

PLANNING AND RIGHTS OF WAY PANEL

Tuesday, 17th December 2013
at 9.30 am

PLEASE NOTE TIME OF MEETING

Conference Room 3 and 4
- Civic Centre

This meeting is open to the public

Members

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

Contacts

Democratic Support Officer
Sue Lawrence
Tel: 023 8083 3569
Email: susan.lawrence@southampton.gov.uk

Head of Planning, Transport and Sustainability
Paul Nichols
Tel: 023 8083 2553
Email: paul.nichols@southampton.gov.uk

PUBLIC INFORMATION

Terms of Reference

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

Public Representations

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

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

Southampton City Council's Priorities

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

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

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

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

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

Dates of Meetings: Municipal Year 2013/14

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

CONDUCT OF MEETING

Terms of Reference

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

Business to be discussed

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

Rules of Procedure

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

Quorum

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

DISCLOSURE OF INTEREST

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

DISCLOSABLE PERSONAL INTERESTS

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

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

(ii) Sponsorship:

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

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

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

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

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

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

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

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

Other Interests

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

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

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

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

Principles of Decision Making

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

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

In exercising discretion, the decision maker must:

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

AGENDA

Agendas and papers are available via the Council's Website

1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

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

2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

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

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

3 STATEMENT FROM THE CHAIR

4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)

To approve and sign as a correct record the Minutes of the meeting held on 19th November 2013 and to deal with any matters arising, attached.

CONSIDERATION OF PLANNING APPLICATIONS

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

5 13/01630/FUL – 1 - 4 AVINGTON COURT

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

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

6 13/01569/FUL - ORCHARD HOUSE

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

ITEMS TO BE HEARD BETWEEN 10.30 AM AND 11.00 AM

7 13/01628/FUL - SOUTHAMPTON SOLENT UNIVERSITY, EAST PARK TERRACE

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

ITEMS TO BE HEARD BETWEEN 11:00 AM TO 11:20 AM

8 13/01487/FUL - GREGG SCHOOL

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.

Monday, 9 December 2013

HEAD OF LEGAL AND DEMOCRATIC SERVICES

SOUTHAMPTON CITY COUNCIL
PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 19 NOVEMBER 2013

Present: Councillors Mrs Blatchford (Chair), Claisse, Cunio (Vice-Chair), L Harris, Inglis (Except Minute Items 77, 79 and 80), Lewzey and Lloyd

Apologies: Councillor Norris

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

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

67. **STATEMENT FROM THE CHAIR**

On behalf on the Panel the Chair expressed appreciation for the past service as Solicitor to the Panel given by Anne Greaves who was leaving the Authority.

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

RESOLVED that the minutes of the meeting held on 15th October 2013 be approved and signed as a correct record subject to an amendment to Minute 57:- title for "Miss Jameson (Portswood Residents' Gardens / objecting)" to read "Mrs" Jameson.

69. **13/01204/FUL - 1 COLEBROOK AVENUE**

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

Change of use from a dwelling house (Class C3) to either a HMO (Class C4) or a dwelling house (Class C3)

Miss Qaiyoom (applicant) and Mr Barlow (local resident / objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that an on-street parking survey had been submitted by the applicant since the report had been published indicating that the take up of available parking spaces had ranged between 55% and 83%.

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

Additional Condition

APPROVAL CONDITION - Refuse storage and collection [Performance Condition]
Except for the day before collection day and collection day itself, refuse shall be stored to the rear of the property (as per the approved plans) and at no other time shall refuse associated with the residential property be stored to the front of the property.

REASON:

In the interest of visual amenity.

70. 13/01462/FUL - 52 - 54 SEAGARTH LANE

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

Internal and external alterations to facilitate conversion of building from a children's home to 8 x 2-bedroom flats, with associated parking and bin/cycle storage.

Mr Fulton (architect) Mr Holden (applicant) and Mrs Dewey (local resident / objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an amendment to the Heads of Term to the S106 agreement (deletion of clause iv regarding submission of a Carbon Management Plan) and the addition of a condition to secure a revised car parking layout.

RESOLVED that the Planning and Development Manager be given delegated powers to **grant** planning permission subject to the completion of an amended S106 legal agreement and the conditions in the report and the additional conditions set out below.

Additional Conditions

APPROVAL CONDITION - Sightlines specification [Pre-Commencement Condition]
Unless otherwise agreed in writing by the Local Planning Authority sight lines of 2m by 2m measured at the back of footway shall be provided before the use of any building hereby approved commences, and notwithstanding the provisions of the Town and Country Planning General Development Order 1988 no fences walls or other means of enclosure including hedges shrubs or other vertical structures shall be erected above a height of [0.6m / 0.75m] above carriageway level within the sight line splays.

REASON:

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

APPROVAL CONDITION - Parking layout [pre-commencement condition]
Prior to the commencement of the development hereby approved, a revised car parking layout plan shall be submitted to and approved in writing by the Local Planning Authority. The revised plan shall re-orientate car parking space 2 and alter the access alignment at this point. The parking shall be implemented in accordance with the agreed details prior to the development first coming into occupation and thereafter retained as approved.

REASON:

To ensure that all the car parking spaces are fully accessible in the interest of highway safety and residential amenity.

APPROVAL CONDITION - Deliveries [performance condition]

Unless otherwise agreed in writing, during the construction of the development hereby approved, deliveries by heavy goods vehicles to the site shall take place outside of the hours of 07:30 to 08:30 in the mornings and 14:30 to 16:00 in the evenings, Mondays to Fridays, during school term times.

REASON:

To avoid conflict at school drop off and collection time in the interests of highway safety and residential amenity.

RECORDED VOTE to **grant** planning permission

FOR: Councillors Mrs Blatchford, Claisse, Cunio, Lewzey, Lloyd and Norris

AGAINST: Councillor Harris

71. **13/01384/FUL - WHITEHAVEN LODGE, BUTTERMERE CLOSE**

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 to provide 28 dwellings (5 x one-bedroom, 15 x two-bedroom, 7 x three-bedroom and 1 x four-bedroom) in 2-storey and 3-storey buildings with associated car parking and highway works (affects a public right of way).

Mr Cronk (applicant) and Mr Priestley (agent / architect) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an amendment to the Heads of Term to the S106 agreement (deletion of clause iv regarding submission of a Carbon Management Plan).

RESOLVED that the Planning and Development Manager be given delegated powers to **grant** planning permission subject to the completion of an amended S106 legal agreement and the conditions in the report.

72. **13/01484/FUL - 74 BELMONT ROAD**

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

Redevelopment of the site. erection of a 3-storey building to provide 9 flats (1x 3-bed, 5x 2-bed and 3x 1-bed flats) with associated parking and cycle/refuse storage.

Mr Edmond (agent), Ms Hamilton-Wood and Ms Mortimore (local residents / objecting) and Councillor Vinson (ward councillor / objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an amendment to Condition 14 relating to the protection of wildlife habitat and an additional condition regarding soundproofing from external traffic noise.

RESOLVED that the Planning and Development Manager be given delegated powers to **grant** planning permission subject to the completion of an S106 legal agreement, the conditions in the report and the amended and additional conditions set out below.

Additional / Amended Conditions:

Amended Condition

14 - APPROVAL CONDITION - Protection of wildlife habitat [Pre-Commencement Condition]

The removal of parts of the existing **building** to facilitate the construction of the **development** hereby approved, such as facia boards, bargeboards, soffits, etc, shall be carried out by hand and checked to ensure no wildlife habitat of a protected species is present before being dropped to the ground or removed from site for suitable disposal.

REASON:

To ensure no harm is caused to any potential habitat of a protected wildlife species.

Additional condition:

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

Works pursuant to this permission shall not be commenced until a scheme for protecting the proposed flats and houses from traffic noise from Thomas Lewis Way and St Denys Road has been submitted to and approved by the local planning authority in writing. Unless otherwise agreed in writing, that scheme shall specify either:-

Outer pane of glass - 10mm

Air gap between panes - 12mm

Inner pane of glass - 6 mm

or, with secondary glazing with a -

Outer pane of glass - 6mm

Air gap between panes - 100mm

Inner pane of glass - 6.4 mm

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

REASON:

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

RECORDED VOTE to grant planning permission:

FOR: Councillors Mrs Blatchford, Inglis, Lewzey and Lloyd
AGAINST: Councillors Cunio, Claisse and Harris

73. **13/01382/FUL - LAND R/O 11 ARDNAVE CRESCENT**

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, 4-bedroom detached house with associated parking and cycle/refuse storage.

Mr Wiles (agent) and Ms Riley (local residents / objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported a late representation from Southern Water requesting the addition of an informative note to the applicant regarding connection to the public sewer.

RESOLVED that planning permission be granted subject to the conditions in the report and with the addition of the informative note to the applicant regarding connection to the public sewer.

RECORDED VOTE to grant planning permission:

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

74. **13/00849/FUL - 11 WESTWOOD ROAD**

The Panel considered the report of the Planning and Development Manager recommending **delegated authority** be granted in respect of an application for a proposed development at the above address. (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 part 4-storey and part 5-storey building to provide 13 flats (6 x one bedroom, 2 x two bedroom and 5 x three bedroom) with associated parking to the front and rear.

Mr Sayle and Mr Boswell (agents) and Councillor Vinson (ward councillor / objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported the submission of a revised Ecological Mitigation Statement which had resulted in the Planning Ecologist withdrawing the objection to the

application as set out in Paragraph 5.9 of the report and that Condition 15 needed to be amended to reflect this new information.

RESOLVED to delegate to the Planning and Development Manager to **grant** planning permission subject to the completion of an S106 legal agreement, the conditions listed in the report and the amended condition set out below.

Amended Condition

15. APPROVAL CONDITION - Ecological Mitigation Statement [Performance Condition]

The development shall be carried out in accordance with the mitigation and enhancement measures outlined in Section 5.6 of the Ecological Appraisal Report dated November 2013 unless otherwise agreed in writing by the Local Planning Authority.

REASON:

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

75. **13/01364/FUL - INKERMAN RD/JOHNS RD**

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 to provide 11x 2-storey houses (7x 3-bedroom and 4x 2-bedroom) with associated car parking and the extinguishment of an existing public Right of Way.

RESOLVED

- (i) that the Planning and Development Manager be given delegated powers to **grant** planning permission subject to the completion of a S106 legal agreement with an additional S106 clause as set out below and the conditions in the report; and
- (ii) that the extinguishment of the public Right of Way footpath across the site be authorised.

Additional S106 clause

- (v) No resident shall be entitled to obtain additional parking permits to the Council's Controlled Parking Zones.

76. **13/01306/FUL - 23 BELLEVUE ROAD**

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 dwelling house (C3) to a House of Multiple Occupation (C4) (retrospective) - resubmission of 13/00047/ful

Mr Beardsmore (applicant) was present and with the consent of the Chair, addressed the meeting.

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

RECORDED VOTE to refuse planning permission:

FOR: Councillors Mrs Blatchford, Claisse, Inglis, Harris Lewsey
and Lloyd

ABSTAINED: Councillor Cunio

77. **13/01496/FUL - LAND R/O 207 SPRING RD**

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).

Retention of a one bedroom single storey dwelling with rooms in the roof and Dormer Windows, not in accordance with Condition 3 of Planning Permission Ref 11/00720/Ful relating to Code For Sustainable Homes (Departure From The Local Plan)

RESOLVED that the Planning and Development Manager be given delegated powers to **grant** planning permission subject to the completion of an S106 legal agreement and the conditions in the report.

NOTE: Councillor Inglis was absent for this item.

78. **REVIEW OF INFORMATION FOR THE VALIDATION OF PLANNING APPLICATIONS**

The Panel considered the report of the Planning and Development Manager regarding the proposed changes to the requirements for validating planning applications in order to make the planning application validation process less onerous on both the LPA and the applicant. (Copy of the report circulated with the agenda and appended to the signed minutes).

RESOLVED

- (i) that the draft Validation Checklists (attached as Appendix 1) be approved for public consultation;
- (ii) that authority be delegated to the Planning and Development Manager to revise (where necessary) and adopt the validation criteria following the public consultation period; and
- (iii) that the validation requirements be updated and notified to the Planning Portal.

79. **OBJECTION TO THE IMPLEMENTATION OF THE SOUTHAMPTON (BASSETT GREEN RD) TREE PRESERVATION ORDER 2013**

The Panel considered the report of the Head of City Services regarding the objection to The Southampton City Council (Bassett Green Road – Stoneham Lane) Tree Preservation Order 2013 (Number 594) 2013. (Copy of the report circulated with the agenda and appended to the signed minutes).

RESOLVED that the Southampton City Council (Bassett Green Road – Stoneham Lane) Tree Preservation Order 2013 (Number 594) 2013 be confirmed with modifications as set out in the report.

NOTE: Councillor Inglis was absent for this item.

80. **OBJECTION TO THE IMPLEMENTATION OF THE SOUTHAMPTON (HILL COTTAGE GARDENS) TREE PRESERVATION ORDER 2013**

The Panel considered the report of the Head of City Services regarding an objection to the implementation of a tree preservation order (Hill Cottage Gardens). (Copy of the report circulated with the agenda and appended to the signed minutes).

RESOLVED that the objection to The Southampton (Hill Cottage Gardens) Tree Preservation Order number 597 of 2013 be confirmed without modifications.

NOTE: Councillor Inglis was absent for this item.

Agenda Annex

INDEX OF PLANNING APPLICATIONS FOR DECISION

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

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
<u>BETWEEN 9.30 AM AND 10.00 AM</u>				
5	MP	CAP	5	13/01630/FUL 1-4 Avington Court
<u>BETWEEN 10.00 AM AND 10.30 AM</u>				
6	RP	DEL	15	13/01569/FUL Orchard House
<u>BETWEEN 10.30 AM AND 11.00 AM</u>				
7	RP	DEL	15	13/01628/FUL Southampton Solent University, East Park Terrace
<u>BETWEEN 11.00 AM AND 11.20 AM</u>				
8	AG	CAP	15	13/01487/FUL Gregg School

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

MP – Mathew Pidgeon, RP – Richard Plume, AG – Andrew Gregory, JT – Jenna Turner.

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) Developer Contributions SPD (September 2013)
 - (h) Greening the City - (Shoreburs; Lordsdale; Weston; Rollesbrook Valley; Bassett Wood and Lordswood Greenways) - 1985-1995.
 - (i) Women in the Planned Environment (1994)
 - (j) Advertisement Control Brief and Strategy (1991)
 - (k) Biodiversity Action Plan (2009)
 - (l) Economic Development Strategy (1996)
 - (m) Test Lane (1984)
 - (n) Itchen Valley Strategy (1993)
 - (o) Portswood Residents' Gardens Conservation Area Character Appraisal (1999)
 - (p) Land between 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

Agenda Item 5

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 17/12/2013
Planning Application Report of the Planning and Development Manager

Application address: 1-4 Avington Court			
Proposed development: Erection of a two-storey front extension, replacement of gable roof to hipped roof and alterations to fenestration to facilitate conversion of existing 4 x 1-bed flats into 4 x 2-bed flats with associated cycle/refuse storage.			
Application number	13/01630/FUL	Application type	FUL
Case officer	Mathew Pidgeon	Public speaking time	5 minutes
Last date for determination:	09.12.2013	Ward	Bassett
Reason for Panel Referral:	Request by Ward Member and five or more letters of objection have been received	Ward Councillors	Cllr Hannides Cllr Harris Cllr Harris

Applicant: H&H Developments	Agent: Sfd Ltd
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Not applicable
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Reason for granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. 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

Conditionally approve

1.0	<u>The site and its context</u>
1.1	The application is located in Avington Court which is accessed from Winchester Road. The property forms part of a comprehensive development comprised of 42 dwelling units. The dwelling units are arranged into four separate blocks of varying size and shape. The single block that contains numbers one to four is located at the north east tip of Avington Court and contains four x one bed flats at present.
1.2	Currently the building is not occupied as it is not fit for habitation. One to four Avington Court has been separated from the rest of the court and is now owned independently. The building benefits from a setting within the Court as originally provided however land surrounding the building that forms part of the application site is limited to the northern and eastern elevations. The area of the site to the east is constrained by trees and to the front (north) access is achieved from the public highway.
1.3	Dedicated parking areas have been designed into the original layout of the Court and vehicles are also able to park on public highway.
2.0	<u>Proposal</u>
2.1	The applicant has sought planning permission to enable the property to be extended to the north so that the building can accommodate four x two bedroom flats. The front elevation will be improved; as will the pedestrian access and the quality of the accommodation provided.
3.0	<u>Relevant Planning Policy</u>
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 27 th 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	<u>Relevant Planning History</u>
4.1	2775/1528/M37 (RD) - The erection of 42 old persons dwellings on the sites of 463/465 Winchester Road. Conditionally Approved 31st January 1978.
5.0	<u>Consultation Responses and Notification Representations</u>
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 (22.10.2013). At the time of writing the report 11 representations have been received from surrounding residents. The following is a summary of the points raised:
5.1.1	<i>Occupancy of the comprehensive development was restricted to elderly persons; the proposal includes no such age restriction. Occupancy by other than retired persons would clash with the lifestyles of the current occupiers of Avington Court. Occupation by non elderly persons would be contrary to policy CS16: The Council will provide 'improvement of, and increase in, the provision of homes for senior citizens and disabled people'.</i>
5.1.2	Comment: The previously approved scheme [2775/1528/M37 (RD)] did not restrict the occupancy of the residential units by means of a planning condition and the description of development (which does specify an age for the occupants) is not an adequately robust planning control to restrict occupancy to elderly persons. As such, from a purely planning perspective there is no reason why any of the units that were granted permission in 1978 could not be occupied by persons who are not senior citizens. Accordingly as the application is for an extension to the building the age of the occupants is not a material planning consideration.
5.1.3	It is therefore for the applicant to determine whether or not there are any legal agreements/covenants that encompass the site and restrict occupancy of the units to specific age groups. If there is a legal agreement/covenant which the applicant chooses to amend they will need to make the appropriate arrangements themselves.
5.1.4	The Council must assess whether or not the conversion alone will lead to disturbance and nuisance, sufficient to substantiate a refusal. The Council must determine applications with reasonable behaviour by occupants in mind rather than the worst case scenario. Furthermore there are more suitable alternative statutory powers other than the planning system that can be used to control noise and anti-social behaviour.
5.1.5	Policy CS16 seeks to improve and increase the provision of homes for senior citizens within Southampton and as the proposed scheme will be capable of being occupied by senior citizens the proposal is not judged to be contrary to the policy. It is also noteworthy that policy CS16 promotes a range of housing to encourage 'mixed communities'.
5.2	<i>Increased parking pressure, decreased highways safety & reduced ease of access for medical staff and carers.</i>

5.2.1	<u>Comment:</u> The Council currently have maximum parking standards. The move towards encouraging alternative modes of transport and less reliance on private motor vehicles in areas where alternative means of transport and other services are available is enshrined by both local and national policies. Having considered both parking pressure issues and highways safety implications the Highways Officer does not oppose the development.
5.3	<i>Increased refuse generation.</i>
5.3.1	<u>Comment:</u> Refuse storage can be achieved on site. Sufficient bin storage can be provided. It is not envisaged that there will be a significant increase in refuse generated as a consequence of the scheme.
5.4	<i>Increased overlooking to residential properties to the east at ‘the mount’ (reduced tree cover and new windows).</i>
5.4.1	<u>Comment:</u> Below a height of 1.7m above the floor height of the bedroom facing ‘The Mount’ the bedroom window of flat number 4 can be obscurely glazed and non-opening. A condition is recommended to ensure that this occurs to prevent loss of privacy to occupiers on adjoining land.
5.5	Consultation Responses
5.6	SCC Highways
5.6.1	No object in principle but would request that a kerb side parking survey is conducted and submitted to respond to the objections raised regarding the on-street parking reaching its capacity.
5.6.2	No objection is raised regarding highways safety.
5.7	SCC Environmental Health (Pollution & Safety)
5.7.1	No objection.
5.8	SCC Ecology
5.8.1	The site is of generally low ecological value although potential for bat foraging and roosting was identified at the pre-application stage. A bat survey submitted in support of the planning application indicates that there are no roosts present within the building which means that conversion and extension will not have any adverse impacts on bats. The survey did, however, identify foraging activity by at least two species of bats along the line of trees adjacent to the property, plus a possible bat roost in a major oak at the eastern end of the group. As a consequence, lighting around the site will need to be carefully designed to ensure that there is no increase in illumination of the tree canopies.
5.8.2	It should be noted that, due to their small size, it is impossible to rule out the presence of bats in a building. An informative should therefore be placed on any permission advising the developer that in the event of a bat being discovered during refurbishment, work should stop and advice be sought from Natural England on how to proceed.

5.8.3	The proposed development also includes some tree removal. This has the potential to adversely affect nesting birds which receive protection under the Wildlife and Countryside Act 1981 (as amended). All vegetation removal should be either undertaken outside the breeding season, which runs from March to August inclusive, or under the supervision of a suitably qualified ecologist. NB If active nests are found vegetation clearance would need to be delayed until the chicks have fledged.
5.8.4	Provided appropriate care is taken in respect of vegetation clearance and lighting design no adverse impacts on protected species should occur.
5.9	Tree Team
5.10	Trees on and adjacent to this site are protected by The Southampton (Winchester Road / Bassett Crescent) TPO 1965.
5.11	Further to new information submitted by the applicant including the removal of the bin/cycle store from underneath retained trees on site and the submission of drawing S2311/07/B which shows the retention of the silver birch to the front of the development the tree team do not object to this proposal.
6.0	<u>Planning Consideration Key Issues</u>
6.1	The key issues for consideration in the determination of this planning application are: i. Principle of development; ii. Impact on character of the host building; iii. Impact on character of the surrounding area; iv. Impact on neighbouring amenity; and v. Impact on highway safety.
6.2	<u>Principle of Development</u>
6.2.1	Paragraphs 5.1.1- 5.1.4 above identify why the principle of the development is not opposed. The scheme should be judged on the impact of the proposed extension to the building that will facilitate the formation of four x two bed units rather than four x one bed units. It should be noted that there are no policies within the development plan which oppose the principle of the development. Material planning considerations are discussed below.
6.3	<u>Impact on character of the host building</u>
6.3.1	The proposal involves adding a modest 1.2m front extension to the building, changing the form of the roof from a gable to hip, adding a front extension to accommodate an improved lobby area and staircase access to first floor; and alterations to the fenestration to improve the residential environment for the occupants.
6.3.2	The alterations to the fenestration include additional windows in the flank elevations of the building along with modest first floor front balconies.

6.3.3	Upon careful consideration and comparison between the original design and that which is proposed it is not considered that the proposal is significantly harmful to the character and appearance of the building. The building remains fairly modest in scale and retains its appearance as a residential block.
6.4	<u>Impact on character of the surrounding area</u>
6.4.1	To facilitate the proposal and improve the environment for the occupants of 1 – 4 Avington Court three trees (currently located to the east of the building) will be removed. The trees to be removed will not significantly alter the character of the area as the boundary to the east will remain verdant in character. Sufficient trees will remain to improve maintain the landscaped quality and appeal of the site.
6.4.2	The proposed changes to the building, as discussed above in section 6.3, are not considered to be at variance with the character of Avington Court. It is considered that there will be no significantly adverse impact on the character of the area.
6.5	<u>The Impact on neighbouring amenity.</u>
6.5.1	As discussed in paragraph 5.4.1 above obscure glazing can be used to ensure that overlooking of neighbouring gardens to the east does not occur (please refer to condition number 03).
6.5.2	Paragraph 5.1.3 above addresses representations made by local residents who oppose the scheme on the basis of the potential for noise to be generated by the occupants. The Council must identify whether or not additional and significant harm will be caused by allowing the building to be extended and four x two bed flats added where in the past there were four x one bed flats. Having assessed the proposal on this basis and considering reasonable behaviour by occupants it is considered unreasonable to oppose the development on his basis.
6.5.3	The Council have advised the applicant to provide a kerbside parking survey; provided that a kerbside parking survey is carried out the panel will be informed of the results at the Planning and Rights of Way meeting.
6.6	<u>Impact on highway safety</u>
6.6.1	Harm to highways safety cannot be demonstrated as a direct and identifiable consequence of the development. The Highways Development Management Team does not oppose the scheme.
7.0	<u>Summary</u>
7.1	Upon consideration of the development plan for Southampton significant harm to neighbouring amenity, the character of the area, the character of the property and highways safety have not been identified. The principle of extending the building is also supported by the Councils adopted policies and guidance and therefore having consideration to reasonable behaviour and taking into account the setting and wider context of the neighbourhood justification for refusal is difficult to achieve.

8.0	<u>Conclusion</u>
8.1	In conclusion, the proposal accords with the Development Plan and would therefore have an 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(q), 6(c), 7(a), 9(a), 9(b).
MP3 for 17/12/2013 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 - 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 into the ground floor southern flank elevation of the property or within any elevation at first floor level without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the adjoining residential properties

03. APPROVAL CONDITION - Glazing panel specification [Pre-Occupation Condition]

The windows in the side elevations of the building hereby approved [to the rooms indicated as ensembles and bedrooms for flats one, two and four & the ensuite for flat three] shall be glazed in obscure glass and shall only have a top light opening above a height of 1.7m above floor level of the room which they serve. The windows as specified shall be installed before the development hereby permitted is first occupied and shall be permanently maintained in that form.

Reason:

To protect the privacy enjoyed by the occupiers of the adjoining property.

04. 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; and hardsurfaced areas. 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.

05. 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.

06. APPROVAL CONDITION, Compliance with Arboricultural Report and Method Statement, (Performance Condition)

The hereby approved development shall be completed in compliance with the submitted; Arboricultural Report (Alex Mon, Tech Cert Arbor A, NCH Arb. dated November 2012).

Reason:

To ensure the retention of trees which make an important contribution to the character of the area.

07 APPROVAL CONDITION - Protection of nesting birds [Performance Condition]

No clearance of vegetation likely to support nesting birds shall take place between 1 March and 31 August unless a method statement has been agreed in writing by the Local Planning Authority and works implemented in accordance with the agreed details.

REASON

For the safeguarding of species protected by The Wildlife & Countryside Act 1981 (as amended) and the conservation of biodiversity

08 APPROVAL CONDITION - Lighting [Pre-Commencement Condition]

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

Reason:

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

An informative should therefore be placed on any permission advising the developer that in the event of a bat being discovered during refurbishment, work should stop and advice be sought from Natural England on how to proceed.

09 APPROVAL CONDITION - Overhanging tree loss [Performance Condition]

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

Reason:

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

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

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

Reason:

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

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

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

Reason:

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

12 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

City of Southampton Local Plan Review – (March 2006)

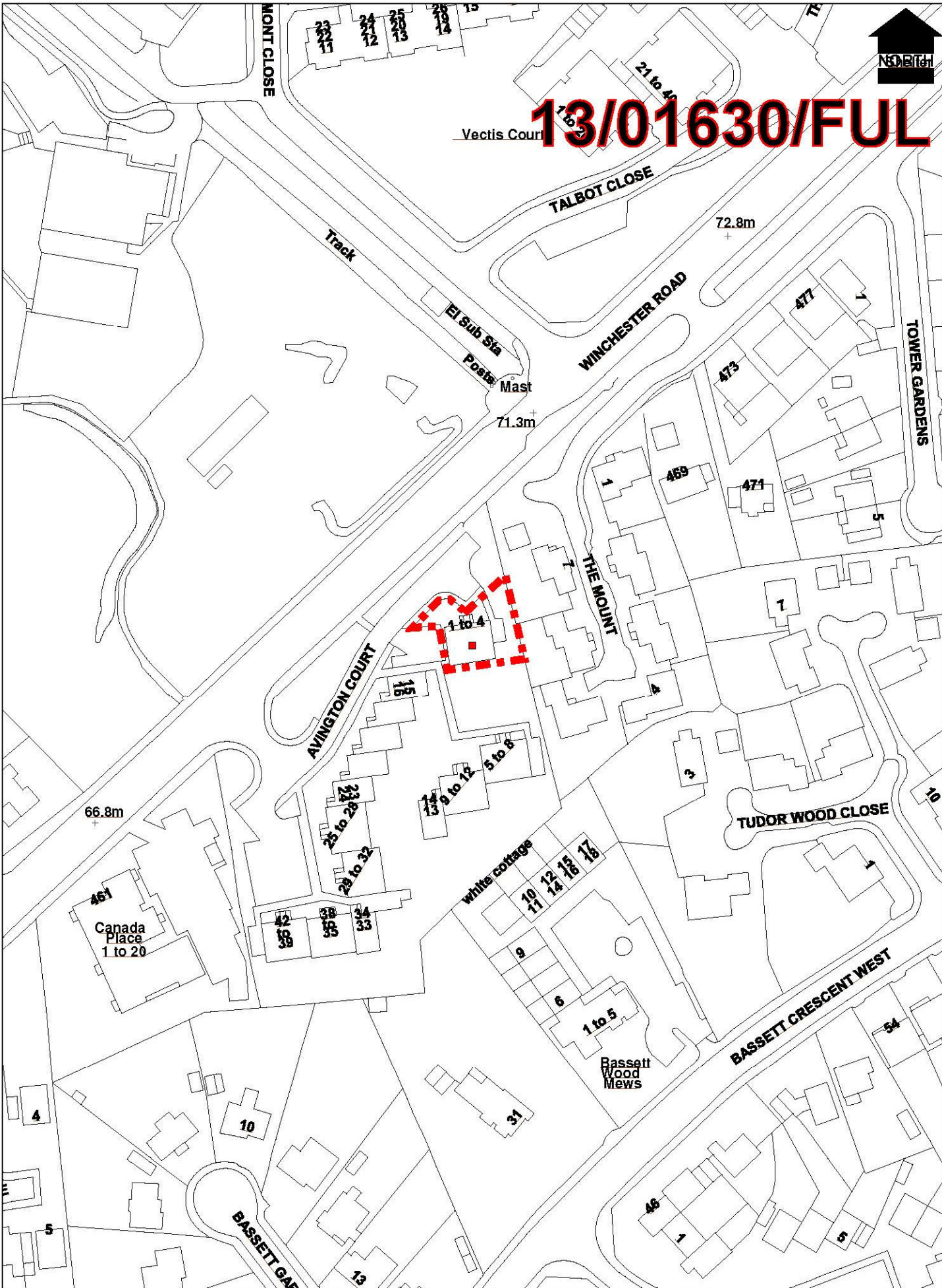
SDP1 Quality of Development
SDP7 Urban Design Context
SDP9 Scale, Massing & Appearance

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
The National Planning Policy Framework 2012



13/01630/FUL



Scale : 1:1250

Date 04 December 2013

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Agenda Item 6

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

Application address: Orchard House, 51-59 Commercial Road.			
Proposed development: Erection of two and three-storey extensions to create a building of five to six-storeys in height with 25 additional flats (12 x one bedroom and 13 x two bedroom) to those approved under application reference 13/00871/PA56 including refuse and cycle stores at the rear of the site.			
Application number	13/01569/FUL	Application type	FUL
Case officer	Richard Plume	Public speaking time	15 minutes
Last date for determination:	08.01.2014	Ward	Bargate
Reason for Panel Referral:	Major planning application subject to objection	Ward Councillors	Cllr Bogle Cllr Noon Cllr Tucker

Applicant: Mr Lake, Starling and Eagle	Agent: Paris Smith Llp
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	Yes - potential for affordable housing relief
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Reason for granting Permission

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

Policies - SDP1, SDP5, SDP7, SDP9, SDP11, SDP13, SDP16, SDP22, HE3, CLT5, CLT6, H1, H2, H5, H7, REI5 and MSA1 of the City of Southampton Local Plan Review (March 2006) and CS3, CS4, CS5, CS6, CS7, CS8, CS13, CS14, CS15, CS16, CS18, CS19, CS20 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 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 SPD relating to Planning Obligations (September 2013);

ii. Provision of affordable housing in accordance with Policies CS15, CS16 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPD relating to Planning Obligations (September 2013).

iii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.

iv. An obligation that future residents will not be eligible for car parking permits for controlled parking zones.

v. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with Policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).

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

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

1. The site and its context

1.1 The application site is the part 3-storey and part 4-storey office building situated on the north side of Commercial Road at the junction with Morris Road. There are separate retail/restaurant uses on the ground floor and car parking facilities at the rear of the building with access from Morris Road (two separate access points).

1.2 The immediately surrounding area is mixed residential and commercial in character with office buildings directly adjoining on either side: Oceana House, a 5-storey building to the east at 39-49 Commercial Road; and a part 4-storey and part 6-storey building to the west, Skandia Point at 69-81 Commercial Road. The part 6-storey/part 7-storey block of flats with a commercial ground floor frontage at Wyndham Court opposite is a Grade II listed building. At the rear of the site are 2-storey residential properties, set on higher ground in the Polygon.

2. Proposal

- 2.1 The current application is in addition to the recent approvals for the site set out in paragraph 4.2 of this report. Those approvals allow for the conversion of the existing building into 25 flats with associated alterations. The current application is for two and three extra floors to be added to the building to create a further 25 flats (12 x one bedroom and 13 x two bedroom). It is intended that all the new flats will be made available as affordable housing. In conjunction with the previous approval the overall number of flats will be 50 (23 x one bedroom and 27 x two bedroom) giving a density of 266 dwellings per hectare. The ground floor of the building will remain partly in office use and partly in retail use, although probably not for the same occupiers.
- 2.2 The rear access and car parking area would be reconfigured and the existing 18 car parking spaces would be provided for the commercial uses only. Refuse storage areas and 50 cycle parking spaces will be provided for the flats.
- 2.3 The proposed external materials will be brickwork and a trespa style cladding material. The application has been amended since it was first submitted. The changes involve a reduction in the height of the building on the Commercial Road frontage and a corresponding increase in the height of the rotunda feature, alterations to the rear elevation and the provision of some upper floor terraces for the flats.

3. Relevant Planning Policy

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

4. Relevant Planning History

- 4.1 The site has been in office use for many years.
- 4.2 In July an application for prior approval for conversion of the upper floors into 25 flats was granted (reference 13/00871/PA56). This application has not yet been acted on. In August planning permission was granted for external alterations including alterations to fenestration and additional windows to facilitate conversion of the upper floors to 25 flats (reference 13/00942/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 (18.10.2013) and erecting a site notice (22.10.2013). At the time of writing the report 1 representation has been received on behalf of 6 neighbours. The following is a summary of the points raised:

5.2 **There is no objection to the residential use as it does not extend the footprint of the building. The primary concern is with the number of additional flats without car parking. Whilst the flats may be rented for social housing that might reduce the amount of parking required there is no guarantee that this would not change over time. There is a very significant lack of parking in the area which comes under additional pressure in the evenings with overspill parking relating to use of the nearby theatre, pubs and restaurants.**

Response

The surrounding area is completely controlled parking. Future residents could be prevented from acquiring parking permits through the Section 106 agreement. As part of the application the applicant undertook an evening parking survey during November which demonstrated there were 64 available parking spaces within a 250 metre radius of the site. The highways team are satisfied with the findings of this survey.

5.3 **The development effectively over-extends the development potential of the building and would result in a loss of light and overshadowing of the adjoining properties in Polygon Court especially in the winter months.**

Response

The extended building is on the south side of the adjoining residential building in the Polygon. However, there is some 35 metres between buildings and there is a difference in land levels with the property in the Polygon being at a higher level. As a consequence there will not be a loss of light or significant overshadowing as a result of this development.

5.4 The amended plans have been the subject of reconsultation and any additional comments will be reported at the meeting.

Consultation Responses

5.5 **SCC Highways** - No objection subject to conditions covering refuse facilities and construction management arrangements.

5.6 **SCC Housing** – As the scheme comprises 25 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 9 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

Therefore, in this case the decision is to accept affordable housing on site as part of the main development. I am aware that an affordable housing partner has been working with the developer on this scheme, and confirm that the Housing Delivery and Renewal team are in full support of this planning application.

- 5.7 **SCC Sustainability Team** – No objections subject to the development meeting Code 4 which can be covered by conditions.
- 5.8 **SCC City Design** – Initially there were concerns about the form and massing of the building on the Commercial Road frontage, the relationship to the rotunda feature, the scale on the Morris Road frontage and the detailing of the northern elevation. Most of these concerns have been addressed by the amendments to the design. However, there remain some concerns about the treatment to the northern elevation, the proposed materials and the boundary treatment.

Response

These additional concerns can be addressed through conditions

- 5.9 **SCC Environmental Health (Pollution & Safety)** - No objection in principle, however consideration must be given to the current use of the ground floor which includes a restaurant and a small wholesaler. The loading bay and car park to the rear will inevitably be used for the delivery and despatch of goods to the wholesaler and deliveries to the restaurant. Collection of waste from the rear yard where the commercial bins are stored will also be required. Due consideration must be given to minimising the effect of noise on the residents
- 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 indicate that the subject site is located on/adjacent to the following existing and historical land uses; - Brewery (on site). These land uses are associated with potential land contamination hazards. There is the potential for these off-site hazards to migrate from source and present a risk to the proposed end use, workers involved in construction and the wider environment. Therefore, to ensure compliance with 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. There are no objections subject to conditions.
- 5.11 **SCC Ecology** – No objections, the application site consists of a building and hard standing which have negligible biodiversity value. The building, which is in good condition, has a flat roof which is unsuitable for bat roosts. The presence of bats is therefore unlikely.

- 5.12 **BAA** – No objections to the development on aerodrome safeguarding grounds. The developer should liaise with BAA at least one month before construction commences regarding the use of cranes.
- 5.13 **Southern Water** – No objections, initial investigations show that foul sewage disposal can be provide. There is currently inadequate capacity in the local network to provide surface water disposal to service the proposed development. Disposal to a public foul sewer will not be permitted. The applicant should investigate alternative means for surface water disposal. A condition should be imposed.

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 involving adding extra flats to the building
- Design issues and the impact on neighbour amenities
- Transportation and parking

6.2 **Principle of Development**

This site is not specifically allocated for commercial use and it is a mixed commercial and residential area. Saved Policy REI 15 of the Local Plan promotes major office developments within certain key locations of the city centre, one of which is Commercial Road and the Central Station area. This policy states that redevelopment of sites within this area will only be permitted if there is no loss of office floorspace. In the case of the application site, all the upper floor offices have permission to be converted into flats under the 'prior approval' process. Furthermore, the general policy in the emerging CCAP towards the station quarter promotes mixed use development including residential accommodation. In these circumstances, there is no issue with the loss of the office accommodation which has already been approved. Other national and local planning policies promote more intensive use of previously developed sites for residential purposes. Consequently this development is acceptable in principle.

6.3 Policy CS16 of the Core Strategy seeks 30% of units to be family housing. However, exemptions to this policy can be made based on the nature of the scheme and the character of the surrounding area. This is a high density form of development in the city centre with relatively little amenity space so it is not considered suitable for family sized housing. Due to the applicants wish to retain the car parking for the commercial occupiers and the need to provide sufficient refuse storage space for the new flats, it is not possible to have ground level amenity space. The amended scheme does incorporate balconies/roof terraces to 9 of the upper floor flats which is considered to be an appropriate level of provision given the nature of the scheme.

6.4 **Design Issues**

This is a prominent corner location within the city centre. The existing building is quite small-scale and understated: a more prominent building which addresses the corner is considered to be an acceptable approach. The incorporation of a

corner rotunda is an appropriate way of 'turning the corner' and the increased height results in a building which will be compatible with the character and scale of the adjoining properties on the Commercial Road frontage. The addition of two extra floors to that part of the building which fronts Morris Road could be a little overbearing as it directly adjoins the pavement rather than being set back. However, the scale of the building would be similar to that of Skandia Point and would not therefore be out of place. Despite the changes to the design, further detailed work is needed to the appearance of the northern elevation of the extended building. These details can be covered by a condition as can the choice of external materials. Given the scale of the adjoining buildings and the separation distance the extensions would not detrimentally affect the setting of nearby listed buildings including Wyndham Court which is opposite.

6.5 These proposals will result in a significant increase in the size of the building. The only residential properties which directly adjoin are the flats to the rear at Polygon Court. These neighbours would experience a markedly different outlook from the rear of their properties. However, the scale would be similar to that of the two adjoining office buildings. The separation distance would be at least 35 metres and these adjoining properties are at a higher level and at an oblique angle to the application site. In these circumstances it is not considered that the new building would significantly affect the amenities of these neighbours. Although there are some rear facing roof terraces, any overlooking should be no worse than from similar placed upper floor windows.

6.6 Transportation/parking issues

The site is extremely well served by public transport being very close to the central station and numerous bus routes. In this case no parking is proposed for the residential accommodation; all the existing car parking will be retained for the commercial uses which will remain on the ground floor. The surrounding streets are covered by a controlled parking zone. Future residents will not be eligible for car parking permits and this could be controlled through the Section 106 agreement. Provision is made within the rear yard for 50 cycle parking spaces.

7. Summary

7.1 This is a prominent site within the city centre where loss of the existing offices has already been accepted under new permitted development rights. This application seeks to maximise the use of the site for affordable housing whilst retaining an active ground floor frontage. As amended, the proposed design relates well to the scale and mass of adjoining buildings and neighbour amenities will not be significantly worsened.

8. Conclusion

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

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

RP2 for 17/12/2013 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 works shall be carried out unless and until a written schedule of external materials and finishes has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, doors and the roof of the proposed buildings. It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site.

Reason:

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

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

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

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

- iv. details of any proposed boundary treatment, including retaining walls; and
- v. a landscape management scheme.

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

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

Reason:

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

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

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum Level 4 of the Code for Sustainable Homes in the form of a design stage assessment, shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

REASON:

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

05. 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).

06. APPROVAL CONDITION- Land Contamination investigation and remediation [Pre-Commencement & Occupation Condition]

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning

Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. That scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

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

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

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

Reason:

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

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

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

Reason:

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

08. 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.

09. 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.

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

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

Air gap between panes - 12mm

Inner pane of glass - 6 mm

or, with secondary glazing with a -

Outer pane of glass - 6mm

Air gap between panes - 100mm

Inner pane of glass - 6.4 mm

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

Reason:

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

11. APPROVAL CONDITION - 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

12. 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.

13. APPROVAL CONDITION - Design of north elevation (Pre-Commencement Condition)

Notwithstanding what is shown on the approved drawings no development shall commence until the detailed design treatment of the northern elevation of the extended building has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.

Reason

To ensure the satisfactory treatment of this important elevation in the street scene.

14. APPROVAL CONDITION - Restricted use of flat roof area [Performance Condition]

The flat roof areas of the extensions hereby approved to be used as balconies or roof terraces shall be limited to the areas shown on the approved plans. No other flat roof surfaces shall be used as a balcony, terrace, roof garden or similar amenity area without the grant of further specific permission from the Local Planning authority.

Reason:

In order to protect the privacy of adjoining occupiers.

15. APPROVAL CONDITION - Screening to balconies (Pre-Occupation Condition)

None of the flats hereby approved shall be occupied until suitable screening has been installed around the roof terraces/balconies in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. The approved screening shall be retained thereafter.

Reason

To safeguard the privacy of adjoining occupiers.

16. APPROVAL CONDITION - Refuse/cycle storage details (Pre-Occupation Condition)

None of the flats hereby approved shall be occupied until secure and covered refuse and cycle storage facilities have been provided in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter.

Reason

To ensure suitable facilities are provided in the interests of the appearance of the area and to encourage cycling as a sustainable form of travel.

17. APPROVAL CONDITION - Approved Plans

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

Reason:

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

POLICY CONTEXT

Core Strategy - (January 2010)

CS1	City Centre Approach
CS3	Promoting Successful Places
CS4	Housing Delivery
CS5	Housing Density
CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS8	Office Location
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
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP13	Resource Conservation
SDP16	Noise
SDP22	Contaminated Land
HE3	Listed Buildings
HE6	Archaeological Remains
CLT5	Open Space in New Residential Developments
CLT6	Provision of Children's Play Areas
H1	Housing Supply
H2	Previously Developed Land
H5	Conversion to residential Use
H7	The Residential Environment
REI15	Office Development Areas
MSA1	City Centre Design

Supplementary Planning Guidance

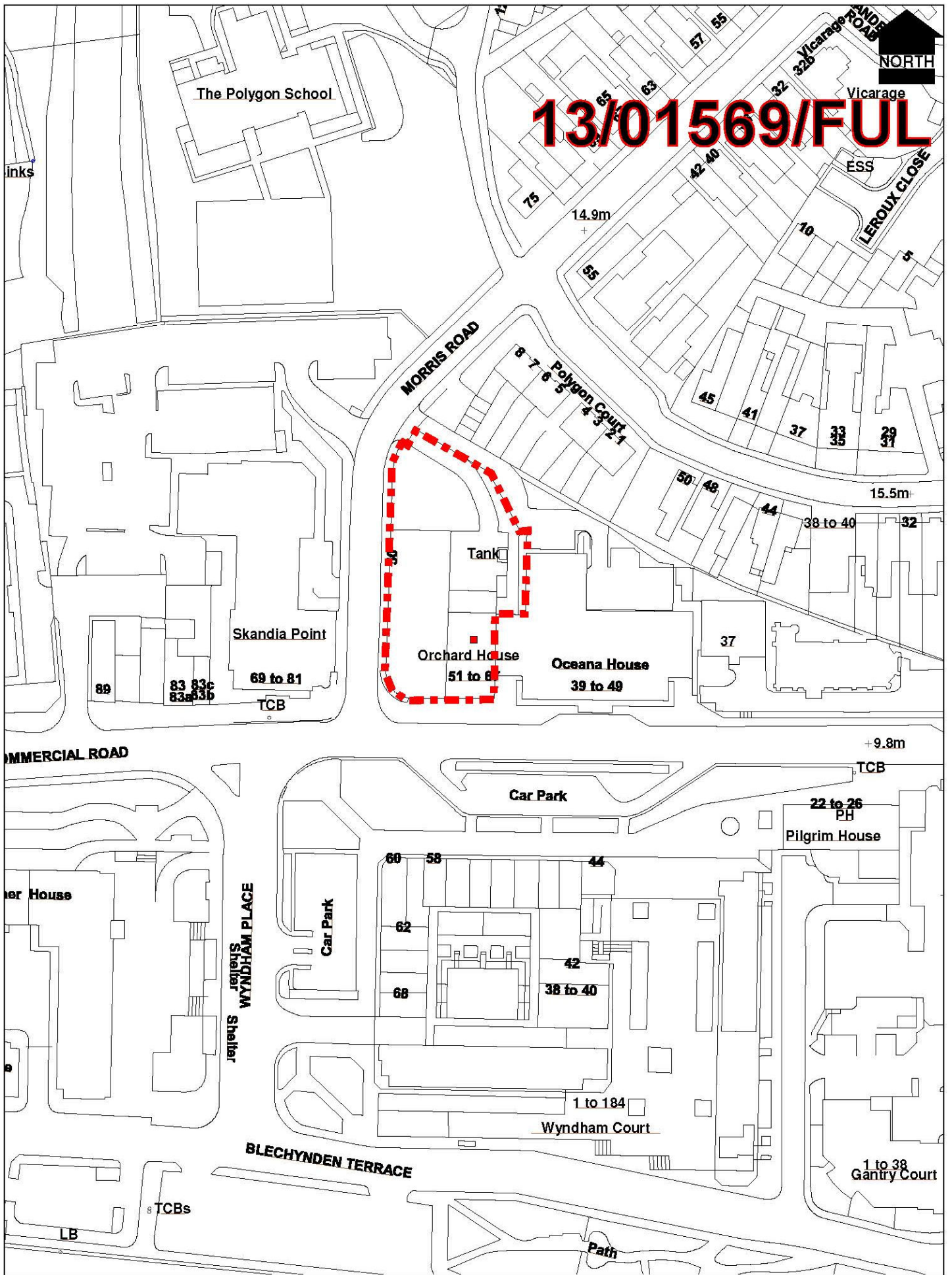
Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - September 2013)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012

City Centre Action Plan (2013)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)



13/01569/FUL

Scale : 1:1250

Date 04 December 2013

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Agenda Item 7

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

Application address: Southampton Solent University, East Park Terrace			
Proposed development: Erection of a new five to seven-storey teaching building (total internal floorspace of 9250 square metres) on the north side of the existing campus building with alterations to the vehicular access to St Andrews Road and associated car parking arrangements.			
Application number	13/01628/FUL	Application type	FUL
Case officer	Richard Plume	Public speaking time	15 minutes
Last date for determination:	N/A - Planning Performance Agreement	Ward	Bargate
Reason for Panel Referral:	Major planning application subject to objection	Ward Councillors	Cllr Bogle Cllr Noon Cllr Tucker

Applicant: Southampton Solent University	Agent: Turley Associates
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	No
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Reason for granting Permission

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

Policies - SDP1, SDP4, SDP5, SDP7, SDP8, SDP9, SDP10, SDP11, SDP13, SDP16, SDP17, L6, TI2, MSA1 and MSA3 of the City of Southampton Local Plan Review (March 2006) and CS1, CS3, CS6, CS11, CS13, CS14, CS18, CS20, CS22, CS24 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 improvements to pedestrian connectivity 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 SPD relating to Planning Obligations (September 2013).

ii. Submission and implementation of a Travel Plan.

iii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.

iv. Paying the costs of the Traffic Regulation Order for removal of the on-street parking spaces in St Andrews Road.

v. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPD relating to Planning Obligations (September 2013).

vi. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with Policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).

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

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

1. The site and its context

- 1.1 The application site has an area of approximately 0.72 hectares and is situated directly north of the existing Southampton Solent University campus on East Park Terrace. The land was previously occupied by an ambulance station but that building no longer exists. Directly adjoining the existing University building is a vehicle access ramp entered from East Park Terrace and serving two levels of car parking. There is a significant difference in the land levels which reduce from west to east. The application site extends through to St Andrews Road where there is an in and out vehicular access. There are several TPO'd trees fronting St Andrews Road. The adjoining land to the north extending up to the Charlotte Place roundabout is also within the ownership of the University but is not part of the application site.
- 1.2 The University campus is an island site bounded by New Road to the south, East Park Terrace to the west, Charlotte Place to the north and St Andrews Road to the east. Buildings on the campus range in height from 2-storeys to 9-storeys. The buildings along the East Park Terrace frontage are generally between 3 and 5-storeys in height. The surroundings are mixed in character, use and building heights. To the north is the Jury's Inn Hotel and a 7-storey office block within the Charlotte Place roundabout; to the east is a mosque building off Compton Walk and 3-storey residential properties fronting St. Andrews Road; to the south is the Premier Inn Hotel and commercial buildings on New Road. Adjoining to the west is East Park which is part of the registered park and garden known as 'Central Parks' and is listed Grade II*. The application site is within the defined city centre area.

2. Proposal

- 2.1 The current application involves a new teaching block to the north, and attached to the Millais building on the university campus. The proposed building would be 5-storeys as seen from the East Park Terrace frontage and, due to the difference in levels, 7-storeys from the St Andrews Road frontage. The total internal floorspace of the building would be 9,200 square metres. The building will provide a large atrium space, additional classrooms, seminar rooms, multi-purpose learning areas, lecture theatres and conference accommodation with a range of ancillary accommodation.
- 2.2 The proposed building would involve removal of the existing vehicle ramp and alterations to the Millais building which would be joined to the new building. A new/altered vehicular access would be formed from St Andrews Road which would be used for car parking and servicing purposes. The land to the north and east of the proposed new building would be regraded and surface level car parking spaces would be created. The overall number of car parking spaces on the site would not change from the existing arrangements (290 spaces in total across the whole campus). The alterations to the access arrangements involve the removal of two TPO'd trees on the St Andrews Road frontage. The application also proposes the closure of the remaining part of St Andrews Road as a public highway.
- 2.3 The proposed external materials of the new building would be insulated precast concrete facade panels, a fully glazed curtain walling system to the west elevation, polyester powder coated aluminium framed windows and a metal standing seam roof system with a lightweight translucent roof to the atrium.

- 2.4 The new teaching block is not intended to provide a net increase in teaching floorspace on the campus or a direct increase in student numbers as some of the existing buildings on the campus will subsequently be demolished. This application is intended to be the first phase of new development of the land to the north of the existing campus for which a 'masterplan' has been produced explaining how this might be brought forward in the future.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The main campus is safeguarded under Core Strategy Policy CS11 to allow expansion of these educational facilities through intensification on their existing sites. The application site is partly within Local Plan allocations MSA3 and L6. MSA3 is the allocation covering Charlotte Place, St Mary's Road, East Park Terrace and Compton Walk. This is a mixed use allocation but specifically promotes educational uses to provide for the expansion of Southampton Solent University in accordance with Policy L6.
- 3.3 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.4 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4. Relevant Planning History

- 4.1 The educational use at East Park Terrace dates back to the 1960's. There have been a series of planning decisions relating to new buildings, extensions and alterations which are not directly relevant to this application.
- 4.2 The land to the north of the existing University buildings was previously an ambulance station; health clinic and terraced houses at 64-71 St Andrews Road. These buildings have all been demolished and there has been recent planning history, most notably in 2007 when permission was granted for redevelopment to provide 4 buildings: a 21-storey hotel at the northern end of the site; an 11-storey 'apart-hotel'; a 14-storey block of 219 flats; and a 12-storey office building with associated works (reference: 06/01457/FUL). This permission has expired and a subsequent application for alterations and design changes to the scheme (08/01034/FUL) was withdrawn as the developer was unable to proceed with the proposal. For the permission in 2007, it was the 14-storey residential building which was on the part of the site covered by the current application.
- 4.3 In 2009 planning permission was refused for the temporary change of use of the land to the north of the campus to a car park for up to 100 vehicles for an 18

month period (reference 09/00385/FUL). The site of this application covered the East Park Terrace frontage from the existing campus up to the Charlotte Place roundabout. The reasons for refusal related to the principle of development in terms of commuter parking, visual impact and security issues and the precedent for other vacant city centre sites. It is understood that the University acquired this adjoining land in 2011.

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 (1.11.2013) and erecting a site notice (31.10.2013). At the time of writing the report 0 representations have been received from surrounding residents. An objection from SCAPPS has been received as set out below.

Consultation Responses

- 5.2 **SCC Highways** - The site is situated within a city centre location and is in close proximity to a roundabout junction which contains high levels of traffic. The main impact on highways will be the stopping up of the vehicular access on East Park Terrace and the formation of the new access on St. Andrews Road. The removal of the East Park Terrace access will result in all vehicular traffic entering the site via St. Andrews Road which means the use of this access will be intensified. However, this will be an overall betterment to the existing situation as both access points in their current form are not ideal in terms of highway safety. The access at East Park Terrace is narrow with a considerable difference in levels. The main problem is when vehicles have to reverse back up the ramp due to not having access to open the barriers within the site. The road/car park layout from then on is too narrow with small turning areas making it awkward for vehicular movements and not the safest environment for pedestrians. The redesigned access on St. Andrews Road will be an improvement which will slow vehicles down as they enter the site and it also provides a footway along St. Andrews Road which is currently lacking.
- 5.3 There is an existing safety concern for pedestrians going through the park opposite the site during hours of darkness. If there is an increase of pedestrian trips, then this problem will only be exacerbated and therefore a solution will be required most likely via highways works which will provide an alternative pedestrian route for people leaving the university – this could be done via a contribution within the Section 106. However, it is stated that the proposed development will not increase trips as the new teaching block is replacing the old buildings rather than an extension to the university site. In summary, the proposed development will not generate any additional trips and the works to the existing vehicular accesses are an improvement in terms of highway safety.
- 5.4 **SCC Sustainability Team** – The sustainability statement says that a green roof may be considered if the levels of water run off calculated are such that this method of attenuation is required. It is recommended that a green roof is considered in any case for the other benefits it will provide, including combating the effects of climate change through mitigating the heat island effect, enhancing energy efficiency through improved insulation and improving air quality. It would also promote biodiversity and could gain an additional credit under BREEAM

LE04. There are no objections subject to additional clarification being provided and conditions being imposed on the BREEAM standard and green roof feasibility.

- 5.5 **English Heritage** - East Park is part of the registered park and garden known as 'Central Parks', and is listed grade II*. The proposed new building is outside of the boundary of the park and would be sited to the east of East Park Terrace. Therefore there would be no direct impact on the park, nevertheless, the setting of the park is an important consideration. The National Planning Policy Framework acknowledges that 'Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.' (para. 132). The park has always been a municipal park to serve an urban population in an urban context. There are already other tall, modern buildings visible from the park. There are no identified long views out of the park to a distant feature which might be adversely affected by the construction of this building. Therefore I would conclude that this proposal would cause no harm to the heritage asset, the registered park, or to its setting.
- 5.6 **SCC Design Review Panel** – (Comments made at the pre-application stage) The scheme represents a transformation of the façades facing East Park Terrace and a considerable enhancement to the appearance of the campus as a single entity. The depth of the set back between the edge of the carriageway and the building frontage onto East Park Terrace needs to be sufficient to accommodate students gathering around the main front door.

Desire Lines Across the Park

There are strong desire lines towards the buildings from the west, across the city parks. The current layout of paths, walls and railings along the eastern edge of the parks (opposite the proposed main entrance) to the building do not effectively align. The result could be an informal set of tracks and pathways being formed across the grassland areas of the park. Moderate interventions in the park (e.g. realigning paths and adjusting walls and gates to be more responsive to the likely desire lines) should resolve this and should be considered as part of the wider implementation works.

Northern Elevation

The panel was concerned about how the proposal relates to the site that lies immediately to the north. The proposed windows in the northern elevation will potentially limit the ability to maximise the site to the north, due to right to light issues and overlooking concerns. The panel was concerned about the treatment of the site to the north pending future development. No proposals were presented to the panel for any interim landscaping or use. The panel noted that this is a prominent site on a principal traffic and pedestrian route through the city and consideration should be given to how it will look and be used in the short to medium term.

Response

Some of these issues can be covered through the Section 106 agreement and/or conditions. The development potential of the adjoining site to the north is more a matter for the University as landowner rather than the Council as planning authority.

- 5.7 **SCC City Design** - The designers have sought to create a strong response to this key site within the city centre and have clearly focused on responding positively to the frontage to East Park and the internal design of the Atrium. It is however difficult to determine the merits of the proposal without a greater understanding of how this relates to the wider master plan for the future development of the SSU campus, particularly in respect of publicly accessible routes to and through the campus. The current master plan proposals appear to be very inward/internal looking and it is important that on such a key site within the city centre that the opportunity is taken through the master plan to fully maximise the campuses place making potential.
- 5.8 **SCC Heritage Team** - There have been two archaeological interventions on the site in the past, and both indicated that the earlier Georgian tenements and landscaping associated with the ambulance station and St Andrews Road have largely destroyed any archaeological deposits. There is some suggestion that archaeology may survive in the central southern area of the development site, but this is not enough to warrant archaeological excavation. I would therefore request that a Watching Brief is carried out on groundworks, and that relevant conditions are applied to any grant of permission.
- 5.9 **SCC Environmental Health (Pollution & Safety)** - no objection to this application subject to conditions. A noise report has been submitted with the application regarding noise from plant machinery. Whilst I agree with the content of the report, final recommendations cannot be made for the final design of noise generating plant, so I would request a further report be submitted which can be covered by a condition.
- 5.10 **SCC Ecology** – No objections, the site has been cleared relatively recently and as such the land is unlikely to support a diverse range of brown field fauna and flora. There are however, a number of trees present which could support nesting birds. All nesting birds, their nests, eggs and dependent young receive protection under the Wildlife and Countryside Act 1981 (as amended). As several of these trees are scheduled for removal it is important that the work is undertaken either outside the nesting season, which runs from March to August inclusive, or after it has been checked by a suitably qualified ecologist. The site lies adjacent to East Park which is used by a range of wildlife including song birds. It is important that the large areas of glass incorporated into the design do not result in increased levels of light pollution or bird strike risk. In particular, it is important that artificial illumination is designed to light just those areas where illumination is required and hooded to prevent light spill. It is disappointing that no attempt has been made to include any biodiversity enhancements within the development. Examples of simple enhancements include planting of native or ornamental species with established wildlife value or installation of bird, bat and insect boxes. The inclusion of a green wall or a green roof would have achieved a significant biodiversity enhancement and improved surface water management and air quality.
- 5.11 **SCC Trees Team** - There are several trees close to the St Andrews Road boundary of this site that are prominent landscape features and are covered by Tree Preservation Orders. The applicant has failed to submit any tree information so I cannot give a definitive consultation without clear plans showing which trees will be retained and lost to the proposal. The Trees Team therefore object to the loss of the London Plane or any of the group of Lime trees.

Response

The applicant has been asked to provide additional information in response to these comments and a verbal update will be provided at the meeting.

- 5.12 **BAA** – As this development is within 6km of the airport, the developer will need to contact us with a construction plan specifically relating to the use of cranes. This is in accordance with the BS Standard Code of Practice relating to the safe use of cranes. Due to the building design and the size of the roof, this development could attract nesting Gulls and other bird wildlife. Bird strike is the number one risk to aviation and as such, the developer should implement a bird hazard management plan to limit the risk of nesting.
- 5.13 **Southampton Commons and Parks Protection Society** – SCAPPS is pleased to acknowledge that the proposed development would not result in adverse visual impact on East Park. The proposal is for the elevation facing East Park to be 5 storeys. SCAPPS has objected, and will continue to object, to the ill-conceived and damaging proposal of the City Centre Action Plan for 'tall buildings' on sites facing the Parks. SCAPPS considers this proposal to be appropriate in height, massing and design for this important site facing East Park.

However, because of a number of concerns, SCAPPS reluctantly **objects** to the application.

1) A major teaching facility at this location will alter the pattern of pedestrian and cyclists flows through the Park. It would appear that this has not been recognised or considered by the applicant. Although full analysis of desire lines and means for managing and guiding pedestrian and cycle flows may be a matter to be determined when a Park Improvement Plan is prepared, sufficient analysis should be undertaken at this time to enable an appropriate sum to be included in the Section 106 Agreement to provide a contribution toward the cost of those works.

2) There is repeated reference in accompanying documentation to a master plan for the Solent University sites. It would seem this has been discussed with City Council officers and Members. There has been no wider consultation with amenity groups or the public. On the East Park Terrace site, SCAPPS would hope to see such a master plan eventually resulting in proposals which will give greater cohesion to the several buildings facing East Park, so they read visually as a coherent composition.

3) The proposed new building has extensive windows on the north elevation, so constraining development on the neighbouring vacant site to the north. Does the unpublished 'master plan' set out the University's aspirations for development on that site? SCAPPS objects to the present application in the absence of clear information that maintaining adequate daylight to the north elevation will not constrain design of any future development to the north in such a way as to prejudice achievement of a continuous and coherent elevation facing East Park. If the site is to remain vacant, the City Council should use the opportunity of this application to require a management plan for it including uses, maintenance and frontage treatment; the present blue screen fencing is visually extremely poor for such a prominent site on the major approach to the City Centre (and cruise terminals) and facing out to a grade II* Park.

4) The impact on the visually important group of trees on the St Andrews Road frontage is not clear. These trees are significant in cityscape views from the Six Dials junction and St Andrews Road and it is vital that they are retained, and protected during construction work.

Response

These issues are responded to elsewhere in this report

6. Planning Consideration Key Issues

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

- The principle of this form of development
- Design issues including the height and massing of the building
- Transport and parking
- Trees and sustainability issues

6.2 Principle of Development

The application site and adjoining land is safeguarded by various local policies. Policy MSA3 of the Local Plan is a mixed use allocation which covers various plots of land at Charlotte Place, St Mary's Road and East Park Terrace. A variety of uses are promoted by this policy some of which have been implemented including the hotel and offices within the Charlotte Place roundabout. Educational uses to provide for the expansion of Southampton Solent University are promoted in accordance with Policy L6 of the Local Plan. This policy approach has been taken forward by Core Strategy Policy CS11 which promotes the development of new high quality education and related facilities. In particular the policy safeguards the main Solent University campus to allow expansion and intensification of the educational use. A similar approach is reflected in Policy AP33 of the emerging CCAP which also seeks development which will enhance the setting of the parks and improve the connectivity with the surrounding area. The application is therefore policy compliant and acceptable in principle.

6.3 Design issues

There are a range of building sizes on the campus and no prevailing architectural style; the proposed building would make a strong architectural statement and the 5-storey atrium will provide a positive active frontage to East Park Terrace and the parks. This central atrium will be a multi-functional space which can be used for conferences and other public events. The height of the proposed building is much less than the previously approved scheme which included a 14-storey block of flats on this part of the site. The design of the north elevation is a simple and repetitive elevation but it is a proper 'frontage' rather than a flank wall and it would improve the appearance of the University campus when approached from the north. In the short to medium term it is likely that the building will form the northern boundary of the campus. The design process has inevitably concentrated on making an attractive frontage to East Park Terrace. Having said that the northern and eastern elevations of the new building are not uninteresting and represent a considerable improvement on that of the existing buildings. Overall, it is

considered that this new building would represent an innovative and high quality design which will enhance the appearance of the area.

6.4 The proposed building is not being considered in isolation but as part of a wider outline masterplan. The University have been working with consultants since November 2012 on this masterplan which is intended to be delivered in several phases over a period of 5 to 10 years. This is likely to involve the redevelopment of large parts of the campus as well as the remodelling and extension of existing facilities. Future phases of the outline masterplan involve demolition of the Herbert Collins building and its replacement with a new university sports building on this part of the campus; a new foyer building on the East Park Terrace frontage; creation of a student services hub; demolition of the Sir Christopher Cockerell building; relocation of the car park adjacent to New Road and a new landscaped plaza created centrally within the campus. The remaining open part of the site could be developed for an enterprise centre or for additional academic buildings. It should be stressed that this masterplan is indicative only at this stage; it is not a formal submission as part of the current application which is Phase 1 of the development, but it does provide guidance for the future development potential of the site. It is perhaps a valid criticism of the scheme that it does not take full advantage of the potential for improved pedestrian permeability to and through the site. It seeks to 'internalise' the University environment, connect better to existing buildings on the site especially the Millais building and to carry out improvements to safety and security. The new building, with its extensive glazing on the north side, does rely on the adjoining land to the north for natural daylight. This may subsequently cause design compromises in the future development of this adjoining land. However, as all this adjoining land is within the ownership of the University, this is principally a matter for them as landowner rather than the Council as planning authority.

6.5 Transportation and parking

The vehicle access arrangements will change with the removal of the existing vehicle ramp and associated car parking spaces. This will improve conditions for pedestrians in East Park Terrace. The improvements to the vehicle access off St Andrews Road will provide an improved HGV and service vehicle access as well as access to the existing car park. The new section of internal road will be the northern section of a new two-way vehicle route linking all the buildings on the campus and will provide for future phases of the development. Furthermore, as it provides for a new exit from the site on to St Andrews Road it should reduce potential congestion at the New Road exit. The University currently has some 11,000 (full-time equivalent) students. It is not anticipated that student or staff numbers would increase as a result of this new building as once completed other teaching buildings on the site would be demolished. Consequently there would be no additional trips and the overall number of car parking spaces would remain unchanged. The University currently operates a Travel Plan with a staff parking permit scheme and students not permitted to park on the site. This Travel Plan could be reviewed as part of the Section 106 agreement. In terms of pedestrian connectivity, a financial contribution can be sought to improving links across the park. In the event that the existing teaching buildings are not demolished as specified in the application it would be reasonable to seek additional contributions towards pedestrian connectivity between the University and the Bedford Place area.

6.6 Trees and Sustainability

The loss of two protected trees is regrettable particularly as the rear of the University campus is highly visible from St Andrews Road and is currently unattractive due to the temporary parking and lack of boundary treatment. However, this consideration has to be balanced against the improvements to the vehicular access arrangements. There is sufficient space on the site to secure replacement tree planting as part of this and future phases of the campus redevelopment.

- 6.7 The intention is that the new building will achieve BREEAM excellent in accordance with Policy CS20 which is welcomed and can be secured by condition. Furthermore, the environmental standards of the existing Millais building are currently low and the alterations and refurbishment associated with the new building will help to raise these standards

7. Summary

- 7.1 The Solent University site has been identified in the City Centre Masterplan as one of seven 'Very Important Projects' for the future development of the city. This proposal is policy compliant and represents the first phase of a new identity for the campus. The design is a high quality innovative approach which respects and would enhance the setting of the adjoining listed parks. It is regrettable that protected trees will be lost but this has to be weighed in the balance against the improvements offered by the scheme.

8. Conclusion

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

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

RP2 for 17/12/2013 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 works shall be carried out unless and until a written schedule of external materials and finishes has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, doors and the roof of the proposed buildings. It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site.

Reason:

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

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

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

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

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

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

Reason:

To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive

contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990

04. APPROVAL CONDITION- Land Contamination investigation and remediation [Pre-Commencement & Occupation Condition]

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

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

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

Reason:

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

05. 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.

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

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

Reason:

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

07. APPROVAL CONDITION - 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.

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 - 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.

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

Written documentary evidence demonstrating that the development has achieved at minimum a rating of Excellent against the BREEAM standard shall be submitted to the Local Planning Authority and verified in writing 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).

11. APPROVAL CONDITION- Green roof feasibility study (Pre-Commencement)

A detailed feasibility study for a green roof must be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the development hereby granted consent. If the study demonstrates the site has the capacity for the green roof, a specification shall be agreed in writing with the Local Planning Authority. 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.

12. APPROVAL CONDITION - Piling [Pre-Commencement Condition]

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a piling/foundation design risk assessment and method statement for the preferred piling/foundation design/designs shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure the selected piling method can be justified on the grounds of structural, geotechnical, contamination, noise, vibration and practicability and ensure any adverse environmental impacts are identified and appropriate mitigation measures are proposed
Condition Informative 1

Guidance is provided in the Environment Agency's publication NC/00/73, Piling and Penetrative Ground Improvements Methods on Land affected by Contamination: Guidance on Pollution Prevention, section 6.5
Condition Informative 2

Guidance suggests maximum vibration of 1mm/sec Peak Particle Velocity (measured in any one direction) at the foundations of the nearest occupied residential building and a maximum vibration of 3mm/sec Peak Particle Velocity (measured in any one direction) at the foundations of an occupied commercial building.

13. APPROVAL CONDITION - Noise - plant and machinery [Pre-Commencement Condition]

The use hereby approved shall not commence until an acoustic report and written scheme to minimise noise from plant and machinery associated with the proposed development, including details of location, orientation and acoustic enclosure, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

Reason:

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

14. 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.

15. APPROVAL CONDITION - Bird Hazard Management Plan (Pre-Commencement Condition)

Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of management of any flat/shallow pitched/green roofs on the buildings within the site which may be attractive to nesting, roosting and "loafing" birds (possible different management strategies during the breeding season and outside the breeding season). The Bird Hazard Management Plan shall be implemented as approved upon the completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

REASON

It is necessary to manage the roofs of the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Southampton Airport.

For information: The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs, ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season, gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by BAA Airfield Operations Staff. In some instances, it may be necessary to contact BAA Airfield Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof.

The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences from Natural England before the removal of nests and eggs.

16. APPROVAL CONDITION - Ecological Mitigation Statement [Pre-Commencement Condition]

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

Reason

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

17. APPROVAL CONDITION - 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.

18. 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.

19. 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.

20. 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.

21. APPROVAL CONDITION - Details of traffic barrier (Pre-Commencement Condition)

Development shall not commence until details of any traffic barrier to the altered vehicular access on to St Andrews Road has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with these approved details.

Reason

In the interests of traffic management and highway safety.

22. APPROVAL CONDITION - Archaeological investigation (Watching Brief)[Performance Condition]

The Developer will secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation which will be submitted to and approved by the Local planning Authority.

Reason:

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

23. APPROVAL CONDITION - Archaeological work programme (Watching Brief) [Performance Condition]

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

Reason:

To ensure that the archaeological investigation is completed.

24. 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.

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

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

Reason:

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

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

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

Reason:

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

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 CONTEXT

Core Strategy - (January 2010)

CS1	City Centre Approach
CS3	Promoting Successful Places
CS6	Economic Growth
CS11	An Educated City
CS13	Fundamentals of Design
CS14	Historic Environment
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
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)

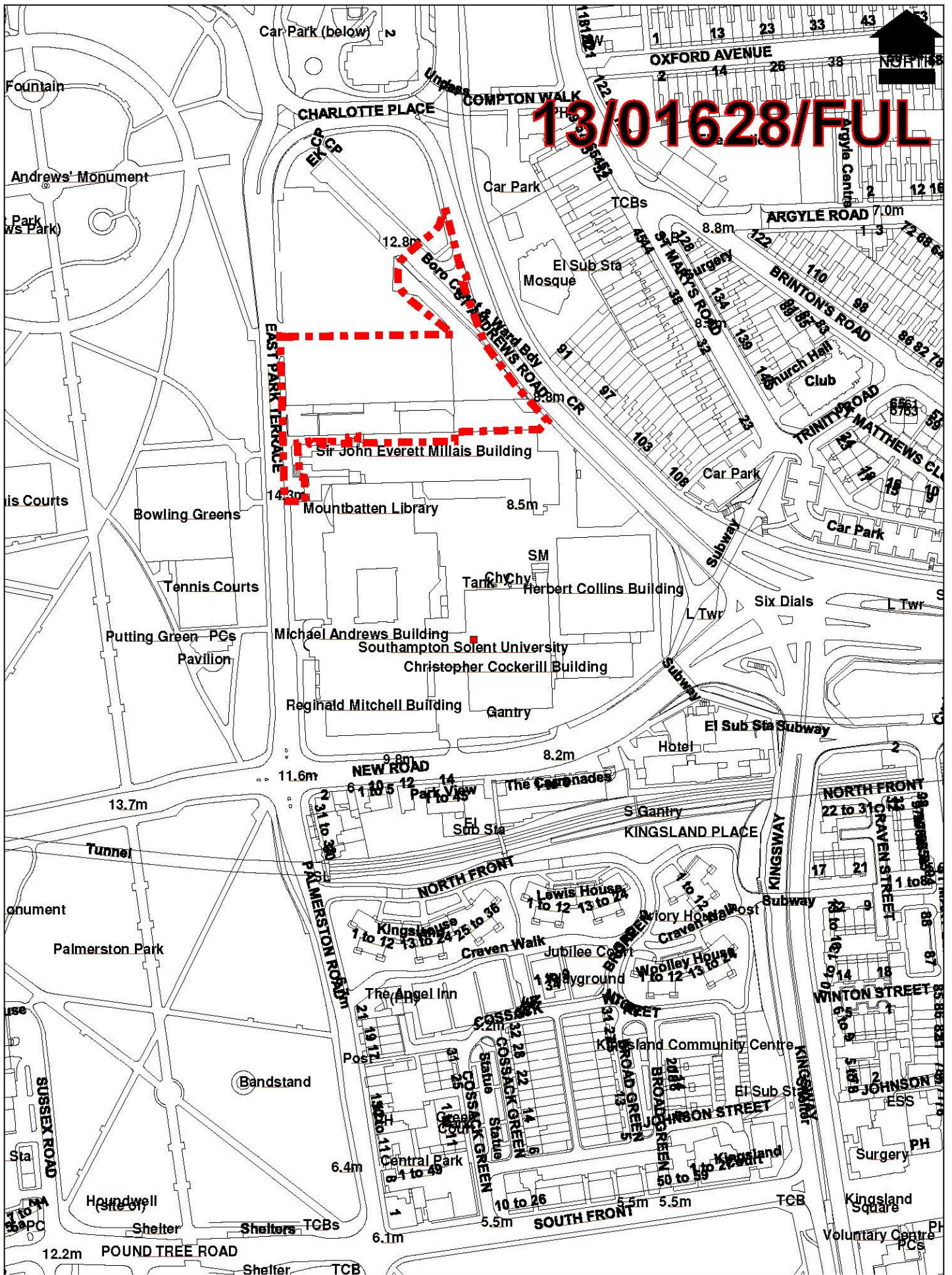
SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP16	Noise
SDP17	Lighting
HE5	Parks and Gardens of Special Historic Interest
HE6	Archaeological Remains
CLT1	Location of Development
L6	Southampton Solent University
TI2	Vehicular Access
MSA1	City Centre Design
MSA3	Charlotte Place

Supplementary Planning Guidance

Planning Obligations (Adopted - September 2013)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)
City Centre Action Plan (2013)



13/01628/FUL

Scale : 1:2500

Date 04 December 2013

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Agenda Item 8

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 17.12.13
Planning Application Report of the Planning and Development Manager

Application address: Gregg School Townhill Park House Cutbush Lane SO18 2GF			
Proposed development: Alterations and erection of a two-storey teaching block on the site of an existing tennis court, and removal of existing temporary classrooms to provide a new minibus parking area.			
Application number	13/01487/FUL	Application type	FUL
Case officer	Andrew Gregory	Public speaking time	15 minutes
Last date for determination:	17.1.14	Ward	Bitterne Park
Reason for Panel Referral:	Departure from the Development Plan	Ward Councillors	Cllr Ivan White Cllr John Inglis Cllr Peter Baillie

Applicant: The Gregg School	Agent: Rollalong Ltd
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Recommendation Summary	Conditionally Approve
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Community Infrastructure Levy Liable	Not applicable
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. However the development would represent a departure from Core Strategy Policy CS20 because the proposal can only meet BREEAM 'very good' rather than 'excellent' as required under this policy from 2012. Given the particular merits and circumstances of this case (including offering a green wall, and the size and location of the development), the proposed 'very good' rating is 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 thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP5, SDP7 and SDP9 of the City of Southampton Local Plan Review (March 2006) and CS11, CS13, CS19, CS20 and CS21 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 Gregg School is an independent day school located in Townhill Park. The main school building (Townhill Park House) and stable block are grade II listed and the surrounding gardens are also protected. The application relates to the existing tennis court which is framed by mature trees and a tall hedge and located to the south of the Orchards. The topography of the site falls from north to south and the tennis court 2.6m lower than the Orchards. Existing temporary classroom buildings are located to the south of the main school building.

2.0 Proposal

2.1 The proposal seeks to replace the existing temporary classrooms with a new two-storey teaching block. The building has a curved roof design with the main elevations finishes with a mix of render and timber cladding and a green wall to the north elevation. The building is formed in two sections either side of an atrium reception area. The building would be located in the position of the existing tennis court to the south of the Orchard.

2.2 The proposal will allow teaching to continue during the construction period. Once completed, the temporary classrooms will be removed. This will allow space to be freed up to rationalise car parking on site by providing dedicated mini bus parking space. The school indicates this will help free ease parking congestion and improve pedestrian safety at peak drop off and collection times.

3.0 Relevant Planning Policy

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

3.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13. This application cannot achieve the required level of BREEAM ‘Excellent’.

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

4.0 Relevant Planning History

- 4.1 Planning permission was granted in 2004 for a new tennis court in the northern part of the site because a badger set had damaged the existing tennis court (the subject of this application). Southampton City Council reference 04/00313/FUL.

5.0 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (01.11.13) and erecting a site notice (31.10.13). At the time of writing the report **no** representations have been received.

Consultation Responses

- 5.2 **SCC Highways** - No objection. The development does not propose an increase in pupil numbers and therefore there will be no material highway impact.
- 5.3 **SCC Sustainability Team** – Policy CS20 requires a minimum of BREEAM Excellent to be met. The current score of 'Good' is not acceptable. However if the cost option were targeted, this would provide a high 'Very Good' rating of 65.8 (55 is required for Very Good and 70 for Excellent). This also includes 6 credits targeted for Ene01 - Reduction of CO2 emissions, which is the mandatory minimum energy requirement for meeting BREEAM Excellent (equivalent of 25% improvement on Building Regulations). Given the particular merits and circumstances of this case (including offering a green wall, and the size and location of the development), I would find the cost option acceptable.

If the case officer is minded to approve the application, conditions should be added to secure BREEAM 'very good' rating to the level indicated in the submitted pre-assessment.

- 5.4 **Sport England** - No objection
- 5.5 **Conservation and Heritage** – The location of the new building will not impact on the setting of the Listed Building, nor is it believed there will be any archaeological issues associated with its construction. There may be archaeological issues with the construction of the footpath and details of the depth of the foundations for the paths should be provided.

The removal of the portakabins will enhance and improve the setting of the Listed Building.

It would be useful if the applicant could prepare views from the Jekyll garden to the new build, and if the nature of the proposed green wall could be clarified.

Officer Response - Proposed montage views from the garden have been requested and should be available at the Panel meeting

Subject to a satisfactory resolution of these points, it is recommended that the proposal is approved.

5.6 **SCC Tree team** - No objection subject to conditions.

The trees on this site are covered by a Tree Preservation Order, The Southampton (Townhill Park) (No.2) 1995 TPO. Therefore they are material consideration in the planning process. The biggest problem will be access to the site. There are numerous significant and important trees on site to reduce the impact on these trees it has been agreed that a number of small trees growing as a part of a group will be felled to allow access between T36 & T32 and trees T35 & T31. The loss of these trees mitigated with replacement planting.

5.7 **SCC Ecology** – No objection to the proposed development provided the mitigation and enhancement measures contained within the Ecological Appraisal, November 2012 Ecosupport Limited are implemented in full.

The most significant ecological issue is the presence of a badger main sett in the bank at the northern end of the site. This sett contains a number of active entrances with at least one tunnel running under the footprint of the proposed building. In addition, construction activity and subsequent use of the building would adversely affect the remainder of the sett. The ecological report details a proposal to create a new main sett to the north west of the current sett which would replace the existing one. Construction of this new sett would take place prior to closure of the old one, for which a badger development licence would be required. Both of these activities would need to take place prior to commencement of building work. I am of the view that this is an acceptable proposal and I am prepared to support it.

The ecology survey also identified bat foraging activity and habitat that had the potential to support reptiles. The report sets out mitigation measures to safeguard both of these groups which I believe are appropriate. The report also details a number of simple ecological mitigation measures which would be beneficial for local wildlife and would enhance the educational value of the school site.

5.8 **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

Officer Response - A recent appeal dismissal indicated that conditions seeking contamination assessment should only be applied if there is evidence to show that contaminating uses have existed on site. The unsuspected contamination condition will be applied.

5.9 **SCC Environmental Health (Pollution & Safety)** - No objection subject to conditions to restrict hours of work and to prevent bonfires

5.10 **SCC City Design** - Principle concern relates to the impact of the north end of the building on the historic landscape setting

Officer Response - The Councils heritage team is satisfied that the development will not impact on the setting of the listed building. The top part of the north elevation will be visible from the raised terrace and it is important the green wall works in order to protect the setting of the protected garden. It is understood that north facing green walls can succeed because they benefit from water retention and the plastic frame faces reduced solar degradation.

It is unclear why the building needs such a large atrium. Without it the building could be pulled back from the northern edge allowing for a denser tree and shrub planting screen to completely hide the building.

Officer Response - The applicants seek the atrium in design terms to provide a visual break to the large linear form. Furthermore the atrium will provide display space for the school. The atrium will be screened by the adjacent trees.

Given that the landscape setting of this building is of paramount consideration in determining the setting of this proposed building it is necessary at this stage, rather than as a condition, to resolve the detailed landscape design and for the applicant to use the services of a suitably qualified landscape architect, particularly if the intention is to establish a green wall to the north face of the building.

Officer Response - A montage is to be provided showing proposed views of the north elevation from the terrace. Furthermore confirmation is to be provided from a qualified landscape architect to demonstrate that the north facing green wall can work. Given the development proposed it is appropriate to apply a condition to secure additional info.

Great care will need to be taken with regard to the construction of both the building and the footpaths which should be permeable to and around it, given that the root network of the surrounding trees will at least in part run under the existing tennis court.

Officer Response - The Councils tree officer has no objection in principle.

The Design and Access Statement carries little or no analysis in plan form how the historic landscape setting has actually informed the location, setting and design of the proposed building.

Officer Response - Building on the redundant tennis court will prevent encroachment into other open space. Development on the tennis court will allow teaching to continue while construction works are being undertaken. Furthermore development in this location will not undermine the setting of the listed building. There will only be limited views of the proposed building by reason of its scale, design coupled with the site topography and screening from existing trees and planting. The submitted Design and Access Statement is sufficient to enable a recommendation to be made.

5.11 **BAA** – No objection subject to a condition requesting details of lighting and an informative regarding the use of cranes.

5.12 **Southern Water** – Request informative regarding connection to the public sewer.

6.0 Planning Consideration Key Issues

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

- Principle of development;
- Heritage Impact;
- Design and Impact on the character and appearance of the area;
- Highways;
- Departure from Core Strategy Policy CS11.

Principle of Development

6.2

6.3 The proposed teaching block is acceptable in principle. The building will provide new and improved teaching facilities and will replace dated temporary classroom accommodation. Significant weight is given to education need and the proposal is supported by Core Strategy policy CS11 which promotes new inspirational, high quality education facilities.

6.4 The development is proposed on a redundant tennis court and will not undermine the availability of play space on site. Another tennis court is located to the north of the site and no objection has been raised by Sport England.

6.5 The Council's Tree and Ecology Officers are satisfied that the development can be achieved without adversely harming the amenity value of trees on site and it has been agreed that the adjacent badger set can be relocated.

Heritage Impact

6.7 The Council's Heritage Team is satisfied that the development will not impact on the setting of the listed buildings on site. The proposed building will be predominantly screened by the existing mature trees and because of the falling site topography. However the top of the north elevation will be visible from the terrace gardens and this elevation will need to be suitably designed to protect the setting of the gardens. A north facing green wall is proposed and it is understood that a green wall can work with a north facing orientation however confirmation from a suitably qualified landscape architect has been requested.

Design and Impact on the character and appearance of the area

6.9 The proposed design of the building is not considered harmful to the character and appearance of the area. The design relates to the function of the building as a teaching block. The building incorporates a barrel roof to reduce the height of the building and it will be finished in a neutral colour in order to protect the surrounding mature landscaped setting. Finishing materials will be reserved by condition however the general materials palette comprising render and timber cladding to the external walls is considered acceptable for this location. There will be only limited views of the building with the barrel roof being seen between gaps in the trees to the south and the north elevation being seen from the terrace gardens. The development will have no harmful impact on the residential amenities of nearby residential properties and no objections have been received.

6.10 Highways

6.11 It has been confirmed that the teaching block will replace existing temporary classrooms and will not lead to an increase in pupil numbers. As such the development will have no material highway impact.

6.12 Departure from Core Strategy Policy CS11

6.13 Policy CS20 requires a minimum of BREEAM Excellent to be met. The current pre-estimator score of 'Good' is not acceptable. However if the cost option were targeted, this would provide a high 'Very Good' rating of 65.8 (55 is required for Very Good and 70 for Excellent). This also includes 6 credits targeted for Ene01 - Reduction of CO2 emissions, which is the mandatory minimum energy requirement for meeting BREEAM Excellent (equivalent of 25% improvement on Building Regulations). Given the particular merits and circumstances of this case (including offering a green wall, a score over and above 55, and the size and location of the development), the cost option is considered acceptable and can be secured by condition.

7.0 Summary

7.1 The proposed teaching block will provide new and improved education facilities and significant weight is given to Core Strategy policy CS11. The proposal will have no adverse tree or ecology impact Furthermore the development will have no material highway impact.

7.2 The development will not adversely harm the character and appearance of the area. The design and location of the building will not result in the harmful loss of play space or sports facilities on site and the development will not impact on the setting of the listed building. A green wall is proposed to soften views of the north elevation of the building from the protected gardens and confirmation is to be received from a qualified landscape architect to demonstrate that a north facing green wall can work. This will be reported at the panel meeting.

7.3 The development would however represent a departure from Core Strategy Policy CS20 because the proposal can only meet BREEAM 'very good' rather than 'excellent' as required under this policy from 2012. Given the particular merits and circumstances of this case, the proposed 'very good' rating is acceptable.

8.0 Conclusion

8.1 It is recommended that planning permission be granted subject to conditions.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1 (a) - (d), 2 (d), 3(a), 4 (vv), 5 (e), 6 (a) (c), 7(a), 9 (a)-(b)

AG for 17/12/13 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 - Samples details of building materials to be used [Pre-Commencement Condition]

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

Reason:

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

03. 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.

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

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

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

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

And at no time on Sundays and recognised public holidays.

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

Reason:

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

05. APPROVAL CONDITION - Landscaping detailed plan - Green Wall [Pre-Commencement Condition]

Before the commencement of any site works a detailed landscaping scheme, landscaping management plan, and implementation timetable for the green wall, which clearly indicates the numbers, planting densities, types, planting size and species to be planted, shall be submitted to and approved in writing by the Local Planning Authority.

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

The approved scheme shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

REASON:

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

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

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

Reason:

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

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

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

Reason:

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

08. APPROVAL CONDITION - 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.

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

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

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

Reason

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

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

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

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

Reason:

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

11. APPROVAL CONDITION - BREEAM Standards [Pre-Commencement Condition]

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum Very Good (including a minimum of 6 credits in Ene 01 and an overall score of 65), against the BREEAM Standard, in the form of a design stage assessment, shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

REASON:

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

12. APPROVAL CONDITION - BREEAM Standards [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 Very Good (including a minimum of 6 credits in Ene 01 and an overall score of 65) against the BREEAM Standard in the form of post construction assessment and certificate as issued by a legitimate BREEAM certification body shall be submitted to the Local Planning Authority for its approval.

REASON:

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

13. APPROVAL CONDITION - Ecology mitigation and enhancement

The development shall be carried out strictly in accordance with the ecology mitigation and enhancement measures contained within the Ecological Appraisal, November 2012 Ecosupport Limited. This shall include the relocation of the existing badger sett prior to the commencement of any development

REASON: In the interests of nature conservation.

14. APPROVAL CONDITION - Protection of nesting birds [Performance Condition]

No clearance of vegetation likely to support nesting birds shall take place between 1 March and 31 August unless a method statement has been agreed in writing by the Local Planning Authority and works implemented in accordance with the agreed details.

REASON

For the safeguarding of species protected by The Wildlife & Countryside Act 1981 (as amended) and the conservation of biodiversity

15. APPROVAL CONDITION - Lighting [Pre-Commencement Condition]

A written lighting scheme shall be submitted to and approved in writing by the Local Planning Authority prior to implementation of the lighting scheme. The scheme of lighting must demonstrate that the lighting will have no harmful impact to aircraft and ecology. The installation must be maintained in accordance with the agreed written scheme.

Reason:

In the interests of aircraft safety and nature conservation.

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

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

Reason:

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

17. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified no further

development shall be carried out unless otherwise agreed in writing by the Local Planning Authority.

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

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

Reason:

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

18. APPROVAL CONDITION - Foundations of pathway access

Details of the depth and design of the foundations for the pathway access shall be submitted to the Local Planning Authority and agreed in writing prior to the commencement of development.

REASON: In the interests of proper archaeological assessment.

19. APPROVAL CONDITION - Removal of temporary classrooms

The existing temporary classrooms shall be removed in accordance with timescales to be agreed with the Local Planning Authority prior to first occupation of the teaching block hereby approved.

REASON: To prevent increased pupil numbers and associated parking demands and to improve the setting of the listed buildings.

20. 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.

21. Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. However the development would represent a departure from Core Strategy Policy CS20 because the proposal can only meet BREEAM 'very good' rather than 'excellent' as required under this policy from 2012. Given the particular merits and circumstances of this case (including offering a green wall, and the size and location of the development), the proposed 'very good' rating is 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 thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP5, SDP7 and SDP9 of the City of Southampton Local Plan Review (March 2006) and CS11, CS13, CS19, CS20 and CS21 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Notes to Applicant:

01. Southern Water - Public Sewerage

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

02. Cranes

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at www.caa.co.uk/srg/aerodrome).

POLICY CONTEXT

Core Strategy - (January 2010)

CS11	An Educated City
CS13	Fundamentals of Design
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy

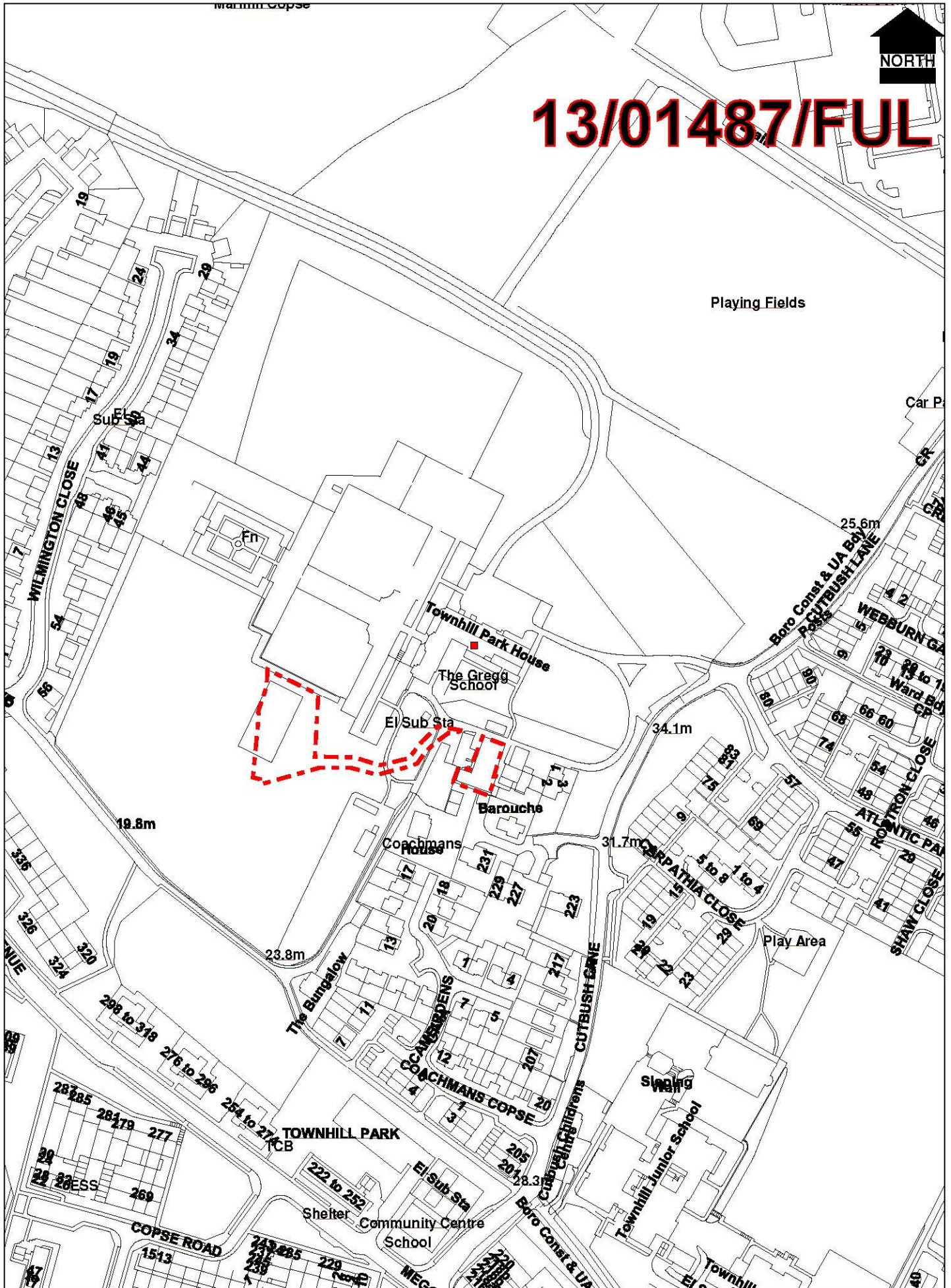
Other Relevant Guidance

The National Planning Policy Framework 2012

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)



13/01487/FUL



Scale : 1:2500

Date 04 December 2013

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