

Planning and Rights of Way Panel

Tuesday, 25th June, 2013
at 9.30 am

PLEASE NOTE TIME OF MEETING

Conference Rooms 3 & 4 - Civic
Centre

This meeting is open to the public

Members

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

Contacts

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PUBLIC INFORMATION

Terms of Reference

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

Public Representations

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

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

Southampton City Council's 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 2013/14

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

CONDUCT OF MEETING

Terms of Reference

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

Business to be discussed

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

Rules of Procedure

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

Quorum

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

DISCLOSURE OF INTEREST

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

DISCLOSABLE PERSONAL INTERESTS

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

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

(ii) Sponsorship:

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

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

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

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

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

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

a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or

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

Other Interests

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

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

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

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

Principles of Decision Making

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

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

In exercising discretion, the decision maker must:

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

AGENDA

Agendas and papers are available via the Council's Website

1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

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

2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

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

3 STATEMENT FROM THE CHAIR

4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING) (Pages 1 - 10)

To approve and sign as a correct record the Minutes of the meeting held on 28 May 2013 and to deal with any matters arising, attached.

CONSIDERATION OF PLANNING APPLICATIONS

ITEMS TO BE HEARD BETWEEN 9:30 AM TO 10:15 AM

5 BOATING LAKE, SOUTHAMPTON SPORTS CENTRE, THORNHILL ROAD **13/00556/FUL** (Pages 17 - 28)

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 10:15 AM TO 10:45 AM

6 TRINITY INDUSTRIAL ESTATE, MILLBROOK ROAD WEST SO15 0LA **13/00536/FUL** (Pages 29 - 36)

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

ITEMS TO BE HEARD BETWEEN 10:45 AM TO 11:25 AM

- 7 **41 DEVONSHIRE ROAD SO15 2GL 13/00590/FUL**
(Pages 37 - 46)

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

ITEMS TO BE HEARD BETWEEN 11:25 PM AND 12 NOON

- 8 **37 CHURCH LANE SO17 1SY 13/00610/FUL**
(Pages 47 - 58)

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 NOON TO 12:30 PM

- 9 **75 BASSETT GREEN CLOSE SO16 3QX 13/00299/FUL**
(Pages 59 - 66)

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 12:30 PM AND 1:00 PM

- 10 **20 OBELISK ROAD SO19 9BN 13/00581/FUL**
(Pages 67 - 84)

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 1:40 PM AND 2:10 PM

- 11 **51 HIGHFIELD CRESCENT SO17 1SG 13/00611/FUL**
(Pages 85 - 94)

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 2:10 PM AND 3:00 PM

- 12 **LAND AT WESTON LANE/KINGSCLERE AVENUE INCLUDING SOMBORNE HOUSE, ASHTON HOUSE AND KINGSCLERE CLOSE 13/00476/FUL**
(Pages 95 - 136)

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 3:00 PM AND 3:50 PM

- 13 **BRUNSWICK HOUSE, 8-13 BRUNSWICK PLACE 13/00348/FUL**
(Pages 137 - 162)

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 3:50 PM AND 4:20 PM

- 14 **LAND BETWEEN 136-166 ABOVE BAR STREET 13/00593/FUL**
(Pages 163 - 186)

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 4:20 PM AND 4:50 PM

MAIN AGENDA ITEM

15 REMOVAL OF THREE MATURE ALDER TREES IN HEATHER COURT

(Pages 187 - 202)

Report of the Senior Manager – City Services, recommending refusal of three mature alder trees at the above site address, attached.

Monday, 17 June 2013

HEAD OF LEGAL, HR AND DEMOCRATIC
SERVICES

SOUTHAMPTON CITY COUNCIL
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 28 MAY 2013

Present: Councillors Mrs Blatchford (Chair), Cunio, Claisse (Except minute nos 4 and 11), Inglis (Except minute no 14), Lloyd, Lewzey and Norris

Apologies: Councillor L Harris

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

The Panel noted that apologies had been received from Councillor L Harris and that Councillor Inglis was in attendance as a nominated substitute in accordance with Procedure Rule 4.3.

2. **ELECTION OF VICE CHAIR**

RESOLVED that Councillor Cunio be elected Vice-Chair for the Municipal Year 2013/2014.

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

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

4. **DEPOT AND LAND, WEST BAY ROAD, SO15 1AW 13/00123/FUL**

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

Redevelopment of the site. Erection of buildings to be used as a Sulphur Pastillation Plant (revised application following previous planning permission reference 11/01645/Ful).

Mr Verachtert and Mr Bloom (Applicant), Mr Lynham (Agent), Mr Summers, Mr Galton (objecting) (Local Residents) and Councillors Shields and Moulton (objecting) (Ward Councillors) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported 13 additional letters had been received from local residents making the total number of objections 27. The issues raised included a blast bund, fire safety, impact on the cruise trade and monitoring of noise and odour.

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

RECORDED VOTE

FOR: Councillors Mrs Blatchford, Cunio, Lewzey and Lloyd
AGAINST: Councillor Norris
ABSTAINED: Councillor Inglis

NOTE: Councillor Claisse was absent for this item.

5. **9 POINTOUT CLOSE SO16 7LS 12/01870/FUL**

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

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

Mr Johnston (objecting) (Local Resident) was present and with the consent of the Chair, addressed the meeting.

The presenting officer reported a number of updates: that Building Control had issued a Completion Notice for the property; that paragraph 1.1 of the report should read 7 (not 6) properties in the road have been converted into living accommodation; that paragraph 4.3 of the report should read "... garages at 3, 7 and 19 Pointout Close" rather than two properties; and that paragraph 4.4 of the report should read "minimum" rather than "maximum" parking standards.

RESOLVED that the application be deferred pending determination of the planning appeal ref 12/00705/FUL by the Planning Inspector.

RECORDED VOTE

FOR: Councillors Claisse, Cunio, Inglis and Norris

AGAINST: Councillors Mrs Blatchford and Lewzey

ABSTAINED: Councillor Lloyd

6. **5 BELLEVUE ROAD SO15 2YE 13/00482/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. (Copy of the report circulated with the agenda and appended to the signed minutes).

Redevelopment of the site. Demolition of the existing building and erection of a four-storey building to provide 10 x two-bedroom parent and baby flats and 9 x two-bedroom general needs flats with associated parking and other facilities.

Mr Waterfield (Applicant) and Ms Beale (supporting) (Housing Development Officer, Southampton City Council) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported amended Conditions 7, 11 and 18 and an amendment to clause (iii) of the S106 Legal Agreement.

RESOLVED

- i) to delegate to the Planning and Development Manager to **grant** planning permission subject to the completion of a S106 Legal Agreement, the conditions listed in the report, and the amendment to the S106 and amended conditions, set out below:

- ii) that in the event that the legal agreement is not completed within three months of the date of this decision 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.

Amendment to S106

iii. Financial contributions towards the relevant elements of public open space required by the development in line with polices 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);

Play Space;

Amenity Open Space (“open space”);

Playing Field;

Amended Conditions

07 APPROVAL CONDITION - Details of entrance gates to the car park [Performance Condition]

The entrance gates and railings as detailed on the approved site plan and elevations shall be powder coated black prior to the occupation of the building hereby approved. The gate leading to the car park should be lockable and closed when not in use. The gates and railings shall thereafter be retained in perpetuity.

Reason

In the interests of highway safety and residential amenity.

11 APPROVAL CONDITION- Validation of Land remediation [Pre-Occupation Condition]

On completion of the agreed remediation actions (as specified document reference: EE1488/MS/CDS/Rev A) 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.

Reason

To ensure all land contamination risks associated with the site are remediated to an appropriate standard.

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

The means of access and egress for construction of the structures on the site shall be carried out in accordance with the details of the submitted document titled 'construction traffic access/egress arrangements' dated March 2013.

Reason

In order to protect the residential amenity of nearby properties.

7. **5 BLENHEIM GARDENS SO17 3RN 13/00384/FUL**

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

Erection of a single storey side and rear extension.

Mr Bains (on behalf of the applicant), Mr Banyard (Architect), Mr Gillen (objecting) (Highfield Residents Association) and Councillor Vinson (objecting) (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that paragraph 6.2.1 should refer to the tenancy agreement from 1st July **2011** to 12th June 2012 and not 2012 as stated in the report.

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

RECORDED VOTE

FOR: Councillors Mrs Blatchford, Cunio, Lewzey and Lloyd

AGAINST: Councillors Claisse, Inglis and Norris

8. **7 BLENHEIM GARDENS SO17 3RN 13/00385/FUL**

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

Erection of single storey side and rear extensions.

Mr Bains (Applicant), Mr Banyard (Architect), Mr Gillen (objecting) (Highfield Residents Association) and Councillor Vinson (objecting) (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

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

RECORDED VOTE

FOR: Councillors Mrs Blatchford, Cunio, Lloyd and Lewzey

AGAINST: Councillors Claisse, Inglis and Norris

9. **23 CAXTON AVENUE 13/00152/FUL**

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

Erection of a pair of part single, part two-storey semi-detached, 2-bedroom houses with associated amenity space, bin and cycle stores, parking for 2 cars, following demolition of existing bungalow

The presenting officer reported that the reason for decision should refer to houses rather than flats.

RESOLVED to **grant** planning permission subject to the conditions listed in the report and the amended reason for decision.

Amended 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 below. The proposal has addressed the previous reasons for refusal and other material considerations such as those listed in the report to the Planning and Rights of Way Panel on the 28.05.13 do not have sufficient weight to justify a refusal of the application. The provision of **houses** is in accordance with adopted policies which require efficient use of previously developed sites to provide housing and the level of car parking proposed is in accordance with adopted car parking standards. Where appropriate planning conditions have been imposed to mitigate any harm identified. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). 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, SP12, 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, CS19 and CS20 and the Council’s current adopted Supplementary Planning Guidance. The guidance within the National Planning Policy Framework (2012) is also relevant to the determination of this planning application.

10. **ITCHEN COLLEGE, MIDDLE ROAD 13/00351/FUL**

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

Erection of a 2-storey building to provide Public Services and Essential Care teaching accommodation with associated alterations (to replace existing temporary accommodation).

Mr Hicks (Applicant) was present and with the consent of the Chair, addressed the meeting.

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

Amended condition

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

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

Reason

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

11. **8 RUSSELL PLACE 13/00405/FUL**

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

Erection of single storey front and rear extensions and a part two storey part single storey side extension.

Mr Andrews (Agent), Mrs Jameson and Mr Duke (objecting) (Portwood Residents Gardens Conservation Area) and Councillor Vinson (objecting) (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an additional and amended condition.

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

Additional condition

6 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 for the front garden of the property shall be submitted to and approved in writing by the Local Planning Authority which includes:

- i. 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;
- ii. an accurate plot of all existing planting to be retained and to be lost and;
- iii. 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.

Amended condition

2 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. For the avoidance of doubt, these details shall include timber, side-hung garage door and front door **and notwithstanding the plans hereby approved, the rear extension shall also be finished in facing brick to match the existing dwelling.** 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.

RECORDED VOTE

FOR: Councillors Mrs Blatchford, Cunio, Inglis, Lewzey and Lloyd
ABSTAINED: Councillor Norris

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

12. **23 KITCHENER ROAD SO17 3SF 13/00270/FUL**

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

Erection of part single-storey, part two-storey side and rear extensions (resubmission of 12/01698/FUL).

Mr Sohal (on behalf of the applicant), Mr Banyard (Agent) and Councillor Vinson (objecting) (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that the proposal was for 3 bedrooms on the first floor, making 5 bedrooms in total rather than what was stated in the report. A letter had also been received from the applicant stating that no objections had been received from adjoining neighbours at 21 and 25 Kitchener Road.

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

RECORDED VOTE

FOR: Councillors Mrs Blatchford, Cunio, Lewzey and Lloyd
AGAINST: Councillors Claisse and Norris
ABSTAINED: Councillor Inglis

13. **25 RIPSTONE GARDENS SO17 3RF 13/00271/FUL**

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

Erection of part single storey, part two storey side and rear extensions (resubmission of 12/01811/FUL).

Mr Sohal (Applicant), Mr Banyard (Agent) and Councillor Vinson (objecting) (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an error in the floor plans for the first floor, as the room marked "Bedroom 2" should be marked "Bathroom".

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

RECORDED VOTE

FOR: Councillors Mrs Blatchford, Cunio, Lewzey and Lloyd
AGAINST: Councillors Claisse and Norris
ABSTAINED: Councillor Inglis

14. **23 WOODSIDE ROAD SO17 2GU 13/00510/FUL**

The Panel considered the report of the Planning and Development Manager recommending refusal in respect of an application for a proposed development at the

above address. (Copy of the report circulated with the agenda and appended to the signed minutes).

Change of use from a dwelling house (Class C3) to a house in multiple occupation (HMO, Class C4) for up to 5 persons.

Mr Sharma (Applicant) and Councillor Vinson (supporting) (Ward Councillor) was present and with the consent of the Chair, addressed the meeting.

RESOLVED to delegate to the Planning and Development Manager to **grant** planning permission.

Reason for Granting Permission

Change of use from a Dwelling House (Class C3) to a House in Multiple Occupation (Class C4) for up to 5 persons was granted based on the unique personal circumstances of the applicant.

NOTE: Councillor Inglis was absent for this item.

15. **ACORN WORKSHOPS, EMPRESS ROAD 13/00205/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. (Copy of the report circulated with the agenda and appended to the signed minutes).

Redevelopment of the site. Demolition of the existing buildings and erection of single-storey and two-storey buildings to provide industrial and office uses (Class B1 - 1,091 square metres floorspace) (departure from policy).

Mr Harwood (Applicant) was present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an amendment to Condition 8.

RESOLVED

- i) to delegate to the Planning and Development Manger to **grant** planning permission subject to the receipt of amended plans removing 2 visitor parking spaces to improve driver sightlines and pedestrian safety on Empress Road and the completion of a S106 Legal Agreement to secure the conditions listed in the report and an amended condition, set out below;
- ii) that in the event that the legal agreement and amended plans are not completed within two months of the Panel meeting the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement and / or highway safety grounds;
- iii) to delegate to the Planning and Development Manager to amend the S106 and / or conditions as necessary.

Amended condition

08 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 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).

Agenda Annex

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 25 June 2013 - Conference Rooms 3 and 4, 1st Floor, Civic Centre

PLEASE NOTE: THE PANEL WILL BREAK FOR LUNCH at or around 1.00 PM

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
<u>BETWEEN 9.30 AM AND 10.15 AM</u>				
5	SH	DEL	5	13/00556/FUL Boating Lake, Southampton Sports Centre, Thornhill Road
<u>BETWEEN 10.15 AM AND 10.45 AM</u>				
6	MP	CAP	5	13/00536/FUL Trinity Industrial Estate, Millbrook Road West SO15 0LA
<u>BETWEEN 10.45 AM AND 11.25 AM</u>				
7	MP	CAP	5	13/00590/FUL 41 Devonshire Road SO15 2GL
<u>BETWEEN 11.25 AM AND 12 NOON</u>				
8	SB	CAP	5	13/00610/FUL 37 Church Lane SO17 1SY
<u>BETWEEN 12 NOON AND 12.30 PM</u>				
9	SB	CAP	5	13/00299/FUL 75 Bassett Green Close SO16 3QX
<u>BETWEEN 12.30 PM AND 1.00 PM</u>				
10	SB	DEL	5	13/00581/FUL 20 Obelisk Road SO19 9BN
<u>LUNCH BETWEEN 1.00 PM AND 1.40 PM</u>				
<u>BETWEEN 1.40 PM AND 2.10 PM</u>				
11	SB	CAP	5	13/00611/FUL 51 Highfield Crescent SO17 1SG
<u>BETWEEN 2.10 PM AND 3.00 PM</u>				
12	SL	DEL	15	13/00476/FUL Land At Weston Lane/Kingsclere Avenue including Somborne House, Ashton House and Kingsclere Close
<u>BETWEEN 3.00 PM AND 3.50 PM</u>				
13	SH	DEL	15	13/00348/FUL Brunswick House, 8-13 Brunswick Place

BETWEEN 3.50 PM AND 4.20 PM				
14	RP	DEL	15	13/00593/FUL Land between 136-166 Above Bar Street
<u>MAIN AGENDA ITEM</u>				
BETWEEN 4.20 PM AND 4.50 PM				
15	GC	Objection	5	Removal of three mature alder trees in Heather Court

Abbreviations:

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

RP – Richard Plume, SB – Stuart Brooks, AA – Andy Amery, JT – Jenna Turner, AG – Andrew
Gregory, SH – Stephen Harrison, JM – Jo Moore, MP – Matthew Pidgeon, SL – Stephen
Lawrence, GC – Gary Claydon-Smith (Trees)

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 2013)

9. Other Statutes

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

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Agenda Item 5

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 25 June 2013
Planning Application Report of the Planning and Development Manager**

Application address: Boating Lake, Southampton Sports Centre, Thornhill Road			
Proposed development: Engineering works comprising the infilling of the former boating lake with associated works and means of enclosure			
Application number	13/00556/FUL	Application type	FUL
Case officer	Stephen Harrison	Public speaking time	5 minutes
Last date for determination:	10.06.2013	Ward	Bassett
Reason for Panel Referral:	Request by Ward Member and five or more letters of objection have been received	Ward Councillors	Cllr L Harris Cllr B Harris Cllr Hannides

Applicant: Environment Agency	Agent: Arup
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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 as set out below. The proposal seeks to create a wildflower meadow that will contribute to the green open space and offers some sustainability benefits. Other material considerations including the impact on the parkland setting, open space, natural vistas, biodiversity, habitats, and nature conservation have been considered and are not judged to have sufficient weight to justify a refusal of the application. Where applicable, conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies: City of Southampton Local Plan Review (March 2006) policies SDP1, SDP8, SDP9, SDP10, SDP11, SDP12, SDP17, SDP22, SDP23, NE4, CLT3 and CLT8, and City of Southampton Core Strategy (January 2010) policies CS10, CS21, CS22, and CS23 as supported by the relevant national planning guidance

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

1) Delegate to the Planning and Development Manager to grant planning permission subject to the receipt of an amended plan showing areas of wetland for amphibians within

the proposed meadow so to satisfy the holding objection currently lodged by the Council's Ecologist.

2) In the event that satisfactory information has not been received within 1 month of this Planning and Rights of Way Panel meeting, that the Planning and Development Manager be authorised to refuse the application on ecology grounds; and

3) That the Planning and Development Manager be given authority to remove, vary, or add conditions as necessary

1.0 The site and its context

1.1 The former boating lake is located within the grounds of the Sports Centre, which provides a comprehensive range of outdoor activities to its users. It was last used as a boating lake in 2004. The land is within the Council's ownership. The application site is 0.45 ha in area and located within the Bassett ward. The boating lake has a capacity of nearly 2,000 cubic metres.

1.2 The site is bounded immediately to the north by Southampton City Golf Course, a 27 hole golf course. The surrounding area of the site is recreational in nature, with the Southampton Sports Centre extending to the south of the site. The Southampton Alpine Centre and dry ski slope facility is located to the east.

2.0 Proposal

2.1 Full planning permission is sought by the Environment Agency to infill the existing boating lake with spoil from the neighbouring drainage works at the golf course. These engineering works require planning permission. The proposal is to then seed, and fence with a 1.15m high perimeter fence, to create a wildflower meadow. These works are partially retrospective in that the spoil has already been moved into the boating lake. The applicants are aware that these temporary works have been undertaken at their own risk, and may have been abortive in the event that planning permission is not granted for the permanent solution.

2.2 The proposal is related to the Environment Agency's Tanner's Brook and Holly Brook Flood Alleviation and River Restoration Scheme. Measures to provide storage for flood waters, rehabilitate the natural floodplain of Holly Brook and improve the aquatic habitat including de-culverting and construction of a new flood defence balancing pond with associated works within the Southampton City Golf Course were approved on 31 August 2012 (LPA ref. 12/00595/FUL) following a Planning and Rights of Way Panel decision.

2.3 In order to minimise the quantity of construction spoil taken off site, this full planning application proposes to use approximately 50% of the spoil from these flood alleviation works to infill the existing unused boating lake. Approximately 3,900 tonnes of clean, uncontaminated soil and clay will be deposited and compacted into the boating lake. This equates to some 200 HGV loads.

2.4 The proposed works fall outside the 'permitted development rights' of the Environment Agency as given by Part 15 of the General Permitted Development Order 1995.

2.5 As the Council is the affected landowner it retains control over whether or not the

proposed works can be undertaken, irrespective of whether planning permission is granted.

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 Local Plan Policy CLT8 relates to the Sports Centre, including the municipal golf course, and confirms that development will only be permitted providing the mature parkland setting and natural vistas of the centre are unaffected. It acknowledges the sport centre as an important and unique area of mature parkland and open space.
- 3.3 Core Strategy Policy CS21 states that the Council will help deliver new open space within and beyond the city to meet the needs of all age groups.
- 3.4 Policy CS22 sets out how the Council will ensure that development retains, protects and enhances features of biological interest, as well as seeking to produce a net gain in biodiversity.
- 3.5 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4.0 Relevant Planning History

- 4.1 Various applications relating to improvements to the Sports Centre facilities, but none of direct relevance to the boating lake itself.
- 4.2 At the neighbouring golf course application 12/00595/FUL was approved by the Planning Panel in August 2012 for *‘measures to provide storage for flood waters, rehabilitate the natural floodplain of Holly Brook and improve the aquatic habitat including de-culverting and construction of a new flood defence balancing pond with associated works’*. These works have generated significant amounts of spoil that can either be taken off-site (as originally proposed) or reused in the locality (as currently proposed).

5.0 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included erecting a site notice (06.05.2013). The application has attracted significant local interest. As a result the applicants have also held two post submission drop-in sessions at the Sporting View public house (24th May and 6th June).
- 5.2 At the time of writing the report **53** representations have been received from surrounding residents, including 51 objections. A further **37** standard pro-forma

objections, and a petition with 3 signatures in opposition of the proposals, have also been received.

- 5.3 The Old Bassett Residents' Association objects to the application.
- 5.4 In addition the applicant has submitted copies of the feedback forms left at their public sessions. A total of 45 forms have been received with 30 in support of and 15 opposing the development.
- 5.5 Ward Councillors B Harris and Hannides have requested that this application is determined by the Planning and Rights of Way Panel.
- 5.6 Planning related issues raised:
- 5.7
- There has been a lack of proper consultation on the proposals and/or what the public would like to see happen with the site. Any consultation after the temporary works have been completed and the application lodged is meaningless.

Response

It is not for the Planning Authority to defend the applicant's method of engaging the public. In planning terms the application does not represent a 'major' development (less than 1 hectare as defined by the Planning Regulations) where pre-application consultation would have been a validation requirement. The Planning Authority has undertaken the necessary statutory consultation.

That said, the applicants acknowledge that wider consultation should have taken place ahead of submission and have since provided two drop in sessions for the public to gain more information. These sessions were also attended by Council officers representing landowner interests. The need for a wider consultation regarding the future of the Sports Centre is not a material planning issue that should affect the determination of this planning application, especially as the Council is the landowner in this instance and retains control over whether or not this planning permission can be implemented and when. Instead, the planning merits of the scheme need to be considered and any harm resulting from the proposals balanced against the development plan.

- 5.8
- The boating lake should be reinstated and not filled in. It is a valuable resource and the loss of this facility should be resisted.

Response

The strong local feeling on this matter has been relayed to the Council as landowner, and is noted in this report. However, there are currently no proposals to reinstate the former boating lake, and the applicants have a right to have their proposals considered and determined in accordance with current planning regulations and could appeal non-determination in the event that the Council delays its planning decision on this application. In the absence of a viable alternative scheme the desire to have the lake reinstated, whilst understandable, can be given little weight in planning terms. Its loss as a community facility is difficult to support in planning terms given that the site has not been used as a boating lake for a number of years. In the event that the Council, as landowner, chooses to explore an alternative option it could do so whilst preventing the permanent infilling of the lake by the applicant.

- 5.9
- The area is prone to flooding and the meadow will flood too

Response

The application proposes to improve drainage and amended plans have been sought to secure areas of wetland to support amphibians.

- 5.10
- The site forms part of the Sport's Centre Site of Importance for Nature Conservation (SINC) and supports local wildlife including Great Crested Newts, which are a protected species.

Response

Only parts of the Sports Centre are within the designated SINC, and the former boating lake (and the land around it) are not designated. The applicants have confirmed that there were no Great Crested Newts in the former lake at the commencement of the temporary works.

As part of the information submitted to support application 12/00595/FUL the Tanner's Brook Environmental Report stated that, *'no records of Great crested newts have been identified within 1km of the site. Within the golf course, the works directly impact on two ponds (towards the northern end of the site). Both ponds are online with Holly Brook and are man-made. The ponds have steep wooden clad edges, which would prevent easy access and egress for amphibians. Both ponds appeared visually to have poor water quality which is supported by the poor invertebrate diversity in these locations. A habitat suitability index (HSI) was also undertaken, indicating that both ponds had below average suitability for great crested newts, and therefore that no further survey work is required. A disused boating lake within Southampton Sports Centre to the south of the golf course was also assessed during an ecological walkover survey, as it may be impacted by the temporary works during construction. On the basis that this waterbody is entirely concrete lined, with steep vertical sides and no suitable vegetation to support great crested newts, it was considered that it is of negligible value for this species'*. The applicants have agreed to introduce some areas of wetland to improve the biodiversity value of the project, and an amended scheme can be secured with the proposed delegation.

- 5.11
- The infilling of the lake on a temporary basis will have destroyed habitat for protected species, and tadpoles were recently seen in puddles amongst the earthworks. Further action should now be taken by the Council.

Response

It is not for the Planning Authority to defend the applicant's actions. Whilst more survey work could have been done by the applicants ahead of undertaking the temporary works there is insufficient evidence to conclude that on the day the former lake was infilled it was host to protected species. The Council's Ecologist doubts that it would have been. As such the Council does not have a strong enough case to take further action. That said, the applicants have moved the tadpoles to the newly landscaped ponds on the golf course.

- 5.12
- The land would make a good place for a paddling pool/water feature and/or skatepark with supporting facilities such as a café.

Response

There has been a healthy response by the public to this planning application and a wide range of alternative proposals tabled. However, the Planning Authority need to determine whether or not the proposed infilling is acceptable in planning terms and make a decision on this planning application alone. Alternative uses are not currently proposed by either the landowner or the applicant and cannot be used to delay the determination of this application. The Council, as landowner,

can chose to undertake its own consultation and proposals, and can then apply for the relevant permissions should it choose to. The Council can also prevent the infilling proposals, assuming permission is given, on a permanent basis.

- 5.13 • The proposed species mix will not establish due to the heavy clay soils involved

Response

The comments of the Council's Landscape Officer have been sought, and a detailed landscaping proposals plan can be secured with a planning condition.

- 5.14 • The proposed meadow would be a magnet for dog fouling and litter

Response

The meadow would be surrounded by a fence and a management plan will be secured by condition.

- 5.15 Those in support of the proposals have commented that the boating lake is an eyesore and the proposals will be safer for children and will attract wildlife. The boating lake is probably too expensive to repair.

5.16 Consultee Comments

- 5.17 **SCC Ecology** – HOLDING OBJECTION. Having initially advised that in its current state the old boating lake is of negligible long term value to biodiversity it subsequently transpires that this is one of a handful of sites where toads breed. It should be fairly straightforward to modify the scheme to include a couple of ponds.

- 5.18 In addition, there are a number of puddles which contain large numbers of tadpoles, these should be translocated to a nearby pond prior to any works commencing. In addition, bearing in mind that parts of the Sports Centre site are designated as a Site of Importance for Nature Conservation (SINC), the issue of species choice for the grassland is important. Much of the grassland around there has been put into the Higher Level Stewardship scheme so we don't want to see the introduction of inappropriate species. I would like further details of the species to be used and the proposed management regime. These could be provided on a landscape plan secured by a planning condition.

- 5.19 With regards to the alleged harm to existing wildlife, all native amphibians benefit from statutory protection however, those species that may be present in the Sports Centre Boating Lake, namely common toad, *Bufo bufo*, smooth newt, *Lissotriton vulgaris*, and palmate newt, *Lissotriton helveticus*, only receive partial protection. This protection is limited to a ban on the sale of individuals of these species under section 9(5) of the Wildlife and Countryside Act 1981 (as amended). Therefore, even if individual toads or newts have been harmed, a criminal offence would not have been committed. This, combined with a lack of evidence regarding whether any individuals animals have actually been harmed, makes it difficult to justify taking action to secure removal of the temporary works.

- 5.20 **SCC Open Spaces** - I have been contacted by members of the public concerned about the lack of water in the pond and a large amount of spoil that has appeared. I have been involved with the area for many years and have frequently had to step in to stop destruction of this important wildlife pond. It was identified in the Southampton Nature Conservation Strategy as being important for amphibians,

including Common Toad and the fact that recent management has not been sympathetic to the wildlife importance does not change the fact that it is the only suitable pond in this area. If the pond is to be developed a suitable alternative needs to be provided first. Any works also need to consider the proximity of SINC's and the areas under nature conservation and Higher Level Stewardship management.

5.21 **SCC Contaminated Land** - This department considers this proposal as having the potential to generate a land contamination risk at the subject site through the importation of soils. Records maintained by the Council do not indicate that any potentially contaminating land uses have existed on or, in the vicinity of the subject site. However, these records are not authoritative and reference to them alone is not sufficient to confidently determine the presence of any risk. In view of the sensitive nature of the proposal a more thorough assessment of the potential land contamination hazards would be prudent. Therefore, to ensure compliance with Para 121 of the National Planning Policy Framework - March 2012 and policies SDP1 and SDP22 of the City of Southampton Local Plan Review (adopted version, March 2006) this department would recommend that the site be assessed for land contamination risks and, where appropriate, remediated to ensure the long term safety of the site. A planning condition is recommended.

5.22 **SCC Environmental Health** – No objections

5.23 **SCC Tree Team** – No objections

6.0 **Planning Consideration Key Issues**

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

- i. Principle of Development;
- ii. Ecology;
- iii. Highways; and
- iv. Contaminated Land and Drainage.

6.2 Principle of Development

The principle of creating a wildflower meadow is accepted in planning terms. It will add to the green open space available at the Sports Centre, and by using spoil from the neighbouring site it reduces the need for it to be transported off-site which is positive in terms of sustainability.

6.3 Policy CLT8 is a protectionist planning policy applicable to development at the Sports Centre. It confirms that development will only be permitted when it improves the sporting, leisure, spectator and visitor facilities whilst protecting the mature parkland setting and natural vistas of the centre. The policy does not specifically protect the boating lake from redevelopment, but requires the existing character of the Sports Centre to be protecting by new development proposals.

6.4 Had the boating lake been an active resource it could be argued that infilling it to create a wild meadow would not improve the offer, instead reducing the range of activities available to users. It is also unlikely that the Council, as landowner, would have entertained the request in such circumstances. The boating lake is, however, not in active use and has not been used for its intended purpose for a number of years. There are no current proposals to reinstate the former boating

lake. As such its infilling will not result in the loss of a current community facility, but will improve the offer of the Sports Centre whilst protecting the mature parkland setting. In planning terms the proposed infilling is considered to meet the tests of Policy CLT8. A planning condition is recommended to secure an appropriate planting scheme and a management plan.

6.5 As explained above, in the event that permission is granted the Council as landowner may now decide that the former boating lake could be reinstated, and has the necessary controls to prevent the applicant from undertaking the works on a permanent basis. This decision needs to be taken independently of the planning considerations set out above.

6.6 Ecology

Following deposit of the material, the whole area will then be seeded with a wild flower seed mix to create a meadow area. The soft landscaping will provide positive ecological benefits and improve the urban greenspace offering of the area. However, the current holding objection on ecology grounds needs to be lifted before planning permission can be granted. To do so the applicants have agreed to amend their proposals and introduce wetland ponds into the design to further improve the biodiversity credentials of the project.

6.7 Highways

The works are located within the Sports Centre and are associated with the ongoing work at the Golf Course. The two sites are adjacent to each other and divided by the existing contractor's compound. There are no site specific highway issues related to this application. That said, on a wider scale the proposals will mean that less spoil will need to be taken off-site for disposal. Assuming that each HGV can take some 20 Tonnes of spoil the proposals will result in 200 fewer HGVs (400 trips) on the highway network.

6.8 Contaminated Land and Drainage

Contamination testing has already been undertaken as part of the approved Flood Alleviation works, which indicated that there is a very low potential for contamination to be present. The Council's Contaminated Land Officer has requested a planning condition to ensure full compliance with the regulations.

6.9 It is proposed to install land drainage that will connect into the existing culvert that runs beneath the boating lake.

7.0 Summary

7.1 The proposed infilling of the former boating lake has led to an active debate about the future of the Sports Centre and the offer available to the public. The majority of third party interest wish to see the former boating lake reinstated, and see the proposals to infill it as the end of any potential reuse. The lack of genuine public consultation ahead of the decision being taken to make an application is also cited as an objection to the application.

7.2 In planning terms the Council should determine the planning application against the development plan, and Policy CLT8 is the starting point in this respect, unless other material considerations dictate otherwise. This policy is supportive of proposals that improve the facilities available to users, whilst seeking to protect current leisure and sporting activities. The proposed works to infill the former

boating lake with spoil from a neighbouring site, thereby reducing the need to take it off-site by some 200 HGVs, has a sound basis in planning terms. As the former boating lake has not been in active use for a number of years the proposals will improve the offer available to users of the Sports Centre, whilst recognising that the Council as landowner may decide in due course that the opposition to such works, and the desire locally to see the boating lake reinstated and made fit for purpose, is sufficient to withhold landowner's rights to see the project completed.

8.0 Conclusion

Providing an amended plan is submitted to address the holding objection currently lodged by the Council's Ecologist it is recommended that planning permission is granted for this application. A delegation to the Planning and Development Manager is recommended to secure this amended plan ahead of the permission being issued.

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

1a-d, 2b and d, 4h and k, 6c and l, 7a, 9a-b

SH2 for 25/06/2013 PROW Panel

PLANNING CONDITIONS to include:

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

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

REASON:

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

2. APPROVAL CONDITION - Landscaping, lighting & means of enclosure

Notwithstanding the submitted details a detailed landscaping scheme and implementation timetable shall be submitted prior to the implementation of the permanent works and planting to infill the former boating lake. These details shall include:

- i. proposed finished ground levels or contours; means of enclosure; 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. details of any proposed boundary treatment, including retaining walls; and,
- v. a landscape management scheme to include how access to the site, and the proposed wetland areas, by the public and their dogs will be controlled.

Any 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 for the whole site shall be carried out in accordance with the agreed implementation timetable or during the first planting season following the full completion of engineering 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.

3. APPROVAL CONDITION - Use of uncontaminated soils and fill

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.

4. 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)

CS10	A Healthy City
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk

City of Southampton Local Plan Review – (March 2006)

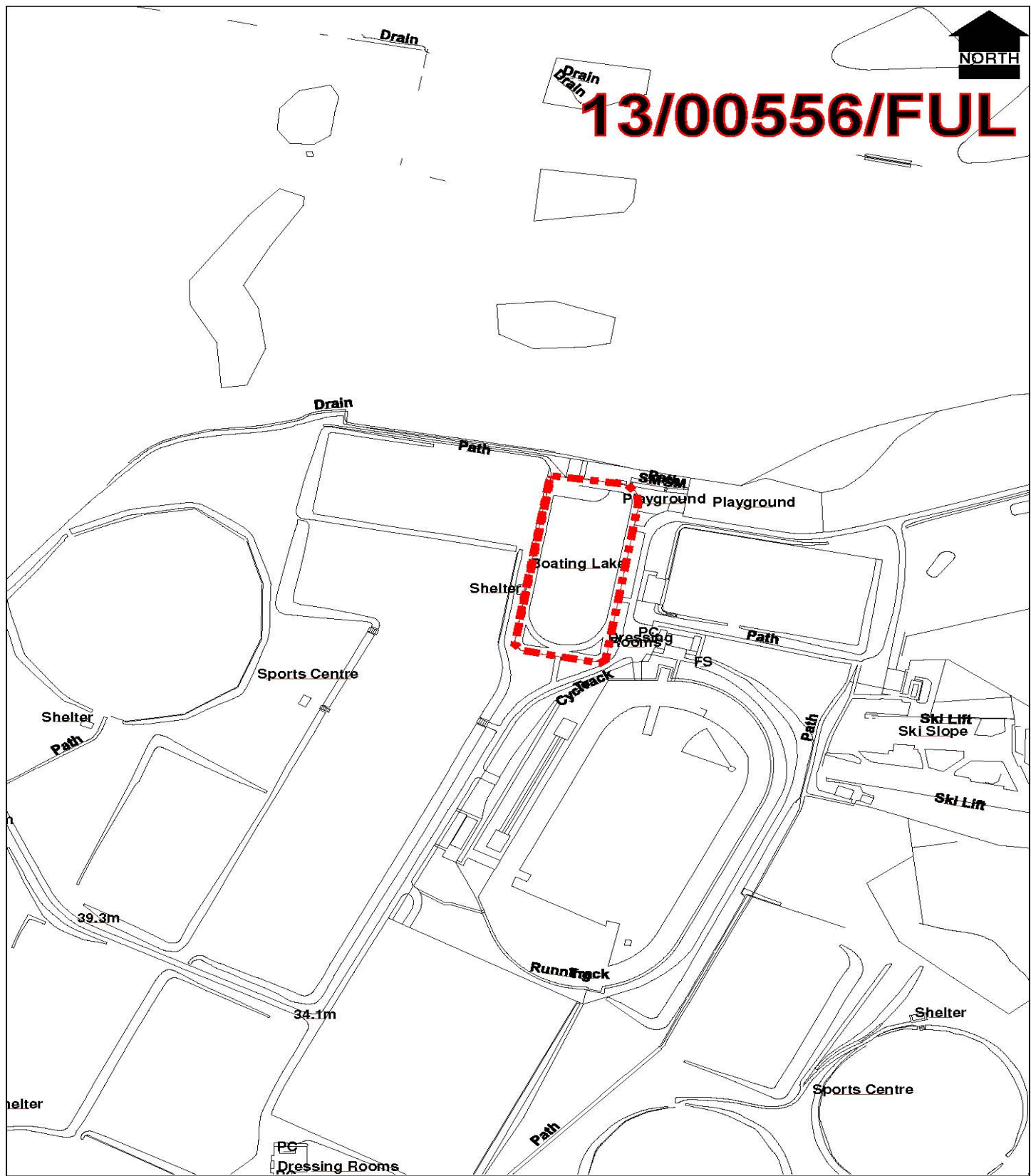
SDP1	Quality of Development
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP17	Lighting
SDP22	Contaminated Land
SDP23	Unstable Land
NE4	Protected Species
CLT3	Protection of Open Spaces
CLT8	Southampton Sports Centre

Other Relevant Guidance

The National Planning Policy Framework 2012



13/00556/FUL



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Date : 12 June 2013

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Agenda Item 6

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 25 June 2013
Planning Application Report of the Planning and Development Manager**

Application address: Trinity Industrial Estate, Millbrook Road West SO15 0LA			
Proposed development: Continued use of industrial park not in accordance with condition 8 of planning permission ref 1580/W12. Variation to alter the hours of servicing to allow servicing vehicles between 7:00am and 7:00pm (7 days a week) with restrictions on Sundays for lorries and HGV's.			
Application number	13/00536/FUL	Application type	FUL
Case officer	Mathew Pidgeon	Public speaking time	5 minutes
Last date for determination:	10/06/2013	Ward	Millbrook
Reason for Panel Referral:	Request by Ward Member and five or more letters of objection have been received	Ward Councillors	Cllr Laming Cllr Furnell Cllr Thorpe

Applicant: Scm Property And Investment Company Limited	Agent: Prime Planning & Development Ltd
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Recommendation Summary	Conditionally Approve
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including surrounding residential character, impact on residential amenity in terms of noise and traffic have been considered and are not judged to have sufficient weight to justify a refusal of the application, where applicable conditions have been applied in order to satisfy these matters. The Local Planning Authority has also taken into account the background noise level near to the site over the time period during which the additional operating hours have been requested. 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, SDP16 and RE11 (xi) of the City of Southampton Local Plan Review (March 2006) and CS6 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached	
1	Development Plan Policies

Recommendation in Full

Conditionally Approve

1.0 The site and its context

- 1.1 The site is located on Millbrook Road West which is a heavily trafficked road that forms part of a major transport corridor to Southampton City Centre and Southampton docks from the west. This application relates to an existing single storey purpose built industrial estate which is safeguarded for light industrial use under Local Plan Policy REI 11(xi). To the west is Holy Trinity Church and to the north and east the site is bordered by residential development.
- 1.2 The site comprises of nine separate units arranged in two blocks, with car parking and servicing areas adjacent to all units. The only vehicular access to the site is from Millbrook road at the southern end of the site.

2.0 Proposal

- 2.1 The applicant seeks to vary condition 08 of planning permission 4438/1580/W12 dated 24th March 1981 so that the servicing hours which relate to the units within the estate can be expanded to allow servicing to take place between the hours of 7am and 7pm. The proposal equates to an additional servicing hour at the beginning and end of the day as they can currently operate from 8am to 6pm. Furthermore the applicant seeks permission to enable servicing of the premises to occur on Sundays with restrictions for lorries and HGV's.
- 2.2 The purpose of the application is to enable the operators of the units to have greater flexibility of servicing and to help improve the potential occupancy of some of the units which are at present vacant.

3.0 Relevant Planning Policy

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

4.0 Relevant Planning History

- 4.1 980192/WX - RELIEF OF CONDITION 2 OF PLANNING PERMISSION 4483/1631/W12 TO ALLOW USE OF THE PREMISES FOR LIGHT INDUSTRIAL BY OTHER USERS Conditionally Approved (1998)
- 4.2 1631/W12 (Unit 2) - CHANGE OF USE FROM INDUSTRIAL WITH ANCILLARY OFFICES TO LIGHT INDUSTRIAL WITH ANCILLARY RETAIL/WHOLESALE AND OFFICES – Conditionally Approved (1983)

- 4.3 1633/W32 – (Unit 1) - CHANGE OF USE TO LIGHT INDUSTRIAL WITH ANCILLARY RETAIL AND OFFICES PERSONAL Conditionally Approved (1983)
- 4.4 1580/W12/8 (4438/1580/W12) - CONSTRUCTION OF 9 INDUSTRIAL UNITS ACCESS ROAD AND CAR PARKING AREAS Conditionally Approved (1981)

Condition 08: No service vehicles shall attend the premises of servicing or the premises shall take place between the hours of 6.00pm and 8.00am on weekdays or Saturdays or at any time on Sundays or Bank Holidays.

Reason: to safeguard the amenity of neighbours residential properties

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice (08/05/2013). At the time of writing the report 12 representations have been received from surrounding residents.

- Noise and disruption to residential amenity is the key concern.

5.2 **SCC Environmental Health (Pollution & Safety):** No objections. The national planning policy framework requires a balance to be struck between allowing business to flourish, yet to protect the local environment. All British Standards on noise recognise the day as starting at 07:00. The noise climate in this area will be reasonably high, due to the proximity of a noisy road, Millbrook Road. The additional noise from vehicles is unlikely to make a sufficiently high contribution to the noise levels in the area, hence my having no objection to the application.

6.0 Planning Consideration Key Issues

- 6.1 The key issue for consideration in the determination of this planning application is whether or not the proposal will lead to harm to neighbouring residential amenity caused by increased noise disturbance.
- 6.2 The Local Planning Authority acknowledges that light industrial uses include the research and development of products/processes and any industrial use that can be carried out adjacent to residential areas without detriment to the amenity of those areas by reason of noise, vibration, smell, fumes, smoke, soot, ash dust or grit (Policy RE111 refers).
- 6.3 The background noise level in the area is reasonably high due to the proximity of Millbrook Road. The additional noise from servicing vehicles and associated activity is unlikely to make a sufficiently high contribution to the noise levels in the area.
- 6.4 The application seeks permission to allow servicing to occur on Sundays however the applicant does not propose to have Lorries or HGV's attending on those days. Planning condition 05 is recommended to enforce the restriction to safeguard the amenities of neighbouring residents.
- 6.5 The additional hour proposed for servicing in the morning (7am rather than 8am) accords with the 'daytime' hours as set out by British Standards used by noise

experts when assessing potential noise impact.

- 6.6 The Councils Environmental Health Team have not objected to the extended hours.
- 6.7 The National Planning Policy Framework illustrates that planning should not be unduly onerous to local businesses and the wider economy. Planning Authorities should seek to create employment opportunities and prosperity, as such 'significant weight should be placed on the need to support economic growth through the planning system'.

7.0 Conclusion

- 7.1 Officers consider that the proposal will not be significantly discernable from within nearby residential properties due to the existing background noise level experienced within the area and the extended hours proposed.

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

1 (a), (b), (c), (d), 2 (b), (d), 6 (c), 7 (a), 9 (a), (b).

MP3 for 25/06/13 PROW Panel

PLANNING CONDITIONS

01 APPROVAL CONDITION - Full Permission Timing Condition - Physical works

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

REASON

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

02 APPROVAL CONDITION Ancillary offices and wholesale counter (Performance condition)

The offices and retail /wholesale counter on site shall be ancillary to the light industrial use

REASON

For purposes of clarification and to define the consent.

03 APPROVAL CONDITION Car Parking (Performance Condition)

The six car parking spaces shown on the drawing received by the Local Planning Authority on 9 May 1983 shall be maintained for the exclusive use of staff and customers using unit 2.

The seven car parking spaces shown on the drawing received by the Local Planning Authority on 11 July 1983 shall be maintained for the exclusive use of staff and customers using unit 1.

REASON

In the interests of highway safety.

04 APPROVAL CONDITION Vehicle weight restriction (Performance Condition)

No vehicles exceeding 16 tons gross weight shall be used to service the premises unless otherwise agreed in writing by the Local Planning Authority.

REASON

To safeguard the amenities of neighbouring residential properties.

**05 APPROVAL CONDITION Servicing/delivery hours (Performance Condition)
[Amended]**

No service vehicles shall attend the premises or servicing of the premises shall take place between the hours of 7.00pm and 7.00am on weekdays or Saturdays and Sundays.

At no time shall Lorries or HGV's be used for servicing purposes on Sundays or bank holidays.

REASON

To safeguard the amenities of neighbouring residential properties.

06 APPROVAL CONDITION Servicing/delivery hours (Performance Condition)

The sites external areas, access ways, loading area and car parking shall not be used for manufacturing or maintenance purposes, for the installation of any ancillary plant or machinery, or the storage of any raw materials, finished or unfinished products or parts, creates, packing materials or waste without the prior written consent of the Local Planning Authority. These areas shall be kept clear at all times for access, circulation, car parking and servicing.

REASON

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

07 APPROVAL CONDITION Use restriction (Performance Condition)

The premises shall be used of light industrial purposes only and for no other purpose whatsoever, including any other purpose in the schedule to the Town and Country Planning (Use classes) Amendment Order 1991, (or in any equivalent provision in any statutory instrument revoking or re-enacting that order), Class B1.

REASON

To enable the Local Planning Authority to retain control; over the development in the interests of the amenities of the area.

POLICY CONTEXT

Core Strategy - (January 2010)

CS6 Economic Growth

City of Southampton Local Plan Review – (March 2006)

SDP1 Quality of Development
SDP16 Noise
REI11 Light Industry

Supplementary Planning Guidance

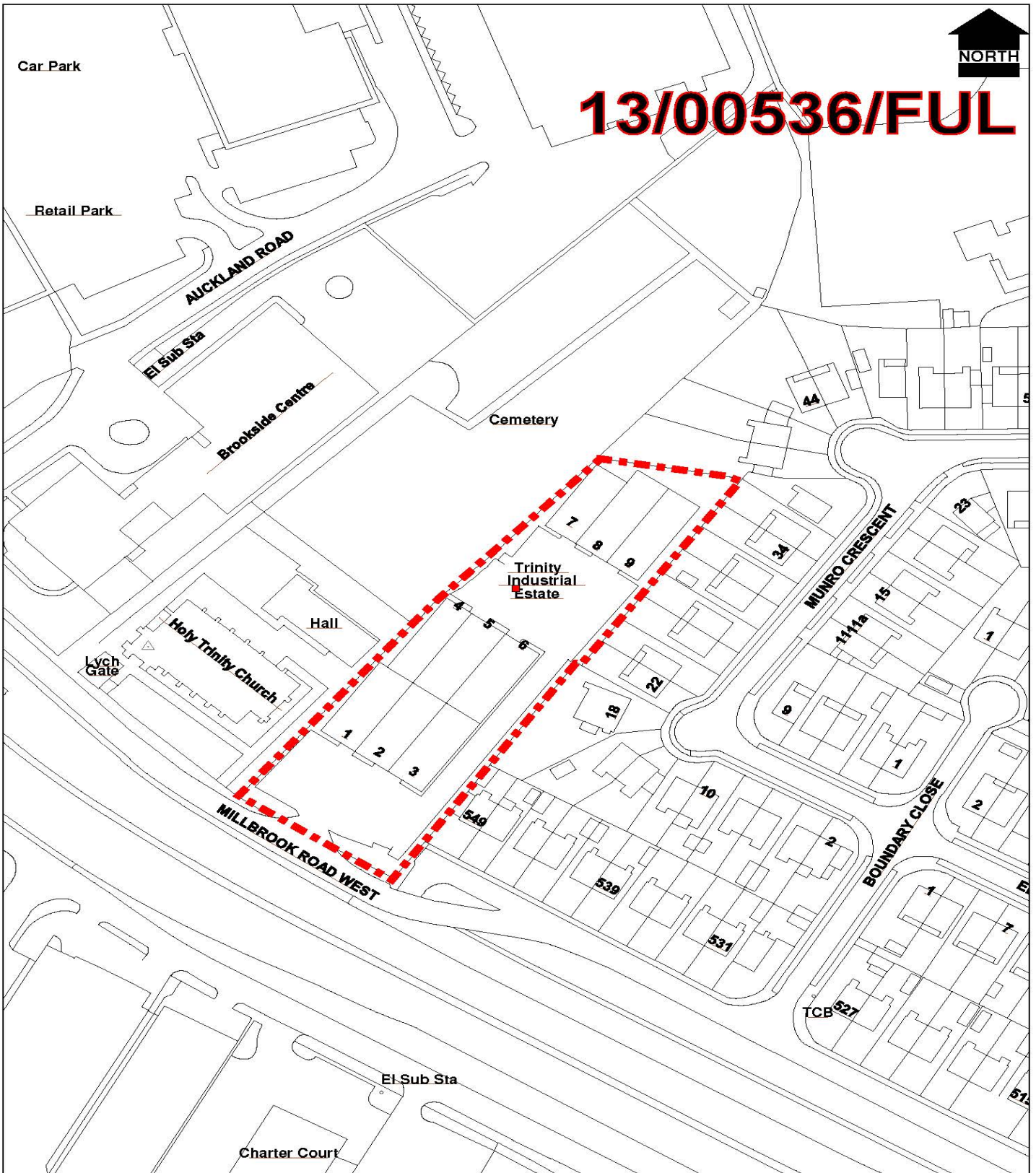
Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - August 2005 and amended November 2006)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012



13/00536/FUL



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Date : 12 June 2013

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Agenda Item 7

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 25 June 2013
Planning Application Report of the Planning and Development Manager**

Application address: 41 Devonshire Road SO15 2GL			
Proposed development: Erection of a part 2-storey, part single storey rear extension to facilitate conversion of existing house into 3 flats (1x 3-bed, 1x 2-bed and 1x studio) with roof accommodation, associated parking and cycle/refuse storage			
Application number	13/00590/FUL	Application type	FUL
Case officer	Mathew Pidgeon	Public speaking time	5 minutes
Last date for determination:	12/06/2013	Ward	Bargate
Reason for Panel Referral:	Request by Ward Member and five or more letters of objection have been received	Ward Councillors	Cllr Bogle Cllr Noon Cllr Tucker

Applicant: Mr Peter Basra	Agent: Complete Structural Engineers - Mr James Collins
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Recommendation Summary	Conditionally Approve
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Reason for granting Permission

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

Policies - SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP13, SDP14 and H1 of the City of Southampton Local Plan Review (March 2006) and CS4, CS5, CS13, CS16, CS19 and CS20 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached	
1	Development Plan Policies

Recommendation in Full

Conditionally Approve

1.0 The site and its context

- 1.1 The application site is located on the East side of Devonshire Road. The property is a two storey semi-detached dwelling with rooms in the roof space. Constructed from red brick with a gable roof, the property has chimneys, front bay windows and a front entrance porch. The property also previously benefited from a single storey rear projection which spanned the width of the property. The property shares much of the architectural form and character of many other pre-war housing developments in Southampton. At the time of the most recent site visit the construction of the rear extension, which forms part of the current application, had begun.
- 1.2 The surrounding area is predominately residential with a mix of HMO's, purpose built flatted blocks, properties converted to flats and family dwelling houses. To the north is the purpose built residential block named Henstead Court which has accommodation on four floors, the uppermost floor is within a mansard roof.

2.0 Proposal

- 2.1 The applicant seeks planning permission to be granted to convert the dwelling into three separate flats. To facilitate the conversion a two storey rear extension is proposed (partially retrospective), the garden will be subdivided to provide private amenity space for occupiers of the ground floor unit, parking for three vehicles will be laid out and provision within the site for refuse and cycle storage has been identified.

3.0 Relevant Planning Policy

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

4.0 Relevant Planning History

- 4.1 There is no relevant planning history relating to the dwelling house.

5.0 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, and erecting a site notice 24/04/2013. At the time of writing the report **24** representations have been received from surrounding residents, **8** of which object to the scheme and **16** support the proposal.

The letters of support are summarised below:

- The dwelling house is in need of modernisation.
- There is a need for flats in the polygon area.
- There is a shortage of quality, affordable accommodation in central Southampton.

The letters of objection are summarised below:

- Retrospective nature of the extension to the rear.
Response: The applicant is fully entitled to retrospectively apply for planning permission. Should the application be refused the Local Planning Authority have powers to seek removal of the extension if it is considered expedient to carry out enforcement action.
- Further encroachment of houses of multiple occupation and further loss of family dwelling houses.
Response: The proposal does not represent the loss of a family dwelling house as a three bedroom unit is being retained on site which will also have direct access to a private garden area and therefore is in accordance with policy CS16. Should the owner of the property seek to let the three bedroom unit to three or more unrelated individuals then planning permission will need to be granted for the change of use to a house of multiple occupation (use class C4).
- The amenity area provided for the ground floor flat is not adequately private therefore a family dwelling unit has not been retained on site.
Response: The amenity area proposed to be allocated to the ground floor unit can be separated by fencing and controlled by condition.
- Overcrowding (potential number of occupants)/small scale units.
Response: It is not common place to restrict the number of occupants within new properties and flats. Such restrictions are difficult to enforce and would not therefore meet the tests of circular 11/95 for planning conditions where it is stated that conditions need to be necessary, relevant to planning and the development, enforceable, precise and reasonable. The impact of the number of people in the property is further assessed in section 6.
- Extension is overbearing and would set a precedent and obstruct views.
Response: The impact of the extension is discussed below in section 6.
- Loss of chimney breasts and structural integrity of the semi-detached pair.
Response: Structural integrity of the semi-detached pair is a matter for Building Regulations to assess. Planning permission is not required for the removal of the chimneys.
- Increased noise.
Response: It is envisaged that provided the occupants act reasonably there will not be unacceptable noise generated from within the property.
- Large number of bins stored to the front of the property.
Response: Planning conditions are proposed to ensure that bins are stored behind boundary treatment out of view from the public realm.
- Car dominated frontage.
Response: Only one car is proposed to be stored to the front of the property.
- Small units.
Response: There are no minimum room sizes that are set out in planning policy

5.3 **SCC Sustainability Team** – There is no information on how the development intends to meet policy CS20 and provide 20% CO2 savings. If the case officer is minded to approve the application, the following condition is recommended:

K065 (ENERGY' insert 20%)

5.4 **Southern Water** – An application will be needed to connect to the public sewer system – apply standard informative.

6.0 **Planning Consideration Key Issues**

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

- Principle of development.
- The impact on the character of the property and of the area.
- Impact on amenities of occupiers of neighbouring properties.
- Quality of the living environment created.
- Parking.

6.2 Principle of development.

6.3 The principle of the conversion of a dwelling house to three flats whereby a family dwelling unit is not lost is not opposed by current planning policy. The proposal, by creating two additional units of accommodation, will help to meet housing need and assist in meeting housing delivery targets. The proposal provides a three bedroom unit at ground floor with direct access to private amenity space of at least 20m² albeit the flat has a shared lounge/diner. The scheme is therefore compliant with policy CS16 (Housing mix and type).

6.4 The impact on the character of the property and of the area.

6.5 The removal of the chimney stacks could be achieved without planning permission and therefore it is unreasonable to oppose the scheme on this basis. Significant harm to the character of the property will not be caused by the proposed roof lights and photo-voltaic solar panels. Proposed changes to the front garden and hard-standing of the property can be controlled by planning condition.

6.6 The rear extension is subordinate to the main building and will not be prominent within the streetscape. With control over the materials used it is considered that the extension will have an acceptable impact on the character of the property and the wider area.

6.7 Impact on amenities of occupiers of neighbouring properties.

6.8 The most significant change to the property will be the two storey rear extension. The extension will project 3.4m to the rear and will be subordinate to the main ridge of the property. The side wall of the rear extension, which is adjacent to the northern boundary, will not be parallel to the flank wall of the dwelling house due to the shape of the plot. As such the width of the extension narrows towards the rear; the first floor has a width of five metres. It is noteworthy that the rear extension is positioned 1.4m away from the boundary with the semi-detached

partner.

- 6.9 Along with being subordinate to the main property the extension is also compliant with the 45 degree code. The dwelling is also positioned to the north of the semi-detached neighbour at number 43 and therefore the neighbour will not be negatively affected by shadow cast by the extension. The scale of the extension being relatively small is also judged to be acceptable in terms of the impact on the occupiers of Henstead Court. The proposal is not judged to be overbearing or dominate when viewed from neighbouring properties and gardens. The extension therefore complies with the standards as set out in the Councils Residential Design Guide.
- 6.10 Officers must plan for reasonable behaviour by the occupants; as such it is not envisaged that the occupancy of the building will be unacceptable or, in itself, harmful to neighbouring amenity. Any noise and disturbance created can be controlled through other non-planning powers.
- 6.11 Quality of the living environment created.
- 6.12 The accommodation is acceptable given that the occupants will enjoy outlook, light and privacy when residing within habitable rooms. Access is provided for the occupants of all flats to the rear garden area which is of sufficient scale and quality; providing at least 20m² per flat. Adequate refuse and cycle parking provision can also be accommodated on site.
- 6.13 Parking.
- 6.14 Maximum parking standards apply and as such in this location a maximum of one parking space per flat can be provided. Access to two of the parking spaces is achieved via an unmade rear service track. The applicant has demonstrated access rights over that unmade track and no objections have been received from SCC Highways.

7.0 Conclusion

- 7.1 It is considered that the impact caused by the scheme is acceptable and the proposal complies with all relevant policies and guidance as set out in the adapted development plan. Accordingly the scheme is 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), (d), 4 (f), 6 (c), 7 (a), 9 (a), (b).

MP3 for 25/06/2013 PROW Panel

PLANNING CONDITIONS

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

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

Reason:

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

02. APPROVAL CONDITION - Materials to match [Performance Condition]

The materials and finishes to be used for the external walls, windows (including recesses), drainage goods and roof in the construction of the building hereby permitted shall match in all respects the type, size, colour, texture, form, composition, manufacture and finish of those on the existing building.

Reason:

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

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

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

Reason:

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

04. APPROVAL CONDITION - Glazing panel specification (Pre Occupation Condition).

The window in the northern side elevation of the development hereby approved serving the room indicated as a bathroom at ground floor level shall be glazed in obscure glass and shall be non opening or shall only have a top hung opening above a level of 1.7m from the floor area of the room to which it serves. The window as specified shall be installed before the development hereby permitted is first occupied and shall be permanently retained in that form.

Reason:

To protect the privacy enjoyed by the occupiers

05. APPROVAL CONDITION, Boundary Treatment [Pre-Occupation Condition]

Unless otherwise agreed in writing, before occupation of the development hereby approved full details of all proposed boundary treatment (including the boundary to the front, adjacent to the highway; and the rear boundary treatment which will divide the private amenity area) shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall subsequently be installed to the specification as approved prior to first occupation and retained thereafter whilst the property is being used for residential use unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect the amenities and privacy of occupiers of the adjoining property

06. APPROVAL CONDITION, Cycle Storage [Pre-Occupation Condition]

Before the building is first occupied full details of facilities to be provided for the secure storage of at least three bicycles shall be submitted to and approved in writing by the Local

Planning Authority. The approved cycle storage facility shall be retained whilst the building is used for residential purposes.

Reason:

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

07. APPROVAL CONDITION - 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 treatment of hard surfaced areas, shall be submitted to and approved in writing by the Local Planning Authority. 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 landscaping plan should incorporate the use of native species which support biodiversity.

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.

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 - 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.

09. APPROVAL CONDITION Private amenity space [Pre-Occupation Condition]

The approved private amenity space shall be laid out and separated by boundary treatment, the details of which shall be submitted to and approved in writing by the Local Planning Authority, prior to the first occupation of any of the hereby approved flats. Such facilities as approved shall be permanently retained for that purpose and private garden area provide for the ground floor three bedroom unit shall be at least 20m² in floor area.

Reason:

To ensure that satisfactory amenity space is provided for each resident of the hereby approved flats.

10. APPROVAL CONDITION - On site vehicular parking [Pre-Occupation Condition]

The approved vehicular parking spaces for three cars shall be constructed in accordance with the approved plans prior to the first occupation of any of the hereby approved flats. Such facilities as approved shall be permanently retained for that purpose.

Reason:

To avoid congestion of the adjoining highway which might otherwise occur because the parking provision on site has been reduced.

11. 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 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).

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

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

Reason:

To protect the amenities of the adjoining residential properties.

13 APPROVAL CONDITION - Sightlines specification [Performance condition]

The northern boundary treatment which separates the site from the neighbouring block of flats 'Henstead Court' shall measure no greater than 600mm height for the first 2m when measured from the junction with the pavement edge (back of footway) of Devonshire Road. Front boundary treatment, including hedges and planting shall also not exceed 600mm in height where it is within 2m of the parking space.

Reason:

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

POLICY CONTEXT

Core Strategy - (January 2010)

- CS 4 Housing delivery
- CS 5 Housing density
- CS 13 Fundamentals of design
- CS 16 Housing mix and type
- CS 19 Car and cycle parking
- CS 20 Tackling and adapting to climate change

City of Southampton Local Plan Review – (March 2006)

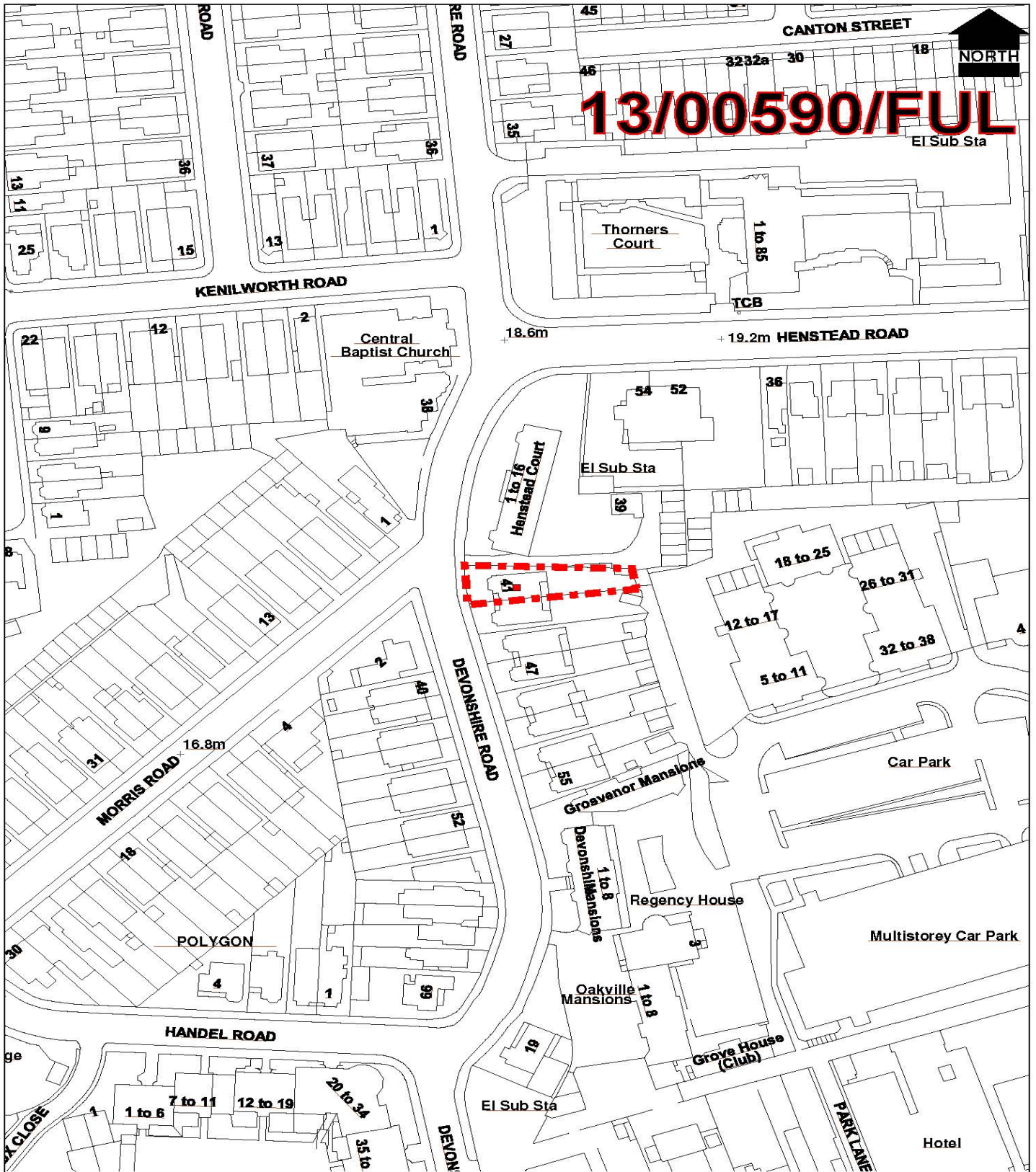
- SDP1 Quality of Development
- SDP4 Development Access
- SDP5 Parking
- SDP7 Context
- SDP9 Scale Massing and Appearance
- SDP10 Safety and Security
- SDP13 Resource Conservation
- SDP14 Renewable Energy
- H1 Housing Supply
- H6 Housing Retention

Supplementary Planning Guidance

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

Other Relevant Guidance

- The National Planning Policy Framework 2012



13/00590/FUL

Scale : 1:1250

Date : 12 June 2013

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Agenda Item 8

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 25 June 2013
Planning Application Report of the Planning and Development Manager**

Application address: 37 Church Lane SO17 1SY			
Proposed development: Erection Of A Part 2-Storey, Part Single Storey Rear Extension To Existing C4 HMO (House in Multiple Occupation)			
Application number	13/00610/FUL	Application type	FUL
Case officer	Stuart Brooks	Public speaking time	5 minutes
Last date for determination:	22.05.2013	Ward	Portswood
Reason for Panel Referral:	Request by Ward Member and five or more letters of objection have been received	Ward Councillors	Cllr Vinson Cllr Claisse Cllr Norris

Applicant: Dr Julian Jenkinson	Agent: Simpson Hilder Associates
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Recommendation Summary	Conditionally Approve
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The impact of the development, in terms of design and neighbouring amenity, highway safety and parking is considered to be acceptable. With the retention of the 2 additional habitable rooms as communal rooms, the occupancy will not increase and stay within class C4 and, therefore, will not materially affect the character of the local area in terms of the balance of households in the local community, and will not adversely affect the amenity of local residents by reason of additional activity, noise or other impact. 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, SDP7, SDP9, H4 of the City of Southampton Local Plan Review (March 2006) and CS13, CS16 of the Local Development Framework Core Strategy Development Plan Document (January 2010) a supported by the Houses in Multiple Occupation Supplementary Planning Document (March 2012).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally Approve

1.0 The site and its context

- 1.1 The application site is located on the west side of Church Lane within Portswood ward. This is mainly a residential street comprised of large semi detached dwellings, set back from the street.
- 1.2 The site contains a 2 storey semi-detached dwelling, with side access for parking and modest sized rear garden. The property is established as a small HMO (class C4) with 6 occupants, and was occupied as such on 23rd March 2012 when the Article 4 direction for HMOs requiring planning permission became effective.

2.0 Proposal

- 2.1 It is proposed to erect a part 2-storey, part single storey rear extension to an existing C4 HMO (House Of Multiple Occupation), to reconfigure the living space maintaining 6 bedrooms and providing additional habitable rooms including dining room (ground floor) and study (first floor).
- 2.2 Amended plans have been received to clarify the size of the north elevation in relation to the neighbour's existing outbuilding at no. 39, and the north elevation of the single storey rear extension has been stepped off the common boundary by 500mm with no. 39 to ensure that the eaves and gutter overhang stays within the boundary.
- 2.3 Although the 2 additional habitable rooms are capable of being used as bedrooms, an increase in the occupancy above 6 people would be subject of separate planning application, requiring planning permission in its own right to change the use to a large HMO (sui generis) and, therefore, is not a relevant consideration for this application regardless if whether or not it is believed that the study and dining room will used as annotated.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.3 Following the Article 4 direction coming into affect on March 23rd 2012, the conversion of a family house into a small HMO for up to 6 people requires planning permission.
- 3.4 The Houses in Multiple Occupation SPD was adopted in March 2012, which provides supplementary planning guidance for policy H4 and policy CS16 in terms of assessing the impact of HMOs on the character and amenity, mix and balance of households of the local area. The SPD sets a maximum threshold of 10% for

the total number of HMOs in the ward of Portswood. It is important to be aware that as the property is already being occupied legitimately as a C4 HMO and was established as a small HMO before 23rd March 2012, the threshold does not apply in this case. There will be no increase in the concentration of HMOs within the assessment area (section 6.7 of the SPD refers). As such only the physical development is relevant in the determination of this case.

4.0 Relevant Planning History

4.1 There is no relevant planning history.

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners. Following the receipt of amended plans, a 14 day reconsultation has been carried out (29.5.2013). At the time of writing the report **23** letters of objection, including a referral by local Ward Councillor Vinson, have been received from surrounding residents. Any further comments will be verbally reported at the Panel meeting. The material planning issues raised have been summarised below:

5.1.1 Comment

The extension will be provide 2 additional habitable rooms increasing the occupancy to 8 people, which requires planning permission as a change of use to a large HMO. This will intensify the use leading to increased noise disturbance to surrounding and adjoining residents.

Response

See paragraph 2.3 and section 6.2 of the report.

5.1.2 Comment

No north elevation has been provided so it is not possible to assess the impact on no. 39. There will be a loss of light, privacy and outlook to the neighbouring properties, and break the 45 degree code and standard for separation distances.

Response

See paragraph 2.2 and section 6.3 of the report.

5.1.3 Comment

The 10% threshold has been exceeded so no further HMOs should be allowed. There is already a high concentration of HMOs, and has led to an unbalancing of the mix of family households.

Response

See paragraph 3.4 and section 6.2 of the report.

5.1.4 Comment

Overdevelopment and intensification of use. Will cause harm due to increased problems of noise, refuse, litter, and related problems associated with the lifestyles of unrelated tenants. In particular, the anti social behaviour associated with students.

Response

This is addressed in section 6.3 of the report.

5.1.5 Comment

There would be insufficient parking, and there is already insufficient parking for existing residents.

Response

There will be no further impact on highway safety as the number of occupants will not be increased.

5.1.6 Comment

The proposed extension will be out of keeping with character and appearance of the dwelling and surrounding area.

Response

See section 6.3 of the report.

5.1.7 Comment

Will set a precedent for future similar applications. Previous appeals for comparable proposals have been refused, including 6 Denbigh Gardens (ref no. 2182572), 5 Crofton Close (ref no. 2066223), 5 Crofton Close (ref no. 2034863), 1 Blenheim Gardens (ref no. 2156569), 14 Spring Crescent (ref no. 2176620), 13 Grosvenor Road (ref no. 2167641), 30 Glen Eyre Drive (ref no. 2185123), 53 Shaftesbury Avenue (ref no. 2177575).

Response

Each application should be assessed on its own individual merits. The cases cited are materially different in circumstances in terms of scale and nature of use, as this application is an extension to an established C4 HMO where the occupancy is not being increased and, therefore, do not set a material precedent to warrant refusal of this application.

The appeal decisions cited at 1 Blenheim Gardens (8 occupants) and 13 Grosvenor Road refer to the harm caused by change of use to a large HMO and, therefore, these cases are materially different in nature to this application. Similarly, the appeal decisions at 6 Denbigh Gardens and 30 Glen Eyre Road refer to the harm caused by a change of use from C3 family dwelling to a C4 HMO.

The appeal decision at 53 Shaftesbury Avenue refers to subdividing a large HMO into two small HMOs, which is materially different to the circumstances in this application, as an additional HMO was being created. Similarly, the appeal decision at 14 Spring Crescent considers the impacts from extending a large dwelling and subdividing it into 2x5 bed HMOs.

The appeal decision at 5 Crofton Close refers to the conversion of a garage into an additional bedroom, where the property was occupied as 7 students living as a family unit (class C3 use), which is equivalent to a large HMO unlike the application being considered.

5.1.8 Comment

Will encroach on the protected open space area for the conservation of wildlife to

the west of the rear garden of the property. Loss of garden area is out of character with the local area, and there will be less green space to absorb rainfall. There will be insufficient amenity space remaining for the residents.

Response

The site is separated (with a distance of 25m from the end of the garden) by the land of 2a Hilldown Road from the protected open space and, which ensures there is no adverse impact. The area of remaining private amenity space will be approximately 108 square metres with a length of 12 metres. This exceeds the minimum standard in the Council's Residential Design Guide for a semi-detached dwelling.

5.2 **SCC Highways** - No objection.

5.3 **SCC Private Housing** – No objection.

5.6 **SCC Environmental Health (Pollution & Safety)** - No objection, subject to construction hours condition and no bonfires.

6.0 Planning Consideration Key Issues

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

- Principle of development;
- Impact on the character and amenity of the surrounding area;
- Impact on highway safety;
- Standard of living conditions for future residents.

6.2 Principle of Development

6.2.1 The property has been occupied as a small HMO (class C4) prior to 23rd March 2012 (effective date of Article 4 direction). The applicant has provided as evidence, a 12 month signed tenancy agreement for 6 tenants from 1st July 2011 to 30th June 2012, and 6 tenants 1st July 2012 to 30th June 2013.

6.2.2 The 10% threshold applicable to this site which falls within the Portswood Ward does not apply, as the HMO is already established as a small HMO on 23rd March 2012 and there will be no increase in the concentration of HMOs.

6.2.3 Although the extension will provide 2 additional habitable rooms, the occupants will remain the same, where planning permission will be required to change the use of the small HMO to a large HMO. This will result in no intensification of use or material change of use of the property, which remain as a small HMO with no further occupants. Section 6.11 of the HMO SPD states that in these circumstances only the physical impact of the extension will be assessed.

6.3 Impact on the character and amenity of the surrounding area

6.3.1 No survey of existing HMOs in the surrounding area has been carried as the threshold limit does not apply. Within the class C4 HMO up to 6 unrelated occupants can live in a property without a material change of use occurring which does not require planning permission and, therefore, the Uses Classes Order classifies the difference between 3 to 6 occupants being no different in terms of

impact on amenity and character.

- 6.3.2 There will be no additional occupants. The ground and first floor communal spaces will be retained by condition to provide an acceptable residential environment. It is considered that the noise and activities associated with the existing occupation will be no different.
- 6.3.3 It is noted that the occupants are likely to be students, however, a HMO can be occupied by different groups other than students and, therefore, the planning assessment should not single out the behaviour or lifestyles of students. It is noted that complaints have been investigated by the Council about the behaviour of students in the local area, and this will be enforced under Environmental Health powers.
- 6.3.4 As the property is already established as a HMO, the existing concentration of HMOs and mix of households (permanent and transient) in the local community will not change, as well as not adding to the overall supply of HMOs.
- 6.3.5 The proposed extensions consist of a 4.3m deep single storey rear extension, which wraps around the side 3.6m, with a gap of 500mm between the common boundary of no. 39 to the north, 1.4 to 1m to no. 35 to the north, and 12.5m to 2a Hilldown Road to the east. The proposed first floor extension does not project beyond the existing rear building line or the existing 2 storey south elevation, with a gap of 3 to 3.5m to the common boundary of no. 35.
- 6.3.6 It is considered that the scale and massing of the proposed extension will be in keeping with the appearance and character of the dwelling, as it will appear subservient and proportional to the large semi detached property. The side element of the single and 2 storey extension is well set back from the front wall of the original dwelling (12m), and partially screened by the existing 2 storey wing.
- 6.3.7 The eaves height of the proposed rear extension will be 500mm taller and 1.7m longer than the existing outhouse to the rear of no. 39, where the eaves height (2.9m) is limited to the top of the neighbour's kitchen window, and the side wall set back 500mm from the common boundary. Although the depth of the extension breaks the 45 degree code taken from the ground floor rear kitchen/dining room window, there will be no adverse impact on the loss of light and outlook due to its limited eaves height (visible above a 2m high fence under permitted development) and set back, as well as the size of the neighbour's own outhouse.
- 6.3.8 The side patio area at no. 35 adjacent to the proposed single and 2 storey extension is to the south and, therefore, will not be overshadowed due to the orientation. It is considered that there is sufficient separation not to adversely affect their light and outlook. The standards for the spacing between properties in the Residential Design Guide refer to the relationship between a habitable room window and side (gable end) wall (12.5m) (paragraph 2.2.7 refers), and minimum back to back privacy distance of 21m (paragraph 2.2.4 refers).
- 6.3.9 These standards are not relevant to no. 35, and there is a sufficient gap with no. 2a to not significantly affect their outlook. The 21m privacy standard can not be adhered to due to the backland nature of no. 2a, however, the standards can be applied flexibly depending on the context of the site (paragraph 2.2.5 refers). There will be no direct overlooking, due to the ground floor windows of the

property at 2a Hilldown Road being screened and cill heights of the first floor rooflights and, therefore, no loss of privacy.

6.4 Impact on highway safety

6.4.1 The site lies within a residents parking zone with limited number of permits allocated per address. As this development does not affect the number of addresses on site, the level of permits allowed for on street parking is unchanged. There will be no additional occupants and, therefore, no further trips associated with the proposal. Therefore, it is considered that there will be no adverse impact on highway safety.

6.5 Standard of living conditions for future residents

6.5.1 The Council's Environmental Health Housing team have raised no objection to the standard of accommodation. It is considered that the proposed layout of accommodation will provide an acceptable residential environment in terms of access to outlook, light and privacy. The area of remaining amenity space will be approximately 108 square metres with a length of 12 metres. This exceeds the minimum standards in the Council's Residential Design Guide for a detached dwelling. The communal spaces, including the lounge, will be retained by condition.

7.0 Summary

7.1 In summary, given there is no increase in the number of occupiers or concentration of HMOs, the proposed extension will not materially affect the character of the local area in terms of the balance of households in the local community, and will not adversely affect the amenity of local residents or highway safety.

8.0 Conclusion

8.1 In conclusion, the proposal will be in accordance with the Council's current adopted guidance and policies and have acceptable impact. As such the proposal is recommended for conditional approval.

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(qq), 6(c), 7(a), 9(a), 9(b).

SB for 25/06/13 PROW Panel

PLANNING CONDITIONS

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

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

Reason:

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

02. APPROVAL CONDITION - Materials [Performance Condition]

The materials and finishes to be used in the construction of the extension hereby permitted shall be in accordance with the approved plans.

Reason:

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

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

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

Reason:

To protect the amenities of the adjoining residential properties.

04. APPROVAL CONDITION - Retention of communal spaces

The rooms labelled dining room, lounge, breakfast and kitchen on the ground floor and study on the first floor shall be made available for use by all of the occupants prior to first occupation of the extension hereby approved and, thereafter, shall be retained and available for communal purposes only to serve the HMO.

REASON

To ensure that a suitable communal facilities are provided for the residents.

05. APPROVAL CONDITION - Refuse storage and collection [Performance Condition]

Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the buildings hereby approved.

Reason:

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

06. APPROVAL CONDITION - Retention of the front boundary treatment

Unless otherwise agreed in writing by the Local Planning Authority, the existing front treatment shall be retained and no part shall be removed.

Reason:

In the interests of protecting the visual amenity of the local area.

07. 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.

08. 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.

INFORMATIVE

It was agreed that an informative note would be added to the decision notice reminding the applicant that any intensification of the use beyond C4 would require planning permission.

POLICY CONTEXT

Core Strategy - (January 2010)

CS4 Housing Delivery
CS16 Housing Mix and Type

City of Southampton Local Plan Review – (March 2006)

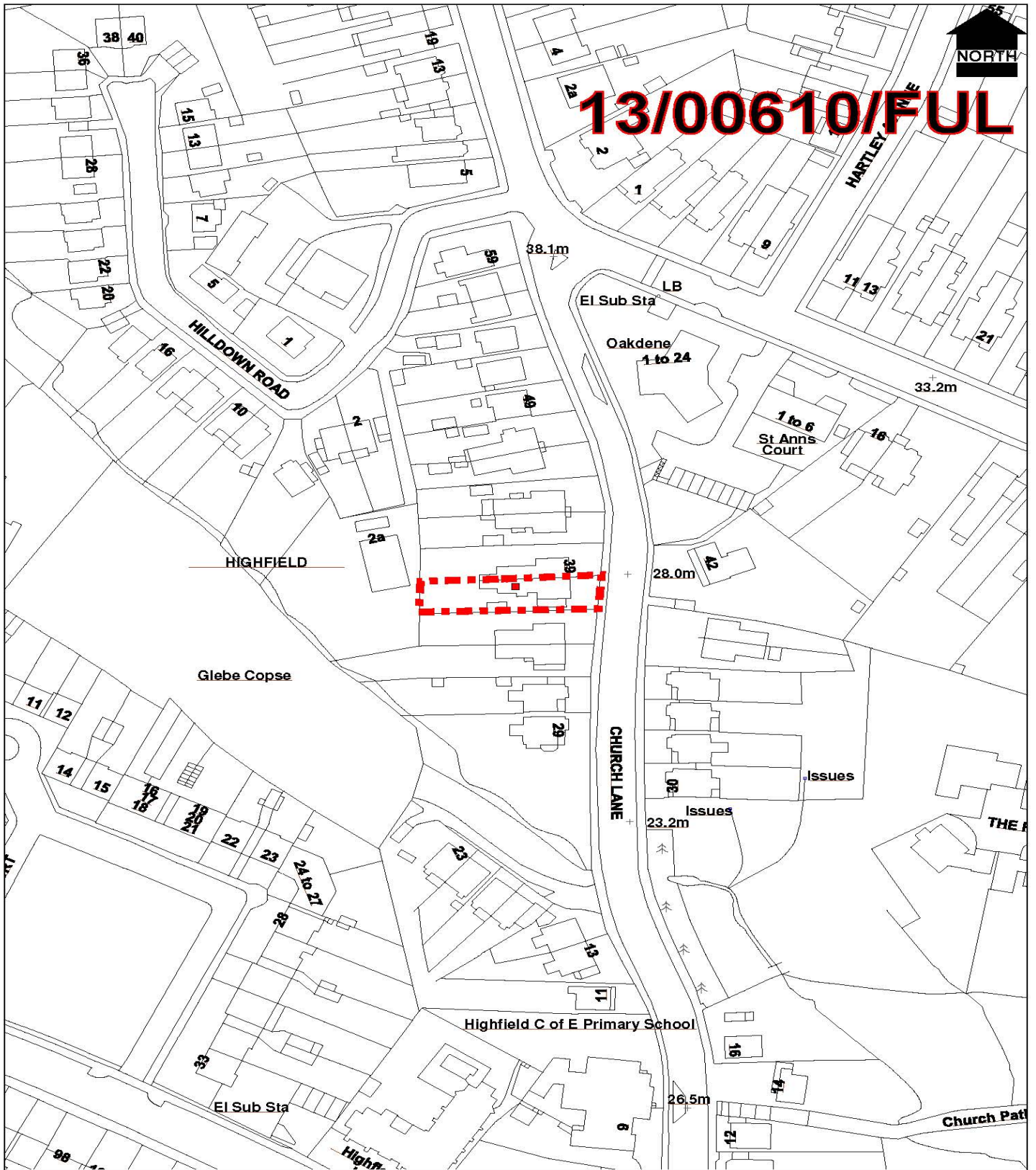
SDP1 Quality of Development
SDP7 Urban Design Context
SDP9 Scale, Massing & Appearance
H4 Houses in Multiple Occupation

Supplementary Planning Guidance

Houses in Multiple Occupation (Approved – March 2012)
Residential Design Guide (Approved - September 2006)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012



Scale : 1:1250

Date : 12 June 2013

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Agenda Item 9

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 25 June 2013
Planning Application Report of the Planning and Development Manager**

Application address: 75 Bassett Green Close SO16 3QX			
Proposed development: Retrospective Permission For The Erection Of Two Storey Rear Extension Including A Juliet Balcony And Single Floor Side Extension, Alterations To Front Elevation, To Enable Garage To Be Used As Habitable Room (Description Amended Following Validation)			
Application number	13/00299/FUL	Application type	FUL
Case officer	Stuart Brooks	Public speaking time	5 minutes
Last date for determination:	19.04.2013	Ward	Bassett
Reason for Panel Referral:	Referred by the Planning and Development Manager	Ward Councillors	Cllr B Harris Cllr L Harris Cllr Hannides

Applicant: Mr Sij Islam	Agent: Lakewood Contracts
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Recommendation Summary	Conditionally Approve
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Reason for granting Permission

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

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

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditional Approval

1.0 The site and its context

- 1.1 This application site lies on the north side of Bassett Green Close to the south of Bassett Green Road, located in a residential street mainly consisting of large detached 2 storey properties.
- 1.2 The application contains a 2 storey detached dwelling in a spacious plot and large rear garden, with a number of protected trees to the rear.

2.0 Proposal

- 2.1 This application seeks retrospective permission for the erection of a two storey rear extension and single floor side extension, alterations to front elevation, to enable garage to be used as habitable room.
- 2.2 Amended plans were received to show the installation of a first floor Juliet balcony to the rear.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.3 Saved policy SDP1 (Quality of development) of the Local Plan Review allows development, providing that it does not unacceptably affect the health, safety and amenity of the city and its citizens. Policy SDP7 (Context) and SDP9 (Scale, Massing, and Appearance) allows development which will not harm the character and appearance of the local area, and the building design in terms of scale and massing should be high quality which respects the surrounding area. Policy CS13 (Fundamentals of Design) assesses the development against the principles of good design.

4.0 Relevant Planning History

- 4.1 There is no relevant planning history.

5.0 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners. Following the receipt of amended plans, a 14 day reconsultation was carried out (01.05.2013). At the time of writing the report **17** representations have been received from surrounding residents. The material planning issues raised have been set out below:

5.1.1 Comment
Loss of light and privacy.

Response
See section 6.3 of the report.

5.1.2 Comment
French doors and lintels have been installed to build a balcony which is contrary to the plans. This will result in loss of privacy to neighbouring occupiers.

Response
Amended plans have been submitted to show that a Juliet balcony will be installed. The agent has confirmed that it has been installed and the lintels removed since carrying out a site visit. This will ensure there is no direct overlooking of the neighbour's garden.

5.1.3 Comment
The builders have caused damage to the road verges.

Response
This information has been forwarded to our Highways team to investigate further. It is outside the powers of the planning application to take enforcement action, which is dealt with by the Highways team.

5.1.4 Comment
Protected trees have been removed from the rear garden, leading to increased noise disturbance from traffic to the rear, and loss of amenity. Will result in overlooking of rear garden from 186 Bassett Green Road.

Response
The tree officer has raised no objection. The increased noise from traffic is a wider environmental issue which is out of the control of the planning application. The overlooking from the adjoining site is out of the control of the planning application as it does not directly relate to the built extension.

5.1.5 Comment
Loss of garage parking and increase in number of bedrooms will lead to on street parking problems.

Response
See section 6.4 of the report.

5.2 **SCC Highways** - No objection.

5.3 **SCC Trees** – No objection.

6.0 **Planning Consideration Key Issues**

6.1 The key issues for consideration in the determination of this planning application are:
-Principle of development
-Impact on the amenity and character of the local area

-Impact on highway safety

6.2 Principle of Development

In principle, an extension to a dwelling is acceptable, subject to it not adversely affecting the amenity of the local residents, and character and appearance of the local area.

6.3 Impact on the amenity and character of the local area

6.3.1 The proposed 2 storey rear extension projects 3m from the rear of the original dwelling with a separation distance of 2.4m to the common boundary of no. 73, and steps down to single storey level with a separation distance of 1.5m to the common boundary with no. 77 bounded by a large hedge.

6.3.2 The property is a large property in a spacious plot. The appearance of the front of the property has not changed, apart from the replacement of the garage door with a window which is considered to be in keeping with the original dwelling. The proposed extension is located to the rear, using 2 pitched gable ends to break down the overall scale and massing which appears subservient to the original dwelling.

6.3.3 The applicant has agreed to replace the balcony with a Juliet balcony, which will ensure there is no direct overlooking of the neighbouring gardens. Since the site visit, the applicant has confirmed that the Juliet balcony has been installed and the lintels have been removed. It is not an uncommon relationship for 2 storey properties to have a view across the back of the neighbour's gardens. In this instance, there is no direct overlooking of the area adjacent to the rearmost of their property which is considered to be the most private and useable parts.

6.3.4 Given the separation distance of the 2 storey element to the common boundary of no. 73 to the east, it is considered that there is no adverse impact on light and outlook serving the neighbouring occupiers. The 2 storey extension will not break the 45 degree code taken from the closest first floor habitable room rear windows of no. 77, and their windows in the side elevation do not serve habitable rooms. Furthermore, the single storey element adjacent to no. 77 has no adverse impact on the neighbouring occupiers.

6.4 Impact on highway safety following loss of garaged parking

6.4.1 The Highway Officer has raised no objection to the garage being converted, as the site has a forecourt which can accommodate at least 2 vehicles. The existing garage is measured at approx. 4.5m x 2.5m which is below our standards for a useable garage; therefore the garage will not count as parking according to our current parking policies. Furthermore, there are no concerns regarding removal of the garage causing a major detrimental impact on the public highway.

7.0 Summary

7.1 In summary, in terms of the loss of parking, scale and massing and appearance, it is considered that the built extension will not adversely affect the amenity and character of the local area, or highway safety.

8.0 Conclusion

8.1 In conclusion, the development is considered to have an acceptable impact which meets the requirements of the Council's policy and guidance and, therefore, can be recommended for approval.

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(vv), 6(c), 7(a), 9(a), 9(b).

SB for 25/06/13 PROW Panel

PLANNING CONDITIONS

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

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

Reason:

To protect the amenities of the adjoining residential properties

02. 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)

CS13	Fundamentals of Design
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking

City of Southampton Local Plan Review – (March 2006)

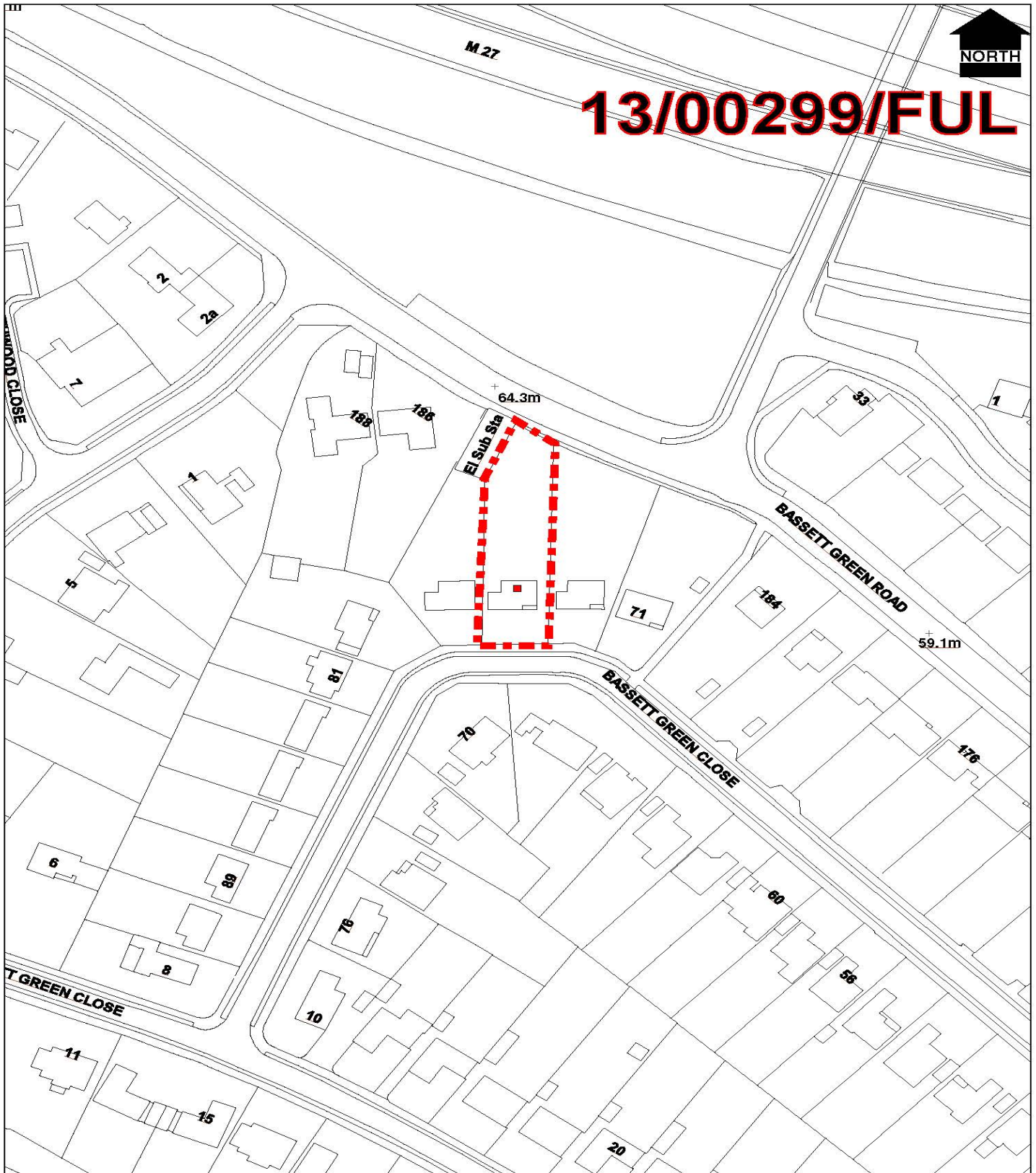
SDP1	Quality of Development
SDP7	Context
SDP9	Scale, Massing and Appearance

Supplementary Planning Guidance

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

Other Relevant Guidance

The National Planning Policy Framework 2012



13/00299/FUL

Scale : 1:1250

Date : 12 June 2013

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**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 25 June 2013
Planning Application Report of the Planning and Development Manager**

Application address: 20 Obelisk Road SO19 9BN			
Proposed development: Retrospective Change Of Use From Sandwich Shop (Class A1) To Cafe (Class A3)			
Application number	13/00581/FUL	Application type	FUL
Case officer	Stuart Brooks	Public speaking time	5 minutes
Last date for determination:	23.05.2013	Ward	Woolston
Reason for Panel Referral:	Referred by the Planning and Development Manager	Ward Councillors	Cllr Cunio Cllr Payne

Applicant: Mr Colin Gaylor	Agent: n/a
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The regularisation of the cafe use is not considered to adversely affect the character and amenity of the local area, and highway safety, given the scale of the business in terms of opening hours and type of foods cooked, and its ancillary elements. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP5, SDP16 of the City of Southampton Local Plan Review (March 2006) and CS13, CS18, CS19 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies	2	Planning History
3	Plan from permission ref. no.1431/70R1	4	Decision notice 06/00497/FUL
5	Cafe menu		

Recommendation in Full

Delegate to the Planning and Development Manager to grant planning permission and that the Planning and Development Manager be given delegated powers to remove, vary or add conditions as necessary.

1.0 The site and its context

- 1.1 This application site is located in Woolston on the south side of Obelisk Road. The surrounding area mainly consists of 2 storey semi detached and detached dwellings in a residential street, with a group of commercial buildings to the west along Obelisk Road at no. 18 and further to the east at no. 129 as well as the 'Obelisk Pub'. The boundary of the Old Woolston 1 Conservation Area lies immediately to the west of the site.
- 1.2 The application site contains a 2 storey semi detached property with a cafe (class C3 use) on the ground floor, and flat above with its own separate access to the rear. There is evidence that the site has operated as a café for some time but no planning records to indicate this has been with the benefit of planning permission.

2.0 Proposal

- 2.1 Following an enforcement investigation, the applicant is seeking to regularise the use of the building as a café (A3 Use). A bin storage area has been added at the front of 20b Obelisk Road and is included within the red line of the application site. At the present time no commercial hot food cooking processes are carried out at the premises, such as deep fat frying or cooking spicy foods. Therefore at the present time there is no requirement or proposals for the installation of external ventilation equipment.
- 2.2 The proposed opening hours for the sale of food to customers and deliveries of food in connection with the café are as follows:

07.30 hrs - 1600 hrs Monday to Friday
09.00 hrs - 1500 hrs Saturday

The catering and buffet service, and takeaway/delivery of café food are ancillary parts of the business, where the primary use is class A3 café.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.3 Saved policy SDP1 (Quality of development) of the Local Plan Review allows development, including a change of use, subject that it does not unacceptably affect the health, safety and amenity of the city and its citizens, where the use should have no adverse impact on the amenity on local residents from noise generation and cooking odours. Saved policy SDP16 (Noise) allows development,

providing it does not cause an undue noise disturbance to noise sensitive uses such as residential properties.

4.0 Relevant Planning History

- 4.1 The planning records (see **Appendix 2**) show that since 1974 the ground floor premises was established as a butchers (class A1 use). Without the need for planning permission, the premises was later converted into a sandwich shop within the A1 use class prior to becoming a café at the present date.

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 (18.04.2013). Amended plans have been received to alter the red line of the application site to include space for bin storage at the front of 20b Obelisk Road, where a further 14 day consultation period was carried out notifying the objectors (13.05.2013), and subsequently the other neighbour's originally consulted (6.6.2013).

At the time of writing the report **67** representations have been received from surrounding residents. This includes:

4 letters of objection from the same household and a request from a Ward Councillor to refer the application to panel.

62 letters of support.

Any additional representations made will be verbally reported to the panel meeting.

The concerns raised, which form valid planning considerations, have been set out below:

5.2 Comment

The proposed and existing ventilation extraction is not sufficient to mitigate the cooking odours.

Response

The Environmental Health Officer has commented that the current cooker hood filter is appropriate for the current usage. See **Appendix 5** for a copy of the cafe menu. External ventilation system with grease and carbon filters will only be required if there is any increase in the throughput and the types of foods, such as curries. To minimise the emission of cooking odours, the type of foods cooked and on sale are limited in accordance with the existing food menu, and no commercial cooking processes shall take place.

5.3 Comment

The opening hours are not appropriate in a residential area.

Response

The Environmental Health team have raised no objection. The hours are considered reasonable for a residential area, which are not late night or early

morning.

5.4 Comment

There has been an extension to the rear of the shop without planning permission earlier this year, which takes the space from the flat above.

Response

A plan from permission ref. no. 1431/70R1 (see **Appendix 3**) shows that this area was an extension to a shop in 1973.

5.5 Comment

Loss of amenity to occupiers of 57 Obelisk Road due to overlooking of their front garden from customers sitting in the front window and the pavement table and chairs.

Response

It is not considered that the front to front overlooking will harm the privacy of no. 57. The change of use of the pavement (within the applicant's ownership) for table and chairs (in connection with the A3 use) is not included in this application, as it is not incorporated in the red line of the application site.

5.6 Comment

A similar application (ref no. 06/00497/FUL) was refused in 2006 for a change of use from retail (use class A1) to restaurant (class A3) and hot food takeaway (class A5). The application was refused due to the impact on residential amenity, resulting from the noise disturbance as result of activities and traffic associated with customers (see **Appendix 4**).

Response

The Environmental Health Officer raised no objection to the impact on the amenity of local residents in terms of the hours of operation and small scale of the business. Although there is no record of the hours applied for in the refused application, this application is not applying for a late night takeaway use.

5.7 Comment

It is not clear whether Snack Shack is operating as a takeaway, as the business promotes burgers and deliveries. The additional hours of the buffet business will cause a noise disturbance to local residents and adjoining occupiers. There was a Sunday charity event, which was a noisy event where people spilled onto the adjacent street, and this use does not fall within the A3 cafe use.

Response

The business is predominantly serving customers eating in. The takeaway and delivery part of the business is a secondary, ancillary element to the primary use of the site as café. The buffet service is not classed as an A5 takeaway in terms of customers collecting cooked food orders, however, is classed as catering which is also an ancillary element. Therefore, the business type, if it continues to operate in its current manner, will not fall outside the A3 use class. A condition will be applied in connection with cooking odours to limit the type of foods cooked and on sale in accordance with the existing food menu.

5.8 Comment

A Sunday charity event was a noisy event where people spilled onto the streets,

and does not fall within the A3 class.

Response

This was a one off event and the applicant has confirmed that they will no longer hold charity events.

5.9 Comment

The expansion to the front driveway for refuse storage will be out of keeping in a residential area. The property owner has not given permission for this.

Response

The area will be set back off the street to ensure that the bin required is not obstructing the highway, the type of wheelie bin and its location is not out of keeping with the character of the residential area. This will regularise the bin storage and ensure it has its own space separate to the residence of no. 20b, which will be secured by condition following the extension of the application red line.

5.10 **SCC Highways** - No Objection.

5.11 **SCC Environmental Health (Food Safety)** – No objection.

6.0 Planning Consideration Key Issues

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

- Principle of development
- Impact on the amenity and character of the local area
- Impact on highway safety

6.2 Principle of Development

6.2.1 In principle, it is considered that the re-use of the commercial building (A1 use class) is acceptable subject to the imposition of conditions to safeguard local amenity. It should also be noted that under the permitted development rights recently introduced by the Government on 30th May 2013, the cafe can operate for a period of up to 2 years without planning permission, but then must revert back to its lawful use as a shop after that period. As the applicants wish to continue operating on a permanent basis planning permission is required.

6.3 Impact on the amenity and character of the local area

6.3.1 The surrounding area is predominantly residential with a small amount of commercial premises along Obelisk Road. A commercial premises is not uncommon in a residential street such as Obelisk Road, and the cafe replaces a previous shop use.

6.3.2 Given the small size of the cafe, the type of foods cooked, the proposed daytime hours, and including the ancillary buffet and takeaway elements, it is considered that this use will be appropriate in the residential area and will not adversely affect the amenity and character of the local area. Furthermore, the Environmental Health Officer has raised no concern with regards to the current business in terms of the food cooked and odours emitted, hours, and scale. A condition has been

applied to ensure that no commercial cooking processes shall take place, and only the foods shown on the existing menu (see **Appendix 5**) shall be cooked.

6.4 Impact on Highway Safety

6.4.1 The commercial waste bin is currently stored on the highway. The application site red line has been extended to incorporate the front area adjacent to the cafe within the front garden of no. 20b. The wall will be removed to allow the storage of the commercial waste bin with a direct and level access to the pavement, which will ensure there is no obstruction to the highway. A condition has been applied to ensure these works are carried out within 1 month of the decision. The Highway Officer has raised no objection to the impact on highway safety and, therefore, it is considered that there will be no adverse impact on highway safety.

7.0 Summary

7.1 In summary, the regularisation of the cafe use is not considered to adversely affect the character and amenity of the local area, and highway safety, given the scale of the business in terms of opening hours and type of foods cooked, and its ancillary elements.

8.0 Conclusion

8.1 In conclusion, the application is considered to have an acceptable impact and therefore is recommended for conditional approval.

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

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

SB for 25/06/13 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Hours of Use [Performance Condition]

The A3 cafe use hereby permitted shall not operate (meaning that customers shall not be present on the premises sale or delivery of food or drink for consumption on or off the premises) outside the following hours:

Monday to Friday 07.30 hours to 16.00 hours (7.30am to 4.00pm)

Saturday 09.00 hours to 15.00 hours (9.00am to 3.00pm)

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.

Reason:

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

02. APPROVAL CONDITION - Refuse storage and collection [Performance Condition]

Within 1 month of the date of this decision notice, adequate space for the refuse storage with direct and level access to the highway shall be provided to the front of 20b Obelisk Road within the red line of the application site. Unless otherwise agreed by the Local

Planning Authority, except for collection days only, no refuse shall be stored to the front of the building.

Reason:

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

03. APPROVAL CONDITION - Cooking of foods [Pre-Commencement Condition]

No commercial cooking processes shall take place on the premises hereby approved. Unless otherwise through the determination of a planning application, the cafe shall only cook the foods shown on the existing menu.

Reason:

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

04. APPROVAL CONDITION - Approved Plans

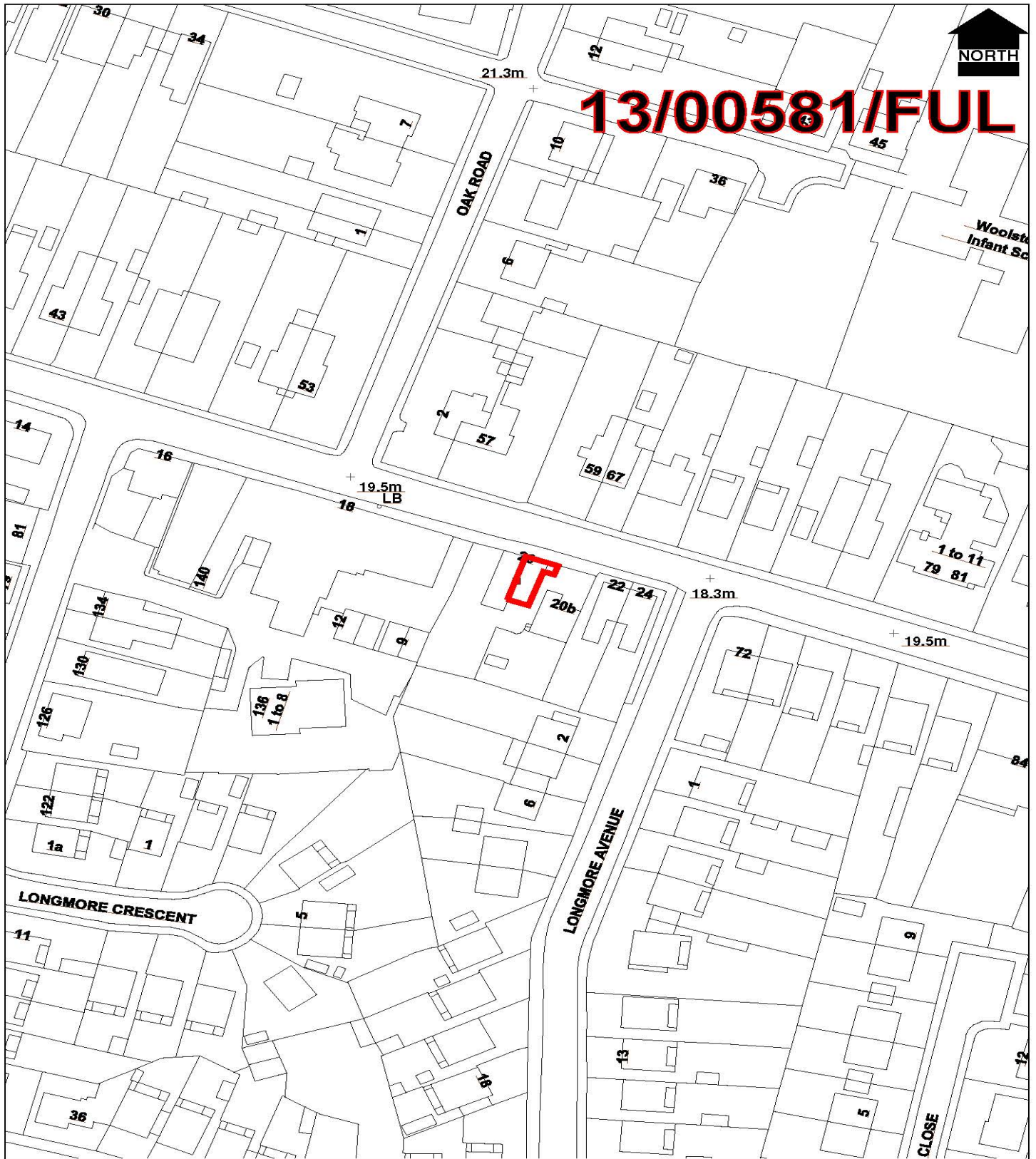
The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

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

Informative

The applicant should be aware that if the scale and nature of the ancillary elements of the business (buffet service and takeaway deliveries) intensify then they should contact the Planning Office for further advice, as this may require further planning permission.



Scale : 1:1000

Date : 13 June 2013

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Application 13/00581/FUL

POLICY CONTEXT

Core Strategy - (January 2010)

CS13	Fundamentals of Design
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP5	Parking
SDP16	Noise

Supplementary Planning Guidance

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012

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Application 13/00581/FUL

Relevant Planning History

1404/12 – shopfront – CAP 24.11.1970

1431/70 - Demolish garages and stores and erect 3 garages with shop, flat and toilets
– REF 08.02.1972

1431/70R1 - New toilet for butchers shop and new toilet to ground floor flat – CAP
11.04.1974

1431/P36 - Use for Scouts HQ – REF 08.02.1972

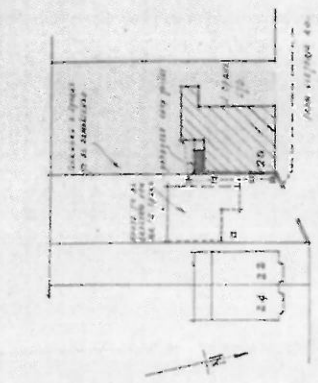
900631/E - Vehicular access, driveway and parking area – CAP 26.06.1990

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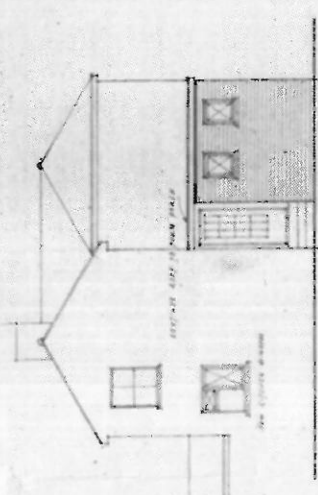
1431/70R1

CITY ARCHITECTS, 60, QUEEN
(BUILDING INSPECTORS)
17 MAR 1972
DIVISION OF THE SOUTHAMPTON

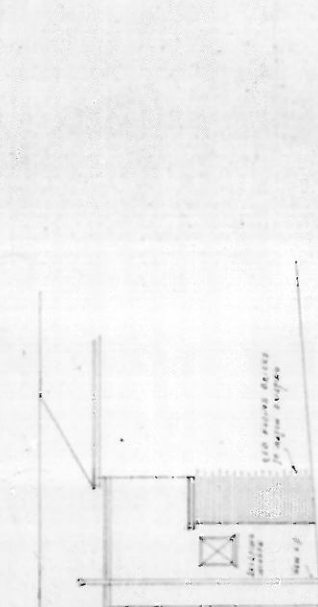
7076/1431/70R1



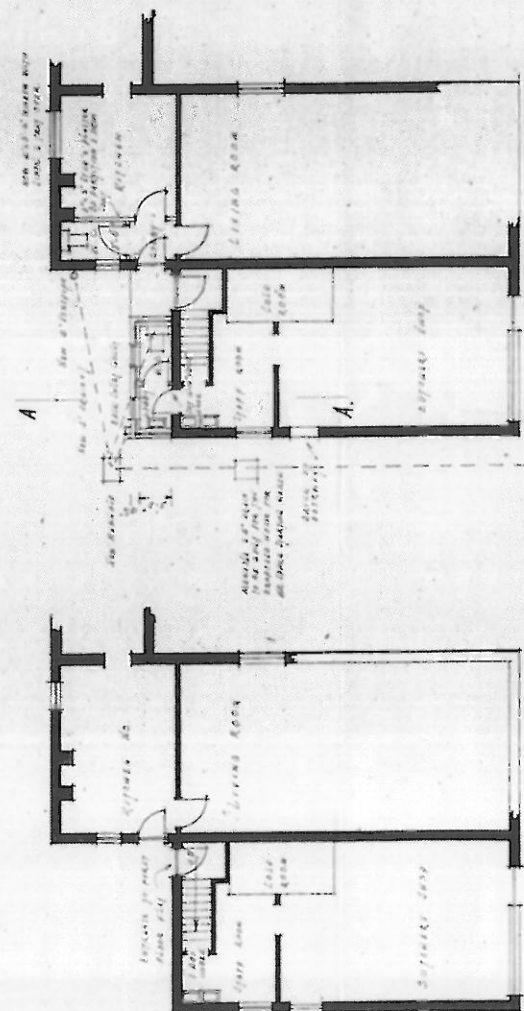
BLOCK PLAN SCALE 1/500.



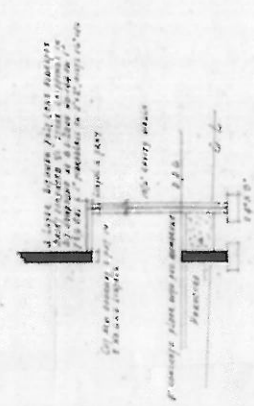
REAR ELEVATION.



SIDE ELEVATION.



PROPOSED GROUND FLOOR



SECTION A.A.

EXISTING GROUND FLOOR

PROPOSED TOILETS AT NO. 20 OBELISK ROAD · WOOLSTON · SOUTHAMPTON
FOR MESSRS. H. SPAKE LTD.
Scale: 1/100

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**DETERMINATION OF APPLICATION
TOWN AND COUNTRY PLANNING ACT 1990**

Town and Country Planning (General Development Procedure) Order 1995

Harding Holdings Pension Fund
Hound Corner Fruit Farm
Hamble Lane
Hamble
Southampton
SO31 5FT

Decision



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

REFUSED

Proposal: Part change of use from retail showroom (Use Class A1) to Restaurant (Use Class A3) & Hot Food Takeaway (Use Class A5)

Site Address: Ground Floor Unit 18 Obelisk Road Southampton SO19 9BN

Application No: 06/00497/FUL

For the following reason(s):

- 01.
The proposed change of use is likely to result in substantial harm to the residential amenities of neighbouring residents both during operational hours by reason of disturbance caused by activities generated by the use including noise from customers visiting the premises and associated traffic movements, contrary to policy SDP1, SDP7, SDP16 and REI7 of the City of Southampton Local Plan - Adopted Version (March 2006)
- 02.
On the basis of inadequate plans and supporting information the City Council as Local Planning Authority is not satisfied that the development can be carried out without causing unacceptable odour nuisance and disturbance to nearby residents contrary to policy SDP1 and REI7 of the City of Southampton Local Plan - Adopted Version (March 2006).
- 03.
On the basis of inadequate plans and supporting information the City Council as Local Planning Authority is not satisfied that the development can incorporate adequate parking facilities for the servicing of the site and would therefore result in the manoeuvring of vehicles on the adjoining highway to the detriment of highway safety contrary to policies SDP1 and SDP3 of the City of Southampton Local Plan - Adopted Version (March 2006).

Alan Sayle
Development Control Manager
26 May 2006

For any further enquiries please contact:
Andrew Gregory

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T: 02380 447347
M: 07594 430203

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- [Find Us](#)
- [Catering](#)
- [Shop Menu](#)

Shop Menu

Our wide and varied shop menu is listed below:

FREE DELIVERY! (Subject to min £8 order and delivery to within 3 miles of the shop)

Sandwiches, Baps and Baguette fillings

Ham, Beef, Chicken, Tikka, Chicken Mayo, BLT, Cheese Spring Onion and Mayo, Brie, Prawn, Crabstick, Tuna, Egg, Bacon, Sausage. Many more are available.....

One Filling £2.30
Extra Fillings (each) £0.50

Jacket Potatoes

(Fillings as above)

One Filling £3.00
Extra Fillings(each) £0.50

Winter Warmers

Soup and Roll £2.00
Filled Potato Skins £1.50

Salads

(Fillings as above)

One Filling £2.30
Pasta Salads £1.50

Tea Time Specials

Sausage and Mash £3.95
Ham, Egg and Mash £0.50

(both served with either peas or beans)

Tasty Quarter Pounders

Cheese Burger	£3.20
Mushroom Burger	£3.20
Bacon Burger	£3.20
Egg Burger	£3.20
Add Cheese, Bacon, Mushroom or Egg for an extra £0.50	

For an extra burger add £0.80

Snack Shack Burger

Includes Cheese, Bacon, Mushrooms, Egg and a Quarter Pounder £4.60

Breakfast (Served All Day)

Breakfast Bap (2 Bacon, 2 Sausage, 1 Egg)	£3.40
Bacon Bap	£2.30
Sausage Bap	£2.30
Egg Bap	£2.30

All Day Breakfast

2 Sausage, 2 Bacon, 2 Toast, 1 Egg, Beans, Tomatoes and a cup of tea £4.00

Big Boyz Breakfast

2 Sausage, 3 Bacon, 2 Toast, 2 Egg, Mushrooms, Beans, Tomatoes and a cup of Tea or Coffee £5.50

Hot Dogs, Toasted Sandwiches, Paninis, Sausage Rolls, Pies and Pasties are also available!

Hot and Cold Drinks

Tea	£0.70
Coffee	£1.35
Cappuccino	£1.70
Latte	£1.70
Espresso	£1.35
Hot Chocolate	£1.70
Cans	£0.70
Water	£1.00
Cartons	£0.60
Energy Drinks (from)	£1.00

Snacks

We also sell Crisps, Chocolate Bars, Home Made Cakes, Muffins, Flap Jacks and Bread Pudding

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tel: 02380 447347

email: enquiries@snackshackcatering.co.uk

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Snack Shack Catering - Family Run, Quality Catering Services and Sandwich Shop

**Planning, Transport & Sustainability Division
 Planning and Rights of Way Panel 25 June 2013
 Planning Application Report of the Planning and Development Manager**

Application address: 51 Highfield Crescent SO17 1SG			
Proposed development: Erection Of A Single Storey Side/Rear Extension To Existing C4 House Of Multiple Occupation			
Application number	13/00611/FUL	Application type	FUL
Case officer	Stuart Brooks	Public speaking time	5 minutes
Last date for determination:	23.05.2013	Ward	Portswood
Reason for Panel Referral:	Referred by the Planning & Development Manager due to wider interest	Ward Councillors	Cllr Vinson Cllr Claisse Cllr Norris

Applicant: Dr Julian Jenkinson	Agent: Simpson Hilder Associates
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Recommendation Summary	Conditional Approval
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The impact of the development, in terms of design and neighbouring amenity, highway safety and parking is considered to be acceptable. With the retention of the additional habitable room as a communal room and other existing communal spaces, the occupancy will not increase and stay within class C4 and, therefore, will not materially affect the character of the local area in terms of the balance of households in the local community, and will not adversely affect the amenity of local residents by reason of additional activity, noise or other impact. 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, SDP7, SDP9, H4 of the City of Southampton Local Plan Review (March 2006) and CS13, CS16 of the Local Development Framework Core Strategy Development Plan Document (January 2010) a supported by the Houses in Multiple Occupation Supplementary Planning Document (March 2012).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally Approve

1.0 The site and its context

- 1.1 The application site is located on the west side of Church Lane within Portswood ward. This is mainly a residential street comprised of large semi detached dwellings.
- 1.2 The site contains a 2 storey semi-detached dwelling, with side access to the modest sized rear garden. The property is established as a small HMO (class C4) with 6 occupants, having been occupied on 23rd March 2012 as such.

2.0 Proposal

- 2.1 It is proposed to erect a single storey rear/side extension to an existing C4 HMO (House Of Multiple Occupation), to reconfigure the living space maintaining 6 bedrooms and providing additional lounge and dining space on the ground floor.
- 2.2 The proposal has been amended to reduce the depth of the rear extension from 4.9 to 3.9m with an eaves and ridge height of 2.3 and 3.1m, removing the wrap around element, and no longer includes an additional bedroom on the ground floor. There is no increase in the number of occupiers proposed.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.3 Following the Article 4 direction coming into affect on March 23rd 2012, the conversion of a family house into a small HMO for up to 6 people requires planning permission.
- 3.4 The Houses in Multiple Occupation SPD was adopted in March 2012, and provides supplementary planning guidance for policy H4 and policy CS16 in terms of assessing the impact of HMOs on the character and amenity, mix and balance of households of the local area. The SPD sets a maximum threshold of 10% for the total number of HMOs in the ward of Portswood. It is important to be aware that as the property is already being occupied legitimately as a C4 HMO and was established as a small HMO before 23rd March 2012. The threshold does not apply in this case. There will be no increase in the concentration of HMOs within the assessment area (section 6.7 of the SPD refers).

4.0 Relevant Planning History

- 4.1 No relevant planning history.

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners. Following the receipt of amended plans, a 14 day reconsultation has been carried out (29.5.2013). At the time of writing the report **4** letters of objection, including a request for referral by a local Ward Cllr, have been received from surrounding residents. Any further comments will be verbally reported at the Panel meeting. The material planning issues raised have been summarised below:

5.1.1 Comment

There should also be application for a change of use to large HMO.

Response

See section 6.2 of the report.

5.1.2 Comment

There will be a loss of light, privacy and outlook to the neighbouring properties, and break the 45 degree code.

Response

See Section 6.3 of the report.

5.1.3 Comment

The 10% threshold has been exceeded so no further HMOs should be allowed. There is already a high concentration of HMOs, and has led to an unbalancing of the mix of family households.

Response

See paragraph 3.4 and section 6.2 of the report.

5.1.4 Comment

Overdevelopment and intensification of use. The larger lounge will lead to bigger social gatherings of student tenants (up to 20 people), leading to more noise disturbance. Will cause harm due to increased problems of noise, refuse, litter, and related problems associated with the lifestyles of unrelated tenants. In particular, the anti social behaviour associated with students.

Response

This is addressed in section 6.3 of the report.

5.1.5 Comment

There would be insufficient parking, and there is already insufficient parking for existing residents.

Response

There will be no further impact on highway safety as the number of occupants will not be increased.

5.1.6 Comment

The proposed extension will be overdevelopment as it is disproportionate to the scale and massing of the dwelling, and out of character with the local area.

Response

See section 6.3 of the report.

5.1.7 Comment

Loss of garden will lead to less rainfall absorption, and less biodiversity. There will be insufficient amenity space remaining for the residents.

Response

There is a small loss of garden space and, therefore, no significant impact on biodiversity and flooding, where back gardens are not protected spaces for nature conservation. The area of remaining private amenity space will be approximately 80 square metres with a length of 14.5 metres. This exceeds the minimum standard in the Council's Residential Design Guide for a semi-detached dwelling (70sqm).

5.1.8 Comment

The flat roof area can be accessed and will be a health and safety hazard.

Response

A condition will be applied to allow no access to the flat roof other than maintenance of the property.

5.1.9 Comment

There are trees on site which have not been indicated.

Response

There are large trees located to the rear end of the garden which will not be affected by the footprint of the proposed extension. There are a number of smaller bushes and shrubs affected which are not significant for retention or protected.

5.2 **SCC Highways** - No objection.

5.3 **SCC Environmental Health (Pollution & Safety)** - No objection, subject to construction hours condition and no bonfires.

Comment: The latter is not deemed necessary.

6.0 Planning Consideration Key Issues

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

- Principle of development;
- Impact on the character and amenity of the surrounding area;
- Impact on highway safety;
- Standard of living conditions for future residents.

6.2 Principle of Development

6.2.1 The property has been occupied as a small HMO (class C4) prior to 23rd March 2012 (effective date of Article 4 direction). The applicant has provided as evidence, a 12 month signed tenancy agreement for 6 tenants from 1st July

2011 to 30th June 2012, and 6 tenants 1st July 2012 to 30th June 2013.

6.2.2 The 10% threshold applicable to this site which falls within the Portswood Ward does not apply, as the HMO is already established as a small HMO on 23rd March 2012 and there will be no increase in the concentration of HMOs.

6.2.3 **There will be no intensification of use or material change of use of the property, which will remain as a small HMO with no further occupants.**

Section 6.11 of the HMO SPD states that in these circumstances only the physical impact of the extension will be assessed.

6.3 Impact on the character and amenity of the surrounding area

6.3.1 No survey of existing HMOs in the surrounding area has been carried out as the threshold limit does not apply. Within the class C4 HMO up to 6 unrelated occupants can live in a property without a material change of use occurring which does not require planning permission and, therefore, the Uses Classes Order classifies the difference between 3 to 6 occupants being no different in terms of impact on amenity and character.

6.3.2 The amended scheme does not provide an additional bedroom for further occupants. The ground and first floor communal spaces will be retained by condition to provide an acceptable residential environment. It is considered that the noise and activities associated with the existing occupation will be no different.

6.3.3 It is noted that the occupants are likely to be students, however, a HMO can be occupied by different groups other than students and, therefore, the planning assessment should not single out the behaviour or lifestyles of students. It is noted that complaints have been investigated by the Council about the behaviour of students in the local area, and this will be enforced under Environmental Health powers.

6.3.4 As the property is already established as a HMO, the existing concentration of HMOs and mix of households (permanent and transient) in the local community will not change, as well as not adding to the overall supply of HMOs.

6.3.5 The wrap around element has been removed and the depth of the proposed extension has been significantly reduced from 4.9 to 3.9m, with an eaves and ridge height of 2.3 and 3.1m, and a set back of 200 and 800mm from the common boundary of no. 53 to the north and 49 to the south. Although the proposed extension beaks the 45 degree code for the closest rear ground floor window, this serves a kitchen and therefore is not afforded as much protection as a habitable room such as a living room. It is considered that the height of the proposed extension visible above a 2m high (built under permitted development) will not adversely affect the light and outlook of the neighbouring occupiers. Furthermore, there are no windows which will directly overlook the neighbouring properties.

6.3.6 It considered that the scale and massing of the proposed extension will be in keeping with the appearance and character of the dwelling, as it will appear subservient and proportional to the large semi detached property.

6.4 Impact on highway safety

6.4.1 The site lies within a residents parking zone with limited number of permits allocated per address. As this development does not affect the number of addresses on site, the level of permits allowed for on street parking is unchanged. There will be no additional occupants and, therefore, no further trips associated with the proposal. Therefore, it is considered that there will be no adverse impact on highway safety.

6.5 Standard of living conditions for future residents

6.5.1 It is considered that the proposed layout of accommodation will provide an acceptable residential environment in terms of access to outlook, light and privacy. The area of remaining amenity space will be approximately 80 square metres with a length of 14.5 metres. This exceeds the minimum standards in the Council's Residential Design Guide for a semi-detached dwelling. The communal spaces, including the lounge and dining room will be retained by condition.

7.0 Summary

7.1 In summary, given there is no increase in the number of occupiers or concentration of HMOs, the proposed extension will not materially affect the character of the local area in terms of the balance of households in the local community, and will not adversely affect the amenity of local residents or highway safety.

8.0 Conclusion

8.1 In conclusion, the proposal will be in accordance with the Council's current adopted guidance and policies and have acceptable impact. As such the proposal is recommended for conditional approval.

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(qq), 6(c), 7(a), 9(a), 9(b).

SB for 25/06/13 PROW Panel

PLANNING CONDITIONS

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

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

Reason:

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

02. APPROVAL CONDITION - Materials [Performance Condition]

The materials and finishes to be used in the construction of the extension hereby permitted shall be in accordance with the approved plans.

Reason:

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

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

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

Reason:

To protect the amenities of the adjoining residential properties.

04. APPROVAL CONDITION - Retention of communal spaces

The rooms labelled dining room, lounge, and kitchen on the ground floor and study on the first floor shall be made available for use by all of the occupants prior to first occupation of the extension hereby approved and, thereafter, shall be retained and available for communal purposes only whilst the property is in C4 use.

REASON

To ensure that a suitable communal facilities are provided for the residents.

05. APPROVAL CONDITION - Refuse storage and collection [Performance Condition]

Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the buildings hereby approved.

Reason:

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

06. APPROVAL CONDITION - Retention of the front boundary treatment

Unless otherwise agreed in writing by the Local Planning Authority, the existing front treatment shall be retained and no part shall be removed.

Reason:

In the interests of protecting the visual amenity of the local area.

07. 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.

08. APPROVAL CONDITION - No access to flat roof

Unless otherwise agreed in writing by the Local Planning Authority or for the purposes of the maintaining the property, the flat roof area of the extension hereby approved shall not be accessed or used by residents as a roof terrace.

REASON

In the interests of the protecting the amenity of neighbouring occupiers.

09. APPROVAL CONDITION - Approved Plans

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

Reason:

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

POLICY CONTEXT

Core Strategy - (January 2010)

CS4 Housing Delivery
CS16 Housing Mix and Type

City of Southampton Local Plan Review – (March 2006)

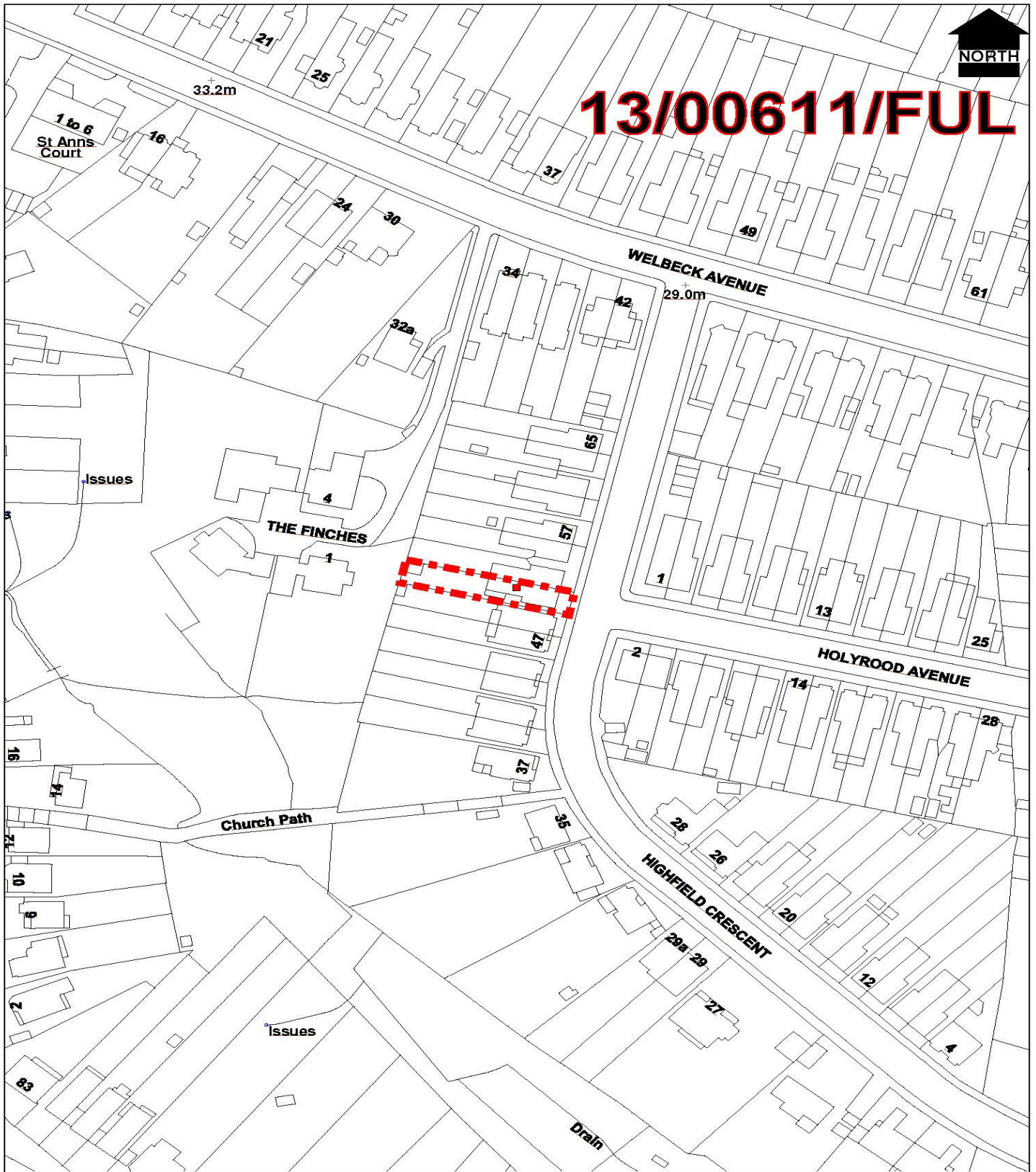
SDP1 Quality of Development
SDP7 Urban Design Context
SDP9 Scale, Massing & Appearance
H4 Houses in Multiple Occupation

Supplementary Planning Guidance

Houses in Multiple Occupation (Approved – March 2012)
Residential Design Guide (Approved - September 2006)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012



Scale : 1:1250

Date : 12 June 2013

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Agenda Item 12

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 25 June 2013
Planning Application Report of the Planning and Development Manager**

Application address: Land At Weston Lane/Kingsclere Avenue including Somborne House, Ashton House and Kingsclere Close			
Proposed development: Redevelopment of the site by erection of 2, 3 and 5-storey buildings to provide retail units (Use Classes A1 - A5 - 620 square metres), a community and library facility, 70 dwellings (40 houses and 30 flats) with associated parking and other works including stopping up and diversion of existing rights of way, new public footpaths, footway, verge and highway			
Application number	13/00476/FUL	Application type	FUL
Case officer	Steve Lawrence	Public speaking time	15 minutes
Last date for determination:	26.6.2013	Ward	Woolston
Reason for Panel Referral:	Departure from the Development Plan Major planning application subject to objection Affects public right of way	Ward Councillors	Cllr Cunio Cllr Payne

Applicant: Bouygues Development (Mr Tom Jelley)	Agent: HGP Architects 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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Appendix attached			
1	Development Plan Policies	2	Planning history
3	Summary of comments made to applicant's public consultation exercise 13.3.2013.		

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan and the development brief that has been adopted by the council for the site as set out below. Appropriate mitigation would be provided for the net loss of open space that would result from the development proposals. The Council has also taken into account the findings of the specialist reports submitted with the application and considered the regeneration benefits associated with the scheme. In particular, the representation from the owner and operator of the children's day nursery at 82 Weston Lane, particularly in respect of shading, loss of natural light and overlooking has been taken into account. Where necessary, safeguarding conditions have been applied. Other material considerations do not have sufficient weight to justify a refusal of the application. In

accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

Policies SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP17, SDP19, SDP22, NE4, HE6, CLT1, CLT5, CLT6, H1, H2, H3, H6, H7, REI6, REI7, REI8 and TI2 of the City of Southampton Local Plan (March 2006).

Policies CS3, CS4, CS5, CS11, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS21, CS22, CS23, CS24 and CS25 of the Southampton Core Strategy (January 2010).

Weston Lane Parade information and development brief (July 2012).

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. an agreement under S.278 of the Highways Act 1980, to secure the improvement works to Weston Lane;
- ii. Financial contributions towards site specific transport contributions for highway improvements in Weston Lane and Wallace Road adjacent to the site under a Traffic Regulation Order (TRO) shown on drawing 12.062.101, which includes:-
 - o 20 mph speed limitation, including raised tables
 - o Alteration to parking provision
 - o Movement of the zebra crossing
 - o Introduction of a loading bay

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);

- iii. The provision of affordable housing in accordance with the Weston Lane Parade information and development brief (July 2012) and set out in the applicant's design and access statement;
- iv. a scheme of works for the provision of a public amenity space within the site and financial contributions towards the maintenance of said land and relevant elements of public open space/ecological mitigation off-site required by the development in line with policies SDP12, 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
Children's playspace;
- v. A refuse management scheme;
- vi. Construction traffic management plan.
- vii. Developer's private CCTV system, to be linked into the Southampton City Council CCTV system.

- viii. Servicing management plan for the management of the loading bay so that it is kept clear for servicing/deliveries.
- ix. A skills and training programme.
- x. 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.
- xi. Travel plan.
- xii. Public art.

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

1.0 The site and its context

- 1.1 The site comprises an irregular shaped parcel of land (roughly trapezoidal) 1.133 hectares in size, located some 3 miles east of the city centre. 0.344 ha is maintained by the council as open space (some in isolated patches). It contains 66 flats arranged in two blocks, served by 40 surface (13 as a public car park off Weston Lane) and 30 lock up garage car parking spaces, at the gateway to the Weston housing estate. Part of the block is in mixed use with flats (4 x 2 bed and 16 x 3 bed) on top of retail units and a public library (approx. 1070 sq.m). This block fronts Weston Lane and Wallace Road, ranging from 3 to 5 storeys in height. There is a zebra crossing on Weston Lane, between Barnfield Road and Wallace Road. Part of the site is shown designated as a local shopping centre on the Proposals Map of the City of Southampton Local Plan Review (March 2006). Apart from that, the site is not allocated for any other purpose.
- 1.2 Levels vary considerably across the site. The topography falls from 21m AOD at the south east to 15m AOD at the northern west low point. Levels between Kingsclere Avenue, to the south, and Weston Lane, to the north differ by approximately 3-4m. A retaining wall structure exists at the rear of Somborne House - (24 x 1 bed and 8 x 3 bed flats, reading as 6 storeys at the rear and 12 lock-up garages form the lowest level) - where there is a parking courtyard and detached row of a further 6 single storey lock-up garages.
- 1.3 Part of this larger block oversails a public footway that links Kingsclere Avenue with Weston Lane.
- 1.4 The part of this block which fronts Wallace Road is set back from the vehicular carriageway by a 'precinct' space, in places some 1.8m or so below the level of the carriageway.
- 1.5 The other block is four storeys in height comprising a number of flats known as Ashton House (6 x 1bed and 8 x 2 bed flats), accessed off Kingsclere Avenue.
- 1.6 Open space exists between the two blocks, freely accessible to all. 52 trees exist on the site, the most notable just north of 24 Kingsclere Avenue, by the side of the public car park and north and south of Ashton House. 12 are considered to be in a poor condition. Two mature common lime trees (T16 and 18), a mature sessile oak tree (T5) and the line of sycamore and ash trees (G2-3) along

the western boundary of the site offer the greatest ecological value. Two stands of Japanese Knotweed have been identified in the south-west corner of the site. The site is considered to have low overall ecological potential, albeit one slow worm has been found on the site, there is medium potential for bats to be foraging on the site, but limited potential for bat roosts. Six bird species have been noted on the site. Foxes are likely to be using the site, but no dens have been discovered.

- 1.7 Further single storey lock-up garages lie to the rear of the Wallace Road flats in Kingsclere Close.
- 1.8 A gas governor building and electricity sub-station compound of single storey scale front Kingsclere Avenue, positioned either side of the public footway referred to above. These two structures are being retained.
- 1.9 Apart from the shops still trading, the first block in particular has a very dated and run-down appearance.
- 1.10 The site is surrounded on all sides by 2 storey housing, with the exception of Camley Close and 38-44 Weston Lane, which are bungalows constructed in 1960, 3 storey flats at Solent Court and West Court to the east and 4 storey Barnfield flats to north.
- 1.11 The site is served by one bus route that operates the First Bus 1/1A service. The route is between Weston lane and Adana Park, stopping at Woolston Station, Southampton Central Station, Southampton City Centre, Shirley, Lords Hill Centre, and Adanac Park. The site is near the end of the south-eastern extremity of the route, which forms the loop around Weston lane, Wallace Road and Kingsclere Avenue. Three bus stops are located on the route as it passes the site and all of them are located within 100m of the site. Each has a shelter, seating and timetable information. On week days, there are 80 buses on the route between 05:36 and 23:25, approximately every 10 minutes throughout the day. On Saturday, there are 72 buses on the route between 6:25 and 23:25 and on Sunday; there are 28 buses between 07:28 and 23:15.
- 1.12 Sholing train station is some 850m north-west of the site as the crow flies. The most direct route is via Weston Lane-Mayfield Park-Shoreburs Greenway-Spring Road-Station Road, which can comfortably be walked from the site in 20 minutes. However, in times of darkness, a walk by lit highways is less direct and takes longer. On weekdays, 4 trains per hour stop at Sholing on the Portsmouth to Southampton service at peak hours, with only 2 trains per hour off-peak. Trains run between 05.59 and 23.22 hours.
- 1.13 Three schools are located within 1km of the site. Weston Park Primary School and Weston Shore Infant School are situated 700 metres north-east and 630 metres southeast respectively, the third is a secondary school, Chamberlayne College, which is less than 800m from the site. The (17 ha) Mayfield Park and Chamberlayne Leisure Centre are located about 400 metre away and are linked to the site by good continuous footways. The site is also within a short distance of the Grade II Listed Holy Trinity Church Weston (120 metres), medical services Weston Lane Surgery (150 metres) and Weston Lane Dental Clinic (280 metres).
- 1.14 The applicant has reviewed accident statistics in the vicinity of the site for the last 6 years. Whilst there have been accidents on the surrounding highway network,

only one was adjacent to the site's frontages - (in Kingsclere Avenue, involving a pedestrian, who stepped into the path of travelling vehicle, whilst under the influence of alcohol. This caused serious injury). All were due to the fault of road users rather than the road layout.

- 1.15 The site is well located for access to Southampton's cycle network. Weston Lane and Kingsclere Avenue link to the National Cycle Network Route 2 South Coast Route and then links with the Itchen Bridge, to join the cycle network to the City centre. There is also a route available along Porchester Road north of the site, providing a link to the City centre.
- 1.16 A cycle route to Sholing railway station is available using Weston Lane, Mayfield Park, Spring Road and Station Road. All of the roads involved are either residential roads or "link road (convenient route for cyclists)" as categorised in Southampton City Council's cycle plan.
- 1.17 The site is within the Environment Agency's Flood Zone 1 - i.e. lowest risk - where there is a less than a 1 in 1000 (0.1%) chance of flooding from rivers or the sea in any one year. The applicant's research shows the application site has a 'very low flood insurance claim rating' according to Flood Insurance Risk Data. There were no recorded claims for the site.

2.0 Proposal

- 2.1 Proposals have been closely informed by the brief prepared by the council. Through the scheme's development, the linkage from Kingsclere Avenue through to Weston Lane was to be maintained, to be as pedestrian friendly as possible. The overall design objective has been to orientate units to face onto the public realms and to obtain as much frontage as possible to create an active environment, which will integrate with public spaces through the centre of the site as well as to the perimeter. Investigation of services has created a constraint along Wallace Road, dictating the set back of the buildings proposed there.
- 2.2 The applicant proposes to construct 70 dwellings (40 of the units (all houses) will be for private sale. 30 will be for shared ownership or will be affordable units. All are designed to comply with 'Lifetime Homes' criteria).
- 2.3 620 sq.m of new commercial space and a 175 sq.m library/community space are also proposed. Provision has been incorporated for the future end user, of what could potentially be a Class A5 unit, to extract through a flue to the rear of the building located adjacent to the circulation core.
- 2.4 Buildings will range from 2 to 5 storeys high. The tallest buildings will sit at the corner of Weston Lane and Wallace Road. 98 car parking spaces will be provided to serve the development. The applicant justifies this level of provision, based upon access to public transport from the site and generally lower levels of car ownership for those who occupy affordable/social housing. Some of the dwellings are to oversail the non-residential space, which will front Weston Lane and turn the corner into Wallace Road.
- 2.5 Built form will be sited closer to Wallace Road than the current buildings, where it is intended to grade out this part of the site where the 'precinct' exists. Other re-grading work is also proposed within the site to improve the retained open space.

- 2.6 The applicant proposes to deal with the levels change in the south-west corner by positioning rear gardens over the top of two wheelchair accessible flats. Gardens over the wheelchair flats will be formed on top of reinforced concrete slab and all relevant measures will be taken to ensure that there is sufficient sound insulation between the two. Those lower flats will continue to be accessed from a modified access to Weston Lane and will provide natural surveillance of a parking court. As at present, a robust means of enclosure will delineate the rationalised open space from this lower parking court, in the interests of safety and security.
- 2.7 Secure gated alleys will service the centre of each perimeter block, leading to refuse bin stationing areas and cycle parking for houses, easily accessed from Kingsclere Avenue. The two vehicular access points to Weston Lane will provide refuse servicing to that frontage development. A central pedestrian/cyclist right of way will be retained through the site from Kingsclere Avenue to Weston Lane, albeit on a more northerly alignment.
- 2.8 Where planning permission may be granted, this will trigger the necessary procedure under the Planning Act to seek to stop up redundant areas of public highway, which will then be re-adopted by the council as highways authority, with some small exceptions. Whereas a more northerly vehicular point of access is to be formed to Weston Lane close to its junction with the cul-de-sac Barnfield Road, this will not provide a vehicular through-route to Kingsclere Avenue, but merely vehicular servicing for some housing and the flats over the retail shop on the corner of Weston Lane and Wallace Road. A permanent barrier will prevent vehicular through movement, albeit the remainder of the route across the site is to be laid out as a home zone, still accessible by vehicles from Kingsclere Avenue.
- 2.9 Whilst the proposals will result in some net loss of the existing open space on the site, this is proposed to be mitigated for by improving linkages to Mayfield Park, a short 2 minute walk north of the site, improved quality of open space on site and general environmental improvement through a small home zone and dedicated, enclosed courtyard for the northern flats.
- 2.10 The improved linkages to Mayfield Park are to be achieved by traffic calming along the site's entire Weston Lane frontage, where a TRO achieved through the S.106 agreement, will reduce vehicular speeds to 20 mph. Like that recently achieved at Hinkler Parade, this will give greater pedestrian priority. The zebra crossing in Weston Lane will be re-provided in a slightly different position. It is proposed to build two raised table junctions on Weston Lane at the existing junctions of Weston Lane/ Wallace Road and by 44 Weston Lane. These measures are aimed to reduce traffic speed and increase road safety.
- 2.11 Encouraging use of Mayfield Park will also take pressure off Weston Shoreline, where the disturbance of wildlife by dog walkers is seen to be an issue. End on public car parking will front Weston Lane, between the development and the street. This will assist to traffic calm. Some of the northern spaces will provide for dual use as a service bay for the retail use on Weston Lane clearly demarcated by a different colour finish. This will be managed through a traffic regulation order.
- 2.12 Elsewhere parking has been provided on a one for one basis for each dwelling with 8 visitor spaces also provided. Visitor parking spaces have been located out

of immediate access of Weston Lane to help retain their status as residential visitor spaces. 20 spaces are to be provided for the new retail space and library/community space.

- 2.13 Individual dwellings will have bicycle stores in their rear gardens and the flats have dedicated bicycle stores to the required standard. Back garden passageways to access communal bin stores will be gated and all communal bin and bike stores will also be secured.
- 2.14 A fairly simple palette of facing and roofing materials has been chosen. The non-residential parts of built form will be in a robust blue engineering brick. Flats above will be faced with buff bricks to Wallace Road and a mixture of buff and blue engineering bricks to Weston Lane.
- 2.15 The two and 2.5 storey houses will similarly be faced with the same buff brick will timber weatherboarding to porch stores and blue/grey tiled pitched roofs. There will be one exception. The 2.5 storey house linking into the southern flatted/commercial units block to Weston Lane will be faced with the blue engineering brick.
- 2.16 A slightly darker buff brick will be used for some house types, to add a little variety – in particular marking the corner of Wallace Road and Kingsclere Avenue. Window openings are to be recessed to give relief and shadow definition to elevations. Balconies give vertical relief and depth to the elevation. The applicant has confirmed that the flat roofed areas above shops will not be available as roof terraces for the flats.
- 2.17 Each dwelling is to be provided with some private amenity space and where in some cases for the flats the full 20 sq.m cannot be achieved, the balconies are considered to be fit for purpose and use of the retained communal open space to the centre of the site will mitigate for such shortfall.
- 2.18 Gardens are divided by 1.8m high close boarded fence panels whilst garden perimeters that public areas will be 1.8m brick walls. 1945 sq.m of communal amenity space including the 'homezone' and enclosed courtyard is being provided. The 'homezone' area is to be finished in block paving which will be repeated to the traffic calming raised tables along Weston Lane.
- 2.19 The applicant has submitted a number of assessments to support this application relating to:-
- statement of community involvement
 - archaeology;
 - ecology (including assessment of 52 existing trees and biodiversity on site). The arboriculturist has recommended replacement semi-mature trees are planted. Notwithstanding the loss of a total 12 trees/groups plans include for the planting of 30 new trees on site coupled with the retention of 9 quality AB trees across the site;
 - geo environmental desk study (where infilling of previous ponds is viewed as worthy of further investigation to ensure no prescribed contaminants or appropriate remediation and use of piled foundations is likely for new buildings greater than 2 storeys in height: significant remedial works are not expected to

be required);

- a drainage strategy (it is anticipated that most of the surface water will be discharged offsite to public surface water sewers at discharge rates less than the existing discharge rates: discharge rates and volumes for the proposed development will be less than that of the existing site for all storm return periods up to and including the 1 in 100 year return period plus 30% climate change and the site is not at risk from overland flooding. It is proposed to utilise some the existing connections and make new connections where existing ones cannot be used);

- flood risk assessment (development proposals will result in a decrease of impermeable areas, a 1700 sq. m decrease of site surface water runoff and therefore the proposed development will not increase flood risk elsewhere. SUDS devices are scoped. Retention pond, wetland and open channel techniques are precluded due to the limited site area. However, subsurface storage, conventional soakaway devices and permeable paving are suitable);

- a transport assessment (overall some 77 extra daily trips are estimated from TRICS data from comparable developments elsewhere, to be generated 07.00-19.00, only amounting to an average 1.6% (2.8% at evening peak) increase in traffic on the local highway network: only 10%+ increases are usually deemed significant enough or necessary to seek mitigation);

- a framework travel plan for the residential element of the proposals. The key aim of the Travel Plan is to inform residents and visitors of the alternatives to driving their cars to the site, and to increase awareness of and promote greener, cleaner modes of travel and to reduce reliance on the private motor car and create sustainable developments consistent with the overarching aims of the National Planning Policy Framework. If approved, and once the new housing is occupied, survey data will be used to determine base travel methods and to determine what incentives would be most appropriate and most effective to change travel modes. Additional surveys will be undertaken every two years following occupation of the site, including information on current travel methods and willingness to consider alternative modes of travel, at which point it will be possible to develop a strategy to maintain or improve on sustainable mode use over the private car. Positive measures have been designed into the development to promote walking and cycling. Broadband internet connections will be provided to each new dwelling to facilitate home working and reduce the need to travel. Key to the success of the plan will be the appointment of a co-ordinator to be funded initially by the developer for 3 years and thereafter through a service charge;

- a BREEAM pre-estimator predicting 'excellent' for the library to be achievable to secure sustainable development;

- a sustainability report confirming Code for Sustainable Homes Level 4 to be achievable and SUDS to be designed into the scheme to secure sustainable development. Main items will include:-

- Use of significantly enhanced insulation, construction detailing that achieves low air leakage, and high performance heating systems;
- Provision of gas heating via a condensing combination boilers and

mechanical ventilation

- Provision of an energy display device that will display and record electricity and heat consumption data and costs;
- Installing low energy appliances and light fittings;
- Careful selection of materials to ensure only those with the best environmental credentials are chosen where possible;
- Provision of low-water sanitary ware and sanitary fittings that results in a significant reduction compared to normal domestic water consumption;
- Provision of a "Home User Guide" to inform residents about the dwelling, about environmental issues in general, and about the facilities available in the local area;
- Installing bio-diverse planting; implementing other ecological enhancements; and using expert ecological guidance to inform the design and management of the landscaping and other ecological features; and
- Adopting policies in respect of site practises that will result in the site being managed in an environmentally and socially responsible manner;

- a site waste management plan, for waste streams during the construction period;

- an affordable housing statement. The applicant working with Spectrum Housing Group have explored many different options in order to maximise the affordable provision on site, while also maintaining the project's viability, which has been a challenging task. Through the efficient provision of affordable apartment units, we have achieved a total of 43% affordable dwellings, all of which will be provided on-site as part of the development. The proposed tenure split is for 73% affordable rent and 27% shared intermediate ownership. This split of tenures is in line with the strong demand for rented affordable housing. Of the 57% private housing units to be provided, 18 are 3 bed units. Spectrum have confirmed the City Council will have 100% nomination rights for the units Spectrum will manage; and,

- an open space assessment concluding a 0.1495 ha net loss of open space will result, where Woolston, having just under 90 ha of open space, has above the city average provision of open space. This small loss will be mitigated for by the homezone - (acknowledged in the council brief) - and proposed 500 sq.m open space. The latter will be partly levelled and enhanced to a higher quality for the enjoyment of the local residents. During consultation, residents had also stated the existing space was of poor quality and lacked good natural surveillance. There will also be off-site enhancements to Mayfield Park, which will be easier to access across the improved Weston Lane. The 'homezone' also has better value as it is safe for young children to play in and under the close surveillance of housing flanking it.

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). Policy SDP1 (iii) supports mixed use of sites in accessible locations. 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.

- 3.3 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.4 The Local Plan Review also makes reference to the Local Transport Plan 3 (LTP 3), 2011-2031. This document sets out the future transport strategy for South Hampshire, which has been prepared by Portsmouth and Southampton City Councils and Hampshire County Council as Transport for South Hampshire.
- 3.5 The LTP 3 sets out the following vision for transport within the sub region as: *"A resilient, cost effective, fully-integrated sub-regional transport network, enabling economic growth whilst protecting and enhancing health, quality of life and environment."*
- 3.6 Officers were given delegated authority from 4 July 2011 Cabinet meeting to produce a development brief for the site and the Cabinet Member and Executive Director were given delegated authority to approve it. The Council adopted the amended "Weston Lane Parade information and development brief" for the redevelopment of the site in July 2012, with Bouygues Development being confirmed as preferred bidder for the site on 19.2.2013. The main targets set by the brief to deliver regeneration include:-
- a density in excess of 50 dwellings per hectare;
 - 35% minimum of new dwellings to be provided on an affordable basis;
 - Of the affordable units 65% rented and 35% intermediate tenure, with SCC having 100% nomination rights to all first lets;
 - Target split of 50/50 between affordable and private housing;
 - New affordable housing to meet space standards required by the HCA funding criteria;
 - 30% minimum of new dwellings to meet definition of 'family homes' set out in Policy CS16;
 - 5% of affordable homes to be wheelchair accessible;
 - 300 sq.m convenience store and 3 other retail units (600 sq.m minimum overall and post office to be encouraged within one of the units);
 - Library/community facility of a minimum of 150 sq.m;
 - All housing to be Secured by Design/Lifetime Homes/Building for Life and Code for Sustainable Homes Level 4 standards, with BREEAM excellent for non-residential;
 - Retain one, improved useable public open space and mitigate for any net loss;
 - At least 20 car parking spaces for non-residential uses, 1:1 for dwellings and 10% extra for visitors;
 - Obtain necessary stopping up orders for redundant areas of highway;
 - Tree retention where possible; and,

- developer to commit to an employment and training skill plan during construction.

3.7 The Council's SPD on parking standards outside areas of high accessibility would allow for a maximum of 156 car parking spaces to be provided.

4.0 Relevant Planning History

4.1 This is summarised in **Appendix 2**.

4.2 Historic Ordnance Survey maps show that the site was occupied by farm buildings, possibly including a water mill, two ponds and agricultural land close to the farm, which was probably medieval in origin.

4.3 The site was principally laid out as a local shopping parade with housing in the early 1960's.

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 (enter date) and erecting a site notice (enter date). At the time of writing the report 2 representations have been received from residents. Two separate staffed council consultation exercises (138 responses received) and another after the draft brief was published for comment – 60 responses received) and a formal staffed consultation exercise by the developer - (13.3.2013 - the 34 written responses - have preceded the submission of this application. **Appendix 3** contains a summary of the public consultation exercise.

5.2 **SCC Highways** - The Section 106 requirement for this site is to bring forward the public realm improvements as shown on their plans, final detail to be agreed. This will take the site specific contribution to bring this forward. There will need to be heads of terms for TRO's for alterations to the parking provision, the introduction of a loading bay, a 20mph zone, a travel plan and the movement of the zebra crossing.

5.3 **SCC Housing Delivery and Renewal Team** – Whereas proposals at only a net gain of 4 dwellings on site do not trigger requirement for affordable housing, pleased to see this has been secured through the requirements of the site brief and notes just under 43% will be affordable, where the brief only requires 35%.

5.4 **SCC Sustainability Team** – Recommend conditions to secure sustainable development. Satisfied that solar panels have now been added to drawings.

5.5 **SCC Architect's Panel** – The Architects Panel have viewed proposals at the site brief preparation stage and the developer bidding stage. Initially critical of pre-application designs in terms of:-

- general concerns about style of architecture: cantilevered balconies, detailing of fenestration, asymmetric roof pitches to some house types;
- scale step in Wallace Road;
- detail on shop shutters needs control;
- query construction/maintenance detail of roof terraces over wheelchair accessible flats;

- query drying areas for flats as washing left on balconies could detract from end quality of street scene;
- flats could have been better related to retained open space.
-

Response:- These comments relate to pre-submission draft drawings and matters have been addressed through amended proposals which form this application. Overall, flats accepted to the north and runs of houses with a good proportion of private space supported.

- 5.6 **SCC Environmental Health (Pollution & Safety)** – Safeguarding conditions recommended to mitigate disturbance during construction.
- 5.7 **SCC Environmental Health (Food Safety)** – Safeguarding conditions recommended to mitigate disturbance during deliveries and operation of non-residential elements.
- 5.8 **SCC Environmental Health (Contaminated Land)** - Regulatory Services indicate that the subject site is located on/adjacent to a filled pond (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.
It is recommended that the site continue to be assessed for land contamination risks, having regard to the desk top study that has been carried out and, where appropriate, remediated to ensure the long term safety of the site. A number of planning conditions are recommended to ensure the site is free of prescribed contaminants and fit for its end use.
- 5.9 **SCC Ecology** – Whereas an initial holding objection was lodged, this has been withdrawn now that off-site mitigation, which the developer is making a financial contribution to under the planning agreement to be signed. Conditions to secure removal of Japanese Knotweed and ecological enhancements are recommended.
- 5.10 **SCC Archaeology** - The site will require archaeological evaluation, and will possibly require further work (depending on what comes up in the evaluation phase). A Written Scheme of Investigation (WSI) for the evaluation has already been produced and approved. Any further work will also need to be covered by a WSI. Further work may range from full archaeological excavation to a Watching Brief on groundworks. The applicant should be aware that the excavation of service trenches may also carry archaeological requirements, and should inform the utility companies of this. Two conditions are recommended to ensure archaeology discovered during the project is properly recorded/archived.
- 5.11 **SCC Trees Team** – Have reviewed the applicants amended proposals for new tree planting, including 30 replacement trees and consider this to be acceptable mitigation for those being lost, subject to conditions to safeguard retained trees during the build and a detailed landscaping plan being submitted for approval.
- 5.12 **SCC Rights of Way Officer** - Public rights that exist are embedded in the vehicular carriageways, pedestrian footways, (pavements), and footpaths that constitute the adopted, publicly maintainable highway infrastructure within and around the site. Referring to the Design & Access Statement, Drawings 12.062.100 and 12.062.102, it is recognised that some parts of the adopted

highway infrastructure will require stopping up and diversion Orders to facilitate the proposed site layout. It is understood that the proposed 'new' routes are to be re-adopted as highways maintainable at the public expense. If they are to be re-adopted as public highway, there would be no objections raised, with support for the through-links to and beyond the public open space provide within the developed site.

5.13 **BAA** – Raise no objections.

5.14 **Hampshire Constabulary** – Whilst no comments on the application have been received, Hampshire Constabulary did offer advice at the pre-application stage (summarised in the submitted design and access statement). No fundamental re-design was identified for the applicant's masterplan layout. In the interests of safety, the detailed design of the means of preventing cyclists from speeding through the 'homezone' to the refuse vehicle turning area beyond it will need attention. Parking will need to be clearly allocated/marked on the ground. Common cycle stores should be designed with self-closing doors. It is proposed to impose a planning condition requiring detail of the secure gating to the enclosed courtyard behind the library and to the refuse alleys/stationing areas onto Kingsclere Avenue.

5.15 **Southern Water** – Alert the local planning authority to public sewers crossing the site, diversion of which would need to be agreed with Southern Water. Retained sewers must be protected during the construction process. Diversion would be on the proviso of no loss of hydraulic capacity and works executed at the developer's expense. No new tree planting is to take place within 3.5m of any retained sewer. Any SUDS approved will need to be maintained by the developer and their suitability discussed with the council's Building Control Officers. The proposed layout will also require amendment to be in conformity with the requirements of "Sewers for Adoption", but this can be covered by a planning condition. The applicant needs to make a formal submission to Southern Water for consideration of his proposals, including evidence regarding the effectiveness of soakage systems and capacity checks to confirm the adequacy of the public sewerage system. Independent confirmation of the line of the sewer is required, so that the actual clearance can be verified. A number of conditions and an informative are recommended if the local planning authority is minded to grant planning permission.

5.16 **Environment Agency**- No objections raised.

5.17 **Representations**. Two letters have been received, expressing concerns on the following grounds:-

- When I signed the lease with the council upon purchasing my flat it was for over 100 years, no one mentioned redevelopment of the site after 11 years due to neglect and poor maintenance;
- Disappointment with the submitted design solution, as had been under the impression the public would select a scheme from three options;
- There will be a 'safeguarding' issue for children's nursery opposite to north, arising from overlooking from the 5 storey element: this will threaten the business, where some parents have already indicated they might move their children to another nursery;
- Loss of natural light from shading by taller buildings;
- Taller buildings should remain where Somborne house currently is on the

site;

- Distasteful that most of site to be sold privately, when occupation has always been 100% council controlled/available;
- Narrowing of Weston Lane will cause traffic chaos and this matter has not been properly assessed;
- Doubt whether shop loading bay in Weston Lane will actually work, as lay-by in Wallace Road does not get used, causing congestion elsewhere;
- Disturbance during construction and no mention of risk assessments about noise, asbestos removal, traffic disruption, etc., which could impinge on children using nursery garden; and,
- Devaluation of property.

Responses

- It is regrettable that those who would wish to continue to occupy the site would be displaced by the development proposed. However, there has been extensive community consultation and the overwhelming response has been supportive of re-development. Correct legal processes will be followed to secure ownership of existing interests in the site;
- The applicant has submitted their preferred design solution, which is now being considered by the council as local planning authority. This solution has undergone significant consultation and closely follows the design principles set out in a brief drawn up for the site adopted by the council after a lot of public consultation;
- The applicant has prepared three additional drawings which have all been shown/supplied to the objector. These clarify that balconies that had been fronting Wallace Road in the 5 storey block have been moved to the rear of that block and that the angle of view from habitable room windows would only have an oblique view of the nursery back garden, mostly obscured by the nursery building itself. Shading diagrams have been produced to show that for the March/September equinox, there would be no adverse loss of natural light. Finally, it is confirmed that the upper flatted part of the 5 storey built form as it fronts Wallace Road will be faced with buff brickwork and not in blue engineering brick as may have been suggested by a sketch option in the design and access statement from an earlier phase of the design process. It is also possible that regeneration of this site could attract new families who may generate business for the day nursery;
- The development brief supports 5 storey development at the corner of Wallace Road and Weston Lane. The brief also sets out the degree of affordable housing to be provided, having regard to the government's desire to create mixed and balanced communities that are not dominated by one tenure. The brief has been adopted by the council and was the basis upon which bids were invited from potential developers;
- The developer has commissioned a Transport Assessment by a competent Transport Consultant. Impact from the development on the surrounding highways network has been examined in detail. The proposals to narrow Weston Lane and traffic calm is seen as a positive highway safety feature for more vulnerable users of the street and also a means of directing people to Mayfield Park to (a) divert dog walkers from going to Weston Shore, and (b) mitigate for the net quantitative loss of open space on the site;
- The new loading bay will have a dual function, controlled by TRO. The

volume and frequency of servicing retail outlets is not assessed to have an adverse impact on highway safety and the ability of others to still use the highway network;

- Risk assessments have been prepared as part of the separate application for prior approval of the demolition of existing buildings under 13/00461/DPA. Adequate controls have been put in place by conditions for that approval, set out at the end of **Appendix 2** to this report. Hours of working can also be controlled under this application if Members are minded to support the proposals. The Government accept that there will always be some disturbance arising from new development when it is built out, but that this is not a reason to refuse development. These are matters that can be managed by the developer under safeguarding conditions set out in the officer recommendation;
- Devaluation of property is not a material planning consideration. Impact to amenity is carefully considered elsewhere in this report.
- Issues raised under **Appendix 3** are looked at below.

6.0 Planning Consideration Key Issues

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

- Principle of redevelopment and conformity with the site brief;
- Form and appearance of development and its impact on the character of the area;
- Impact on residential amenity, both for neighbours and living/working conditions of those who would occupy;
- Access, parking and highway safety;
- Open space, tree and ecological mitigation;
- Sustainable development and preventing the fear of crime;
- Preventing flood risk and drainage considerations;
- Ensuring the site is free of prescribed contaminants and evaluating site archaeology;
- Other matters raised during public consultation not already covered (see **Appendix 3**);
- Mitigating the impact of the development through the S.106 planning agreement.

6.2 Principle of Development and conformity with the site brief

6.2.1 Built form is generally designed in perimeter block form to ensure a clear distinction between the public and private realm, which has been a major design flaw of the existing site.

6.2.2 The scale of the development accords with the site brief and the density at just over 62 dwellings/ha is also compliant.

6.2.3 SCC Housing are satisfied that the proposals deliver more than 35% of dwellings being affordable and SCC nomination rights will be secured.

6.2.4 Whilst there is a slight bias in the split of private (57%) versus affordable (43%) dwellings, the difference is slight, new family housing is being created and a more mixed and balanced community will result on site.

- 6.2.5 Whereas only 2.8% of the new dwellings are wheelchair accessible, all homes are designed to the Lifetime Homes/Building for Life/Part M Building Regulations standards and capable of adaptation should any occupants become disabled whilst living at their property.
- 6.2.6 The required quantum of retail and community/library space are being delivered, safeguarding the site's role as a local shopping centre.
- 6.2.7 Sustainable measures to the required standard are being built into the development.
- 6.2.8 Whereas a smaller open space would result, this would be an improved space, the 'homezone' would allow for younger children to play outside their homes a dedicated courtyard space would exist for the flats over the library/convenience store and access to Mayfield Park would be being improved via traffic calming in Weston Lane. The developer has retained most major trees within the proposed layout and appropriate mitigation by way of new tree planting, where others are to be lost.
- 6.2.9 The quantum of car parking complies with the requirements of the brief, includes some residential visitor parking and a Travel Plan would encourage those occupying the site to use non-car modes of travel.
- 6.2.10 The developer has accepted the principle of the heads of terms to the legal agreement and is aware of the obligation to ensure proper legal process is followed, to stop-up redundant highway land.
- 6.3 Form and appearance of development and its impact on the character of the area
- 6.3.1 The existing buildings and poorly configured spaces about them do not contribute positively towards the appearance of the area, which is also a gateway to the Weston estate.
- 6.3.2 The developer has designed a form of development which accords with the design principles of the site brief and accordingly has focused five storey built form at the junction of Weston Lane and Wallace Road. Whereas some are critical of this and the step in scale down to houses in Wallace Road, officers consider that to be acceptable.
- 6.3.3 A simple and robust palette of building materials has been chosen, yet one which gives some variety and buildings have been detailed to provide good, legible development.
- 6.3.4 Overall, the proposals will make a significant improvement to the character and appearance of the area.
- 6.4 Impact on residential amenity, both for neighbours and living/working conditions of those who would occupy
- 6.4.1 Very limited written objection has been received from giving publicity to these proposals. Issues specifically relating to overlooking and shading a children's day nursery to the north of the site have been assessed and officers consider such impact to be minimal and acceptable. A planning condition is also recommended to control the insertion of rooflights and dormer windows in the

houses facing Wallace Road. The location of 5 storey built form is commented upon elsewhere in this report and not found to be harmful.

6.4.2 Dwellings would have good access to natural light/outlook, separations between built form and quantum of private and usable amenity space are considered acceptable. The quantum of non-residential space and flexibility to move between classes A1-A5 of the Town and Country Planning (Use Classes) Order 1987 (as amended) should provide for a healthy and viable local shopping centre, which will be adequately serviced from the public highway. Conditions are suggested to strike a balance between providing a vibrant local shopping centre and ensuring peace and quiet in adjoining adjacent dwellings.

6.5 Access, parking and highway safety

6.5.1 The developer will need to apply to the Secretary of State for a Stopping Up Order under Section 247 of the Town and Country Planning Act 1990 for the relevant areas of redundant adopted highway land. The granting of planning permission would facilitate that process. Once completed, the developer would then ask for the new areas of highway to be adopted under a Section 38 agreement under the highway Act 1980.

6.5.2 Whereas the maximum quantum of parking permissible is not being put forward, levels of car parking have been put to the public via consultation on the site brief. The applicant has made a detailed Transport Assessment which supports the levels of car parking put forward and advocates a Travel Plan to promote non-car modes of travel into the future. Being a local shopping centre, close to other local amenities listed in section 1 of this report, there is greater potential that those occupying the new development will be more likely to walk, cycle or use public transport to access those things needed to fulfil their daily lives.

6.6 Open space, tree and ecological mitigation

6.6.1 An improved, retained open space would result, which would – on completion – be dedicated back to the council's care. Private space within the development would also provide for an acceptable spatial pattern of development on the site, the 'homezone' giving greater emphasis to the pedestrian/cyclist over the car, allowing those forms of travel to still permeate through the site, cross the improved Weston Lane and walk more safely/easily to Mayfield Park, taking pressure off wildlife at Weston Shore. The applicant proposes new structural tree planting to mitigate for trees that would be lost and a detailed landscape design will provide a pleasing, but secure setting for the new built form.

6.7 Sustainable development and preventing the fear of crime

6.7.1 The applicant has designed these proposals to mitigate their impact on the environment and minimise the use of natural resources and energy. By following the design principles of defensible space, Hampshire Constabulary have been involved in the design process and are supportive of the proposals.

6.8 Preventing flood risk and drainage considerations

6.8.1 The site may be vulnerable to extreme storm event up to a 1 in 1,000 year return period. There are some anecdotal records of water pooling in the lowest parts of

the site during heavy rainfall. However, the risk should be considered insignificant and can be managed by careful flood routeing.

6.8.2 The developer is confident that the drainage solution put forward for the site will work, but understands Southern Water's overall concern to protect public sewers on the site and ensure sufficient hydraulic capacity exists to serve the development. It is proposed to reserve these matters by planning conditions and an informative, where Members may be minded to grant planning permission.

6.9 Ensuring the site is free of prescribed contaminants and evaluating site archaeology

6.9.1 A desktop assessment has already been carried out. This has identified that an infilled pond is likely to have existed on the site and further intrusive investigation, with a strategy for remediation, should any prescribed contaminants be discovered, is required by condition.

6.9.2 An archaeological assessment has been carried out. This also recommends that trenches be dug to more properly evaluate and record/archive the site's archaeology. This too can be covered by planning condition.

6.10 Other matters raised during public consultation not already covered (see **Appendix 3**)

6.10.1 It is encouraging that 8 of 34 responding felt the proposals represented a positive improvement to the area, recognising its regenerative potential at the gateway to the Weston Estate and that highway safety would be improved in Weston Lane through traffic calming.

6.10.2 The applicant has sought commercial use within Classes A1 to A5. Class A1 would allow for a post office to operate from the site and other Council Officers are working hard to try to ensure that a post office would remain in the locality. However, this is not a matter that can be guaranteed and is not an overriding consideration as to whether the tabled proposals should be granted planning permission. Those providing groceries would also be allowed for under Class A1. There is no intention to re-introduce a council satellite office at the site, but the community space associated with the library may offer potential for local residents to discuss matters or meet their elected Ward Councillors. Whilst the applicant will seek to phase construction, it is inevitable that some shops will have to close during construction.

6.10.3 Submitted plans confirm that a zebra crossing will be part of the traffic calming measures proposed in Weston Lane. Highways Officers are confident that traffic will be calmed and that operation of the service lay-by will be achieved through a TRO. Officers are also satisfied with the detailed design of cartilage parking proposed in Wallace Road. Raised tables and adjustments in carriageway alignment are carefully designed to slow vehicle speeds, whilst at the same time not damaging vehicles that pass over them at an appropriate speed. Altering the highway to give greater priority to the pedestrian is wholly appropriate for the reasoning set out elsewhere in this report.

6.10.4 Plans have evolved through the design process, with all plans and information having been made available on public access.

- 6.10.5 If all goes to plan, the site brief considered that any development receiving planning permission ought likely to have been completed by March 2016.
- 6.10.6 Requests about maintaining site boundaries and the provision of dropped kerbs are known to the developer. Provision of a dropped kerb should be arranged directly with the council. Highway Officers have been made aware of that residents wish to have a dropped kerb as part of any improvement to Weston Lane. Being as Weston Lane is a classified highway, the dropped kerb would require a separate planning permission. The interested resident has been advised of this.
- 6.11 Mitigating the impact of the development through the S.106 planning agreement
- 6.11.1 Officers are satisfied that the heads of terms set out in the recommendation will deliver successful and much needed regeneration of this site. The main mitigation to be achieved is for a net loss of public open space and ensuring any increase in recreational need that cannot be accommodated on site is otherwise encouraged towards Mayfield Park, rather than towards Weston Shore, in the interests of nature conservation. Whilst there is very little net increase in activity or density arising from these proposals, the improvements that will be delivered to Weston Lane will help the vitality of the retained local shopping centre and provide easier access to Mayfield Park.

7.0 Summary

- 7.1 The proposals make a significant improvement to the appearance and community safety of the site and in particular the way built form addresses Weston Lane, giving an appropriate prominence to the junction with Wallace Road as gateway to the Weston Estate and comfortable reduction in scale down to the chalet bungalow at 44 Weston Lane.

8.0 Conclusion

- 8.1 The development is acceptable provided the matters to be secured through the legal agreement and planning conditions are adhered to.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1a-d; 2 b-d; 4b, f-g, i, k-l, vv; 5a-e; 6a, c, f; 7a; 8a, h-j; 9a-b and Weston Lane Parade information and development brief (July 2012)

SL2 for 25/06/2013 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 - 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.

03. APPROVAL CONDITION- Land contamination remediation [Pre-commencement & pre-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 report of the findings of an exploratory site investigation (based on the Phase 1 Desk Study submitted by Capita Symonds (Report ref CS/052361), characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.
2. 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 (2) 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 each phase of the development as it is completed and ready for occupation.

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.

04. APPROVAL CONDITION - Construction method statement (Pre-commencement/performance condition)

The development hereby approved shall not commence until a method statement and appropriate drawings of the means of construction of the development has been submitted to and approved in writing by the Local Planning Authority. The method statement shall specify dust suppression measures, means of ensuring mud from the site is not taken onto the adjoining public highway, vehicular access arrangements, the areas to be used for contractor's vehicle parking and plant, storage of building materials and any excavated material, temporary buildings and all working areas required for the construction of the development hereby permitted. This shall include details of how the location of any contractors'/materials compound may alter on site as phases of the development are

completed. 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.

05. APPROVAL CONDITION - Opaque screening to balconies (Pre-commencement/performance condition)

The development hereby approved shall not commence until a detailed scheme of opaque screening to the south-eastern end of rear balconies to flats numbered 64, 66, 68 and 70 on drawing 12.062.126, within the 5 storey block at the corner of Weston Lane and Wallace Road has been submitted to and approved in writing by the Local Planning Authority. Once approved, that opaque screening shall be fully installed before any of the related dwellings are first occupied. Once installed, that approved opaque screening shall be retained at all times thereafter.

Reason:

To protect the privacy of occupiers of adjacent dwellings.

06. APPROVAL CONDITION - Sewer protection (Pre-commencement condition)

Prior to the commencement of development the developer shall submit details of the measures which will be undertaken to protect public sewers crossing the site to local authority for its approval in writing.

Reason:

In the interests of public health and to minimise the risk of flooding in the area.

07. APPROVAL CONDITION - Foul and surface water drainage (Pre-commencement condition)

The developer must advise the local authority of the measures which will be undertaken to divert or re-provide the public sewers on the site. 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. 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.

08. APPROVAL CONDITION - Road construction [Pre-commencement condition]

No development hereby permitted, apart from demolition of the existing buildings, shall be commenced until the Local Planning Authority has approved in writing:-

- (i) 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.
- (ii) 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.

09. 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 balcony supports, edging, undersides and balustrading, external walls, windows and doors of the buildings. For the avoidance of doubt only the larger shop unit at the corner of Weston Lane and Wallace Road and that for the library are approved under this planning application and shall be the subject of further planning applications. 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 built form of visual quality.

10. 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 finished site levels, the numbers, planting densities, types, planting size and species of trees and shrubs to be planted, means of enclosure, lighting and treatment of hard surfaced areas, shall be submitted to and approved in writing by the Local Planning Authority. In particular, this shall include a robust means of enclosure no less than 1.8m high to prevent through access from the retained open space to and from the most southerly point of access to Weston Lane. The level of the roof terracing over the two wheelchair accessible flats adjacent to the retained public open space shall be higher than the level of that improved space. A minimum of 30 new trees shall be replanted to compensate for the 15 identified for removal. At least 2 of the 30 new trees shall be planted to semi-mature nursery standard (i.e. 25-30cm girth and no less than 5m height at first planting).

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. Once provided, the robust means of enclosure no less

than 1.8m high to prevent through access from the retained open space to and from the most southerly point of access to Weston Lane, shall be retained at all times thereafter.

Reason:

To mitigate for tree loss on the site, particularly trees T12 and T13 in the applicant's tree survey. 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. Also in the interests of limiting permeability through the site in the interests of crime reduction.

11. APPROVAL CONDITION - Ecological mitigation programme [Pre-commencement/performance 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 Ecological Appraisal dated October 2009 submitted with the application. Unless otherwise agreed in correspondence with the Local Planning Authority, these measures shall be implemented in accordance with the programme before any demolition work or site clearance takes place.

Reason:

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

12. APPROVAL CONDITION - Removal of Japanese Knotweed [Pre-commencement/performance condition]

No development shall commence until a detailed method statement for the removal/eradication of Japanese knotweed on the site has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures to prevent the spread of Japanese knotweed during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981. The approved method statement shall be carried out before the pair of semi-detached houses in the south-west corner of the site adjacent to 44 Weston Lane are constructed and first occupied.

Reason:

To prevent the further spread of Japanese knotweed.

13. APPROVAL CONDITION - Arboricultural method statement [Pre-commencement condition]

Having regard to paragraph 6.17 of the submitted Capita Symonds Ecological appraisal CS50193-01 Rev B dated November 2011, no operation in connection with the development hereby permitted shall commence on site until a site specific Arboricultural Method Statement in respect of the protection of the trees during all aspects of work on site is submitted and agreed in writing by the Local Planning Authority. It will be written with contractors in mind and will be adhered to throughout the duration of the demolition and development works on site. The Method Statement will include the following:

1. A specification for the location and erection of protective fencing around all vegetation to be retained
2. Specification for the installation of any additional root protection measures
3. Specification for the removal of any built structures, including hard surfacing, within protective fencing areas.

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

Reason

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

14. APPROVAL CONDITION - Access for all (Pre-occupation/performance condition)

A level threshold to all entrance points of the library and retail units within Class A1-A5 of the Town and country Planning (Use Classes) Order 1987 (as amended) shall be provided before the first occupation of each of these units and once provided shall be maintained at all times thereafter.

Reason:

To provide access for all in accordance with the Disability Discrimination Act 1995.

15. APPROVAL CONDITION - Sustainability statement implementation (Commercial) [Pre-occupation condition]

Prior to the first occupation of the development hereby granted consent, written documentary evidence proving that the development has implemented the approved sustainability measures for the commercial units as contained in the Environmental Review report CPA6336 Issue 1 dated March 2013 shall be submitted to the Local Planning Authority for its approval. This shall include full implementation of the photovoltaic panels to be installed, shown on the plans hereby approved.

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).

16. APPROVAL CONDITION - Use of uncontaminated soils and fill [Pre-occupation/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 the site.

Reason:

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

17. APPROVAL CONDITION - Ecological mitigation measures (Pre-occupation/performance condition)

Implementation of the mitigation measures relating to slow worms and the introduction of native and/or ornamental plants of value to wildlife, contained in the Recommendations sections of the Weston Lane Parade Ecological Appraisal (November 2011) and the Weston Lane Parade Bat and Reptile Surveys (October 2012) Report, shall occur before

any building hereby approved is first occupied, unless an alternative phased timescale is agreed in correspondence with the local planning authority. Once implemented, those mitigation measures shall be maintained on site at all times.

Reason:

To provide ecological and biodiversity enhancements at this site in the interests of promoting nature conservation and having regard to the net loss of habitat resulting from the development proposals.

18. APPROVAL CONDITION - Amenity space access [performance condition]

The private garden areas, enclosed courtyard and balconies shown on the approved plans shall be provided before the first occupation of each relevant associated dwelling and thereafter retained at all times thereafter.

Reason:

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

19. APPROVAL CONDITION - Public amenity space access [Performance condition]

The area to be laid out as the retained public amenity space shown on the approved plans shall be regarded, re-turfed and provided before the first occupation of the 50th new dwelling, unless an alternative timescale is agreed in correspondence with the local planning authority. Once provided that space shall be retained at all times thereafter.

Reason:

To ensure the provision of adequate public amenity space in association with the development, having regard to the net loss of publically accessible open space arising from this approval and to provide part of the setting for the development.

20. APPROVAL CONDITION - Refuse & recycling [Pre-occupation/performance condition]

The facilities shown for the storage, removal and recycling of refuse from all buildings hereby approved shall be provided before each respective building is first occupied/brought into use. Once provided, those facilities shall be retained at all times thereafter. Such facilities as approved shall provide for a level approach. Where refuse bin stationing areas have been provided off Kingsclere Avenue, bins shall only be brought to that area on collection day and once emptied shall be returned to their respective residential cartilage until the next collection day. Common bin stores shall be fitted with self-closing and lockable doors.

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.

21. APPROVAL CONDITION - Kitchen extract equipment serving any Class A3-A5 use [Pre-occupation/performance condition]

Before any use within Classes A3 to A5 of the Town and Country Planning (Use Classes) Order 1987 (as amended) involving the preparation of hot food is first instituted, the operator shall submit details of kitchen extraction equipment to be installed, including its acoustic attenuation, for the written approval of the local planning authority. Where such equipment makes a material alteration to the external appearance of the building, such equipment shall not be installed unless and until further planning permission has been granted by the local planning authority. No such use, preparing hot food, shall first be operated until the approved kitchen extraction equipment has been installed in accordance

with the approved details. Once fitted, that equipment shall be operated so as to suppress the emission of fumes from any cooking process and be maintained at all times in accordance with the manufacturers' operating instructions.

Reason:

In the interests of amenity.

22. APPROVAL CONDITION - Laying out of parking/servicing (Pre-occupation condition)

The whole of the car parking, cycle storage (set out in section 6.5 of the design and access statement) and servicing facilities shown on the approved plans shall be laid out, marked out and made available before the use of each respective 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. Common cycle stores shall be fitted with self-closing and lockable doors. All turning areas for refuse vehicles are to be kept clear at all times.

Reason:

To ensure adequate on-site parking and servicing facilities, to avoid congestion in the adjoining highway and in the interests of crime prevention and highway safety.

23. APPROVAL CONDITION - Design against crime (Pre-occupation/performance condition)

Secure enclosure of courtyard to flats over the library and largest commercial unit and lockable gates to all refuse alleys shall be provided prior to the first occupation of each related set of dwellings. Once provided those measures to be retained at all times thereafter.

Reason:

In the interests of crime prevention.

24. 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).

25. APPROVAL CONDITION - Retained access arrangements (Performance condition)

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any other Order revoking or re-enacting this Order) no walls, fences or other permanent means of enclosure shall be erected across those parts of the site shown as being open preventing pedestrian and cyclist access routes through the site.

Reason:

To ensure that permeability is retained through the site.

26. 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.

27. 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.

28. 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 rooflight windows or other openings including dormer windows other than those expressly authorised by this permission shall be inserted in the roofslopes of new houses facing Wallace Road.

Reason:

To safeguard the privacy of children attending the day nursery on the opposite side of Wallace Road.

29. APPROVAL CONDITION - Roof terracing-use restriction (Performance condition)

Other than balconies, roof terrace areas located over each of the units approved within Classes A1-A5 of the Town and Country Planning (Use Classes) Order 1987 (as amended) in the southern flatted block fronting Weston Lane, shall not be used for recreational purposes by any resident living within the approved development.

Reason:

To safeguard the privacy of occupiers of adjacent residential properties to the south.

30. 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.

31. 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.

32. APPROVAL CONDITION - Recessing of window and door openings [Performance condition]

With the exception of ground floor elevations to the commercial units approved within Classes A1 to A5 of the Town and Country Planning (Uses Classes) Order 1987 (as amended), which shall be the subject of further planning applications to agree their detailed form and appearance, all other window and door openings in the development shall have a minimum 50 mm recess from the face of the elevation to the face of each window or door framework.

Reason:

To give visual relief to buildings, to add interest and depth to elevations, so as to enhance the character and appearance of the area.

33. APPROVAL CONDITION - Restriction on use (Performance condition)

No more than one of the small retail units hereby approved shall be used for Class A5 purposes without the prior written approval of the Local Planning Authority and units shall not be amalgamated without first obtaining planning permission to do so.

Reason:

To ensure a satisfactory mix of uses and unit sizes on the site, in the interests of promoting the vitality of this defined local shopping centre.

34. APPROVAL CONDITION - Flexible use (Performance condition)

Those parts of the development to be used for purposes within Classes A1 to A5 of the Town and Country Planning (Use Classes) Order 1987 (or any order replacing or amending this Order) shall be able to 'flip' between those specified uses for a 10 year period, allowed for under Class E to Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The 10 year period shall commence upon first use of any of the commercial units hereby approved. And whatever use a retail unit is in at the end of the 10 year period planning permission shall

thereafter be required to change to another use within Class A of the above 1987 Order (as amended).

Reason:

To protect the amenities of residents within the site and occupiers of adjoining residential properties.

35. APPROVAL CONDITION - Hours of use (Performance condition)

Those parts of the development to be used as the library/community meeting rooms or for purposes within Classes A1 to A5 of the Town and Country Planning (Use Classes) Order 1987 (or any order replacing or amending this Order) shall not be open for public use outside the hours of 0730 to 2300.

Reason:

To protect the amenities of residents within the site and occupiers of adjoining residential properties.

36. 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 D (porch),

Class E (curtilage structures), including a garage, shed (other than those approved for cycle storage purposes shown on the approved site layout plans), 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. Also having regard for the need for permeability in proximity to new and replacement tree planting.

37. 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.

38. APPROVAL CONDITION - Approved plans (Performance condition)

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.

Note to Applicant

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel 01962 858688).

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

The developer can discharge foul flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the foul system. You will be required to provide a topographical site survey and/or a CCTV survey with the connection application showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed foul flow will be no greater than the existing contributing flows.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development

POLICY CONTEXTCore Strategy - (January 2010)

CS3	Promoting Successful Places
CS4	Housing Delivery
CS5	Housing Density
CS11	An Educated City
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
SDP16	Noise
SDP17	Lighting
SDP19	Aerodrome and Technical Site Safeguarding
SDP22	Contaminated Land
NE4	Protected Species
HE6	Archaeological Remains
CLT1	Location of Development
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
H6	Housing Retention
H7	The Residential Environment
REI6	Local Centres
REI7	Food and Drink Uses (Classes A3, A4 and A5)
REI8	Shopfronts

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - August 2005 and amended November 2006)
Parking Standards SPD (September 2011)
Weston Lane Parade information and development brief (July 2012)

Other Relevant Guidance

The National Planning Policy Framework 2012

Relevant Planning History

The site, forming part of the Weston Estate development first gained outline approval under **3793/1008/N**, granted **30.12.1952**.

Shops/maisonettes ultimately approved **16.2.1960** under **3793/1171/10**.

5 storey Somborne House off Weston Lane with 4 storey Ashton House flats off Kingsclere Avenue ultimately approved **9.7.1963** under **3793/1247/64**.

14 car parking spaces created outside Ashton House under **3793/1458/C8** on **7.8.1973**.

Change of use of 72 Weston Lane to Area Housing Office **4.2.1985** under **C01/1656/22118**.

Garage to 24 Kingsclere Avenue approved **4.6.1985**, showing access over current application site, under **E20/1663/22525**.

Area Housing Office extended into 70 Weston Lane **16.7.1986** under **860328/22963/EC**.

Landscaped car park of 13 spaces created off Weston Lane under **3793/890199/EC**, granted **3.9.1989**.

Environmental hard/soft landscape improvements were made to the sunken 'precinct' in front of Wallace Road shops under **3793/890639/EC** granted **10.5.1989**.

Hot food take-away approved **17.4.1991** at 3 Wallace Road under **25356/910284** (implemented, but ceased trading in 1992).

Tenants training centre approved **29.6.1994** at 3 Wallace Road under **25356/940533**, with use widened to include branch library.

Roller shutters to 80 Weston Lane (Co-op) approved **14.3.1995** under **950092/14538/E**.

Residents bin store approved in Kingsclere Close **8.3.1998** under **981304/3793/EC**.

Roller shutters to 80 Weston Lane (Co-op) approved **12.6.2000** under **00/00490/FUL/14538**.

Under application **13/00248/SCR** the council determined **7.3.2013** that similar proposals by Bouygues Development ("redevelopment of the site for a mixed residential and commercial development (up to 75 residential units"), which have come to be included in this planning application (13/00476/FUL), did not require an Environmental Assessment.

An informal pre-application Members Briefing was given on 26 March 2013.

An application for the prior approval of demolition of existing buildings, excluding the electricity sub-station and gas governor building fronting Kingsclere Avenue was approved **22.5.2013** under reference **13/00461/DPA** and is reproduced below:-

CONDITIONS imposed on 13/00461/DPA approved 22.5.2013

01. APPROVAL CONDITION - Timing Condition

The demolition works hereby permitted shall begin not later than three years from the date on which this prior approval notice was granted.

Reason:

To comply with the Town & Country Planning Act (1990) (As amended) and to define the life of this permission.

02. 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.

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

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

Monday to Friday 08:00 hours to 17:00 hours (8.00am to 5.00pm)

Saturdays 08:00 hours to 12:00 hours (8.00am to 12.00pm)

And at no time on Sundays and recognised public holidays.

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

Reason:

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

04. APPROVAL CONDITION - Management of Vehicles

Unless otherwise agreed by the Local Planning Authority all lorries, HGV's and other delivery vehicles associated with the demolition works, and arriving at the site, shall be time managed to ensure that arrivals and departures are scheduled. No more than two vehicles shall wait adjacent to the site at any one time. all unloading and loading of vehicles and the parking of staff vehicles shall be accommodated within the site for the whole period of demolition.

Reason:

For the safety and convenience of the users of the adjacent highway and access.

05. APPROVAL CONDITION - Tree Retention and Safeguarding [Pre-Commencement/Performance Condition]

All trees to be retained (T5, T14-1 T19 and G1 to G3 set out in the planning statement by Capita Symonds) shall be fully safeguarded during the course of all demolition and excavation operations. No operation in connection with the development hereby permitted shall commence on site until tree protection - over and above that shown on the site

hoarding plan - has been submitted to and agreed in writing by the Local Planning Authority. Once approved that fencing to protect the trees shall be erected before any demolition takes place. The protective fencing shall comply with BS5837 and 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 demolition period.

06. APPROVAL CONDITION - Demolition - Dust Suppression and waste stockpiles [Pre-Commencement/Performance Condition]

Before demolition commences, the developer that wins the contract to demolish the buildings shall submit a dust suppression method statement for the written approval of the local planning authority. The agreed measures to suppress dust during the demolition works to be carried out on the site shall then be implemented throughout the entire demolition period. This method statement shall apply to any stockpiled waste materials to be used to regrade the site. Such stockpiles shall not exceed 4m in height at any part of each stockpile

Reason:

To protect the amenities of users of the surrounding area.

07. APPROVAL CONDITION - Security Fencing

During the demolition works, the boundary fencing shall be provided in accordance with the Method and Risk Assessment hereby approved. The fencing shall remain in place for the duration of the demolition works.

Reason

In the interest of safety and security.

08. APPROVAL CONDITION - Demolition Statement [Pre-Commencement Condition]

Precise details of the method and programming of the demolition of the existing property shall be submitted to and approved by in writing by the Local Planning Authority prior to the implementation of the scheme. The agreed scheme shall be carried out to the details as specified in the demolition programme unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of the amenity of adjacent residential properties.

09. APPROVAL CONDITION - Demolition - Technical Details [Pre-Commencement Condition]

Notwithstanding the submitted demolition method statement for the proposed work hereby approved, the demolition contractor shall submit a more precise method statement as to the removal of asbestos from the buildings for the written approval of the local planning authority. Once approved, the asbestos shall be removed from each building before it is demolished. No demolition shall take place unless and until such details have been submitted, considered and agreed by the Local Planning Authority.

Reason:

To ensure that the appropriate safeguards and mitigation action in relation to harmful materials are provided for the safety of local residents and workers on the site.

10. PERFORMANCE CONDITION - Vigilance for bats during demolition

Features such as tiles, soffits and weatherboards, that could accommodate bats, shall be stripped by hand. In the unlikely event of bats being found work shall stop until advice on how to proceed has been obtained from Natural England or an appropriately qualified ecologist.

Reason:

To safeguard protected species in the interests of nature conservation.

11. PERFORMANCE CONDITION - Ecological mitigation

The mitigation measures contained in the Recommendations section of the Weston Lane Parade Bat and Reptile Surveys (October 2012) Report shall be fully implemented during the programmed demolition works.

Reason:

In the interests of nature conservation.

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

During the period of demolition, 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.

13. APPROVAL CONDITION - Demolition Method Statement - [Performance Condition]

The proposed demolition shall be carried out in accordance with the principles set out in the submitted R Collard method statement throughout the entire demolition period unless any variance is agreed in correspondence with the Local Planning Authority.

Reason:

To protect the amenities of users of the surrounding area.

14. APPROVAL CONDITION - Archaeological watching brief (Performance condition)

Unless otherwise provided for under any favourable decision the local planning authority may issue under reference 13/00476/FUL, the taking up of building floor slabs and excavation of foundations shall only occur in accordance with the programme of archaeological work set out in the written scheme of investigation prepared by A Russel of the Southampton City Council Archaeology Unit dated 8/3 /2013. This shall take the form of a watching brief where a qualified archaeologist appointed by the developer is present on site during any excavation work following the proposed demolition to clear the site for redevelopment.

REASON

To ensure that the archaeology of the site is properly investigated.

15. APPROVAL CONDITION - Archaeological work programme [Performance Condition]

Unless otherwise provided for under any favourable decision the local planning authority may issue under reference 13/00476/FUL, 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.

Reason for Raising No Objection to Prior Approval

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The proposed demolition works are considered to fall within the terms of Part 31 of the GPDO (1995) and whilst prior approval is required the Council's consideration of the following policies concludes that no objection should be forthcoming:

Policies - SDP1, SDP7, SDP9 and REI14 of the adopted City of Southampton Local Plan Review 2006 as supported by the Council's current adopted Supplementary Planning Guidance and Policy CS13 of the adopted LDF Core Strategy 2010.

SUMMARY OF VIEWS EXPRESSED AT 13.3.2013 PUBLIC CONSULTATION EXERCISE ORGANISED BY THE APPLICANT PRIOR TO THE SUBMISSION OF 13/00476/FUL (34 responses made – figures in brackets indicate number of respondents making each point)

Positive

General

- Fully support/big improvement (7)
- Much better entrance to the estate (1)

Highway safety

- Glad to see safety changes regarding Wallace Road/Weston Lane junction (1)
- Glad traffic calming has been introduced (1)

Neutral / Clarification sought

Uses

- Post office essential, owing to number of elderly in the area (4)
- Shop for day to day grocery needs required (3)
- Want clarification that library will be retained (2)
- Request that satellite council office be reintroduced (as one at Woolston often shut)(2)
- Will there be a mobile library service? (1)

Highways

- Where is zebra crossing to Weston Lane going back? (1)
- Parking levels sought (1)

Aesthetics/design/appearance of development

- Request for plans (5)
- Elevational clarification sought (1)

Logistics

- Request for timescale of programmed completion (1)

General

- When carrying out Weston Lane improvements, could a dropped kerb be provided to allow off-street parking for one house (1)
- Will retaining wall to common boundary with 44 Weston Lane be kept? (1)

Negative

Scale of development/impact to amenity

- Flats at corner of Weston Lane/Wallace Road will overlook a children's nursery so tenants will need to be vetted as this is a child safeguarding issue (some parents have indicated they will move their children to another nursery) (2)
- 5 storey/3 storey should be switched around in Weston Lane (1)
- Concern about location of 5 storey development and potential to be overlooked (1)

Highways

- Concern about adequacy of parking levels given congestion/parking issues caused by doctors' surgery south of site (buses find it difficult to get through) and also especially around Ashton House (6)
- Removal of zebra will result in a fatality, it must be kept: slowing cars is not enough (3)
- Concern that dual use of service lay-by as shoppers parking will not work and be hazardous creating 'blind corner' – considers retail/flats should be where Somborne House is instead with servicing to rear (2)
- Issue of cars coming to fast into Wallace Road from Weston Lane needs to be addressed, as proposed raised table will not solve that/slow cars (1)
- In Wallace Road parking for housing should be separated from carriageway by pavement as has been done in Woolston (1)
- Traffic calming does not make sense (1)
- Raised table will damage cars (1)

General impact to amenity

- Concern that shops will be shut for duration of construction – could mobile service be provided to help elderly who would have difficulty accessing other shopping facilities (2)
- Against a fast food outlet being introduced, as likely to create noise disturbance from congregations of youths, late at night – there have been similar problems outside the Co-op (1)
- Unnecessary tree loss (1)

Housing need

- Disappointment that houses to be sold, from tenant who has been on council waiting list for 13 years and wants to move back to Weston (3)

Development mix

- More shops needed (1)

Other

Organisation of event

- Venue too crowded – difficult to see display (1)
- Another meeting needed (1)

General principles and community's ability to influence change

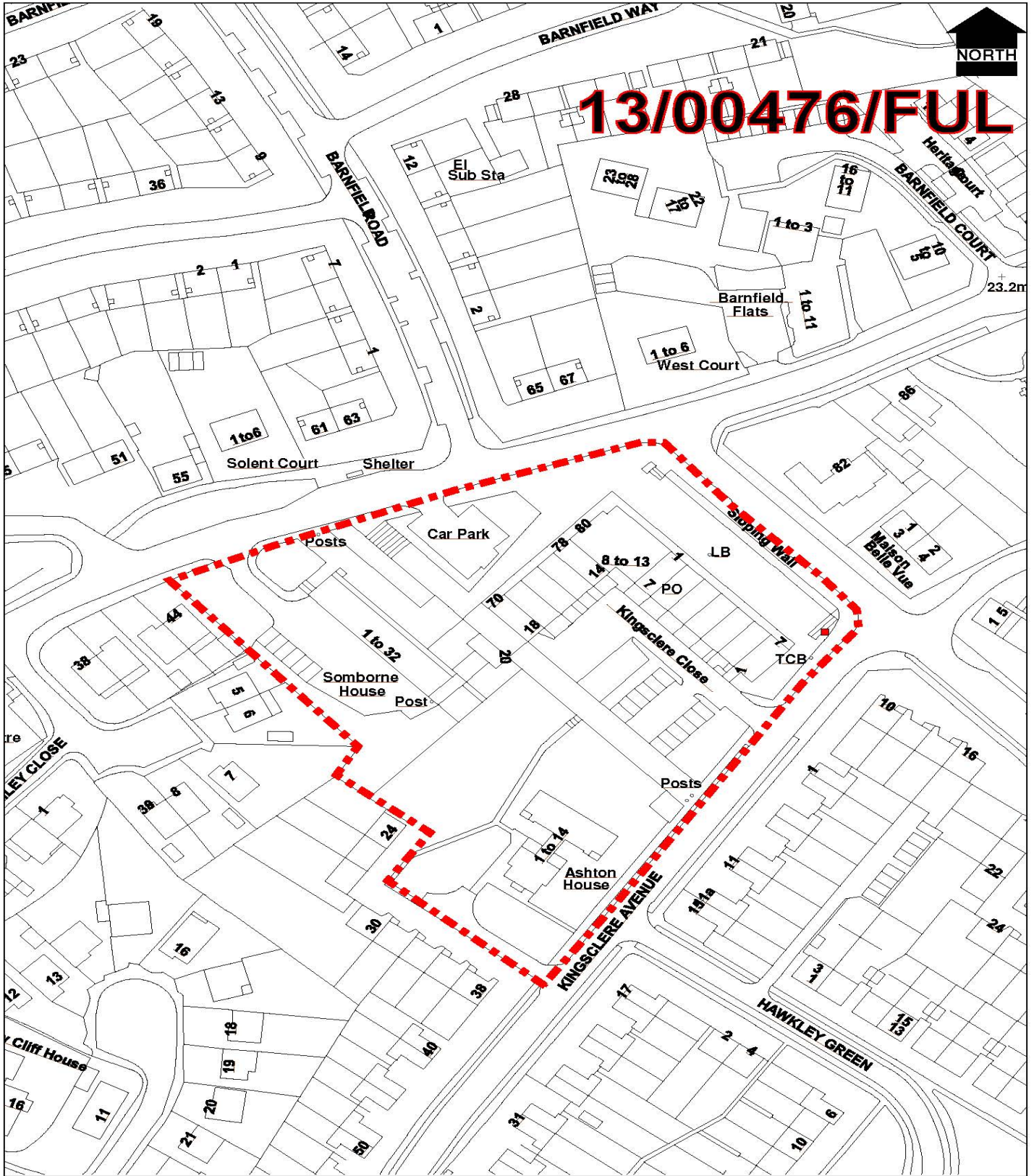
- Do not want Co-op back/Co-op should not have the monopoly – Happy Shopper on site should be offered one of the retail units (2)
- Critical that developer in monopoly position and could have listened more to local residents (1)
- Keep our shops now (1)

Personal impact

- Devaluation of property values (2)
- Regeneration being forced on the local community (1)

Other

- No comment written (1)
- Food shops never last long at this site (1)



13/00476/FUL

Scale : 1:1250

Date : 12 June 2013

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**Planning, Transport & Sustainability Division
 Planning and Rights of Way Panel 25 June 2013
 Planning Application Report of the Planning and Development Manager**

Application address: Brunswick House, 8-13 Brunswick Place			
Proposed development: Change of use from offices to ground floor commercial use (Classes A1-A5) with student residential accommodation above (156 studio units), rear extension at ground, first and second floor levels and an extension at third floor level to the front of the building with other external alterations.			
Application number	13/00348/FUL	Application type	FUL
Case officer	Stephen Harrison	Public speaking time	15 minutes
Last date for determination:	N/A (PPA)	Ward	Bevois
Reason for Panel Referral:	Major planning application subject to objection and departure from the Development Plan	Ward Councillors	Cllr Barnes-Andrews Cllr Burke Cllr Rayment

Applicant: Crummock Estates Ltd	Agent: GVA - Miss Hayley Knight
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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

This application proposes to re-energise an existing landmark building and offers a mixed-use scheme with significant regeneration benefits. In terms of planning policy the scheme represents a departure from the current development plan in that it does not retain a significant quantity of B1 (office) space. That said, the building has been marketed, but due to the existing layout, ceiling heights and limited parking numbers on offer has not attracted a new tenant. As a student residential-led scheme is viable, and will deliver a high quality development, it is considered appropriate to release the site for this use and allow development to take place within the city centre on this prominent site. The alternative option is for the building to remain largely vacant indefinitely, with no certainty that an office use will ever come forward, which will continue to harm the City's wider vision and the setting of some significant local heritage assets, including the parks. The impact of the development, in terms of visual and neighbouring amenity, highway safety and parking is considered to be acceptable. In reaching this conclusion, as to the acceptability of the development, particular account has also been taken of the third party response to the scheme as reported to the Planning and Rights of Way Panel on 25th June 2013; the quality of the proposed redevelopment proposals; current market conditions; the economic regeneration benefits that will accrue as a result of the redevelopment proposals; the need for student housing and the potential reduction in demand for converting the City's existing family housing stock into shared housing. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

City of Southampton Local Plan Review (March 2006) policies SDP1, SDP4, SDP5, SDP7, SDP8, SDP9, SDP10, SDP12, SDP13, SDP15, SDP22, HE3, HE5, HE6, CLT1, CLT5, H2, H7, REI8, REI15 and MSA1 and City of Southampton Core Strategy (January 2010) policies CS3, CS4, CS6, CS7, CS11, CS13, CS14, CS15, CS18, CS19, CS20, CS21, CS22, CS24 and CS25 as supported by the relevant national planning guidance and the Council's current supplementary planning guidance listed in the Panel report.

Appendix attached			
1	Development Plan Policies		

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. A financial contribution and/or the implementation and maintenance of an agreed series of site specific transport and off-site landscaping and/or public realm works 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 LDF Core Strategy policies CS18 and CS25;
 - 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. In lieu of an affordable housing an occupation restriction to ensure that all residents are in full time higher education and that the provider is a member of the Southampton Accreditation Scheme for Student Housing (SASSH) (or equivalent) in accordance with Local Plan Policy H13(v);
 - iv. The submission and implementation of a Student Drop Off/Collection Management Plan committing to an ongoing review of the site;
 - v. Financial contributions towards the relevant elements of public open space and sports pitches 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);
 - vi. Provision of on-site CCTV coverage and monitoring in line with Policy SDP10 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS13 and CS25;
 - vii. Agreement of construction vehicle routing and management plan;
 - viii. The submission, approval and implementation of public art that is consistent with the Council's Public Art 'Art People Places' Strategy;
 - ix. Submission and implementation within a specified timescale of a Travel Plan;

- x. Submission and implementation of a Training & Employment Management Plan committing to adopting local labour and employment initiatives (during and post construction) in line with LDF Core Strategy policies CS24 and CS25;
- xi. Submission and implementation of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build/conversion process is repaired by the developer;
- xii. No student, with the exception of registered disabled drivers, shall be entitled to obtain parking permits to the Council's Controlled Parking Zones.

In the event that the legal agreement is not completed within 2 months from the date of Planning Panel 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.

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

1.0 The site and its context

- 1.1 Brunswick House is an existing 1960's thirteen storey commercial building located to the north of the City Centre on land bounded by Brunswick Place to the south. It has a simple design aesthetic. The building has some existing 4,460sq.m of B1a office space, which is largely vacant and no longer fit for purpose, above retail uses on the ground floor. The site forms part of the Council's preferred office retention area (Policy RE15 refers). It holds prominent views from the registered Andrews Park opposite. The building is also visible from the Carlton Crescent Conservation Area to the north. 1 Brunswick Place (to the west) and 16-20 Brunswick Place (to the east) are Grade II listed. 2-4 Brunswick Place are prominent red brick buildings with fine architectural detailing and are locally listed.
- 1.2 The site is well located and is within easy reach of a number of bus routes connecting to various parts of Southampton, and is a short walk (400m) to the Solent University campus. There are 7 pay and display parking spaces to the front of the site formed by an existing layby.

2. Proposal

- 2.1 The application has been amended following its initial validation. Full planning permission is sought for the conversion of the building with a mixed-use development comprising 156 student studio apartments with associated communal spaces, and commercial uses on the ground floor. It is anticipated that the units are to be made available for the September 2014 intake and the applicants hope to target mature, overseas and medical students. The application is not in partnership with an existing university provider.

2.2 The Uses

The development comprises 156 self contained student studio apartments, which will be single occupancy (7 of which have been designed as fully wheelchair accessible). The average unit size is 23sq.m. A communal lounge is located on the fourth floor of the tower facing the parks. To facilitate the conversion an

additional storey is proposed above the existing second floor. This will be set back by 1.5 metres from the existing building line and finished with a wild flower mix green roof (approximately 450sq.m in area).

- 2.3 In addition some 753sq.m of existing ground floor commercial uses are to be retained and extended to the rear to provide a further 80sq.m of floorspace. Five separate commercial units (use class A1-A5) are shown on the submitted plans, with an independent entrance lobby for the residential use and associated management office, laundry, refuse and cycle store completing the ground floor. Some 25 jobs are to be created as a result of this scheme.
- 2.4 Parking is provided to the rear (as existing) and accessed from Brunswick Place. In total 12 spaces are provided including 2 per commercial unit and 2 for use by staff and servicing. No parking is provided for students or customers of the commercial space. Instead a minimum of 78 cycle parking spaces are proposed for students with additional for the commercial uses.
- 2.5 The Building
A modern palette of materials is proposed as part of the recladding proposals. At the time of writing the exact specification is still open for discussion. Essentially, a facing brick podium will ground the tower and the additional storey will be formed by a floor-to-ceiling glazing system. A modern cladding system will complete the tower and the design has been simplified following the original submission.
- 2.6 External Space
No private amenity space is provided for the residents due to management and safety concerns. The site is, however, located directly opposite Andrews Park and residents will have access to an internal communal lounge.
- 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**. The site is not allocated as part of the current development plan. However, the current proposals represent a departure from Policy RE115 (and have been advertised as such) as they do not seek to retain the existing office floorspace. Core Strategy Policy CS7 also seeks to retain existing employment space and the scheme does not comply with this requirement either.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.3 Major developments are expected to meet high sustainable construction standards in accordance with adopted Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13.
- 3.4 **SCC Planning Policy** have raised no objections to the application. At the pre-

application stage they commented that the Council were requesting an exemption to the office to residential pd rights introduced by Government on 30th May 2013. However the exemption zone would exclude Brunswick House, which would therefore benefit from pd rights from B1a office to C3 residential. On this basis it would seem unreasonable to object in advance to an application for a loss of offices (to student use) on the grounds of employment policy. The Government is intending to introduce the pd rights in the Spring – date unspecified. If in the meantime an application is submitted, it would be sensible for this to be accompanied by the evidence which has no doubt been worked up to seek to justify the loss of the office (nature of the building, etc); just in case the Government changes its mind on the pd rights.

3.5 Response

Since these comments were made the Government have introduced the permitted change from office to residential. No existing office buildings in Southampton are exempt from this possible change of use and this is a material consideration in the determination of this application.

4.0 Relevant Planning History

4.1 1196/43 Erection of a 13-storey office building with a showroom on the ground floor – approved 27.03.1961.

4.2 There are other planning applications for student accommodation nearby, notably:
Mayflower Halls (1104 study bedrooms) - 12/00675/FUL – Approved 30.07.12
Orions Point (854 study bedrooms total) - 12/00922/FUL – Approved 04.04.13
60-64 St Mary's Road (686 study bedrooms) - 12/01525/FUL – Approved 28.05.13

5.0 Consultation Responses and Notification Representations

5.1 In line with Council recommendations for major development the applicants undertook their own public consultation event prior to lodging their formal planning application, which included sending invites to affected stakeholders with a public drop-in session on 16th January 2013.

5.2 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 press advertisements (22.03.13 and 12.04.13) and erecting site notices (21.03.13 and 11.04.13). The press notice advised that the application represents a departure from the office retention policies of the development plan.

5.3 At the time of writing the report **2** objections have been received, including concerns raised from the Southampton Common and Parks Protection Society and the Charlotte Place Campaign Group.

5.4 The City of Southampton Society approve of the application providing that some of the forthcoming S.106 money is used to protect the East (Andrews) Park from overuse by students.

5.5 Response

There is a contribution sought towards open space enhancements as part of the draft S.106 legal agreement detailed above.

5.6 Third Party Comment

The following planning-related issues are raised:

- The area is already heavily populated by students (and the Council keep approving more bedspaces) – the parks cannot accommodate anymore;
- The building has no private amenity space and the students will use the Parks, which are already in need of repair due to wear and tear. It will no longer be a place for peaceful enjoyment by the public; and,
- There will be an increase in anti-social behaviour, noise and litter.

5.7 Consultee Comments

- 5.8 **SCC Highways** – No objection subject to conditions and S.106 legal agreement. We have two universities within Southampton for these people to attend, and the SSU is by far the closest, and therefore likely to be more attractive to students who wish to study in that facility. The other university, the Southampton University is within the Swaythling/Bassett area, (where there is a large amount of student accommodation), and is accessed using either the uni link bus service which runs along London Road or through Bevois Valley, and by cycle or foot through the existing cycle and pedestrian routes, all of which avoid the need to walk through the parks.
- 5.9 The Transport Assessment addresses the traffic impact of the development but does not seem to review the pedestrian or cycle access and generation. Should students attend the SSU they can walk down to the Charlotte Place junction and cross the road via the traffic signals, but the pedestrian route does not link up. There have been attacks on people within the parks, and there is concern for students being attacked when returning to their accommodation after dark. A footpath link from the Charlotte Place roundabout pedestrian facility at the end of Brunswick Place to St Andrews Road including alterations to alignment, drainage and signal equipment should be considered. There is a complication with this area as the parks are common land, and we are therefore not at liberty to change the use of the land within those areas, therefore we will need to consider utilising some carriageway space to make this possible with some changes to the existing roundabout layout, drainage and road markings, and avoid damage to the mature trees.
- 5.10 It would be appropriate for accidents to be investigated in the near vicinity to establish the types of incidents which occur, and any trends. From minor interrogation of this pedestrian casualties seem to be listed in the area.
- 5.11 Should students cycle, it is not clear how they would be encouraged to travel, and on which routes. It would also be beneficial to understand how student intake and departure days are to be managed. Refuse collection does not seem clear on the plans, and understanding how this will occur would help inform us of ease of collection. The type of cycle parking for the students needs to be clarified to be sure that there is sufficient room for their cycles. The commercial premises will also require cycle parking for staff, and there will be a need for visitor cycle parking for all uses.
- 5.12 **SCC Design** - Further to my previous comments the amendments as now proposed have addressed most of my main concerns, however I still have some reservations about the cladding specification as detailed below.

- 5.13 Relevant Design Policies and Guidance:
Local Plan Review 2006 SDP 1, 6, 7, 8 and 9, and MSA 1, Core Strategy 2010 CS 1, CS 13, City Centre Urban Design Strategy 2000, City Centre Development Design Guide 2004, North South Spine Strategy 2004, City Centre Streetscape Manual 2005, City Centre Characterisation Appraisal 2009, CABE/EH Tall Buildings Guidance 2007, Skyline Strategy (officer guidance) 2006, City Centre Action Plan 2012 Preferred Approach policies 14 and 15, and Draft City Centre Master Plan 2012.
- 5.14 Layout
The proposal makes efficient use of an under utilised office block, whilst retaining an active frontage with a change of use of ground floor accommodation from office use to restaurants and shops. The south facing frontage, although fronting on to the busy Brunswick Place, could provide areas for café tables if it is considered that the parking layby is no longer required or could be reduced in length.
- 5.15 Scale and Appearance
The CGIs submitted indicate that the recladding of the tower will be much more sympathetically designed given the context of the proposed development and the views from St Andrews Park. The amended proposal simplifies the fenestration pattern to the tower, adding framed window features at the southern corners and on the west elevation that add depth and interest, and uses lighter coloured cladding. All of these reduce the visual impact of the tower in terms of its scale, compared to the originally submitted design.
- 5.16 In addition the use of brown brick instead of a grey brick to the front entrance is more in character with the colour of bricks used on Brunswick Place. The proposal to return the shop front glazing on the east elevation of the podium block is also an improvement that will contribute to the active frontage of the block by adding a third dimension (frontage as well as depth).
- 5.17 The drawings indicate that no changes will be made to the roof level elevations which carry telecoms equipment, however the CGIs and elevation plans are misleading as they appear to indicate that they have been redesigned.
- 5.18 Materials
My main outstanding concern is the specification of the cladding. The submitted sample is Kingspan Optima in a reflective silver and greyrock metallic colour. This product is normally associated with industrial buildings and as such it is not a product that currently (given the lack of information evidencing its suitability) I would support being used in this prime city centre location. It is not clear from the amended drawings how the junctions are to be formed between panels to create the simple vertical lines indicated on the elevations. The most attractive and simple solution is to have a detail that creates a strong vertical and minimises the visibility of horizontal joints. Therefore a system with a cover strip detail would be inappropriate as this could look clumsy and very industrial. For the reasons above, the specification and detailing of joints etc should be conditioned.
- 5.19 The choice of a reflective material is also of concern particularly with colours indicated as these appear quite industrial and could look visually heavy, potentially too reflective and over dominating to views from the park, and do not have the warmth of colours used in the vicinity. Alternative colours of a neutral non reflective type should be considered. Built examples, similar to this tower block should be

identified to demonstrate that the system is appropriate and will weather well in this maritime environment. It is also not clear how the darker grey inset panels to the south elevation will be detailed to give the depth shown on the CGI. A detail of the framed window features and their surrounds is also required, as well as a detailed section through the additional fourth floor and the fenestration to the student common room.

5.20 Response

The additional information requested has now been provided and will form part of the presentation to Panel. The choice of cladding materials will be secured with a planning condition following further consultation with the relevant consultees. A sample panel can be requested to be constructed on site ahead of sign off.

5.21 **SCC Heritage** - The site lies within an Area of Archaeological Potential and the proposed development may disturb remains relating to the prehistoric, Saxon and Medieval occupation of Southampton. It is therefore recommended that standard archaeological conditions are applied to any grant of planning permission to facilitate an archaeological evaluation of the area of the extension to the north of the main building. This evaluation may result in further work, depending on the nature and preservation of any deposits uncovered.

5.22 The site is immediately adjacent to the Grade II Registered Park, and as such the proposals will have an impact on the setting of the park. While I am of the opinion that the addition of a storey to the main building, and subsequent changes to the façade have been handled adequately, I am concerned that the treatment to the façade of the tower will be overpowering and oppressive and may adversely affect the setting of the park. The proposed cladding is out of character with other building in the area, including the Listed Buildings at No 1 and Nos 16'20 Brunswick Place, and the applicant should be asked to reconsider both the colour and the materials proposed.

5.23 Response

The cladding design has been simplified and officers are working with the applicants to find a suitable product. A planning condition can be used to secure this.

5.24 **Architect's Panel** - The proposed accommodation was considered to be 'generous' compared to other schemes. This cladding (as originally submitted) was considered to be too busy. Further detail was recommended regarding the cornice detail to the setback at podium level. This eastern elevation (ground to second floor level) would also benefit from some animation and it was suggested that the shopfront could turn the corner.

5.25 Response

These changes have been incorporated into the revised scheme.

5.26 **SCC Ecology** – No objection. The existing building and its immediate surroundings have low biodiversity value. The proposed re-development is therefore unlikely to have a direct adverse impact on local biodiversity. I am pleased to see the inclusion of a green roof in the scheme. However, a 100% sedum roof will provide limited benefits and I would prefer to see sedum combined with a range of wildflowers.

- 5.27 Response
The green roof has been amended and can be secured with a planning condition.
- 5.28 **SCC Sustainability** - It is noted that it is intended that the green roof is a sedum blanket. It is recommended that the developer investigates a more bio-diverse selection of plants, e.g. incorporating wildflowers. Prior to the first occupation of the development the submitted sustainability (which includes CO2 savings of at least 15% over Building Regulations and other sustainability features including a green roof) should be implemented to ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy (January 2010).
- 5.29 **SCC Housing** - As the proposed scheme comprises of student accommodation we would not seek affordable housing, but we would expect a student restriction to be put in place, plus we request that the provider signs up to SASSH (Southampton Accreditation Scheme for Student Housing).
- 5.30 **SCC Environmental Health** – No objection subject to the applicant’s confirmation of the following proposals being implemented:
- Air quality – floors 1 to 4 on the Brunswick Place frontage requires mechanical ventilation and non-operable windows;
 - Noise – floors 1 to 3 on the Brunswick Place frontage requires non-operable windows and mechanical forced air ventilation;
 - Noise – north, west and east facades of all floors will require acoustically attenuated method of ventilation. An example of this is acoustically treated trickle ventilation within the window frame.
- 5.31 Therefore taking into account both the noise and air quality report the building would need:
- Non-operable windows and mechanical ventilation floors 1-4 on the Brunswick Place frontage;
 - Acoustically attenuated ventilation to all other studio apartments.
- 5.32 **SCC Contaminated Land** - This department considers the proposed land use as being sensitive to the affects of land contamination. Records maintained by SCC - Regulatory Services indicate that the subject site is located on/adjacent to the Corporation Stores (Adj. to NE). These land uses are associated with potential land contamination hazards. There is the potential for these off-site hazards to migrate from source and present a risk to the proposed end use, workers involved in construction and the wider environment. Therefore, to ensure compliance with Para 121 of the National Planning Policy Framework - March 2012 and policies SDP1 and SDP22 of the City of Southampton Local Plan Review (adopted version, March 2006) this department would recommend that the site be assessed for land contamination risks and, where appropriate, remediated to ensure the long term safety of the site. To facilitate this planning conditions are recommended.
- 5.33 **BAA** – No objection
- 5.34 **Southern Water** – Confirmation that there is capacity in the foul sewer, but that there is inadequate capacity in the local network to provide surface water disposal. No objection is raised subject to the use of planning conditions to secure further details of foul and surface water.

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 mixed-use development as a Local Plan 'departure';
- ii. The design approach & its impact on the established character;
- iii. The impact on local heritage assets;
- iv. The impact on existing and proposed residential amenity;
- v. The quality of the proposed living environment;
- vi. The level of on-site parking and its impact on highway safety; and,
- vii. The requirement for a S.106 Agreement

6.2 Principle of Development

6.3 The current proposals provide a residential use above commercial units on the ground floor. However, without the significant B1 (office) retention the application represents a departure from the current development plan. As such, further consideration is required before accepting the principle of a residential-led development. There comes a point, however, when an alternative use should be explored so as to avoid leaving a significant city centre site vacant indefinitely. The comments from Planning Policy (as set out above) concur.

6.4 Given the limited interest in the office building over a significant period of time (albeit largely during a recession), and the building's current vacancy rate of 75%, it is considered appropriate to support the proposed departure in principle. It should also be noted that following the recent changes to planning legislation, effective as of 30th May 2013, the conversion of the City's office stock to a residential use can now be undertaken without the need for planning permission. As such, the Council's protectionist policies now carry very little weight. Furthermore, and notwithstanding the policy position as set out above, the re-use of this previously developed land with a predominantly residential-led proposal is consistent with the requirements of 'saved' Local Plan policies H2 (excluding ii) as supported by policies CS3 and CS5 and the emerging policy of the consultation draft City Centre Action Plan.

6.5 The principle of student accommodation is supported by 'saved' Local Plan Policy H13 and is well suited for the site and the City Centre in principle. Furthermore, the provision of purpose built student accommodation reduces the pressure, in part, on the City's existing family housing stock to be converted to housing in multiple occupation. Policy H13 requires such housing to be restricted by a planning condition or an appropriate legal agreement. Where this is accepted the Council's normal affordable housing requirements do not apply. That said, it is accepted that 156 students on one site is significant and will require robust on-site management to ensure that the concerns raised by local stakeholders are properly addressed.

6.6 The principle of applying flexible commercial uses to the five ground floor units is accepted, although some controls are recommended to ensure that these units are not wholly occupied by drinking establishments and takeaway units. A planning condition is recommended to this effect.

6.7 Design Approach & Impact on Established Character

The application site's immediate context is defined by a mixture of buildings with

differing architectural styles and scale; typically of between 2 and 4 storeys, although taller buildings front Andrews Park. There will be no change to the proposed height of the building, and the principal alterations comprise the additional storey to the podium level and a recladding of the external façade. Nevertheless these changes need to be assessed against the urban design expectations of the current development plan and its supporting guidance.

- 6.8 Local Plan 'saved' Policy MSA1 (City Centre Design) is permissive of development within the city centre where the design enhances the character and appearance of the city centre, whilst creating landmark architecture.
- 6.9 The adjacent "Central Parks" Character Area accepts that taller buildings of between 10 and 15 storeys should be encouraged along key boundaries with the parks to maximise views for residents and to increase the sense of enclosure within the parks. Active frontages are also promoted for buildings facing the parks.
- 6.10 With regards to the additional storey the use of a setback and strong parapet line is considered to respect the character and scale of the neighbouring buildings, some of which are statutorily listed. The principle of recladding is also supported as work is needed to give the tower a more residential appearance. Agreement on the exact choice of materials has not yet been reached, whilst the chosen design is generally regarded by officers as an improvement to the scheme as originally submitted. The retention of active ground floor frontages and a focus on the residential entrance is also supported.
- 6.11 In summary, the proposed building employs a modern design solution for this prominent city centre building that responds to its context with the use of a singular architectural language. Subject to agreement being found on the external cladding materials (through the use of a planning condition) the proposals should create a good quality development, suitable for its location close to the parks and nearby listed buildings. For the reasons given above, and by the Council's City Design Manager, the application is considered to have addressed the requirements of local and national design guidance, namely policies SDP6, SDP7, SDP8 and SDP9 as supported by CABI's guidance on tall buildings.
- 6.12 Impact on Local Heritage
Local Plan 'saved' policies HE3 and HE5, as supported by Core Strategy Policy CS14, seek to ensure that development proposals take into account and respect the setting to neighbouring listed buildings and local parks of historic importance. As detailed above, the immediate context to the application site is defined by a good mix of listed buildings, and the site itself is directly related to the Andrews Park on the opposite side of Brunswick Place.
- 6.13 By re-building the street scene with projecting oriel bays and retaining the parapet line above the second floor level the development is considered to enhance the settings of the neighbouring listed buildings. The recladding of the tower will be prominent when viewed from the parks, and the Carlton Crescent Conservation Area to the north. Amended plans have been secured which simplify the proposed building's appearance, although the telecoms equipment is to be retained as part of the scheme, which is disappointing in design terms. A high quality palette of materials will ensure that the building is consistent with local and national policy requirements that seek to preserve or enhance the setting of this park and nearby listed buildings. The Council's Heritage Team are supportive of the proposals

subject to a revised cladding system. It is considered that this application also satisfies the policies of the Development Plan (namely HE3 and HE5) and would meet the objectives and principles of the City Centre Urban Design Strategy (2001) and City Centre Development Design Guide (2004), as set out above.

6.14 The Impact on Existing Residential Amenity

In physical terms there will be no significant impact to existing residential amenity (in terms of shadow, loss of outlook and/or privacy) due to the presence of the existing building and the limited change to the scale and massing proposed. The building's conversion from office to residential will result in changes to how the building is used with the introduction of habitable accommodation at higher levels. Nevertheless, the predominant use in the vicinity of the site is commercial and the separation distances of some 35+ metres to the rear of the upper residential uses fronting London Road is acceptable given this city centre context.

6.15 No objections have been received from affected neighbours citing amenity as a concern. However, a third party has cited noise and disturbance that may occur from students returning to the site late at night as an objection. This is a material planning consideration. It is, however, considered that this type of accommodation is appropriate for this city centre location. Any noise and disturbance issues can be addressed through other legislation and do not warrant a planning refusal in this instance. It is considered necessary to ensure that there is always a manager present on site to deal with any problems that arise on a day to day basis. This can be secured with a planning condition.

6.16 Given the city centre location the application is again considered to address the requirements of adopted Local Plan 'saved' policies SDP1(i), SDP7(v) and SDP9(v), as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006), which seek to protect existing residential amenity.

6.17 Living Environment

The site is located on Brunswick Place, on the edge of a designated Air Quality Management Area (AQMA). There is, therefore, the potential for air quality and noise nuisance to prospective residents. The Council's Environmental Health Officer has raised no objection to the redevelopment of this site for residential uses subject to the attached planning conditions. The applicants submitted "Air Quality Assessment" suggests mitigation measures that can make this scheme acceptable for this location. As the proposal will effectively be sealed the impact from noise and air quality will be negligible.

6.18 The layout of the building is judged acceptable with rooms arranged around a central corridor. This does result in single aspect north facing flats which is difficult to avoid with such a conversion scheme. Where the podium level forms and meets the tower there are 6 studio apartments (2 on each floor) with a northerly outlook served by a single small window opening. Whilst not ideal they are not in themselves sufficiently harmful to warrant a planning refusal of the wider scheme when considered against the other net benefits that will accrue. All room sizes are acceptable and noise transfer between units can be mitigated at the Building Regulations stage. The rooms are stacked on a floor by floor basis.

6.19 The buildings have safe and convenient access to integral bin and cycle storage, which can be secured with a planning condition. Lift access is provided to serve all

floors. As such, these city centre student flats are considered to meet the Council's requirements.

- 6.20 In accordance with the Council's current external space standards a 156 flat scheme should be supported by some 3,120sq.m of amenity space that is "fit for its intended purpose". Nil provision of external space is provided and the scheme relies, instead, on an internal communal lounge (95 sq.m) and the adjacent parks to support its tenants' needs. The required level of provision cannot be achieved on a conversion scheme of this nature and would make any such scheme undevelopable. No external access to the roofspace is provided for health and safety reasons and a green roof is, instead, proposed. Whilst the scheme is well located for the city's parks, the scheme does not comply with the external space standards of the Council's approved Residential Design Guide SPD (2006); namely paragraph 2.3.14 and section 4.4. That said, these units are not for private market accommodation and will serve a student need instead. As such, an exception to these requirements can be afforded, especially as students often have good access to social and sporting groups (and the University's formal sports pitches). An off-site financial contribution towards local open space is proposed.
- 6.21 Highways and Parking
Car parking is a key determinant in the choice of mode of travel, and the site is close to principal bus routes and the Central Train Station. The Local Plan aims to reduce reliance on the private car and encourage alternative modes of transportation such as public transport, walking and cycling.
- 6.22 A 'car free' scheme with only limited disabled and staff parking is proposed for the development. Students will be discouraged from bringing a car to the city and nearby parking is all restricted. Providing that no resident obtains a permit to park in one of the nearby Controlled Parking Zones, as secured through the proposed S.106 legal agreement, the proposal is considered to be acceptable given this city centre location.
- 6.23 In terms of encouraging alternative modes of transport the scheme will be supported by nearly 80 cycle spaces (with scope for additional space). A Travel Plan can also be secured through the S.106 requirements.
- 6.24 In terms of highway related issues during the beginning and end of term the S.106 legal agreement makes provision for a management plan to be secured and reviewed to ensure that any traffic problems are mitigated. With this in mind it is likely that the existing car park will be used by parents under the supervision of the operator.
- 6.25 The Council's Highways DM Officer has confirmed that, given the city centre location and the site's high accessibility derived therefrom, they have no objection to the application in terms of its parking or its impact on the highway network subject to improved pedestrian access being provided around the northern edge of the parks (or through them should this preferred option not be possible) to the Solent University campus.
- 6.26 Section106 Legal Agreement
The application needs to address and mitigate the additional pressure on the social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted Planning Obligations SPG. Given the wide

ranging impacts associated with a development of this scale, an extensive package of contributions and obligations is proposed as part of the application.

- 6.27 A development of this scale would normally trigger the need for 35% affordable housing in accordance with Core Strategy Policy CS15. However, as the proposal is for student accommodation no affordable housing requirement is required. The S.106 legal agreement would include a restriction that occupiers of the flats would be in full time higher education in accordance with Local Plan Review Policy H13(v).
- 6.28 In the event that the S.106 legal agreement is not completed ahead of the Council's adoption of the Community Infrastructure Levy (CIL) the net additional floorspace will become CIL liable.

7.0 Summary

- 7.1 This application proposes to re-energise an existing landmark building and offers a mixed-use scheme with significant regeneration benefits. In terms of planning policy the scheme represents a departure from the current development plan in that it does not retain a significant quantity of B1 (office) space. That said, the building has been marketed, but due to the existing layout, ceiling heights and limited parking numbers on offer has not attracted a tenant. As a student residential-led scheme is viable, and will deliver a high quality development, it is considered appropriate to release the site for this use and allow development to take place within the city centre on this prominent site. The alternative option is for the site to remain vacant indefinitely, with no certainty that an office use will ever come forward, which will continue to harm the City's wider vision and the setting of some significant local heritage assets. The impact of the development, in terms of visual and neighbouring amenity, highway safety and parking is considered to be acceptable. In reaching this conclusion, as to the acceptability of the development, particular account has also been taken of the third party response to the scheme; the quality of the proposed redevelopment proposals; current market conditions; the economic regeneration benefits that will accrue as a result of the redevelopment proposals; the need for student housing and the potential reduction in demand for converting the City's existing family housing stock into shared housing.
- 7.2 As such, the development is acceptable taking into account the policies and proposals of the Development Plan as set out in this report.

8.0 Conclusion

The proposed development will result in a dramatic change to the City Centre both in terms of important views across the City and its skyline. It respects the setting of the parks and listed buildings in Brunswick Place and is consistent, therefore, with the City Centre Urban Design Strategy (2001) in terms of its dynamic design, response to the public realm and modern materials. The use of the site as a significant level of student accommodation has been assessed against the loss of the site's ability to provide further B1 (office) space. The application is recommended for delegated approval to the Planning and Development Manager, subject to the completion of a Section 106 legal agreement as detailed above.

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

1a-d, 2b-d, 3a, 4b, c, d, e, f, r, uu & vv, 6a, c, d, h, l, 7a, 8a, 9a-b

SH2 for 25/06/2013 PROW Panel

PLANNING CONDITIONS to include:

01. APPROVAL CONDITION - Implementation Commencement

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission was granted.

REASON:

In accordance with Section 91 of the Town & Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

02. APPROVAL CONDITION - Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans (as amended) 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.

03. APPROVAL CONDITION - Details of External Materials - Samples

Notwithstanding the submission to date no work for the conversion or extension of the building hereby permitted (excluding the site preparation phase including any below ground works required) shall commence unless and until details and samples of the materials and finishes to be used for the external walls (including a specification of the proposed cladding, its fixing and the joints created, windows (including a method to obscure the lower part of the new third floor southern elevation), window reveals (see condition below), doors and roof of the building have been submitted to and approved in writing by the Local Planning Authority. These details should include the construction on-site of a sample panel of the relevant materials for approval, and a commitment to using an anti-graffiti finish (where feasible) to the ground floor level. Development shall be implemented only in accordance with the agreed details with the agreed cladding completed prior to the first occupation of the development.

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 that enhances the setting of the local heritage assets to which it will relate.

04. APPROVAL CONDITION - Window Reveal Detail

Unless otherwise agreed in writing with the Local Planning Authority the windows shall be fitted with a reveal of at least 100mm. Those windows in the building's eastern elevation serving the residential uses on the 1st, 2nd and 3rd floors shall be fixed shut and obscured glazed.

REASON:

In the interests of securing a high quality design with shadow to break up the massing on this prominent site, whilst protecting the privacy of residents from nearby buildings.

Furthermore, the use of obscured glazing to the eastern elevation will prevent this development from prejudicing the future redevelopment of the neighbouring site.

05. APPROVAL CONDITION - Building Heights & Roof Plant

There shall be no alterations to or deviations from the finished floor levels and finished building heights as detailed on the approved plans without the prior written agreement of the local planning authority. Notwithstanding the information submitted with the amended plans details of all additional roof plant (excluding existing) and the measures to be taken to soundproof all plant and machinery hereby approved shall be submitted to and approved by the Local Planning Authority prior to either its installation or the occupation of building to which the plant relates. The development shall be implemented in accordance with the agreed details. The machinery and plant shall not be used until the approved soundproofing measures have been implemented in accordance with the agreed details.

REASON:

To ensure that the impact of the development in relation to the natural features of the site and nearby buildings is as demonstrated and in the interests of visual and neighbour amenity.

06. APPROVAL CONDITION - Security Measures

Prior to either the first occupation of the development or the installation of the details listed below (whichever is sooner) a Security Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of:

- i. CCTV coverage & concierge arrangements with 24 hour on-site management;
- ii. door types of the storage areas;
- iii. audio/visual control through the communal access doors.

Development shall be completed and maintained in accordance with the agreed details.

REASON:

In the interests of crime prevention and residential safety

07. APPROVAL CONDITION – Non Residential Floorspace

The "dual commercial uses – A1-A5" hereby applied for and permitted for the ground floor level shall, under Class E, Part 3, Schedule 2 of the Town and County Planning (General Permitted Development) Order 1995 (as amended or enacted) be for a limited period of 10 years only from the date of this Decision Notice.

The units shall remain as the prevailing use at that time as hereby agreed in writing by the Local Planning Authority. These units shall not be amalgamated without first obtaining planning permission to do so.

No more than 2 of the units shall be occupied by A4 (drinking establishment) and/or A5 (takeaway) uses at any one time.

REASON:

To provide flexibility to the commercial offer whilst retaining an active ground floor to the development and ensuring that the frontage is not dominated by late night uses to the potential detriment of residential amenity and safety.

08. APPROVAL CONDITION - Active frontages

Notwithstanding the provisions of Class 12 of Schedule 3 of the Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007, or any Order amending, revoking or re-enacting these Regulations, the occupiers of the " dual

commercial uses – A1-A5" hereby approved shall retain clear glazing on the ground floor along the length of the shop frontages hereby approved (without the installation of window vinyls or equivalent) unless otherwise agreed in writing with the Local Planning Authority.

REASON:

In the interests of retaining a lively and attractive streetscene without obstruction and to improve the natural surveillance offered by the development.

09. APPROVAL CONDITION - Hours of Use & Delivery - Non Residential

The non residential uses hereby approved shall not operate outside of the hours hereby set out:

- 7am and 12pm midnight (Monday to Saturdays)
- 7am and 11pm (Sundays and recognised public holidays)

No deliveries shall be taken at or despatched from the non residential uses outside the hours hereby set out:

- 7am and 11pm (Monday to Sundays and recognised public holidays)

REASON:

In the interests of existing and proposed residential amenity.

10. APPROVAL CONDITION – External Seating

Details of any external seating associated with the ground floor commercial uses along Brunswick Place shall be submitted to and agreed in writing by the Local Planning Authority ahead of their implementation. The details shall include information regarding their storage when not in use and shall be implemented as agreed.

REASON:

In the interests of pedestrian safety and visual amenity.

11. 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 detailed on page 12 of the submitted Design and Access Statement. The scheme must demonstrate compliance with table 1 "Obtrusive Light Limitations for Exterior Lighting Installations", by the Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light 2005. The installation must be maintained in accordance with the agreed written scheme.

REASON:

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

12. APPROVAL CONDITION – External Ventilation & Extraction Details

Details of suitable ventilation, extraction and filtration equipment for the non-residential uses, if required, shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The details shall include a written scheme for the control of noise, fumes and odours from extractor fans and other equipment. The equipment shall be installed and maintained in accordance with the agreed information and made ready for use prior to the first use of the unit to which the details relate.

REASON:

To ensure that adequate provision is made for the ventilation of the commercial use which does not impinge on the residential amenity of neighbouring residents or the external design of the building hereby approved

13. APPROVAL CONDITION – Noise Attenuation & Air Quality Mitigation

The approved development shall be implemented and completed only in accordance with the recommendations set out in the applicant's Air Quality Assessment (Royal Haskoning DHV – 1st February 2013) and Noise Impact Assessment (Royal Haskoning DHV – 4th February 2013) as clarified by the applicant's email to Planning dated 17th April 2013, unless otherwise agreed in writing by the Local Planning Authority. As recommended those rooms requiring either mechanical ventilation and/or acoustically attenuated ventilation shall be implemented in accordance with the agreed details prior to the first occupation of the affected rooms.

REASON:

To ensure that a quality living environment is delivered.

14. APPROVAL CONDITION - Disabled Access

An internal lift shall be provided in accordance with the approved plans and shall be made available for use prior to the first occupation of the student accommodation hereby approved. The approved lifts shall be effectively operated and maintained in accordance with manufacturer's instructions for as long as the approved use continues.

REASON:

In the interests of the amenities of future occupants and visitors and in accordance with the Council's policies and practice in respect of access for disabled persons.

15. APPROVAL CONDITION - Hours of Construction & Deliveries

In connection with the implementation of this permission any demolition, conversion and/or 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.

Notwithstanding the above restrictions the date/time of delivery to site and erection of any tower cranes required to construct the development outside of these permitted hours shall be agreed in writing with the Local Planning Authority, in consultation with the Highways Department, prior to their delivery.

REASON:

To protect local residents from unreasonable disturbances from works connected with implementing this permission, and to ensure that construction traffic does not conflict unduly with the City's traffic.

16. APPROVAL CONDITION - Construction Method Statement

Before any building works or site preparation 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; (g) details of how noise emanating from the site during construction will be mitigated and monitored; (h) measures to prevent and monitor impacts from vibration and odour; and, (i) details of the Site Manager's telephone number that residents can use in the event that they wish to raise concerns. 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.

17. APPROVAL CONDITION - Green roof feasibility study

A detailed feasibility study for a green/brown roof must be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the development (excluding the demolition and site preparation phase) hereby granted consent. If the study demonstrates the site has the capacity for the green/brown roof a specification shall be agreed in writing with the Local Planning Authority. The green/brown roof to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained and maintained thereafter.

REASON:

To reduce flood risk and manage surface water run off in accordance with core strategy policy CS20 (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.

18. APPROVAL CONDITION – Foul & Surface Water Drainage

No development (excluding the demolition and site preparation phase) shall commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The approved measures shall be in place before first occupation of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure satisfactory drainage provision for the area.

19. APPROVAL CONDITION - Sustainability statement implementation

Prior to the first occupation of the development hereby granted consent, the approved sustainability measures as submitted in the sustainability statement Ref: 2012-210-001a, as amended by the report submitted on the 13th May, shall be implemented unless otherwise agreed in writing by the Local Planning Authority.

The Local Planning Authority must be satisfied that the developer has met the agreed requirements and this must be approved by them 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 CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

20. APPROVAL CONDITION – Car Parking

The development hereby approved shall not be first occupied until car parking, access and servicing facilities related to the development shown on the approved drawings shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the 12 car parking spaces hereby approved shall be provided and retained for registered disabled users, staff for the commercial units and/or servicing of the development in accordance with the approved plans and supporting statements. The parking facilities shall be retained solely for the use of these drivers, for use as part of the student intake management strategy and staff and servicing requirements of the buildings and for no other purpose including for general use by resident students.

REASON:

In the interests of ensuring adequate provision is made for car parking on the site and the safety and convenience of all highway users in order to meet the Council's adopted maximum parking requirements.

21. APPROVAL CONDITION - Refuse & Recycling Bin Storage

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 presented 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.

22. APPROVAL CONDITION - Litter Bins

Provision shall be made on-site for the installation and subsequent emptying of litter bins and such provision shall be approved in writing by the Local Planning Authority before the first occupation of the development hereby permitted. The agreed scheme shall be retained and managed during the lifetime of the development.

REASON:

To ensure that adequate facilities are provided for the collection and disposal of litter likely to be generated by this mixed-use development.

23. APPROVAL CONDITION - Cycle Storage

The secure, covered cycle storage for all uses included within the development hereby approved (and their visitors) shall be implemented in accordance with the approved amended plans listed below. The cycle storage shall be made available prior to the occupation of the development in accordance with the approved details. The cycle storage shall be retained whilst the building is occupied for the approved use.

REASON:

In the interest of the amenity of residents and to reduce reliance on the private motor car by staff and visitors of the development.

24. APPROVAL CONDITION- Land Contamination

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.

25. 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.

26. APPROVAL CONDITION - Contamination - Export of Soil

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 shall be submitted to the Local Planning Authority for approval prior to the first occupation of the development hereby approved.

REASON:

To ensure that no ground contamination risks to human health and the environment are introduced onto the application site.

27. APPROVAL CONDITION - Archaeological investigation

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

REASON:

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

28. APPROVAL CONDITION - Archaeological work programme The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation (as required above) which has been submitted to and approved by the Local Planning Authority.

REASON:

To ensure that the archaeological investigation is completed.

29. APPROVAL CONDITION – Student Communal Lounge

The laundry room communal lounge shown on the approved plans (Ground and 4th Floor) shall be finished, fit for purpose and made available for residents prior to the first occupation of the residential use and retained for their intended use thereafter.

REASON:

In the interests of residential amenity and in lieu of any external space to serve the intended residents.

Note(s) To Applicant

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.

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.

Note to Applicant - Southern Water – Water Supply - Informative

A formal application for connection to the public 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).

Note to Applicant - 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 858688).

Note to Applicant - Oversailing Public Highway

The applicant is reminded to contact the Highways Authority in the event that a license is required to oversail the public highway.

Note to Applicant – Signage and Roller Shutter

Advertisement consent may be required prior to the erection of any signage or branding to the building. Similarly, the use of external roller shutters will require planning permission prior to its installation

POLICY CONTEXT

Core Strategy - (January 2010)

CS3	Promoting Successful Places
CS4	Housing Delivery
CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS11	An Educated City
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats
CS24	Access to Jobs
CS25	The Delivery of Infrastructure and Developer Contributions

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

SDP1	Quality of Development
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
SDP22	Contaminated Land
HE3	Listed Buildings
HE5	Parks & Gardens of Special Historic Interest
HE6	Archaeological Remains
CLT1	Location of Development
CLT5	Open Space
H2	Previously Developed Land
H7	The Residential Environment
REI8	Shopfronts
REI15	Office Development Areas
MSA1	City Centre Design

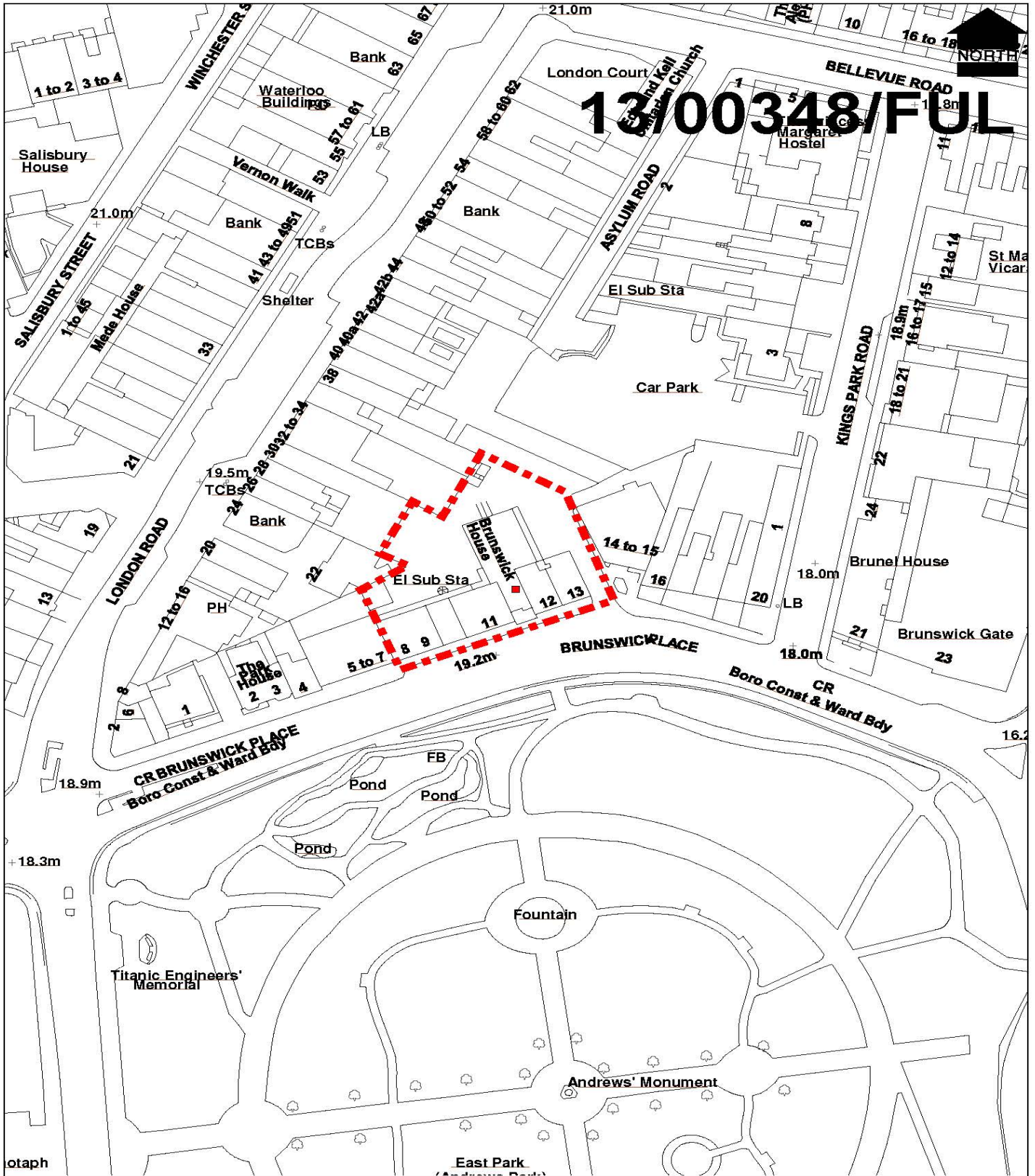
Supplementary Planning Guidance

- Car Parking SPD (Adopted September 2011)
- City Centre Urban Design Strategy (2000)
- City Centre Development Design Guide (2004)
- North South Spine Strategy (2004)
- City Centre Streetscape Manual (2005)
- Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - August 2005 and amended November 2006)
Skyline Strategy (officer guidance) (2006)
CABE/EH Tall Buildings Guidance (2007)
City Centre Characterisation Appraisal (2009)
City Centre Action Plan (2012)
Draft City Centre Master Plan (2012)

Other Relevant Guidance

The National Planning Policy Framework (March 2012)



Scale : 1:1250

Date : 12 June 2013

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**Planning, Transport & Sustainability Division
 Planning and Rights of Way Panel 25 June 2013
 Planning Application Report of the Planning and Development Manager**

Application address: Land between 136-166 Above Bar Street			
Proposed development: Erection of two buildings, one of which would be up to 10-storeys in height, to provide an Arts Complex incorporating two auditoria, gallery space; ground floor Retail/Restaurant/Cafe/Drinking Establishments (Classes A1/A3/A4) and 38 flats (5 x one-bedroom, 28 x two-bedroom and 5 x three bedroom) with underground parking of 31 spaces. The development proposes the formation of a new street between Above Bar Street and Park Walk.			
Application number	13/00593/FUL	Application type	FUL
Case officer	Richard Plume	Public speaking time	15 minutes
Last date for determination:	22.07.2013	Ward	Bargate
Reason for Panel Referral:	Departure from the Development Plan	Ward Councillors	Cllr Bogle Cllr Noon Cllr Tucker

Applicant: Grosvenor Developments Ltd - Mr Simon Armstrong	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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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 proposed buildings would not have a detrimental impact on the setting of adjoining listed buildings or the adjoining park of historic interest. The application proposes a new arts complex within the cultural quarter of the city and offers significant economic and regeneration benefits. The application constitutes a Departure from the Development Plan due to the failure to meet the BREEAM Excellent standard required by Core Strategy Policy CS20. However, this issue has been weighed in the balance with other material considerations. The impact of the development in terms of transport, design and neighbour amenity issues is considered to be acceptable. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and planning permission should therefore be granted.

Policies - SDP1, SDP5, SDP7, SDP8, SDP9, SDP10, SDP11, SDP13, HE3, HE5, HE6, CLT1, CLT5, CLT6, H1, H2, H7, REI7 and MSA5 of the City of Southampton Local Plan Review (March 2006) and CS1, CS3, CS4, CS5, CS6, CS13, CS14, CS15, CS16, CS18, CS19, CS21 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

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:
 - i. Financial contributions towards site specific transport improvements in the vicinity of the site, including paying for the necessary Traffic Regulation Order, 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, 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 CS 15.
 - v. 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.
 - vi. Submission, approval and implementation of Public Art in accordance with the Council's Public Art Strategy.
 - 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. Submission, approval and implementation of a Waste Management Plan.
 - ix. Financial contribution or works of improvement to the public realm in accordance with policy and the relevant SPG.
 - x. An obligation that the new accommodation for the arts centre is provided to a certain condition before the first occupation of the residential accommodation.
- 2) That the Planning and Development Manager be given delegated powers to vary relevant parts of the Section 106 agreement and to delete, vary or add conditions as necessary as a result of further negotiations with the applicant and analysis of the viability appraisal.
- 3) In the event that the legal agreement is not completed within two months of the Planning and Rights of Way Panel 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, an area of approximately 0.52 hectares, is situated on the eastern side of Above Bar Street. The site was previously the Tyrrell and Green department store but the buildings have been demolished and the land grassed over apart from a central tarmaced footpath which crosses the site. The 'red line' of the application site includes part of the public highway in Above Bar Street and Park Walk.
- 1.2 The surroundings are predominantly commercial in character, 3-storey properties adjoin on either side with shops or food and drink uses on the ground floor and ancillary uses above. Adjoining to the west is Guildhall Square with the 6-storey office building (One Guildhall Square) on the south side of the square and the 4-storey Sir James Matthews building on the north side. East Park, which is a park of special historic interest, adjoins to the east. The application site is not within a conservation area, however, there are listed buildings in the vicinity, most notably the Civic Centre complex and Guildhall which is listed Grade II*.

2. Proposal

- 2.1 This application is effectively an amendment to the previous approval granted last year. The application proposes a mixed use development with the main activity providing a new Arts Centre which would bring together existing arts and cultural organisations onto a new site. The arts space would occupy 6,127 square metres of floorspace and provide two separate theatre auditoria with capacity for 450 and 120 people. The remaining art gallery space and studios would be used by the John Hansard Gallery and City Eye. The proposed ground floor commercial use (a total of 2,230 square metres floorspace) would be either retail use (Class A1), cafe or restaurant (Class A3) or drinking establishments (Class A4). The remaining use would be residential with 38 flats (5 x one bedroom, 28 x two bedroom and 5 x three bedroom units) on the upper floors above the southern building.
- 2.2 The development proposes two new buildings either side of a new link street, 12 metres in width which would follow the line of the existing footpath. Both buildings would accommodate the new arts space and ground floor commercial space. The proposed southern building would provide gallery space and two new commercial units at ground floor level, additional gallery space and arts facilities on the first floor and the flats on the upper floors. The overall height of the southern building would be approximately 37 metres with 7 floors of residential above the arts space. The northern building would accommodate 5 commercial units fronting either Above Bar Street or the new link street with the two auditoria and associated facilities above. The height of this northern building would be approximately 23 metres to the top of the auditorium roof.
- 2.3 The proposed external materials are indicated to be masonry to match the Guildhall for the entrances to the Arts Centre, a lightweight stone-coloured terracotta rainscreen cladding system, incorporating a pattern, for the main body of the building and the auditoria will be finished in polycarbonate cladding which could be illuminated at night. Brickwork will be used to the north and south ends of the building where it abuts neighbouring buildings and the same dark smooth brick will be used along Park Walk at ground floor level where there are a

number of service entrances. The roofs to the residential south building will be a standing seam single ply membrane and there would be areas of green roof around the edge of the building where the flat roofs are not being used for terraces/balconies. The window frames to the flats and shopfronts will be metallic powder coated and the balconies to the flats will have glass balustrades.

- 2.4 Vehicular access to the site would be from Park Walk. Basement car parking (31 spaces) would be provided under the southern building which would be accessed via a car lift. All servicing, waste collection and deliveries to the site would be from Park Walk. Alterations will be needed to the existing parking arrangements in Park Walk to make provision for servicing. Two delivery bays will be provided to serve the north building. The northernmost loading bay will be 18 metres in length and is intended to accommodate large articulated vehicles for use by the theatre for stage setup and breakdowns. A second smaller loading bay will be used by refuse vehicles and other delivery vehicles of 12 metres or less. For the south building one 12 metre delivery bay is provided for refuse collection and retail deliveries. The larger delivery and servicing vehicles associated with the development would be expected to reverse into the new link street in order to leave Park Walk in forward gear.
- 2.5 In terms of rights of way and highway works, the previous permission included 'stopping up' of an existing right of way (the tunnel which previously went through the former Tyrrell and Green building); 'stopping up' an area of public highway (footway) on Above Bar Street and the creation of a replacement public right of way through the site. The necessary approvals for the 'stopping up' of these areas of public highway have been granted. This application includes the new link street between Guildhall Square and East Park, part of which would become a new right of way. Although East Park is not within the red line of the application site, the application shows how footpaths within East Park could be re-aligned to relate better to the new link street. This would involve new hard and soft landscaping works which are illustrative at this stage but could be funded by the developer through the Section 106 agreement.
- 2.6 The application is accompanied by a series of background reports: Design and Access Statement; Transport Assessment; Access Servicing Strategy and Waste Delivery Plan; Townscape, Heritage and Visual Impact Appraisal; Sustainability and Energy Statement; Flood Risk and Drainage Assessment; an Archaeology Desk Based Assessment; Noise Assessment and Air Quality Assessment.
- 2.7 The main changes compared with the previous planning permission are as follows:
- An increase in the number of flats from 29 to 38 units
 - A change to the mix of the units with more two bedroom flats and 2 fewer one bedroom and three bedroom units
 - Changes to the layout of the basement which result in a reduction in the number of parking spaces from 33 to 31
 - Amendments to the design of the building to accommodate changes to the flats with amendments to massing, elevations and amenity space arrangements
 - Changes to materials and detailing of the arts complex

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**. The application site is allocated for development in the Local Plan under Policy MSA 5. This allocation covers not just the application site but adjoining properties on both sides of Above Bar Street as well as the Civic Centre complex. Policy MSA 5 promotes a mixed use cultural quarter to complement existing retail activity in the city centre and, to include: educational and cultural facilities; leisure uses - restaurants, cafes and bars; residential at first floor level and above; student accommodation or offices (Class A2 and/or B1). The policy also sets out certain design principles which are addressed later in this report.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.4 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 Central Parks Character Area). Within this area the design objectives are: to maintain the main visual corridors through the Central Parks; key west-east pedestrian routes across the city should be reinforced; primary public spaces surrounding the civic centre should be completely refurbished; the public realm should be paved and finished with high quality contemporary components. CCUDS identifies the Civic Centre environs and Guildhall Square as one of 7 keynote projects within the city centre. Specific objectives are: to redevelop the Tyrrell and Green department store as a landmark building with a bold new architectural form to provide new commercial and cultural facilities; the role and stature of Guildhall Square as a key public space on the central spine of the city should be promoted; strategic views from the parks to the Guildhall should be maintained and pedestrian links improved.
- 3.5 City Centre Action Plan - Preferred Approach (January 2012)

The application site is within the Cultural Quarter as defined in the emerging City Centre Action Plan. Policy 31 relates to Northern Above Bar and promotes a mixed use development. The following design principles are recommended for the application site as a new arts complex:

- The creation of a new street to connect Guildhall Square to East Park.

- The provision of active ground floor frontages to Above Bar Street and the new pedestrian street to East Park.
- Development should be of a scale and design compatible with the Guildhall which respects the primacy of the Guildhall portico and Civic Centre Clock Tower and presents a high quality frontage to both Guildhall Square and East Park.
- High quality public space is provided incorporating public art.
- Development should respect the setting of the listed parks.

4. Relevant Planning History

- 4.1 The application site was occupied for many years by the Tyrrell and Green department store which closed in 2000 when the West Quay Shopping Centre was built. The retail building was demolished in 2010.
- 4.2 In 2007 a planning application was submitted for redevelopment of the site with two new buildings ranging in height from 9-storeys to 18-storeys to provide new arts facilities, a new commercial unit (Class A1/A3) and 282 flats (46 studios, 106 x one bedroom, 126 x two bedroom and 4 x three bedroom flats) with associated parking and formation of a new street between Guildhall Square and Park Walk. This application (reference 07/01686/FUL) did not proceed as the developer went into administration and the application was subsequently withdrawn.
- 4.3 In February 2011 planning permission was granted for the use of this site, Guildhall Square and the adjoining public highways for public events. This permission (reference 11/00003/R3CFL) restricts the use to a maximum of 225 days in any calendar year for Guildhall Square itself and 50 days per calendar year for the remainder of the site. The hours of operation are between 06.00 to midnight.
- 4.4 In March 2011 the Council issued a 'screening opinion' under the EIA Regulations (reference 11/00244/SCR) confirming that the proposed development for a mixed use scheme with an arts complex did not require the submission of an Environmental Statement.
- 4.5 In October 2012, planning permission was granted for the erection of two buildings, one of which would be up to 10-storeys in height, to provide an arts complex incorporating two auditoria, gallery space etc; ground floor retail/restaurant/cafe/drinking establishments (Classes A1/A3/A4) and 29 flats (7 x one-bedroom, 15 x two-bedroom and 7 x three-bedroom) with underground parking of 33 spaces. The development proposed stopping up an existing right of way, stopping up an area of public highway on Above Bar Street and the formation of a new street between Above Bar Street and Park Walk incorporating a replacement public right of way. (Reference 11/01074/FUL).

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement as a departure from the development plan (17.05.2013) and displaying a site notice (09.05.2013). At the time of writing the report 0 representations have been received from surrounding residents.

5.2 **SCC Highways** - The impact of this development is unlikely to have a material impact on peak hour traffic flows. It will generate new trips outside of these times which will mostly involve specific trips to the site (i.e. non linked trips). However, this should not greatly impact on the overall movement of city centre traffic. There are no objections to the increased number of flats and the minor reduction in car parking spaces given the high level of public transport accessibility in this central location.

5.3 **SCC Housing** – As the scheme comprises 38 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 13 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 on-site provision would be sought.

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 (these comments are subject to the outcome of the viability exercise).

5.4 **SCC Sustainability Team** – The development intends to connect to the city centre district heating system as well as using photovoltaics which will allow the development to achieve the C02 reduction requirements. A potential area for the photovoltaics is shown on the roof plan. The development incorporates some elements of green roof and this is welcomed. Whilst the development will be achieving the current CS20 policy requirement of Code Level 4 on the residential elements, they state they will only be achieving Very Good BREEAM on the non-residential elements which is not compliant with current requirements. They do state they will achieve the minimum mandatory credits for Excellent, but do not achieve the overall score required to achieve Excellent. The pre-assessment estimator predicts a score of 59.39% (55% is required for Very Good and 70% for Excellent). The Sustainability Team therefore object to non-compliance with Policy CS20 in respect of the failure to meet BREEAM 'Excellent'.

5.5 **SCC City Design Team** – The proposed amendments to rationalise the internal plans of the residential accommodation in the south building are of minimum consequence with regard to the previously approved scheme. The southern end is increased by one storey at the eighth floor level and minor reductions are made to other parts of the elevations. As a tall and blank party wall, consideration of the detailed design and choice of colour of brick to the south elevation of this building will be necessary to minimise its visual impact. Further rationalisation of the form of the block has resulted in minor changes to the elevations and terraces that result in a more logical pattern and form, improving buildability, and therefore viability. Further discussions have been held with

English Heritage regarding the proposed amendments and proposed use of materials. The amendments appear to be acceptable to EH, however the quality of materials, in particular the selection of a limestone cladding of a type which closely resembles the Portland stone used in the cladding of the Civic and the Sir James Matthews building, in both its colour and weathering, continues to be an important aspect of the detailed design to ensure the highest quality for this important 'civic' building which must be read as a complementary 'addition' to the existing Civic Centre complex.

- 5.6 **SCC Archaeology** – An archaeological desk-based assessment has been submitted with the application. I agree with the conclusions that, although there may be some archaeology surviving on the site, this is likely to have been significantly impacted by the previous development. Consequently, as long as a phased programme of archaeological work is implemented in advance of the development, this can be secured by conditions.
- 5.7 **SCC Rights of Way Officer** - No objections as the proposal will incorporate a new public right of way footpath.
- 5.8 **SCC Environmental Health (Pollution & Safety)** - No objections subject to conditions.
- 5.9 **SCC Ecology Officer** – The site has negligible biodiversity value and I do not have any major concerns about the proposed development.
- 5.10 **SCC Environmental Health (Contaminated Land)** - This department considers the proposed land use as being sensitive to the affects of land contamination. Records maintained by SCC - Environmental Health Services do not indicate that any potentially contaminating land uses have existed on or, in the vicinity of the subject site. However, these records are not authoritative and reference to them alone is not sufficient to confidently determine the presence of any risk. In view of the sensitive nature of the proposal a more thorough assessment of the potential land contamination hazards would be prudent, consequently conditions are recommended.
- 5.11 **English Heritage** – The main concerns would be the immediate setting of the Guildhall and the views of the clock tower which is a significant feature of the Southampton skyline. This proposal responds well to the site: while reinstating the eastern side of the square and enclosing the space it would also open up a new vista on the axis of the portico of the Guildhall. The new vista would create a new formal view of the Guildhall and clock tower behind from the park. The design of the west elevation of the proposal relates well to the Guildhall on the opposite side of the square. Although the proposal rises in some areas to 9 floors in all, it is significantly lower than the clock tower. The tower will therefore still be a very evident feature of the city skyline. No significant immediate views of the clock tower would be interrupted and there is the key benefit of the new vista from Andrews Park looking westwards to the Guildhall and the clock tower. In conclusion, this proposal would not cause harm to the setting of the Civic Centre. By re-enforcing the formality of the Guildhall Square and by enclosing the spaces and by creating a new formal view which will connect the park and the square and there would be an improvement to the setting of the Civic Centre.

- 5.12 **BAA** – No objection to the proposal as it would not conflict with aerodrome safeguarding criteria.
- 5.13 **The Theatres Trust** – supports the application which provides a new 450 seat theatre, a smaller 110-120 seat auditorium and front and back of house facilities as part of the wider scheme. The new arts facility will contribute to and enhance Southampton's Cultural infrastructure and will increase the vitality and vibrancy of the surrounding area.
- 5.14 **Southern Water** – Initial investigations indicate that Southern Water can provide foul sewage and surface water disposal to service the proposed development. Southern Water therefore have no objection to the development subject to conditions covering connection to the systems, measures to be undertaken to protect the public sewers and water supply mains.
- 5.15 **The City of Southampton Society** - supports the application and hopes the negotiations with Grosvenor comply with the designs agreed for the new street/right of way between the two new buildings. CoSS is also keen that the re-alignment of the pathways in East Park can be progressed to be completed simultaneously with the Arts Complex.
- 5.16 **Southampton Commons & Parks Protection Society (SCAPPS)** - supports the principle of redevelopment. The differences between the permission already granted and this present scheme are the alterations within the overall massing of the southern building to provide an additional 9 flats. There is a small increase in height of the southern block but it still retains the 'stepped-back' profile from the gap providing the axial focus on the Guildhall portico and Civic Centre clock tower. The accompanying site layout plan shows extension into Andrews Park of a path on the axis of the gap between the buildings. This is outside the area of the application. SCAPPS requests that, before permission is granted, the developer enter into agreements which would secure the necessary funding for construction of this extension of the axial path through to the central tree-lined avenue running through the Park. SCAPPS' second concern is to secure designation of a public right of way to replace that which ran beneath the Tyrrells building.

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 adjoining listed buildings and the historic park.
- Transportation issues.
- Sustainability and environmental impact.
- Regeneration issues.

6.2 Principle of Development

The principle of this form of development has been established by the previous permission issued last year. The promotion of this part of the city as a Cultural

Quarter is a long standing aspiration of the Council. Various design and masterplanning documents identify this site as a keynote project to provide a landmark building and significantly upgrade the public realm with improved east-west connectivity including to the parks. This proposed mixed use development is fully in accordance with these policy aims and design aspirations. The arts complex will provide a variety of activities with two auditoria for the performing arts, studio space which can accommodate dance, cabaret and live music events, together with space for three galleries and space for City Eye who promote film and video culture. Whilst the arts complex is the 'anchor' use there is a need for commercial development to help fund the provision of this arts space. The proposed ground floor commercial units would provide an active frontage to Above Bar Street and the new 'link street'. The uses proposed, either retail (Class A1) cafes and restaurants (Class A3) or drinking establishments (Class A4) are in accordance with Policy CLT 14 of the Local Plan which designates this area as a Night Time Zone. The applicant has stated that flexibility is required for the future letting of these units but the intention is that a maximum of two of the units (one in each building) would be occupied as drinking establishments (Class A4). This could be controlled through a condition to ensure a balanced mix of uses is achieved.

6.3 As with the previous approval, residential use is included as part of the mix of uses with 9 more flats than agreed in 2012. This application increases the number of two bedroom flats, from 15 to 28, at the expense of one and three bedroom units. In terms of family sized units, the previous approval incorporated 7 family units (24% of the total) against the city wide target of 30% sought by Core Strategy Policy CS16. The current application reduces this proportion further (to 13%) but the policy 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 accommodation is on the upper floors of a busy commercial development, this reduced amount of family housing can be justified. The 5 family sized units are generous in size and, with the exception of one flat, include private amenity space areas in excess of the standards in the Core Strategy. The layout of the proposed flats is considered to be acceptable, most of the flats are dual aspect and there are no solely north facing units.

6.4 Design Issues

The design approach which incorporates asymmetrical buildings of differing heights has previously been accepted. The height and massing of the buildings is not significantly different from the 2012 permission. Members attention is drawn to the comments of the City Design Manager in paragraph 5.5 of this report. In considering the previous application it was felt that the scale of the new buildings would provide a completely new frontage to Guildhall Square without competing with the Guildhall and Civic Centre Clocktower which would remain the dominant buildings on Guildhall Square and the skyline. The setting of the listed Civic Centre and Guildhall would be enhanced as a result of this development. These comments are also applicable to this revised proposal.

6.5 One of the design aspirations for this part of Above Bar Street/Park Walk is that the frontage to Park Walk should be treated in a similar way to Above Bar Street and not just have the character of a service road. The preference being that buildings are designed to be dual aspect with active edges extended along Park

Walk. The proposal does achieve this to an extent with a commercial unit to the northern building turning the corner from the new link street into Park Walk and with the gallery on the southern building as well as the residential entrance on Park Walk itself. Inevitably, however, a mixed use development of this nature does result in several service access points which can only be provided on the Park Walk frontage. These arrangements are unchanged from the previous planning permission.

6.6 Transportation

As a city centre site which is very well served by public transport this is the ideal location for an arts and leisure facility which will attract a significant number of visitors. It is anticipated that the car parking demand generated by the development will be met by using existing car parks. The applicants Transport Assessment, as submitted with the previous application, identified approximately 8,800 parking bays within an 800 metre radius of the site (about a 10 minute walk away) the majority of which are available 24 hours a day. A 2010 survey indicated that existing Council car parks had an average spare capacity of 41%. The highest car parking demand for this leisure development would occur in the evening when spare capacity is likely to be far higher. 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 highway network.

6.7 The car parking for the development itself would be provided within the basement of the southern building. 31 parking spaces would be provided for the residential units, 3 of the spaces would be suitable for disabled users and there would be 2 electric charging points. Secure cycle parking spaces would be provided in the basement. Visitor cycle parking would be provided on Above Bar Street in front of the southern building. This revised application proposes 9 extra flats and 2 fewer car parking spaces. This is considered to be an acceptable level of provision in view of the city centre location which is very well served by public transport. The only scope for car parking is within the basement which could not practically be enlarged.

6.8 All servicing of the development will take place from Park Walk. Detailed changes will be needed to the on-street car parking layout in Park Walk to allow loading bays to be created. Some 16 pay and display parking bays will need to be removed. The disabled persons parking bay at the northern end of Park Walk will be moved southwards but the number of spaces will be maintained. It is regrettable that larger vehicles serving the development will need to turn in the new link street through the development. However, there is no practical alternative to this as the turning area at the northern end of Park Walk, adjoining the parks depot is suitable only for turning smaller vehicles. However, it is anticipated that all large deliveries associated with the arts centre could be pre-booked and controlled through the use of a permit system which would dictate that servicing could only take place at specified times. Furthermore, the detailed design of the link street which could include planters/seating/public art will help identify the area for safe turning and make clear it is not for general vehicular access. The details of this can be reserved by a condition. These arrangements are all as previously approved.

6.9 The previous permission included arrangements for the stopping up and diversion of the public right of way which previously ran through the Tyrrell and

Green building and the stopping up of an area of public highway on Above Bar Street. The legal mechanism to achieve these changes has been secured. the new 'link street' will include a 3 metre wide public footpath to be provided between Guildhall Square and East Park which would be a considerable improvement on the previous pedestrian connection.

6.10 Sustainability

The development was originally designed to achieve Code for Sustainable Homes Level 3 with an aspiration to achieve Level 4 depending on the viability of connection to the city centre district heating system. It has now been decided that the development will connect to the district heating system and that all the mandatory credits for Code 4 will be achieved. The arts complex should achieve a BREEAM 'Very Good' rating. The potential for 350 square metres of solar photo voltaic panels is possible to serve the arts centre on the roof of the auditorium. These sustainability measures are welcomed and can be secured through conditions. The previous permission was designed on the basis of achieving a 'Very Good' BREEAM score and it has not been possible to effectively 'retrofit' changes to achieve the higher standard due to the advanced stage of the design process and viability issues. As this application is effectively an amendment to a previous permission it would not be practical to require a fully compliant Policy CS20 scheme. In the circumstances of this case and the significant economic development and regeneration benefits of the proposal, this shortfall in the BREEAM credits is considered to be acceptable.

6.11 Regeneration

Subject to planning permission for this revised scheme, it is still the applicants intention to complete the project by 2105 to secure funding from the Arts Council for the new arts complex. The delay in bringing this development forward following the previous permission is as a result of viability issues. The changes included with this application are considered necessary to make the scheme viable and deliverable. The proposed development offers significant regeneration benefits to this part of the city centre. It would provide a new and varied arts complex of more than local importance, a major visitor attraction, further public realm enhancements and the potential for up to 300 jobs. 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. Because of the particular circumstances associated with this development, in particular the provision of the arts complex, 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. It is probable that the Section 106 obligations will concentrate on improvements to the adjoining park, the site specific transport works in Park Walk and the public realm improvements.

7. Summary

7.1 The redevelopment of this important site will make a major contribution to the regeneration of this part of the city centre and add significantly to the vitality and viability of the emerging cultural quarter. The new arts complex will provide the main focus for activity within Guildhall Square with a range of complementary uses which are in accordance with local planning policies and design guidance.

The design of the development is appropriate for its context and the setting of adjoining listed buildings and the park will be enhanced. The highways and servicing arrangements are acceptable and the pedestrian environment will be significantly improved as a result of the new link street.

8. Conclusion

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), 4(b), 4(c), 4(d), 4(f), 4(r), 4(w), 6(c), 7(a), 7(e), 7(g), 7(n), 7(v), 9(a), 9(j), 10(a) and 10(b).

RP2 for 25/06/2013 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, apart from site preparation and foundation 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, apart from site preparation and foundation 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 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 – 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.

05. 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.

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

Written documentary evidence demonstrating that the commercial development has achieved at minimum a rating of Very Good against the BREEAM standard shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted, unless an otherwise agreed timeframe is agreed in

writing by the LPA. The evidence shall take the form of a post construction certificate as issued by a qualified BREEAM certification body.

Reason:

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

07. APPROVAL CONDITION - Sustainability statement implementation [Pre-Occupation Condition]

Prior to the first occupation of the development hereby granted consent, the approved sustainability measures as specified in the Hoare Lee Energy and Sustainability Statement Addendum dated April 2013 shall be implemented unless otherwise agreed in writing by the Local Planning Authority. Written documentary evidence proving that the development has achieved the Code for Sustainable Homes measures set out in the statement 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 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).

08. 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.

09. 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 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 - 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.

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

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

boundary. All specified measures shall be available and implemented during any processes for which those measures are required.

Reason:

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

13. 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.

14. APPROVAL CONDITION - Drainage arrangements (Pre-Commencement Condition)

No development shall commence until details of a scheme to intercept grease in the drainage serving the food preparation and dish-washing areas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include proposals for regular emptying and disposal of the grease by a registered contractor to a licensed waste facility. The scheme approved shall be implemented prior to the first operation of the commercial units and retained thereafter.

REASON

To ensure satisfactory drainage provision is made for the development.

15. 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.

16. 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.

17. 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.

18. APPROVAL CONDITION - Safety and Security measures (Pre-development condition)

No development shall commence, apart from site preparation and foundation works, until a scheme of safety and security measures 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.

19. APPROVAL CONDITION - Green roof (Pre-Commencement Condition)

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

Reason:

To reduce flood risk and manage surface water run off in accordance with core strategy policy CS20 (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.

20. 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 preparation, sale or delivery of food or drink for consumption on or off the premises) outside the hours of 0700 to midnight on any day.

Reason:

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

21. APPROVAL CONDITION - Limit on Class A4 uses (Performance Condition)

No more than two of the commercial units as shown on the approved plans shall be used for Class A4 (drinking establishments) without a further grant of planning permission.

REASON

To ensure a satisfactory mix of uses are provided in accordance with the Council's policies to promote this area as a Cultural Quarter.

22. APPROVAL CONDITION - No Pile Driving for Foundations [Performance Condition]

No percussion or impact driven piling activities shall take place for pre-works, foundations, or as any part of the development.

Reason:

In the interests of securing the stability of the site and adjacent land in order to protect the amenities of occupiers of nearby properties.

23. APPROVAL CONDITION - Details of lighting (Pre-Occupation Condition)

The development shall not be first occupied 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 before the development is first occupied 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.

24. APPROVAL CONDITION - Details of roof top services (Pre-Commencement Condition)

No development shall commence, apart from site preparation and foundation works, until detailed design of the roof top services, including ventilation measures to the ground floor commercial units, has been submitted to and approved in writing by the Local Planning Authority. The works shall subsequently be carried out in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

REASON

To ensure satisfactory treatment of this important part of the building in this sensitive location.

25. 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 new link street between the northern and southern buildings without the prior approval of the Local Planning Authority.

REASON

To ensure satisfactory treatment of this important area of public space.

26. APPROVAL CONDITION - Protection of Drainage Apparatus (Pre-Commencement Condition)

No development shall commence until details of the proposed measures to protect the existing public sewers and water apparatus 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

To ensure the drainage infrastructure is adequately protected as required by Southern Water.

27. 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)Core Strategy - (January 2010)

CS1	City Centre Approach
CS3	Promoting Successful Places
CS4	Housing Delivery
CS5	Housing Density
CS6	Economic Growth
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
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
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
HE3	Listed Buildings
HE5	Parks and Gardens of Special Historic Interest
HE6	Archaeological Remains
CLT1	Location of Development
CLT5	Open Space in New Residential Developments
CLT6	Provision of Children's Play Areas
CLT14	City Centre Night Time Zones and Hubs
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment
REI7	Food and Drink Uses (Classes A3, A4 and A5)
MSA1	City Centre Design
MSA5	Civic Centre and Guildhall Square

Supplementary Planning Guidance

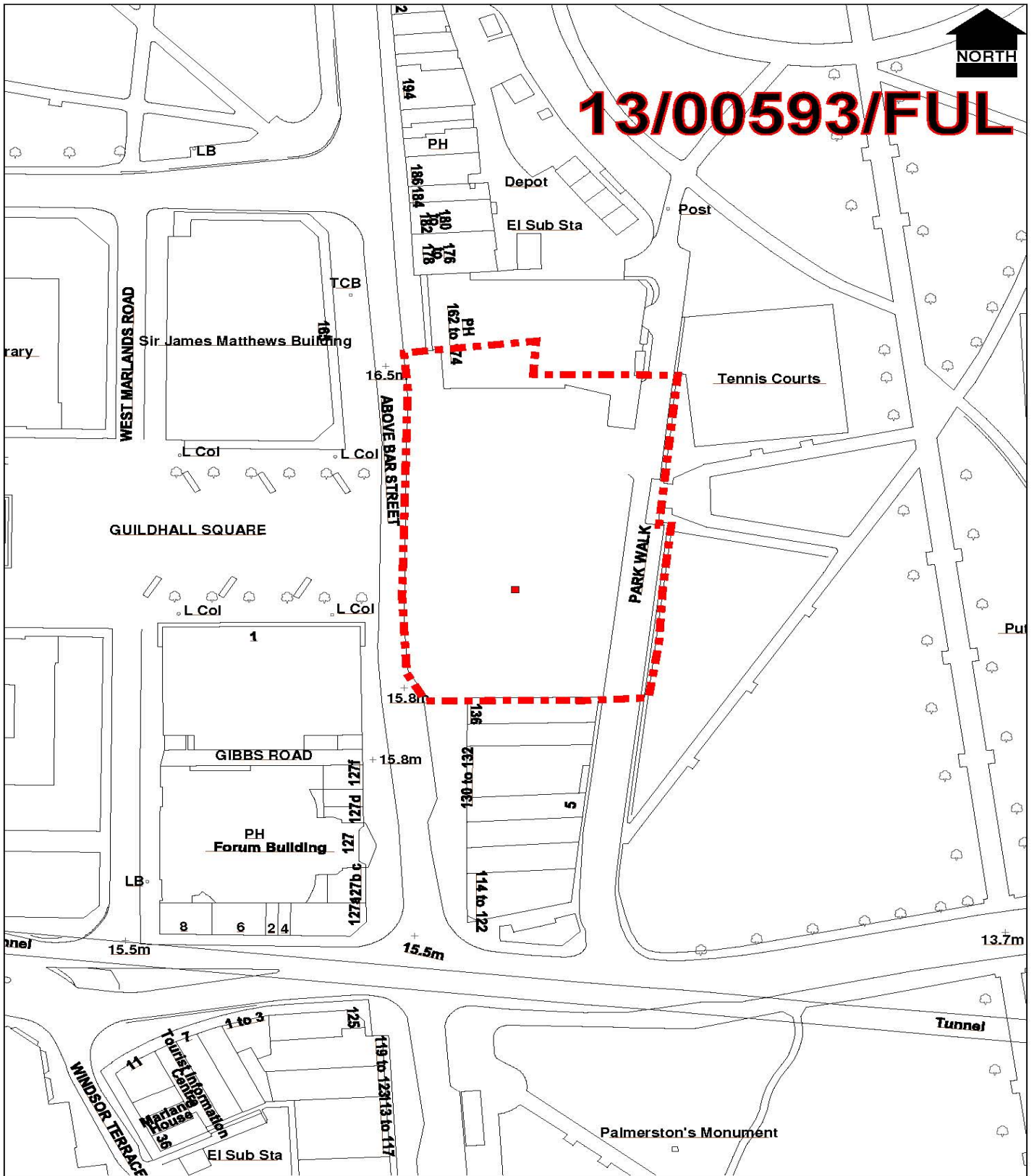
Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - August 2005 and amended November 2006)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012



13/00593/FUL



Scale : 1:1250

Date : 12 June 2013

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DECISION-MAKER:	PLANNING AND RIGHTS OF WAY PANEL		
SUBJECT:	REMOVAL OF THREE MATURE ALDER TREES IN HEATHER COURT		
DATE OF DECISION:	25 JUNE 2013		
REPORT OF:	CITY SERVICES SENIOR MANAGER		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Gary Claydon-Bone	Tel: 023 8083 3932
	E-mail:	Gary.claydon-bone@southampton.gov.uk	
Director	Name:	John Tunney	Tel: 023 8091 7713
	E-mail:	John.Tunney@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY
None.

BRIEF SUMMARY

A petition has been received from the majority of the residents at Heather Court requesting that Southampton City Council remove three council owned alder trees to the front of the properties, due to the negative impact on the resident's quality of life. (Appendix 1)

All three trees are approximately 20 to 30 years old and are in good health. The trees provide a significant visual and ecological amenity to the area. (Appendix 3)

The average life expectancy of the trees is between 80 to 100 years with an average height of 20 to 25 metres.

RECOMMENDATIONS:

- (i) To refuse the removal of all three alder trees to the front of Heather Court. (Appendix 2)

REASONS FOR REPORT RECOMMENDATIONS

1. The majority of the issues raised are seasonal and natural events, whilst other issues have been addressed in the past by remedial tree pruning.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

2. To reduce the canopy of the trees by 25% and maintain these trees on a 5 year cyclical reduction program to maintain at a reduced size. Taking this action is likely to cause the tree to put on extra growth and the canopy can thicken up greatly and cause greater leaf fall than previous. Taking this action would also have a long term financial implication.
3. Felling the trees and planting with an alternative species will have a significant impact on the visual amenity and the wildlife value they currently provide and it would be many years before a replacement tree is providing the same benefit.

4. Suitable replacement trees would be Silver Birch which has a similar habit and life expectancy.

DETAIL (Including consultation carried out)

5. Heather Court is an age exclusive housing site comprising of 30 flats that are managed by Southampton City Council. The maintenance and ownership of the trees comes under the responsibility of Southampton City Council Housing. (Appendix 2)
6. The parking and open space area is planted with low level shrub beds and contains individual tree species of alder, whitebeam and cherry. To the south of the flats there is a boundary linear planting of mixed species of trees. A wooded belt runs from the eastern aspect crossing to the north heading to the west. This belt consists mainly of Scots pine with the occasional oak, sweet chestnut and sycamore.
7. The alder trees growing within the housing development are low maintenance trees. The works that have been carried out to the trees in the past was to prune away from the building and to crown lift to 6 metres above ground level.
8. There have been issues in the past with tree roots pushing up footpaths and parking bays. These have been passed repaired by Housing. Since 2004, when comprehensive records were kept the Tree Team has received 15 enquiries/requests/complaints about the trees in and around Heather Court. Of these records the issues were as follows.
 - 3 – Hanging or fallen branches.
 - 1 – Tree to be felled.
 - 2 – Dying tree.
 - 3 – Encroachment.
 - 3 – Root issues.
 - 2 – Daylight and leaves.
 - 1 – Missed works enquiry

RESOURCE IMPLICATIONS

Capital/Revenue

9. There are no implications to capital.
10. The trees are inspected every 5 years and total maintenance costs on the three trees over twenty years will be in the region of £300-£600. However, as the trees will be replaced if felled then this figure will not change. There are therefore no implications for tree revenue budgets.
11. The cost to fell the three alder trees in the parking area to the front of Heather Court = £301.80
The cost to fell all three trees, remove stumps and supply, plant and maintain alternative tree species = c.£1,250.00
12. The cost to reduce the canopy by 25% on all three alder trees £433.44. Assuming that the trees have a remaining safe useful life expectancy of around a further 50 to 70 years, the cost of maintaining these trees every five years with a 1% annual increase on today's costs, would be £5,834 to £9,204.

Property/Other

- 13. The Council has a duty to maintain its tree stock and highways in a safe condition.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

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

Other Legal Implications:

- 16. None

POLICY FRAMEWORK IMPLICATIONS

- 17. None

KEY DECISION? No

WARDS/COMMUNITIES AFFECTED:	Harefield ward.
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SUPPORTING DOCUMENTATION

Appendices

1.	Petition
2.	Tree Location Map and Location map
3.	Photographs

Documents In Members' Rooms

1.	None
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Equality Impact Assessment

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

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

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1. None	

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Miss Ruth Cheater
District Manager
Hinkler Community Centre
328 Hinkler Road
Thornhill
Southampton
SO19 6DF

[REDACTED]
16 Heather Court
Mountain Ash Close
Southampton
Hampshire
SO18 5SJ

Tel: [REDACTED]
E-mail: [REDACTED]

11th March 2013

Dear Miss Cheater

At the request of the residents of Heather Court please find enclosed a copy of the petition for the removal of trees from the Court car parking area. It should be noted that this has been signed by almost all residents. Also attached is a marked picture indicating which trees, in particular, are causing the nuisance and inconvenience to residents. Further information is provided within the content of the petition itself.

Whilst I realise you may not be the appropriate person/department to contact it is hoped that you may be able to assist or otherwise pass this petition to the appropriate/person department. In any case we would be very grateful for your help and guidance regarding this matter.

I should add that I am not an official spokesperson for the Heather Court residents as, at this juncture, a Residents Association has yet to be formed. In the event the task herein has fallen to a handful of residents, including myself, to represent those attached to this petition. Nonetheless, do feel free to contact me, as above, to discuss further. If I am unavailable for any reason then Mr M. Goodwin (Flat 17) or Mr S. Barnard (Flat 19) may also be contacted for further information and discussion.

We look forward to hearing from you.

Yours sincerely,

[REDACTED]

[REDACTED]

27th February 2013

Heather Court Residents Petition for the Removal of Trees

To whom it may concern,

The following is a petition, from the residents of Heather Court, Mountain Ash Close, Southampton, for the removal, as soon as possible, of three trees located in the Court parking area. Below is an outline of the main reasons for the requirement that these trees be removed most of which, it should be noted, are in reference to the health and safety of Heather Court residents. The following reasons reflect the ground and basis of this petition, in terms of health, safety, and the residents' general well-being but are by no means exclusive. The reasons are as follows;

- a) The dropping of cones, branches, foliage, and general debris from these trees, which is more or less continuous throughout the year, presents a serious physical hazard. Many residents have slipped or lost their footing due to the continued debris and foliage that these huge trees scatter throughout the year. It can be, and often is, swept away but the sheer volume and continuous falling of this debris thwarts attempts to keep the paths clear for very long.
- b) Some foliage (e.g. yellow powdery cones) from these trees causes residents to suffer allergic (hay fever) reactions. This pollen like powder, and the flower/pod that carries it, is deposited in vast quantities all over the Court. This is seasonal but debilitating and a quite unnecessary strain on some of our residents.
- c) The continued and aggressive root growth from these trees is breaking up the pathways and kerbs causing a significant hazard to the residents and visitor that use them. Recent efforts by the City Council works department have repaired and improved some of the damage caused but much remains. It is evident the damage will continue to progress just so long as these trees are allowing to remain and grow.
- d) Bird droppings, and in particular pigeon droppings, from the trees are presenting an ever increasing risk to the health of residents. The communal seating in the Court is sometimes unusable because of these droppings and the pathways and surrounding gardens are often badly contaminated
- e) Droppings, foliage, and other debris from these trees causes considerable and unsightly mess in the Court generally. Droppings and some foliage is also a continued problem for residents' vehicles. In addition the huge canopies these trees present in season blocks a considerable amount of sunlight.

These issues have been raised, informally, with various representatives of the City Council as well as the Scheme wardens. It should be noted that many of our residents are very elderly, infirm, disabled, or ill. Their health and general well-being continues to be put at risk by the problems associated with, and hazards presented by, these trees.

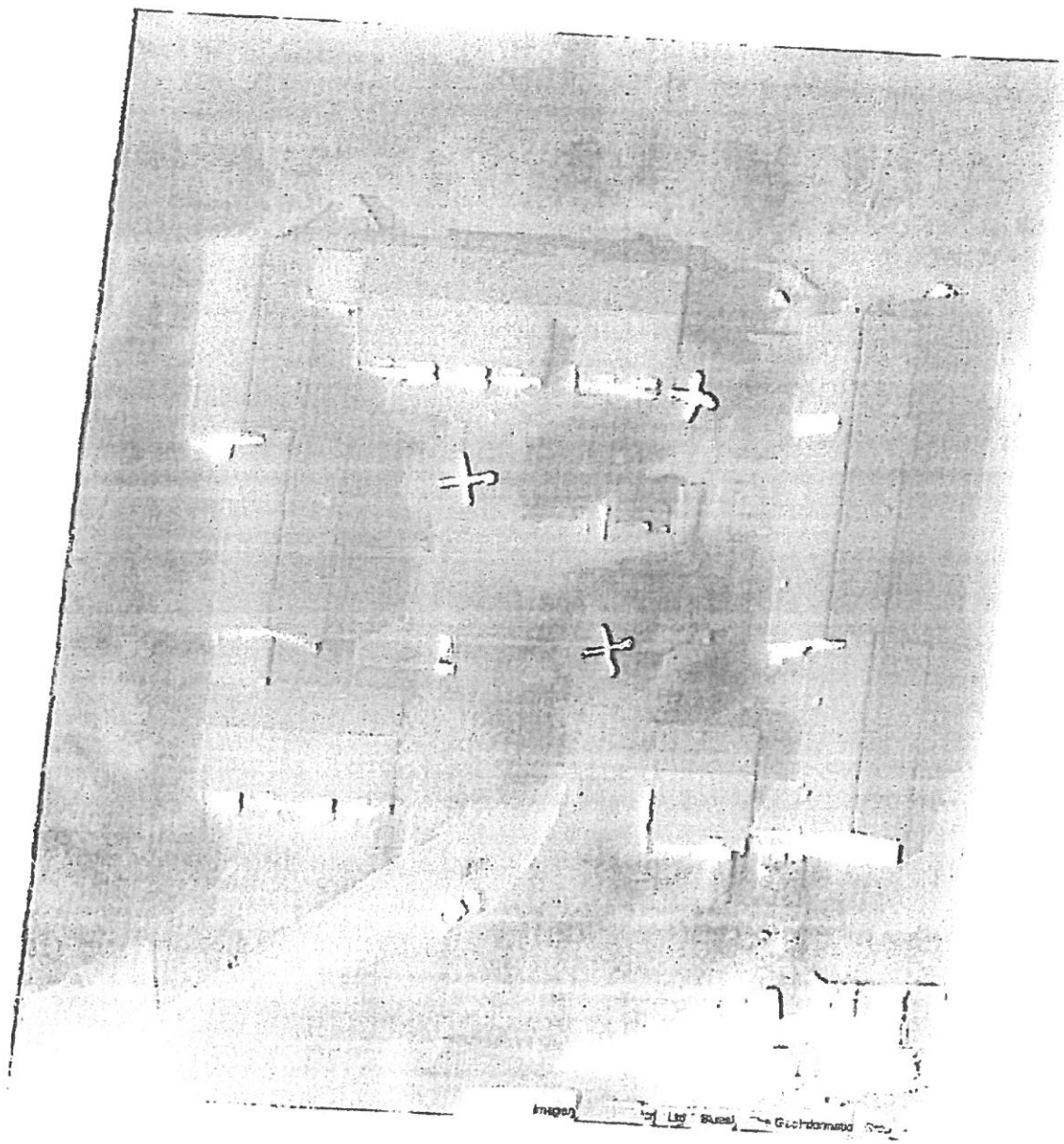
We, the residents of Heather Court, consider our health, safety, and general well-being to be of greater importance than the maintenance and conservation of trees which are quite evidently unsuitable for and in their present location. For all of the above reasons we the undersigned, RESIDENTS of HEATHER COURT, MOUNTAIN ASH CLOSE, SOUTHAMPTON therefore formally PETITION for the REMOVAL of the three (3) TREES located in the Heather Court residents and visitors car parking area.

Name	Flat No.	Address	Signature	Date
	16	Heather Court, Mountain Ash Close, Southampton		26/02/13
	16	Heather Court, Mountain Ash Close, Southampton		26/02/13
	17	Heather Court, Mountain Ash Close, Southampton		26-2-13
	17	Heather Court, Mountain Ash Close, Southampton		26-2-13
	15	Heather Court, Mountain Ash Close, Southampton		27-2-13
	20	Heather Court, Mountain Ash Close, Southampton		27-2-13
	20	Heather Court, Mountain Ash Close, Southampton		27-2-13
	25	Heather Court, Mountain Ash Close, Southampton		27-2-13
	30	Heather Court, Mountain Ash Close, Southampton		27-2-13
	29	Heather Court, Mountain Ash Close, Southampton		27-2-13
	29	Heather Court, Mountain Ash Close, Southampton		28-2-13
	27	Heather Court, Mountain Ash Close, Southampton		27-2-13
	19	Heather Court, Mountain Ash Close, Southampton		28-2-13
	22	Heather Court, Mountain Ash Close, Southampton		28-2-13
	21	Heather Court, Mountain Ash Close, Southampton		28-2-13
	28	Heather Court, Mountain Ash Close, Southampton		28-2-13
	8	Heather Court, Mountain Ash Close, Southampton		3-3-13
	9	Heather Court, Mountain Ash Close, Southampton		3-3-13
	10	Heather Court, Mountain Ash Close, Southampton		

M.B.
M.R.

Google

To see all the details that are visible on the screen, use the Print link next to the map.

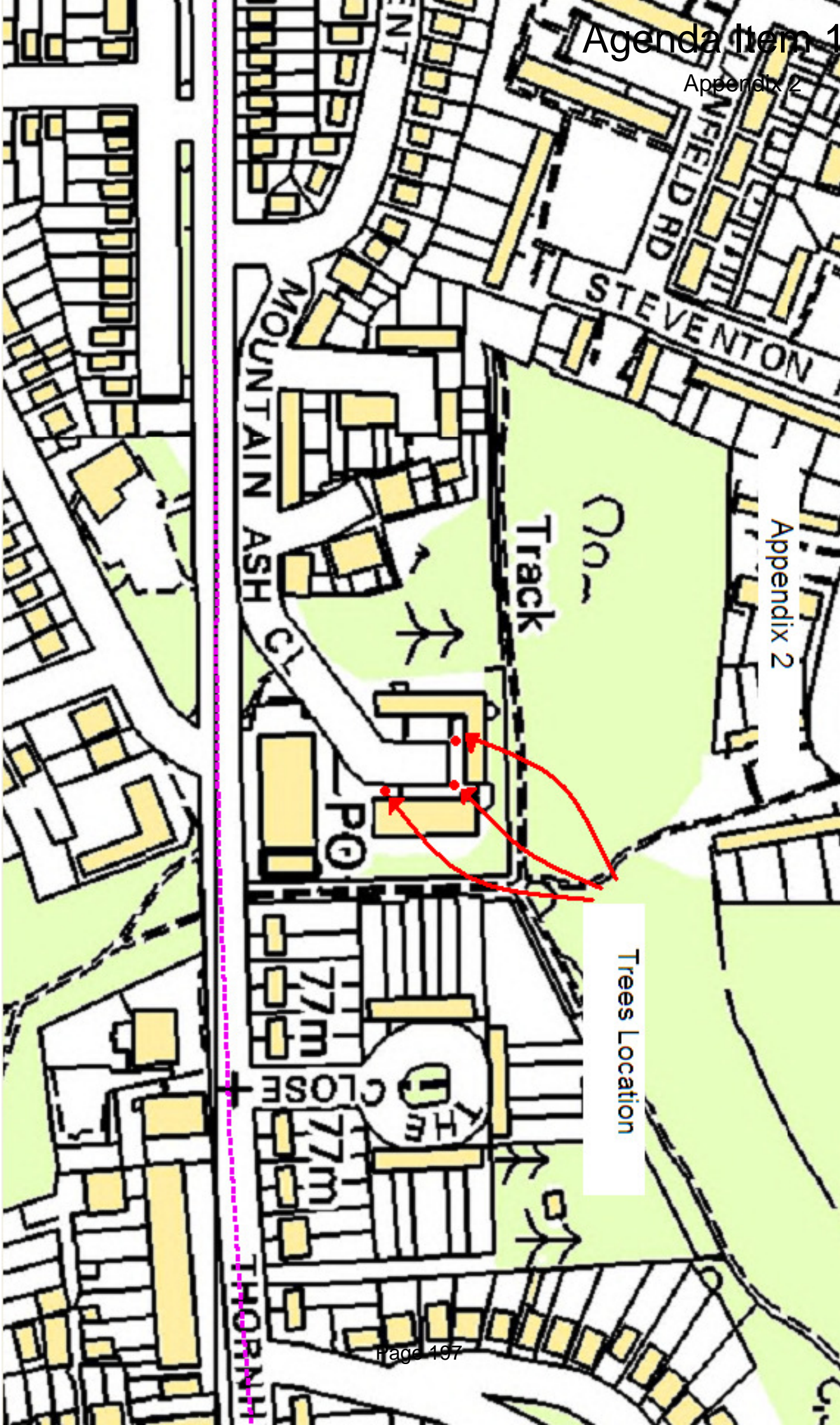


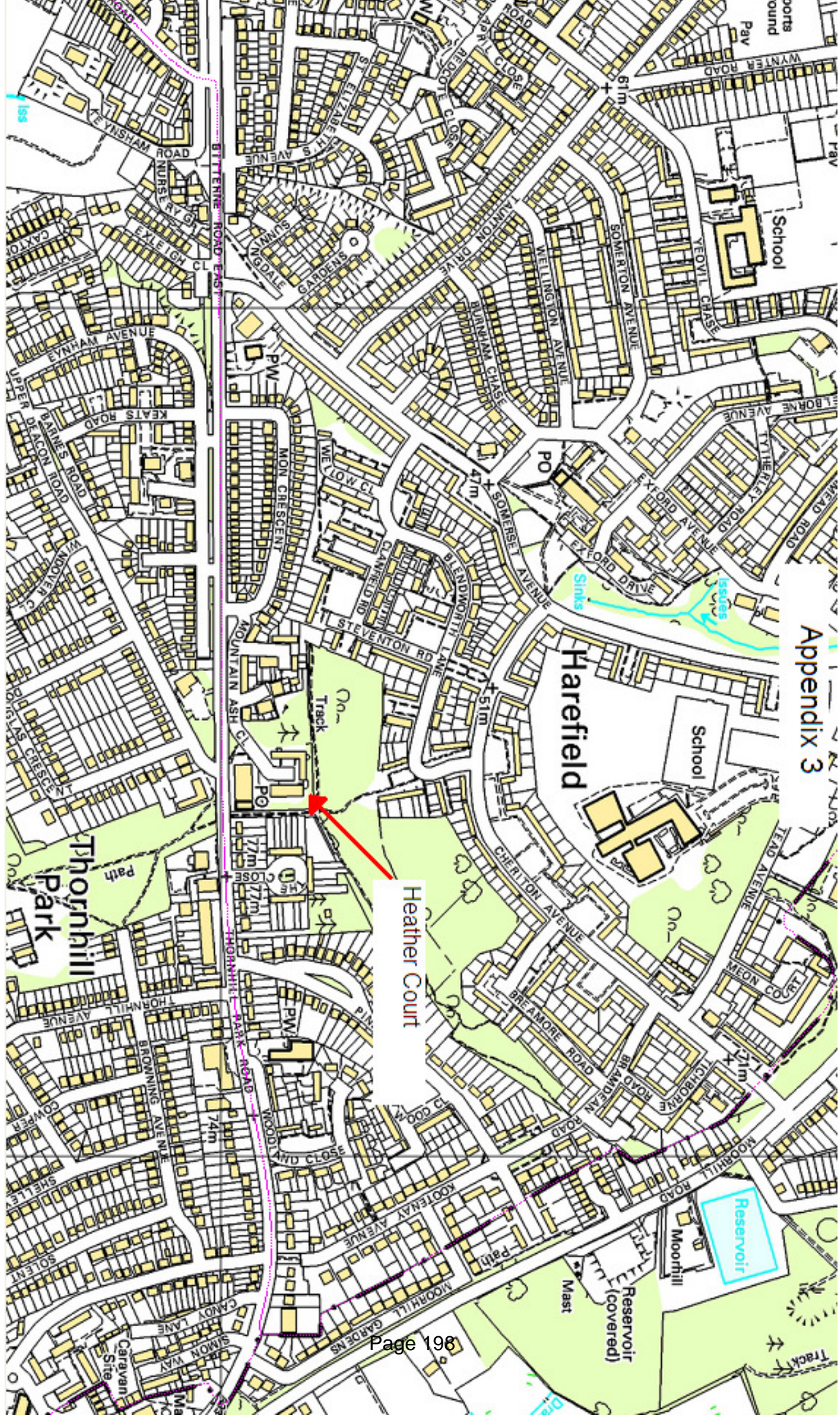
[Find Tag]

ch bridge building buildings castle church city clouds flowers hot lake
 inorama pan. people river sea sky snow summer sunset travel trees

Appendix 2

Trees Location











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