

# Planning and Rights of Way Panel (EAST)

Tuesday, 10<sup>th</sup> March 2015  
at 6.00 pm

## **PLEASE NOTE TIME OF MEETING**

Conference Room 3 and 4  
- Civic Centre

This meeting is open to the public

### **Members**

Councillor Lewzey (Chair)  
Councillor Denness (Vice-Chair)  
Councillor Fitzhenry  
Councillor Hecks  
Councillor Tucker

### **Contacts**

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## PUBLIC INFORMATION

### **Role of the Planning and Rights of Way Panel**

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

### **Public Representations**

Procedure / Public Representations

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

### **Southampton City Council's Priorities**

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

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

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

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

**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 2014/15**

<b>Planning and Rights of Way - EAST</b>	
<b>2014</b>	<b>2015</b>
8 July 2014	13 January 2015
5 August	10 February
2 September	10 March
30 September	7 April
28 October	5 May
25 November	

<b>Planning and Rights of Way - WEST</b>	
<b>2014</b>	<b>2015</b>
24 June 2014	27 January 2015
22 July	24 February
19 August	24 March
16 September	21 April
Wednesday 15 October	
11 November	
9 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 INTERESTS**

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

### **DISCLOSABLE PECUNIARY INTERESTS**

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

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

(ii) Sponsorship:

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

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

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

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

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

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

a) the total nominal value 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 an, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

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

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

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

## **Principles of Decision Making**

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

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

In exercising discretion, the decision maker must:

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

## AGENDA

Agendas and papers are available via the Council's Website

### 1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

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

### 2 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.

### 3 STATEMENT FROM THE CHAIR

### 4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)

(Pages 1 - 4)

To approve and sign as a correct record the Minutes of the meeting held on 10 February 2015 and to deal with any matters arising, attached.

## CONSIDERATION OF PLANNING APPLICATIONS

### 5 FRUIT AND VEGETABLE MARKET, LAND AT QUEENSWAY / BERNARD STREET - 14/01903/FUL (Pages 9 - 36)

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.

### 6 JURDS LAKE CAR PARK, VICTORIA ROAD - 15/00091/R3CFL (Pages 37 - 46)

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

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PLANNING AND RIGHTS OF WAY PANEL (EAST)  
MINUTES OF THE MEETING HELD ON 10 FEBRUARY 2015

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Present: Councillors Lewzey (Chair), Denness (Vice-Chair), Fitzhenry, Hecks and Mintoff

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

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

47. **STATEMENT FROM THE CHAIR**

On behalf of the Panel, the Chair expressed thanks to Andy Amery for his service in the past and best wishes for the future.

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

**RESOLVED** that the minutes of the meeting held on 13<sup>th</sup> January 2015 be approved and signed as a correct record.

49. **LAND ADJACENT TO 224 PORTSWOOD ROAD (PART OF FORMER PORTSWOOD BUS DEPOT)**

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

Redevelopment of the site to provide 59 dwellings (29 houses and 30 flats) with associated access and parking (Outline Application seeking approval for access, layout and scale).

**RESOLVED:**

- (i) to delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S106 Legal Agreement, the conditions listed in the report, and the amendment to the S106 and amended condition, as set out below;
- (ii) that in the event that the legal agreement was not completed by 10 May 2015, the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the S106 Legal Agreement; and
- (iii) 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.

Additional Clauses to the S106 Agreement

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

Financial contribution towards the Solent Disturbance Mitigation Project (SDMP) in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), SDP12 of the City of Southampton Local Plan Review (March 2006), CS22 of the Core Strategy and the Planning Obligations SPD (September 2013).

#### Amended Condition

#### 14. APPROVAL CONDITION - Cycle and Refuse storage details [Residential Pre-Commencement Condition]

Notwithstanding the details shown on the submitted plans, before the development commences on the residential units, details of satisfactory facilities to be provided for the storage of cycles and for the storage and removal of refuse from the residential units to be submitted to and agreed in writing by the Local Planning Authority. They are to be provided before any residential unit is first occupied and retained thereafter. The submitted details of the facilities to include accommodation for the separation of waste to enable recycling.

Reason:

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

#### 50. FAIRCHILD HOUSE, 21 SOUTHAMPTON STREET

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

Alterations and extensions to the existing building including two additional storeys to provide 30 studio flats for student accommodation above the existing building.

Peter Atfield (agent) and Lorraine Barter (local resident / objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that pre-commencement conditions required amendment to reflect that the works on the site had started.

#### RESOLVED:

- (iv) to delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S106 Legal Agreement, the conditions listed in the report, and the amendment to the pre-commencement conditions to reflect that the application was retrospective;
- (v) that in the event that the legal agreement is not completed within two months of the Planning and Rights of Way Panel decision, the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the S106 Legal Agreement; and
- (vi) ***that the Planning and Development Manager be given delegated powers to add, vary and/or delete relevant parts of the S106 agreement and/or conditions as***



*necessary.*

51. **19 MAYFIELD ROAD SO17 3SW**

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

Erection of a single storey outbuilding in rear garden.

Councillor Mintoff (ward councillor / objecting) was present and with the consent of the Chair, addressed the meeting.

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

Amended/Deleted Conditions

02. APPROVAL CONDITION - Limitation of use of outbuilding [Performance Condition]  
The proposed outbuilding to only be used for a purpose that is incidental to the existing dwelling and at no time be used for accommodation. It should not be fitted out in such a way that it could be used as a habitable room.

Reason:

To protect the character of the dwelling and surrounding area and the amenities of surrounding properties.

03. APPROVAL CONDITION - Storage / Removal of Refuse Material [Pre-Occupation Condition] to be deleted

**NOTE:** Councillor Mintoff declared an interest in the above application, as the local ward Councillor, and addressed the meeting but took no part in the decision making.

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## INDEX OF PLANNING APPLICATIONS FOR DECISION

10<sup>th</sup> March 2015 - 6pm

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

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
5	AG	DEL	15	Fruit and Vegetable Market, Land at Queensway / Bernard Street - 14/01903/FUL
6	SH	CAP	5	Jurds Lake Car Park, Victoria Road 15/00091/R3CFL

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

AG - Andy Gregory

SH – Stephen Harrison

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

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

#### 5. Documents relating to Highways and Traffic

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

- (e) Institute of Highways and Transportation - Transport in the Urban Environment
  - (f) I.H.T. - Traffic Impact Assessment Guidelines
  - (g) Freight Transport Association - Design for deliveries
  - (h) DETR Traffic Advisory Leaflets (various)
6. Planning related Government Circulars in most common use
- (a) Planning Obligations 05/05 (As adjusted by Community Infrastructure Levy Regulations 2010)
  - (b) Environmental Impact Assessment 2/99
  - (c) Planning Controls over Demolition 10/95
  - (d) Planning and Affordable Housing 6/98
  - (e) Prevention of Dereliction through the Planning System 2/98
  - (f) Air Quality and Land Use Planning 10/97
  - (g) Town and Country Planning General Regulations 19/92
7. Government Policy Planning Advice
- (a) National Planning Policy Framework (27.3.2012)
  - (b) National Planning Policy Guidance Suite
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 10.3.15  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Fruit and Vegetable Market, land at Queensway / Bernard Street			
<b>Proposed development:</b> Redevelopment of the site, demolition of existing buildings and erection of buildings ranging in height from four to eight storeys to provide 279 flats (83 x one bedroom and 197 x two bedroom) and 899 square metres of commercial floor space (Use Classes A1, A2, A3, B1a, D1 and D2) in three phases with associated access, parking and public realm improvements (includes stopping up part of the public highway) (amended description).			
<b>Application number</b>	14/01903/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Andrew Gregory	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	PPA	<b>Ward</b>	Bargate
<b>Reason for Panel Referral:</b>	Major planning application subject to objection	<b>Ward Councillors</b>	Cllr Bogle Cllr Noon Cllr Tucker

<b>Applicant:</b> Hampshire & Regional Property Group	<b>Agent:</b> Vail Williams
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<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Yes</b>
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## Reason for granting Permission

The proposed development of the Fruit and Vegetable Market is acceptable taking into account the policies and proposals of the Development Plan as set out below. The development comprises a residential led mixed use scheme which includes flexible commercial units for retail, food and drink and non-residential institutions to encourage activity along the Bernard Street frontage. The development will provide regeneration of the area and improved connectivity with the city centre and the waterfront whilst respecting the setting of Holyrood Church and Old Town North Conservation Area. Furthermore the development will provide improvements to the public realm along Queensway, Bernard Street and Back of the Walls (including re-identification of the line of the medieval town walls and open space within the development).

Overall the scheme is acceptable and the level of development will not have a harmful impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area. A suitable balance has been achieved between securing additional housing with appropriate parking, amenity space and landscaping for this high density, city centre, location.

Other material considerations detailed in the report to Planning Panel on 10 March 2015 have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies SDP1, SDP2, SDP3, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, HE1 H1, H2, H7, REI1, REI7, REI8 of the City of Southampton Local Plan Review - Adopted March 2006;  
Policies CS1, CS4, CS5, CS6, CS13, CS14, CS15, CS16, CS19, CS20 and CS25 of the Local Development Framework Core Strategy (January 2010);  
Emerging policies AP9, AP12, AP13, AP16, AP17, AP18, AP19 and AP28 of the City Centre Action Plan (Draft Adopted Version January 2015); and, National Planning Policy Framework (2012)

<b>Appendix attached</b>			
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 Section 106 Legal Agreement to secure:

- i. Either works agreed under S278 or Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site and the reconfiguration of public parking spaces along the Queensway frontage 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 and 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. Submission of a Training and Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies



CS24 and 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).

- 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).
- vi. A management plan for the collection of refuse.
- vii. In the event that Back of Walls is made private, measures to ensure the public can continue to pass and re-pass along this route.
- viii. Contributions towards a Traffic Regulation Order (TRO) for parking and waiting restrictions along Back of the Walls, Bernard Street and Queensway.
- ix. The submission of a scheme and phasing plan of public realm improvements to Queensway, Bernard Street and Back of the Walls (to include the re-identification of the line of the medieval wall) and open space within the site and the funding of the agreed scheme of public realm improvements.
- x. Financial contributions towards Solent Disturbance Mitigation in accordance with policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
- xi. In the event that the proposed commercial space is occupied for A3 use which operates beyond 10pm, contributions towards late night bus services in accordance with policy SDP1 of the Local Plan Review, policy CS25 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 date of the panel resolution, or another date as agreed with the applicant, 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.

4. That the Panel authorise the stopping up of the areas of public highway set out in the application.

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

- 1.1 The Fruit and Vegetable Market is bounded by Queensway, Back of the Walls and Bernard Street and has an area of 1.08 hectares. The site predominantly comprises single and two-storey buildings historically associated with the storage and distribution of fresh produce. A number of the units are now vacant with wholesalers relocating as a result of the land assembly to enable redevelopment of this site. Changes in the way fresh produce is stored and delivered has meant

that it is no longer essential to have such premises in the heart of the city

- 1.2 The existing buildings are set back from the Queensway frontage with a service road and parking to the front. The unit in the north-eastern corner of the site contains a large basement. A parking area is located in the northern part of the site with access taken from Bernard Street. Back of the Walls provides one way vehicular access through the site with vehicles entering from Queensway and exiting onto Bernard Street. Pedestrian access is available from Back of the Walls through to Briton Street. Market Place also provides a one way route into the site from Bernard Street and links into Back of the Walls.
- 1.3 The site is located within the defined city centre boundary and has a mixed commercial and residential character. There is existing commercial use adjacent to the site with P&R Produce and Southampton Wood Recycling located on the opposite side of the Back of the Walls. An MOT testing centre is located on the adjacent side of Queensway and a two-storey building comprising a car wash, recruitments consultants with restaurant is located adjacent to the southern boundary on Briton Street. Offices and the seven storey Job Centre building is located on the adjacent side of Bernard Street. Four to five storey residential development is located to the south and west of the site (Chandlers Court, Coopers Court and Carpathia Court) some of which have parking with access onto Back of the Walls. High density residential schemes are also located nearby on Briton Street ranging in height from five to 10 storeys in height. Residential development is also located on the adjacent side of Queensway comprising three to four storey town houses and a seven-storey block of flats is nearing completion.
- 1.4 The Old Town conservation area is located to the east and a number of commercial properties within the High Street back onto Market Place. St Michael's Church (Grade I Listed) and Holyrood Church (Grade II\* listed) are also located nearby. It should be noted that the application site is archaeologically significant with the line of the medieval town wall and town ditch running through the site.
- 1.5 A mature lime tree, bus stop and public car parking spaces are located on the Queensway frontage. There are also four public car parking spaces along Back of the Walls. Parking controls exist within the area with on-street parking available to permit holders or pay and display from 8am-8pm.

## **2.0 Proposal**

- 2.1 The proposal seeks full planning permission for the redevelopment of the site with the erection of buildings ranging in height from four to eight-storeys comprising 279 flats (84 x one bedroom and 195 x two bedroom) and 899 square metres of commercial floor space (Use Classes A1, A2, A3, B1a, D1 and D2) in three phases. A total of 124 private parking spaces (at a ratio of 0.44 per flat) is currently proposed.
- 2.2 The proposed layout retains the access arrangements along Back of the Walls and Market Place. Public realm improvements are proposed to the Back of the Walls in order to reference the archaeology of the area and to create a linear public open space and pedestrian route. No parking is proposed along the Back of Walls but vehicular access will remain available for adjacent commercial and residential use and for servicing vehicles. Carriageway narrowing is proposed to Queensway with the provision of 32 public parking spaces and landscaping along

the frontage.

- 2.3 The applicant proposes to implement the scheme in three phases. Phase 1 is located in the southern part of the site, bounded by Queensway and Back of the Walls. This phase is solely residential and comprises 109 units (41 x one-bed and 68 x two-bed). All units within this phases are intended to be affordable.

The block has a horse shoe footprint with under croft leading to an internal courtyard parking area providing 23 parking spaces.

The block is seven-storeys to Queensway with an additional 8th floor set back. The height steps down to four-storeys along the Back of the Walls route. Low rise planting is used to provide defensible space at ground floor level. The design incorporates recessed and projecting balconies. Communal entrances are located within the Queensway and Bernard Street frontages.

- 2.4 Phase 2 is located in the north-eastern part of the site at the corner of Queensway and Bernard Street and comprises 102 residential units (18 x one-bed and 84 x two-bed) with 341 sqm of commercial space to the Bernard Street frontage. This block has an L-shaped footprint which frames a courtyard amenity area. This phase contains a large basement parking area which provides 86 parking spaces. The building is five-storeys with an additional storey set-back to Bernard Street, rising to six-storeys with an additional storey set-back to Queensway.

- 2.5 Phase 3 is located in the western part of the site bounded by Bernard Street and Market Place and comprises 68 residential units (25 x one-bed and 43 x two-bed) with 559sqm of commercial floor space to Bernard Street. This building also frames a courtyard parking area which provides nine car parking spaces. Access into the building is taken from Back of the Walls and Market Place. Integral bin and cycle storage is provided.

- 2.6 Each of the phases have a cohesive building design with a facade of buff face brick with deep window recesses, which include projecting and recessed balconies addresses the primary streets of Queensway and Bernard Street. Balcony bays and coloured panelling have been used to introduce design variety between the blocks. The elevations to the courtyards and roof set-backs will be finished in a lighter weight cladding system (Prodema or similar). The buildings are flat-roofed with set-backs. The ground floor commercial units to Bernard Street will be recessed to form a colonnade.

- 2.7 Railings and landscaping providing defensible space for the ground floor units. Tree planting and landscaping is proposed to Back of the Walls with dwarf walls providing defensible space to ground floor units. Railings are proposed to enclose the courtyard within Phase 2.

### **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.

- 3.3 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.4 The site is allocated for housing development under 'saved' policy H1 of the Local Plan Review. The site is also identified as having the potential to accommodate 240 residential units within the Strategic Housing Land Availability Assessment (SHLAA).
- 3.5 Emerging policy AP28 of the City Centre Action Plan (CCAP) represents up to date and site specific policy for the Fruit and Vegetable Market. This policy can now be given significant weight because the CCAP has been through formal examination and the Inspector has recommended no changes to this policy.

Policy AP28 of the CCAP indicates:

*Development of this key site provides the opportunity to regenerate the area, reconnecting it with the shopping area and the waterfront, and enhancing the setting of the surrounding heritage assets.*

*A residential led mixed-use scheme will be supported including offices and research and development. Small scale retail, food and drink (A3 and A4), non-residential institutions that encourage activity on the High Street and Bernard Street frontages will also be supported.*

*Any proposal for the redevelopment of the area will:*

- (i) Result in improvements to the public realm*
- (ii) Include appropriate open spaces*
- (iii) Achieve an appropriate degree of safety in respect of flood risk in line with policy AP15*
- (iv) Achieve the re-identification of the line of the medieval wall through the design of the buildings, public art and public realm.*

#### **4.0 Relevant Planning History**

- 4.1 14/02028/SCR  
On 23.12.14 the Council raised no objection to a request for a Screening Opinion under Regulation 5 (1) of the Town and Country Planning Environmental Impact Assessment (England and Wales) prior to the application for the demolition of existing buildings and erection of 281 residential apartments and 899sqm of commercial space (use classes A1, A2, A3, B1a, D1 and D2) over three phases.

## **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 (19.12.2014) and erecting a site notice (16.12.2014). At the time of writing the report 1 representation has been received from surrounding residents. The following is a summary of the points raised:

***Loss of existing on-street parking together with insufficient parking to serve the proposed development will lead to increased parking pressures within the area.***

Officer Response - There will be no net loss of existing on-street public car parking spaces with 32 spaces re-provided along the Queensway frontage. These spaces will be available for 'pay and display' and permit holders with future occupiers of the development having the opportunity to apply for permits.

At the time of writing this report the applicants seek permission for 124 private parking spaces and residents would also have opportunity to apply for permits to use the 32 parking spaces at the front of the development. This would equate to 51% parking provision of solely private spaces and 0.56 spaces if permitted spaces to Queensway are included. Such a level of parking provision is considered acceptable within the city centre. The supporting Transport Assessment indicates that national statistics show that 56% of households within the Bargate Ward own a car or van. Therefore these statistics would suggest that the level of parking provision for the development would be broadly in line with the average ownership levels for the Bargate Ward. The Council's Parking Standards SPD indicates that the maximum permissible would be 1:1 parking which would equate to 279 spaces. This level of parking provision cannot be accommodated within a larger basement because of the heritage constraints of the site and cost.

The site lies within an area of High Accessibility to public transport and having regard to the city centre location of the site which is within walking distance of services and facilities and good access to public transport. The provision of less car parking than the maximum standard is therefore considered to be acceptable.

### **Consultation Responses**

- 5.2 **SCC Highways** - No objection. The site is within an area of high accessibility with reduced dependence on car travel and therefore less than the maximum car parking standards can be supported. The proposed road narrowing and parking layout to Queensway is welcomed and mirrors the parking layout agreed on the adjacent side of Queensway. The parking spaces to Queensway will remain available as public spaces for 'permit holders' or 'pay and display'. The level of parking provision and access arrangements within the site is acceptable. It has been demonstrated that refuse trucks can sufficiently service all three phases of the development. Back of the Walls will not contain parking and will be provided as a pedestrian friendly route. Provision has been made for a lay-by to Bernard Street to serve the proposed commercial units. Satisfactory bin and cycle storage provision has been made

- 5.3 **SCC Housing** – No objection. The proposed housing mix comprising one and two-bedroom units is acceptable and reflects current housing need. Policy CS15 of the Core Strategy requires a minimum of 35% affordable housing units which equates to 98 of the 280 dwellings. The affordable housing will be secured through the Section 106 (S106) Legal Agreement.
- 5.4 **SCC Sustainability Team** – No objection. The application has been designed to target level 4 of the Code for Sustainable Homes for the residential element and BREEAM level of 'Excellent' for the commercial element (to be secured by condition). The pre-assessment shows that the development is targeting a reasonable level of improvement to the thermal envelope which will then be topped up with PV arrays to the roof. A feasibility study into use of sustainable drainage system (SUDs) should be secured by condition.
- 5.5 **Design Review Panel** – The panel were concerned that the development does not appear to have taken any contextual queues from the urban grain of the old town. There is a risk that the development will have a bland appearance if attention is not given to detailing and materials. The proportions of the elevations differ between Phases 1 and 2-3. The colonnade proportions and positions along Bernard Street require further analysis. The top line of the three buildings need to be rationalised as the number and location of setbacks is visually confusing. A crisp, clean and consistent parapet height is needed to retain the perspective along Bernard Street, with a clear and defined transition to the taller set back along Queensway. The reveal depths of the windows seem now to be very shallow. On the north facing elevation to Bernard Street box bays would be a better solution to help provide greater articulation. The panel would welcome the introduction of independently accessed flats at ground floor level to improve activity. The panel suggests that duplex units should be considered to allow bedrooms to be located above street level. Tree planting should be encouraged to Queensway. The public realm/landscaping to Back of the Walls should be informed by the archaeology to create an appropriate modern interpretation of the wall.

Officer Response - The success of the proposed design will be in its simplicity and the securing of high quality materials and detailing (by condition). The design has been amended following the Design Review panel comments. Box bays and variation in brickwork has been introduced to provide design variety into the different phases of the development. Section drawings have also been provided to demonstrate that windows and balconies are sufficiently recessed to support the design approach. The design, scale and height has been adjusted within Phases 2 and 3 to provide an improved scale to Bernard Street with a reduction in roof setbacks. The developer has chosen not to provide duplex units however, defensible space is provided to the ground floor units with low planting and railings. There is a mains sewer running along Queensway which prevents the introduction of tree pits along the site frontage. Low level plating is proposed to Queensway with trees within the amenity courtyard and along Back of the Walls

- 5.6 **SCC Environmental Health (Pollution and Safety)** - No objection subject to conditions to secure appropriate noise attenuation to the flats, control of hours of work, details of mechanical plant and extract ventilation, demolition dust suppression and to secure a construction environment management plan.

- 5.7 **Conservation and Archaeology** – No objection.
- 5.7.1 The reduction in height of the Phase 3 block from five to four storeys is welcomed. The reduction has lessened the impact of the proposals on both the views to St Michael's Church, as is the commitment to vary the brickwork on the Bernard Street and Queensway frontages (within a general buff colour palette). There is still a conflict between the scheme as proposed and concerns expressed by English Heritage regarding the coloured window panels, particularly on the Bernard Street elevation. I would suggest that this is an issue that can be covered by an appropriately worded condition requiring the final colour range to be agreed prior to installation.
- 5.7.2 While the landscaping proposals are evolving from the ones shown in the application, detailed landscaping and materials have yet to be agreed. A key concern is the treatment of Back of the Walls, which needs to reflect and interpret the history of the area. It is likely that these details cannot be finalised until the area has been opened up for archaeological excavation and some further research has been carried out. Final approval of the landscaping design will need to be covered by an appropriately worded condition requiring the approval of SCC of the landscaping proposals, including design, materials and maintenance regime.
- 5.7.3 The site sits partly over the town ditch, and includes the ditch, town walls, possibly two towers, extra and intra mural occupation, and the remains of the failed Southampton to Salisbury canal. Archaeological evidence of the town walls and the evidence of the medieval (and earlier) town (which latter is relevant to Phase 3 only) will be of national and possibly international importance, and will require the formulation of appropriate mitigation strategies. A programme of archaeological evaluation of the site has commenced, which to date has demonstrated that Phase 1 will not impact on the remains of the town wall. Further evaluation work is programmed for the near future (for which a Written Scheme of Investigation (WSI) has been received and approved).
- 5.7.4 Generally, Phases 1 and 2 sit within the town ditch. It is possible that the north-western end of Phase 2 will have an impact on the town wall and one of the towers, but this is yet to be confirmed. There is a high potential for archaeology to survive within the site and conditions are therefore suggested to secure the appropriate investigation and work programme.
- 5.8 **SCC Environmental Health (Contaminated Land)** - No objection. Suggests conditions to deal with any land contamination risks.
- 5.9 **SCC Ecology** – No objection.  
The Fruit and Vegetable Market site lacks any notable habitat and is of low ecological value. Apart from bats and nesting birds there are no protected or BAP priority species present in the locality. The ecology report accompanying the planning application confirmed that the site has negligible potential for bats but some potential for nesting birds.
- The submitted ecology report made recommendations for a number of simple enhancements which should be secured by condition.
- 5.10 **English Heritage** – Do not object to the principle of development on this site, but

the limited information currently available means that a very careful, structured approach should be taken if development proceeds. This should firstly integrate the results of further archaeological evaluation trenching with the design and methodology for foundations, services and landscaping, achieving mitigation by preserving archaeological deposits in situ where appropriate. Further mitigation should be achieved through archaeological excavation, analysis and publication. The balance between preservation in situ and archaeological investigation will be important; very localised excavations which lack overall context and will be difficult to interpret should be avoided, as should the preservation of small 'islands' of archaeological remains which are likely to be of limited value in the future. The phased approach proposed for construction will be helpful in allowing this process to proceed for the more archaeological significant remains likely to exist in Phases 2 and 3, while Phase 1 is under construction.

- 5.10.1 The local authority should attach appropriate conditions to any planning consent granted to require further archaeological evaluation; submission of detailed designs and methodologies for foundations, services and landscaping; and archaeological excavation, analysis and publication.
- 5.10.2 With regard to the buried remains of the medieval city defences, there is an opportunity through appropriate landscaping to enhance the setting and interpretation of these remains, including the wall tower or towers. The landscaping proposals as submitted do not take this opportunity and they should be revised.
- 5.10.3 Regarding the setting of St Michael's Church, the ruins of Holy Rood Church and the bank at 129 High Street, all nationally important heritage assets; it is considered that this proposal would be harmful to their significance. Therefore, to be acceptable within the terms of the NPPF you must be satisfied that this harm is convincingly justified (ie that the development could not be smaller) and outweighed by public benefits).
- 5.10.4 Officer Response - The scheme has been amended to take into account the comments of English Heritage. Phase 2 and 3 have been reduced in height by one storey to reduce the dominance of the buildings within Bernard Street in order to protect the setting of St Michael's Church and Holyrood Church and the bank at 129 High Street. The Council's Heritage Team raises no objection following these changes and the below ground archaeology can be assessed and dealt with by way of the attached planning conditions
- 5.11 **Environment Agency** – No Objection
- 5.12 **Southern Water** – Request conditions to secure measures to protect the public sewer and details of foul and surface water disposal. Also request informative regarding connection to the public sewer.
- 5.13 **BAA Safeguarding** - No objection



## 5.14 **Hampshire Constabulary -**

- 5.14.1 Phase 1 and 2 are generally acceptable in terms of layout, the dwelling boundaries along the Back of the Walls and Queensway should have a defensible space and I suggest a 1500mm round top railing fence is suitable.
- 5.14.2 Both the underground and surface car parks will be vulnerable to vehicle crime and unauthorised parking and should therefore be suitably gated and access controlled.
- 5.14.3 Phase 3 gives me concern regarding the dwellings to the north which will be very close to and possibly face onto the rear of business properties on the High Street. There is a likelihood that there will be late night activity from the restaurants and the possibility of noise being generated by staff as well as odours, after the business closes, particularly if disposing of food waste into the commercial bins we saw on the highway. If windows and or balconies are proposed for this elevation this could detrimentally affect the residents' views and amenity.
- 5.14.4 Officer Response - Suitable means of enclosure and gated access to the private amenity area and parking areas will be secured by condition.

A limited number of units within Phase 3 (two per floor) will have single aspect (west facing) views towards the rear of business properties on the High Street. A condition will be added to ensure these units are served by appropriate windows to prevent adverse noise nuisance

## 6.0 **Planning Consideration Key Issues**

- 6.1 The key issues for consideration in the determination of this planning application are:
- Principle of development;
  - Density and scale
  - Design, layout and impact on heritage;
  - Impact on residential amenity;
  - Quality of Residential Environment;
  - Highway Issues.
- 6.2 Principle of Development
- 6.2.1 The proposed redevelopment of this key city centre site is considered to accord with the National Planning Policy Framework and policies in the development plan. The site is allocated for housing redevelopment within the Local Plan Review and site specific policy (AP28) within the City Centre Action Plan (CCAP) promotes residential led mixed-use development on this site. The scheme would help to regenerate the area and would add to the vitality of the city centre by making efficient and sustainable use of the site for housing delivery. Furthermore, an element of employment use would be retained on site through the provision of 900 sqm of flexible commercial space that could be used for office use, food and drink use, small scale retail or non-residential institutions. Commercial use to Bernard Street will generate an active street frontage and will promote movement along important routes from the High Street towards Queens Park and Oxford Street.

### 6.2.3 Density and Scale

The development has a residential density of 258 dwellings per hectare (dph) and policy CS5 of the Core Strategy indicates that a density level of over 100 dwellings per hectare can be supported in a high accessibility area such as this, providing the character and appearance of the area is not compromised.

The hierarchy of scale through the development has been considered to ensure a viable development that responds to its context whilst protecting the setting of nearby heritage assets. The weight of development has been placed to the Queensway frontage with a scale of up to eight-storeys which appropriately responds to nearby seven to 10 storey development within Queensway and Briton Street.

The height is reduced to four to five storeys adjacent to Back of the Walls within Phase 1 to address nearby four storey flatted development.

6.2.3 The scale of development has been carefully considered within all phases to ensure the development does not appear unduly dominant when viewed from Bernard Street and the High Street. The proposed scale of five storey with setback to Phase 1 and four storey plus setback to Phase 2 is considered acceptable when judged against the surrounding context and will not detract from the setting of nearby heritage assets (Holyrood and St Michael's Churches) and the Old Town Conservation Area. The application is supported by street scene perspectives to demonstrate that the proposed building heights will not be harmful to the street scene. It should be noted that Bernard Street forms part of the strategic view corridor towards St Michael's church.

6.2.4 The development represents a high density scheme which is suitable for this context. It is considered that a suitable balance has been achieved in securing necessary housing delivery and suitable amenity space and parking to meet the needs of the development. The provision of a mix of one and two bed units meets the current housing needs within the city centre, as confirmed by the Council's housing team, and therefore the development satisfies the requirements of policy CS16 of the Core Strategy.

6.2.5 The application site sits outside of a flood risk area (as confirmed by the Environment Agency) and therefore there is no requirement to secure flood mitigation measures or safe flood evacuation.

### 6.3 Design, layout and impact on surroundings

The proposed layout makes efficient use of the site in order to achieve a scheme which is viable whilst meeting the requirements of policy AP28 of the Core Strategy. The layout comprises perimeter block development in three phases which acceptably responds to the layout of building within the area. The development respects the existing building lines within Queensway and Bernard Street and provides sufficient separation distance from adjacent commercial and residential use. Phases 1 and 3 will provide blocks which frame courtyard parking with Phase 2 containing a courtyard amenity area. This large space will provide a quality usable amenity space for residents of all phases of the development and is a requirement of policy AP28. Railings will be provided to enclose the amenity space and to delineate the public and private spaces. The railings will allow views through from Back of the Walls to create a sense of openness when walking the route.

- 6.3.1 The development will provide improvements to the public realm to Queensway, Bernard Street and Back of the Walls through the use of hard and soft landscaping and by creating active frontages. Back of the Walls will become a pedestrian friendly, linear public open space with the heritage of the area brought to life through landscaping and public art by condition. Amenity open space will be provided within the large courtyard of Phase 2 (1320 sqm). This large space will provide a quality usable amenity space for residents of all phases of the development. Railings will be provided to enclose the amenity space and to delineate the public and private spaces as suggested by Hampshire Constabulary. Please note that existing below ground services are prohibitive towards tree planting along the Queensway frontage
- 6.3.2 The design approach seeks simple and crisp detailing to the elevations proposing buff brick facade to the external elevations facing Queensway, Bernard Street and Back of the Walls and a lighter cladding system to the internal courtyards and floors set back at roof level. The design incorporates recessed windows and balconies and projecting floating balconies to provide relief to the elevations. Coloured panelling, variety in brickwork and balcony bays have been used to provide variety between the blocks. This simplistic design approach is welcomed and would be in keeping with the character and appearance of the area. The proposal incorporates a colonnade to Bernard Street which is a welcomed design feature that facilitates a wide footway to the front of the commercial units. As such the policy meets the requirements of policy CS13 of the Core strategy as supported by the CCAP policy AP28.
- 6.4 Impact on residential Environment  
The residential amenities of nearby residents will not be adversely harmed. In fact the proposal is likely to improve the amenities of nearby residents by removing a non-conforming use with noise generation from market traders during the early hours of the morning. The proposed development will not give rise to harmful sense of enclosure, loss of light, shadowing or overlooking / loss of privacy, having regard to the separation distance and the orientation of the proposed dwellings in relation to neighbouring properties and having regard to the high density character of the area.
- 6.4.1 The applicants undertook a pre-application public consultation and held a public exhibition attended by 30 local residents and Councillors. As a result of the public consultation on this application only one objection / representation has been received, which raised no objection to the principle of residential redevelopment but expressed concerns regarding parking impact.
- 6.4.2 A front to front separation distance of 25m is provided between the proposed six to eight storey scale to Queensway and the three to four storey town houses on the opposite side of the street, which is considered an appropriate privacy distance across a street within the city centre.
- 6.4.3 The development provides an acceptable arrangement with the existing four storey flatted development, adjacent to Back of the Walls (Chandlers Court, Coopers Court and Carpathia Court). Phase 1 has been reduced to four storey in scale adjacent to Back of the Walls. Chandlers Court has blank gables facing Back of the Walls and a separation distance of 22m would be provided to the nearest windows, and 24m to Carpathia Court, which again is considered a reasonable distance in terms of ensuring reasonable daylighting and privacy

within the city centre.

## 6.5 Residential Standards

All new residential development is expected to provide prospective residents with a good living environment. The internal layout is compatible with modern living standards. All habitable rooms will receive adequate outlook, ventilation and day lighting. The internal layout and stacking of the flats is considered acceptable. Whilst separation distances and the quantum of amenity space is not strictly in accordance with Residential Design Guide Standards (20sqm per flat), the development still provides a high-quality residential environment. Furthermore, it is important to note that the RDG builds in flexibility when considering proposals in denser locations such as the city centre.

6.5.1 All upper floor flats have been provided with either recessed or projecting balconies. A large courtyard amenity space with an area of 1320 sqm locating within Phase 2 will be made available to occupiers of all three phases. This level of amenity space is considered sufficient for city centre living and the provision of high quality open space provides an acceptable setting for the development.

6.5.2 In terms of layout, all units with a ground floor, street frontages have an area of defensible space between the building and the public highway to provide privacy and security for future occupants. A survey of external noise sources has been carried which concludes that this site is suitable for residential development and that double glazing and acoustic trickle vents should be secured to deal with external noise from traffic and nearby businesses. Appropriate conditions are also recommended to restrict the hours of use and to require details of any extract ventilation equipment to serve the proposed commercial use.

## 6.6 Parking and Highways

The site lies within an area of High Accessibility to public transport and having regard to the city centre location of the site, which is within walking distance of services and facilities and good access to public transport. The provision of less car parking than the maximum standard is therefore considered to be acceptable. The submission indicates that provision has been made for 156 spaces to serve the development. However, it should be noted that the 32 of these spaces on the Queensway frontage will be retained as public parking spaces to ensure there is no net loss of public parking. These spaces are available overnight currently with no charge. Future occupiers of the development will have the opportunity to apply for permits to serve these spaces. In short, 124 spaces are serving 279 flats at a ratio of 0.44 spaces per flat.

6.6.1 Such a level of parking provision is considered acceptable within the city centre. The supporting Transport Assessment indicates that national statistics show that 56% of households within the Bargate Ward own a car or van. Therefore these statistics would suggest that the level of parking provision for the development would be broadly in line with the average ownership levels for the Bargate Ward. The Council's Parking Standards SPD indicates that the maximum permissible would be 1:1 parking which would equate to 279 spaces which is not deliverable for this constrained site without compromising the quality of the development.

6.6.2 The proposed road narrowing and parking layout to Queensway is welcomed and mirrors the parking layout agreed on the adjacent side of Queensway. It has been demonstrated that refuse trucks can sufficiently service all three phases of

the development. Back of the Walls will not contain parking and will be provided as a pedestrian friendly route which is regarded as the most appropriate way of enhancing this important route in the city. Provision has been made for a lay-by to Bernard Street to serve the proposed commercial units. Satisfactory bin and cycle storage provision has been made in line with adopted standards.

## 6.8 S106 mitigation and Affordable housing

The development triggers the need for a S106 Legal Agreement to secure appropriate highway infrastructure improvements in accordance with Core Strategy Policy CS25

6.8.1 A minimum of 35% affordable housing is required on schemes which propose 15 or more residential units in accordance with policy CS15 of the Core Strategy. Therefore 98 of the 279 units are required to be affordable and this will be secured through the S106 legal agreement. The developer has indicated that all 108 units within Phase 1 are anticipated to be affordable.

6.8.2 Traffic Regulations Orders will also be secured through the S106 Agreement requiring parking and waiting restrictions along Back of the Walls, Bernard Street and Queensway. A highway condition survey, waste management plan, and retention of pedestrian access to Back of the Walls will also be required. The S106 agreement is necessary to secure obligations to mitigate against the scheme's direct local impacts. Subject to the completion of the legal agreement, the proposal is therefore considered to be acceptable.

6.8.3 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution of £172 per unit has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. When the S106 is signed this application will have complied with the requirements of the SDMP and meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

## 7.0 Summary

7.1 The proposed development of the Fruit and Vegetable Market is acceptable taking into account the policies and proposals of the Development Plan as set out below. The development comprises a residential led mixed use scheme which includes flexible commercial units for retail, food and drink and non-residential institutions to encourage activity along the Bernard Street frontage. The development will provide regeneration of the area and improved connectivity with the city centre and the waterfront whilst respecting the setting of Holyrood Church

and Old Town North Conservation Area. Furthermore the development will provide improvements to the public realm along Queensway, Bernard Street and Back of the Walls (including re-identification of the line of the medieval town walls and open space within the development.

7.2 Overall the scheme is acceptable and the level of development will not have a harmful impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area. A suitable balance has been achieved between securing additional housing with appropriate parking, amenity space and landscaping for this high density, city centre, location.

## **8.0 Conclusion**

8.1 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), 4(f), 4(g), 4(vv), 6(a), 6(c), 7(a), 8(a), 9(a), 9(b).

**AG for 10/03/15 PROW Panel**

## **PLANNING CONDITIONS**

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RECOMMENDATION: S106

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### **CONDITIONS for 14/01903/FUL**

#### 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 (excluding site set up and demolition) 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 - Window and balcony recesses

Unless otherwise agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the facade sections as shown on drawing no. 12.123.099 showing the depth of recesses to windows and balconies.

Reason: In the interests of achieving good design

#### 04. APPROVAL CONDITION - Phasing Plan (Pre-commencement condition)

Prior to the commencement of development (except site set up and demolition) a schedule and plan of phasing shall be submitted and agreed in writing with the Local Planning Authority to set out how each part of the site will be occupied during the different phases of development. Details shall include where works compounds and parking will be located.

Reason: To secure a satisfactory form of development and to ensure that the delivery of sufficient landscaping, amenity space and parking to serve the whole development.

05. APPROVAL CONDITION - Gated access to basement (Pre-commencement condition)

Prior to the commencement of development (except site set up and demolition) details of the gated access to the basement shall be submitted to the Local Planning Authority and agreed in writing. The basement shall thereafter be managed and secured as agreed.

Reason: In the interests of safety and security.

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

Notwithstanding the submitted details before the commencement of any site works (except site set up and demolition) a detailed landscaping scheme and implementation timetable shall be submitted, which includes:

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

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

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

Prior to the commencement of development of each phase of the proposal 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:

- i. 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.
- ii. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

On completion of the works set out in (2) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scene of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development.

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

Reason:

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

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

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

Reason:

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

10. APPROVAL CONDITION - Archaeological evaluation work programme [Performance Condition]

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

Reason:

To ensure that the archaeological investigation is completed.

11. APPROVAL CONDITION - Archaeological investigation (further works) [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.

12. APPROVAL CONDITION - Archaeological damage-assessment [Pre-Commencement Condition]

No development shall take place within the site until the type and dimensions of all proposed groundworks have been submitted to and agreed by the Local Planning Authority. The developer will restrict groundworks accordingly unless a variation is agreed in writing by the Local Planning Authority.

Reason:

To inform and update the assessment of the threat to the archaeological deposits.

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

Before each phase of the development commences (except site set up and demolition), 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).

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

Within 6 months of each phase 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).

#### 15. APPROVAL CONDITION - Sustainable Drainage Systems (Pre-Occupation Condition)

Prior to the commencement of development (except site set up and demolition) a feasibility study demonstrating an assessment of the potential for the creation of a sustainable drainage system on site shall be carried out and submitted to the Local Planning Authority. Any measures shown to be feasible shall be verified in writing by the Local Planning Authority and implemented prior to first occupation of the development hereby granted consent. If the study demonstrates the site has the capacity for the implementation of a sustainable drainage system, a specification shall be agreed in writing with the Local Planning Authority. A sustainable drainage system to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter. In the development hereby granted consent, peak run-off rates and annual volumes of run-off shall be no greater than the previous conditions for the site.

Reason:

To conserve valuable water resources, in compliance with and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010) and to prevent an increase in surface run-off and reduce flood risk.

#### 16. APPROVAL CONDITION - BREEAM (Pre-Commencement Development)

Before the commercial development commences, written documentary evidence demonstrating that the development will achieve at minimum Excellent level of the Building Research Establishment's Environmental Assessment Method (BREEAM) 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).

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

Within 6 months of any part of the commercial development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Excellent level of the Building Research Establishment's Environmental Assessment Method (BREEAM) 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).

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

Prior to development commencing, save for demolition of the existing buildings, site preparation and groundworks, the developer shall submit a programme of habitat and species mitigation and enhancement measures, as set out in the Ecological Appraisal updated November 2014 and submitted with the application, which shall be implemented in accordance with the programme.

Reason:

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

19. 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.

20. APPROVAL CONDITION (Construction Management Plan - Pre-Commencement Condition)

The development hereby approved shall not commence until a method statement and appropriate drawings of the means of construction of the development have been submitted to and approved in writing by the Local Planning Authority. The method statement shall specify the areas to be used for contractors vehicle parking and storage of plant, building materials, excavated materials, temporary buildings and all working areas required for the construction of the development hereby permitted. The method statement shall also include full details including maintenance details of hoardings to screen the materials compound from neighbouring premises. The building works shall proceed in accordance with the approved method statement unless otherwise agreed in writing by the Local Planning Authority

Reason;

To protect the amenities of neighbours and the wider environment.

21. APPROVAL CONDITION - Demolition - Dust Suppression [Pre-Commencement Condition]

Measures to provide satisfactory suppression of dust during the demolition works to be carried out on the site shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The agreed suppression methodology shall then be implemented during the demolition period.

Reason:

To protect the amenities of users of the surrounding area.

## 22. 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.

## 23. 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.

## 24. APPROVAL CONDITION - Public Sewer protection [Performance Condition]

The developer must advise the Local Planning Authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development.

Reason:

In order to safeguard the public sewer.

## 25. 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.

## 26. APPROVAL CONDITION - Details of visitor cycle parking (Pre-Occupation Condition)

The respective building within the development hereby approved shall not be first occupied or used until visitor cycle facilities in said building 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.

#### 27. APPROVAL CONDITION - Refuse facilities - the residential buildings (Pre-Occupation Condition)

The refuse storage facilities for the residential buildings hereby approved, which shall include recycling facilities, as shown on the approved drawings shall be provided before the use to which the facility relates has been provided. The storage areas shall be retained thereafter.

The collection doors are to be of sturdy construction and hinged to open outwards with a minimum opening of 1.4m wide, to have level access avoiding thresholds, and a lock system to comply with SCC standard lock requirements operated by a coded key pad. Internal lighting to operate when doors are open, and a tap and wash down gulley to be provided, with suitable falls to the floor. Walls, columns, pipes conduits etc. shall be suitably protected to avoid damage from moving bins. The access path to the bin store shall be constructed to footpath standards and to be a minimum width of 1.5m. Any gates on the pathway are not to be lockable, unless they comply with SCC standard coded keypad detail. The gradient of the access path to the bin store shall not exceed 1:12 unless suitable anti-slip surfacing is used, and still shall not exceed 1:10. A single dropped kerb to the adjacent highway will be required to access the refuse vehicle with the Euro bin.

Reason:

To ensure suitable refuse and recycling facilities are provided and in the interests of visual amenity.

#### 28. APPROVAL CONDITION - Layout of Car Parking/Servicing (Pre-Occupation Condition)

The whole of the car parking, cycle storage and servicing facilities shown on the approved plans shall be laid out and made available before the use of the building to which these facilities relate commences with the parking along the Queensway frontage thereafter retained for public use and all other parking within the development shall thereafter be retained solely for the use of the occupants and visitors to the site and for no other purpose. Furthermore a management plan detailing parking allocations between units/tenure is no more than 1 space per flat shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be retained in accordance with the agreed scheme of parking management

Reason:

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

#### 29. APPROVAL CONDITION - Residents cycle parking (Pre-occupation condition)

The development to which this consent relates shall not be brought into use in full or in part until secure, covered space has been laid out within the site for a minimum of 279 bicycles to be stored for the benefit of the residents in accordance with the plans hereby approved plans. The cycle storage hereby approved shall thereafter be retained on site for that purpose.

Reason: To encourage cycling as a sustainable form of transport

30. APPROVAL CONDITION - Hours of Use - food/drink establishments [Performance Condition]

The food and drink uses / drinking establishments hereby permitted shall not operate, (meaning that customers shall not be present on the premises, no sale or delivery of food or drink for consumption on or off the premises), outside the hours of 0730 to midnight on any day.

Reason:

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

31. APPROVAL CONDITION - Extract Ventilation - control of noise, fumes and odour [Pre-Commencement Condition]

No occupation of any A3 use shall take place until a written scheme for the control of noise, fumes and odours from extractor fans and other equipment serving any Class A3 commercial units have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and findings prior to occupation.

Reason:

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

32. APPROVAL CONDITION - Restriction on Class D1 uses (Performance Condition)

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), any use of the premises for Class D1 (non-residential institutions) shall not include use for, or in connection with, public worship or religious instruction.

Reason;

To protect the amenities of local residents as such a use could attract a significant number of people outside of normal business hours.

33. APPROVAL CONDITION - No means of enclosure (Performance Condition)

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any subsequent Order, no gate, fence, wall or other means of enclosure shall be erected across the roads and footpaths within the application site.

Reason:

In the interests of public access through the development.

34. APPROVAL CONDITION - Glazing - soundproofing from external 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 Queensway and Bernard Street and noise from nearby commercial uses 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.

### 35. APPROVAL CONDITION - Noise from plant

Any new mechanical services plant to serve the proposed commercial units shall meet the acoustic design targets as set out within Section 11 of the acoustic report by the Equus Partnership Ref EPL 4342/PBG/NIS.

Reason: To protect the amenities of the occupiers of nearby properties

### 36. 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
CS4	Housing Delivery
CS5	Housing Density
CS6	Economic Growth
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
CS16	Housing Mix and Type
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)

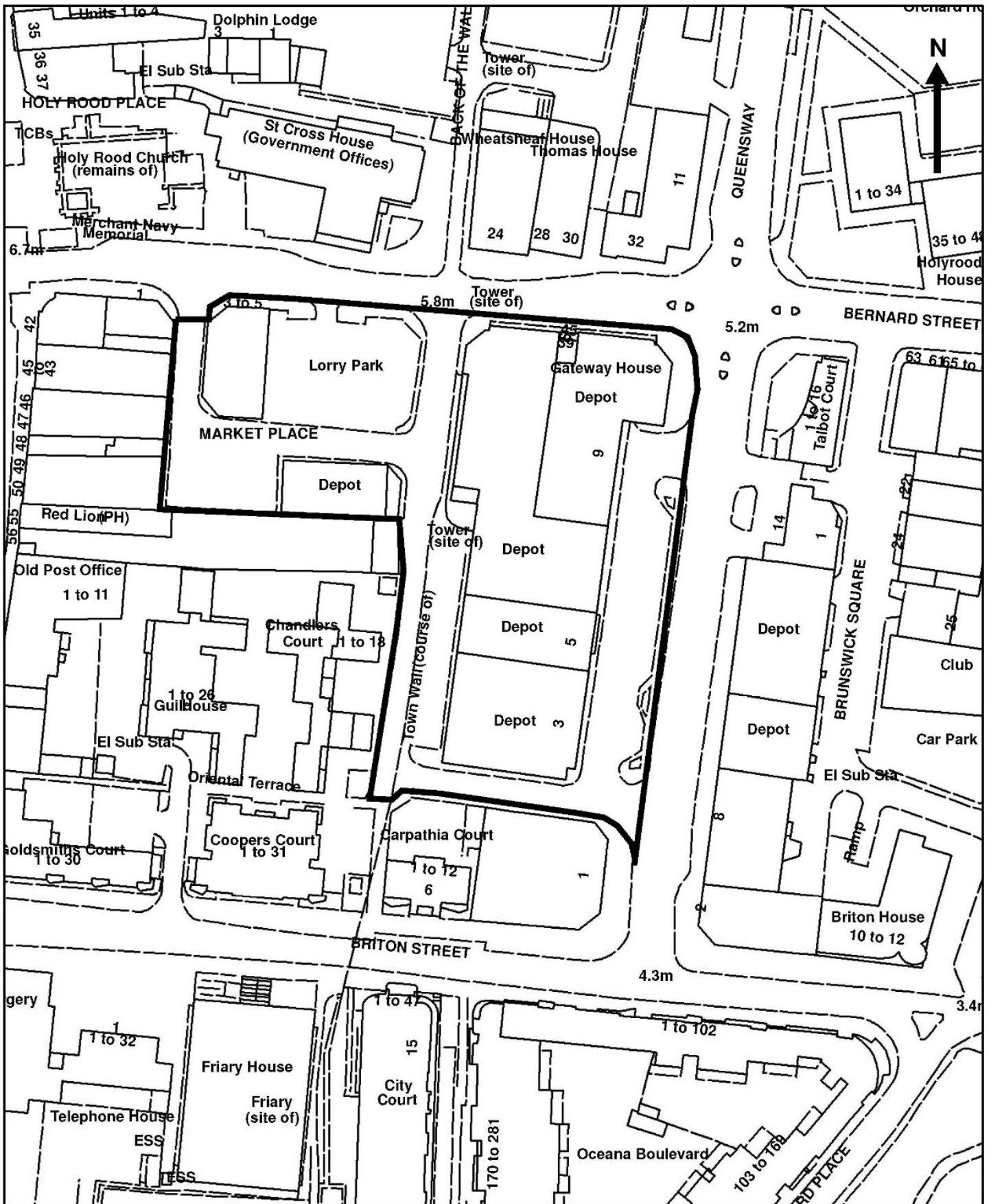
SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
HE1	New Development in Conservation Areas
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment
REI7	Food and Drink Uses (Classes A3, A4 and A5)
REI8	Shopfronts

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
Planning Obligations (Adopted - September 2013)  
Parking Standards SPD (September 2011)  
Development Design Guide SPG (February 2004)  
Old Town Development Strategy (April 2004)  
The City Centre Master plan (September 2013)

Other Relevant Guidance

The National Planning Policy Framework (2012)  
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)  
City Centre Area Action Plan (2015)



Scale: 1:1,250

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# Agenda Item 6

**Planning, Transport & Sustainability Division**  
**Planning and Rights of Way Panel 10<sup>th</sup> March 2015 (EAST)**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Jurds Lake Car Park, Victoria Road			
<b>Proposed development:</b> Change of use of part of car park to a ball park to include 3m high fencing, following temporary use planning ref 14/00527/R3CFL			
<b>Application number</b>	15/00091/R3CFL	<b>Application type</b>	R3CFL
<b>Case officer</b>	Stephen Harrison	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	19 <sup>th</sup> March 2015	<b>Ward</b>	Woolston
<b>Reason for Panel Referral:</b>	Five or more letters of representation have been received	<b>Ward Councillors</b>	Cllr Chamberlain Cllr Hammond Cllr Payne

<b>Applicant:</b> Southampton City Council - Mr Nick Yeats	<b>Agent:</b> N/A
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<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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<b>Community Infrastructure Levy Liable</b>	<b>No</b>
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## Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The provision of formal play space within an area protected as public open space is appropriate and the impacts, in terms of additional noise and disturbance, perceived and actual crime and anti-social behaviour, loss of parking and the impact upon local biodiversity do not have sufficient weight to justify a refusal of the application for the reasons given at the Planning and Rights of Way Panel meeting on 10<sup>th</sup> March 2015. This decision follows a temporary approval for a similar facility (LPA ref: 14/00527/R3CFL – expires 8<sup>th</sup> July 2015). 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).

“Saved” Policies – SDP1, SDP5, SDP10, SDP12, SDP16, SDP17, NE4, CLT3, CLT6, CLT7 and MSA18 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS21 and CS22, and the Council’s current adopted Supplementary Planning Guidance.

<b>Appendix attached</b>			
1	Panel minutes 08.07.14 – 14/00527/R3CFL	2.	Development Plan Policies
3	Police Report		

## **Recommendation in Full**

Conditionally approve

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

- 1.1 The application site forms part of the Jurds Lake car park towards the southern end of Victoria Road in Woolston. The car park used to provide 63 parking spaces (including 8 marked as disabled) before permission was granted for a temporary ball park on the site. A further 34 spaces to the south of the main car park have become overgrown and permission was recently granted for these spaces to be used to serve the contractors' needs for the approved Woolston Waste Water Treatment works on the opposite side of Victoria Road. The site is within a designated flood zone with limited biodiversity value, despite being within 6 metres of the Shoreburs Greenway Site of Nature Conservation Importance (SINC) – a local biodiversity designation.

### **2.0 Proposal**

- 2.1 The proposed scheme is a 'Regulation 3' application seeking full planning permission. A Regulation 3 application relates to proposals made by the City Council (in this case the Landscape and Development Manager for Parks) for development that it wishes to undertake as part of its remit as a public sector service provider. It is general practice that following the proper assessment of the planning merits of the proposal that Regulation 3 applications should be either approved, if considered acceptable, or the application should be requested to be withdrawn if not considered acceptable for justifiable planning reasons that would normally result in a refusal and subsequent planning appeal.
- 2.2 In this case, retrospective planning permission was given by the Planning Panel in July 2014 to erect a 1.8m high mesh fence to enclose an informal ball park and goals upon the existing tarmac at the Jurds Lake car park (LPA ref: 14/00527/R3CFL). A copy of the Panel Minutes for this decision are set out at **Appendix 1** to this report. At that time some 34 parking spaces (including 6 designated for disabled use) were to be retained following the works. The applicant sought a 1 year temporary permission whilst they prepared plans for a wider scheme. This temporary planning permission expires on 8<sup>th</sup> July 2015.
- 2.3 Planning permission is now sought for a permanent solution along the lines of the temporary scheme. Whilst the enclosed games area is to be retained the fencing is to be replaced and increased in height from 1.8 to 3 metres. The fencing will have a dark green appearance. The hardstanding will be marked out along the lines of a Multi-Use Games Area (MUGA), with a focus on football and basketball, and the existing car park will be reconfigured to provide additional parking (from 34 including 6 disabled spaces to 35 including 3 fewer disabled parking spaces). As with the temporary scheme it is not intended to install any external lighting. The development will be funded from S.106 contributions received from the

development at Centenary Quay.

### **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 2**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

### **4.0 Relevant Planning History**

- 4.1 14/00527/R3CFL – Approved 15.07.2014  
*Change of use of part of car park to a ball park to include 1.8 metre fencing (retrospective) - 1 year temporary period (Description amended following validation)*
- 4.2 This temporary ballpark was provided following the expansion in population living at the nearby Centenary Quay development. Outline planning consent is extant for 1,620 new dwellings; with the first two phases fully occupied (328 units) and the third phase (329 units) currently under construction (LPA ref: 08/00389/OUT and 12/00474/FUL). The development is contributing financially towards off-site playspace as new dwellings are occupied and will provide on-site playspace in due course.
- 4.3 A replacement waste water treatment works was approved on land to the west of the application site with works recently commenced (LPA ref: 13/01515/FUL refers).

### **5.0 Consultation Responses and Notification Representations**

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken, which included notifying adjoining and nearby landowners and erecting a site notice (06.02.2015).
- 5.2 At the time of writing the report **11 letters of objections** have been received from surrounding residents. **1 letter of support** has been received from a parent who takes his three children to the existing ballpark. By comparison the application for the temporary facility received 16 representations including 10 objections (with 6 on a pro-forma) and 6 letters in support.
- 5.3 The following is a summary of the points raised in relation to the MUGA:
- 5.4 *Increase in anti-social behaviour reported by adjacent neighbours following the provision of the temporary ball park. In particular the residents at 2 Swift Road have needed to contact the Police on four separate occasions (since August*

2014) following people throwing apples, stones and marbles at their home and two windows have been smashed. Their young children no longer use their back garden.

**Response**

Comments noted. See Planning Considerations section of this report.

- 5.5 *The MUGA should have been provided as part of Centenary Quay.*

**Response**

The Centenary Quay development is a high-density residential development. The development makes provision for on-site public open space within later phases of the development – for both economic and design reasons. The earlier phases apply ‘Homezone’ principles to encourage children to play in the street, whilst also making financial contributions towards off-site formal playspace. At the time of writing Crest Nicholson have made a contribution of £298,847 towards improved playspace, openspace and playing fields in Woolston. These monies, with the exception of about £5,000 for the temporary ballpark, have not yet been spent.

- 5.6 *Impact on local parking since the ball park was erected. Loss of public parking has resulted in additional on-street parking pressure (especially at weekends when the car park is full). Centenary Quay has insufficient parking to meet the needs of the new residents.*

**Response**

The Jurds Lake Car Park is not an overspill car park for Centenary Quay or any other residential street. Parking surveys of the car park were submitted in support of the temporary application (including random surveys every day between 4<sup>th</sup> and 20<sup>th</sup> June 2014 ranging from between 7:15am and 6:30pm). The surveys include at least 15 occasions when cruise ships were in port, and the Rowing Regatta event on 4<sup>th</sup> June. At all times there were parking spaces available within the car park despite the ball park being in situ. No fresh survey work has been provided, although the proposal includes changes to the parking layout that will increase general parking by four spaces. There is no Highway objection to the permanent loss of some parking at the Jurds Lake car park

- 5.7 *The ball park is having an impact on the local biodiversity – especially caused by increased noise and litter.*

**Response**

The ball park is located close to the Shoreburs Greenway Site of Nature Conservation Importance (SINC), however the site itself is laid to tarmac and has limited biodiversity value. The site’s former use for public car parking would have resulted in some noise and disturbance. The level of impact from the proposed use is not considered to be harmful to local biodiversity, and the Council’s Ecologist has again raised no concerns regarding this planning application.

- 5.8 *Noise and disturbance (including foul language) has increased since the ball park opened. An acoustic report should have been provided before the ball park opened.*

**Response**

The MUGA is some 38 metres from the rear garden of the nearest residential neighbour at 2 Swift Road (and 43 metres from the dwelling itself). The MUGA is 45 metres from 229 Victoria Road, and 52 metres from 1a Swift Road (on the opposite side of the road). These neighbours have all objected to the planning application. In response, there is mature planting between the application site and 2 Swift Road, with additional planting proposed, and Swift Road itself

separates the ball park from those other neighbours identified. These separation distances are considered to be acceptable. The Council's Environmental Health Officer has raised no objection to this application and will monitor the site as part of their statutory duty.

## 5.9 **Consultation Responses**

5.10 **SCC Highways** – Previously commented (in relation to the ballpark application) that the Jurds Lake Car Park is an under used facility due to its location, away from residents and good natural surveillance and that the proposal in itself does not cause any highway safety issues. Any update to this position will be given at the Panel meeting.

5.11 **SCC Trees** – previously advised that there are no tree issues on site.

5.12 **SCC Environmental Health (Pollution and Safety)** - Following a perusal of the associated documents and with particular reference to information on lighting and noise we have no objections to the proposed development. Furthermore, we do not appear to have any complaints on record concerning noise issues from this facility whilst it has been in operation.

5.13 **SCC Ecology** – No objection raised. The application site consists of a hard surfaced ball court located within a car park adjacent to the western end of the Shoreburs Greenway Site of Importance for Nature Conservation (SINC). The ball court, which has negligible biodiversity value, is separated from the SINC by a fence. The proposed Multi-Use Games Area is similar in nature to the ball court and will not have any direct impact upon the adjacent SINC. In addition, provided it is not illuminated, there are unlikely to be any indirect adverse impacts on local biodiversity.

5.14 **Environment Agency** – No objection

## 6.0 **Planning Consideration Key Issues**

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

- Principle of Development
- Design
- Crime, Anti-social Behaviour and Impact on Residential Amenity
- Highways Impact

### 6.2 **Principle of Development**

6.3 Jurds Lake car park is protected by adopted Local Plan Review (LPR) Policy CLT3 as open space. The car park serves the nearby Shoreburs Greenway SINC. The provision of a formal MUGA with fencing improves the sporting and leisure opportunities to nearby residents and complies with the aims of the policy. LDF Core Strategy Policy CS21 also refers as it seeks to reconfigure open space in order to achieve wider community benefits. The National Planning Policy Statement (2012) provides similar protection (paragraph 74 refers). Furthermore, there are benefits in encouraging children to participate in outdoor play.

6.4 Hampshire Constabulary have confirmed that anti-social behaviour (ASB) has

reduced locally following the installation of the ball park, whilst noting the increase in petty crime suffered by the residents of 2 Swift Road since the ballpark became available. A copy of Hampshire Constabulary's research and analysis is appended to this report at **Appendix 3**.

- 6.5 The loss of parking proposed does not jeopardise the SINC for the reasons given later in this report, and the parking spaces were never intended to be an overspill car park for existing residential development. As such the principle of development is supported.
- 6.6 Design
- 6.7 The proposed fence and MUGA are sited on the eastern side of the car park and are mitigated by the existing landscaping, grassed bund and separation from both Victoria Road and the nearest residential neighbours. The design of the MUGA is appropriate for this location and will be of a better, more robust, quality than the current temporary ballpark. Supplementary planting is also proposed and can be secured with a planning condition
- 6.8 Crime, Anti-Social Behaviour and Impact on Residential Amenity
- 6.9 LPR 'saved' Policy SDP1(i) seeks to ensure that all new development protects the existing residential amenity of its neighbours. In this case the nearest neighbour is located between 38 and 43 metres away. This resident has objected to the planning application and their concerns outlined above are noted. Whilst it is recognised that a new ball park will bring with it associated activity, particularly during the Summer months, the level of noise and disturbance has to be assessed as harmful before this objection can be sustained as a reason for refusal. The Environmental Health Officer has raised no objection to the application and, as the application is retrospective, its impact can be properly assessed before reaching this conclusion. No external lighting is proposed and the separation distances involved are sufficient to conclude that the scheme is compliant with Policy SDP1(i). The Council maintains control as landowner should circumstances change.
- 6.10 The concerns from those nearby residents, particularly at 2 Swift Road, with regards to increased anti-social behaviour and a fear of crime are material in the determination of this planning application. Nobody should suffer antisocial behaviour or criminal activity as a result of a planning decision, and LPR 'saved' Policy SDP10 confirms that development will only be permitted where it provides appropriate natural surveillance and minimises both actual and perceived opportunities for criminal activity. The residents at 2 Swift Road have reported at least 4 acts of criminal damage to their property since the ballpark opened and suggest that their young family can no longer use their back garden safely. Whilst the Hampshire Constabulary's statistics for the wider area report a reduction in crime and anti-social behaviour (see **Appendix 3** to this report) this cannot be said for this affected neighbour. Whilst the ball park itself is not being used for criminal activity it is evident that it is attracting groups to the area who are intent on causing criminal damage. In response the Council (as applicant) has confirmed that it is looking to decommission the footpath that runs into the SINC from Swift Road and adjacent to number 2. This should reduce access to the side of 2 Swift Road without preventing access to the SINC. This proposal is not something that should be controlled through the planning system, and would



require further consultation and approvals before its implementation, but would discourage the use of the land adjacent to this affected property.

6.11 In planning terms the concerns of the residents have to be weighed against the commentary given by Hampshire Constabulary. It would not be sustainable to refuse a planning application on crime and safety grounds without the support of the Police. The Police are supportive of the planning application and report wider benefits. In making this recommendation for conditional approval significant weight has been given to these comments. Ultimately, assuming that planning permission is granted, the Council (as landowner) would retain control over whether the MUGA should be retained and the police have powers to deal with any associated criminal activity. In planning terms though the proposal is considered to meet the development plan requirements and the wider benefits of the proposals suggest that permission should again be granted.

#### 6.12 Highways Impact

6.13 The loss of parking to this proposal has previously been assessed by the Council's Highways Officer as acceptable. The submitted parking survey work (albeit not updated since the application for a temporary facility was considered) suggests that, despite losing 28 public parking spaces to the temporary ball park, there is still capacity to deal with the peak needs of the local community. As such, the proposed loss of public parking is acceptable.

### 7.0 Summary

7.1 The proposed change of use from public car parking to a MUGA follows a retrospective application for a temporary ball park. As such it is possible to assess the impacts of this type of facility in terms of both residential amenity, crime and the loss of public car parking. These issues have been assessed and, despite a number of objections being received from nearby residents (including the nearest neighbour who has reported criminal damage to their property on at least four recent occasions), the wider public benefits of enhancing designated public open space and reducing petty crime and anti-social behaviour within Woolston have been afforded significant weight in this recommendation. The Council maintains control as landowner should circumstances change, but the use of S.106 monies from Centenary Quay to provide an off-site MUGA is considered to be appropriate in this instance.

### 8.0 Conclusion

8.1 Planning permission should be granted, subject to the attached planning conditions.

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

1a-d, 2b & d, 4f, 6c, 7a, 9a & b

**SH2 for 10.03.2015 PROW Panel**

## **PLANNING CONDITIONS to include:**

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

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

Reason:

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

### **2. APPROVAL CONDITION – Fencing**

The fencing hereby approved shall be finished and maintained with a dark green colour.

Reason:

In the interests of visual amenity

### **3. APPROVAL CONDITION – Landscaping and Parking**

The supplementary tree planting shown on plan ref: DWG3 and the amended parking layout with disabled access shown on plan ref: DWG2 and DWG5 are hereby approved and shall be carried out prior to the first use of the Multi Use Games Area (MUGA) 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.

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.

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

*Note to Applicant: Lighting*

*There shall be no external lighting of the ball park without first obtaining planning permission for such development works.*

### **4. APPROVAL CONDITION - Approved Plans**

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

Reason:

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

**Application** 15/00091/R3CFL  
**APPENDIX 1**

Appendix 1

**PLANNING & RIGHTS OF WAY PANEL MINUTES – 08.07.2014**  
**14/00527/R3CFL**

**Minutes:**

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).

Nick Yeats – SCC (applicant), Sgt Jo Holmes (Hants Constabulary / supporting), Nora Lyons, Jane and Sue Perry (local residents / objecting) and Councillors Hammond and Payne (ward councillors / objecting) were present and with the consent of the Chair, addressed the meeting.

**RESOLVED** that planning permission be granted subject to the conditions listed in the report and the note to the applicant as set out below:

Note to Applicant

The applicant be reminded of their duties under the Disability and Discrimination Act 2005 and that their proposals provide sufficient access between the retained disabled parking spaces and the Shoreburs Greenway SINC to which they relate.

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**Application** 15/00091/R3CFL

## **APPENDIX 2**

### **POLICY CONTEXT**

#### Core Strategy - (January 2010)

CS21            Protecting and Enhancing Open Space  
CS22            Promoting Biodiversity and Protecting Habitats

#### City of Southampton Local Plan Review – (March 2006)

SDP1            Quality of Development  
SDP5            Parking  
SDP10           Safety & Security  
SDP12           Landscape & Biodiversity  
SDP16           Noise  
SDP17           Lighting  
NE4             Protected Species  
CLT3            Protection of Open Spaces  
CLT6            Provision of Children's Play Areas  
CLT7            Provision of New Public Open Space  
MSA18          Woolston Riverside

#### Supplementary Planning Guidance

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

#### Other Relevant Guidance

The National Planning Policy Framework 2012

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## Research and Analysis

### PROBLEM SUMMARY – CENTENARY QUAY

Produced by: Dave Perry  
Produced for: PS CHIVERS

Date produced: 17/11/2014  
Last updated: 13/01/2015

### SUMMARY

This review covers ASB, Criminal Damage and violence against person occurrences during the periods below in relation to Centenary Quay, Woolston (Beat ST03);

- 13/11/2013 to 12/11/2014 – to cover the year post opening of the temporary play park between Swift Road and Victoria Road. The previous year figures have also been used for comparison purposes.
- October half term to enable the 2014 period (25/10 to 02/11/2014) to be compared to the 2013 period (26/10 to 03/11/2013).

### OVERVIEW:

- There were no particular issues reported in relation to the October half term periods in 2014 or 2013.
- The overall number of reports has decreased by 28% (n.35) in the 12 month period ended 12/11/2014 when compared to the previous 12 month period. The principal decreases were noted as;
  - Criminal Damage - reduction of 53% (n.16) offences.
  - Rowdy and inconsiderate behaviour – reduction of 39% (n.16) offences.
  - Offences relating to youths – reduction of 43% (n.16) offences.
- The reduction in the offences can be directly attributed to the work undertaken by Police and partner agencies, which focused on a group of 3 to 4 local youths that had previously driven ASB issues within the area.
- The opening of the play park has also contributed to the reduction in the level of the offences, as it provides local youths with a clearly defined area in which to play, as opposed to using streets / building sites in the area.
- Police are still working with other agencies to ensure that play provisions are in place. It is hoped that the temporary play area will be turned into a multi games use area for the children of Woolston. The Woolston Youth Club is up and running and is open on Mondays and Wednesdays.

### HALF TERM PERIOD:

- There were 4 occurrences reported in both half term periods. In the 2013 period there were 2 reports of youths causing general disturbances in Victoria Road area; there were no similar reports in the 2014 period.
- The other reports in both periods were unrelated events.
- From Saftey Net:
  - There were no issues reported to 101 during the 2014 Halloween period.
  - There have been no ASB issues of note during the 2014 half term week.

Produced by: 13258 PERRY  
Produced for: PS CHIVERS  
Date produced: 17/11/2014

1

## OFFENCES:

The table below shows the breakdown of the offences by reference to type and the period to which they relate. The ASB occurrences have been broken down by sub types.

Occurrence Type	Detail type (ASB)	Period		Percentage increase / - decrease (numbers) between periods
		13/11/2012 - 12/11/2013	13/11/2013 - 12/11/2014	
ASB	ROWDY AND INCONSIDERATE BEHAVIOUR	41	25	-39% (-16)
	NEIGHBOURS	13	17	31% (+4)
	NUISANCE COMMUNICATIONS	5	3	-40% (-2)
	MISC ASB	4	2	-50% (-2)
	VEHICLE RELATED NUISANCE	5	0	-100% (-5)
	NOISE	1	2	100% (+1)
	TRESPASS	1	1	0% (0)
	LITTERING/DRUGS PARAPHERNALIA	0	1	N/A (+1)
	STREET DRINKING	0	1	N/A (+1)
CRIMINAL DAMAGE		30	14	-53% (-16)
ASSAULT		22	17	-23% (-5)
ASSAULT ON POLICE		0	1	N/A (+1)
HARASSMENT		1	0	-100% (-1)
MENTAL HEALTH		0	1	N/A (+1)
OFFENSIVE WEAPON		0	1	N/A (+1)
DOMESTIC DISPUTE	BETWEEN ADULTS	0	2	N/A (+2)
	<b>Grand Total</b>	<b>123</b>	<b>88</b>	<b>-28% (-35)</b>

The overall number of reports has decreased by 28% (n.35) in the 12 month period ended 12/11/2014 when compared to the previous 12 month period.

- The principal reductions seen between the 12 month period ended 12/11/2014 when compared to the previous 12 month period were;
- Criminal Damage - Reduction of 53% (n.16) offences.
  - This decrease can be attributed to 16 offences, of damage to cars in Glen Road, which occurred one night during April 2013. There have been no other similar spates of offences seen in either of the 12 month periods reviewed.
  - The principal issues in both periods were domestic incidents or damage to parked cars which accounted for 50% of the reports.
  - There were no arrests of youths for criminal damage in either of the 12 months review periods.
- Rowdy and inconsiderate behaviour – Reduction of 39% (n.16) offences.
  - This decrease can be linked to the reduction of reports received in relation to groups of youths playing football and being generally a nuisance in car parks and in streets in the vicinity of Victoria Road. The level of these reports has reduced from 21 in the 12 month period ended 12/11/2013 to 9 in the same period in 2014.

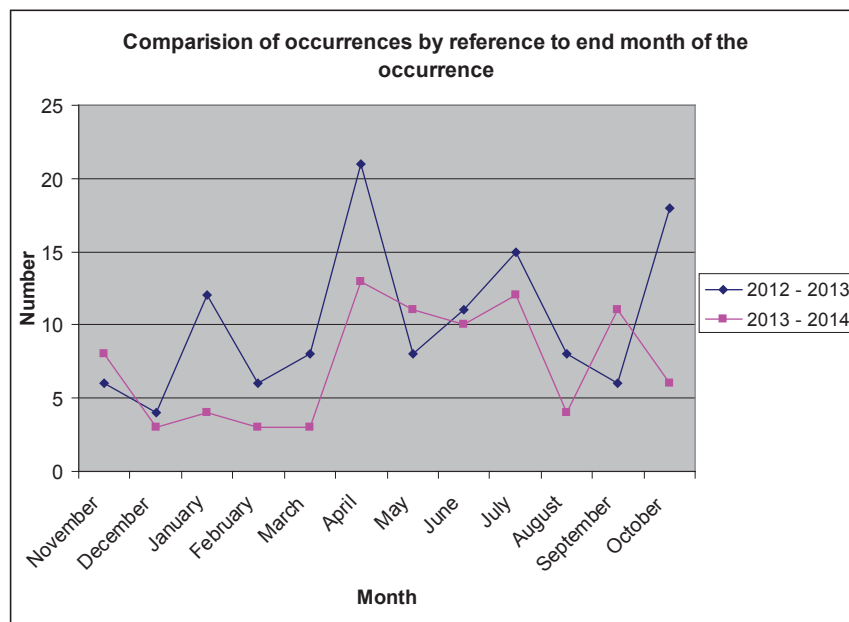


## LOCATION(S):

- There were 25 individual locations (41 occurrences) identified for rowdy and inconsiderate behaviour in the 12 month period ended 12/11/2013. This compares to 23 separate locations (20 occurrences) in the 12 month period ended 12/11/2014.
  - Whilst there were common locations in both review periods, the offences are less concentrated in the 12 month period ended 12/11/2014, with no more than 2 reports being received from a particular location.
- Victoria Road is the principal Road in which ASB reports are received, with the majority of these reports related to Rowdy and Inconsiderate Behaviour. This accounted for 60% (n.25) of the reports in the 12 month period ended 12/11/2013; this level has decreased to 41% (n.12) in the 2014 review period.
- The largest decrease in reports was from a particular location in Victoria Road from which 11 reports relating to youths playing football in the area were received in the 12 month period ended 12/11/2013; there were 2 unrelated reports from the address in the 2014 period.

## TEMPORAL ANALYSIS:

The graph below shows the comparison of the number of offences by reference to the end date of the offence.



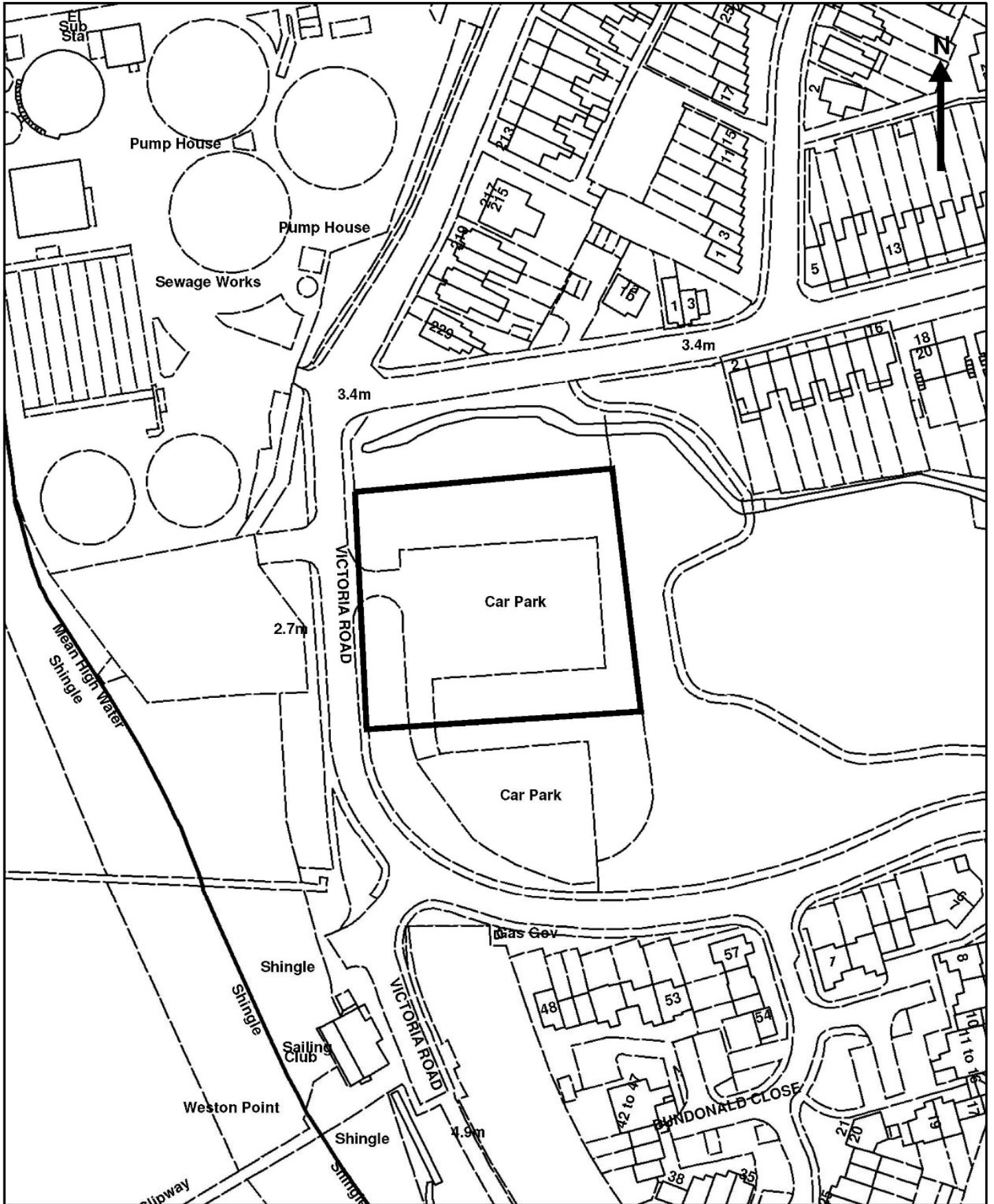
The above graph shows that overall the level of offences in the 12 month period ended 12/11/2014 have been below those seen in the preceding 12 month period.

- The peak in offences seen in April 2013 relates to a series of criminal damages to cars which occurred one night in Glen Road; there have been no similar reports in either review period.
- The peak in offences seen in October 2013 principally related to 9 reports of youths causing a general disturbance in the area; there were no similar reports in October 2014.
- The increase in offences between August and September 2014 related to 4 domestic incidents all related to a specific address in Victoria Road.
- The peak in offences in the period ended 12/11/2014, during April to July related primarily to reports of youths causing general disturbances in the area.

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Agenda Item 6  
**15/00091/R3CFL**

Appendix



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