase.

REASON

To protect the amenities of adjoining occupiers.

40. APPROVAL CONDITION - Approved Plans

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

Reason:

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

POLICY CONTEXTCore Strategy - (January 2010)

CS1	City Centre Approach
CS3	Promoting Successful Places
CS4	Housing Delivery
CS5	Housing Density
CS6	Economic Growth
CS12	Accessible and Attractive Waterfront
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS23	Flood Risk
CS24	Access to Jobs
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP15	Air Quality
SDP16	Noise
NE4	Protected Species
HE1	New Development in Conservation Areas
HE3	Listed Buildings
HE6	Archaeological Remains
CLT1	Location of Development
CLT5	Open Space in New Residential Developments
CLT6	Provision of Children's Play Areas
CLT10	Public Waterfront and Hards
CLT11	Waterside Development
CLT14	City Centre Night Time Zones and Hubs
CLT15	Night Time Uses in Town, District and Local Centres
H1	Housing Supply
H2	Previously Developed Land
H3	Special Housing Need
H6	Housing Retention

H7 The Residential Environment
REI7 Food and Drink Uses (Classes A3, A4 and A5)
MSA11 Land at Ocean Way, Maritime Walk and fronting Alexandra Docks

Supplementary Planning Guidance

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

Other Relevant Guidance

National Planning Policy Framework (March 2012)

City Design Manager's comments

Relevant policies/guidance:

Local Plan Review 2006 SDP 1, 6, 7, 8 and 9, MSA 11, Core Strategy 2010 CS 1, 5 and 13, City Centre Urban Design Strategy (CCUDS) 2000, draft City Centre Action Plan 2012 and draft City Centre Master Plan 2012, City Centre Development Design Guide 2004, City Centre Streetscape Manual 2004, Residential Design Guide 2006, CABE/EH's Tall Buildings Guidance 2007, Skyline Strategy (officer guidance) 2006.

Summary

Subject to items highlighted in bold, the proposals offer a suitable scale and quality of development that will significantly enhance the legibility and 'sense of place' of Ocean Village as one of the few locations in the city where currently the public can enjoy the waterfront. The hotel promises to lift the overall impression of Ocean Village with its strong maritime styling and a fitting venue for maritime events and celebrations where one will be able to enjoy the waterfront from one of its many terraces. Much work has been put into the design of the residential block by the architects, working closely with SCC officers, and the resultant design is a well mannered and fitting response to a challenging set of constraints that will sit in harmony with the hotel and proposed development at Admiral's Quay. CABE/EH's Tall Building Guidance requires that tall buildings should be of 'excellent design quality' – these proposals promise to meet this criteria but this will hinge on the highest quality glazing, cladding and balcony materials and fittings etc being used as well as excellent architectural detailing.

Amount and Use

A key requirement of any new proposal on the promontory and along Maritime Walk is that it should contribute to and enhance the existing development mix. The proposal does this by providing an almost continuous frontage of commercial uses that along with the proposed development at Admiral's Quay will extend the existing uses of cafes and restaurants, via a linear promenade around a further two sides of the marina basin including the promontory, creating a greater critical mass, improved offer and a backdrop for maritime events and marina activities. The increased footfall anticipated by the proposed hotel and residential uses will help sustain the commercial uses in the vicinity.

Scale

CCUDS advocates increasing scale and mass of development along the waterfront with opportunities for architectural landmarks and tall buildings, which continues to be advocated by the draft City Centre Master Plan.

The residential block, stepping from 6, 8 to 11 storeys (including plant) has quite a challenging role to mediate between the strong vertical forms of the 26 storey tower proposed at Admiral's Quay and the horizontal form of the proposed 6 storey hotel, as well as creating a good relationship with the public realm at the entrance to the development adjacent to Admiral's Quay. However the articulation of the block's scale mass and form has been well handled in response to this, creating a good sense of enclosure to the marina. The block steps up in height to reach 11 storeys close to Admiral's Quay strengthening the mass of development around the marina basin at the north west corner and creating an imposing and potentially dramatic 'gateway' entrance to the marina

quayside. The residential block steps down towards the south, deferring to the proposed hotel, which rightfully, being the most publicly accessible building, has the most dominant architectural form around the marina basin. The block is raised half a storey to accommodate underground parking, however as with the Admiral's Quay scheme this allows raised terracing to be provided to the cafes and restaurants overlooking the marina.

The block is articulated so that its west elevation addresses the street, Ocean Way, improving the sense of enclosure and street scene activity here, whilst the north elevation faces onto the public square with steps up to a wide terrace which 'softens' and creates added interest to the edge of this space. The building form is further reorientated at its northern end to face the marina. The plan keeps to a regular, and often repeating layout, and this is reflected in the form, using a simple device to rotate the floor plan of one of the apartments to align the footprint with the quayside.

The hotel at six storeys high provides sufficient enclosure to the main marina basin without being too overbearing on existing development along the southern edges of the marina. It also sits reasonably comfortably next to the Harbour Lights Picture House Cinema to the south west. It has a crisp and simple horizontal form with fluid lines, exuding clear references to maritime architecture with sculptured solid panelling to tiered terraces on each level and full height curtain walling of glass and silvered paneling. Its form is articulated at roof level and to each terrace below, to increase its height towards the seaward end of the promontory, giving due emphasis to the most important elevation that overlooks the marina at the promontory end.

Due to the location of the residential block on the west side of the marina it is inevitable that afternoon and evening sun will cause shadowing of the terraces and quayside. However sun will penetrate to the north and south of this block and the reflective finishes of the hotel will bring reflected sunlight into the marina in the evening.

Landscaping

The redesign of existing landscape features and ponds on the approach from the multistorey car park make a significant contribution to refreshing what has become a 'tired' public realm. This route has been rationalised, providing a more direct link to the hotel from the car park, with new tree planting proposed, new raised grassed beds and a new linear canopy that lines the north edge of this route. This will also improve visual connections with the hotel's west elevation and still provide glimpses of the marina activity. The route crosses a raised 'shared space' crossing of the access road Maritime Walk creating a convenient and accessible route for pedestrians. **The public art should integrate with an overall strategy for the marina, and that proposed on this route needs to be carefully commissioned so that it does not appear as 'art on a pedestal' but art that has some proper function and association with the history or current functions of Ocean Village.**

Conditions should require new paving, lamp posts, signing and street furniture to be coordinated with the public realm specification for the first phases of the Wilson Bowden scheme where possible. Existing quayside railings and lamp posts should be repainted from their blue colour to a neutral silver or grey colour if they are not to be replaced.

A detailed landscape plan will need to be conditioned, with particular consideration given to choice of tree species suitable for this maritime environment and appropriate design of tree pits to ensure their proper irrigation and growth in this otherwise reclaimed land. Trees at the entrance to the development should not have

canopies so great as to obstruct views into the marina, and be placed with consideration to access and siting of event equipment such as staging.

The space between the Admiral's Quay and residential block is much smaller than the space currently provided by the car park. This space is likely to be windy at times, due to funneling of wind between the buildings and so careful location of trees, canopies and parasols will help reduce this. However, providing the detailed design of the space takes into consideration siting of a stage etc it is considered that events can still be held here if appropriately managed. **Consideration should be given to the provision of onsite electrical and water supplies for events.**

The terraces are accessed by ramps and steps, and make a positive contribution by extending the existing promenade in a similar architectural manner. A width of 3m has been allowed for public access along the quayside to the east of the residential terraces - this is a relatively narrow width but sufficient for access for people to move behind others that might be lining the quayside balustrading. **The detailed design of the public spaces, terraces and balustrading should be conditioned, in particular to demonstrate a seamless flow of public realm paving design between existing and proposed schemes at Admiral's Quay and that is robust in the maritime environment. Paving design should be attractive to look down on from the taller surrounding buildings. Where possible lights should be wall mounted, and the design consistent with the existing palette and is of suitably high quality.**

All building signing should be conditioned.

Appearance

Both buildings will significantly improve the long distance views from Woolston (Centenary Quay) and the Itchen Bridge by providing a built edge to the marina quayside that will stimulate and focus activity. The development will not be seen from the Canute Road Conservation Area, apart from the junction at the entrance to Ocean Way. From here the view will be considerably improved due to the development fronting the back of pavement and creating a focused view towards the hotel across the marina between the proposed Admiral's Quay development. The view down Maritime Walk will change considerably with the residential block providing back of pavement frontage. This and a shared surface treatment to the street will help the road feel more like a street than an access road, however it is unfortunate that a row of parking is necessary along this frontage. This view also focuses on the hotel whose westerly elevation projects forward of the residential block and the Harbour Lights. **Appropriate signing will be important from this route. Some artists impressions or photo montages would be helpful in illustrating these and shorter term views.**

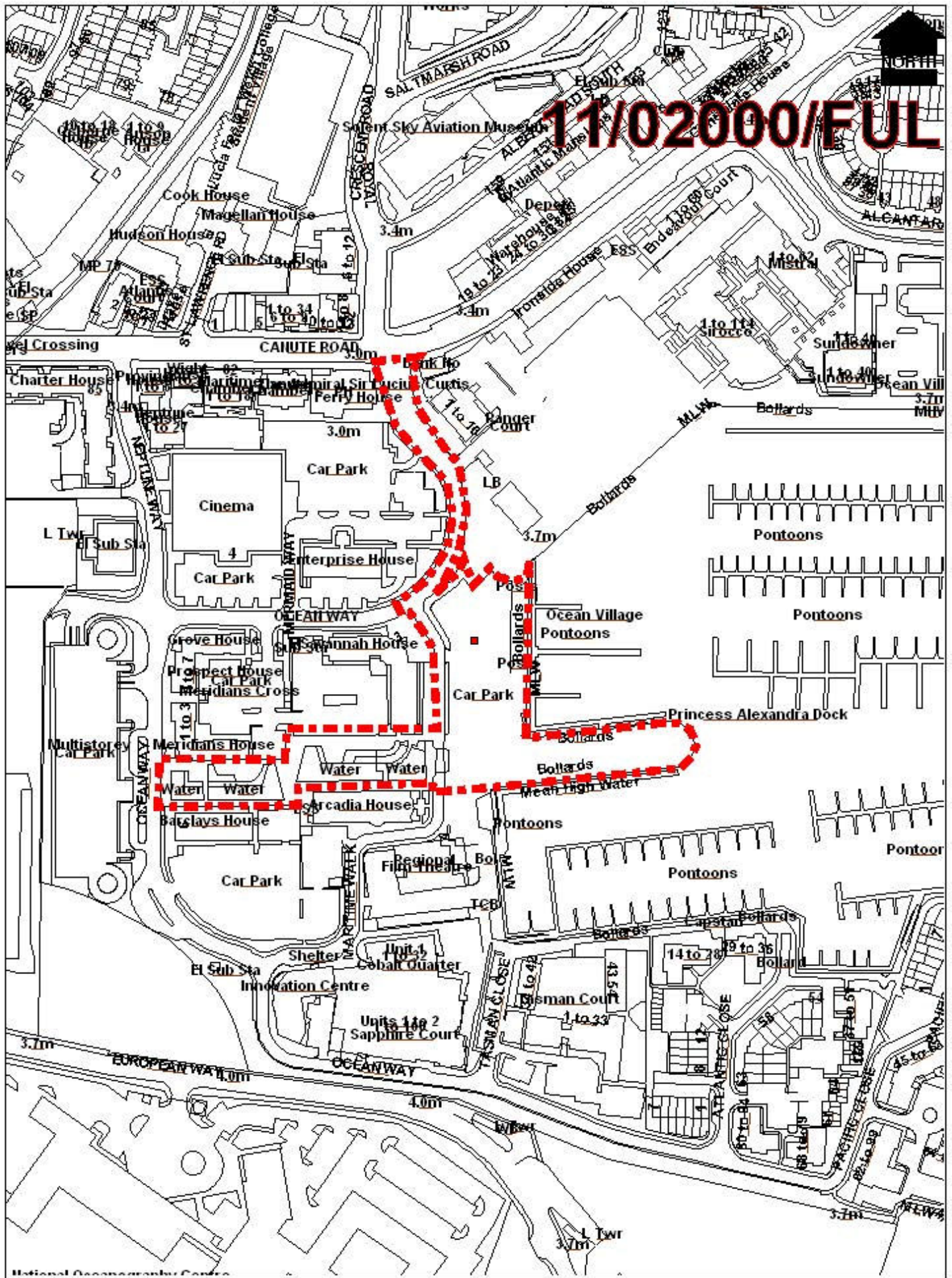
The hotel material and finishes are appropriate given the quodos of the development and its maritime location. **The silver colour scheme will need to be considered in further detail when materials/colours are submitted as it may be more appropriate to use a white colour scheme for terrace guarding and parapets** with the bronze coloured panelling system, with silver coloured anodised aluminium windows and curtain walling. **Given the architectural importance of this building the detailing of roof parapets and eaves, terraces and balustrading, glazing and panelling should be conditioned.**

A complimentary materials and colour palette is proposed for the residential block with precast stone panels and bronze coloured panelling with aluminium windows, metal framed balconies and glazed panels. **Detailing of roof parapets and eaves, canopies, fenestration, terraces and balcony design should be conditioned.**

All materials, furniture and fixings should be fit for purpose and use in a marine

environment.

The residential block has well mannered elevations that are elegant and refined, making use of repeating structuring forms that minimise competing forms with the hotel's design and strengthen the character of the block itself. Entrances have been designed with slight recesses affording protection from the weather and the use of a full height panel slightly angled to create a recess provides a common language for each residential entrance. A stepped recessed entrance to one of the restaurants on the elevation fronting Ocean Way gives this a level of distinction and importance in this facade. All apartments have balconies which appear to be a reasonable size, being at least 2m square, just about large enough for a table for 4 people.



Scale : 1:2500

Date : 03 April 2012

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Agenda Item 8

**Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 17.04.12
Planning Application Report of the Planning and Development Manager**

Application address: 39 Thornbury Avenue			
Proposed development: Erection of a detached two-storey building to provide 2 x residential care units, in association with the existing residential care home, following demolition of existing garage			
Application number	11/02002/FUL	Application type	FUL
Case officer	Jenna Turner	Public speaking time	5 minutes
Last date for determination:	17.02.12	Ward	Freemantle
Reason for Panel Referral:	Referred by Planning and Development Manager at request of Ward Cllr Ball	Ward Councillors	Cllr Parnell Cllr Moulton Cllr Ball

Applicant: Mr J Hosanee	Agent: Concept Design & Planning
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Recommendation Summary	Conditionally approve
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Reason for granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - SDP1, SDP4, SDP5, SDP7, SDP8, SDP9, SDP10, SDP13, SDP14, H1, H2, H3 and H7 of the City of Southampton Local Plan Review (March 2006) and CS4, CS5, CS13, CS19 and CS20 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies	2	Planning History

Recommendation in Full

Conditionally approve

1. The site and its context

1.1 The application site comprises a two-storey, semi-detached care home, located

on the corner of Thornbury Avenue and Darwin Road. The property has been extended previously and includes accommodation within the roof space which is accessible via an external staircase. To the rear of the site is an existing pitched roof garage structure which is accessed from Thornbury Avenue.

- 1.2 The surrounding area is residential in nature and typically comprises two-storey, semi-detached, red brick properties with double-height bay windows to the front elevations.

2. Proposal

- 2.1 The application seeks planning permission for construction of two-storey building that would comprise two residential care units. The units would be associated with the main care home facility at 39 Thornbury Avenue but would enable more independent living for residents. There would not be a requirement for additional members of staff to support the proposal.

- 2.2 The proposed building would be positioned broadly on the footprint of the existing garage which is to be demolished. It would have a contemporary appearance with an asymmetrical roof design. The elevations are proposed to be finished using render and cladding with a slate roof.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 New developments are expected to meet high sustainable construction standards in accordance with the City Council’s adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 Having regard to paragraph 214 of the National Planning Policy Framework dated 27 March 2012 the policies and saved policies set out in **Appendix 1** which have been adopted since 2004 retain their full material weight for decision making purposes.

4.0 Relevant Planning History

- 4.1 Planning permission was originally granted to convert the existing property to a care home in 1985 (planning application W/03/1660 refers). Subsequent applications were approved to enable the property to be used as a home for disabled persons and to create a more independent living unit within the roof space of the property. A list of the relevant applications are included within **Appendix 2**.

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 also undertaken which included notifying adjoining and nearby landowners and erecting a site notice (19.01.12). At the time of writing the report **4** representations have been received from surrounding

residents. The following is a summary of the points raised:

5.2 ***The proposed development would appear out of keeping with the Edwardian properties within the street and have a negative impact on the street and attracting crime/anti-social behaviour***

5.3 **Response**

Whilst the proposal does not replicate the character and design of other properties within the street, it is considered that a good quality design approach is proposed and the development would add interest in the street scene. Furthermore, it's positioning towards the end of the street would ensure that the addition would not appear anomalous but rather help to create a focus as encouraged by the Residential Design Guide. The care home use has existed in the street for nearly 30 years without issues. The intensification of the use is unlikely to generate criminal activity.

5.4 ***The development would result in the loss of on-site car parking which is used by the current care home and lead to overspill car parking onto the streets which would exacerbate issues within the areas.***

5.5 **Response**

The planning permission for the use of 39 Thornbury Avenue does not require the existing car parking on site to be retained for the use. Furthermore, the provision of no on-site car parking to serve either the existing or the proposed use is in accordance with adopted policies and guidance.

5.6 ***The building would not respect the building line within Thornbury Avenue***

5.7 **Response**

The proposed building would be sited between approx 500mm and 1000mm forward of the neighbouring property at 37 Thornbury Avenue, however it would not project forward of the flank elevation of No. 39 and the low-rise nature of the structure in comparison to the neighbouring properties would ensure that it would not appear unduly prominent and thereby not visually harmful within the street.

5.8 ***The positioning of the building forward of 37 Thornbury Avenue would harm the amenities of the occupiers.***

5.9 **Response**

As stated above the proposed building would project forward of the neighbouring property at 37 by between 500mm and 1000mm. This degree of projection proposed would not result in harm to the amenities of the neighbouring properties and would comply with the 45 degree test as set out in the Residential Design Guide.

5.10 ***The loss of parking for the existing premises would be to the detriment of the safety of the occupiers of the existing care home as there are no other opportunities on the site for parking.***

5.11 **Response**

There is no requirement to provide disabled car parking spaces for the level of development proposed and Highways are satisfied that the absence of car parking does not create a highway safety issue for occupants.

5.12 ***The proposed building would have an overbearing impact when viewed from the adjoining site of 17 Darwin Road***

5.13 **Response**

The proposed asymmetrical roof design would assist in reducing the massing of

the building as perceived from the neighbouring property and garden. Furthermore, the positioning the building off of the boundary with the neighbouring property would also reduce its impact. Whilst two-storeys of accommodation are proposed, the overall height and massing of the proposed structure is significantly less than other two-storey properties within the street.

5.14 ***The north facing, first floor bedroom window could lead of a loss of privacy to the neighbouring property***

5.15 **Response**

A condition is suggested to ensure the first floor, north-facing roof light is no less than 1.7 metres from the internal floor level to avoid a harmful impact on privacy.

5.15 **Consultation Responses:**

5.15.1 **SCC Highways** - No objection. Suggests a condition to manage the construction process

5.15.2 **SCC Sustainability Team** – No objection. Suggests a condition to secure the required sustainability measures.

6.0 Planning Consideration Key Issues

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

- i. The principle of development;
- ii. The design of the proposal together with the impact on the character of the area;
- iii. The impact on the amenities of neighbours of the site;
- iv. The quality of the residential environment proposed and;
- v. Parking and highways.

6.2 **Principle of Development**

6.2.1 The application would make good use of previously developed land to provide housing that would meet a specialist need and is therefore considered to be acceptable in principle.

6.3 **Character and Design**

6.3.1 The application proposes a contemporary design approach which does not replicate the existing pattern of development within the street, however, the proposal is considered to be in accordance with Residential Design Guide which encourages developments which add visual interest at ends of street. It is considered that the proposal would have a high quality appearance and take a novel approach to the development of the site which would enhance the appearance of the street scene. Whilst the building would project slightly forward of the neighbouring property at 37 Thornbury Avenue, it would respect the building line of the existing building line on site. Moreover, the development still provides a 6 metre deep front curtilage and as such, the degree of forward projection is not considered to appear unduly prominent within the street scene.

6.3.2 As set out in **Appendix 2** of this report, a dwelling to the rear of 16 Darwin Road, which lies to the north of the site, was refused planning permission in 2006. The current proposal is considered to be significantly different to the appeal scheme in terms of the manner in which the proposed use is associated with the main house at 39 Thornbury Avenue and furthermore the proposed design approach is

considered to be preferable in this instance. In addition to this is noted that the visual impact of the parking arrangements were also a factor in the appeal at 16 Darwin Road being dismissed.

6.4 Residential Amenity

6.4.1 The key issue in this respect is considered to be the relationship with the neighbouring property at 17 Darwin Road. The proposed building would be taller than the existing garage on the site. The proposed asymmetrical roof design would assist in reducing the massing of the building as perceived from the neighbouring property and garden. Where as the existing garage is positioned directly onto the boundary with the neighbouring property, the proposed building would be located approximately 1 metre off of the boundary with the neighbouring property and this combined with the overall form of the building would reduce the impact of the structure when viewed from the neighbouring property. Having regard to the orientation of the plot, it is considered that whilst the proposal would result in some additional overshadowing within the early part of the day, the neighbour would be unaffected by shading from midday onwards and as such the proposal would not have a harmful impact on residential amenity.

6.5 Residential Environment

6.5.1 The proposed units would have access to the communal amenity space which serves the existing care home. Having regard to the small size of the units and linked nature of the site to the main care home, this arrangement is considered to be acceptable. A condition is suggested to restrict the use of the accommodation to care units in association with 39 Thornbury Avenue. Outlook from habitable rooms is considered to be acceptable. The refuse and cycle storage would be conveniently located in relation to the highway and the units themselves.

6.6 Parking and Highways

6.6.1 The development would result in the loss of existing on-site parking to serve the existing care home, it is noted that the planning permission for the use of 39 Thornbury Avenue does not require this parking to be retained for this use. Furthermore, the provision of no on-site car parking to serve either the existing or the proposed use is in accordance with adopted policies and guidance. There is also no requirement to provide disabled car parking spaces for the level of development proposed. There are no parking restrictions on the surrounding streets and notwithstanding the relatively high levels of on-street car parking, the Highways Team are satisfied that the proposal is acceptable in highway safety terms and the proposal is therefore considered satisfactory in this respect.

7.0 Summary

7.1 The provision of two specialist care units is supportable and the proposed design approach would have a positive appearance which minimises the impact on the surrounding residential occupiers.

8.0 Conclusion

8.1 Subject to the imposition of the suggested conditions attached to this report, the proposal would be acceptable. The application is therefore recommended for approval.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1 (a) (b) (c) (d), 2 (b) (c) (d), 4 (b) (f), 6 (a) (i), 7 (a), 8 (a), 9 (a), (b)

JT for 17/04/12 PROW Panel

PLANNING CONDITIONS

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

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

Reason:

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

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

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

Reason:

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

03. APPROVAL CONDITION – Boundary Treatment [performance condition]

Unless otherwise agreed in writing by the Local Planning Authority, the boundary treatment shall be installed in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained as approved. For the avoidance of doubt, the boundary treatment between the site and the rear garden of 17 Darwin Road shall be demarcated by a brick boundary wall of no less than 1.8 metres in height.

Reason:

To ensure a satisfactory form of development and in the interests of the amenities of the occupiers of the neighbouring properties.

04. APPROVAL CONDITION – Restriction of use [performance condition]

Notwithstanding the Town and Country Planning (Use Classes) Amendment Order 1991, the two units hereby approved shall be occupied as residential care units to be associated with the existing care home at 39 Thornbury Avenue and not for any other purpose.

Reason:

The link between the existing care home and the proposed units is a key reason why the proposal is considered to be acceptable in terms of the residential environment proposed.

05. APPROVAL CONDITION – Window Details [performance condition]

Unless otherwise agreed by the Local Planning Authority in writing, the roof lights hereby approved shall have an internal cill height of no less than 1.7 metres from the internal first floor level and shall thereafter be retained in this manner.

Reason:

In the interests of the privacy of the neighbouring occupiers.

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

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum Level 3 of the Code for Sustainable Homes and 20% reduction in carbon dioxide emissions 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).

07. APPROVAL CONDITION - Code for Sustainable Homes [Performance Condition]

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

Reason:

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

08. APPROVAL CONDITION - Construction Management [pre-commencement condition]

Prior to the commencement of the development hereby approved, details of areas of storage for all temporary contractors buildings, plant, materials and equipment associated with the development shall be submitted to and approved in writing by the Local Planning Authority. The agreed provision shall be made available for use throughout the period of work on site. At no time shall any material or equipment be stored or operated from the public highway.

Reason:

In the interests of the safety and convenience of the users of the adjoining highway.

09. APPROVAL CONDITION - Hours of Construction [Performance condition]

In connection with the implementation of this permission any demolition, conversion and construction works, including the delivery of materials to the site, shall not take place outside the hours of 8am and 6pm Mondays to Fridays and 9am and 1pm on Saturdays. Works shall not take place at all on Sundays or Public Holidays without the prior written approval of the Local Planning Authority. Any works outside the permitted hours shall be confined to the internal preparation of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect local residents from unreasonable disturbances from works connected with implementing this permission.

10. APPROVAL CONDITION - Approved Plans

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

Reason:

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

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space

City of Southampton Local Plan Review – (March 2006)

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
SDP13	Resource Conservation
SDP14	Renewable Energy
H1	Housing Supply
H2	Previously Developed Land
H3	Special Housing Need
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

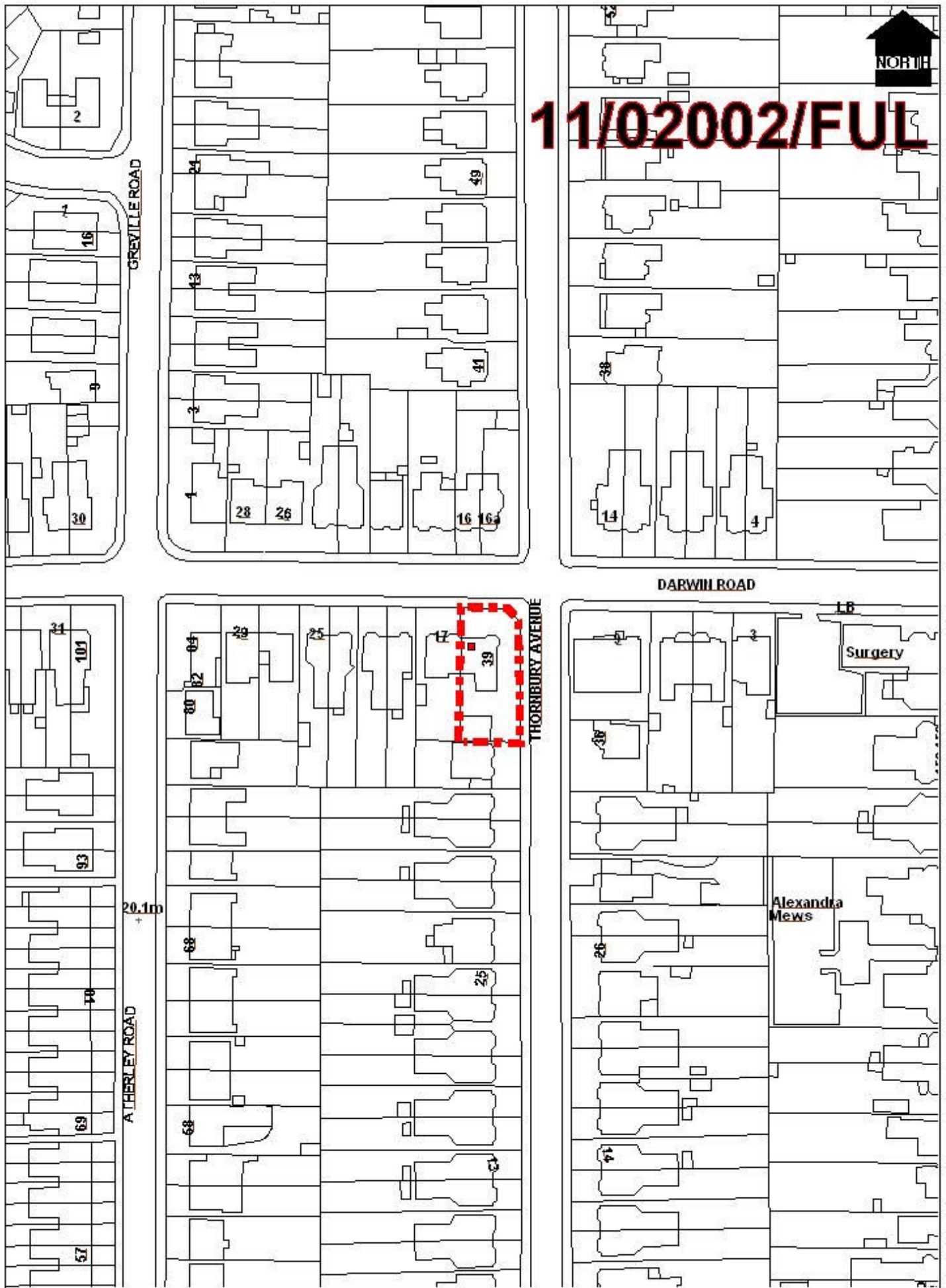
National Planning Policy Framework March 2012

Relevant Planning History

W03/1660 Change use from residential to rest home & single storey rear extn	Conditionally Approved 14.05.85
870034/W erection of an external fire escape staircase to rear of existing rest home	Conditionally Approved 08.04.87
891255/W Dormer window to form self contained flat for owners use as 2nd floor of rest home	Conditionally Approved 21.09.89
920054/W Relief from condition 3 of planning consent W03/1660/22145 (to use as nursing home and rest home)	Conditionally Approved 19.02.92
940233/W Installation of dormer windows to form self-contained flat for owners use at 2nd floor level	Conditionally Approved 09.06.94
960476/W Change of use to home for 5 disabled persons	Conditionally Approved 28.06.96
02/01178/FUL Alteration to planning permission SCC ref 960476/22145/W to allow for 6 people instead of 5 people to reside at the home.	Conditionally Approved 01.11.02
16 Darwin Road 06/01469/FUL Revision to permission 06/00963/FUL by erection of two storey building to rear of property (in place of previously approved double garage) to form garage for previously approved house and separate two bed dwelling (top floor in roofspace) with associated car parking.	Refused 20.11.06 and Appeal Dismissed



11/02002/FUL



Scale : 1:1250

Date : 03 April 2012

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Agenda Item 9

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 17 April 2012
Planning Application Report of the Planning and Development Manager

Application address: 37 Cumbrian Way			
Proposed development: Re-development of the site following demolition of the existing buildings to provide 38 x 2 bedroom flats and 12 x 3 bedroom houses within two, three and four-storey buildings and a ground floor commercial unit (Use Class A1 Retail or Use Class A3 Restaurants and Cafes) with associated car parking, landscaping and external works including alterations to the existing road (affects existing public rights of way).			
Application number	12/00048/FUL	Application type	FUL
Case officer	Jenna Turner	Public speaking time	15 minutes
Last date for determination:	22.03.12	Ward	Millbrook
Reason for Panel Referral:	Major application with objection	Ward Councillors	Cllr Thorpe Cllr Furnell Cllr Wells

Applicant: Swaythling Housing Society Limited	Agent: Mh Architects Limited
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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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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set out on the attached sheet. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on 17.04.12 do not have sufficient weight to justify a refusal of the application. The proposal would be in keeping with the site and surrounding properties and would not have a harmful impact on the amenities of the neighbouring properties. Where appropriate planning conditions have been imposed to mitigate any harm identified. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Planning Permission should therefore be granted taking account of the following planning policies:

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, H1, H2, and H7 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS4, CS5, CS13, CS16, CS19, and CS20 and the Council’s current adopted Supplementary Planning Guidance. National Planning Guidance contained within National Planning Policy Framework (March 2012) is also relevant to the determination of this planning application.

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

1. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:
 - ii) A minimum on-site provision of 17 dwellings (ie.35% of the net gain) to be provided on-site as affordable housing in accordance with adopted LDF Core Strategy Policy CS15;
 - iii) A financial contribution and/or the implementation and maintenance of an agreed series of site specific transport under S.278 of the Highways Act with implementation prior to first occupation in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006) as supported by adopted LDF Core Strategy policies CS18 and CS25;
 - iv) A financial contribution and/or the implementation and maintenance of an agreed series of strategic transport projects for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
 - v) Financial contributions towards the relevant elements of public open space required by the development – including the replacement of the existing children’s play area - in line with Policy CLT5 of the City of Southampton Local Plan Review (March 2006) as supported by adopted LDF Core Strategy policies CS21 and CS25;
 - vi) Submission and implementation of a Training & Employment Management Plan committing to adopting local labour and employment initiatives (during and post construction) in line with adopted LDF Core Strategy policies CS24 and CS25 and;
 - vii) Submission and implementation of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
2. That the Planning and Development Manager be given delegated authority to add or vary any of the attached planning conditions and relevant parts of the Section 106 agreement,
3. In the event that the legal agreement is not completed within two months of the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

1. The site and its context

- 1.1 The application site currently comprises 10 commercial units with two floors of residential flats over. Within the south-east corner of the site lies the single-storey former Housing Office building and its associated car parking. There is a pedestrianised precinct to the centre of the site. The development on the site is currently vacant and the existing buildings are in a poor state of repair and generally poorly designed, incorporating large areas of dead frontages to the ground floor. Helvellyn Road wraps around the perimeter of the site and provides access to Shinewell Gardens and Mason Moor Primary School.

1.2 To the north-east corner of the site an earlier phase of residential redevelopment has been recently completed, on the site of the former Headway Centre. The surrounding area is mainly residential in character and the site is neighboured by three-storey flatted blocks to the east and west and opposite the site are two-storey semi-detached houses.

2. Proposal

2.1 The application seeks full planning permission for the construction of a mixture of houses and flats together with a ground floor commercial unit which would provide either retail or restaurant/cafe use (Use Classes A1 and A3). In total, 50 dwellings and 139 sq.m of commercial floorspace would be provided. It is proposed that 34 of the dwellings proposed would be Affordable Housing units and it is indicated that flatted Block B would be provided as a private accommodation. A pedestrian route would be created to the centre of the site to link the adjacent primary school to the surrounding residential development.

2.2 The existing road network would be retained and the development has a perimeter block style layout, fronting the roads and pedestrian route and provide a continuation of the existing phase 1 development. A terrace of 8, 2-storey houses would be provided to the north of the site, broadly opposite the entrance to Shinewell Gardens. The terrace housing would each be served by just under 50sq.m of private rear gardens. To the centre of the site, 2 pairs of semi-detached houses would be positioned facing the pedestrian route and the west of Helvellyn Road. These units would also be served by private rear gardens of approximately 50 sq.m in area.

2.3 The proposed flatted development is concentrated to the southern edge of the site, fronting Cumbrian Way and is four storey in height. This development would be served by private balconies and communal amenity space. On average, the balconies would be just over 5 sq.m in area. The commercial unit would be located to the ground floor and immediately adjacent to the new pedestrian link.

2.4 The proposed dwellings would have a simple, pitched roof design and the flatted blocks have a relatively contemporary appearance with a combination of mono-pitched and flat roof form. In terms of materials, both the flats and the houses would be construction using a yellow/brown facing brick with elements of render and metal cladding.

2.5 A total of 71 new car parking spaces would be provided which includes 5 re-positioned car parking spaces for the Phase 1 development and 15 un-allocated spaces to the spur road which runs parallel to Cumbrian Way. The remaining 51 spaces, which is at least 1 for 1 provision, would serve the proposed development and would be positioned to the fronts of properties. Purpose built cycle and refuse storage is proposed to serve all of the units.

3.0 Relevant Planning Policy

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

- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with the City Council's adopted Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13.
- 3.3 The policies of the South East Plan, Southampton's Core Strategy and Local Plan Review have been taken into account in the consideration of this application. The Core Strategy is in general conformity with the South East Plan, and it is not considered that the policies in the South East Plan either conflict with or add particular weight to the policies in the Core Strategy for this application. Consequently only the local statutory development plan policies (Core Strategy and Local Plan Review) have been cited in this report.
- 3.4 Having regard to paragraph 214 of the National Planning Policy Framework dated 27 March 2012 the policies and saved policies set out in **Appendix 1** which have been adopted since 2004 retain their full material weight for decision making purposes.

4.0 Relevant Planning History

- 4.1 Planning permission was originally granted for the development of the site to provide shops and maisonette flats in 1963 (planning application 1246/43/37 refers). More recently, planning permission was granted to develop the former Headway Centre which lies to the north-east of the site, to provide 12 flats and 4 houses. This development has been recently completed (planning application 09/01305/FUL refers).

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 also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (02.02.12) and erecting a site notice (02.02.12). At the time of writing the report **1** representation has been received from surrounding residents. The following is a summary of the points raised:

- 5.2 ***The development would create disruption to the neighbouring properties during the construction process.***

5.3 Response

A Planning condition is suggested to secure a Construction Management Plan to minimise disruption to the surrounding residential occupiers.

5.4 Consultation Responses

- 5.5 **SCC Highways** - No objection subject to conditions to secure the detailed highway and parking design and securing a mechanism to secure the necessary highway construction works.

- 5.6 **SCC Planning Policy** - No objection.

- 5.7 **SCC Rights of Way** - No objection or conditions suggested.

- 5.8 **SCC Housing** – No objection. There is a requirement to provide affordable housing units and this should be provided on site.

- 5.9 **SCC Trees** - No objection subject to conditions to secure tree retention and safeguarding measures.
- 5.10 **SCC Sustainability Team** – No objection subject to conditions to ensure the development meets level 4 of the Code for Sustainable Homes.
- 5.11 **SCC Environmental Health (Pollution & Safety)** - No objection. Suggests conditions to minimise disruption during the demolition and construction process.
- 5.12 **SCC Environmental Health (Contaminated Land)** - No objection. Suggests conditions to assess the contamination risks and to secure any necessary remediation measures.
- 5.13 **SCC Ecology** – No objection. Suggests a condition to secure an Ecological Mitigation Statement.
- 5.14 **SCC Archaeology** – No objection or conditions suggested.
- 5.15 **Southern Water** – No objection subject to conditions to secure surface and foul water disposal and measures to protect the public sewer.

6.0 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
 - i. The principle of development together with the redevelopment of a Local Centre;
 - ii. The design of the proposal together with the impact on the character of the area;
 - iii. The impact on the amenities of neighbours of the site;
 - iv. The quality of the residential environment proposed;
 - v. Parking and highways;
 - vi. Sustainability and;
 - vii. Section 106 Mitigation and Viability.
- 6.2 Principle of Development
 - 6.2.1 The principle of making more efficient use of previously developed land to provide residential development is acceptable.
 - 6.2.2 The existing parade of shops on the site is identified as a Local Centre by saved policy REI6 of the Local Plan and policy CS3 of the Core Strategy. These policies require ground floor units to be used for purposes which provide a direct service to the public. Policy CS3 of the Core Strategy permits the comprehensive redevelopment of a local centre where the loss of retail facilities can be justified. As part of the application proposal, the existing commercial units that comprise the Local Centre would be demolished and replaced with a single commercial building, capable of sub-division to provide two units. Prior to the submission of the application, the Council undertook a detailed review of the existing Local Centre, which took into account the vitality and viability of the existing Local Centre. Having regard to the levels of vacancy experienced in the Local Centre, it is considered that the net loss of commercial floorspace is acceptable and the proposal has met the provisions of saved policy REI6 of the Local Plan and CS3

of the Core Strategy.

- 6.2.3 The site lies within an area of Low Accessibility for public transport and the Core Strategy supports residential development of between 35 and 50 dwellings per hectare within such locations. The proposed density range of 74 dwellings per hectare is slightly in excess of this, and needs to be assessed in light of the Council's other standards for residential design and layout. This is discussed in more detail below.
- 6.2.4 The development provides 12 genuine family housing units which constitutes 24% of the development. This is slightly less than the 30% target which the Core Strategy seeks; however, the proposal represents a significant improvement on the existing mix of accommodation on site which does not provide any genuine family housing and the dwelling houses would be provided as Affordable Housing. Furthermore, the proposal also provides a range of accommodation types and would therefore contribute to the creation of a mixed and balanced community. The proposal is therefore considered to accord with the provisions of policy CS16 of the Core Strategy.

6.3 Character and Design

- 6.3.1 A contemporary design approach has been chosen which reflects the recently completed phase 1 development to the north-east of the site. The form and use of materials articulate the elevations of the buildings and break up the massing of the development. There is a cohesiveness in the design approach between the different blocks within the development, although there is sufficient variation to add interest to the appearance of the development.
- 6.3.2 The perimeter block form of the development provides active frontages to pedestrian and vehicular routes and the car parking also benefits from a good level of natural surveillance. The development proposal would therefore, help to remedy the design issues created by the existing development on the site. The linear pedestrian route through the centre of the site would be framed by the proposed buildings and benefits from natural surveillance from the houses and flats. This route would be landscaped and provide a safe and attractive environment for pedestrians. The development includes landscaped frontages to buildings and includes tree planting within areas of car parking, this combined with the spacing between the buildings themselves would ensure that the site would not appear over-intensively developed.
- 6.3.3 In terms of scale, the taller buildings on site would be located to the south of the site, fronting the principal street of Cumbrian Way. The 4-storey development helps to create a strong frontage to Cumbrian Way and given the comprehensive nature of the proposal and the 3-storey development which neighbours the site, it is considered that the proposed scale would not appear excessive or out of keeping with the area. Furthermore, the retained spur road and landscape strip which lies to the south of the site would act as a buffer between the development and the two-storey properties on the opposite side of Cumbrian Way.
- 6.3.4 The properties would be located to the north of the site are 2-storeys in height which would enable the development to integrate into the neighbouring 2-storey context of Shinewell Gardens. Overall, it is considered that the development would have a high-quality appearance which would have a positive impact on the surrounding area and represent a significant improvement on the existing

situation.

6.4 Residential Amenity

6.4.1 The key consideration in this respect is the relationship of the development with the neighbouring flats in Fernside Close and Honister Close. There is on average 25 metres separation between the proposed development and the neighbouring flats. The Residential Design Guide does not include separation standards for the situations where front elevations face rear elevations of properties however, it is considered that the proposal has achieved the correct balance in terms of providing the necessary enclosure to the street whilst retaining sufficient separation to secure outlook, privacy and daylight to the neighbouring flats.

6.5 Residential Standards

6.5.1 In terms of amenity space, all of the flats would have access to a ground floor private terrace, or a private balcony and the development is designed to ensure that none of these amenity space areas are north facing and therefore would benefit from a good level of sunlight and daylight. The houses would all be served by sufficient private and useable rear gardens, also with good access to sunlight. Separation distances between the blocks are considered to be acceptable and would secure an acceptable level of outlook, light and privacy to prospective occupiers. There would be sufficient defensible space to ground floor habitable room windows to ensure that occupants would not be subject to undue disturbance from car parking spaces and enjoy a satisfactory level of privacy.

6.5.1 Each of the houses would have purpose built cycle and refuse storage within the rear gardens and access paths are provided from the stores to the public highway for collection purposes. The flats would be served by integral cycle and refuse stores.

6.6 Parking and Highways

6.6.1 The proposed 50 units of accommodation would be served by 51 off-road car parking which accords with the adopted maximum car parking standards for this area. The car parking spaces relate well to the units which they serve and will benefit from natural surveillance from windows within the development. Helvellyn Road has been designed as a one way, homezone route which will provide a shared surface for vehicles and pedestrians. This would contribute to the creation of a positive residential environment for prospective occupiers. The Highways Team have raised no objection to the proposal and as such, the scheme is considered to be acceptable in this respect.

6.7 Sustainability

6.7.1 The development has been designed to meet level 4 of the Code for Sustainable Homes in accordance with the requirements of the Core Strategy. The development would make use of photovoltaics to achieve the required savings in carbon dioxide emissions. The development is therefore, considered to be acceptable in this respect.

6.8 S.106 Mitigation and Viability

6.8.1 The applicants have agreed to enter into a S.106 legal agreement with the Council. It is, however, likely that the application will be supported by an up-to-date viability appraisal of the proposal that concludes that a full S.106 contribution makes the delivery of the scheme non-viable on a commercial basis. A scheme's viability is a material consideration where it is directly linked to housing delivery

and the wider regeneration benefits. The applicant's submitted appraisal will need to be independently tested before the Council can agree to waive any of its normal requirements. It is recommended that the Planning and Development Manager be delegated power to vary relevant parts of the Section 106 agreement following the outcome of the viability appraisal. As part of these negotiations due weight will be afforded to the applicant's offer that 34 of the 50 dwellings (68% of total) shall be provided as 'affordable'.

7.0 Summary

7.1 The proposed redevelopment would significantly enhance the character and appearance of the area and provide a high quality residential environment for future occupants. The improvement in the choice of types of residential accommodation is welcome and in particular the provision of genuine family housing. The development would resolve existing issues that the current development experiences whilst respecting the amenities of the surrounding residential occupiers.

8.0 Conclusion

8.1 Subject to the imposition of the suggested conditions attached to this report and signing of the S.106 planning agreement, the proposal would be acceptable. The application is therefore recommended for approval.

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

1 (a) (b) (c) (d), 2 (b) (c) (d), 4 (b) (f), 6 (a) (i), 7 (a), 8 (a), 9 (a)

JT for 17/04/12 PROW Panel

PLANNING CONDITIONS

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

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

Reason:

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

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

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

have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site.

Reason:

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

03. APPROVAL CONDITION - Construction and Demolition Method Statement [Pre-commencement condition]

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Demolition and Construction Method Statement (DCMS) for the development. The DCMS shall include details of: (a) parking of vehicles of site personnel, operatives and visitors; (b) loading and unloading of plant and materials; (c) storage of plant and materials, including cement mixing and washings, used in constructing the development; (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of demolition and construction and their reinstatement where necessary; (e) measures to be used for the suppression of dust and dirt throughout the course of demolition and construction; (f) details of demolition and construction vehicles wheel cleaning; and, (g) details of how noise emanating from the site during demolition and construction will be mitigated. The approved DCMS shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

Reason:

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

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

All works relating to the demolition, clearance and construction of the development hereby granted, including deliveries to the site, 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.

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

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

Reason:

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

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

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

Reason:

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

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

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

Reason:

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

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

Notwithstanding the submitted details before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, 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.

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

09. APPROVAL CONDITION - Refuse & Recycling Bin Storage – Details to be submitted [pre-commencement condition]

Notwithstanding the information already submitted, details of the elevations of the storage of refuse and recycling and details of collection points for the houses, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved. The facilities shall include accommodation for the separation of waste to enable recycling. The approved refuse and recycling storage shall be thereafter retained.

Reason:

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

10. APPROVAL CONDITION – Cycle Storage [pre-commencement condition]

Prior to the commencement of the development hereby approved details of the external appearance of the cycle storage shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the approved details and the storage thereafter retained as approved.

Reason:

To promote cycling as an alternative mode of transport to the private car

11. APPROVAL CONDITION - Amenity Space Access [performance condition]

The amenity space areas shown on the plans hereby approved, and pedestrian access to it, shall be made available as amenity space prior to the first occupation of the dwellings hereby permitted and shall be retained with access to it at all times for the use of all occupiers of the development .

Reason:

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

dwellings.

12. APPROVAL CONDITION - Construction Method Statement [Pre-commencement condition]

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement (CMS) for the development. The CMS shall include details of: (a) parking of vehicles of site personnel, operatives and visitors; (b) loading and unloading of plant and materials; (c) storage of plant and materials, including cement mixing and washings, used in constructing the development; (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary; (e) measures to be used for the suppression of dust and dirt throughout the course of construction; (f) details of construction vehicles wheel cleaning; and, (g) details of how noise emanating from the site during construction will be mitigated. The approved CMS shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

Reason:

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

13. APPROVAL CONDITION – Parking and Access [pre-occupation condition]

Prior to the occupation of the development hereby approved both the access to the site and the parking spaces for the development shall be provided in accordance with the plans hereby approved. The parking shall be retained for that purpose and not used for any commercial activity.

Reason:

To ensure a satisfactory form of development.

14. APPROVAL CONDITION – Removal of permitted development [performance condition]

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (as amended), or any Order revoking or re-enacting that Order, no development permitted by classes A (extensions), B (roof alterations), C (other roof alterations), D (porches), E (outbuildings, enclosures or swimming pools) and F (hard surfaces) of Part 1 of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority for the dwellings hereby approved.

Reason:

In order to protect the amenities of the locality and to maintain a good quality environment and in order to ensure that sufficient private amenity space remains to serve the dwellings.

15. APPROVAL CONDITION - Hours of use commercial establishments [Performance Condition]

The commercial uses hereby permitted shall not operate (meaning that customers shall not be present on the premises, no preparation, sale or delivery of food or drink for consumption on or off the premises) outside the following hours:

07:30 hours to 23.00 hours

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

Reason:

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

16. APPROVAL CONDITION - Ecological Mitigation Statement [Pre-Commencement Condition]

Prior to development commencing, including site clearance, a programme of habitat and species mitigation and enhancement measures, shall be submitted to and approved in writing by the Local Planning Authority, 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.

17. APPROVAL CONDITION- Land Contamination investigation and remediation [Pre-Commencement & Occupation Condition]

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

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

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

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

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

Reason:

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

19. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

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

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

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

Reason:

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

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

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum Level 4 of the Code for Sustainable Homes in the form of a design stage assessment, shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

Reason:

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

21. APPROVAL CONDITION - Code for Sustainable Homes [Performance Condition]

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Level 4 of the Code for Sustainable Homes in the form of post construction assessment and certificate as issued by a legitimate Code for Sustainable Homes certification body, shall be submitted to the Local Planning Authority for its approval.

REASON:

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

22. APPROVAL CONDITION – Public Sewer Protection Measures [pre-commencement condition]

Prior to the commencement of the development hereby approved details of the measures taken to protect or divert the public sewer shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the agreed details.

Reason:

To ensure that the public sewer is adequately protected during construction

23. APPROVAL CONDITION – Foul and Surface Water Disposal [pre-commencement condition]

Prior to the commencement of the development hereby approved details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved by the Local Planning Authority in writing. The development shall proceed in accordance with the agreed details.

Reason:

To ensure that the development does not adversely impact on the public sewer system

24. APPROVAL CONDITION – Water Infrastructure [pre-commencement condition]

Prior to the commencement of the development hereby approved, details of the proposed water infrastructure plans 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:

To secure a satisfactory form of development

25. APPROVAL CONDITION – Extract Ventilation – control of noise, fumes and odour [Pre-occupation condition]

Before the commercial units first comes into occupation, a written scheme for the control of noise, fumes and odours from extractor fans and other equipment have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and findings.

Reason

To protect the amenities of the occupiers of existing nearby properties

26. APPROVAL CONDITION – Road Construction [Pre-Commencement Condition]

No development hereby permitted shall be commenced until the Local Planning Authority have approved in writing:-

- A specification of the type of construction proposed for the roads, cycleways and footpaths including all relevant horizontal cross-sections and longitudinal sections showing existing and proposed levels together with details of street lighting, signing, white lining and the method of disposing of surface water.
- A programme for the making up of the roads and footpaths to a standard suitable for adoption by the Highway Authority

Reason:

To ensure that the roads and footpaths are constructed in accordance with standards required by the Highway Authority

27. APPROVAL CONDITION - Commercial Use [performance condition]

Permission is hereby granted for the use of the commercial units for either Use Class A1 (retail) or Use Class A3 (Restaurants and Cafe) of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking, amending, or re-enacting that Order).

Reason:

In the interests of flexibility and in the interests of the vitality of the commercial development.

28. APPROVAL CONDITION - Approved Plans

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

Reason:

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

Notes to Applicant

1. Connection to Public Sewer

A formal application for connection to the public sewerage system is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH.

2. Connection to Water Supply

A formal application for connection to the water supply is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH.

POLICY CONTEXT

Core Strategy - (January 2010)

CS3	Promoting Successful Places
CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
HE6	Archaeological Remains
CLT3	Protection of Open Spaces
CLT5	Open Space in New Residential Developments
CLT6	Provision of Children's Play Areas
CLT7	Provision of New Public Open Space
H1	Housing Supply
H2	Previously Developed Land
H6	Housing Retention
H7	The Residential Environment
REI6	Local Centres
REI7	Food and Drink Uses (Classes A3, A4 and A5)

Supplementary Planning Guidance

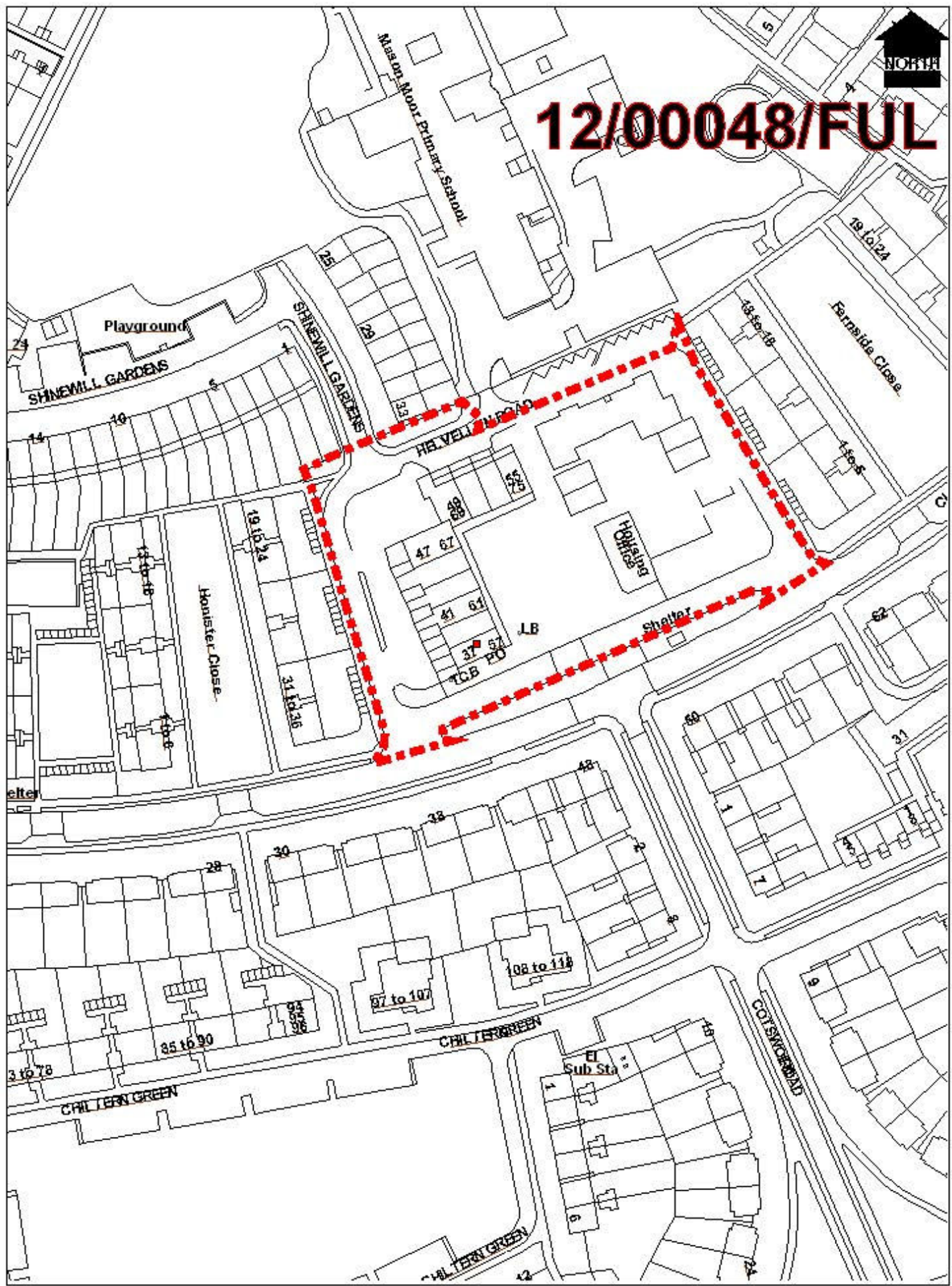
Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - August 2005 and amended November 2006)
Parking Standards SPD (September 2011)

Other Relevant Guidance

National Planning Policy Framework March 2012



12/00048/FUL



Scale : 1:1250

Date : 03 April 2012

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Agenda Item 10

**Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 17 April 2012
Planning Application Report of the Planning and Development Manager**

Application address: 224 Portswood Road SO17 2LB			
Proposed development: Variation or removal of the following conditions of planning permission ref 10/01399/OUT to provide a new supermarket. Variation of condition 20 to allow opening hours of 07:00 to 23:00 Monday to Saturday and 09:00 to 17:00 on Sundays and imposition of restrictions on the use of the car park by the public to prevent access earlier than 30 minutes prior to the store opening and 60 minutes after the store closing time. Variation of condition 41 - delivery hours, to allow no more than 3 deliveries to be received or items despatched from the retail building between the hours of 2300 to 0700 Monday to Saturday. On Sundays no deliveries to be take place before 0800 and no more than two deliveries to take place after 6pm. Variation of condition 58 - to restrict the allocation of the parking spaces for the D1 use to between the hours of 0900 and 17.30 Monday to Friday.(As amended by letter dated 01.03.2012).			
Application number	11/01877/FUL	Application type	FUL
Case officer	Andy Amery	Public speaking time	15 minutes
Last date for determination:	28 February 2012	Ward	Portswood
Reason for Panel Referral:	Major Development	Ward Councillors	Cllr Adrian Vinson Cllr Matthew Claisse Cllr Capozzoli

Applicant: Sainsbury's Supermarkets Ltd	Agent: Wyg Planning And Design
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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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Appendix attached			
1	Development Plan Policies	3	Panel report for 10/01399/Out
2	Relevant Planning History		

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below, specifically with specific regard to the proposed variation of the conditions, which is considered to be acceptable taking into account the issues set out into the 17.4.2012 Panel Report including the amenity of nearby residents, the retail impact on Portswood District Centre and the viability of the D1 Use. With regard to the overall development of the site originally considered and approved under 10/01399/Out, with minor external changes agreed under 12/00094/NMA, all other material considerations including:-

- increased size of the store and the resultant additional traffic generation;
- the increased size of the store and the resultant additional impact on the district centre;
- the impact on the surrounding area including nearby conservation areas;
- the level of car-parking;
- the loss of trees;
- the provision of open space and play space;
- protected species;
- the proposed mix of uses;
- the impact of the development on the character of the area and the nearby residential occupiers,

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.

City of Southampton Local Plan Review (March 2006) 'saved' policies:-

SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP15, SDP16, SDP17, SDP19, SDP21, SDP22, HE6, CLT5, CLT6, H1, H2, H3, H7, REI7, REI8 and TI2.

City of Southampton Core Strategy (January 2010) policies:-

CS4, CS5, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS22, CS23, CS24 and CS25.

Recommendation in Full

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

The applicant entering into a Section 106 Legal Agreement to secure:

i. Either

a financial contribution towards site specific transport contributions for highway and pedestrian facility improvements in the vicinity of the site

or

provision to implement an agreed series of works under S.278 of the Highways Act in line with policies SDP4 of the City of Southampton Local Plan Review (March 2006), CS18 and CS25 of the City of Southampton Core Strategy (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);

- ii. The retention of the on-site equipped children's play area that has been provided;
- iii. The submission, approval and implementation of public art that is consistent with the Council's Public Art 'Art People Places' Strategy.
- iv. The submission, approval and implementation of a Green Travel Plan (GTP) to address the impact of the parking provision so that it can be assessed along with the transport needs of the development;
- v. A commitment to local labour and employment initiatives both during the construction phase and post completion;
- vi. The submission of a highway condition survey.
- vii. The funding of any Traffic Regulation Orders required for the above measures and to enable the development to be implemented.
- viii. The provision of an unencumbered access for cyclists and pedestrians linking Belmont Road and Portswood Road prior to first occupation of the retail unit.
- ix. Improvements to the public realm in the vicinity of the site
- x. The provision of affordable housing in accordance with policy CS15 of the City of Southampton Core Strategy (January 2010).
- xi. Contributions towards the provision of or improvements to public open space.
- xii. Management of the car-park to ensure its' availability to serve the Portswood District Centre

- xiii. Lorry routing for construction and servicing vehicles
- xiv. Arrangements to limit noise generated by refrigerated delivery vehicles
- xv. CCTV provision.
- xvi. The provision and level of fit-out including timescales for delivery of the community use building

It should be noted that the s106 will be identical (whilst acknowledging the play area has been provided) to that originally entered into on 10/01399/OUT but procedurally a new s106 is required to run with this application.

1. The site and its context

- 1.1 The site is now open and operating as a superstore in accordance with planning consent 10/01399/OUT and the non-material amendments to the building agreed under 12/00094/NMA (comprising: Roof mounted flue to serve bio-mass boiler, 3 x external access ladders to roof, balustrades to raised walkways, alterations to window detail at 2nd floor level on south elevation (to D1 Use), additional windows to first floor level on south elevation (facing St Denys' Road), Fire escape stair to rear elevation, repositioning of canopy support in north east corner of site (fronting Portswood Road), removal of solid canopy section above store entrance and additional fencing to rear boundary along retaining wall.
- 1.2 The remaining part of the site along the eastern section of St Denys' Road, and fronting Belmont Road has outline consent for 59 residential units. There are no current proposals for this area of the overall development of the former bus depot.

2. Proposal

- 2.1 The application seeks to vary three of the conditions imposed of the 10/01399/Out consent.
- 2.2 **Condition 20** currently states:

APPROVAL CONDITION - Operating Hours

Unless otherwise agreed in writing by the Local Planning Authority, the retail building, its car park and associated travelators shall not be open for business outside of the hours of 0800 to 2100 Monday to Saturday and 0900 to 1700 on Sundays.

Reason:

To protect the health and vitality of the existing district centre.

The applicants are now seeking the following wording for condition 20:

Variation of condition 20 to allow opening hours of 07:00 to 23:00 Monday to Saturday and 09:00 to 17:00 on Sundays and imposition of restrictions on the use of the car park by the public to prevent access earlier than 30 minutes prior to the store opening and 60 minutes after the store closing time.

This effectively allows an additional 3 hours of trading each day from Monday to Saturdays) and extends the period during which the car park can be accessed by a further half hour in the morning (i.e. from 6.30am) and an extra hour after closing (i.e. 12midnight)

2.3 Condition 41 currently states:

APPROVAL CONDITION - Retail Store Delivery Times - Performance Condition

Unless otherwise agreed in writing by the Local Planning Authority no deliveries shall be received or items despatched from the retail building outside the hours of 0700 to 2300 Mondays to Saturdays and 0800 to 1800 Sundays and Public Holidays.

Reason:

To protect the amenity of neighbouring residential dwellings.

The applicants are now seeking the following wording for condition 41:

Variation of condition 41- delivery hours, to allow no more than 3 deliveries to be received or items despatched from the retail building between the hours of 2300 to 0700 Monday to Saturday. On Sundays no deliveries to be take place before 0800 and no more than two deliveries to take place after 6pm.

This would allow no more than three vehicle movements during the night-time period each day from Monday to Saturday.

2.4 Condition 58 currently states:

APPROVAL CONDITION - Allocated Parking for D1 Use - Pre-occupation condition

Prior to first occupation of the store a minimum of 10 parking spaces shall be identified on a plan to be agreed in writing by the Local Planning Authority for sole use of the D1 facility. The spaces shall be marked out and retained for the D1 use customers and staff only whilst the D1 use operates from the site.

Reason:

To ensure appropriate numbers of spaces are made available in a safe and convenient location to serve the D1 floorspace hereby approved.

The applicants are now seeking the following wording for condition 58:

Variation of condition 58- to restrict the allocation of the (10) parking spaces for the D1 use to between the hours of 0900 and 17.30 Monday to Friday. (As amended by letter dated 01.03.2012).

It should be noted that the D1 use area of the building is not yet occupied. The s106 agreement safeguards the occupation of the area to be offered first to the Council or partner organisation. The decision as to who occupies the space, as long as they are a D1 operator is not a matter that will require further planning input.

- 2.5 The conditions are the only element of the decision which the applicant is seeking to alter from the development which was considered by the Planning and Rights of Way Panel in January of 2011.

The current development plan policies against which the application for both the retail element and the residential element of the scheme was assessed and determined remain unchanged and therefore all matters such as traffic generation, car parking, retail impact, design and layout, sustainability and landscaping/planting have been previously considered to be in accordance with the development plan.

The consideration of this application focuses therefore on the implications for allowing the variation of the three conditions in terms of impact on amenity and the character of the area.

The suggested conditions, again for sake of procedure, re-introduce all those conditions imposed on the original 10/01399/OUT outline consent other than the originally imposed condition 65 which is not possible to implement.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with the City Council’s adopted and emerging policies. In accordance with adopted Core Strategy

Policy CS20 and Local Plan “saved” Policy SDP13.

4.0 Relevant Planning History

4.1 As set out in Appendix 2.

It should be noted that the currently approved application (10/01399/OUT) introduced significant changes to the earlier approved scheme which can be summarised as follows:

(i) The store was extended into the ground floor area that would have originally formed the health centre building increasing the gross floor area from 7,492sq m to 9,730sq m and the net sales area from 3,716sq m to 4,645sq m.

(ii) A new D1 Use 'community facility' of 1,660 sq m is provided at upper floor level above the northern end of the store with street level entrance lobby accessed directly off Portswood Road and comprising lift and stair access.

(iii) The vehicular access serving the store was moved northward in Portswood Road.

(iv) The children's play area (LEAP) has been relocated closer to the entrance of the store in St Deny's Road and is now open for use.

(v) Additional tree planting has been provided (and now planted) in the form of a treed and landscaped belt between the retail and residential areas at the rear of the covered service area and also along the northern edge of the store access road.

(vi) The external appearance of the store has been revised to provide greater activity along the Portswood Road and St Deny's Road frontages, including a full height glazing element at the junction of St Deny's Road. The height of the store on back edge of pavement has been slightly reduced.

(x) The amount of car-parking to serve the store has increased from 325 to 344 spaces.

4.2 None of these aspects of the development, which was considered by the Planning and Rights of Way Panel in January of 2011, have altered.

The current development plan is the same as that considered at the time of the application and therefore all matters such as traffic generation, car parking, retail impact, design and layout, sustainability and landscaping/planting have been previously considered in accordance with the development plan.

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 also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (29.12.2011) and erecting a site notice (15.12.2011). At the time of writing the report 97 representations from 56 objectors had been received.

56 letters were received as a result of the original consultation on the application, which at that time also included a variation of condition 19 to allow a pharmacy to be provided in the store.

Following the applicants amendments to the application, deleting the request to vary condition 19 and amending the nature of the variation sought to condition 58, a further 41 letters had been received at the time of writing the report, re-iterating the strong objections to the proposed variation of the conditions.

A spreadsheet highlighting the range of issues raised is summarised as set out below. The number in brackets refers to the number of objectors raising the stated issue.

Objections to Condition 20: Operating Hours

Impact on existing retailers in Portswood (30)
Increase disturbance (23)
Increased noise (26)
Increased light pollution (11)
Increase traffic congestion (18)
Rat running along Grosvenor Road (1)
Not suitable for residential area (17)

Objections to Condition 41: Delivery Times

Late night noise (34)
Late night disturbance (31)
Not in line with other retailers (3)
Not appropriate for residential area (22)

Objections to Condition 58: D1 (Community Use) Car Parking

Jeopardise success of the community use (19)
Underutilisation of the space may result in it becoming part of the store (9)
Important to keep the mixed use element (4)

Other issues raised not specifically attributed to a specific condition:

Ethics of big business (27)

Lack of justification (8)
Harm to the character and amenity of the area (25)
Not suitable for a residential area (11)

- 5.2 **SCC Highways** - No objections raised.
- 5.3 **SCC Environmental Health (Pollution & Safety)** - No objections raised. The number of proposed deliveries is small and the service yard is fully enclosed thereby reducing the potential impact of noise and disturbance at un-neighbourly hours.
- 5.4 **SCC Planning Policy:** Raise no objection to the variation of conditions 20, 41 and 58 as these relate to 'amenity' issues and rather than the Council's retail policies. The original objection to the relaxation of condition 19 to allow a pharmacy has been addressed by the removal of that element of the application.

6.0 Planning Consideration Key Issues

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

6.2 Principle of Development:

The principle of development has already been considered under the currently adopted policies of the Development Plan as set out in this report and has been the subject of a referral to the Secretary of State.

There have been no material changes to the development plan policies relevant to the consideration of the development of the site as a superstore and no material changes to the size, layout, design or other elements of the development.

The principle of the development as built therefore remains acceptable.

6.3 Condition 20: Operating hours.

The original officers recommendation as presented to panel in January 2011 recommended the following hours:

Unless otherwise agreed in writing by the Local Planning Authority, the retail building, its car park and associated travelators shall not be open for business outside of the hours of 0800 to 2300 Monday to Saturday and 0900 to 1700 on Sundays.

The reason for imposing this restriction was:

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

These hours are consistent with previous approvals given on the site.

Members imposed the more restrictive operating times with the reason given as 'to protect the health and viability of the district centre'

In consultation with the Council's retail policy planners it has been stated that an objection to the increased hours cannot be substantiated on retail impact grounds. The proposed evening hours are consistent with previously approved hours on this site. It must also be recognised that there are no conditions imposed on other retail operators within the adjacent Portswood District Centre that require the store operators to be limited to the hours of trading being proposed for Sainsbury's. There are also no policies limiting the trading hours being sought on commercial premises in this location or within the adjacent district centre.

The earlier opening time of 7.00am which would allow first use of the car park at 6.30am will introduce greater activity on the roads in the vicinity of the site at a time which could impact on residential amenity. However, the original bus depot saw the majority of bus activity at these times as staff arrived at the site and buses left to be in position on the public transport network to meet the demand for the morning 'rush hour'. The role of the district centre also includes activity during this period, including servicing. On balance, given these factors it is not considered that an objection could be substantiated on amenity grounds either.

6.3.1 Condition 41: Delivery Times

The site has been designed with a fully enclosed service yard designed to ensure all activity other than the arrival and departure of a vehicle is undertaken in a sealed and noise attenuated environment.

Given the low number of vehicle movements being requested and given the lorry routing measures already in place which require vehicles to enter and leave via Thomas Lewis Way, it is not considered there would be significant risk to residential amenity given existing traffic movements in the vicinity of the site.

There are no objections to the proposed variation of this condition from either Environmental health on noise or amenity grounds or from highways on highway safety grounds.

6.3.2 Condition 58: Car Parking for D1 Use

The current approval allocates 10 of the total number of 344 parking spaces closest to the access road and entrance to the separate D1 Use for specific use by the occupiers of the D1 Use. The space allocated for D1 Use is not yet occupied and until such time as it is the enforcement of condition 58 would not be expedient.

The car park is a 'public' car park with a maximum parking limit of two hours. The car park therefore also serves the existing district centre and surrounding area. It is not necessary to shop at Sainsbury's to be able to park there for up to two hours.

The logic behind the condition is that Sainsbury's will still be able to operate their store if 334 spaces are available for their customers to use but a D1 operator may not be able to function if their customers have no parking provision.

The proposed amendment to the condition ensures specific allocation of the spaces during 'typical' daytime operating hours but would not prevent customers for the D1 using other spaces within the car parking during the stores full operating times.

This is considered to be a reasonable compromise which is not considered to be likely to jeopardise to successful occupation and operation of the D1 space.

7.0 Summary

7.1 The high levels of objection and concern from the local community are recognised and understood.

However with regard to the operating hours, officers need to make consistent recommendations with earlier decisions that have been made on this site, and recognise that those decisions were subject to scrutiny by the Secretary of State. The Council's retail policy planners have confirmed that an objection to the extended hours cannot be substantiated on retail impact grounds. The level of activity which existed relating to the former use of the site immediately prior to its redevelopment, the site's location on the edge of a district centre site and the legitimate trading hours of other nearby commercial units makes it difficult to justify a refusal of amenity grounds.

The fully enclosed service yard and existence of a lorry routing agreement, combined with the low number of vehicle movements being requested means that there are no objections to the proposed variation of the servicing hours condition.

The safeguarding of 10 spaces to serve the D1 Use during typical daytime operating hours with the opportunity to use other spaces within the car park at other times is a reasonable compromise that is not likely to jeopardise to successful operation of the D1 Use.

8.0 Conclusion

That the proposed variations to conditions 20, 41 and 58 are acceptable in planning terms and the scheme should be approved.

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

1a, 1b, 1c, 1d, 2b, 2d, South East Plan Regional Spatial Strategy (May 2009), 4f, 5a, 5e, 6a, 6c, 6f, 7a, 9a, 9b.

AA for 17/04/2012PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Outline Permission Timing Condition

Outline Planning Permission for the principle of the development proposed and the following matters sought for consideration:

a. For the purposes of that area of the site comprising the retail store, the community facility, the new tree planting belt and the Local Equipped Area of Play and the emergency exit routes from the underground car park namely the layout of buildings and other external ancillary areas, the means of access (vehicular and pedestrian) into the site and the buildings, the appearance and design of the structure, the scale, massing and bulk of the structure, and the principles of the landscaping areas (both hard, soft and including enclosure details) of the site is approved subject to the following:

(i) Written approval of the details of the following awaited reserved matters shall be obtained from the Local Planning Authority within 3 months of the date of this consent:-

Landscaping: Tree pit design and planting specification should be supplied for all of the tree and shrub planting. In relation to sections of soft landscape fronting St Deny's Road, including the play area, further full details of the tree and shrub planting design should be submitted for these elements. (See Note to applicant below).

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

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

b. For the purposes of that area of the site comprising the residential development namely the layout of buildings and other external ancillary areas, the means of access (vehicular and pedestrian) into the site and the buildings, the scale, massing and bulk of the structure, and the principles of the landscaping areas (both hard, soft and including enclosure details) of the site is approved subject to the following:

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

the appearance and architectural design specifying the external materials to be used,

and the detailed landscaping of the site specifying both the hard, soft treatments, including tree planting, means of enclosures and the layout and specification for the public open space fronting Belmont Road.

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

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

Reason:

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

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

Full details of the manufacturers, types and colours of the external materials to be used for the new housing, including samples if required, shall be submitted to and approved in writing by the Local Planning Authority before development commences.

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 buildings of high visual quality.

03. APPROVAL CONDITION - Anti-social behaviour [Pre-Commencement Condition]

Those measures approved by the local planning authority relating to management of the car parking area to the retail store, shall be operated at all times, so as to discourage the antisocial use of the public areas including the underground car-parks, surface parking areas, ramps, travelators and landscaped areas by skateboarders, cyclists and rollerbladers.

Reason

In the interest of residential amenity.

04. APPROVAL CONDITION - Details of Piling Method [Pre-Commencement Condition]

The method of piling foundations for the residential development shall be carried out in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before any piling begins. No percussion or impact driven piling operations shall take place unless agreed.

Reason:

To ensure the selected piling method can be justified on the grounds of structural, geotechnical, contamination, noise, vibration and practicability and ensure any adverse environmental impacts are identified and appropriate mitigation measures are proposed.

05. APPROVAL CONDITION - Shop Frontage [Performance Condition]

The proposed retail store shall incorporate and maintain the active frontage along the Portswood Road and St Deny's frontage as shown on the approved plans. All glazing to the shopfronts shall be maintained as laminated glass.

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.

06. APPROVAL CONDITION - Landscaping scheme [Pre-Commencement Condition]

The approved detailed landscaping scheme required to be submitted by Condition 1a, shall be implemented prior to the first opening of the store and shall include the retention and maintenance of the new tree belt between the store and the residential site. The approved scheme shall be carried out in accordance with a programme to be agreed in writing by the Local Planning Authority before the development commences. Any trees, shrubs, seeded or turfed areas which, within a period of 5 years from the date of planting (including any replanting) die, fail to establish, are removed or become damaged or diseased, shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

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.

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

All trees and shrubs to be retained shall be fully safeguarded during the course of all site works including excavation, construction and building operations. Before any work is commenced on site, trees or other features which are to be retained shall be fenced off from the working area with 1.2 metre high chestnut fencing to

B.S. 1722, Part 4 as follows:

(a) For trees and shrubs, the fencing shall follow a line 1 metre outside the furthest extent of the canopy, unless otherwise agreed in writing by the Local Planning Authority.

Details of the position of all protective fencing pursuant to this condition shall be indicated on a site plan and agreed in writing by the Local Planning Authority before any site works commence. The fencing shall be maintained in position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority, following which it shall be removed from the site. No goods, materials, soil, etc., shall be stacked or stored inside the fenced off area.

Reason:

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

08. APPROVAL CONDITION - Protective fencing [Pre - Commencement Condition]

Details of the position of all protective fencing for the residential element of the development hereby approved, pursuant to Condition 7 shall be indicated on a site plan and agreed in writing by the Local Planning Authority before any site works commence. The fencing shall be maintained in position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority, following which it shall be removed from the site. No goods, materials, soil, etc., shall be stacked or stored inside the fenced off area.

Reason:

In the interests of the visual amenities of the adjoining residents and the character of the area.

09. APPROVAL CONDITION - No burning of materials

No burning of demolition or construction materials shall take place on the site.

Reason:

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

10. APPROVAL CONDITION - Hours of Construction

Unless otherwise agreed in writing by the Local Planning Authority all works relating to the construction of the development hereby permitted, demolition and ground preparation prior to construction, shall only take place between the hours of 0800 and 1800 Monday to Friday (excluding Public Holidays) and 0800 to 1300 Saturdays and at no time on Sundays or Public Holidays.

Reason:

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

11. APPROVAL CONDITION - Dust Control [Pre-Commencement Condition]

Measures to control dust generated by construction activities shall be implemented in accordance with details (including a method statement) agreed in writing by the Local Planning Authority before the development commences.

Reason:

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

12. APPROVAL CONDITION - Wheel Cleaning

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 have been cleaned sufficiently to prevent mud being carried onto the highway.

Reason:

In the interests of highway safety.

13. APPROVAL CONDITION - Soundproofing [Residential Pre-Commencement Condition]

The residential element of the development hereby approved must make provision for soundproofing so as to protect the occupants of the residential units from traffic noise from the adjoining highway and from noise generated by the shop and basement car park. Details must be submitted to and agreed in writing by the Local Planning Authority before any development of the residential phase of development commences. The soundproofing agreed by the Local Planning Authority pursuant to this condition must be implemented before any of the dwelling units are first occupied.

Reason:

In order to protect occupiers of the new housing from traffic noise and noise generated by the shop and basement car park.

14. APPROVAL CONDITION - Contractors Compound [Residential Pre-Commencement Condition]

Detailed plans specifying the areas to be used for building operatives' and contractors' vehicle parking and plant, storage of building materials and any excavated material, huts, and all working areas required for the construction of the residential phase of development hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The development shall then be implemented in accordance with the approved details and the areas identified for the above purposes shall be retained and kept available for those purposes.

Reason:

In the interests of highway safety and the amenities of the area.

15. APPROVAL CONDITION - Restriction

No building, structure or crane exceeding 54.3m AOD shall be constructed within the application boundary.

Reason:

So that it does not breach the Obstacle Limitation Surfaces detailed in CAA Publication CAP168 Licensing of Aerodromes.

16. APPROVAL CONDITION - Lighting scheme [Pre-Commencement Condition]

The development shall be undertaken in accordance with details already approved under 09/00513/OUT for the of the scheme of lighting required to be provided during construction of the retail and be operated so as to comply with Advice Note 2, Lighting Near Aerodromes, (also available at www.caa.co.uk/srg/aerodrome).

Reason:

To avoid endangering the safe operation of aircraft and in the interests of protect residential amenity.

17. APPROVAL CONDITION - Archaeological works (Residential Pre-commencement condition)

No development shall take place within the residential area 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 in writing by the Local Planning Authority.

Reason:

To ensure that the archaeological investigation is properly investigated and complete.

18. APPROVAL CONDITION - Retail floorspace restrictions

The net sales floorspace shall be limited to a maximum of 4 645sq m to be comprised of maximum floorspace restrictions of 3 539sq m for convenience goods and 1 106sq m for comparison goods. The sale of comparison goods shall be restricted to the sale of the following goods only; clothes, homeware, electricals, toys and seasonal items (e.g. Christmas and Halloween). The floorspace for sales of clothing should not take up more than on third of the comparison goods floorspace.

Reason:

To ensure compliance with local and national retail policies and to protect the health and vitality of the existing district centre.

19. APPROVAL CONDITION - No subdivision of the retail unit

The retail building provided as part of the development shall not be subdivided into two or more retail units and shall not include a post office, dry cleaners, pharmacy, photo-shop or key cutting unless otherwise agreed in writing by the Local Planning Authority.

Reason:

For the avoidance of doubt and to enable the Local Planning Authority to retain control over the development in the interests of the amenities of the area.

20. APPROVAL CONDITION - Operating Hours

Unless otherwise agreed in writing by the Local Planning Authority, the retail building and associated travelators shall not be open for business outside of the hours of 0700 to 2300 Monday to Saturday and 0900 to 1700 on Sundays and there shall be access to the car park for customers earlier than 30 minutes prior to the store opening and 60 minutes after the store closing time.

Reason:

To protect the amenity of nearby residents.

21. APPROVAL CONDITION - Extract Ventilation System [Pre-Commencement Condition]

The approved scheme for the provision of an adequate extract ventilation system for the retail store, shall be maintained in full working order in such a manner as to effectively suppress the emission of fumes and smells; and shall include such equipment (including grease filters and odour neutralising plant) as may be specified to meet this requirement.

Reason:

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

22. APPROVAL CONDITION - Play area

The children's play area shall be maintained, equipped and made available for use by the public at all times.

Reason

To ensure adequate provision of open space.

23. APPROVAL CONDITION - Gate [Pre-Occupation Condition]

Access to the retail building delivery or service area shall be controlled by the approved gate, which shall be maintained at all times hereafter.

Reason:

In the interests of highway safety and to achieve a satisfactory form of development.

24. APPROVAL CONDITION - Means of Enclosure [Residential Pre-Commencement Condition]

No development shall be commenced on the residential phase of development until details of all means of enclosure on the site have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is brought into use. The means of enclosure shall subsequently be retained to the satisfaction of the Local Planning Authority.

Reason:

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

25. APPROVAL CONDITION - Refuse storage details [Residential Pre-Commencement Condition]

Before the development commences on the residential units, details of satisfactory facilities to be provided for the storage and removal of refuse from the residential units shall be submitted to and agreed in writing by the Local Planning Authority. They shall be provided before any residential unit is first occupied and retained thereafter. The submitted details of the facilities shall include accommodation for the separation of waste to enable recycling.

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.

26. APPROVAL CONDITION - Refuse facilities for retail store [Performance Condition]

The refuse storage facilities for the retail building shall incorporate suitable drainage gulleys around any compactors to enable cleaning and washing down of the facility.

Reason:

In the interests of health and safety.

27. APPROVAL CONDITION - Rubbish bins - Retail store [Performance Condition]

Self-closing rubbish bins must be provided for the disposal of putrescible waste and must be emptied on a regular basis to prevent the build up of exposed putrescible waste across the development.

Reason:

To avoid endangering the safe operation of aircraft through the attraction of birds.

28. APPROVAL CONDITION - Public recycling facilities [Pre-Commencement Condition]

Provision shall continue to be made on the retail area of the site for public recycling facilities in accordance with the approved details.

Reason:

To encourage sustainable initiatives.

29. APPROVAL CONDITION - Car Park [Pre-occupation Condition]

The car park shall be used as a public car park for short-stay purposes for a maximum period of 2 hours or such other period as may be agreed in writing by the Local Planning Authority and operated in accordance with scheme of management, which includes the following:

- (a) The hours during which the car park is to be available for use
- (b) The method and means of controlling access to the car park

Reason:

In the interests of highway safety.

30. APPROVAL CONDITION - Management of Trolleys [Pre-Commencement Condition]

The approved scheme for the storage and management of supermarket trolleys shall continue to be operated for the life of the retail store. The approved scheme shall continue to include measures to ensure that trolleys are returned to appropriate collection points and storage positions and not otherwise left or abandoned. The effectiveness of the approved scheme shall continue to be reviewed in accordance with the programme to be included in the approved scheme and such changes to the scheme as are necessary and approved by the Local Planning Authority shall be introduced in accordance with an agreed timescale.

Reason:

To protect the character of the area and to avoid circulation problems, which might otherwise be caused by abandoned trolleys.

31. APPROVAL CONDITION - Availability of Parking [Pre-Occupation Condition]

The area shown on the submitted plans for parking, loading and unloading of vehicles that has been made available and surfaced and shall be subsequently retained and reserved for those purposes at all times the retail store is open for business.

Reason:

In the interests of highway safety.

32. APPROVAL CONDITION - Disabled Parking [Pre Commencement Condition]

The development shall incorporate parking spaces for a minimum of 20 disabled persons to serve the store and district centre. The spaces shall be marked for this purpose and thereafter retained.

Reason:

In the interests of highway safety.

33. APPROVAL CONDITION - Parent and Toddler Parking [Pre-Occupation Condition]

The parent and toddler parking illustrated on the submitted plans shall be marked for this purpose and thereafter retained.

Reason:

In the interests of highway safety.

34. APPROVAL CONDITION - Motorcycle Parking [Pre-Occupation Condition]

The retail building shall incorporate parking for a minimum of 17 motorcycles which shall be retained at all times the retail store remains open for business.

Reason:

In interests of highway safety.

35. APPROVAL CONDITION - Bicycle Storage [Pre-Occupation Condition]

The retail building shall incorporate secure, covered and enclosed space laid out for a minimum of 30 cycles to be stored for the benefit of staff employed at the retail building in accordance with the approved plans, which shall thereafter be retained on site for that purpose.

Reason:

To encourage cycling as an alternative form of transport.

36. APPROVAL CONDITION - Visitor Bicycle Storage [Pre-Occupation Condition]

A minimum of 68 cycle stands shall continue to be made available for customers in accordance with the approved plans. The approved cycle stand arrangement shall thereafter be retained on site for that purpose.

Reason:

To encourage cycling as an alternative form of transport.

37. APPROVAL CONDITION - Bicycle provision for Community (D1) Use [Pre-Occupation Condition]

No part of the community (D1 Use) element of the development shall be occupied until a secure, covered and enclosed space has been laid out within the site for a minimum of 20 cycles to be stored for the benefit of the staff and visitors in

accordance with plans to be submitted to and approved in writing by the Local Planning Authority. The approved cycle storage arrangement shall thereafter be retained on site for that purpose.

Reason:

To encourage cycling as an alternative form of transport.

38. APPROVAL CONDITION - Staff Parking Provision

Unless otherwise agreed in writing by the Local Planning Authority, a minimum of 12 parking spaces shall be made available for parking by staff employed at the retail building.

Reason:

In the interests of highway safety.

39. APPROVAL CONDITION - Use of ATM - Performance Condition

Unless otherwise agreed in writing by the Local Planning Authority, automatic teller machines, wherever located, shall only be available during store opening hours.

Reason:

To ensure that the use of such machines does not result in any harm to residential amenities or threat to highway safety.

40. APPROVAL CONDITION - Retail Store Delivery Times - Performance Condition

Unless otherwise agreed in writing by the Local Planning Authority other than for a maximum of 3 deliveries to be received or dispatched from the retail building between the hours of 2300 - 0700 Monday to Saturday and no more than 2 deliveries to be received or dispatched between 1800 - Midnight on Sundays no deliveries shall be received or items despatched from the retail building outside the hours of 0700 to 2300 Mondays to Saturdays and 0800 to 1800 Sundays and Public Holidays.

Reason:

To protect the amenity of neighbouring residential dwellings.

41. APPROVAL CONDITION - Drainage

No sewage or trade effluent (including vehicle wash or vehicle steam cleaning effluent), except site drainage shall be discharged to any surface water drainage system.

Reason:

To prevent land contamination.

42. APPROVAL CONDITION - Soakaway - Performance Condition

No soakaway shall be constructed in contaminated ground.

Reason:

To prevent land contamination.

43. APPROVAL CONDITION - Residential: Details of water disposal [Pre-Commencement Condition]

No development shall commence on the residential phase of development until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior any occupation of the development.

Reason:

To prevent the increase of flooding and to improve water quality.

44. APPROVAL CONDITION - Retail Drainage - Performance Condition

Drainage from loading bays shall not be discharged to any watercourse, surface water sewer or soakaway.

Reason:

To prevent ground contamination.

45. APPROVAL CONDITION - Retail and Residential Drainage - Performance Condition

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstanding shall be passed through an oil separator designed and constructed to have a capacity and operation compatible with the site being drained. Roof water shall not pass through the separator.

Reason.

To avoid ground pollution.

46. APPROVAL CONDITION: Submission of a Bird Hazard Management Plan

The retail store shall operate for business in accordance with the approved Bird Hazard Management Plan which includes details of:

Management of any flat/shallow pitched roofs on buildings within the site which may be attractive to nesting, roosting and 'loafing' birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design'.

The Bird Hazard Management plan shall continue to be implemented as approved, and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

REASON

It is necessary to manage the roofs in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Southampton Airport.

47. APPROVAL CONDITION: Residential site area - No further development if contamination found - Performance Condition

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the

Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To protect the minor aquifer beneath the site and the surface waters surrounding the site. There may be areas of the site which cannot be fully characterised by a site investigation and unexpected contamination may be identified.

48. APPROVAL CONDITION - Residential - Permitted Development Restriction [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

- Class A (enlargement of a dwelling house), including a garage or extensions,
- Class B (roof alteration),
- Class D (porch),
- 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 small private garden and amenity areas provided as part of this development in the interests of the comprehensive development and visual amenities of the area.

49. APPROVAL CONDITION - Community facility - Scope and Limitation within same Class (D1) - Performance Condition

Permission is hereby granted for the use of the second floor area and ground floor access to it for Community related uses falling within Use Class [D1 of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking, amending, or re-enacting that Order) and shall not be used for any other use within that Use Class.

Reason:

To ensure the re-development of the site includes a mix of uses which benefits the local community.

50. APPROVAL CONDITION - BREEAM Standards (commercial development) [Pre-Occupation Condition]

Written documentary evidence demonstrating that the development has achieved at minimum a rating of Excellent against the BREEAM standard shall be submitted to the Local Planning Authority and verified in writing by 1 September 2012. The evidence shall take the form of a post construction certificate as issued by a qualified BREEAM certification body.

Reason:

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

51. APPROVAL CONDITION - Code for Sustainable Homes [Pre-Occupation Condition]

Written documentary evidence demonstrating that the development will achieve at minimum Level 3 of the Code for Sustainable Homes, including at least [the percentage required by core strategy policy CS20] in category Ene1, shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted, unless an otherwise agreed timeframe is agreed in writing by the LPA. The evidence shall take the form of a post construction assessment and certificate as issued by a legitimate Code For Sustainable Homes certification body.

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).

52. APPROVAL CONDITION - Residential 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 [as required in core strategy policy CS20] 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 [as required in core strategy policy CS20] must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent. Renewable technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

REASON:

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

53. APPROVAL CONDITION - Loafing Birds on Retail Store [Performance Condition]

Any flat/shallow pitched roofs including the store, community element and shall be constructed to allow access to all areas by foot using permanent fixed access stairs, ladders or similar. The owner/occupier shall not allow gulls to nest, roost or loaf on the building or the decked car park. Checks shall be made weekly during the breeding season. Outside of the breeding season gull activity shall be monitored and the roof and decked car park shall be checked regularly to ensure that gulls do not use them. Any gulls found nesting, roosting or loafing shall be dispersed by the owner/occupier when detected or when requested by BAA Airfield Operations staff. The owner/occupier shall remove any nests or eggs found on the roof or decked car park.

Reason:

To avoid endangering the safe operation of aircraft through the attraction of birds.

54. APPROVAL CONDITION - Approved Plans

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

Reason:

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

55. APPROVAL CONDITION - Operating Hours for D1 Use - Performance Condition

Unless otherwise agreed in writing by the Local Planning Authority, the D1 Use shall not be open for business outside of the hours of 0800 to 2100 Monday to Saturday and 0900 to 1700 on Sundays.

Reason:

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

56. APPROVAL CONDITION - Allocated Parking for D1 Use - Pre-occupation condition

Immediately prior to first occupation of the D1 Use a minimum of 10 parking spaces shall be identified on a plan to be agreed in writing by the Local Planning Authority for sole use of the D1 facility. The spaces shall be marked out and retained for the D1 use customers and staff only whilst the D1 use operates from the site between the hours of 0900 and 17.30 Monday to Friday.(As amended by letter dated 01.03.2012.

Reason:

To ensure appropriate numbers of spaces are made available in a safe and convenient location to serve the D1 floorspace hereby approved.

57. APPROVAL CONDITION - Refuse Management for D1 Use - Pre-occupation condition

Prior to first occupation of the D1 Community Use a refuse management plan clearly indicating the facilities to be provided for the storage and collection of refuse including recycling of waste shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall then be implemented and maintained whilst the D1 Use remains operational.

Reason:

To ensure appropriate facilities are provided to serve the use in the interests of amenity.

58. APPROVAL CONDITION - Tree Protection Zone for new tree belt - Residential Pre-commencement condition.

Prior to development commencing on the residential area of the site full details of the tree protection zone, including details of the design and alignment of the protective fencing to be provided during and after construction, shall be submitted to and agreed in writing with the Local Planning Authority. No storage of any materials or equipment shall take place within the tree protection zone. The approved details shall be implemented prior to any works commencing on the residential site.

Reason.

To protect the new tree belt during the construction of the residential phase of development.

59. APPROVAL CONDITION - Lorry Routing for construction traffic - Performance Condition

All traffic related to the construction of the remaining residential phase of development shall enter and leave the site via Thomas Lewis Way and at no time from Portswood Road or Highfield Lane in accordance with the lorry routing plan which forms part of the s106 agreement.

Reason:

In the interests of highway safety and the amenity of nearby residential areas.

60. APPROVAL CONDITION - Provision of access and parking for residential scheme - Residential pre-occupation condition.

Prior to first occupation of any of the residential units hereby approved a minimum of 49 car parking spaces, including garages, to serve the units shall be provided in accordance with the approved plans with proper access. The parking spaces and garages shall thereafter be retained and maintained in a manner to enable the parking of private cars associated with the residential units only.

Reason:

To ensure the car parking to be provided to serve the development is retained and maintained for that purpose in the interests of highway safety and the character and amenity of the area.

61. APPROVAL CONDITION - Lighting levels within store out of trading hours - Performance Condition

The luminance levels of internal lighting required to serve the store outside the approved operating hours shall not exceed those approved.

Reason:

In the interests of the amenities of residents of nearby residential dwellings.

62. APPROVAL CONDITION - security fencing.- Pre-occupation condition

The security fencing erected as approved within or along the perimeter of the retail store site shall be retained at all times the retail store remains open for business. submitted to and agreed in writing with the Local Planning Authority.

Reason:

In the interests of the visual amenity of the area.

POLICY CONTEXT

Core Strategy - (January 2010)

CS13	Fundamentals of Design
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk
CS24	Access to Jobs
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting
SDP18	Hazardous Substances
SDP19	Aerodrome and Technical Site Safeguarding and Airport Public Safety Zone
SDP22	Contaminated Land
HE6	Archaeological Remains
CLT1	Location of Development
CLT5	Open Space in New Residential Developments
CLT6	Provision of Children's Play Areas
CLT15	Night Time Uses in Town, District and Local Centres
REI5	District Centres
REI7	Food and Drink Uses (Classes A3, A4 and A5)
REI8	Shopfronts
TI2	Vehicular Access

Supplementary Planning Guidance

Planning Obligations (Adopted - August 2005 and amended November 2006)

Other Relevant Guidance

The National Planning Policy Framework (27 March 2012)

This document replaced all the following documents which had been taken into account in considering the original application for the store and the consideration of this application up to the point of report writing.

PPS1 Delivering Sustainable Development (February 2005)

Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 (December 2007)

Planning Policy Statement: Eco-towns - Supplement to Planning Policy Statement 1 (July 2009)

PPS4 Planning Policy Statement 4: Planning for Sustainable Economic Growth (December 2009)

PPS6 Planning for Town Centres (March 2005)

PPG13 Transport (April 2001)

PPS22 Renewable Energy (August 2004)

PPS23 Planning and Pollution Control (November 2004)

PPG24 Planning and Noise (October 1994)

PPS 25 Development and Flood Risk (December 2006)

Relevant Planning History

Planning permission was originally granted on the site for a 6 578 sq m (gross floorspace) retail store, health centre, 140 residential units and new children's play area on 11 December 2008 following consideration by the Planning Panel on 22nd July 2008. The subsequent confirmation from the Secretary of State had confirmed that the application was not to be 'called in' but could instead be determined at local level (08/00386/OUT).

A revised scheme (09/00513/OUT) was submitted on 16 May 2009. It included amendments to the design and size of the retail unit, increasing its height along the Portswood Road frontage and increasing the gross floorspace from 6 578sq m to 7 492sq m (although the net sales area remained unchanged at 3 716sq m. The revisions also included:-

- a re-designed vehicular access from Portswood Road including a mini-roundabout and two lanes for exiting the site,
- a cafe at mezzanine level above the store, and
- a re-orientation of the store entrance to face southward thus addressing the Portswood District Centre.

All other matters, including the provision of the health centre, the children's play area, the pedestrian link between Belmont Road and Portswood Road and 140 residential units (22 houses and 118 flats) remained unchanged.

The scheme was considered and approved by the Planning and Rights of Way Panel on 29 September 2009 and following the decision of the Secretary of State to again leave the decision making to the Local Authority.

Soon after the granting of planning permission for 09/00513/OUT it was identified by the Primary Care Trust that funding for the health centre would not be forthcoming and that the independent structure would not be constructed. The lack of delivery of the building and the loss of the community use element of the proposals was considered to be detrimental to the overall development of the site in terms of delivering a mixed use development across the whole site but also in urban design terms. The health centre building provided an important element of the active frontage along Portswood Road and also formed part of the 'pedestrian street' which integrated the housing area with the commercial development.

The currently approved application (10/01399/Out) was submitted to address this problem. It introduced significant changes to the earlier approved scheme which can be summarised as follows:

(i) The store was extended into the ground floor area that would have originally formed the health centre building increasing the gross floor area from 7 492sq m to 9 730sq m and the net sales area from 3 716sq m to 4 645sq m.

(ii) A new community facility of 1 660 sq m is provided at upper floor level above the northern end of the store with street level entrance lobby accessed directly off Portswood Road and comprising lift and stair access.

(iii) The vehicular access serving the store was moved northward in Portswood Road.

(iv) The children's play area (LEAP) has been relocated closer to the entrance of the store in St Deny's Road and is now open for use.

(v) Additional tree planting has been provided (and now planted) in the form of a treed and landscaped belt between the retail and residential areas at the rear of the covered service area and also along the northern edge of the store access road.

(vi) The external appearance of the store has been revised to provide greater activity along the Portswood Road and St Deny's Road frontages, including a full height glazing element at the junction of St Deny's Road. The height of the store on back edge of pavement has been slightly reduced.

(x) The amount of car-parking to serve the store has increased from 325 to 344 spaces.

Application 11/01877/FUL

APPENDIX 3

Panel Report for 10/01399/Out: To be read and considered as part of this application

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 18 January 2011
Planning Application Report of the Planning and Development Manager

Application address: City Bus Co Ltd 224 Portswood Road SO17 2AD			
Proposed development: Redevelopment of the site to provide a new supermarket (Class A1 retail 9,730 square metres gross floorspace with associated 344 space car park, new community use (Class D1 1,166 square metres gross floorspace) and public play area (no matters reserved for later approval) and 59 residential units (29 houses and 30 flats) with 49 associated car parking spaces (details of appearance reserved for later approval)			
Application number	10/01399/OUT	Application type	OUT
Case officer	Andy Amery	Public speaking time	15 minutes
Last date for determination:	23 January 2011	Ward	Portswood
Reason for Panel Referral	Major Development	Ward Councillors	Cllr Vinson Cllr Sollitt Cllr Capozzoli

Applicant: Sainsbury's Supermarkets Ltd	Agent: Wyg Planning And Design
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report and referral to the Secretary of State
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Appendix attached			
1	Development Plan Policies		

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including traffic generation and highway safety, the size of the store, the impact on the local centre, the impact on the surrounding area including nearby conservations areas, the level of car-parking, the loss of trees the provision of open space and play space, protected species, the proposed mix of uses, the impact of the development on the character of the area and the nearby residential occupiers as well as the call - in inquiry (for application 05/01407/FUL) and the more recent approvals (08/00336/OUT and 09/00513/OUT) 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.

City of Southampton Local Plan Review (March 2006) 'saved' policies:-

SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP15, SDP16, SDP17, SDP19, SDP21, SDP22, HE6, CLT5, CLT6, H1, H2, H3, H7, REI7, REI8 and TI2.

City of Southampton Core Strategy (January 2010) policies:-

CS4, CS5, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS22, CS23, CS24 and CS25.

Recommendation in Full

Delegate the Development Control Manager to grant conditional planning approval subject to:-

1. The Secretary of State for the Environment not requiring the decision to be referred to him under the terms of the Town and Country Planning Shopping Direction.
2. The applicant entering into a Section 106 Legal Agreement to secure:
 - ii. Either
 - a financial contribution towards site specific transport contributions for highway and pedestrian facility improvements in the vicinity of the site

or

provision to implement an agreed series of works under S.278 of the Highways Act in line with policies SDP4 of the City of Southampton Local Plan Review (March 2006), CS18 and CS25 of the City of Southampton Core Strategy (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);

- iii. The provision of an on-site equipped children's play area prior to first occupation of the retail unit;
- iv. The submission, approval and implementation of public art that is consistent with the Council's Public Art 'Art People Places' Strategy.
- v. The submission, approval and implementation of a Green Travel Plan (GTP) to address the impact of the parking provision so that it can be assessed along with the transport needs of the development;
- vi. A commitment to local labour and employment initiatives both during the construction phase and post completion;
- vii. The submission of a highway condition survey.
- viii. The funding of any Traffic Regulation Orders required for the above measures and to enable the development to be implemented.
- ix. The provision of an unencumbered access for cyclists and pedestrians linking Belmont Road and Portswood Road prior to first occupation of the retail unit.
- x. Improvements to the public realm in the vicinity of the site
- xi. The provision of affordable housing in accordance with policy CS15 of the City of Southampton Core Strategy (January 2010).
- xii. Contributions towards the provision of or improvements to public open space.
- xiii. Management of the car-park to ensure its' availability to serve the Portswood District Centre
- xiv. Lorry routing for construction and servicing vehicles
- xv. Arrangements to limit noise generated by refrigerated delivery vehicles
- xvi. CCTV provision.
- xvi. The provision and level of fit-out including timescales for delivery of the community use building

And that the DC Manager be authorised to refuse permission if the Section 106 Agreement has not been completed within a reasonable time period of the resolution to grant permission on the grounds of failure to secure the provisions of the Section 106 Agreement.

1.0 Background

1.1 Planning permission was originally granted on the site for a 6 578 sq m (gross floorspace) retail store, health centre, 140 residential units and new children's play area on 11 December 2008 following consideration by the Planning Panel on 22nd July 2008. The subsequent confirmation from the Secretary of State had confirmed that the application was not to be 'called in' but could instead be determined at local level (08/00386/OUT).

1.2 A revised scheme (09/00513/OUT) was submitted on 16 May 2009. It included amendments to the design and size of the retail unit, increasing its height along the Portswood Road frontage and increasing the gross floorspace from 6 578sq m to 7 492sq m (although the net sales area remained unchanged at 3 716sq m. The revisions also included:-

- a re-designed vehicular access from Portswood Road including a mini-roundabout and two lanes for exiting the site,
- a cafe at mezzanine level above the store, and
- a re-orientation of the store entrance to face southward thus addressing the Portswood District Centre.

1.3 All other matters, including the provision of the health centre, the children's play area, the pedestrian link between Belmont Road and Portswood Road and 140 residential units (22 houses and 118 flats) remained unchanged.

1.4 The scheme was considered and approved by the Planning and Rights of Way Panel on 29 September 2009 and following the decision of the Secretary of State to again leave the decision making to the Local Authority.

1.5 Soon after the granting of planning permission for 09/00513/OUT it was identified by the Primary Care Trust that funding for the health centre would not be forthcoming and that the independent structure would not be constructed. The lack of delivery of the building and the loss of the community use element of the proposals was considered to be detrimental to the overall development of the site in terms of delivering a mixed use development across the whole site but also in urban design terms. The health centre building provided an important element of the active frontage along Portswood Road and also formed part of the 'pedestrian street' which integrated the housing area with the commercial development.

1.6 The current application has therefore been submitted to address this problem. The significant changes to the earlier approved scheme can be summarised as follows:

(i) The store has been extended into the ground floor area that would have originally formed the health centre building increasing the gross floor area from 7 492sq m to 9 730sq m and the net sales area from 3 716sq m to 4 645sq m.

(ii) A new community facility of 1 660 sq m is provided at upper floor level above the northern end of the store with street level entrance lobby accessed directly off Portswood Road and comprising lift and stair access.

(iii) The vehicular access serving the store has been moved northward in Portswood Road.

(iv) The pedestrian street linking Belmont Road and Portswood Road has been re-provided but is now wholly within the residential scheme.

(v) The children's play area (LEAP) has been relocated closer to the entrance of the store in St Deny's Road.

(vi) An additional area of open space/informal play has been included within the residential layout.

(vii) Additional tree planting has been provided in the form of a treed and landscaped belt between the retail and residential areas at the rear of the covered service area and also along the northern edge of the store access road.

(viii) The area of the residential development remains similar to that previously approved but the number of residential units has been reduced from 140 to 59 as a result of a significant reduction in the number of flatted units and an increase in the provision of family housing.

(ix) The external appearance of the store has been revised to provide greater activity along the Portswood Road and St Deny's Road frontages, including a full height glazing element at the junction of St Deny's Road. The height of the store on back edge of pavement has been slightly reduced.

(x) The amount of car-parking to serve the store has increased from 325 to 344 spaces.

2.0 The site and its context

2.1 The 2.5ha site was until recently occupied by First Bus and is still known as Portswood Bus Depot. The site is currently being cleared of the bus depot buildings and associated hardstandings in accordance with the conditions imposed on planning permission 09/00513/OUT . It is currently surrounded by 2m high security fencing. The applicant can build out retail store and play area under the 09/00513/OUT consent without the requirement to construct the health centre building.

2.2 Located immediately to the north of the Portswood District Centre it is bounded by Portswood Road to the west, St Deny's Road to the south and Belmont Road to the east. The Belmont Road frontage comprises an almost continuous tree belt which was planted to screen the utilitarian bus depot buildings. It is a 'one-sided' street with wholly residential development, mainly comprising family houses on its eastern side. St Deny's Road to its junction with Belmont Road benefits from a mix of commercial and residential properties and also includes the local Police station which is located opposite the children's play area. The section of Portswood Road opposite the site and north of the traffic light junction comprises a short section of commercial units but is predominantly a mix of residential houses and flats.

2.3 The site has significant level changes sloping down to the north and east from a high point at the junction of Portswood Road and St Deny's Road at the point where the store entrance is located. The changes in levels help facilitate the provision of underground parking serving the store but means that the internal floor level of the store will gradually become raised above street level Portswood Road as you move north along the elevation (as was the case with previously permitted schemes) but also that the store will be at a higher level than the proposed residential development to the north and east. The level changes are utilised in a creative way to form the children's play area, using gradients to inform the siting of play equipment.

2.4 The site benefits from mature tree planting, although much of this is in poor condition due to lack of maintenance over a number of years. The tree belt on raised land at the northern point of the site where Portswood Road and Belmont Road join will remain as will the tree belt in the central section of Belmont Road which will form an area of open space/informal play within the residential scheme. Additionally the tree belt along the southern section of Belmont Road will also be retained.

3.0 Proposal

3.1 The application has been submitted in 'Outline' form but as previously the proposals comprise a 'hybrid' of two distinct phases.

3.2 Phase 1 is represented by the retail store and access to it, the community facility, the children's play area (LEAP) and the tree belt sited between the commercial and residential elements of the scheme. For this element of the scheme all matters are requested to be considered and as such it is effectively a 'full' application although some matters of landscape detail have been reserved by condition.

3.3 Phase 2 is represented by the 59 residential units which comprise 29 family houses and 30 flats (previous scheme comprised 22 houses and 118 flats). Matters of appearance and landscaping are to be reserved but siting, access and scale are all to be considered.

3.4 The retail store has increased in size from a net sales area of 3 716sq m to 4 645sq m, a 25% increase on the scheme currently permitted. Parking

provision has increased from the currently approved 325 to 344 spaces. The vehicular access to the store has been relocated further north along Portswood Road than the currently approved location but remains designed as a mini-roundabout. Vehicular access into the store is by a single lane but there is a two lane exit to avoid backing-up when leaving the site. The external appearance of the store has been revised to ensure greater activity along both the Portswood and St Deny's Road frontages.

3.5 The increase in the size of the store is due to the loss of the stand-alone health facility which was intended to be operated by the Primary Care Trust. As a consequence a community facility of 1160 sq m is to be located at upper floor level but benefiting from street level access from Portswood Road and with secure lift and stair access from a ground floor lobby. The use will be restricted to uses falling within D1 of the Use Classes Order which includes libraries and early years facilities.

3.6 The children's play area (LEAP) has been relocated, in consultation and agreement with the Council's play space team, closer to the entrance of the store where it is considered to be better related to the district centre and is also over-looked by the re-designed cafe on the upper floor of the south elevation of the store. It remains opposite the Portswood Police Station.

3.7 As part of the store development, the applicant will provide a new tree belt which wraps around the eastern and northern perimeter of the sites in addition to additional tree and landscape planting already proposed along the St Deny's and Portswood Road frontages.

3.8 The Phase 2 residential development remains similar in terms of site area, but now proposes a much reduced scale and density of development with the number of units being reduced from 140 to 59 with the proportion of family houses to flats at almost 50% compared to 14% as previously approved. The units are predominantly 3 storey rather than 4 storey as currently approved.

3.9 Three storey family town-houses are provided along the Belmont Road frontage to respect and maintain the family house character of the road. The pedestrian street linking Belmont Road to Portswood Road is re-created wholly within the residential scheme with a terrace of two storey mews style houses on the southern side backing onto the tree planting belt which separates the site from the access road to the store. This route would be used by cars for the occupiers of houses within the scheme but would only be a through route for pedestrians.

3.10 Flats are largely restricted to the Portswood Road frontage and at four but mainly three storey height are similar in height and scale to a number of modern flatted blocks recently constructed along the section of Portswood Road between Portswood and Swaythling. Three storey flats are also proposed at the northern tip of the site where land levels, tree planting and the shape of the site constrain the ability to achieve houses.

3.11 The residential layout falls into two distinct sections as previously. However, unlike the previous scheme, which incorporated a vehicle access and servicing area for the health centre from Belmont Road between the two residential areas, this scheme knits the residential areas together utilising existing tree planting and the opportunity to create an informal open space/play zone.

4.0 Relevant Planning Policy

4.1 The Development Plan for Southampton currently comprises the South East Plan Regional Spatial Strategy (May 2009), the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies (subject to the comment in 4.2 below) to these proposals are set out at **Appendix 1**.

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

4.3 Major developments are expected to meet high sustainable construction standards in accordance with the City Council’s adopted and emerging policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.

5.0 Relevant Planning History

5.1 There have been a number of applications seeking to re-develop the site for mix use comprising primarily a retail store and residential development. Two planning consents have been issued, the most recent of which the site is currently being prepared to build out but without the approved stand-alone health centre. The original applications seeking to re-develop the site date back to 2005.

5.2 05/01407/FUL. Initially the applicant applied for a full permission for the redevelopment of the site to provide a supermarket of 6907 sq.m gross floor space (Class A1 retail) provision of 14 residential units, vehicular access from Portswood Road and St Denys Road with 398 car parking spaces following the demolition of existing buildings. This application covered only that area of the site currently subject of the store and community facility.

5.3 05/01409/OUT. At the same time the applicant submitted an Outline application (05/01409/OUT) covering the whole site for the redevelopment of the site to provide a supermarket of 6907 sq.m gross floor space (Class A1 retail), provision of 73 residential units, vehicular access from Portswood

Road, St Denys Road and Belmont Road with a total of 441 car parking spaces and a primary care health facility following demolition of existing buildings. (Outline application for the whole site seeking approval for siting of buildings and means of access)

5.4 Both applications were recommended for approval and supported by the (then) Planning Committee. However, the final decision was referred to the Secretary of State who decided the applications should be the subject of a call-in Inquiry. The Inspector's report to the Secretary of State dated 10 August 2007 considered all aspects of the development including retail need, traffic generation, car-parking, design and layout, trees and living environment for future occupiers on the site. The report formed the basis upon which the Secretary of State issued her decision on 13 November 2007. The conclusions of the Secretary of State were supportive, with regard to qualitative and quantitative need, the scale of the store, the impact of a store on the district centre and transport issues including car-parking. The Secretary of State was also supportive of the mixed use re-development of the whole site, and the affordable housing need. The Secretary of State raised concerns about the loss of trees on the site and identified an opportunity for more to be retained and additional planting undertaken. However, the tree issues did not translate into the reasons for dismissing the applications.

5.5 The two issues stated by the Secretary of State for refusing the applications were design related. These were specifically, 'the configuration of both the key worker housing and the car park' which were deemed to be unacceptable '*because of the effect on living conditions and the character of the area*'.

5.6 08/00386/OUT - Redevelopment of the site to provide a new supermarket (Class A1 retail - 6,578 square metres gross floorspace) with associated 325 space car park, medical centre (Class D1), with associated 40 space car park and public play area (no matters reserved for later approval) and 140 residential units (22 houses, 118 flats) with 119 associated car parking spaces following demolition of the existing buildings (details of appearance reserved for later approval).

5.7 The application was similar in form to the current application in that it was a 'hybrid' application in 'outline' form seeking all matters to be agreed for the store and medical centre but reserving matters of detail to be agreed at a later date for the residential development. It was this scheme that introduced the underground car-parking and the pedestrian link through between Belmont and Portswood Roads. The application was approved 11.12.2008.

5.8 09/00513/OUT - Redevelopment of the site to provide a new supermarket (class A1 retail - 7,492sqm gross floorspace) with associated 325 space car park, medical centre (class D1) with associated 40 space car park and 140 residential units with 119 parking provision following demolition of the existing buildings. This is the currently approved scheme for which

clearance works have begun on-site. The planning application was submitted following a review by the applicant of the 08/00386/OUT scheme.

5.9 The applicant made a number of changes to the proposals which included, a redesign of the elevational treatment to the scheme along the Portswood and St Denys' Road frontages including:-

- an increase in height of the building where it fronts onto Portswood Road,
- an increase in the gross floor area of the building from 6,578sq m to 7,492sqm,
- the re-orientation of the main pedestrian entrance of the store at the junction of Portswood Road and St Denys Road so that it addressed and faced towards the existing district centre,
- the widening of the store vehicular access to allow two lane exit and single lane entrance from Portswood Road,
- a re-organisation of the layout of the service yard area accessed from St Denys Road,
- a re-organisation of the internal floor layout including siting of the cafe at mezzanine level, and
- the addition of sustainability measures which include a bio-mass boiler.

6.0 Consultation Responses and Notification Representations

6.1 Representations

6.1.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement and erecting a site notices. The amended plans received on 21 December 2010 were also the subject of a re-consultation with local residents. At the time of writing the report **40** representations have been received from surrounding residents. However, given the 14 day re-consultation period took place over the Christmas and New Year period the official closing date for representations of 3 January 2011 was agreed to be kept open until 14 January to enable sufficient time for local residents to view the plans and make comments. Therefore any additional representations received after 3 January will be verbally updated to the Panel. Of the representations received 39 were objections and 1 was of support.

6.1.2 Summary of Representations made: The objections to the scheme were largely founded on similar issues to those previously raised on earlier applications:-

- Significant concern has been raised by all objectors to the 25% increase in the size of the store and the retail impact it would have on existing district and local centres (especially taking into account the recession);

- The clear and over-riding concern of local residents however is the fear of the potential problems caused by traffic generation including potential gridlock in the area around the site;
- Potential for significant increases in traffic rat-running through nearby residential areas, due to the lack of a right hand turn into Highfield Lane at the junction with Portswood Road for traffic turning left out of the store but heading towards the west or northwest of the City;
- The majority of objectors consider that an increase of 19 parking spaces is wholly an inadequate amount of additional parking to serve the bigger store;
- The size of the building being massively out of scale and proportion with the area;
- The loss of the health facility;
- Increased noise and disturbance: and,
- Loss of trees.

6.1.3 A number of objectors were concerned about the combined impact of traffic from this scheme and the proposed petrol filling station submitted by the same applicant for the nearby car-sales site in St Deny's Road. However, that scheme has been refused under officer's delegated powers.

6.1.4 The letter of support welcomed the opportunity to create jobs in the area, the creation of better shopping opportunities for the area and the provision of the children's play space.

6.2 Consultation responses

6.2.1 **SCC Highways** - The increase in the store footprint will not result in a similarly linked increase in vehicular journeys to the site. The level of car parking which is increased from 325 to 344 spaces is satisfactory. The service yard is well laid out and is acceptable.

6.2.2 The movement of the access roundabout to the store car park further away from the St Deny's Road junction is better in highway terms than the previously approved scheme and should make traffic flows slightly better.

6.2.3 It is recommended that the staff parking bays along the access road be clearly marked and managed to prevent use by customers, which would cause problems at peak flow periods. Additionally, it is recommended that one of the staff parking bays, immediately adjacent to the stair core, needs to be removed.

6.2.4 With regard to the residential layout there are some concerns about the refuse collection from Portswood Road which need to be addressed to avoid obstruction of the carriageway and four of the parking spaces served off the street linking Belmont Road and Portswood Road must demonstrate that forward visibility of pedestrians can be achieved.

6.3.0 **SCC Policy** - The site is located to the north of Portswood District centre immediately adjacent to that centre. In terms of detailed layout it

creates a good relationship with the centre in that the store directly faces it. With the access point at the junction of Portswood Road and improved crossing facilities at the junction it will be easily accessible.

6.3.1 Retail impact - introduction: The immediate catchment area has a population of nearly 60 000 which is the equivalent of a medium sized town. At present, only one supermarket (Waitrose) and one medium sized supermarket (Co-op) serve this population resulting in the existing Waitrose Store trading significantly above the company average. There are also significant levels of 'out-flows' of expenditure from the catchment area to the large out town superstores, in particular Chandlers Ford and Hedge End.

6.3.2 It is recognised that since the original consents economic circumstances have changed as the country entered recession. It is noted that the health of the Portswood Centre has remained reasonably good during this period with low vacancy rates. The economic recovery has begun but it is accepted that there are still doubts about the strength of the recovery.

6.3.3 The proposed store seeks a net sales area of 4 645 sq m, a 25% increase on that currently approved. The applicant has submitted a revised retail impact which takes into account a number of assumptions are reasonable as one potential scenario.

6.3.4 However, forecasting future impact is not a precise science and so it is important to test other potential scenarios as a way of assessing the robustness of the applicant's case. In assessing retail impact therefore a number of variations have been made to the applicants submitted data. This includes an increased catchment area population as local data indicates a higher figure than used by the applicant, reduced levels of expenditure taking into account the recession, a 10% greater trade draw from existing Portswood stores than predicted by the applicants, a 10% greater turn-over by Sainsbury than predicted by the applicants. These variations have been done for both food and non-food items.

6.3.5 Impact on food sector: It is considered that there is scope for a major superstore in this location and of this larger size due to the combination of the large catchment population, the significant level of clawback trade from out of town sites and also the Waitrose store which is significantly over-trading. It is considered that a significant number of customers using the store will also utilise other services within the district centre and as a high percentage of these will be additional customers 'clawed-back' from out of town sites, this will reduce the impact on trading in the existing centre.

6.3.6 However, the exact impact on the smaller stores is more difficult to predict. Some stores provide a specialist, niche role and these are less likely to be affected. However, other food stores could close as a result of the direct competition and convenience of the larger store. On balance it is considered that the centre is likely to undergo a degree of change over time rather than decline, with new uses replacing some of the existing shops to attract the additional customers coming into the centre as a result of the store. It is

therefore considered that the likely retail impact in the food sector will not be harmful.

6.3.7 Impact on comparison goods sector: The comparison element of the superstore will draw from a range of locations including the city centre, out of centre locations and Portswood district centre. The proposed sale comparison goods include clothing, homeware, limited electrical goods, toys and seasonal goods and the floor area proposed for such items has increased by 406 sq m or 38% compared to the existing consent.

6.3.8 Again, the assessment of impact is not a precise science and an accurate level of trade taken from existing Portswood stores for comparison goods is difficult to estimate. However, the range of goods identified to be sold is normally associated with superstores.

6.3.9 Part of the rationale for the proposal is that it will attract more people into the centre to undertake particularly non-food shopping in the centre itself not just the new store, and this to some extent counteracts the impact.

6.3.10 However, given the increase size of the store and in particular the comparison goods element of it, coupled with the uncertainty of the strength of the recovery, additional conditions should be imposed to help protect the existing centre.

6.3.11 Suggested Policy led conditions: Similar conditions are recommended to those previously imposed, but conditions requiring clear signage on the car park are required to inform customers using the district centre not just the store can stay for up a two hour period to be able to undertake linked trips.

6.3.12 The net sales floorspace should be limited to 4 645sq m and maximum floorspace restrictions of 3 539sq m for convenience goods and 1 106 sq m for comparison goods should also be imposed.

6.3.13 The sub-division of the store into more than one unit and the provision of services such as a Post Office, dry cleaners, pharmacy, photoshop or key cutting should be prevented. The sale of Comparison goods should also be restricted to the sale of the following goods only; clothes, homeware, electricals, toys and seasonal items (e.g. Christmas and Halloween). Additionally, clothing should not take up more than one third of the comparison goods floorspace.

6.4 **SCC Housing** – Welcome the increased number and mix of family housing. No objection is raised to the reduced number of units being proposed.

6.5 **SCC Sustainability Team** - Supportive of the provision of the on-site bio-mass boiler system which will generate 24% of the total energy consumption of the store on site. Conditions are required to ensure the store and residential development achieve the appropriate levels of sustainability

which for the store is BREEAM Very Good and for the housing a minimum of Code Level 3 as required by policy CS20.

6.6 **SCC Architect's Panel** – Consider the design of the store and community facility to represent good modern design. Initially very concerned about the proposed residential layout but the revised plans reducing the numbers to 59 and re-introducing the link street and areas of open space within the scheme are to be welcomed and supported.

6.7 **SCC Environmental Health (Pollution & Safety)** – No objections subject to similar conditions being imposed.

6.8 **SCC Environmental Health (Food Safety)** – No comments.

6.9 **SCC Environmental Health (Contaminated Land)** - No objections but require similar conditions to those previously imposed.

6.10 **SCC Ecology** – Welcomes the additional tree belt planting compared to the original proposals.

6.11 **BAA** - No objections but require similar bird hazard management conditions to be imposed.

6.12 **Hampshire Constabulary** - Still awaiting comments to the revised layout. These will be verbally updated to Panel.

6.13 **Southern Water** – Raise no objections and identify that the discharge of foul water from the site to the existing sewerage system can take place subject to the applicant demonstrating no net increase compared to existing flows. Any SUDS system must be the subject of a condition detailing future management of such a system.

6.14 **Environment Agency** - Raise no objections but highlight that SUDS systems may not always be suitable in high risk areas such as loading bays and large areas of car parking. Details of the surface and foul water drainage systems to be installed are therefore requested to be conditioned.

6.15 **City Design** - The scheme has been amended following meetings and negotiations with the City Design Team following initial concerns relating to the layout of the residential element of the proposals and the lack of active frontage along Portswood Road shown on the store elevations . The re-introduction of a linked street is welcomed and the general layout of the residential element has been greatly improved. The overall numbers and scale of the residential element is more sympathetic to its surroundings than the approved scheme. The additional tree planting and provision of open space is welcomed. The additional glazing to both the Portswood Road and Belmont Road frontages adds to the active frontages which need to be created and maintained. The design of the store and community facility is acceptable.

6.16 **SCC Play Space Officer** - Welcomes the provision of the play area and supports its re-location closer to the entrance of the store and the district centre.

7.0 Planning Consideration Key Issues

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

7.2 Principle of Development

7.2.1 The principle of re-developing the site for a mix of uses primarily comprising a retail store and residential development has already been agreed and work is progressing on preparing the site in order to implement the 09/00513/OUT consent.

7.2.2 The main issue therefore is whether the increased size of the store is acceptable in planning terms, in particular in terms of retail and traffic impact.

7.2.3 Other issues include whether the reduced housing numbers and density is acceptable in terms of housing delivery and the impact on the character of the area, the re-siting of the children's play area and the loss of trees.

7.3 The increased size of the store and its retail impact on the district centre and other local centres

7.3.1 This has been carefully assessed as set out in the Policy comments of sections 6.3.0-6.3.13 of this report. It is acknowledged that there will be some on the existing district centre, potentially more so than previously due to the increased floorspace for comparison goods. The overall assessment is that the positive impacts from the clawback of trade from out of town stores will have an overall benefit to the local centre but conditions are recommended to restrict the way in which the store is able to trade and operate to minimise the negative impacts of the development.

7.3.2 A retail policy planner will be present at the Panel to facilitate the discussion on retail impact.

7.4 The increased size of the store and its impact due to additional traffic generation

7.4.1 The traffic assessment for the scheme suggests that the 25% increase in the floorspace provided for the store will not translate into a similar increase in traffic generation. The increase in parking spaces to serve the development of 19 from 325 to 344 spaces is considered acceptable.

7.4.2 The relocation of the access point further north in Portswood Road is welcomed from a highways perspective, as it increases the capacity of the

right-turn filter lane for vehicles heading from south of the site and is likely to help ease possible traffic flow congestion at peak times.

7.4.3 Some minor revisions are suggested to the layout of the parking area and refuse storage area for the residential scheme but otherwise no objections are raised on highways grounds.

7.4.4 A highways officer will be present at the Panel to facilitate the discussion on highways impact.

7.5 The increased size of the store and its impact on local character and amenity

7.5.1 The store and community facility cover a similar footprint to that approved by the combined store and separate health centre building. Therefore the scale and massing of the overall building form on the commercial side of the site is not significantly different to that already approved and is not considered to have a materially greater visual impact or result in loss of light/overshadowing compared to the approved scheme. One advantage of the extended store is that the access to the community building on the Portswood Road frontage is on the district centre side of the access road rather than being separated from it by the access road to the store car park as was the case with the health centre. The revised design of the store and community facility also includes greater amounts of active frontage to both Portswood and St Deny's Roads which is supported in urban design terms.

7.6 Housing Layout and Density

7.6.1 The area allocated for housing is similar to that approved on earlier schemes. Potentially the most material change to the proposals compared to previous approvals is the significant reduction in the total number of residential units proposed and the increased proportion of family housing. The total number of units has been reduced by over 50% from 140 to 59. The residential area of the site is approximately 1 hectare giving a residential density of 59 units per hectare which is within the lower range expected to be found within a medium accessibility area.

7.6.2 The layout and density is considered to respond more sympathetically to the surrounding residential development than did the approved, mainly flatted scheme and creates, along the Belmont Road frontage, two distinct sections of terraced family housing separated by a landscaped area of open space and informal play where on the approved scheme there was an access and service area for the health centre. The parking to serve the residential units is all at surface level removing the need to engineer underground parking served from Belmont Road. The overall scale and massing of the proposed residential layout has also been reduced with a mix of two, mainly three and a small amount of four storey development, whereas the approved scheme was a mix of three and four storey flatted blocks and town houses.

7.6.3 Visually the residential scheme is considered to be more responsive to the local area. The additional tree planting and areas of open space, private gardens and private communal space give a more spacious feel to the scheme and are considered to represent an improvement to the character and sense of place achieved. The provision of more, family housing units is supported and in accordance with the Councils adopted policies.

7.7 Children's play area

7.7.1 The re-siting of the children's play area is fully supported by the Council's play space team. It's location closer to the entrance of the store and the district centre means access to it is easier and prevents the need for crossing the service access road to get to it. Casual surveillance is achieved from the first floor cafe in the store and the adjacent footpath . The site is also located opposite the Portswood Police station. The creation of a second area of informal play within the landscaped open space zone as part of the residential proposals is particularly welcomed.

7.8 Loss of trees

7.8.1 The proposals do not result in any additional tree loss than the currently approved scheme does. However, the revised layout creates an additional tree belt to be planted between the store and the residential elements of the scheme significantly increasing the amount of tree planting on the site. Additionally there is an increase in the provision of soft landscaping areas across the site in the form of private and communal garden areas and landscaped areas of open space.

7.9 Sustainability

7.9.1 The store includes a bio-mass boiler facility within the covered service area of the site which will generate up to 24% of the energy needs of the store. Conditions have been imposed with regard to the need to achieve a minimum of Code Level 3 for the housing development.

8.0 Summary

8.1 The increased size of the store will have some additional impact on the trading levels of existing stores in both the district and nearby local centres but the benefits of clawback from out of centre locations is considered likely to outweigh this impact.

8.2 The impact on the local highway network is considered to be manageable without causing significant levels of additional congestion or harmfully changing the character of some of the local residential areas. The overall number of strategic journeys may be reduced as people use Portswood rather than driving out to existing sites on the periphery of or beyond the city boundary.

8.3 The scheme delivers the opportunity to provide new community facilities which are easily accessible from the district centre and by public transport . The provision of the children’s play facilities of which there is currently a shortfall serving the local community and the additional tree planting are supported.

8.4 The residential development delivers a greater amount of family housing than previously approved within a layout and at a density which is more compatible to the character of the local area than currently approved.

9.0 Conclusion

9.1 The application is recommended for delegated approval to the Development Control Manager, subject to the Secretary of State not wishing the application to be called-in for consideration and subject to the completion of a Section106 legal agreement as detailed above.

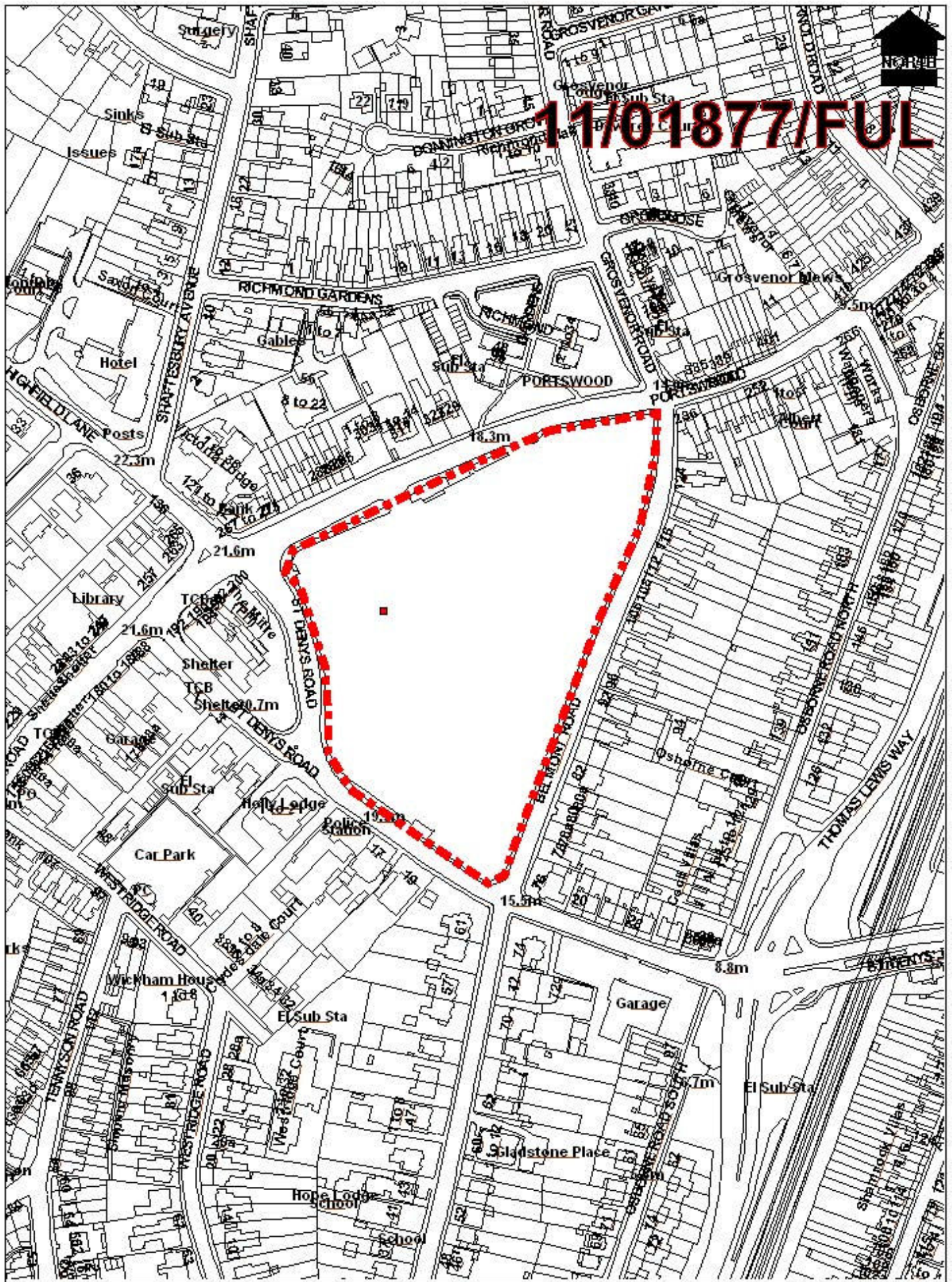
Local Government (Access to Information) Act 1985 **Documents used in the preparation of this report Background Papers**

1a, 1b, 1c, 1d, 2b, 2d, South East Plan Regional Spatial Strategy (May 2009), 4f, 5a, 5e, 6a, 6c, 6f, 7a, 7b, 7e, 7f, 7g, 7j, 7l, 7n, 7p, 7t, 7u, 7v, 7w, 9a, 9b.

AA for 18/01/11 PROW Panel



11/01877/FUL



Scale : 1:2500

Date : 03 April 2012

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DECISION-MAKER:	PLANNING & RIGHTS OF WAY PANEL
SUBJECT:	ARRANGEMENTS FOR PRE-APPLICATION CONSULTATION FOR THE BIOMASS PLANT AT SOUTHAMPTON PORT
DATE OF DECISION:	17 APRIL 2012
REPORT OF:	HEAD OF PLANNING AND SUSTAINABILITY
STATEMENT OF CONFIDENTIALITY	
N/A	

BRIEF SUMMARY

The following report is similar to that presented to the Panel in October 2010 and June 2011, when the Council's agreement was given for the type of public consultation that the applicant of the City's proposed Biomass Plant (Helius Energy) would undertake before making a formal application to the National Infrastructure Directorate (NID) (formerly the Infrastructure Planning Commission). A copy of the minutes from these meetings are attached at **Appendix 1 and 2**.

As the proposals have evolved the applicants have adapted how they wish to consult with affected residents in the City. The current proposals involve moving the development some 125 metres further from the nearest residential neighbour. Further consultation will commence in May 2012 on a revised scheme, as detailed in the attached draft Statement of Community Consultation (SoCC) and draft Community Consultation Strategy (CCS). A copy of these revised documents are attached at **Appendix 3 and 4**. They set out the Helius Energy's strategy and methodology for a programme of re-consultation in the Summer on alternative proposals to those already submitted.

The agreement of the City Council to the submitted approach to re-consultation is again required. A formal response to Helius Energy is needed by Thursday 19th April 2012.

RECOMMENDATIONS:

- (i) The proposed arrangements for pre-application consultation, as set out in the attached revised draft SoCC and CCS and updated by the Helius letter dated 29th March, are noted, agreed and reported to the NID and Helius Energy as acceptable - subject to those suggested changes made by the Planning & Rights of Way Panel on 21st June 2011, including the need for scaled models to be made available at each exhibition, and the comments of the Council's Planning Policy Officer (as set out below);

REASONS FOR REPORT RECOMMENDATIONS

1. To provide the Planning & Rights of Way Panel with further detail of how applications for Nationally Significant Infrastructure Projects (NSIPs), such as the proposed Biomass Plant on land within Southampton Docks, will be determined and to explain the Council's role in this process.

2. To gain the Panel's agreement for the attached revised draft SoCC and CCS as proposed by Heliuss Energy.

DETAIL (Including consultation carried out)

3. **Background to the Project**

Heliuss Energy plc ('Heliuss Energy') proposes to build and operate a 100MWe biomass fuelled electricity generating station in the Port of Southampton. The project is classified as a 'National Significant Infrastructure Project' under the Planning Act 2008.

4. The proposed scheme will be located within the Port of Southampton's Western Docks. The scheme will comprise a biomass fuelled electricity generating plant capable of generating approximately 100 Megawatts (Declared Net Capacity) of electricity and associated biomass processing and fuel store, boiler house, turbine building, cooling assembly ancillary buildings, structures, plant and equipment together with other engineering and building works.

5. The plant will generate renewable electricity that will be fed into the local electricity supply grid, equivalent to the consumption of approximately 200,000 homes. This is sufficient to provide the Southampton population (approximately 100,000 households) and local commercial development with renewable electricity. Potential opportunities to supply heat to existing and proposed development within the vicinity of the plant are also being investigated.

6. Construction of the project will take approximately 36 months. It is anticipated the plant will become operational in 2017. The plant will generate between 53-450 jobs (previously we were advised 40-250 jobs) during construction and approximately 40 permanent full time jobs during operation. In addition, the plant would also help safeguard existing jobs within the area and will result in indirect employment for off-site based logistics, engineering and services support and procurement.

7. **Process**

Heliuss Energy has prepared the attached revised draft SoCC and CCS pursuant to Section 47 (1) of the Planning Act 2008. They set out how the applicant proposes to consult the people 'living in the vicinity of the land' proposed for the development.

8. The initial round of public consultation faced criticism by residents that insufficient notice was given and that the events were poorly advertised. In addition, one venue was double booked resulting in the session ending early. Additional sessions were arranged, however, the applicants have now agreed to undertake a fresh round of public consultation based upon a revised proposal.

9. The City Council's agreement to the consultation process is needed again and this does not prejudice the Council's proper consideration of the planning merits of the proposal in due course. **This stage is only considering the consultation process itself, and the Council's comment on the scheme itself or biomass as a resource is not sought, nor required, at this stage.**

10. The submitted documents have been forwarded to relevant Council officers, Ward Councillors and the 'No Southampton Biomass Group (NSBG) have also been notified by email.

11. In summary, the NSBG have made the following points:

- They do not agree that the amendment to the location of the scheme can be undertaken under the current application;

Response – this will be determined by NID

- The revised SoCC has not included the changes requested by SCC in June 2011;
- The proposed 'inner zone' does not take in all of Shirley and Redbridge Wards, and only extends for 2km from the site. A 5km radius is suggested;
- A number of venues are recommended by NSBG

Response – Helius have agreed to look into their availability

- Events were to be staggered over more than a 4 week period. Helius now propose 5 events over 4 weeks. NSBG request that 2 events are held at each venue at least 3 full weeks apart;

Response – Helius have agreed to stagger the exhibitions so that they are 3 weeks apart within the 4 week exhibition period

- The events should operate from 2pm till 10pm (rather than closing at 8pm). An event starting at 7am is also requested.
- SCC previously requested that consultation leaflets are drafted in consultation with NSBG and SCC – this has not been offered.

Response – Helius have agreed to have regard to comments from NSBG

- Advertisements in the Echo should be spread across a week as readership changes from day to day;

Response – Helius have agreed to this change

- Consultation events should focus on public safety in the event of a fire
- A daylight and shadow assessment should be provided at the exhibitions

Response – Helius will update their studies and they include an assessment of overshadowing

- The request by SCC for Helius to undertake work with local schools should be dropped;

Response - This work has already taken place with pupils from St Marks CoE Primary School

- The literature should not refer to biomass as 'switching on the green light' as this is misleading

12. A further letter of clarification in relation to these points has been provided by Helius and this is attached to this report at **Appendix 5**.

13. The Council's **Planning Policy Officer** has made the following observations:
In relation to the CSS
Para 5.22
to note that Business Southampton is now Business Solent

Para 5.57

(i) documents will **not** be available at SCC Planning as we don't have a reception at Castle Way

(ii) change 1st 5.30am to 5.30 pm

Para 6.1

(lxvii) not sure if Strategic Health Authority still exists

(lxxii) not sure if PCT still exists

(lxxix) Sustainable Development Commission has been abolished

(lxxxiv) CABA now No. (vi) – (CABA Design Council)

In relation to the SoCC

Under Project Description the date for the plant becoming operational is 2016 but in the CSS it is given as 2017.

Under public exhibitions same comments as for para 5.57 above.

Any further comments received will be reported verbally at the meeting.

14. **Draft Statement of Community Consultation (SoCC)**

The submitted revised SoCC is attached to this report at **Appendix 3** and is supported by the more detailed draft Community Consultation Strategy (CCS). The CCS is attached at **Appendix 4**.

15. These documents set out the proposed method for public re-consultation prior to the submission of a formal application to the IPC for consideration. They also include a list of affected stakeholders and groups that Helius Energy have identified as 'living in the vicinity of the land'. The City Council is asked to consider this list and either amend or approve its content.

16. Once the draft SoCC and CCS have been agreed, and finalised, Helius Energy will implement them prior to submitting their planning application.

17. The pre-application consultation stage was initially divided into two phases:

- Phase I (Informal) took place between 8th November 2010 and 7th January 2011.
- Phase II (Formal) took place between 7th February and 21st April 2011

Given the level of interest shown to the Phase II consultation exercise Helius Energy proposes to undertake a further programme of consultation on the project based on an amended scheme design and location. The Phase III consultation will therefore provide additional preliminary environmental information for public comment focussed on:

- Proposed changes to the layout of buildings within the site;
- Presentation of 3 possible approaches to the external architectural treatment of the scheme; and
- Updated environmental studies to take account of the above changes. This will also include an updated Transport Assessment.

The consultation programme proposed for Phase III will commence in May 2012 with dates yet to be agreed (and will include 5 exhibitions, with 2 in

Millbrook, staged over a 4 week period). The submission explains that at least 14 days notice will be given to residents (including those already on the database) of these additional exhibitions.

18. Consultation Feedback

The approved SoCC and CCS will be submitted to the NID at the application stage along with a Consultation Report. This report details the findings and comments received during the consultation period. If the NID consider that the consultation has been inadequate prior to the application submission it is unlikely that they will accept to validate the application for development consent. The Council will be consulted for its comments in relation to the adequacy of the consultation undertaken as part of the project in due course.

RESOURCE IMPLICATIONS

Capital/Revenue

1. As part of the planning application process for this NSIP the Council will be asked to comment on the adequacy of the draft SoCC, prepare a Local Impact Report detailing the planning merits and considerations of the scheme, and monitor and enforce (where necessary) the implementation of the scheme and any associated planning conditions. No planning fee will be provided to the City Council as part of this process and this work will be undertaken within existing Council budgets. Officers are negotiating a Planning Performance Agreement (PPA) with the applicants, which can be used to recoup the financial cost of responding to the application and providing comment at each stage of the process. This PPA will not prejudice the Council's ability to respond freely on the project submission.

Property/Other

2. None

LEGAL IMPLICATIONS

Statutory Power to undertake the proposals in the report:

1. The Planning Act 2008, which received Royal Assent on 26 November 2008, provides for a faster and fairer development consent system for nationally significant transport, energy, water, waste-water and waste infrastructure projects.
2. The City Council is a statutory consultee for the proposals (see sections 42 and 43 of the Act). Under section 55 of the Act the City Council may make representations to the NID concerning the adequacy of the promoter's consultation, to which the NID must have regard when deciding whether or not to accept an application. Section 55(5) defines an adequacy of consultation representation as a representation about whether the applicant has complied with section 42, 47 and 48 of the Act. Any such representation must, therefore, be about how the promoter has carried out the consultation, and may not be about how the promoter has had regard to responses to consultation.

Other Legal Implications:

3. None

POLICY FRAMEWORK IMPLICATIONS

1. The proposed development will, in due course, be submitted to the NID for consideration and the City Council will be expected to comment on the planning merits of the development against the current adopted Development Plan (namely, the City's Local Development Framework Core Strategy (2010) as supported by the "saved" policies of the City of Southampton Local Plan Review (2006)).
2. The current submission relates only to the proposed Statement of Community Consultation and its associated Strategy for undertaken this exercise. This has been examined against the Council's own adopted Statement of Community Involvement (2006).

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SUPPORTING DOCUMENTATION

Appendices

1.	Panel Minutes (26.10.10)
2.	Panel Minutes (21.06.11)
3.	Revised Draft Statement of Community Consultation (SoCC)
4.	Revised Draft Community Consultation Strategy (CSS) & Site Plan
5.	Helius' Clarification Letter – 29 th March 2012

Documents In Members' Rooms

1.	None
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Integrated Impact Assessment

Do the implications/subject/recommendations in the report require an Integrated Impact Assessment to be carried out.	No
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Other Background Documents

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
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1.	IPC website: http://infrastructure.independent.gov.uk/	
2.	Planning Act (2008) – DCLG – Guidance on pre-application consultation	
3.	SCC Statement of Community Involvement	

WARDS/COMMUNITIES AFFECTED:	Freemantle, Millbrook and Shirley primarily
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Appendix 1 - Minutes from Planning & Rights of Way Panel 26.10.2010

83. ARRANGEMENTS FOR PRE-APPLICATION CONSULTATION FOR THE BIOMASS PLANT AT SOUTHAMPTON PORT

The Panel considered the report of the Planning and Development Manager detailing the proposed arrangements for pre-application consultation for the Biomass plant at Southampton Port by the promoter of the project - Helius Energy. (Copy of report circulated with the agenda and attached to the signed minutes).

The Panel received a presentation from Ms R Haynes of Helius Energy on the promoter's strategy and methodology for consultation as set out in the draft Statement of Community Consultation and draft Community Consultation Strategy

RESOLVED

- (i) that the proposed arrangements for pre-application consultation, as set out in the proposed draft Statement of Community Consultation and draft Community Consultation Strategy be approved together with the additional Consultees as listed above and reported to the IPC and Helius Energy as acceptable to the City Council;
- (ii) that the following be included in the list of Consultees:-
 - SCC Leader (Cllr Royston Smith)
 - SCC Cllr David Furnell (Millbrook Ward) – not Durnell as listed
 - SCC Shirley Ward Cllrs (Dean, Matthews & Mead)
 - John Denham (MP – Southampton Itchen)
 - Caroline Noakes (MP – Romsey & Southampton North)
 - Julian Lewis (MP – New Forest (East))
 - New Forest National Park Authority
 - The Environment Centre (Southampton)
 - Hampshire & Isle of Wight Wildlife Trust
 - British Airports Authority (BAA)
 - University of Southampton
 - Transition Southampton
 - City of Southampton Society
 - Business Southampton;
 - Sustrans;
 - and that Councillor Shotter's name (deceased) be removed from the list;
- (iii) that the promoter (Helius Energy) undertake work with local primary schools as part of the public consultation exercise to raise awareness of the project and renewable energy.

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Appendix 2 - Minutes from Planning & Rights of Way Panel 21.06.2011

The Panel considered the report of the Head of Planning and Sustainability seeking approval of the proposed arrangements for pre-application consultation, as set out in the revised draft Statement of Community Consultation and Community Consultation Strategy. (Copy of report circulated with the agenda and attached to the signed minutes).

Mr Galton (Local resident) was present and with the consent of the Chair, addressed the meeting.

RESOLVED that:

- (i) the proposed arrangements for pre-application consultation, as set out in the revised draft SoCC and CCS be agreed and reported to the IPC and Helius Energy as acceptable;
- (ii) that the following be included in the list of as part of the consultation process:
 - The Inner Zone should include Redbridge and Shirley wards;
 - Solent University, SUSTRANS, Solent LEP, Hampshire Chamber of Commerce, to be added as stakeholders;
 - All City Councillors to receive an invite to the public meetings as part of the consultation process;
 - Name of Marchwood Ward Councillors to be checked;
 - Councillor Matthews is now Mayor of Southampton;
 - At least 2 weeks notice be given for any public event;
 - All exhibition venues to be fully accessible;
 - Exhibitions to focus on public safety issues;
 - Advertising to be at staggered times in the local press;
 - Events to be staggered over more than a 4 week period;
 - Consultation leaflets to be drafted in consultation with the No Southampton Biomass Group and City Council;
 - All invites and correspondence to provide the correct comment form or weblink to enable easy response.
- (iii) an appropriately scaled model of the existing site and the proposed scheme(s) be made available at each consultation event.

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SOUTHAMPTON BIOMASS POWER

Further STATEMENT OF COMMUNITY CONSULTATION

In accordance with Section 47 of the Planning Act 2008

Details of further consultation arrangements for the proposed Southampton Biomass Power scheme in the Western Docks

Southampton Biomass Power Ltd (“Southampton Biomass Power”), a subsidiary of Helius Energy plc (“Helius Energy”), proposes to consent, build and operate a 100MWe biomass fuelled electricity generating station in the Port of Southampton. The project is classified as a ‘Nationally Significant Infrastructure Project’ under the Planning Act 2008 and therefore an application for Development Consent will be made to the Major Infrastructure Planning Unit (MIPU) of the Planning Inspectorate.

This Further Statement of Community Consultation, or SoCC, updates the SoCC published by Helius Energy on the 8th November 2010.

The preparation and publication of a Statement of Community Consultation or SoCC, is a Statutory Requirement under Section 47 (1) of the Planning Act 2008. The Act requires that a SoCC must set out how the applicant proposes to consult the people ‘living in the vicinity of the land’ proposed for the development. Helius Energy must carry out consultation on the proposed application in accordance with the proposals set out within this statement.

Consultation with the local community assists in providing the developer with vital local knowledge. This knowledge enables the developer to identify any likely environmental or social effects on the locality. Consultation enables the project design to evolve in response to those potential effects and incorporate appropriate mitigation measures.

For the local community, engagement exercises provide an opportunity to understand more about the proposed scheme, explore how the development can bring value to their community, and help shape solutions to issues that arise from the scheme.

Project Description

The proposed scheme will be located within the Port of Southampton's Western Docks **within a revised Primary Development Area** (grid reference SU 397 123). The scheme will comprise a biomass fuelled electricity generating plant capable of generating approximately 100 Megawatts (Declared Net Capacity) of electricity and associated biomass processing and fuel store, boiler house, turbine building, cooling assembly, ancillary buildings, structures, plant and equipment together with other engineering and building works. The plant will generate renewable electricity that will be fed into the local electricity supply grid, equivalent to the consumption of approximately 200,000 homes. This is sufficient to provide the Southampton population (approximately 100,000 households) and local commercial development with renewable electricity. Potential opportunities to supply heat to existing and proposed development within the vicinity of the plant are also being investigated.

The development of biomass fuelled electricity generating plant is consistent with Central Government and local planning policies to encourage energy from renewable sources. Renewable energy results in reduced greenhouse gas emissions compared to fossil fuel alternatives like coal, oil and gas. Generating energy from sustainable biomass is considered to be a low carbon energy source.

The plant will require up to 800,000 tonnes of solid biomass per annum. The biomass feedstock will comprise sustainably sourced fuel in the form of virgin wood fibre; recycled wood chips; energy crops; residues from processing cereals and oilseeds; and other solid biomass material as defined by the Renewables Obligations 2009. The plant will not use general domestic waste, slurry, manure, poultry litter or liquid biomass feedstocks, e.g. vegetable oils. The majority of the fuel will be delivered to the plant through the Port of Southampton with some locally sourced fuel delivered to the site by road.

Construction of the project will take approximately 36 months. It is anticipated the plant will become operational in 2016. The plant will generate between 53-450 jobs during construction and approximately 40 permanent full time jobs during operation. In addition, the plant would also help safeguard existing jobs within the area and will result in indirect employment for off-site based logistics, engineering and services support and procurement.

Further information on the proposed scheme is available on the project website: www.southamptonbiomasspower.com including Frequently Asked Questions.

The Planning Inspectorate's Major Infrastructure Planning Unit

The Infrastructure Planning Commission (IPC) was an independent body set up by the Government in October 2009 to decide applications for Nationally Significant Infrastructure Projects (NISPs), giving consideration to both the local and national impacts of a proposed scheme.

The Localism Act 2011 abolished the Infrastructure Planning Commission and transferred the powers for processing applications for NSIPs to the Major Infrastructure Planning Unit (MIPU) of the Planning Inspectorate. The Major Infrastructure Planning Unit will make a recommendation to the Secretary of State for Energy who will make the final decision for all energy NSIPs.

The draft National Policy Statements for Energy set out the Government's intended policy for the development of energy infrastructure. The National Policy Statements for Energy were formally designated by the Secretary of State in July 2011.

The Major Infrastructure Planning Unit will only accept an application if the applicant can demonstrate that they have consulted fully with the local community. The Major Infrastructure Planning Unit's website sets out the process for consultation during the examination process: TBC.

Environmental Impact Assessment

The proposed scheme may have environmental effects and therefore Helius Energy has determined that an environmental impact assessment (EIA), pursuant to 'The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009', will be undertaken. Various technical assessments have been carried out by Helius Energy and a team of independent specialist consultants. The findings of these assessments will be set out in an Environmental Statement which will be submitted as part of the application to the Major Infrastructure Planning Unit.

Helius Energy has consulted with various statutory bodies concerning the scope of the EIA. Helius Energy submitted a request for a Scoping Opinion to the IPC in September 2010, accompanied a Scoping Statement. The IPC issued their formal Scoping Opinion in November 2010 which is available on their website. The principal potential significant impacts identified by Helius Energy to be addressed within the Environmental Statement, include:

- Effect on local air quality

- Visual impact
- Effect of transport movements
- Noise and vibration effects
- Effect on ecological interests
- Economic Regeneration and new job generation
- Greenhouse Gas emissions savings

The detailed assessments seek to determine the impact of the proposed scheme on the existing locality, taking other proposed schemes into account where applicable. The assessments seek to maximise any beneficial impacts on the local community while identifying any viable mitigation measures where appropriate.

Consultation Strategy

The purpose of the consultation is to seek the public and stakeholder's views on the proposed scheme and, where relevant, the proposed measures to mitigate any potentially significant local impacts identified by the environmental impact assessment. In addition to gaining the views of the local community, community engagement provides the opportunity to inform the local community about the proposed scheme and for the local community to ask questions about the proposals.

As required by the Regulations, Heliuss Energy has formally consulted with Southampton City Council on the content of the [Further](#) SoCC.

A separate document, entitled '[Further](#) Community Consultation Strategy', has been produced which provides further detail on the community consultation strategy including details of the consultation undertaken with Southampton City Council, the full list of 'local community representatives' and information about consultation with Statutory Consultees.

The [Further](#) SoCC and the [Further](#) Community Consultation Strategy document are available on the project website, in the Shirley Library, 14 Redcar Street, Southampton, SO15 5LL and through the Marchwood Parish Council Clerk, Marchwood Village Hall, Vicarage Road, Marchwood, Southampton, SO40 4SX.

Inner Zone

The Inner Zone includes those groups which have previously been identified as 'living within the vicinity of the land' in consultation with Southampton City Council and those residents and business properties within a 2 km radius of the Primary Development Area:

- Employees of the Port of Southampton and companies located within the Port;
- Residents of Millbrook, Freemantle, Shirley and Redbridge wards of Southampton who reside within 2 kilometres of the Primary Development Area;
- Business premises located within Millbrook, Freemantle, Shirley and Redbridge wards of Southampton within 2 kilometres of the Primary Development Area including those within the Millbrook Industrial Estate, the Manor House Industrial Estate and British American Tobacco;
- Residents on Redbridge road, along the route from the M271 motorway junction to Dock Gate 20;
- Residents of the village of Marchwood; and
- Business premises located within the village of Marchwood including Oceanic Estates.

Outer Zone

An 'Outer Zone' has been identified comprising the wider community of the city of Southampton and neighbouring villages along the River Test.

Previous consultations

In accordance with the previously published SoCC, a programme of public consultation was undertaken in two phases:

Phase I: Informal consultation

Phase I of the community consultation, undertaken between 8th November 2010 and 7th January 2011, involved informal consultation with the local community representatives including local residents associations and community groups together with locally elected community representatives and the launch of the project website: www.southamptonbiomasspower.com.

Phase II: Formal consultation

Phase II involved formal consultation with the local community between 7th February 2011 and 21st April 2011. Preliminary environmental information was provided through a Technical Consultation Document. A Non Technical Consultation Document was also published, providing a summary of the preliminary environmental information in non technical language. Copies of the

Non Technical Consultation Document were circulated to the Local Community Representatives and Local Councillors.

Further details on Phase I and Phase II consultation are available within the [Further](#) Community Consultation Strategy document. The responses received during the Phase I and Phase II consultation programme will now be assessed and the scheme proposals and supporting studies amended as appropriate. A full report including a summary of the comments received and Helius Energy's detailed response will be set out in a Consultation Report to be submitted with the application to the [Major Infrastructure Planning Unit](#) in due course.

Further Consultation – Phase III

Initial assessment of responses from the Phase I and II consultation has indicated that one of the principal issues raised relates to the layout and appearance of the scheme. Accordingly, before the application is submitted to the [Major Infrastructure Planning Unit](#), Helius Energy proposes to undertake a further programme of consultation on the project based on an amended scheme design. The Phase III consultation will therefore provide additional preliminary environmental information for public comment focussed on:

- [The revised Primary Development Area and scheme design changes;](#)
- A presentation of [three](#) possible approaches to the external architectural treatment of the scheme; and
- Updated environmental studies to take account of the above changes. This will also include an updated Transport Assessment.

The consultation programme for Phase III [will](#) commence **DATE TBC** and will last until **DATE TBC**.

[Further](#) Non Technical Consultation Document

A [Further](#) Non Technical Consultation Document will be published outlining the proposed changes to the scheme design and providing a summary of the additional preliminary environmental information in non technical language.

[Further](#) Technical Consultation Document

A full version of the additional preliminary environmental information, including details of the revised scheme design and updated environmental studies will be made available in a [Further](#) Technical Consultation Document.

Public exhibitions

Public exhibitions will be held within the 'Inner Zone' to provide the opportunity for members of the public to meet with Helius Energy's project team and review the amendments to the proposed scheme design. Representatives from the specialist consultants responsible for the design of the scheme and for assessing emissions to air, noise and vibration and transportation effects, will also attend.

Public exhibitions will be held between 2pm-8.00pm on the following dates:

Date	Venue
TBC	TBC (<u>Marchwood</u>)
TBC	TBC (<u>Millbrook</u>)
<u>TBC</u>	<u>TBC (Shirley)</u>
TBC	TBC (<u>Marchwood</u>)
TBC	TBC (<u>Millbrook</u>)

Residential properties and business premises within the 'Inner Zone' identified above will be the subject of a leaflet drop to draw attention to the scheme changes, the exhibition venues and the consultation programme. To further draw attention to the programme within both the Inner and Outer Zones, the further consultation and dates and locations of the exhibitions will also be advertised in the local newspapers, on local site notices and on the project website. Respondents to previous rounds of consultation will also receive written notification.

Information about the project will be communicated through the use of posters and copies of the Further Non Technical Consultation Document and Further Technical Consultation Document will be available for review. Members of the public will be able to submit written comments at the public exhibitions.

The consultation documents will also be available to inspect at:

- Southampton City Council, Planning and Sustainability, Civic Centre, Southampton, SO14 7LY [8.30am-5.00pm Mon to Fri];
- Southampton City Council Gateway, One Guildhall Square, Southampton, SO14 7FP [8.30am-5.30am Mon, Tues and Fri, 9.30am-5.30pm Wed and 8.30am-7.00pm Thurs];
- Shirley Library, Shirley Precinct, Shirley High Street , Southampton, SO15 5LL [9.30am-7.00pm Mon, Tues and Fri, 10.00am -7.00pm Wed, 9.30am-5.00pm Thurs and 9.30am-4.00pm Sat]; and
- On request from the Parish Clerk, Marchwood Village Hall, Marchwood Village Centre, Marchwood, Southampton, SO40 4SF [9am-12noon Mon to Fri].

The local community representatives and local Councillors will receive an invitation to the exhibitions along with copies of the Further SoCC, Further Community Consultation Strategy document and Further Non Technical Consultation Document.

Deadline for responses

All responses must be submitted in writing to Helius Energy by the **DATE TBC**. Comments will be considered and taken into account prior to submission of the application to the Major Infrastructure Planning Unit. Please note that responses to previous consultations will still be considered and it will not be necessary to repeat comments already submitted to Helius Energy during previous consultations.

Project Website

The project website, www.southamptonbiomasspower.com provides details of the project directly to the members of the public.

Project documents, including this Further SoCC, the Further Community Consultation Strategy document and the Further Technical and Non Technical Consultation Documents are available on the 'downloads' page.

Members of the public can register to receive a notification when the website is updated and can respond to the consultation through the 'Comments' page.

The information available on the website is also available in hard copy format in the Shirley Library and through the Marchwood Parish Council Clerk.

Consultation feedback

Feedback on consultation is important to ensure the local community know their views have been heard. The main source of feedback will be in the form of the Consultation Report, to be submitted with the application.

The Consultation Report will include a summary of all community representations and Heliuss Energy's response. The Consultation Report will be circulated to the local community representatives and local Councillors as well as a copy being available in the Shirley Library, through the Marchwood Parish Clerk and on the project website once the application has been accepted by the [Major Infrastructure Planning Unit](#). Heliuss Energy may also provide direct feedback to individuals where appropriate.

Contact Information

For further information or to submit written responses to the further consultation by the deadline of **DATE TBC**, please contact Heliuss Energy in one of the following ways:

E-mail: enquiries@southamptonbiomasspower.com

Website: www.southamptonbiomasspower.com

Post: **Southampton Biomass Power Ltd**

Heliuss Energy

242 Marylebone Road

London

NW1 6JL

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Switching On The **Green Light**

Further Community Consultation Strategy

Consultation under Section 47 Planning Act 2008

Southampton Biomass Power Ltd

**Proposed 100MWe Biomass Electricity Generating Plant,
Southampton Port**

March 2012

Version 4.0

Prepared By:

Helius Energy Plc
242 Marylebone Road
London
NW1 6JL
Tel: 020 7723 6272

TABLE OF CONTENTS

Abbreviations

1.0	Introduction
2.0	Helius Energy
3.0	Regulatory Requirements for Community Consultation
4.0	Project Description
5.0	Community Consultation Framework
6.0	Statutory Consultation Framework
7.0	Application procedures

SCHEDULE OF TABLES

Table 5. 41	Phase II Public Exhibition Dates and Venues
Table 5. 64	Phase III Public Exhibition Dates and Venues

SCHEDULE OF FIGURES

Figure 5. 15	Overview of the EIA and Community Consultation processes
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SCHEDULE OF APPENDICES

Appendix 1	Site Location
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ABBREVIATIONS

EIA	Environmental Impact Assessment
ES	Environmental Statement
IPC	Infrastructure Planning Commission
MIPU	Major Planning Infrastructure Unit
NSIP	Nationally Significant Infrastructure Project
SCC	Southampton City Council
SoCC	Statement of Community Consultation
PI	Planning Inspectorate

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1.0 INTRODUCTION

1.1 Southampton Biomass Power Ltd (“Southampton Biomass Power”), a subsidiary of Heliuss Energy plc (“Heliuss Energy”), proposes to consent, build and operate a 100MWe biomass fuelled electricity generating station in the Port of Southampton. The project is classified as a ‘National Significant Infrastructure Project’ under the Planning Act 2008.

1.2 The Planning Act (2008), [Localism Act \(2011\)](#), and associated Regulations, requires applications for ‘Development Consent Orders’ for Nationally Significant Infrastructure Projects to be made to the [Major Infrastructure Planning Unit within the Planning Inspectorate from April 2012. The Major Infrastructure Planning Unit replaces the functions of the Infrastructure Planning Commission \(IPC\) which was abolished in April 2012.](#) The legislation sets out statutory requirements for developers to engage in pre-application consultation with local communities, local authorities and those who would be affected by the proposal as well as key public bodies.

1.3 The legislation requires the developer to produce a Statement of Community Consultation or ‘SoCC’ which sets out the framework for consultation with the local community and interest groups. The Regulations require that following formal consultation with the relevant Local Authority, in this case Southampton City Council, the SoCC is published in a local newspaper.

1.4 A Statement of Community Consultation concerned with the proposed Southampton Biomass Power scheme was published on the 8th November 2010, following consultation with Southampton City Council. A Community Consultation Strategy document was prepared to accompany the SoCC and provided further detail on the intended approach to community consultation on the proposals. This programme of consultation was completed on 21st April 2011.

Proposed Further Consultation

1.5 Following the completion of the consultation, Heliuss Energy has undertaken an initial assessment of the consultation responses received. This indicates that one of the principal issues raised is in relation to the layout and appearance of the scheme as presented in the original consultation. Accordingly, before the application is submitted to the [Major](#)

[Infrastructure Planning Unit](#), Heliuss Energy proposes to undertake a further programme of consultation on the project focused on an amended scheme design.

1.6 The further consultation will be based on additional preliminary environmental information in the form of proposed design changes to the scheme comprising:

- i [The revised Primary Development Area and scheme design changes](#); and
- ii [The](#) presentation of [three](#) possible approaches to the external architectural treatment of the scheme; and
- iii Updated technical studies, based on the common plant layout, addressing air quality, noise, visual impact, TV reception, and daylight/ sunlight effects.

1.7 A revised Transport Assessment to set out the implications of expected normal operation of the plant (i.e. no more than 300,000 tonnes of material to come in by road) will also be prepared.

1.8 This document sets out the proposed process for the further consultation on the additional preliminary environmental information with the public and other consultees and informs the [Further](#) SoCC. This [Further](#) Statement of Community Consultation updates the Statement of Community Consultation previously published in November 2010.

2.0 HELIUS ENERGY

- 2.1 Helius Energy plc is a biomass energy development company delivering a portfolio of projects across the UK. Established in 2005 (registered to AIM, the London Stock Exchange's international market for smaller growing companies, in 2007), Helius Energy seeks to provide reliable energy from sustainable resources in a way which is economic and which has proper regard to environmental considerations.
- 2.2 Helius Energy plc's objective stems from the growing need for reliable power from renewable fuels in order to overcome the issues of climate change due to carbon dioxide emissions associated with fossil fuels like coal, oil and gas.
- 2.3 Helius Energy plc is committed to promoting a wider public understanding of the need to switch to energy resources that reduce carbon emissions in order to address issues of global climate change. The company welcomes Government initiatives and encouragement to involve and inform the local community about major development projects before the formal submission of planning and related applications.
- 2.4 Helius Energy plc is a responsible and ethical company and is totally committed to being a sustainable business. As well as identifying and developing biomass energy plants, the Helius Energy plc strategy includes retaining ownership of the projects into operation.
- 2.5 The Helius Energy plc team has extensive knowledge of the UK renewable energy market, biomass energy technologies and is experienced in promoting and developing biomass fuelled power stations. Made up of a team of highly qualified and skilled individuals, each team member contributes to the company's approach to the development of new projects where development skills are complemented by construction and operational experience. In addition to the team members, the board at Helius Energy plc is of a solid pedigree, made up of 8 directors with over 150 years combined experience.
- 2.6 The Group successfully permitted its first biomass fuelled 65MWe electricity generating station on a site at Stallingborough, on the south side of the Humber Estuary. Consent under section 36 of the Electricity Act 1989, and deemed planning permission was granted in June 2008. The project was sold to RWE innogy in 2008 with Helius Energy retaining an

interest. Preliminary site works were commenced in 2008 and commencement of the main project is anticipated during [2012](#).

- 2.7 In January 2009, Helius Energy secured planning permission for a 7.2MWe combined heat and power plant on a site at Rothes, Moray. The plant will use distiller's draff as a fuel feedstock. Financial Close on the project was achieved in April 2011 and construction of the scheme has subsequently commenced.
- 2.8 In March 2010, Helius Energy secured Section 36 consent, and deemed planning permission for a 100MWe biomass fuelled electricity generating station at Avonmouth Dock, Bristol. The scheme is now in design stage and it is anticipated that work on site on the project will commence in [2012](#).

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3.0 REGULATORY REQUIREMENTS FOR COMMUNITY CONSULTATION

3.1 This Section outlines the regulatory obligations Heliuss Energy must fulfil with regards to community consultation and the Statement of Community Consultation (SoCC).

Requirement for Community Consultation

3.2 Section 47 of The Planning Act 2008 sets out the developer's duty to consult the local community and requires the applicant to prepare a statement (the 'SoCC') setting out how they intend to consult with the 'people living in the vicinity of the land'. The applicant is required to consult with the local authority while preparing the statement and should have regard to any response received from the local authority.

3.3 Section 47 (6) of the Planning Act 2008 requires that the SoCC be published in a local newspaper. The original SoCC for the Southampton Biomass Power project was published, in accordance with Section 47, on the 8th November 2010. In addition, the SoCC was circulated to locally elected representatives, local Councillors and made available on a dedicated project website, in the Shirley Library and through the Marchwood Parish Clerk.

3.4 Section 47 (7) of the Planning Act 2008 requires that the applicant carries out community consultation on the proposal in accordance with the framework set out within the SoCC. Heliuss Energy has undertaken and completed a programme of consultation in accordance with the previously published SoCC.

3.5 The Regulations and Guidance do not expressly provide for a procedure for a programme of further consultation where this was not provided for in the original SoCC. However, in the spirit of the legislation and guidance to enable public understanding and comment on the project, Heliuss Energy considers it good practice to duplicate the publicity procedures used for the original consultation. Accordingly, Southampton City Council were consulted on the [13th May 2011 and 12th March 2012](#) regarding the content of a [Further](#) SoCC which sets out the process proposed for the further programme of community consultation, prior to the [Further](#) SoCC being published. The [Further](#) SoCC is informed by an updated [Further](#) Community Consultation Strategy document. The [Further](#) SoCC was published in accordance with Section 47 of the Act on **Date TBC** and [was](#) circulated to locally elected

representatives, local Councillors and made available on a dedicated project website, in the Shirley Library and through the Marchwood Parish Clerk.

Requirement for an Environmental Impact Assessment

- 3.6 It is considered that the proposed development falls within Schedule 2, Category 3(a) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009. It is of a scale and nature that could potentially give rise to significant effects and, therefore, the applicant has undertaken to complete an Environmental Impact Assessment on the proposals and will submit an Environmental Statement with the application to the [Major Infrastructure Planning Unit](#).
- 3.7 Regulation 10(b) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 requires the applicant to set out how they intend to consult on preliminary environmental information, within the SoCC. Sections 5.0 and 6.0 of this document provide details on how the consultation on the preliminary environmental information has been undertaken to date and how a further programme of consultation will be completed.

4.0 PROJECT DESCRIPTION

- 4.1 The proposed scheme will be located within the Port of Southampton's Western Docks [within a revised Primary Development Area](#) (grid reference [SU 397 123](#)). The site location is shown in Appendix 1.
- 4.2 The proposed scheme will comprise a biomass fuelled electricity generating plant capable of generating approximately 100 Megawatts (Declared Net Capacity) of electricity and associated biomass processing and fuel store, boiler house, turbine building, cooling assembly, ancillary buildings, structures, plant and equipment together with other engineering and building works. The plant will generate renewable electricity that will be fed into the local electricity supply grid, equivalent to the consumption of approximately 200,000 homes. This is sufficient to provide the Southampton population (approximately 100,000 households) and local commercial development with renewable electricity. Opportunities to provide heat to premises within the vicinity of the plant are also being investigated.
- 4.3 The plant will require up to 800,000 tonnes of solid biomass per annum. The biomass feedstock will comprise of sustainably sourced fuel in the form of virgin wood fibre; recycled wood chips; energy crops; residues from processing cereals and oilseeds; and other solid biomass material as defined by the Renewables Obligations 2009. The plant will not use general domestic waste, slurry, manure, poultry litter or liquid biomass feedstocks, e.g. vegetable oils. The majority of the fuel will be delivered to the plant through the Port of Southampton with some locally sourced fuel being delivered to the site by road.
- 4.4 Construction of the project will take approximately 36 months. It is anticipated the plant will become operational in [2017](#). The plant will generate between 53-450 jobs during construction and approximately 40 permanent full time jobs during operation. In addition, the plant would also help safeguard existing jobs within the area and will result in indirect employment for off-site based logistics, engineering and services support and procurement.

5.0 COMMUNITY CONSULTATION FRAMEWORK

5.1 'The Planning Act 2008 - Guidance on pre-application consultation' was released by the Department for Communities and Local Government in September 2009. Paragraph 16 of the guidance outlines the basic purpose of community consultation which ensures people:

- a. *'Have access to information;*
- b. *Can put forward their own ideas and feel confident that there is a process for considering ideas;*
- c. *Have an active role in developing proposals and options to ensure local knowledge and perspectives are taken into account*
- d. *Can comment on and influence formal proposals*
- e. *Get feedback and be informed about progress and outcomes'.*

What makes for useful Community Consultation?

5.2 The sharing of information in both directions, from the developer to the local community and vice-versa, can be to the benefit both the communities and the proposed development.

5.3 Consultation with the local community assists in providing the developer with vital local knowledge. This knowledge enables the developer to identify any likely environmental or social effects on the locality. Effective consultation enables the project design to evolve in response to those potential effects and incorporate appropriate mitigation measures. Proposed mitigation measures will seek to minimise any adverse effects and maximise the positive impacts of the proposals.

5.4 For the local community, engagement exercises provide a chance to understand more about the proposed scheme, explore how the development can bring value to their community, help shape solutions and have their say on the proposals.

5.5 For consultation with the local community to be effective, it is important that the developer sets out the aims of the consultation and is clear about what will be consulted upon at the various stages.

People living within the vicinity of the land

- 5.6 In order to comply with Section 47 (1) of the Planning Act 2008, Helius Energy must consult with ‘people living in the vicinity if the land’. It is therefore necessary to define ‘people living in the vicinity if the land’ and determine the area within which it is appropriate, in these circumstances, to consult.
- 5.7 Guidance on pre-application consultation under the Planning Act 2008, released by the Department of Communities and Local Government in September 2009, suggests finding a balance between consulting those who may be potentially affected by proposals and consulting a wider group of local people who will not be directly affected, but who will have a reasonable fear that they might be, or may have strong feelings about the project.

Inner Consultation Zone

- 5.8 The definition of those ‘living in the vicinity of the land’ was explored during informal consultation with Southampton City Council. The following definition was accepted by Southampton City Council during formal consultation on the Statement of Community Consultation prior to its publication in November 2010:
- i Employees of the Port of Southampton and companies located within the Port;
 - ii Residents of Millbrook, Freemantle wards of Southampton who reside south of the A3057 and east of the A35;
 - iii Business premises located within Millbrook and Freemantle including the those within the Millbrook Industrial Estate, the Manor House Industrial Estate and British American Tobacco;
 - iv Residents on Redbridge road, along the route from the M271 motorway junction to Dock Gate 20;
 - v Residents of the village of Marchwood; and
 - vi Business premises located within the village of Marchwood, including Oceanic Estates.

[5.9 Following further formal consultation with Southampton City Council on the content of the Further Statement of Community Consultation in May/June 2011, Helius Energy consider that, while the original area identified as the Inner Zone properly reflected those ‘living in](#)

the vicinity of the land', as a measure of good faith in the consultation programme, the Inner Zone should be expanded to include:

- i Employees of the Port of Southampton and companies located within the Port;
- ii Residents of Millbrook, Freemantle, Shirley and Redbridge wards of Southampton who reside within 2 kilometres of the Primary Development Area;
- iii Business premises located within Millbrook, Freemantle, Shirley and Redbridge wards of Southampton within 2 kilometres of the Primary Development Area including the those within the Millbrook Industrial Estate, the Manor House Industrial Estate and British American Tobacco;
- iv Residents on Redbridge road, along the route from the M271 motorway junction to Dock Gate 20;
- v Residents of the village of Marchwood; and
- vi Business premises located within the village of Marchwood, including Oceanic Estates.

Outer Consultation Zone

5.95.10 An 'Outer Zone' has been identified for the purposes of consultation comprising the wider community of the City of Southampton and neighbouring villages along the River Test.

Publically available project information

5.105.11 Information about the project is available from a number of sources as set out below.

5.115.12 The dedicated project website (www.southamptonbiomasspower.com) sets out details about the proposed project and includes a register of all publically available documents for reference along with a section of Frequently Asked Questions concerning the scheme. In addition, the website gives details of how the local community can contact Helius Energy to raise queries relating to the project or respond to any open consultations.

5.125.13 The information available on the website is also available in a hard copy format in the Shirley Library (Redcar Street, Southampton, SO15 5LL) and through the Marchwood

Parish Council Clerk (Marchwood Village Hall, Vicarage Road, Marchwood, Southampton, SO40 4SX).

5.135.14 The [Major Infrastructure Planning Unit](#) has a statutory duty, under Section 51 of the Planning Act 2008, to record all advice given in relation to [a Nationally Significant Infrastructure Project](#) application or potential application and to make this information publically available. Under Section 39 of the Planning Act 2008, the [Major Infrastructure Planning Unit](#) must make all applications and accompanying documents, information and consultation reports available to the public on a register of applications once the application has been submitted and accepted by the [Major Infrastructure Planning Unit](#).

Community Consultation Strategy

5.145.15 Figure 5.15 sets out an overview of the strategy for community consultation strategy devised, alongside key stages of the Environmental Impact Assessment process.

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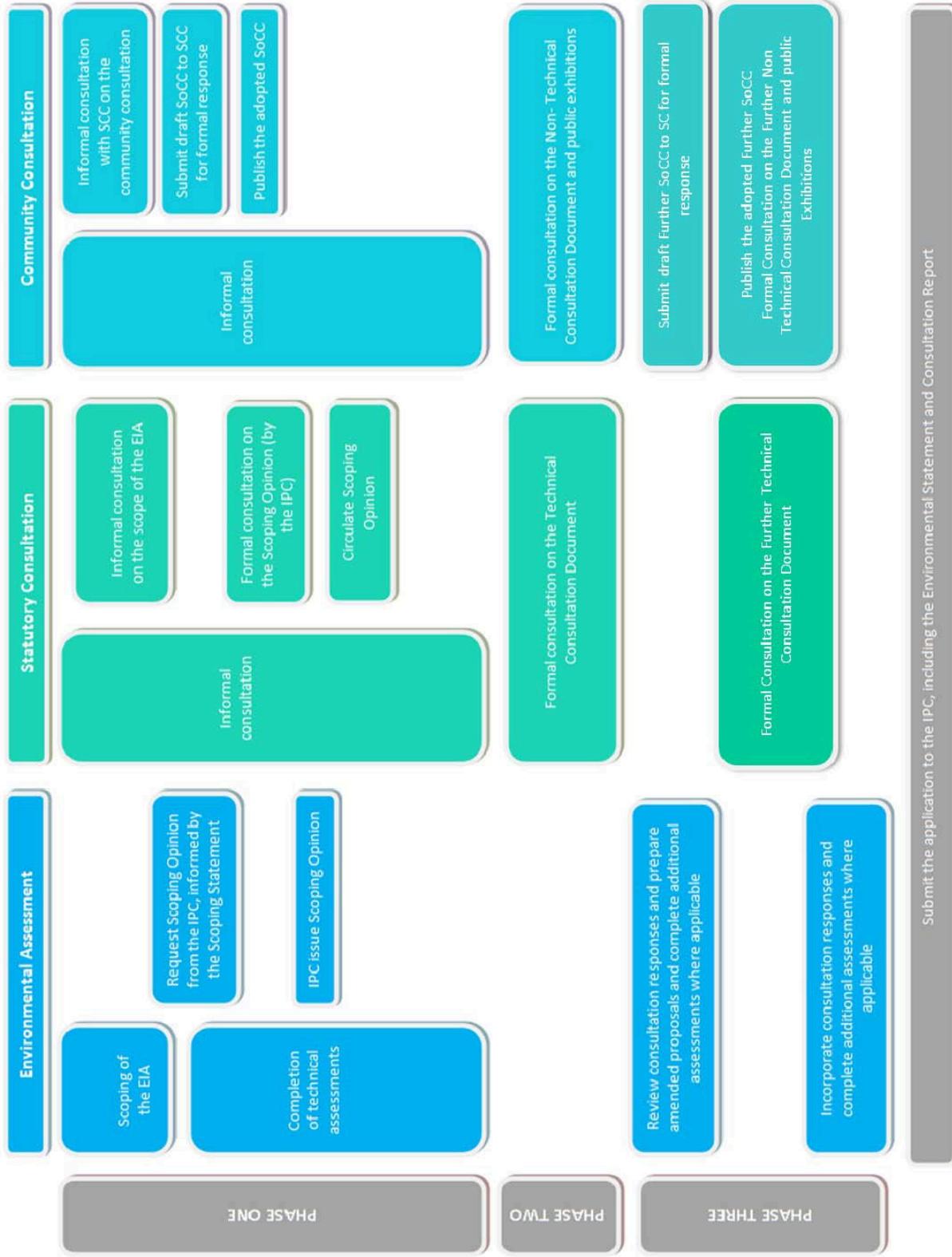


Figure 5.15 Overview of the EIA and Community Consultation processes

Previous Consultation

5.155.16 Heliuss Energy consulted with Southampton City Council informally to gain their input on the community consultation strategy. Particular points covered by the informal consultation included:

- i The definition of those 'living in the vicinity of the land';
- ii The identification of potential effects on the local community;
- iii Input into the suggested strategy;
- iv Identification of residential associations or community groups in the vicinity of the site;

v Suggested locations and timings of the proposed public exhibitions and the best means to advertise the exhibitions locally; [and](#)

vi [The best means to inform and consult with Local Councillors.-](#)

5.165.17 Following the informal consultation, draft versions the SoCC and Community Consultation Strategy document were submitted to Southampton City Council for formal comment on the 15th September 2010. Southampton City Council's response was incorporated into the final versions of the SoCC and the Community Consultation Strategy document.

5.175.18 Heliuss Energy published the finalised SoCC in full in The Daily Echo on Monday 8th November 2010 and made the Community Consultation Strategy document available on the project website from this date.

Community Consultation Phase One

5.185.19 Phase I of the community consultation involved informal consultation with the local community representatives including Southampton City Council, local residents associations & community groups. Locally elected community representatives were also informed about the scheme.

5.195.20 The aim of Phase I was to better understand the local community and identify the potential impacts of the scheme on that community. Phase I provided the opportunity for the local community directly, and through their local community representatives, to learn

more about the proposed scheme and raise any concerns regarding the potential impacts of the scheme on the locality.

5.205.21 Phase I was undertaken immediately following the publication of the SoCC on the 8th November 2010 until the 7th January 2011, while the environmental studies were being undertaken.

5.215.22 The following individuals and groups were identified as ‘local community representatives’ for the purpose of this consultation:

- i West Southampton Community Forum;
- ii Chinese Association of Southampton
- iii SOS Polonia;
- iv Southampton Federation of Residents Associations;
- v Southampton Sight;
- vi Foyes Corner Community Festival;
- vii Friends of the Field
- viii Maybush and District Community Association;
- ix Millbrook and District Community Association;
- x Redbridge Tenants and Residents Association;
- xi Councillor Fred White (Marchwood Parish Council);
- xii Mr Alan Whitehead, MP;
- xiii John Denham, MP;
- xiv Caroline Noakes, MP;
- xv Julian Lewis, MP;
- xvi Ms Catherine Bearder, MEP;
- xvii Mr Peter Skinner, MEP;
- xviii Mr Nirj Deva, MEP;
- xix Mr Daniel Hannan, MEP;
- xx Mr Nigel Farage, MEP;
- xxi Mr Richard Ashworth, MEP;
- xxii Mr Richard Ashworth, MEP;

- xxiii Mrs Sharon Bowles, MEP;
- xxiv Mr Keith Taylor, MEP;
- xxv Mrs Marta Andreasen, MEP;
- xxvi Mr James Elles, MEP;
- xxvii -The Environment Centre (Southampton);
- xxviii -University of Southampton;
- xxix -Transition Southampton;
- xxx -City of Southampton Society; and
- xxxi Business Southampton;

5.225.23 _____ The local community representatives were introduced to the proposed scheme in writing and received copies of the following documents:

- i The Project Summary;
- ii The Statement of Community Consultation;
- iii The Community Consultation Strategy document; and
- iv The Scoping Statement.

5.235.24 _____ The Project Summary provided a description of the proposed scheme.

5.245.25 _____ The Scoping Statement set out the topics for inclusion within the Environmental Statement that will be submitted with the application, subject to further comments by the [Infrastructure Planning Commission](#) within their Scoping Opinion which is available on the [Major Infrastructure Planning Unit's](#) website: [TBC](#).

5.255.26 _____ The community representatives were invited to make comments on the proposals and to meet with Heliuss Energy to discuss the proposals and provide feedback from the local community.

5.265.27 _____ In addition to the locally elected representatives identified above, the following Southampton City and New Forest District Councillors were identified as 'local Councillors' and were kept informed about the proposals through the provision of the project documents outlined above:

- i Councillor Carol Cunio, Mayor of Southampton;
- ii Councillor Royston Smith, Southampton City Council Leader;
- iii Councillor Michael Ball (Freemantle ward);
- iv Councillor Jeremy Moulton (Freemantle ward);
- v Councillor Brian Parnell (Freemantle ward);
- vi Councillor David Furnell (Millbrook ward);
- vii Councillor Linda Norris (Millbrook ward);
- viii Councillor Andrew Wells (Millbrook ward);
- ix Councillor Paul Holmes (Redbridge ward);
- x Councillor Peter Marsh-Jenks (Redbridge ward);
- xi Councillor Catherine McEwing (Redbridge ward);
- xii Councillor Matthew Dean (Shirley Ward);
- xiii Councillor Terence Matthews (Shirley Ward);
- xiv Councillor Raymond Mead (Shirley Ward); and
- xv Councillor Alison Hoare (Marchwood Ward).

5.275.28 The project website was launched at the start of Phase I. The website provides details of the project directly to the members of the public and has been updated throughout the consultation process. All documents circulated to the local community representatives have been made available on the project website. A copy of all the information provided on the website was also made available in the Shirley Library, 14 Redcar Street, Southampton, SO15 5LL and through the Marchwood Parish Council Clerk, Marchwood Village Hall, Vicarage Road, Marchwood, Southampton, SO40 4SX.

5.285.29 The website includes an e-mail address (enquiries@southamptonbioamsspower.com) to allow members of the public to contact Helius Energy to ask questions about the proposed scheme. The public are also able to register to receive a notification when the website is updated with new information.

Community Consultation Phase Two

5.295.30 Phase II of the community consultation strategy involved formal consultation with the local community and was undertaken once the majority of the environmental assessments had been completed.

5.305.31 The aim of Phase II was to inform the local community about the preliminary environmental information concerning the project, including any anticipated effects of the scheme on the locality. Views were sought on the mitigation measures proposed within the scheme design.

5.315.32 Phase II commenced on the 7th February 2011. Due to the level of interest in the scheme and the public comments received, on the 16th February 2011, Heliuss Energy extended the consultation period to the 21st April 2011 and held several additional exhibitions in Millbrook and Marchwood. The extended consultation deadline was the subject of Statutory Advertisements as well as a local press release and updates to the project website. A further leaflet distribution exercise was undertaken and site notices were posted within the 'Inner Zone'. Local Community Representatives and Local Councillors were advised of the extended deadline for consultation responses in writing.

5.325.33 Preliminary environmental information was communicated in two ways through:

- i A Non Technical Consultation Document; and
- ii Public Exhibitions.

Non Technical Consultation Document

5.335.34 A Non Technical Consultation Document was published, which outlined the proposed scheme and summarised the key potential environmental effects of the proposal. The document included project drawings and images. As it was designed for the local community, the consultation document was written in non-technical language and addressed issues raised during earlier consultation communication.

5.345.35 The publication of the Non Technical Consultation Document was advertised in the Daily Echo for two consecutive weeks on the 7th and 14th February. Following the extension to the public consultation period, further advertisements were made in the Southern Daily Echo on the 21st and 28th February 2011 and the Southampton News Extra and Advertiser on the 24th February and 3rd March 2011.

5.355.36 Copies of the Non Technical Consultation Document were available at the following locations:

- i Southampton City Council, Planning and Sustainability, Civic Centre, Southampton, SO14 7LY;
- ii Southampton City Council Gateway, One Guildhall Square, Southampton, SO14 7FP;
- iii Shirley Library, Shirley Precinct, Shirley High Street , Southampton SO15 5LL];
- iv On request from the Parish Clerk, Marchwood Village Hall, Marchwood Village Centre, Marchwood, Southampton SO40 4SF; and
- v On the project website: www.southamptonbiomasspower.com.

5.365.37 A copy of the Non Technical Consultation Document was also provided to the local community representatives and local Councillors identified under Phase I.

5.375.38 A copy of the full Technical Consultation Document was also available on the project website and at the locations indicated in Paragraph 5.36 above for those members of the local community with a further interest in the [Proposals](#).

5.39 Following consultation with Southampton City Council, Heliuss Energy also provided information about the project to those primary schools located within the 'Inner Zone' with an invitation to engage with Heliuss Energy on a wider environmental and energy context.

5.385.40 [-St Mark's Church of England Primary School requested that Heliuss Energy provide a presentation to three Year Six classes of approximately 30 children each. The presentation, given on the 16th June 2011, included information about the proposed scheme, discussions about the use of electricity and the different renewable energy technologies, including biomass. The presentation also considered the carbon cycle and how electricity is](#)

[generated from biomass. An activity sheet was also prepared based on the content of the presentation.](#)

Public Exhibitions

5.395.41 Several public exhibitions were held at the start of Phase II to provide the opportunity for the local community to meet with Heliuss Energy’s project team and discuss the proposals. Table 5.41 sets out the dates and venues of the exhibitions.

Table 5.41 Phase II Public Exhibition Dates and Venues

Date	Venue
Wednesday 9 th February 2011	Marchwood Village Hall, Marchwood Village Centre, Marchwood, Southampton, SO40 4SF
Thursday 10 th February 2011	Poveys Centre, Shirley, 159 Shirley Road, Southampton SO15 7RX
Wednesday 16 th March 2011	Marchwood Village Hall, Marchwood Village Centre, Marchwood, Southampton, SO40 4SF
Monday 21 st March 2011	Thompson Memorial Hall, Millbrook Baptist Church, Testwood Road, Freemantle, SO15 8RL
Tuesday 22 nd March 2011	Thompson Memorial Hall, Millbrook Baptist Church, Testwood Road, Freemantle, SO15 8RL
Wednesday 23 rd March 2011	Marchwood Village Hall, Marchwood Village Centre, Marchwood, Southampton, SO40 4SF

5.405.42 Representatives from the specialist consultants responsible for assessing the areas of specific concern to the local community, namely emissions to air, noise and transport were also available to answer more specific questions.

5.415.43 Information about the project was communicated through the use of posters. Copies of the Non Technical Consultation Document, Technical Consultation Document, SoCC and Community Consultation Strategy document were available for review. Heliuss

Energy also provided copies of the IPC's Advice Note 8, later updated as Advice Note 8, Sections 8.1-8.3, as handouts.

5.425.44 The dates and locations of the exhibitions were advertised in the Southern Daily Echo on the 7th and 14th February. Following the extension to the public consultation period, further advertisements were made in the Southern Daily Echo on the 21st and 28th February 2011 and the Southampton News Extra and Advertiser on the 24th February and 3rd March 2011. The exhibitions were also advertised on the project website, on 20 site notices placed in strategic locations within the Inner Zone and through a leaflet drop to business and residential properties in the Inner Zone.

5.435.45 The local community representatives, local Councillors, and employers within the Port of Southampton were advised of all the exhibition details and were invited to attend.

Formal responses to Phase II consultation

5.445.46 The deadline for responses of the 21st April 2011 was specified in all advertisements, on the project website and on all copies of documents and leaflets published. The deadline complied with the requirements of the Regulations to provide a minimum of 28 days for responses to the consultation.

5.455.47 The dedicated project website provided a facility for members of the public to submit their comments directly to Helius Energy. Members of the public were also able to submit written comments at the public exhibitions or by post Southampton Biomass Power Ltd, Helius Energy, 242 Marylebone Road, London, NW1 6JL.

5.465.48 [Helius Energy will have regard to all](#) consultation responses received by the applicant during the period 7th February – 21st April 2011 when preparing the final application documents to be submitted to the [Major Infrastructure Planning Unit](#). The Helius Energy response to matters raised through the programme of consultation will be presented in the Consultation Report to be submitted with the application to the [Major Infrastructure Planning Unit](#).

Further programme of consultation

5.475.49 Initial assessment of consultation responses from the Phase I and II consultation has indicated that one of the principal issues raised is in relation to the layout and appearance of the scheme. Accordingly, before the application is submitted to the [Major Infrastructure Planning Unit](#), Heliuss Energy intends to undertake a further programme of consultation on the project based on an amended scheme design. The Phase III consultation will present [further](#) preliminary environmental information related to the amended scheme design and will therefore focus on:

- i [The Revised Primary Development Area and scheme design changes](#); and
- ii [A presentation](#) of [three](#) possible approaches to the external architectural treatment of the scheme; and
- iii Updated technical studies, based on the common plant layout, addressing air quality, noise, visual impact, TV reception, and daylight/ sunlight effects.

5.485.50 A revised Transport Assessment to set out the implications of expected normal operation of the plant (i.e. no more than 300,000 tonnes of material to come in by road) will also be prepared.

5.495.51 The process to be followed under Phase III will follow that adopted for Phase II of the Community Consultation Strategy and will involve formal consultation with the local community. Phase III will commence [on Date TBC following](#) the publication of the [Further](#) SoCC in the Southern Daily Echo on **Date TBC**.

5.505.52 The aim of Phase III is to present the additional preliminary environmental information, in the form of the amended layout and design proposals together with associated updated environmental studies, to the local community and gain their views on the revised scheme.

5.515.53 Additional preliminary environmental information will be communicated through:

- i A [Further](#) Non Technical Consultation Document; and
- ii Public Exhibitions.

5.525.54 The publication of the [Further](#) Non Technical Consultation document, including the locations where the documents can be accessed along with the details of the public exhibitions, will be advertised within the [Further](#) SoCC published within the Southern Daily Echo on the **Date TBC**, within Statutory and Non Statutory adverts within in the Southern Daily Echo and the Southampton News Extra & Advertiser on consecutive weeks prior to the commencement of the public exhibitions, on the project website and through a leaflet distribution to business and residential properties in the ‘Inner Zone’. Leaflets will be distributed through a direct mailing exercise designed to provide at least [2 weeks](#) notice of the first exhibition.

5.535.55 Respondents to the previous rounds of consultation will also receive written notification (by letter or email according to the form of the communication) of the further round of consultation and details of the public exhibitions.

[Further Non Technical Consultation Document](#)

5.545.56 A [Further](#) Non Technical Consultation Document will be published, outlining the details of the amended scheme and providing information on the three proposed design approaches for consultation. The document will also provide a non-technical summary of the updated environmental assessments undertaken and will include other key potential environmental effects of the proposal, as summarised in the previous Non Technical Consultation Document for information. The document will include updated project drawings and images. As it will be designed for the local community, the consultation document will be written in non-technical language.

5.555.57 Copies of the Non Technical Consultation Document will also be available at the following locations:

- i Southampton City Council, Planning and Sustainability, Civic Centre, Southampton, SO14 7LY [8.30am-5.00pm Mon to Fri];
- ii Southampton City Council Gateway, One Guildhall Square, Southampton, SO14 7FP [8.30am-5.30am Mon, Tues and Fri, 9.30am-5.30pm Wed and 8.30am-7.00pm Thurs];

- iii Shirley Library, Shirley Precinct, Shirley High Street , Southampton SO15 5LL [9.30am-7.00pm Mon, Tues and Fri, 10.00am -7.00pm Wed, [9.30am-5.00pm Thurs](#) and [9.30am-4.00pm Sat](#)]; and
- iv On request from the Parish Clerk, Marchwood Village Hall, Marchwood Village Centre, Marchwood, Southampton SO40 4SF [9am-12noon Mon to Fri].

5.565.58 All consultation documents, including the [Further](#) Technical Consultation Document, will also be available on the project website: www.southamptonbiomasspower.com.

[Further](#) *Technical Consultation Document*

5.575.59 A [Further](#) Technical Consultation will be prepared presenting the additional preliminary environmental information including details of the revised scheme design, updated environmental studies and mitigation proposals. The [Further](#) Technical Consultation Document will be available to those members of the local community who have a more detailed interest in the scheme through the project website and the locations set out in [paragraph 5.56](#) above.

Public Exhibitions

[5.60](#) Public exhibitions will be held [towards](#) the start of Phase III to provide the opportunity for the local community to meet with Heliuss Energy’s project team and discuss the amended proposals and [three](#) possible design approaches.

5.585.61 [The public exhibitions will be advertised through a leaflet distribution to the residential and business properties within the Inner Zone; statutory notices within the Southern Daily Echo; advertisements within the Southampton News Extra and Advertiser and on the project website. Letters or e-mails will also be sent to all respondents to the previous round of consultation to advise them of the commencement of the further consultation and the details of the public exhibitions. A minimum of 2 weeks notice will be provided through all forms of communication.](#)

5.595.62 Representatives from the specialist consultants responsible for assessing the areas of specific concern to the local community, namely the design of the scheme, emissions to air, noise and vibration and transportation effects will also be available to answer more specific questions.

5.605.63 In response to comments made by the local community during Phase II consultation, a model of the proposed layout will also be made available at the exhibitions.

5.615.64 The public exhibitions will be held between 2pm-8.00pm on the dates set out in Table 5.64.

Table 5.64 Phase III Public Exhibition Dates and Venues

Date	Venue
TBC	TBC (Marchwood)
TBC	TBC (Millbrook)
TBC	TBC (Shirley)
TBC	TBC (Marchwood)
TBC	TBC (Millbrook)

5.625.65 The exhibitions will be staggered over a 4 week period to [increase accessibility to](#) members of the local community [and ensure that any members of the local community](#) who may be on holiday during part of the consultation period will have the opportunity to access a public exhibition.

5.635.66 Information about the project will be communicated through the use of posters and copies of the [Further](#) Non Technical Consultation Document, as well as the [Further](#) Technical Consultation Document, will be available for review.

5.645.67 Respondents may submit comments in response to the consultation at the exhibitions and handouts relating to public involvement in the [NSIP application](#) process will also be made available.

Local Community Representatives

[5.68 Following consultation with Southampton City Council on the content of a further SoCC, the following stakeholders have been added to the list of local community representatives for Phase III of the consultation process:](#)

- [i Sustrans;](#)
- [ii Solent Local Enterprise Partnership;](#)
- [iii Hampshire Chamber of Commerce; and](#)
- [iv Solent University.](#)

5.655.69 The local community representatives, as identified above, will be provided with copies of the following documents:

- i The [Further](#) Statement of Community Consultation;
- ii The [Further](#) Community Consultation Strategy document; and
- iii The [Further](#) Non Technical Consultation Document.

5.665.70 The local community representatives will also receive invitations to the public exhibitions and will be offered the opportunity to meet with Heliuss Energy to discuss the proposals and provide feedback from the local community.

5.675.71 Should additional community groups or residents associations within the areas identified as being 'within the vicinity of the land' be identified throughout the application process, they will be included in future communications with the 'local community representatives'.

5.685.72 [Following consultation with Southampton City Council on the content of a further SoCC, all Southampton City Council Councillors have been added to the 'local councillors'](#)

[list](#). Following the local elections on the [3rd May 2012](#), the list of Local Councillors has been updated:

- i [\[Insert updated list of all Southampton Local Councillors\]](#);
- ii Councillor Alison Hoare (Marchwood Ward); and
- iii Councillor Sue Bennison (Marchwood Ward).

[5.73](#) The Local Councillors will receive copies of the same documents as the Local Community Representatives, [including confirmation of the deadline for representations on the revised proposals](#), and will also be invited to attend the public exhibitions.

[5.74](#) [Following consultation with Southampton City Council, Helius Energy will also provide information about the project to those primary schools located within the 'Inner Zone' and invite those schools to engage with Helius Energy on a wider environmental and energy context.](#)

Formal responses to Phase III consultation

~~5.69~~[5.75](#) The deadline for all consultation responses to be submitted is **Date TBC**. This date will be specified on all advertisements, on the project website and on all copies of documents and leaflets published.

~~5.70~~[5.76](#) Members of the public will also be able to submit written comments in the following ways:

- i At the public exhibitions;
- ii Through the dedicated project website comments page; [and](#)
- iii By post to Southampton Biomass Power Ltd, Helius Energy plc, 242 Marylebone Road, London, NW1 6JL.

~~5.71~~[5.77](#) All consultation responses received by the applicant before **Date TBC** will be acknowledged and taken into account when preparing the final application documents to be submitted to the [Major Infrastructure Planning Unit](#).

Consultation feedback

5.725.78 Feedback on consultation is important to ensure the local community know their views have been heard. The main source of feedback from the community consultation will be in the form of the Consultation Report, which will be submitted with the application to the [Major Infrastructure Planning Unit](#).

5.735.79 The Consultation Report will include a summary of all community representations and Helius Energy's response to those comments from Phase I, II, and III of the consultation programme. The Consultation Report will be circulated to the local community representatives and a copy will be available on the project website once the application has been accepted by the [Major Infrastructure Planning Unit](#). Helius Energy may also choose to provide direct feedback to individuals where appropriate.

6.0 STATUTORY CONSULTATION FRAMEWORK

Identifying who should be consulted about the proposed application

6.1 Section 42 of the Planning Act 2008 requires the applicant to consult with a number of statutory bodies and organisations. Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 lists the bodies or persons who must be consulted on relevant proposals. The following organisations been identified as relevant to the proposed scheme:

- i Associated British Ports Harbour Master, Southampton;
- ii Associated British Ports, Southampton;
- iii BRB Residuary Limited;
- iv British Airports Authority;
- v British Gas Pipelines Limited;
- ~~vi~~ CABE Design Council
- ~~vii~~ CEFETRA;
- ~~viii~~ Chilworth Parish Council;
- ~~ix~~ DB Schenker;
- ~~x~~ DP World Southampton;
- ~~xi~~ Eastleigh Borough Council;
- ~~xii~~ ECG (Distribution) Limited;
- ~~xiii~~ EDF Energy (IDNO) Limited;
- ~~xiv~~ Energetics Electricity Limited;
- ~~xv~~ Energetics Gas Limited;
- ~~xvi~~ English Heritage;
- ~~xvii~~ Equality and Human Rights Commission;
- ~~xviii~~ ES Pipelines Limited;
- ~~xix~~ ESP Electricity Limited;
- ~~xx~~ Ford Motor Company Limited;
- ~~xxi~~ Fulcrum Pipelines Limited;
- ~~xxii~~ GTC Pipelines Limited;

- xxixxiii _____ Hampshire & Isle of Wight Wildlife Trust;
- xxixxiv _____ Hampshire County Council;
- xxixxv _____ Hampshire Fire and Rescue Service;
- xxixxvi _____ Hampshire LRF Secretariat;
- xxixxvii _____ Hampshire Partnership NHS Foundation Trust;
- xxixxviii _____ Hampshire Police Authority;
- xxixxix _____ Health Protection Agency;
- xxixxxx _____ Hound Parish Council;
- xxxixxi _____ Hythe and Dibden Parish Council;
- xxxixxii _____ Independent Pipelines Limited;
- xxxixxiii _____ Independent Power Networks Limited;
- xxxixxiv _____ Intoto Utilities Limited;
- xxxixxv _____ Joint Nature Conservation Committee;
- [xxxvi](#) _____ MacIntyre Scott;
- ~~xxxvixxvii~~ _____ [Major Infrastructure Planning Unit of the Planning Inspectorate](#)
- xxxvixxviii _____ Marchwood Parish Council;
- xxxvixxix _____ Marchwood Power Limited;
- xxxvixxl _____ Marine Management Organisation;
- xxxixxli _____ Maxx Media;
- xlxlii _____ Montague Meyer;
- xlxliiii _____ National Grid Gas Plc;
- xlxliiv _____ National Grid;
- xlxlixlv _____ NATS En Route plc;
- xlxlixlvi _____ Natural England;
- xlxlixlvii _____ Network Rail (CTRL) Limited;
- xlxlixlviii _____ Network Rail Infrastructure Limited;
- xlxlixlix _____ New Forest District Council;
- xlxliiii _____ New Forest National Park Authority;
- xlxli _____ North West Trading;
- lii _____ Northern Gas Networks Limited;
- liiii _____ Nursling and Rownhams Parish Council;

- iiiiv O2 Telecomms;
- iiiiv Office of Rail Regulation;
- ivlvi OFGEM;
- ivlvii OFWAT;
- ivlviii Partnership for Urban South Hampshire;
- ivlix Pentalver;
- ivlix Quadrant Pipelines Limited;
- ixlxi RECRESO;
- ixlxii River Hamble Harbour Authority (Hampshire County Council);
- ixlxiii Royal Mail Group;
- ixlxiv Scotland Gas Networks Plc;
- ixlxv Solent Stevedores;
- ixlxvi South Central Ambulance NHS Trust;
- ixlxvii South Central Strategic Health Authority;
- ixlxviii South Downs National Park;
- ixlxix South East England Forest District Office;
- ixlxix Southamton Cargo Handling;
- ixlxxi Southampton City Council;
- ixlxxii Southampton City PCT;
- ixlxxiii Southampton University Hospitals NHS Trust;
- ixlxxiv Southern Electric Power Distribution Plc;
- ixlxxv Southern Water;
- ixlxxvi SP Gas Limited;
- ixlxxvii SSE Pipelines Limited;
- ixlxxviii SSE Power Distribution Limited;
- ixlxxix Sustainable Development Commission;
- ixlxxx Test Valley Borough Council;
- ixlxxxi The British Waterways Board;
- ixlxxxii The Civil Aviation Authority;
- ixlxxxiii The Coal Authority;
- ixlxxxiv The Commission for Architecture and The Built Environment;

Statutory Consultation – Phase Two

- 6.5 The second phase of consultation involved the circulation of a formal Technical Consultation Document to all Section 42 Statutory Consultees.
- 6.6 The Technical Consultation Document included:
- i A summary of the main proposals;
 - ii A map of the site location;
 - iii A plan of the site layout;
 - iv Plans indicating the basic engineering elevations of the scheme; and
 - v Summaries of the technical environmental assessments undertaken.
- 6.7 Formal Statutory Consultation ran concurrently with the Phase II Community Consultation between 7th February and 21st April 2011, providing Statutory Consultees more than the a minimum period of 28 days required by the Regulations to respond directly to Helius Energy on the contents of the consultation documents.

Statutory Consultation – Phase Three

- 6.8 The third phase of consultation will involve the circulation of a formal [Further](#) Technical Consultation Document to all Section 42 Statutory Consultees.
- 6.9 The [Further](#) Technical Consultation Document will include:
- i A summary of the [Revised Proposals](#) and amendments;
 - ii A map [showing the revised Primary Development Area](#);
 - iii A plan of the revised site layout;
 - iv Plans indicating [three](#) possible approaches to the external architectural treatment of the scheme;
 - iv Summaries of updated technical studies, based on the common plant layout, addressing air quality, noise, visual impact, TV reception, and daylight/ sunlight effects; [and](#)

- v A revised Transport Assessment to set out the implications of expected normal operation of the plant (i.e. no more than 300,000 tonnes of material to come in by road).

6.10 Formal Statutory Consultation will run concurrently with the Phase III Community Consultation between **Date TBC** and **Date TBC**, providing Statutory Consultees more than the a minimum period of 28 days required by the Regulations to respond directly to Helius Energy on the contents of the consultation documents.

Consultation Report

6.11 All Section 42 consultation responses received by the applicant will be contained within the Appendix of the Consultation Report submitted with the application to the [Major Infrastructure Planning Unit](#).

6.12 Helius Energy will have regard to these responses when preparing the proposed application to the [Major Infrastructure Planning Unit](#) and may respond directly to the Statutory Consultees. Further advice may be sought during the completion of the Environmental Impact Assessment and compilation of the Environmental Statement.

7.0 APPLICATION PROCEDURES

7.1 Following the completion of Phase III of the consultation strategy, Helius Energy will compile the application documents for submission. The application documents will include a Consultation Report, which will detail the various consultation activities carried out by the applicant to fulfil the obligations set out in the SoCC [and the Further SoCC](#). The Consultation Report will also include a summary of the responses received during the various consultation activities with the local community and Helius Energy's response to the comments made. The responses received by the Statutory Consultees will also be included.

[7.2 The Localism Bill 2011 abolished the Infrastructure Planning Commission from April 2012 and has transferred the powers for processing applications for Nationally Significant Infrastructure Projects to the Major Infrastructure Planning Unit \(MIPU\) within the Planning Inspectorate.](#)

~~7.27.3~~ Following submission of the application, the [Major Infrastructure Planning Unit](#) has 28 days to determine whether the community consultation undertaken by the applicant has been sufficient before formally accepting the application.

~~7.37.4~~ On receiving confirmation that the application has been accepted by the [Major Infrastructure Planning Unit](#), Helius Energy will place advertisements in the Daily Echo, a national paper and the London Gazette to advise of the accepted application, in accordance with Section 56 of the Planning Act 2008. Helius Energy will also post public notices in at least 20 prominent positions within the 'Inner Zone' advising of the accepted application. All notices will advise of the deadline for interested parties to register with the [Major Infrastructure Planning Unit](#). The project website will be updated accordingly and copies of the Environmental Statement and Non Technical Summary will be made available. In addition, the documents relating to the application will be made available on the [Major Infrastructure Planning Unit's](#) website: [TBC](#).

7.47.5 Details of how to register as an Interested Party can be found on the [Major Infrastructure Planning Unit's](#) website page 'Have your say' and within Advice Note Eight – Sections 8.1-8.5, issued by the IPC in February 2011.

7.6 The [Major Infrastructure Planning Unit](#) will request a Local Impact Report from the Local Planning Authority, in this case Southampton City Council, under Section 60 of the Planning Act 2008, and will carry out further consultation with interested parties.

7.57.7 [The Major Infrastructure Planning Unit will make a recommendation to the Secretary of State for Energy who, under the Localism Act 2011, has the powers to determine the application.](#)

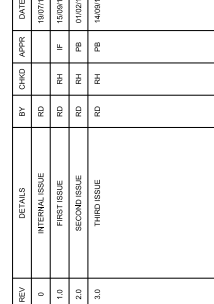
APPENDIX 1 – SITE LOCATION

NOTES

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REV	DETAILS	BY	CHKD	APPR	DATE
0	INTERNAL ISSUE	RD	RH	IF	15/09/10
1.0	FIRST ISSUE	RD	RH	IF	15/09/10
2.0	SECOND ISSUE	RD	RH	IF	15/09/10
3.0	THIRD ISSUE	RD	RH	IF	15/09/11



HELIVUS ENERGY PLC
 20, MARLBOROUGH ROAD, LONDON, W1P 6UL

SOUTHAMPTON BIOMASS POWER

SITE LOCATION PLAN

IN ACCORDANCE WITH REGULATIONS 20(2) OF THE INFRASTRUCTURE PLANNING APPLICATIONS (PREPARED FORMS AND PROCEDURES) REGULATIONS 2008.

FOR INFORMATION

DRAWN BY	R. DRAYCOTT	DATE	15/09/10
CHECKED BY	R. HAINES	DATE	15/09/10
APPROVED BY	I. FREEMAN	DATE	15/09/10
SCALE	1:20,000 @ A3		
DRAWING NUMBER	SPTN-0003	REVISION	3.0





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29th March 2012

Steve Harrison
Planning and Sustainability Division
Southampton City Council
Civic Centre
Southampton,
Hampshire
SO14 7LY

Dear Stephen,

APPLICATION FOR DEVELOPMENT CONSENT ORDER AT WESTERN DOCKS, PORT OF SOUTHAMPTON, HAMPSHIRE – SECTION 47 CONSULTATION

We are in receipt of the comments of No Southampton Biomass (NSB), received on 27th March 2012, in respect of the draft Further Statement of Community Consultation (SoCC) which we have considered in conjunction with the Council's letter of 27th June 2011, setting out comments on the (previous) Revised Statement of Community Consultation.

We note the Council's letter endorsed the approach set out in the Revised (SoCC) and draft Revised Community Consultation Strategy (CCS) subject to a number of observations:

1. We have accepted all the administrative and practical points raised to do with notification of all City Councillors, at least two weeks notice of public events; and exhibition venues to be fully accessible. The other factual points are noted and have been addressed in the draft Further SoCC and draft Further CCS now submitted.
2. The "Inner Zone" has been expanded in response to the suggestions made last June and we would observe that the Inner Zone area identified by Helius in the draft Further SoCC and draft Further CSS, and intended for leaflet circulation, now broadly coincides with the area shaded green as being an adequate area identified by NSB in their latest communication.
3. We confirm that it is intended that the statutory newspaper advertisements will be placed to appear in two successive Thursday editions of the Daily Echo. The draft Further CCS indicates that further advertisements will be placed in the Southampton News Extra and Advertiser. Helius confirms these adverts will be staggered to appear on different days to the statutory advertisements.
4. Helius will endeavour to stagger the proposed exhibitions in each local authority area so that two exhibitions in each area are 3 weeks apart within the four week exhibition period, subject to availability of suitable accommodation.
5. Helius will have regard to comments made by NSB concerning the content of consultation material but the responsibility for drafting material must rest with Helius.

In response to the further matters raised by NSB in their recent communication, not covered by the above, we would comment:

6. The statutory defined planning process for Nationally Significant Infrastructure Projects, which includes several participatory stages, extends over a period of at least 2 ½ years. Accordingly it is

not possible to programme the various stages involved such that any changes in local authority representation can be avoided.

7. While the IPC is being abolished and effectively being replaced by the National Infrastructure Directorate in the Planning Inspectorate, Heliuss understands that a 'seamless' transfer of functions is envisaged. Accordingly, at a practical level there should be no impact on the process for considering the project.
8. Heliuss notes NSB's suggestions regarding potential venues for the exhibitions which will be investigated.
9. Heliuss were pleased to provide presentations to local school children at the suggestion of Members. While the staff attending introduced themselves as representing Heliuss, the classroom work focussed on everyday use of electricity, how it was produced and included a working model of a thermal power station.
10. Heliuss will have regard to the comments of NSB on the scope and content of exhibition material. The matter of overshadowing was covered in the previous consultation and the relevant studies will be updated having regard to the revised site and amended design of the scheme.

As set out in our letter to you dated 13th March 2012, Heliuss Energy considers that the revised Primary Development Area, which is approximately 125 metres further from the nearest residential development than the original scheme, does not materially affect the definition of those 'living in the vicinity of the land' previously adopted, the proposed extension to the Inner Zone in which the further exhibition leaflet will be circulated or cause the scope of the proposed consultation exercise to be altered.

Yours sincerely,



Rozie Haines
Environmental Planner
For and on behalf of Heliuss Energy plc

DECISION-MAKER:	PLANNING AND RIGHTS OF WAY PANEL
SUBJECT:	AREA HOUSING OFFICE, PARKVILLE ROAD
DATE OF DECISION:	17 APRIL 2012
REPORT OF:	HEAD OF LEGAL, HR AND DEMOCRATIC SERVICES
STATEMENT OF CONFIDENTIALITY	
None.	

BRIEF SUMMARY

The Local Planning Authority is seeking to formally revoke a planning permission which has been granted as the Council has recently resolved to grant planning permission for an alternative scheme.

RECOMMENDATIONS:

- (i) That authority is delegated to the Head of Legal, democratic and HR to revoke planning permission 11/00204/FUL
- (ii) That the developer be given the option of entering into an additional covenant not to implement consent 11/00204/Ful in the section 106 agreement for 12/00033/FUL

REASONS FOR REPORT RECOMMENDATIONS

1. Planning Permission 11/00204/FUL remains capable of implementation and is not subject to the terms of a legal agreement. The council therefore needs to be assured that consent 11/00204/Ful will not be implemented in place of 12/00033/FUL which will be bound by the terms of a legal agreement.

DETAIL (Including consultation carried out)

2. Planning Permission 11/00204/FUL *for redevelopment of the site by demolition of the existing buildings and erection of a building ranging in height from 3-storeys to 15-storeys to provide student residential accommodation (53 cluster flats comprising a total of 348 rooms, 4 x 2-bedroom flats and 12 x 1-bedroom flats); a medical centre (Class D1 use), retail units (Class A1) and two units for community use or non-residential institution use (Class D1) or retail (A1) or food and drink use (A3) with associated landscaping, parking and site works, including the stopping up of existing highway* was issued prior to the completion of a section 106 agreement as the resolution provided for the section 106 agreement to be completed prior to completion of the land transfer.

It subsequently transpired that the developer was unable to enter into the required legal agreement, as the university, who will be the end user for the development, was unable to agree to a student car ownership restriction clause.

A new planning application 12/00033/FUL was therefore submitted and was approved by panel without a student car ownership restriction clause in the

section 106 agreement. The new legal agreement is currently in the course of preparation and it is hoped to complete it shortly which will allow the planning permission to be issued. The developer will then, after expiry of a challenge period for any judicial review, be able to complete the land purchase.

3. Legally consent 11/00204/FUL would remain capable of implementation and the developer would therefore be able to build out the scheme under this consent without complying with the terms of the section 106 agreement for 12/00033/FUL. The council therefore either needs to revoke the permission or to obtain a covenant from the developer not to implement the consent. It is proposed that the developer will be given the choice as to whether to give a covenant or whether they agree to the council revoking the consent. If the developer is able to give the covenant then it will not be necessary for the council to revoke the consent.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

4. The recommendation is in alternative form.

RESOURCE IMPLICATIONS

Capital/Revenue

5. None

Property/Other

6. None

LEGAL IMPLICATIONS

Statutory Power to undertake the proposals in the report:

7. Section 97 Town and Country Planning Act and section 106 in respect of planning obligations. Section 97 provides that if it appears to the LPA that it is expedient to revoke any permission to develop land then the LPA may, by order, revoke. The LPA is to have regard to the development plan and any other material considerations in exercising this power. Without a legal agreement attached to consent 11/00204/FUL then planning obligations needed to ensure that the development proceeds in a satisfactory manner would not be secured. It is therefore expedient to either revoke or obtained an appropriate covenant.

Other Legal Implications:

8. It is not considered that compensation will be payable under section 107 TCPA as the developer will sustain no loss or damage as a result of the revocation as planning permission will be granted for the same development upon completion of the current 106 agreement but without the student restriction clause under 12/00033/FUL

POLICY FRAMEWORK IMPLICATIONS

9. None

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SUPPORTING DOCUMENTATION

Non-confidential appendices are in the Members’ Rooms and can be accessed on-line

Appendices

1.	None.
2.	

Documents In Members’ Rooms

1.	None.
2.	

Integrated Impact Assessment

Do the implications/subject/recommendations in the report require an Integrated Impact Assessment to be carried out.	Yes/No
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Other Background Documents

Title of Background Paper(s)

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

1.		
2.		

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

WARDS/COMMUNITIES AFFECTED:	Swaythling
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Report Tracking

VERSION NUMBER:

DATE LAST AMENDED:

AMENDED BY:

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